

ORDINANCE NO. 22-S-18

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS TO AMENDING PART III, SCHERTZ CODE OF ORDINANCES, THE UNIFIED DEVELOPMENT CODE (UDC) ARTICLE 4, SUBSECTION 21.4.5 POST DECISION PROCEDURES, ARTICLE 5 SUBSECTIONS 21.5.2 ZONING DISTRICTS ESTABLISHED AND 21.5.5 STATEMENT OF PURPOSE AND INTENT FOR RESIDENTIAL DISTRICTS, ARTICLE 8 SUBSECTION 21.8.9 OUTDOOR DISPLAY AND STORAGE, ARTICLE 9 SUBSECTION 21.9.10 PARK AND OPEN SPACE DEDICATION REQUIREMENTS AND ARTICLE 10 SUBSECTIONS 21.10.2 PARKING STANDARDS GENERAL PROVISIONS AND 21.10.4 PARKING STANDARDS SCHEDULE OF OFFSTREET PARKING REQUIEMENTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, pursuant to Ordinance No. 10-S-06, the City of Schertz, Texas (the "City") adopted as Amended and Restated Unified Development Code on April 13, 2010, as further amended (the "Current UDC"); and

WHEREAS, City Staff has reviewed the Current UDC and have recommended certain revision and updates to, and reorganization of, the Current UDC;

WHEREAS, on March 23, 2022, the Planning and Zoning Commission conducted a public hearing and thereafter recommended approval; and

WHEREAS, on April 12, 2022 the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the proposed amendments are appropriate and in the interest of the public safety, health and welfare;

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS:
THAT:**

Section 1. The current UDC is hereby amended as set forth on Exhibit A hereto.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 3. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 4. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 6. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 8. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

Approved on first reading the 12th day of April, 2022.

PASSED, APPROVED AND ADOPTED on final reading the 26th day of April, 2022.

Ralph Gutierrez, Mayor

ATTEST:

Brenda, Dennis, City Secretary
(CITY SEAL)

Sec. 21.4.5. Post-Decision Procedures.

- A. *Notification Required.* Within ten (10) business days following final action on any Development Application, the appropriate City department shall provide written notification to the applicant of the decision of the Board, Commission, Committee or the City Council considering the request. If an application has been denied, the notification should include the reasons for denial as well as any information relating to reapplication procedures for the appropriate application.
- B. *Reapplication Following Denial.* Whenever any Development Application, with the exception of any plat application, is denied, a Development Application for all or a part of the same property shall not be accepted for filing for a period of six (6) months after the date of denial unless the subsequent application involves a proposal that is substantially different from the previously denied proposal or if the initial denial was considered by less than 100% of the members who could have been seated. For the purpose of this section, a request may be considered substantially different if the change is to a different zoning classification, there is a change in conditions relating to zoning principles of the property or surrounding properties or there is a change in the nature of the development of the property or surrounding properties. The City Manager or his/her designee shall resolve any questions concerning the similarity of the reapplication. The final decision-maker may, at its option, waive the six (6) month waiting period if, after due consideration of the matter at a scheduled and posted meeting, it is determined that denial of the request was based upon erroneous or omitted information, or if substantial new information pertaining to the request is discovered.
- C. *Amendments and Revisions to Approved Application.* Unless otherwise expressly provided by this UDC, any request to amend or revise an approved Development Application shall be considered a new application, which must be decided in accordance with the procedures governing the original application and the standards in effect at the time such new application is filed with the City.
- D. *Amendments Required.* Whenever a subsequent Development Application differs substantially from a previously approved Development Application to which the subsequent application must conform, the applicant shall submit an amended Development Application for the initial Development Application, which shall be decided prior to the subsequent application. The applicant's failure to comply with this section shall result in denial of the subsequent application

Sec. 21.5.2. Zoning Districts Established

The City is hereby geographically divided into zoning districts and the boundaries of those districts herein are delineated upon the Official Zoning Map of the City. The use and dimensional regulations as set out in this Article are uniform in each district. Zoning districts are established in compliance with adopted Comprehensive Land Plan and Master Thoroughfare Plan. The districts established shall be known as follows:

Table 21.5.2	
Symbol	Zoning District Name
PRE	Predevelopment District
R-1	Single-Family Residential District
R-2	Single-Family Residential District
R-3	Two-Family Residential District
R-4	Apartment/Multi-Family Residential District
R-6	Single-Family Residential District
R-7	Single-Family Residential District
R-A	Single-Family Residential/Agricultural District
GH	Garden Home Residential District
TH	Townhome District
MHS	Manufactured Home Subdivision District
MHP	Manufactured Home Park District
OP	Office and Professional District
NS	Neighborhood Services District
GB	General Business District
GB-2	General Business District-2
M-1	Manufacturing District (Light)
M-2	Manufacturing District (Heavy)
GC	Golf Course District
PUB	Public Use District
PDD	Planned Development District
AD	Agricultural District
AC	Agricultural Conservation District
EN	Estate Neighborhood PDD
MU	Mixed Use District
HCOD	Highway Commercial Design Overlay District
CCOD	Campus Commercial Overlay District
IOD	Industrial Overlay District
DO	Downtown Overlay Districts
MSMU	Main Street Mixed-Use District

(Ord. No. 13-S-22, § 1, 7-16-2013 ; Ord. No. 14-S-47 , § 1, 11-18-2014)

Sec. 21.5.5. Statement of Purpose and Intent for Residential Districts.

- A. *Predevelopment District (PRE)*. Intended for use for undeveloped land in the City or as a temporary designation for existing uses for newly annexed property. This zoning is also suitable for areas where development is premature due to lack of utilities, capacity or service and for areas that are unsuitable for development because of physical constraints or potential health or safety hazards. No improvements, construction or structures may be undertaken without obtaining a building permit and no occupancy of such improvements and structures without obtaining a certificate of occupancy.
- B. *Single-Family Residential District (R-1)*. Comprised of single-family detached residential dwellings on a minimum lot size of 9,600 square feet, together with the schools, churches, and parks necessary to create basic neighborhood units.
- C. *Single-Family Residential District (R-2)*. Comprised of single-family detached residential dwellings with a minimum lot size of 8,400 square feet, together with the schools, churches, and parks necessary to create basic neighborhood units.
- D. *Two-Family Residential District (R-3)*. Comprised of two (2) single-family attached residential dwellings with a minimum lot size of 9,000 square feet, together with the schools, churches, and parks necessary to create basic neighborhood units.
- E. *Apartment/Multi-Family Residential District (R-4)*. Intended for apartment and multi-family developments including, but not limited to apartment buildings, duplex, garden apartments, condominium units, assisted living centers, nursing homes and other similar uses. Due to the infrastructure requirements for such districts, the City may require the applicant seeking such zoning classification to establish (i) the adequacy of available access and utility facilities, (ii) sufficiency of drainage, and (iii) provision of sufficient open space. The minimum lot size in such district is 10,000 square feet for three (3) units and 1,800 square feet for each additional dwelling unit. The maximum density shall be twenty-four (24) units per acre. Apartment/Multi-Family Residential Districts should not be located in areas where they would increase traffic through single-family neighborhoods and should be located adjacent to arterial streets with sufficient capacity to carry the increased traffic generated. Multi-family developments are suitable buffers between single-family districts and commercial uses. Multi-family districts should be buffered from non-residential land uses and from pollution sources and environmental hazards. Twenty percent (20%) of the total platted area shall be provided as common, usable open space.
- F. *Single-Family Residential District (R-6)*. Comprised of single-family detached residential dwellings that are on a minimum lot size of 7,200 square feet, together with the schools, churches, and parks necessary to create basic neighborhood units. This district is intended to be developed using the more contemporary building styles and allowing those dwellings to be constructed on relatively small lots. The maximum size tract that can be zoned R-6 is 30 acres.
- G. *Single-Family Residential District (R-7)*. Comprised of single-family detached residential dwellings on a minimum lot size of 6,600 square feet, together with the schools, churches, and parks necessary to create basic neighborhood units. This district is intended to be developed using the more contemporary building styles and allowing those dwellings to be constructed on relatively small lots. The maximum size tract that can be zoned R-7 is 40 acres.
- H. *Single-Family Residential/Agricultural District (RA)*. Intended to provide for areas in which agricultural land may be held in such use for as long as is practical and reasonable. Residences in this District are intended to be on a minimum lot size of 21,780 square feet (one-half acre). This District is suitable for areas where development is premature due to lack of utilities, capacity or service, and for areas that are unsuitable for development because of physical restraints or potential health or safety hazards.

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- I. *Garden Homes Residential District (GH)*. Comprised of single-family detached residential dwellings on a minimum lot size of 5,000 square feet together with the schools, churches, and parks necessary to create basic neighborhood units. This District allows the main structure to be constructed coincident with one (1) of the side property lines, and requires only one (1) side yard setback in order to maximize lot usage and yet maintain a neighborhood character consistent with conventional single-family detached homes.

No area shall be designated GH that contains less than five (5) adjoining lots on a street. Zero lot line homes shall have no windows on the side of the house, which abuts the property line. Entire frontage of one (1) side of the street in the block must be included in the GH designation. Exception may be made where an alley breaks the block on that side of the street. Homes will be uniformly located on the same side of the lot within a street block.

- J. *Townhome District (TH)*. Comprised of an attached residential dwelling unit in structures built to accommodate three (3) to six (6) units per structure. Density shall not exceed twelve (12) units per gross acre. Townhome units shall be constructed on a single lot, or on adjacent individual lots. Individual ownership of the townhome units is encouraged. Minimum lot area shall not be less than 2,500 square feet per dwelling unit. Ten percent (10%) of the total platted area shall be provided as common, usable open space. This District should not be located in areas where it would increase traffic through single-family neighborhoods and should be adjacent to arterial streets with sufficient capacity to carry the increased traffic generated.
- K. *Manufactured Home Subdivision District (MHS)*. Intended to recognize that certain areas of the City are suitable for a mixture of single-family dwelling units and HUD-Code manufactured homes, to provide adequate space and site diversification for residential purposes designed to accommodate the peculiarities and design criteria of manufactured homes, along with single-family residences, to promote the most desirable use of land and direction of building development, to promote stability of development, to protect the character of the district, to conserve the value of land and buildings, and to protect the City's tax base. This District provides for the creation and/or subdivision of any lot, tract or parcel of land used for the placement of manufactured homes. This District is not intended to prohibit or unduly restrict any type of housing but to ensure compatibility in housing types between manufactured home subdivisions and surrounding single family residential subdivisions and recognizing their inherent differences.
- L. *Manufactured Home Park District (MHP)*. Intended to provide adequate space and site diversification for residential purposes designed to accommodate the peculiarities and design criteria of manufactured homes, to promote the most desirable use of land and direction of building development, to promote stability of development, to protect the character of the district, to conserve the value of land and buildings, and to protect the City's tax base. This District provides for the creation of tracts of land used for the placement of multiple manufactured homes on a single lot, tract or parcel of land and utilized for rent or lease. This District is not intended to prohibit or unduly restrict any type of housing but to ensure compatibility between manufactured home parks and surrounding properties and recognizing the inherent differences in housing types between manufactured home parks and other residential districts.
- M. *Agricultural District (AD)*. Intended to provide as a base zoning district in areas designated as agricultural conservation on the North and South Schertz Framework Plans. Residences in this District are intended to be on a minimum lot size of 217,800 square feet (five acres). Clustering of up to two homes may be allowed on the same lot subject to setback requirements. This District is suitable for areas where development is premature due to lack of utilities, capacity or service, and for areas that are unsuitable for development because of physical restraints or potential health or safety hazards.
- N. *Main Street Mixed-Use District (MSMU)*. Intended to provide a base zoning district in the area along Main Street. In light of the history of the area and variety of land uses that exist, this zoning district allows for both single-family residential uses and low intensity commercial uses. Reduced setbacks and parking requirements are provided as part of this district due to physical restraints.

O. *Main Street Mixed-Use New Development District (MSMU-ND)*. Intended to provide a base zoning district in the area along Main Street, specifically for new development of existing properties. This district is intended to mirror The Main Street Mixed-Use District (MSMU), allowing for both single-family residential uses and low intensity commercial uses. Reduced setbacks, parking requirements, along with reduced landscape buffers are provided as part of this district due to physical restraints of the existing properties.

(Ord. No. 13-S-22, § 2, 7-16-2013 ; Ord. No. 14-S-47 , § 2, 11-18-2014; Ord. No. 21-S-26 , § 1(Exh. A), 7-6-2021)

Sec. 21.8.9. Outdoor Display and Storage.

A. Outdoor display and temporary outdoor storage shall be allowed in Non-residential Districts in accordance with this section. Any merchandise, material or equipment situated outdoors in Non-residential Districts shall be subject to the requirements of this section. For the purpose of this section, outdoor storage and display shall be classified into two (2) categories enumerated as shown below.

Category	OP	NS	GB and PUB	GB-2, M-1 and M-2
Outdoor Display and Temporary Outdoor Storage	-	P	P	P
General Outdoor Storage	-	-	-	P

(P) = Use is permitted in district indicated

(-) = Use is prohibited in district indicated

B. *Categories of outdoor storage and display.*

1. *Outdoor Display and Temporary Outdoor Storage.* Outdoor display and temporary outdoor storage are displays of items actively for sale or lease that are lightweight and that individually can be easily moved without a mechanical lifting device.

- a. Outdoor display and temporary outdoor storage of goods in individual packaging and not in storage containers which are associated with the primary business on the site may be allowed adjacent to a front principal building wall and may not extend into the public right-of-way. Such storage shall not be permitted to block windows, entrances or exits, and shall not impair the ability of pedestrians to use the building.
- b. Areas intended for outdoor display must be paved and painted to distinguish them from required off-street parking areas. No outdoor displays shall be allowed in off-street parking areas or fire lanes.

2. *General Outdoor Storage.*

- a. General outdoor storage consists of all remaining forms of outdoor storage not classified as outdoor display including items of a large size, mass or volume and that are not easily moved or carried such as used tires, railroad ties, discarded inventory, storage pallets, shipping containers, temporary portable storage facilities/containers and semi trailers not attached to a truck.
- b. General outdoor storage is prohibited within the public right-of-way or fire lane.
- c. General outdoor storage shall not be allowed in off-street parking spaces.
- d. General outdoor storage items shall not exceed a maximum of 20 feet (20') in height.
- e. General outdoor storage items shall be completely enclosed or shall be moved to the rear of the structure, but in no event shall general outdoor storage items be visible from public right-of-way.

3. *Outdoor Display and Storage Requirements.*

- a. All outdoor display and storage areas must be clearly shown on the Site Plan submitted for the property.

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- b. Unless specifically authorized elsewhere in the City's ordinances, all outdoor display and storage areas shall be located outside the public right-of-way.

4. *Exceptions.*

- a. Vehicles for sale as part of a properly permitted vehicle sales use (including boats and manufactured housing) shall not be considered merchandise, material or equipment subject to the restrictions of this section.
- b. Such vehicles must be located and displayed on a paved vehicle use area and clearly indicated on the Site Plan.
- c. Flea markets, open air markets, farmer's markets with a permanent Certificate of Occupancy for such use are not subject to the restrictions of this section.
- d. Vehicles awaiting repair, food trucks and trailers associated with a business may apply for a permit to allow parking on an unpaved area for a period not to exceed six months during construction or unique circumstances.
 - 1) The City Manager or his/her designee shall receive applications, documentation and issue permits for the temporary parking on an unpaved areas during construction or other unique circumstances such as parts shortages as the result of a pandemic.

C. *Effective Dates.*

1. *Temporary Limited Non-Conforming Use.* Outdoor displays or outdoor storage (temporary or general) described in subsection 21.8.9.B. located on a site on April 30, 2010; in compliance with the provisions of this UDC as in effect on April 12, 2010; and in good working order and actively being used for its intended display or storage purpose on April 30, 2010 may remain in the same location on such site, notwithstanding the provisions of subsection 21.8.9.B. until the earliest to occur of the following:
 - a. the removal of such display or storage from its precise location on April 30, 2010; or
 - b. the failure of the property owner or lessee or the owner of such display or storage to operate or use such display or storage in the manner intended and in effect on April 30, 2010 for a period of three (3) consecutive business days; or
 - c. the reduction in height of any such display or storage that would be governed by subsection 21.8.9.B.2.d. to less than 20 feet (20'); or
 - d. the destruction or damage of such display or storage to the extent of twenty-five (25%) or more of its area or value; or
 - e. *December 31, 2013.* During such period, the property owner or lessee or the owner of such display or storage may perform minor repair or maintenance of such display or storage and may replace any unit of such display offered for sale or lease that is sold or leased with a like unit offered for sale or lease but shall not substitute other types of items for sale or lease in such display, and shall not replace, enlarge or substitute storage facilities or storage areas that do not comply with subsection 21.8.9.B. In all events, none of such displays or storage shall be in a condition of disrepair or non-operation.
2. *Other Outdoor Displays or Outdoor Storage.* Outdoor displays and outdoor storage not described in subsection 21.8.9.C.1. shall be in compliance with the provisions of subsection 21.8.9.B. on and after May 1, 2010. Outdoor displays and outdoor storage described in subsection 21.8.9.C.1. shall be discontinued within thirty (30) days after the earliest to occur of the condition described in subsections 21.8.9.C.1.a.—e.

Sec. 21.9.10. - Park and Open Space Dedication Requirements.

A. *Purpose.*

1. The purpose of this section is to provide for the adequate provision of parkland and open space to meet the needs of a growing City population; for improvements to existing parkland; for establishment, maintenance and operation of a Parkland Dedication Fund; establish requirements and procedures for governing required dedications of parkland or improvements to existing parkland by subdividers of land; and for cash payments-in-lieu of land by subdividers of land in certain cases.
2. It is hereby declared by the City Council that recreational areas in the form of parks and open spaces are necessary and for the public welfare and that the only adequate procedure to provide for parkland and park improvements is by integrating such a requirement into the procedure for planning and developing property or subdivisions in the City, whether such development consists of new residential construction on vacant land or the addition of new dwelling units on existing residential land. It is the policy of the City to require subdividers of residential subdivisions and lots to provide for parkland and park facilities at the time of development approval in proportion to the need for such improvements created by the developments and in proportion to the benefits received from contribution of such facilities.

B. *Applicability.* The parkland dedication and park development requirements of this section shall be applicable to every residential subdivision developed under the provisions of this UDC, whether such subdivision consists of new residential construction on vacant land or the addition of new dwelling units on existing residential land, within the City limits or the City's ETJ.

C. *Submittal Requirements.*

1. Prior to Submittal of a Subdivision Master Plan or Preliminary Plat, a General Parks Plan shall be submitted and shall contain, at a minimum, the following information:
 - a. location and size of any proposed parks to be dedicated to the public or to be retained as private parkland;
 - b. a statement of the suitability of the parkland in meeting the criteria in subsection H. of this section;
 - c. a general park development plan including any proposed improvements; and
 - d. a phasing plan.
2. Prior to submittal of a Final Plat, a Detailed Parks Plan shall be submitted and shall contain, at a minimum, the following information:
 - a. location and size of the proposed park;
 - b. a statement of the suitability of the parkland in meeting the criteria in subsection H. of this section; and
 - c. a detailed plan of any proposed improvements, including cost.
3. The Director of Parks, Recreation and Community Services shall review the General Parks Plan and make a recommendation to the Planning and Zoning Commission prior to approval of a Subdivision Master Plan or Preliminary Plat. Recommendations should be based upon the Comprehensive Land Plan and/or the Parks and Open Space Master Plan as adopted by the City, and the standards and provisions contained herein regarding the amount and location of park land and fees-in-lieu of park land dedication.
4. All parkland to be dedicated to the City shall meet the suitability requirements of section 21.9.10.H.

D. *Parkland Dedication Requirements.*

1. *Land Dedication.* A final plat establishing a residential (including multifamily) subdivision or commercial or manufacturing district either within the City or within the ETJ of the City shall

contain the dedication of an area of land for park purposes meeting the requirements set out in this section, or a notation signed by the Director of Parks, Recreation and Community Services of receipt of an approved cash payment-in-lieu of land. The subdivider of a residential (including multifamily) subdivision or commercial or manufacturing district shall dedicate to the City developed parkland in the amount as established within the fee schedule adopted by the City Council. A proposed plat submitted for approval must:

- a. show the location and dimensions of the area proposed to be dedicated for parkland;
 - b. show the number of dwelling units to be located within the proposed residential subdivision (whether single or multi-family units) or LUEs in a commercial or manufacturing district;
 - c. tell whether all or any part of the property to be dedicated as a park is located in a special flood hazard area, as such areas are defined in this UDC; and
 - d. show the proposed streets and utilities to serve the parcel to be dedicated as parkland.
2. *Development of Areas Smaller Than Five (5) Acres.* The development of park areas smaller than five (5) acres for public park purposes is deemed to be impractical. If fewer than five (5) acres are proposed to be created by a plat, then prior to filing the plat, the subdivider shall be required to pay to the City the applicable cash payment-in-lieu of land. No plat showing a dedication of less than five (5) acres for a public park shall be approved by the Planning and Zoning Commission. While dedication of parkland to the City in an amount less than five (5) acres is deemed impractical, it is the City's policy to encourage the development of private parkland in accordance with subsection I below and provide credit for development of these private parklands accordingly.
 3. *Dedication Procedures.* The owner of property for a residential subdivision shall be required at final plat approval to dedicate parkland. Dedication of parkland shall be evidenced by a formal dedication on the plat to be recorded. The land so dedicated and conveyed shall not be subject to any reservations of record, encumbrances of any kind, or easements, which in the opinion of the City will interfere with or materially increase the cost of making such land available for parks or recreational purposes.
 4. *Development of Subdivision in Phases.* If a subdivision is to be developed in phases and the final platting of the park area to be dedicated is to be included in a future phase, then the subdivider shall be required to provide a notation on the plat which acknowledges that dedication of parkland to serve said subdivision will occur with the platting of future phases.
 5. *Right to Accept/Reject Land.* If the City determines that sufficient park area is already in the public domain within proximity of the proposed development, or if the recreation needs for the area would be better served by expanding or improving existing parks, the City has the right to accept the dedication or to refuse same and require a cash payment-in-lieu of land.
 6. *Compliance with Parks and Open Space Master Plan.* The City has adopted a Parks and Open Space Master Plan which outlines the necessity for parkland dedication and the types of improvements deemed appropriate for the City. The dedication and development of any parkland and the expenditure of any fees-in-lieu of dedication or development shall be in accordance with the Parks and Open Space Master Plan of the City.

E. *Fee-in-Lieu of Land Dedication Requirements.*

1. *Right to Request Waiver of Dedication Requirements.* A subdivider obligated to make a dedication of land may request the City waive the required dedication of land, in whole or in part, and to accept a cash payment-in-lieu of land dedication. Any request for a waiver to the land dedication requirements shall be subject to review and recommendation by the Parks and Recreation Advisory Board and final approval by the Planning and Zoning Commission.
2. *Required Fee-in-Lieu of Land Dedication.* Any subdivider who is required to make a cash payment-in-lieu of land dedication or who is granted a waiver in accordance with section 21.9.10.1. above, shall make a cash payment-in-lieu of land in accordance with this section. The amount of such cash payment-in-lieu of land shall be calculated by multiplying the number of dwelling units proposed to be established by the plat times the amount per dwelling unit as

established in the fee schedule set from time to time by the City Council. A cash payment-in-lieu of land shall be made prior to the recordation of the final plat.

F. *Parkland Improvement Agreement.* The property owner or applicant may request to defer the obligation to dedicate parklands and/or develop parklands until after a final plat recordation. The request shall be submitted in writing and specify what is requested for deferral. Deferral of the obligation to dedicate parkland and/or develop parklands shall be conditioned on execution of an Improvement Agreement and provision of sufficient security, pursuant to Section 21.4.15.F, Improvement Agreements. The City Manager or his/her designee may approve or deny the request to defer obligations to dedicate parkland dedication and/or develop parklands.

G. *Park Development.*

1. A subdivider who elects to dedicate parkland in accordance with section 21.9.10.D. above shall improve all dedicated public parkland with improvements approved by the Parks and Recreation Advisory Board and the City Parks and Recreation Department. Design, specification, and construction of the improvements shall be subject to review and approval by the City. Construction of the improvements must be completed within one (1) year of the approval of the final plat of the subdivision. No final plat shall be recorded for any subdivision in which completion of the required improvements has not been accepted by the City; however, in the event that a subdivider requests that a final plat be approved prior to completion of the required improvements, surety for construction of improvements may be provided in the same manner as required of other subdivision- and site-related construction.
2. In-lieu of constructing the improvements required in section 21.9.10.F.1. above, the subdivider may elect to make a cash payment-in-lieu of construction to the City to meet the City's current or future recreational needs. If a developer who has dedicated land in accordance with section 21.9.10.D. above elects to make a fee-in-lieu of payment for park development, the City shall utilize those funds for improvement of parkland within the subdivision in which the funds are collected. In the event there are remaining funds after development of said parkland, the City may utilize the remaining funds to complete improvements in any public park within the City.
3. If the subdivider elects to pay fees-in-lieu of parkland dedication in accordance with section 21.9.10.E. above, then the subdivider shall make a cash payment-in-lieu of construction to the City for the required improvements in addition to the fees paid-in-lieu of dedication. Cash payments made in accordance with this paragraph may be utilized to complete improvements in any public park within the City.
4. Cash payments-in-lieu of required improvements shall be calculated by multiplying the number of dwelling units times the price per dwelling unit as established in the fee schedule set from time to time by the City Council.

H. *Parkland Dedication Fund.*

1. *Special Fund.* The City shall reserve all fee-in-lieu of payments and any accrued interest from the fee-in-lieu of parkland dedication or fee-in-lieu of parkland development in a separate account from the general funds of the City. This fund shall be known as the Parkland Dedication Fund.
2. *Deposit/Expenditure of Parkland Dedication Fund.* The City shall deposit sums collected as cash payments-in-lieu of land and cash payments-in-lieu of improvements in the Parkland Dedication Fund. The City shall expend such funds collected for the acquisition of land or for the improvement of existing parks on a first in, first out basis.
3. *Records and Method of Expenditure.* The City shall maintain records detailing the receipts and expenditures for the Parkland Dedication Fund. All funds deposited as credit for fee-in-lieu of parkland dedication may be utilized for the acquisition and/or development of parkland within the City. All funds collected as fee-in-lieu of parkland development shall be utilized for the development of parkland in accordance with section 21.9.10.F. above.

I. *Parkland Design Criteria.*

1. *Location.* Any land to be dedicated to meet the requirements of this section shall be reasonably located and adaptable for use as parkland and/or recreation facility, consistent with the most recent edition of the Comprehensive Land Plan and/or Parks and Open Space Master Plan as adopted by the City Council.
2. *Land Suitability.* The Parks and Recreation Advisory Board shall make recommendations to the Planning and Zoning Commission regarding the suitability of proposed park land. The location, access, size, shape, topography, natural drainage, utilities, parking facilities, and wooded areas and other vegetative cover of the parcel or tract of land to be dedicated shall be appropriate for public parks and recreation purposes. All such park land shall be designated and located so as to satisfy the requirements of this section.
3. *Usable Land.* At least fifty percent (50%) of proposed parkland dedication site shall be level, well drained and suitable for open play. Such land shall be located outside of any one hundred (100) year floodplain or any other special flood zone identified on the most recently approved FEMA FIRM map and shall not exceed five percent (5%) slope.
4. *Access.* Access to parkland designated on a subdivision plat shall be provided by the dedication of at least 200 feet of street frontage in a manner satisfactory to the City, preferably at the corner of two (2) intersecting streets. When the land abutting the designated parkland is developed, the subdivider of such abutting land shall furnish and pay for all paving of all abutting street frontage.
5. *Utilities.* Potable water and wastewater connections shall be readily available at the park site with water and wastewater lines located along the street frontage. The applicant must demonstrate to the satisfaction of the City that sufficient living unit equivalents that are not otherwise committed to other property are available to serve the park within these water and wastewater lines.
6. *Drainage Improvements.* Any detention ponds and/or other drainage facilities to be constructed in areas that are to be dedicated as parkland must be designed and constructed to also allow for recreational use. The subdivider may be required to demonstrate that the design, placement and construction of such ponds meet the requirements of the City.
7. *Floodplain.* The following standards shall apply to all land proposed for dedication or parkland which is located in a FEMA designated floodplain or other special flood hazard area.
 - a. *Amount of Credit.* Every acre of proposed dedicated parkland located within the floodplain or other special flood hazard area shall count as one-half (½) acre of land towards the total parkland dedication requirement.
 - b. *Criteria for Parkland.* Floodplain areas will be considered for eligibility as land to be dedicated based on the following criteria:
 - i. The floodplain area is easily accessible and has adequate street frontage.
 - ii. There has been minimal alteration of the natural character of the waterway and the floodplain area. Some improvements are necessary for City access and maintenance.
 - iii. In no case will floodplain areas be accepted which are less than one hundred feet (100') in width.
 - iv. The area's configuration and topography is suitable for the placement of low impact facilities such as playgrounds, picnic facilities and open play fields.
8. *Disturbed Area.* Any disturbed parkland shall be restored and the soil stabilized by a vegetative cover by the subdivider.
9. *Disclosures.* Prior to dedication of parkland, the subdivider shall make full disclosure of the presence of any hazardous substances and/or underground storage tanks (USTs) of which the subdivider has knowledge. The City, at its discretion, may proceed to conduct such initial environmental tests and surveys on the land as it may deem appropriate, and the subdivider shall grant to the City and its agents and employees such reasonable access to the land as is necessary to conduct such surveys and tests. If the results of such surveys and tests indicate a reasonable possibility of environmental contamination or the presence of USTs, the City may

require further survey and tests to be performed at the subdivider's expense as the City may deem necessary prior to its acceptance of the dedication, or in the alternative, the subdivider may be required to identify alternative property or pay the fees-in-lieu of such parkland dedication.

10. *Trash and Debris.* The park site shall be free of trash and debris. If the condition of the dedicated parkland is disturbed during construction of subdivision improvements then the subdivider shall be responsible for returning the dedicated land to its previous condition prior to or at the time of final plat filing. The public improvements to be constructed per the applicable subdivision plat will not be accepted by the City until such time that the above conditions have been met.
11. *Areas not Meeting the Minimum Requirements.* In the event that areas proposed for dedication do not meet the grade, slope, or other requirements for parkland dedication found in this section, but are known to contain sensitive environmental features, the City may, at its discretion and after review by the Parks and Recreation Advisory Board, modify the standards of this section subject to the following limitations:
 - a. that such areas shall provide recreational or educational opportunities for the surrounding community in-lieu of parkland dedication;
 - b. that such areas shall be given a partial credit against the requirement of land dedication and/or payment of fees; and
 - c. that such areas shall meet any additional standards deemed necessary by the Planning and Zoning Commission after a recommendation by the Parks and Recreation Advisory Board, pertaining to the dedication of land containing sensitive environmental features.

J. *Private Parks.*

1. *Private Parkland Required.* It is the intent of the City to provide for adequate areas of parkland within every subdivision as deemed practical by the City. All residential subdivisions developed after the effective date of this UDC that do not dedicate land in accordance with Paragraph D above, shall be required to dedicate an area as private parkland or open space. The amount of parkland dedicated and amenities provided shall be approved by the Parks and Recreation Advisory Board, but shall generally be as follows:
 - a. 435.6 square feet of private open space (which equates to one acre per 100 lots) for the first 200 single family residential lots
 - b. 217.8 square feet of private open space (which equates to one-half acre per lot) for every additional single family residential lot over 200 lot.
 - c. Private open space shall not be significantly encumbered by utility easements and may not be located within drainage easements.
 - d. open space being provided must generally be at least one-half acre in size.
 - e. open space shall be located so as to be easily accessible by lots within the subdivision.
2. *Credit for Private Parkland.* Up to fifty percent (50%) in area of a subdivision's total parkland dedication requirement may be satisfied through the dedication of a private park within the subdivision. Up to fifty percent (50%) of the parkland development fee may be satisfied through the development of a private park within the subdivision.
3. *Maintenance of Private Parks.* The subdivider must submit a condominium declaration, homeowner's agreement or similar document which establishes the private ownership and maintenance responsibility of any private park areas together with a mechanism for funding the maintenance of the park established to meet the requirements of this section. In addition, a plat note must be included on the preliminary plat and final plat stating the ownership and maintenance responsibility of all private park areas.
4. *Requirement of Continued Use.* A restrictive covenant shall be recorded at the time of the recording of the plat, which covenant shall run with the land subdivided. The covenant shall

restrict use of private parks and facilities to park and recreational purposes and must be submitted for approval by the City prior to final plat acceptance.

5. *Security for Performance.* The City may require financial assurances from the subdivider that the private park will be developed and completed, with assurances that a failure by the subdivider to timely complete the improvements to the park shall result in dedication of the private park to the City and the proceeds of the financial assurances as offered become the property of the City for use in completing the park.

(Ord. No. [17-S-41](#), § 1(Exh. A), 10-24-2017)

ARTICLE 10. PARKING STANDARDS

Sec. 21.10.1. Purpose.

The purpose of this Article is to establish the number of required off-street vehicular parking spaces so as to provide for the needs of occupants, customers, visitors or others involved in the use or occupancy of any building or structure, to eliminate the undue use of the surface street system for parking purposes, to require allocation of sufficient off-street/on-site loading facilities by business and industry which ensures that the loading and unloading of vehicles will not interfere with traffic flow or block roadways and/or fire lanes, to promote and protect the public health, safety, comfort, convenience and general welfare, and to grant and define the administrative powers and duties necessary to enforce this Article.

Sec. 21.10.2. General provisions.

- A. Required off-street parking in residential districts shall be provided on the same site, lot or tract as the main use for which the parking is provided.
- B. Required off-street parking in nonresidential districts may be located on the same site, lot or tract as the main use for which the parking is provided or on a site, lot or tract located within the same zoning district and within 150 feet of the main use.
- C. If specific requirements for off-street parking result in a fraction of a parking space, the next larger whole number of spaces is required.
- D. Whenever a building or use constructed or established after the effective date of this UDC is changed or enlarged in floor area, number of dwelling units, seating capacity or otherwise, to create a need for an increase in the minimum number of required parking spaces, such spaces shall be provided to accommodate the enlargement or change.
- E. All driveways and all required off-street parking spaces shall be on a paved concrete or asphalt surface. All drive approaches shall be of paved concrete.
- F. Parking spaces provided within a public right-of-way shall not be counted as meeting the minimum requirements of this Article.
- G. In the event of the construction of a phased development, the minimum number of parking spaces provided shall apply to each phase as it is developed.
- H. In computing the parking requirements for any building or development with multiple uses, the total parking requirements shall be the sum of the specific parking requirements for each individual use included in the building or development.
- I. *Residential curb cuts.*
 - 1. *Straight driveways.* Curb cuts for residential driveway aprons shall be not less than ten feet (10') in width, and not more than twelve feet (12') in width for a single driveway apron nor more than twenty-four feet (24') in width for a double driveway apron. Curb cuts will be permitted only for driveway aprons providing access to a garage, carport or hardstand. Not more than one curb cut will be permitted for each residential parcel of land except as follows for circular driveways.

- 2. *Circular driveways.* Circular driveways are allowed for lots with a minimum of one hundred feet (100') of frontage. Circular driveways shall have a maximum of two sixteen-foot curb cuts with a minimum of thirty feet (30') between each cut.
- J. Detached accessory, ancillary or storage structures in commercial and manufacturing districts shall not be located in a manner that decreases the minimum number of parking spaces required.
- K. Areas intended for outdoor displays and general outdoor storage shall not be allowed in designated off-street parking areas or fire lanes and shall not be located in a manner that decreases the minimum number of parking spaces required.
- L. Parking and storage, including vehicles awaiting repair, employee, customers and vendors, for automobile repairs and service located on Main Street, cannot occur in the public right-of-way.

Sec. 21.10.3. Size of space.

- A. Each standard off-street surface parking space shall measure not less than ten feet by 20 feet, exclusive of access drives and aisles, and shall be of usable shape and condition.
- B. *Wheel stops.* Wheel stops shall be required for all areas of head-in parking adjacent to a landscaped area required in section 21.9.7. Wheel stops shall be designed so that the overhang of vehicles is contained totally within the parking space. If wheel stops are not provided at locations where vehicles extend over the sidewalk areas, a minimum of five feet (5') of free walking area, exclusive of vehicle over hang, width must be provided.
- C. Each parking space designed for parallel parking shall have a minimum dimension of eight feet by twenty-two feet (8' x 22').
- D. Each standard parking space located in a parking garage shall measure not less than ten feet by eighteen feet (10' x 18'), exclusive of access drives or aisles.
- E. *Handicap accessible parking.*
 - 1. The number and size of the handicap parking spaces required must follow the Federal Americans with Disabilities Act and Texas Accessibility Standards. The number of handicap parking spaces required is based on the total number of spaces provided. Accessible spaces for cars must have at least a sixty inch (60") wide access aisle located adjacent to the designated parking space. Van parking spaces need to have a wider access aisle of ninety-six inches (96") to accommodate a wheelchair lift and vertical clearance to accommodate van height.

Total number of parking spaces provided (per lot)	Total minimum number of accessible parking spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total parking provided in lot
1,001 and over	20 plus 1 for each 100 over 1,000

2. *Location.*

- a. Accessible parking spaces must be located on the shortest accessible route of travel to an accessible facility entrance. Where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces must be dispersed and located closest to the accessible entrances and at the most level ground close to the accessible entrance.
- b. An accessible route must always be provided from the accessible parking to the accessible entrance. An accessible route never has curbs or stairs, must be at least three feet (3') wide, and has a firm, stable, slip-resistant surface. The slope along the accessible route should not be greater than 1:12 in the direction of travel.
- c. Accessible parking spaces may be clustered in one or more lots if equivalent or greater accessibility is provided in terms of distance from the accessible entrance, parking fees, and convenience. Van-accessible parking spaces located in parking garages may be clustered on one floor (to accommodate the ninety-eight inch (98") minimum vertical height requirement).

- 3. *Signage.* A sign with the international symbol of accessibility must be mounted in accordance with applicable state and federal laws to see marking each disabled parking space. Van accessible spaces must have a sign with "van accessible" on it in addition to the international symbol of accessibility.

Sec. 21.10.4. Schedule of off-street parking requirements.

- A. Off-street parking shall be provided in sufficient quantities to provide the following ratio of vehicle spaces for the uses specified in the districts designated:

Table 21.10.4 Schedule of Off-Street Parking Requirements	
Use Type	Parking Requirement
Amusement, Commercial (Indoor)	1 space for each 200 square feet of gross floor area
Amusement, Commercial (Outdoor)	1 space per 500 square feet of outdoor site area plus 1 space per each 4 fixed spectator seats
Assisted Care, Living Facility, Care Facility	1 parking space for each 2 beds
Bank, Savings And Loan, Or Other Financial Institution	1 space for each 250 square feet of gross floor area
Bar Or Night Club	1 space for each 50 square feet of gross floor area
Bed And Breakfast	1 space for each guest room plus 1 space per employee
Bowling Alley	5 parking spaces for each lane
Car Wash	1 space for each 200 Square feet of floor area
Day Care Center	1 space per 250 square feet of gross floor area
Fitness Center/Gym	1 space for each 250 square feet of gross floor area
Convenience Store/Gas Station	1 space for each 250 square feet of gross floor area. Spaces provided for fueling at the pump stations shall not be considered parking spaces.
Group Home	4 spaces
Hospital	1 parking space for each bed
Hotel Or Motel	1 space for each sleeping room or suite plus 1 space for every 200 square feet of common area not designated as sleeping rooms
Lodging Houses And Boarding Houses	1 parking space for each bedroom

Manufacturing, Processing Or Repairing	1 space for each 2 employees or 1 space for each 1,000 square feet of total floor area, whichever is greater
Medical Or Dental Clinic	1 space for each 200 square feet of total floor area
Mini-warehouse/Public Storage	1 space for each 300 square feet of office floor area plus 1 space for each 3,000 square feet of storage area
Mortuary/Funeral Home	1 parking space for each 50 square feet of floor space in service rooms or 1 space for each 3 seats, whichever is less based on maximum design capacity)
Multifamily, Duplex, Two-Family, Condominium Or Other Similar Use	1.5 spaces per 1 bedroom unit 2 spaces per 2 bedroom unit 2.5 spaces per 3+ bedroom unit Plus additional guest parking provided at a ratio of 5% of required spaces
Nursery	1 space per 300 square feet of total sales area Wholesale nursery: 1 parking space per employee of the largest work shift, plus 1 space per 10,000 square feet of display area and 1 space per acre of growing areas
Offices	1 space for each 250 square feet of gross floor area
Outdoor Facilities (Outdoor Recreational Fields i.e. Football, Soccer, etc.)	20 spaces per designated field or 1 per 4 person design capacity
Public Use	Parking shall be provided at a ratio approved by City staff based on a parking study provided by the applicant
Residence Halls, Fraternity Buildings And Sorority Buildings	1 space per person capacity of permanent sleeping facilities
Residential Subdivision Mailbox Kiosk	2 spaces – these may be in the right-of-way but not in the traffic lane – an expansion of the road surface is required and the kiosk must be covered to provide shelter for people using the kiosk,
Restaurants	1 parking space for each 100 square feet of gross floor area, or 1 space for each 4 seats, whichever is less (based on maximum design capacity)
Retail Sales And Service	1 space for each 250 square feet of gross floor area
School, High School, Vocational, All Other Schools	Parking shall be provided at a ratio approved by City staff based on a parking study provided by the applicant that shall include vehicle stacking requirements
Single Family Attached And Detached Dwelling Units	2 parking spaces per dwelling unit
Theaters, Auditoriums, Churches, Assembly Halls, Sports Arenas, Stadiums, Conference Center, Convention Center, Dance Hall, Exhibition Halls, Or Other Place Of Public Assembly	1 space for each 4 seats or 1 space for every 100 square feet of gross floor area, whichever is less (based on maximum design capacity)
Automobile Sales Or Rental	1 space for each 3,000 square feet of sales area (open and enclosed) devoted to the sale, display or rental of vehicles
Automobile Service, Repair, Garage	1 space for each 200 square feet of total floor area
Warehouse	1 space for each 1,000 square feet of total floor area

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- B. *New and Unlisted Uses.* When a proposed land use is not classified in this section or a single use which have varying parking needs depending on the function of that specific single use, an applicant may submit a parking ratio based on best/current planning and transportation practices.
1. A best/current parking ratio application should include the following:
 - a. An application shall fully cite the sources used to derive the applicant-submitted parking ratio, possible resources include parking standards material from the Institute of Transportation Engineers (ITE) or the American Planning Association (APA).
 - b. The City Manager or his/her designee shall review the applicant submitted parking ratio to confirm best/current planning practices for a use.
 - c. The City Manager or his/her designee shall approve, modify, or deny the applicant submitted parking ratio.
 2. Parking ratio determination where no application is submitted
 - a. If the applicant does not submit a parking ratio, then the City Manager or his/her designee shall determine the parking ratio based on the best/current planning and transportation practices.
- C. *Mixed uses.* In the event that several users occupy a single structure, or parcels of land, the total requirements for off street parking shall be the sum of the requirements for the several uses computed separately unless it can be shown that the peak parking demands are offset, for example with retail and residential, or theater and office uses. In such case the City Manager or his/her designee may reduce the total requirements accordingly, but not more than twenty-five percent (25%).
- D. *Joint use of facilities.* Required parking facilities of two (2) or more uses, structures, or parcels of land may be satisfied by the same parking facility used jointly, to the extent that it can be shown by the owners or operators that the need for the facilities does not materially overlap and provided that such right of joint use is evidenced by a deed, lease, contract, or similar written instrument establishing the joint use.
- E. *Properties zoned main street mixed-use.* Properties zoned Main Street Mixed-Use shall only be required to provide two (2) on-site parking spaces but must still provide the minimum required number of handicapped spaces on site.

(Ord. No. 14-S-47 , § 5, 11-18-2014; Ord. No. 16-S-27 , § 7, 8-30-2016; Ord. No. 18-S-03 , § 1(Exh. A), 1-23-2018)

Sec. 21.10.5. Striping.

- A. All parking lots shall be striped in a manner that will clearly delineate parking spaces, fire lanes and pedestrian crosswalks.
- B. Directional arrows shall be provided in all drive lanes and driveways.

Sec. 21.10.6. Shared access and cross lot access easements.

Notwithstanding any other provisions of this UDC, unless otherwise approved by the City, to reduce the number of curb cuts and access driveways, the dedication of joint-use, private access driveway easements and cross lot access easements shall be required for all commercial development.

Sec. 21.10.7. Stacking requirement for drive-through facilities.

- A. A stacking space shall be an area on a site measuring eight feet by twenty feet (8' x 20') with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area.
- B. All stacking spaces shall be located entirely within the lot and shall be outside of any right-of-way, fire lane or similar access.
- C. For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five stacking spaces.
- D. For each service window of a drive-through restaurant, a minimum of seven stacking spaces shall be provided.
- E. For kiosks, a minimum of three (3) stacking spaces for each service window shall be provided.

Sec. 21.10.8. Off-Street loading/unloading requirements.

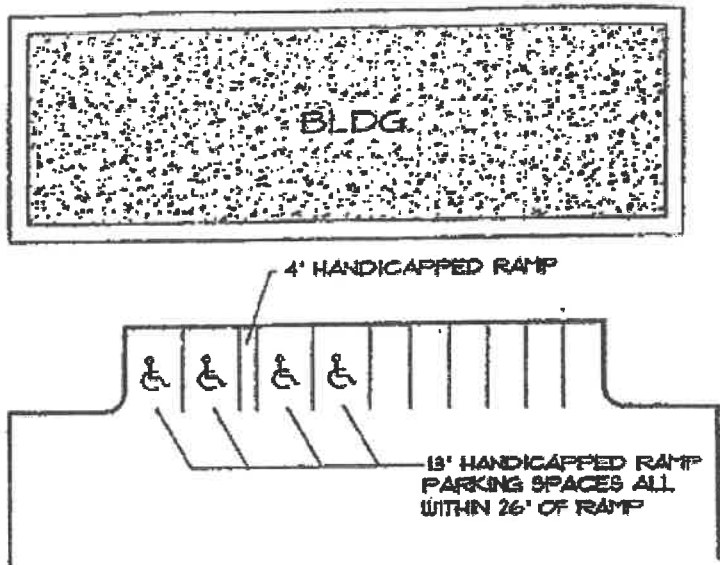
All retail, commercial, industrial and service structures shall provide and maintain off-street facilities for receiving and loading merchandise, supplies and materials within a building or on the lot or tract. All public schools shall provide adequate stacking for vehicles based on a parking study approved by City Staff. Such off-street loading space may be adjacent to a public alley or private service drive or may consist of a truck berth within the structure. Such off-street loading space or truck berth shall consist of a minimum area of ten feet (10') by forty feet (40') and the spaces or berths shall be provided in accordance with the following schedule:

Table 21.10.8 Off-Street Loading Requirements	
Square Feet of Gross Floor Area in Structure	Minimum Required Spaces or Berths
0—5,000	None
5,000—15,000	1
15,000—50,000	2
50,000—100,000	3
100,000—150,000	4
Each Additional 50,000 over 150,000	1

(Ord. No. 16-S-27 , § 8, 8-30-2016)

Sec. 21.10.9. Additional regulations and illustrations.

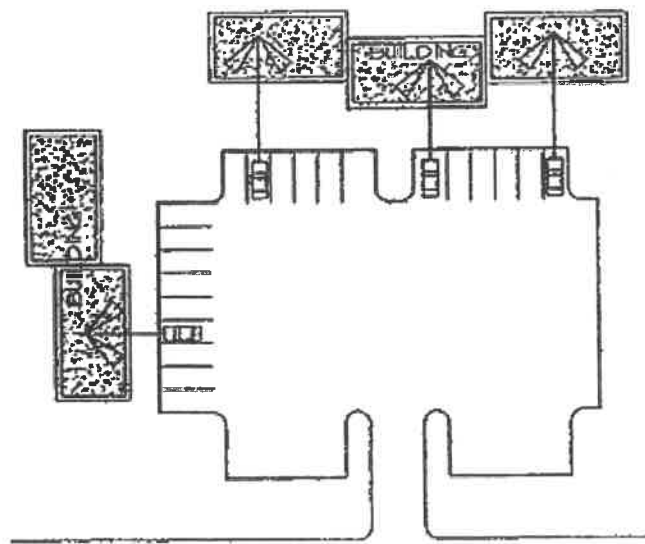
- A. *Handicapped ramps.*



HANDICAPPED RAMPS:
within 26' of Parking Spaces

The location of handicapped parking spaces should be:
 1. as close as possible to principal handicapped accessible entrances;
 2. Dispersed in a multi-building development or shopping center to ensure easy access and to minimize the travel distance for the handicapped.

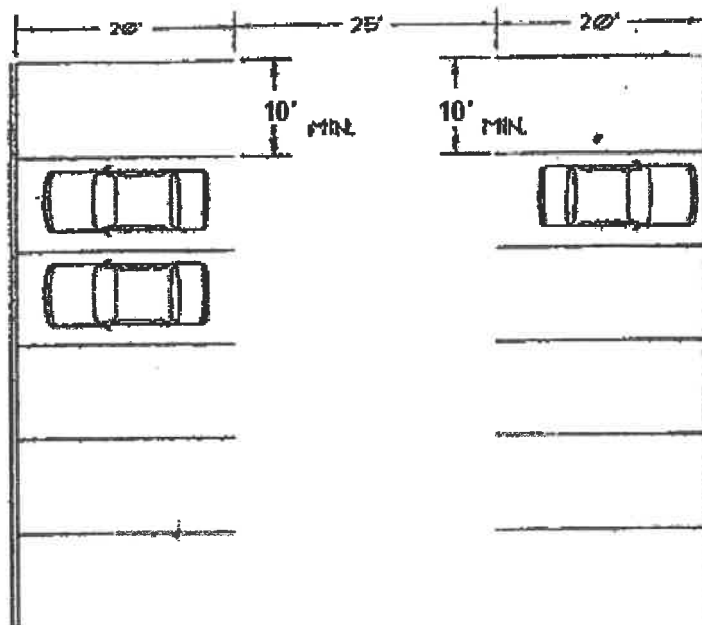
B. Handicapped parking space dispersal.



HANDICAPPED PARKING SPACE DISPERSAL

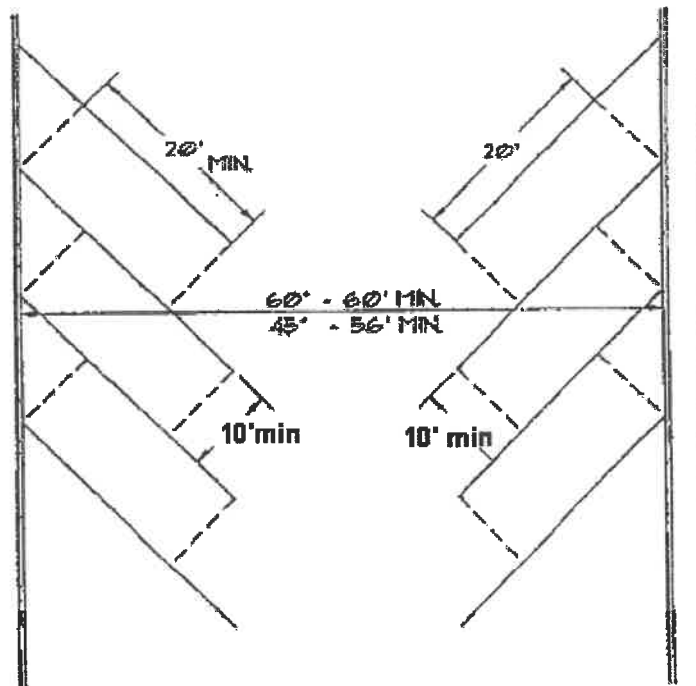
C. 90° parking dimensions.

90° PARKING DIMENSIONS.

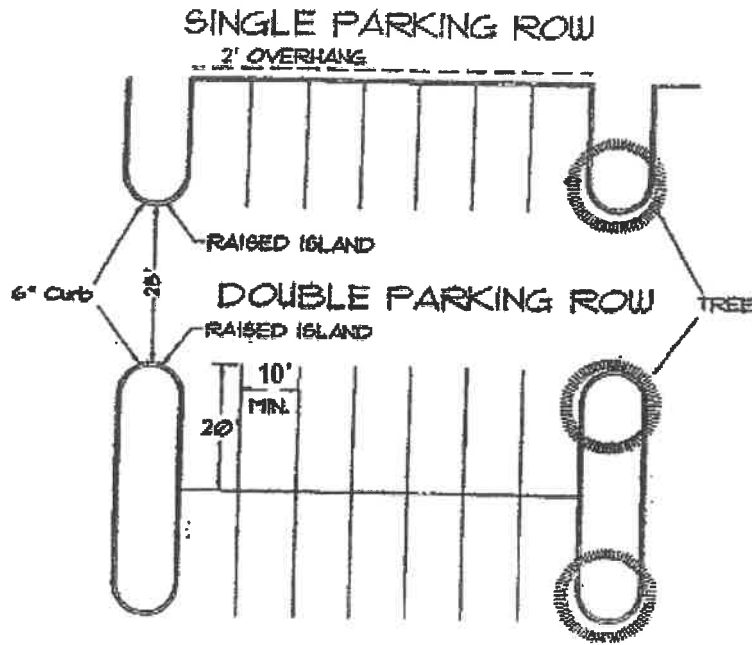


D. *Angle parking dimensions.*

ANGLE PARKING DIMENSIONS

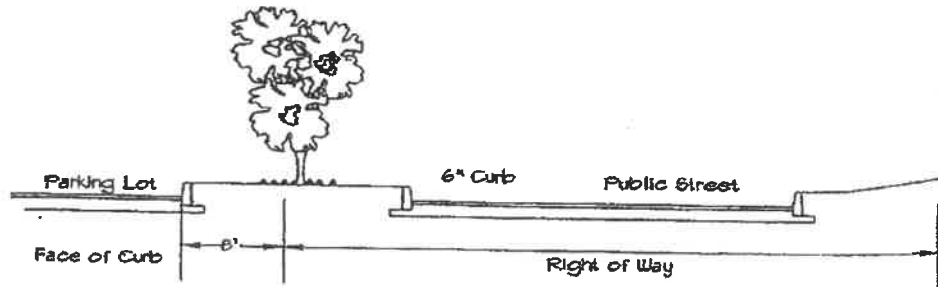


E. *Drive aisle dimensions.*



NOTES: Maximum of 20 spaces between islands on peripheral row
 Maximum of 15 spaces between islands on interior row

F. Separation of right-of way and parking areas.



G. Landscaping and fencing.

