

ORDINANCE 2025-1517

AN ORDINANCE OF THE CITY OF FULSHEAR, AMENDING CHAPTER 28, “COORDINATED DEVELOPMENT ORDINANCE (CDO)”, ARTICLE III, OF THE FULSHEAR CODE, FOR THE AMENDMENT, REPEAL, OR OTHER CHANGE OF VARIOUS ZONING REGULATIONS APPLICABLE TO ONE OR MORE ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Fulshear, Texas, continuously reviews the City of Fulshear Code of Ordinances for opportunities to update, simplify, clarify, refine, and generally improve the Code to make it more effective and efficient and to remove portions of the Code that are no longer valid; and

WHEREAS, on September 15, 2020, the City Council adopted Ordinance No. 2020-1331, commonly known as the “Coordinated Development Ordinance” or “CDO”, the same being codified as Chapter 28 of the Fulshear Code; and

WHEREAS, the City Council finds that due notice of a public hearing before the Planning and Zoning Commission was given and the hearing was held, after which the Planning and Zoning Commission submitted its final report to the City Council; and

WHEREAS, the City Council finds that due notice of a public hearing before the City Council was given and the hearing was held after having received the final report of the Planning and Zoning Commission; and

WHEREAS, the City Council has the authority and responsibility to protect the public health, safety, and general welfare of the community, including maintaining traffic safety and the aesthetic character of the community; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS:

Section 1. – Findings of Fact

The City Council hereby finds and declares that the statements set forth in the preamble of this Ordinance are true and correct and are adopted as findings of fact and incorporated herein for all purposes.

Section 2. Chapter 28, Article III, Section 3-2 of the Fulshear Code is hereby amended to read as follows:

(a) *Generally.* The standards of this section set out design standards for elements that are used on multiple building types. All multiple-family, nonresidential, and mixed-use buildings shall conform to the standards contained in this section.

(b) *Development within close proximity to the downtown district.* All new development within 1,000 feet of the downtown district (DD) regardless of their base zoning district shall:

(1) Mass their buildings together when feasible;

(2) Modify their site plans to create a regionalized approach to development which includes provisions for all terms of site development as required by this article; and

(3) Enter into shared parking agreements per section 28-3-12, shared parking, whenever feasible to do so.

(c) *Freestanding and attached canopies and porte-cocheres.* The design of freestanding canopies, such as those used as shelters for pump islands at automobile service stations, and the design of attached canopies and porte-cocheres, shall match or be consistent with the architectural style, principal and accent materials, colors, and lighting of the principal building on the development site.

(1) Cladding and finishes for support columns and other vertical structural components shall match or be consistent with the principal and accent materials of the principal building;

(2) The roof structure of the canopy shall match or be consistent with the roof structure of the principal building in terms of pitch, roofing materials, and colors; and

(3) Downspouts and related hardware shall be integrated into the canopy structure.

(d) *Awnings and canopies.* Awnings and canopies, if installed, shall:

(1) Be attached and integral to the principal structure;

(2) Not obstruct any window;

(3) Have a minimum clearance of eight feet (16 feet for drive-under canopies) from finished grade to the bottom of an awning or a canopy;

(4) Project a maximum of six feet from the principal building; and

(5) Not exceed 100 feet in length.

(e) *Arcade treatment.* Arcades may be constructed along building façades to provide shelter and shade and to add visual interest to structures but shall be located entirely outside the public street right-of-way. The arcade design shall also incorporate adequate pedestrian-level lighting under the arcade for visibility and security.

(f) *Screening of mechanical and service equipment.*

(1) *Ground-level equipment.* Ground-level exterior equipment, such as mechanical components, electrical drops, utility meter banks, and heating/cooling controls, shall be completely screened from ground-level public view through building wall extensions or installation of structural enclosures or dense, year-round vegetation.

a. Structural enclosures or hedges that are used to satisfy this screening requirement shall be maintained at a height that is at least one foot higher than the equipment.

b. Structural enclosures shall use materials and colors that match or are consistent with the design and materials of the principal building.

c. Propane tanks shall comply with the general requirements for ground-level equipment so long as those regulations are not in conflict with the state regulations concerning propane tanks.

(2) *Building-mounted equipment.* Building-mounted exterior equipment shall be completely screened from ground-level public view through installation of structural enclosures or dense, year-round vegetation consistent with the screening provisions in section 28-3-2) of this section.

a. Where complete screening using the specified methods is not practical, building-mounted equipment shall be painted to match the color of the building façade.

b. Gutters, downspouts, and related building-mounted hardware for conveying stormwater shall match the color of the building façade, whether through the choice of hardware used or painting of the hardware to achieve this consistency. Any such hardware and associated painting shall be maintained in sound condition at all times.

(3) *Rooftop equipment.* Rooftop exterior equipment shall be completely screened from ground-level public view through design, materials, and colors that match or are consistent with the overall building design. This may include, but is not limited to, use of sloped roofs

or other architectural elements of adequate height, such as parapet walls or cornice treatments, that conceal roof areas where mechanical equipment is mounted.

(g) *Multiple buildings.* Developments with multiple structures on a single property or involving out-parcels shall reflect coordinated and cohesive building design, with all buildings incorporating unifying elements such as common building forms, materials, textures, architectural detailing, and colors. The intent is not to require precise replication of the design of a principal building or buildings but rather to achieve general consistency and compatibility in architectural design.

(h) *Parking structures.*

(1) *Architecturally consistent.* Parking structures shall be designed for architectural consistency with the primary building served or other nearby buildings in terms of façade design and variation, finish materials, and shielding of unfinished structural elements and mechanical equipment.

(2) *Special design elements.* Parking structures shall include architectural and landscape elements that enhance the garage appearance and help to screen parked vehicles and interior lighting from external view. Such elements may include, but are not limited to, decorative screens, trellises with or without associated vegetation, or façade and roofline variation.

(i) *Service bays.* Uses with overhead doors providing access to service bays, such as for automobile service and repair, shall, wherever the site size, shape and orientation allows, place any building wall with overhead doors perpendicular to public street frontage. Where such building orientation is not practical, the overhead doors shall be of similar color to the building façade or roof material.

(j) *Refuse containers.* Dumpsters shall be provided for multi-family residential, nonresidential, and mixed-use development for solid waste collection services. Such facilities are subject to the following standards:

(1) The facilities shall be located no more than 200 feet (walking distance) from the individual uses that they are intended to serve;

(2) Access to the facilities shall be:

a. Configured to meet the requirements of the refuse hauler; and

b. Provided from an alley if an alley is present and used for service to other properties;

(3) The areas where dumpsters are stored shall be fully enclosed by an opaque wall with a minimum height of six feet constructed of brick, stone, or stucco-finished concrete block to match the principal building;

(4) The enclosures shall:

a. Have opaque metal service gates which remain closed at all times except when the dumpster is being serviced;

b. Include separate, opaque metal pedestrian access gates or a pedestrian access opening that screens the dumpster from view;

c. Be large enough to accommodate:

i. One or more dumpsters that are of sufficient size to serve the development, based on the frequency of solid waste collection; and

ii. One or more recycling bins (whether provided at the time of development or not), based on the anticipated generation of recyclable materials and the frequency of collection;

d. Meet city engineering design standards, including those that pertain to maneuvering space; and

e. Be generally situated to ensure that the gate to the enclosure does not impede vehicular traffic when open, whether partially or fully.

(5) The facilities shall be located in a side or rear yard of the parcel proposed for development, unless it is not possible to provide service access in such locations; and

(6) If an enclosure must be located in a front yard to meet the requirements of the refuse service provider, it shall be designated and constructed with the same cladding materials used for the principal building walls.

(k) *Natural management of stormwater.* All new commercial, office, multi-family, and other non-residential developments shall include at least two of the following low-impact development features in order to promote natural management of stormwater:

(1) A minimum of 20 percent of all parking surface shall be permeable using crushed asphalt or porous concrete. No loose aggregate shall be allowed within the 20 percent of parking surface.

(2) A stormwater cistern capturing a minimum of 50 percent of the roofs stormwater.

a. The aesthetic of an above-ground cistern shall compliment the design and scheme of the principle structure;

b. An above-ground cistern shall be landscaped;

c. Cisterns used for rainwater collection purposes shall be placed at least ten feet away from sanitary sewer lines;

d. If the Cistern is made of a fiberglass construction or does not complement or match the principal structure it shall be screened from public view.

(3) A green roof such as solar panels or vegetation with a waterproof membrane.

(4) A minimum of 50 percent of all site landscaping consisting of bioswales, rain gardens, or bioretention gardens.

(5) One or more mature tree with a diameter at breast height of 12 inches or greater with additional landscape intended to mitigate drainage. The preservation of mature trees within the Downtown District in addition to the installation of features or amenities such as approved picnic tables, park benches, a gazebo, or like features which promotes walkability and a sense of place may qualify as civic space under the requirements of Section 28-3-8(d) and as a park under Section 28-2-16(c)(5).

(6) A greywater system for uses such as irrigation, toilet flushing, or cooling towers.

(l) *Cisterns for fire suppression.* The aesthetics of a cistern being used for fire suppression shall comply with the standards found in 28-3-2 (k).

(m) *Height exceptions.* A chimney, cupola, spire, belfry, parapet or other similar architectural features are exempt from maximum height standards in order to promote visually appealing structures.

(n) *Cart Corrals.* Any structure or device used to house empty shopping carts or buggies within the parking lot of a business shall incorporate the following design elements into their construction and installation;

(1) The cart corral shall be surrounded by curbed landscaped islands; and

(2) The cart corral shall be landscaped with shrubs that are a minimum of 3-feet tall on 3 sides of the structure.

Section 3. – Severability

In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Fulshear, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 4. – Repeal

All ordinances or parts thereof in conflict with this Ordinance are repealed to the extent of such conflict.

Section 5. – Effective Date

That this Ordinance shall be effective and in full effect immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED this the 16th day of December, 2025.



ATTEST:

A handwritten signature in blue ink, appearing to read "Donald McCoy", is written over a horizontal line.

Donald McCoy, Mayor

A handwritten signature in blue ink, appearing to read "Mariela Rodriguez", is written over a horizontal line.

Mariela Rodriguez, City Secretary