



**MEETING AGENDA  
SCHERTZ BOARD OF ADJUSTMENT  
June 5, 2023**

**HAL BALDWIN MUNICIPAL COMPLEX COUNCIL CHAMBERS  
1400 SCHERTZ PARKWAY BUILDING #4  
SCHERTZ, TEXAS 78154**

**CITY OF SCHERTZ CORE VALUES**

**Do the right thing**

**Do the best you can**

**Treat others the way you want to be treated**

**Work cooperatively as a team**

**AGENDA**

**MONDAY, JUNE 5, 2023 at 6:00 p.m.**

The Board of Adjustment will hold this meeting at 6:00p.m., Monday, June 5, 2023 at the Municipal Complex Council Chamber. In lieu of attending the meeting in person, residents will have the opportunity to watch the meeting via live steam on the City's YouTube Channel.

- 1. CALL TO ORDER / ROLL CALL**
- 2. SEAT ALTERNATE TO ACT IF REQUIRED**

**3. HEARING OF RESIDENTS**

*Residents who choose to watch the meeting via live stream, but who would like to participate in Hearing of Residents, should email their comments to the Planning Division, at [planning@schertz.com](mailto:planning@schertz.com) by 5:00p.m. on Monday, June 5, 2023, so that the Planning Division may read the public comments into the record under the hearing of residents. In the body of the email please include your name, your address, phone number, agenda item number if applicable or subject of discussion, and your comments.*

*This time is set aside for any person who wishes to address the Board of Adjustment. Each person should fill out the Speaker's register prior to the meeting. Presentations should be limited to no more than three (3) minutes. Discussion by the Board of any item not on the agenda shall be limited to statements of specific factual information given in response to any inquiry, a recitation of existing policy in response to an inquiry, and/or a proposal to place the item on a future agenda. The presiding officer, during the Hearing of Residents portion of the agenda, will call on those persons who have signed up to speak in the order they have registered.*

**4. CONSENT AGENDA:**

- A. Minutes for the April 24, 2023 Regular Meeting.**

**5. PUBLIC HEARING:**

The Board of Adjustment will hold a public hearing related to variance requests within this agenda. The public hearing will be opened to receive a report from staff, the applicant, the adjoining property owners affected by the applicant’s request, and any other interested persons. Upon completion, the public hearing will be closed. The Board will discuss and consider the application, and may request additional information from staff or the applicant, if required. After deliberation, the Board will act on the applicant's request.

- A. PLVAR20230069** -Hold a public hearing, consider and act upon a request for a variance to the Verde Enterprise Business Park Planned Development District (PDD), Ordinance No. 07-S-14A and the 1996 Unified Development Code Ordinance No. 96-S-28 in order to permit an increased maximum wall sign letter/logo size and an increased number of wall signs, located at 17648 Verde Parkway, City of Schertz, Guadalupe County, Texas. property ID:171707

**6. ANNOUNCEMENTS:**

**A. Announcements by Members**

- City and community events attended and to be attended
- Continuing education events attended and to be attended

**B. Announcements by City Staff**

- City and community events attended and to be attended
- Continuing education events attended and to be attended

**7. ADJOURNMENT OF THE REGULAR MEETING**

**CERTIFICATION**

I, Samuel Haas, Senior Planner, of the City of Schertz, Texas, do hereby certify that the above agenda was posted on the official bulletin boards on this the 2nd day of June 2023 at 5:00 p.m., which is a place readily accessible to the public at all times and that said notice was posted in accordance with chapter 551, Texas Government Code.

*Samuel Haas*

Samuel Haas, Senior Planner

**I certify that the attached notice and agenda of items to be considered by the Schertz Board of Adjustment was removed from the official bulletin board on \_\_\_\_ day of \_\_\_\_\_, 2023. \_\_\_\_\_ title: \_\_\_\_\_**

*This facility is accessible in accordance with the Americans with Disabilities Act. Handicapped parking spaces are available. If you require special assistance or have a request for sign interpretative services or other services please call 619-1030 at least 24 hours in advance of meeting.*

The Board of Adjustment for the City of Schertz reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Open Meetings Act.

Executive Sessions Authorized: This agenda has been reviewed and approved by the City’s legal counsel and presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

**BOARD OF ADJUSTMENT MEETING: 06/05/2023**  
**Agenda Item 4 A**

TO: Board of Adjustment  
PREPARED BY: Emily Delgado, Planning Manager  
SUBJECT: Minutes for the April 24, 2023 Regular Meeting.

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**Attachments**

Draft Minutes for the April 24, 2023 Board of Adjustment Meeting

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# DRAFT

## BOARD OF ADJUSTMENT MINUTES

April 24, 2023

The Schertz Board of Adjustment convened on April 24, 2023 at 6:00 p.m. at the Municipal Complex, Council Chambers, 1400 Schertz Parkway Building #4, Schertz, Texas.

Present: Richard Dziewit, Chair  
Reginna Agee, Board Member  
Earl Hartzog, Board Member  
Frank McElroy, Board Member

Absent: Danielene Salas, Board Member  
Ferrando Heyward, Board Member  
Yvonne Griffen, Board Member

Staff present: Brian James, Deputy City Manager  
Lesia Wood, Director of Planning & Community Development  
Samuel Haas, Senior Planner  
Ameriz Gamez, Planner  
Daisy Marquez, Planner  
Tiffany Danhof, Administrative Assistant  
Ralph Gutierrez, Council Liaison

### 1. CALL TO ORDER / ROLL CALL

Mr. Dziewit called the meeting to order at 6:07 P.M.

### 2. SEAT ALTERNATE TO ACT IF REQUIRED

No alternate was seated.

### 3. HEARING OF RESIDENTS

*Residents who choose to watch the meeting via live stream, but who would like to participate in Hearing of Residents, should email their comments to the Planning Division, at [planning@schertz.com](mailto:planning@schertz.com) by 5:00p.m. on Monday, April 24, 2023, so that the Planning Division may read the public comments into the record under the hearing of residents. In the body of the email please include your name, your address, phone number, agenda item number if applicable or subject of discussion, and your comments.*

*This time is set aside for any person who wishes to address the Board of Adjustment. Each person should fill out the Speaker's register prior to the meeting. Presentations should be limited to no more than three (3) minutes. Discussion by the Board of any item not on the agenda shall be limited to statements of specific factual information given in response to any inquiry, a recitation of existing policy in response to an inquiry, and/or a proposal to place the item on a future agenda. The presiding officer, during the Hearing of Residents portion of the agenda, will call on those persons who have signed up to speak in the order they have registered.*

No one spoke.

**4. CONSENT AGENDA:**

**A. Minutes for the March 6th, 2023 Regular Meeting.**

Motioned by Board Member Frank McElroy, seconded by Board Member Regina Agee to approve

**Vote:** 4 - 0 Passed

**5. PUBLIC HEARING:**

The Board of Adjustment will hold a public hearing related to variance requests within this agenda. The public hearing will be opened to receive a report from staff, the applicant, the adjoining property owners affected by the applicant's request, and any other interested persons. Upon completion, the public hearing will be closed. The Board will discuss and consider the application, and may request additional information from staff or the applicant, if required. After deliberation, the Board will act on the applicant's request.

**A. PLVAR20230038 - A request for a variance to Unified Development Code Article 9 Section 21.9.8 Screening and Fencing, in order to permit an opaque fence within the front yards of 4710 Shady Lane and 4715 Troy Lane, City of Schertz, Guadalupe County, Texas**

Motioned by Board Member Frank McElroy, seconded by Board Member Regina Agee to approve

**Vote:** 4 - 0 Passed

**B. PLVAR20230027 - A request for a variance to Unified Development Code Section 21.11.9 in order to permit an additional wall sign on a multi-tenant building located at 17670 Four Oaks Lane, City of Schertz, Guadalupe County, Texas**

Motioned by Board Member Frank McElroy, seconded by Board Member Earl Hartzog to disapprove

**Vote:** 4 - 0 Passed

**6. ANNOUNCEMENTS:**

**A. Announcements by Members**

- City and community events attended and to be attended
- Continuing education events attended and to be attended

There were no announcements by Members.

**B. Announcements by City Staff**

- City and community events attended and to be attended
- Continuing education events attended and to be attended
- Committee of Committees Advisory Board Meeting Summaries

There were announcements by City Staff.

**7. ADJOURNMENT OF THE REGULAR MEETING**  
Mr. Dziewit adjourned the regular meeting at 6:32 P.M.

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Chairman, Board of Adjustment

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Recording Secretary, City of Schertz

**BOARD OF ADJUSTMENT MEETING: 06/05/2023**  
**Agenda Item 5 A**

TO: Board of Adjustment  
PREPARED BY: Ameriz Gamez, Planner  
CASE: PLVAR20230069  
SUBJECT: **PLVAR20230069** -Hold a public hearing, consider and act upon a request for a variance to the Verde Enterprise Business Park Planned Development District (PDD), Ordinance No. 07-S-14A and the 1996 Unified Development Code Ordinance No. 96-S-28 in order to permit an increased maximum wall sign letter/logo size and an increased number of wall signs, located at 17648 Verde Parkway, City of Schertz, Guadalupe County, Texas. property ID:171707

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**GENERAL INFORMATION:**

Owner: Agarita Schertz Partners, JAC Jr Investments LLC & CCD Enterprise Acquisition LLC  
Applicant: Mason Miller

**REQUEST**

**Date:** 04/03/2023

**Application Type:** Variance

**PUBLIC NOTICE:**

The public hearing notice was published in the "San Antonio Express" on May 17th, 2023. There were five (5) notices mailed to surrounding property owners on May 16th, 2023. At the time of this staff report, staff has received no responses in favor or opposed.

**ITEM SUMMARY:**

The property owner at 17648 Verde Parkway is requesting a variance to the Verde Enterprise Business Park Planned Development District (PDD), Ordinance No. 07-S-14A and the 1996 Unified Development Code Ordinance No. 96-S-28 in order to permit an increase in maximum wall sign letter/logo size and an increased number of wall signs. The property is proposed to develop as a hotel, specifically an Extended Stay America, Premier Suites.

The Verde Enterprise Business Park PDD states the following regarding signage relevant the subject property:

- All businesses shall be permitted one (1) wall sign

The 1996 Unified Development Code states the following regarding signage relevant to the subject property:

- The maximum letter/logo height allowable varies based on the distance from the right-of-way:
  - Less than 100 feet-Maximum allowable of 12 inches
  - 101 - 150 feet-Maximum allowable of 18 inches
  - 151 - 200 feet-Maximum allowable of 24 inches
  - 201 - 250 feet-Maximum allowable of 30 inches
- The Maximum area of a wall sign shall be no greater than fifteen (15) percent of the wall space or eighty (80) square feet, whichever is less.

The applicant is proposing to install the following number of signs that do not meet the regulations outlined in the Verde Enterprise Business Park PDD Development standards, Ordinance No. 07-S14A, and the 1996 Unified Development Code, Ordinance No. 96-S-28:

- One 80 square foot primary wall sign on the north facade.

- One 60 square foot sign on the south facade.
- One 60 square foot sign on the west facade.

According to the current Unified Development Code Sec. 21.11.9 Wall Signs, the maximum number of wall signs permitted for a single occupancy building is one sign per wall and a maximum of three wall signs per building. The primary (largest) wall sign is permitted to be a maximum of 250 square feet or 15% of the facade, whichever is less. Each sign in excess of the primary wall sign shall be a maximum of 75% of the area of the primary wall sign.

The applicant is proposing to install an 80 square foot illuminated primary wall sign on the north facade of the hotel, one 60 square foot illuminated wall sign on the south facade of the hotel, and one 60 square foot illuminated wall sign on the west facade of the hotel. The area of the proposed primary wall sign is both less than 250 square feet and 15% of the facade, and the area of the additional wall sign is less than 75% of the area of the primary wall sign; therefore, all three of the proposed signs meet the sign regulations outlined in the UDC Article 11 Section 21.11.9 Wall Signs.

**Comparison Chart**

	<b>Requested</b>	<b>Allowed under Verde Enterprise Business Park PDD and 1996 UDC</b>	<b>Allowed Under Current UDC</b>
<b>Wall Sign on north facade</b>	80 Sq. Ft.	Only 1 wall sign permitted per building	Maximum area of 250 Sq. Ft.; No letter/logo height restrictions.
<b>Wall Sign on south facade</b>	60 Sq. Ft.	Maximum area of 80 Sq. Ft.; Maximum letter/logo height of 12"	Maximum area of 75% of primary wall sign (60 Sq. Ft.)
<b>Wall sign on west facade</b>	60 Sq. Ft.		Number of signs limited to 1 per wall with a maximum of 3 signs per building.

**SUBJECT PROPERTY GENERAL LOCATION, LAND USE AND ZONING:**

The property is located at 17648 Verde Parkway, Schertz, Tx 78154 and is currently a vacant commercial lot, proposed to develop as an Extended Stay America Premier Suites.

<b>Existing Zoning</b>	<b>Land Use</b>
Planned Development District (PDD)	Hotel

**Adjacent Properties:**

	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	Right of Way	Verde Parkway
<b>South</b>	Planned Development District (PDD)	Drainage Channel
<b>East</b>	Planned Development District (PDD)	Vacant

West	Planned Development District (PDD)	Retail Center / Offices
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**CRITERIA FOR REVIEW**

According to Unified Development Code (UDC), Article 3, Section 21.3.4.B, in order to make a finding of hardship and grant a variance from the zoning regulations of the UDC, the Board must determine the following:

**1. The requested variance does not violate the intent of the UDC or its amendments;**

Article 9 of the 1996 UDC is intended to enhance property values, maintain aesthetic attractiveness, promote commercial opportunity in the City, and to support and further their objectives of the City's Comprehensive Land Plan. The requested variance does not violate the intent of the current UDC because the proposed wall signs are scaled appropriately for a building in the Verde Enterprise Business Park, and the signs would be permitted under the current UDC.

**2. Special conditions of restricted area, topography or physical features exist that are peculiar to the subject parcel of land and are not applicable to other parcels of land in the same zoning district ;**

Although the subject property is located within a Planned Development District that has very specific criteria for sign standards and uses the 1996 UDC, the other properties within Verde Enterprise Business Park PDD are also held to these same standards. The sign standards outlined in the PDD are more restrictive than the current UDC standards for commercial properties. The requested sign package would comply with the current UDC regulations, given their location.

**3. The hardship is the result of the applicant's own actions;**

The hardship is the result of the applicant's own action for wanting their business to comply with the current UDC rather than following the 1996 UDC or the Verde Enterprise Business Park PDD. However, the proposed variance, to allow additional and larger signs that conform to the current UDC is consistent with the previous variances approved for properties within the Verde Enterprise Business Park PDD.

**4. The interpretation of the provisions in this UDC or any amendments thereto would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions.**

Under the Verde Enterprise Business Park, this property is identified as having a base zoning district of General Business District (GB). The City has updated the UDC sign standards since this PDD was established, and under the current UDC regulations commercial properties zoned General Business District (GB) are held to the same standards: one primary wall sign equal to or less than 250 square feet or 15% of the facade, whichever is less, and two other wall signs that are equal to or less than 75% of the area of the primary sign. According to the current UDC Sec. 21.11.9 Wall Signs, the applicant is requesting a sign package that meets the overall intent of the UDC. Even though this property is in a PDD, the approval of this variance would allow for the property to exercise the same rights allowed in other General Business District (GB) properties.

**STAFF ANALYSIS AND RECOMMENDATION:**

The applicant is requesting a maximum of three (3) wall signs for a single tenant building. The requested variance complies with the criteria for granting a variance as presented above and follows the intent of the current UDC, therefore, staff recommends approval of PLVAR20230069.

<b>Planning Department Recommendation</b>	
X	Approval as submitted
	Approval with conditions

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**Attachments**

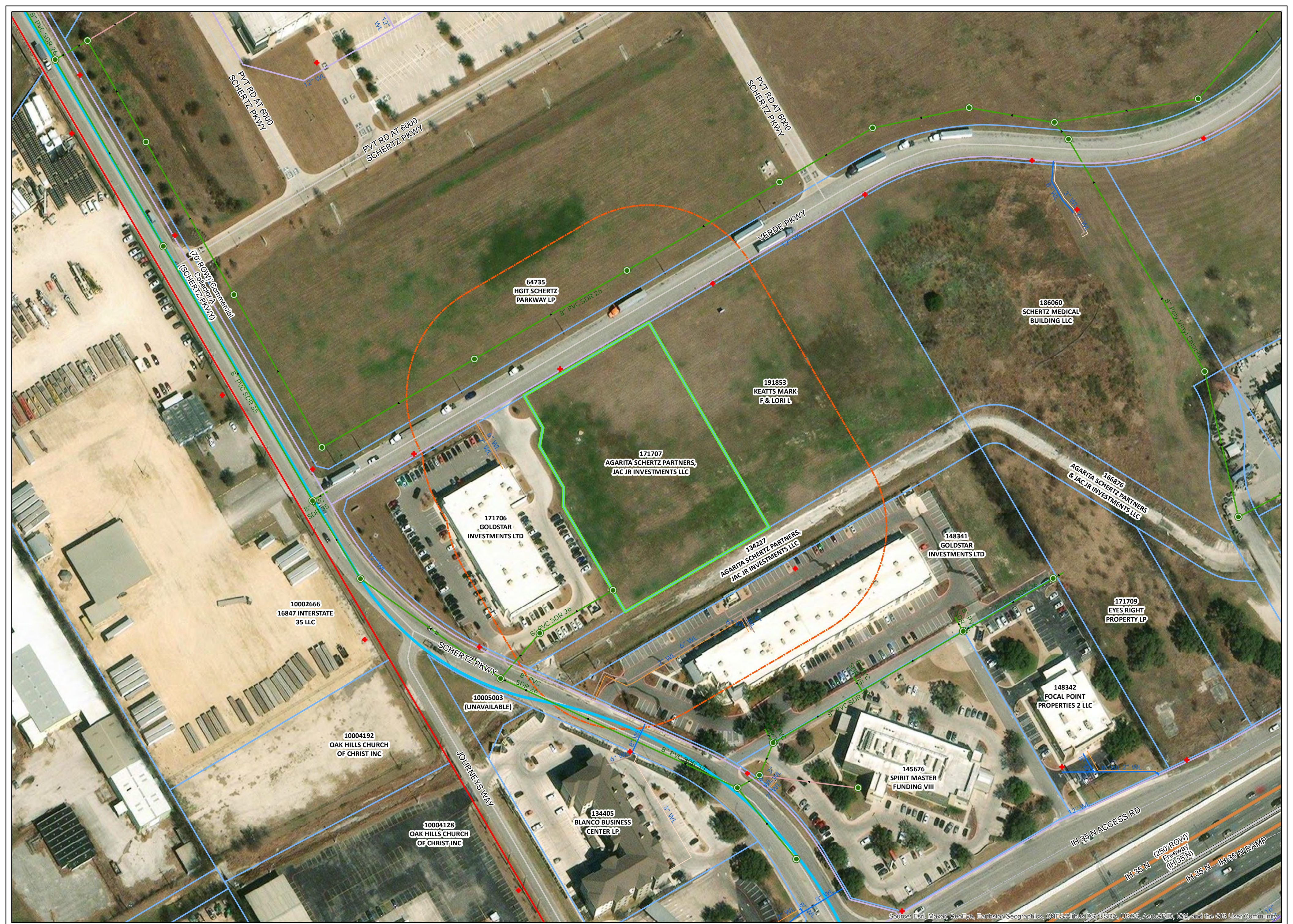
Aerial

Public Hearing Notice Map

Variance Application and Supporting Documents

Verde Enterprise Business Park PDD and 1996 UDC Sign Regulations

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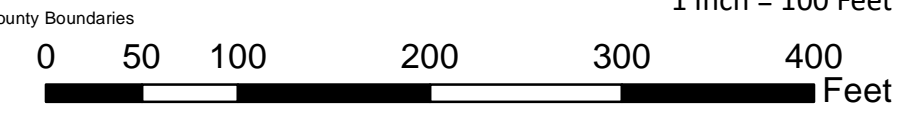
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

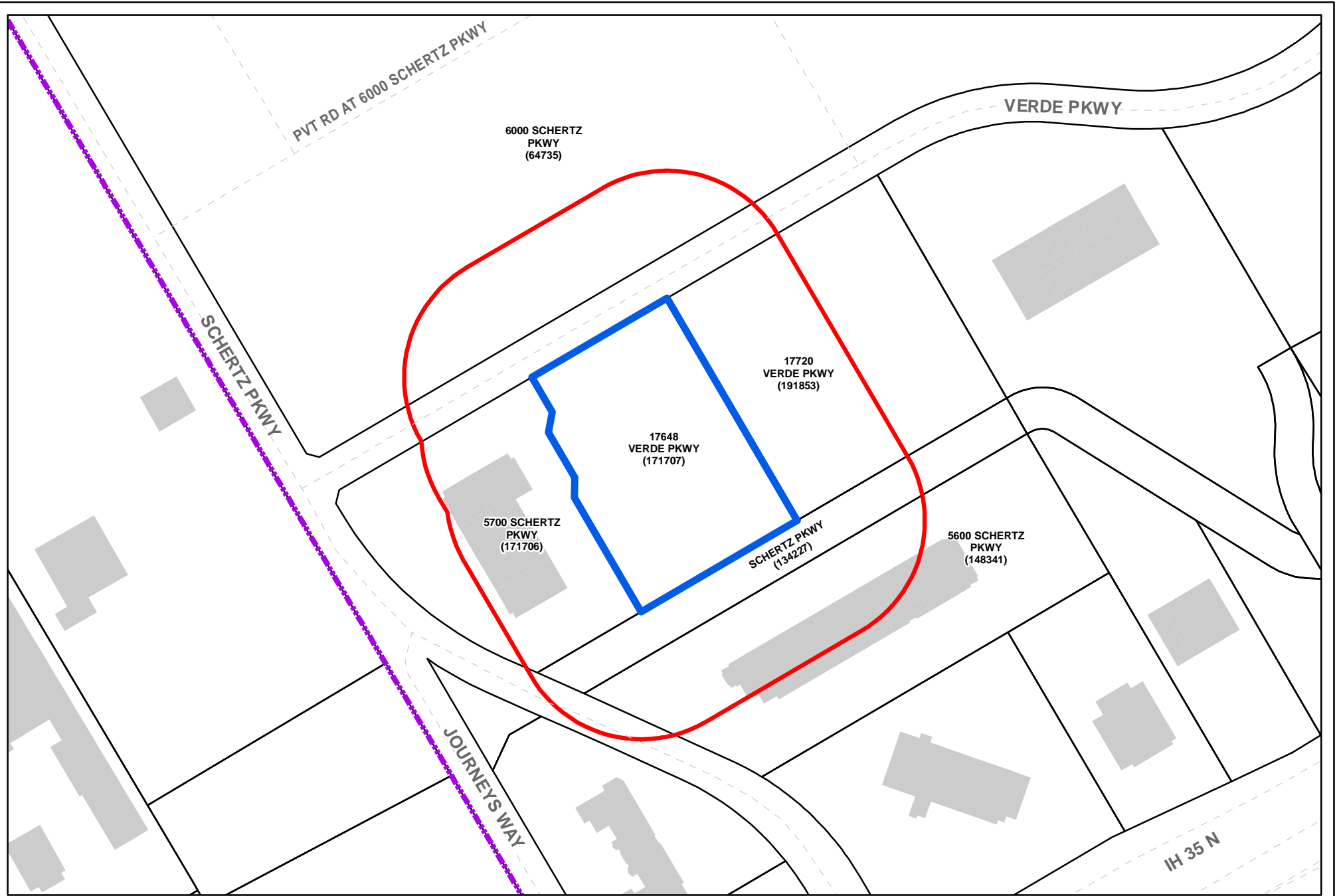


**VERDE HOTEL DEVELOPMENT**  
(PLVAR20230069)

- |                    |                            |                                  |                                |    |     |                  |                     |
|--------------------|----------------------------|----------------------------------|--------------------------------|----|-----|------------------|---------------------|
| <all other values> | <all other values>         | Planned Secondary Arterial       | Commercial Collector B         | 1" | 8"  | 20"              | Schertz Gravity     |
| Highways           | Freeway                    | Secondary Rural Arterial         | Planned Commercial Collector B | 2" | 10" | 24"              | Schertz Pressure    |
| Major Roads        | Principal Arterial         | Planned Secondary Rural Arterial | Commercial Collector A         | 3" | 12" | 30"              | Neighboring Gravity |
| Minor Roads        | Planned Principal Arterial | Residential Collector            | Planned Commercial Collector A | 4" | 16" | 36"              | Private Gravity     |
| Other Cities       | Secondary Arterial         | Planned Residential Collector    |                                | 6" | 18" | Private Pressure |                     |

- |          |                            |
|----------|----------------------------|
| Hydrant  | 200' Buffer                |
| Manholes | Schertz Municipal Boundary |
|          | County Boundaries          |





Last Update: April 25, 2023

City of Schertz, GIS Department, gis@schertz.com

The City of Schertz provides this Geographic Information System product "as is" without any express or implied warranty of any kind including but not limited to the implied warranties of merchantability and fitness for a particular purpose. In no event shall the City of Schertz be liable for any special, indirect or consequential damages or any damages whatsoever arising out of or in connection with the use of or performance of these materials. Information published in this product could include technical inaccuracies or typographical errors. Periodical changes may be made and information may be added to the information herein. The City of Schertz may make improvements and/or changes in the product(s) described herein at any time.

# City of Schertz

17648 VERDE PKWY  
(PLVAR20230069)



Project Area



City Limit Boundary



200' Buffer



Board of Adjustment may grant variances or modifications of height, yard, area, coverage, parking regulations, accessory building and non-conforming use subject to making a finding of hardship that the variance meets all four of the following criteria. State how your request meets these conditions.

**Description of variance request:**

Included in variance application - requesting a variance for the property's allowed signage to comply with the current UDC, Article 11, rather than the sign ordinance in effect at the time of the PUD adoption, which is very restrictive in regards to allowed signage.

- 1. Does the requested variance violate the intent of the Unified Development Code or deprive the applicant of right commonly enjoyed by other properties in the same zoning district that comply with the same provisions?  
 Yes     No

Explain: The requested variance would comply with the current UDC, Article 11

- 2. Do special conditions or restricted area, shape, topography, or physical features exist that are irregular to the subject parcel of land and not applicable to other parcels of land in the same zoning districts?     Yes     No

Explain: The requested variance is for signage

- 3. Is the hardship the result of the applicant's own actions or intended for financial interest?     Yes     No

Explain: The requested sign variance is to improve the visibility of the property

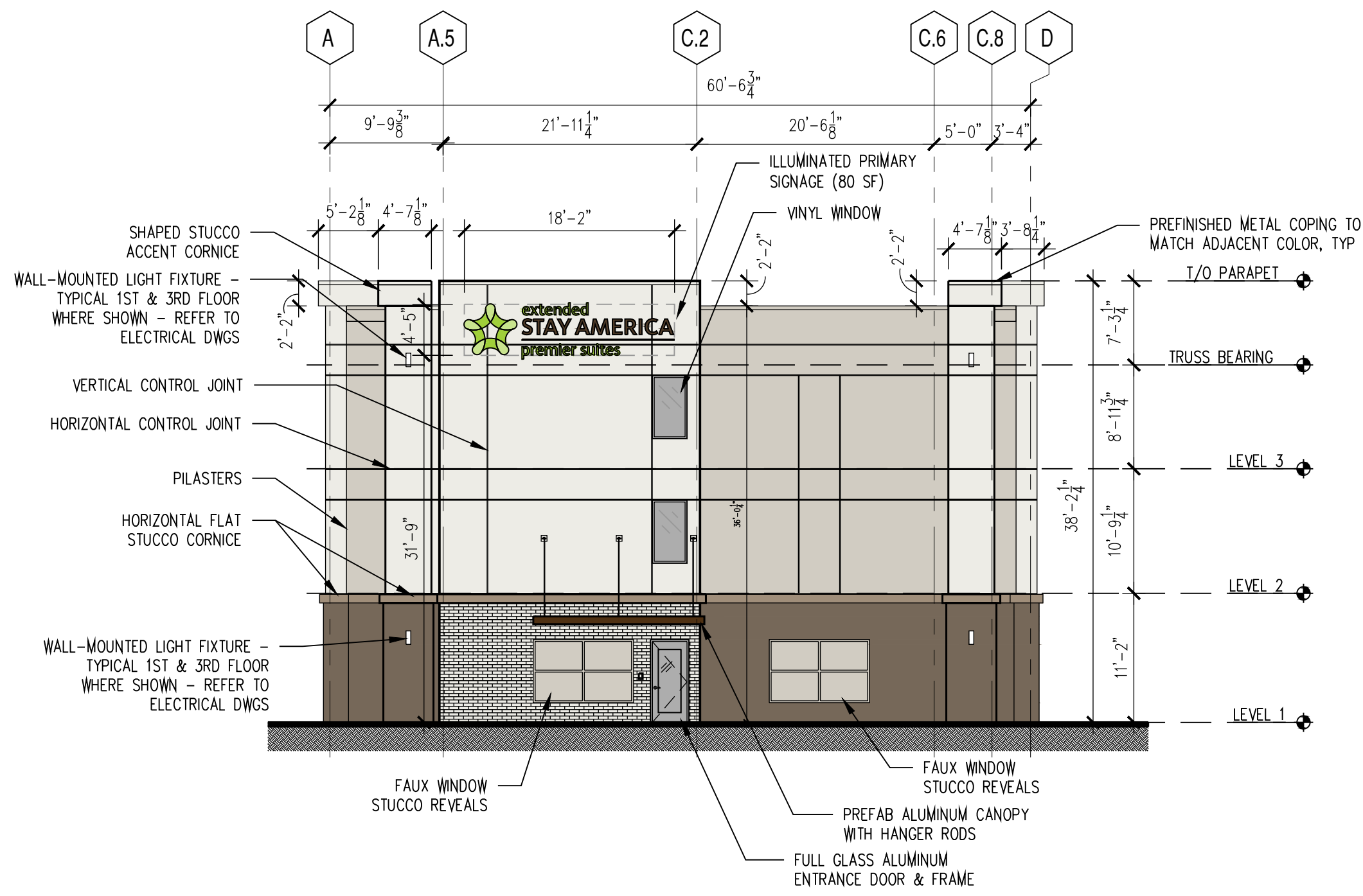
- 4. Would granting this variance be detrimental to the public welfare or injurious to the value of property in the vicinity?  
 Yes     No

Explain: The requested sign variance is to improve the visibility of the property and would comply with the current UDC. It appears that the nearby hotel property at 5601 Schertz Parkway may have obtained a similar variance as the sign variance being requested.

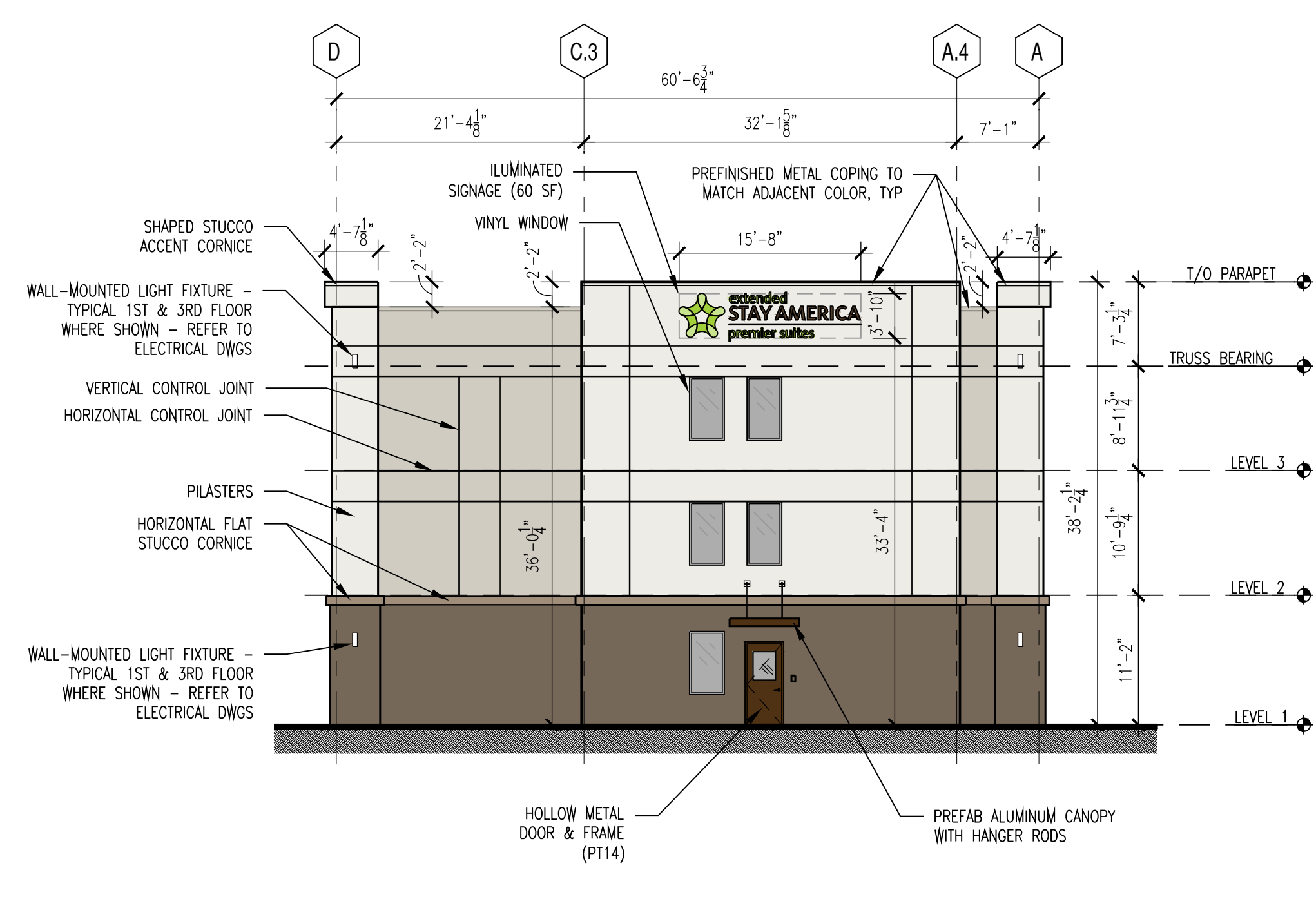
Preparer's Signature: Mason Miller

Printed Name: Mason Miller

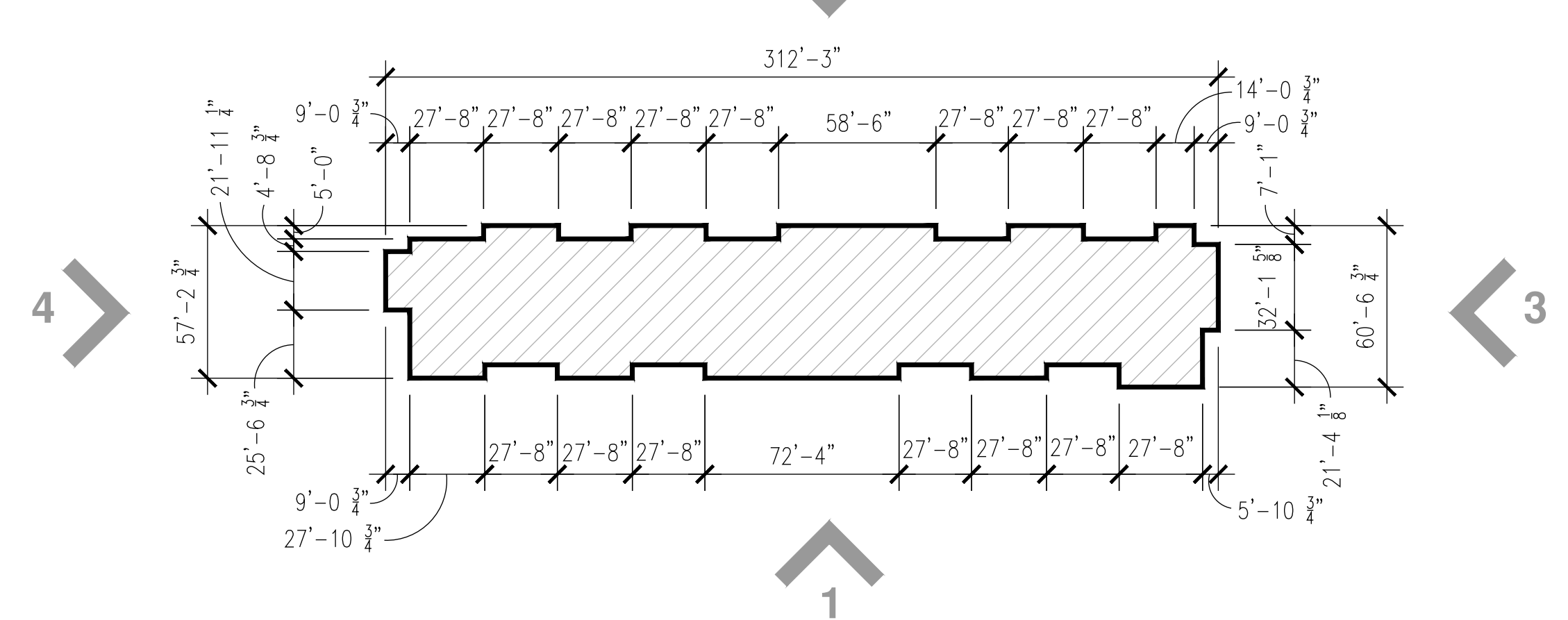
Date prepared: 4/12/2023



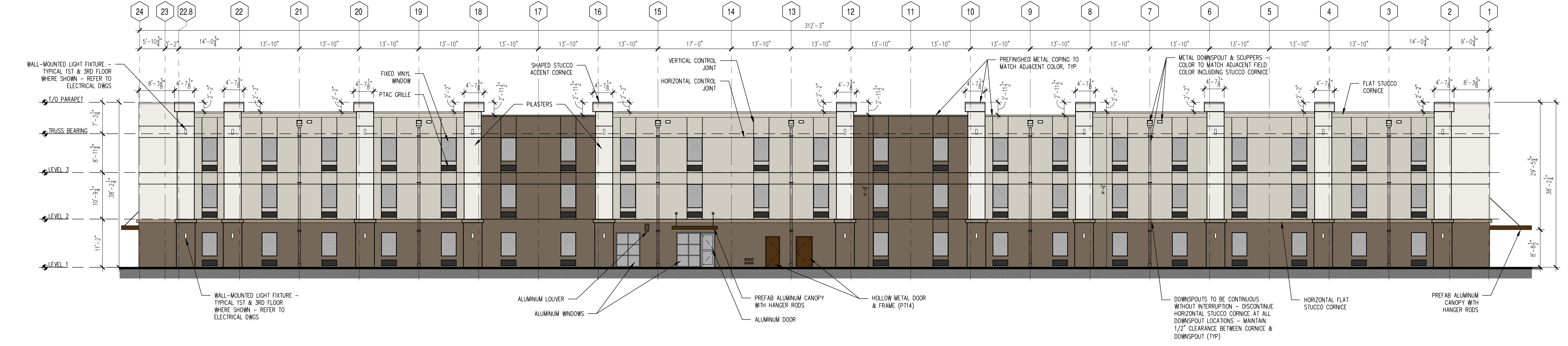
**4 NORTH ELEVATION**  
Scale: 3/32"=1'-0"



**3 SOUTH ELEVATION**  
Scale: 3/32"=1'-0"



**2 EAST ELEVATION**  
Scale: 3/32"=1'-0"



**1 WEST ELEVATION**  
Scale: 3/32"=1'-0"

**FINISH LEGEND:**

-  KINGSIZE BRICK BY ACME BRICK - PAINT PT13
-  STUCCO: PPG 1021-6 CURLEW - PT14
-  STUCCO: PPG 1025-1 COMMERCIAL WHITE - PT13
-  STUCCO: PPG 1025-3 WHISKERS - PT10
-  STUCCO: PPG 1025-4 SHARKSKIN - PT11
-  STUCCO: PPG 14-13 OYSTER SHELL - PT12
-  METAL: CP410 BRONZITONE

ORDINANCE NO. 07-S-14 A

**AN ORDINANCE**

**BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) ORDINANCE 96-S-28 BY REZONING 127.25±, 68.21±, AND 14.25± ACRES OUT OF THE TORRIBIA HERRERA SURVEY NO. 68, ABSTRACT NO. 153, IN GUADALUPE COUNTY AND COMAL, SCHERTZ, TEXAS FROM MANUFACTURE DISTRICT-LIGHT (M-1) AND GENERAL BUSINESS DISTRICT (GB) TO PLANNED UNIT DEVELOPMENT DISTRICT (PUD); PROVIDING AN EFFECTIVE DATE; AND PROVIDING A REPEALING CLAUSE.**

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

**THAT,** UDC Ordinance No. 96-S-28 of the City of Schertz, Texas is hereby amended in the following manner.

**SECTION I**

“Rezoning 127.25±, 68.21±, and 14.25± acres being situated out of the Torribia Herrera Survey No.68, Abstract No. 153, Guadalupe and Comal County, Schertz Texas, being more particularly described in the Field Notes and Map, as attached hereto as Exhibit A, and made a part hereof, from Manufacturing District-Light (M-1)and General Business District (GB) to Planned Unit Development District (PUD), according to the guidelines set forth in Exhibit “B”.

**SECTION II**

**THAT,** The Zoning District Map described and referred to in Article III, of the UDC, Ordinance 96-S-28 shall be changed to reflect the above amendments.

**SECTION III**

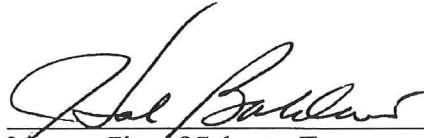
**THAT** this Ordinance shall be effective from and after its final passage and any publication required by the City of Schertz.

**SECTION IV**

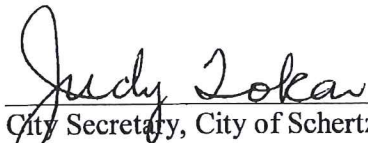
**THAT** all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Approved on first reading the 20th day of February, 2007.

PASSED, APPROVED AND ADOPTED the 6th day of March, 2007.

  
\_\_\_\_\_  
Mayor, City of Schertz, Texas

ATTEST:

  
\_\_\_\_\_  
City Secretary, City of Schertz, Texas

(SEAL OF THE CITY)

# EXHIBIT A

## METES AND BOUNDS DESCRIPTION FOR A 127.252 ACRE TRACT OF LAND

Being 127.252 acres of land out of the Torribia Herrera Survey No. 68, Abstract No. 153, Guadalupe and Comal County, Texas, and being out of that certain 234.13 acre tract of land as described in deed recorded in Volume 768, Page 800 and Volume 768, Page 812 of the Official Records of Comal County, Texas, and said 127.252 acre tract of land being more particularly described as follows:

Beginning at a 1/2" iron pin found for the most Westerly corner of Lot 8, Tri-County Business & Industrial Park Unit 2 as recorded in Volume 8, Page 121-124 of the Map and Plat Records of Comal County, Texas;

Thence with the Southwest lines of said Tri-County Business & Industrial Park Unit 2, Genuine Parts Subdivision as recorded in Volume 5, Page 396B, and Lot 11, Lot 10, and Lot 9 of Tri-County Industrial Park Unit 1, S 30° 03' 50" E a distance of 3656.22 feet to a 1/2" iron pin found in the Northwest right-of-way line of Interstate Highway No. 35

Thence with the Northwest right-of-way line of Interstate Highway 35, S 60° 00' 10" W, a distance of 859.17 feet to a 1/2" iron pin with cap stamped "FISHER" found for the Easterly corner of a 8.050 acre tract of land as described in Volume 1484, Page 902 of the Deed Records of Guadalupe County, Texas;

Thence with the Northeast lines of said 8.050 acre tract of land N 29° 56' 45" W a distance of 281.95 feet to a 1/2" iron pin with cap stamped "FISHER" found for the Easterly corner of Beacon Circle Subdivision Unit 1, said Beacon Circle Unit 1 being a portion of said 8.050 acre tract of land;

Thence continuing with a Northeast line, N 30° 01' 22" W a distance of 543.98 feet to a 5/8" iron pin found for an interior corner of this herein described tract of land, the most Northerly corner of said 8.050 acre tract of land;

Thence S 62° 14' 03" W a distance of 386.17 feet to a 5/8" iron pin found for a corner of said 8.050 acre tract of land;

Thence S 30° 54' 31" E a distance of 294.17 feet to a 1/4" iron pin with orange cap stamped "C & B PROP COR." set for an interior corner of this herein described tract of land, a northerly corner of a 0.775 acre tract of land as described in Volume 1279, Page 483 of the Deed Records of Guadalupe County, Texas;

Thence with the North and West boundary lines of said 0.775 acre tract of land the following calls:

S 59° 16' 06" W a distance of 60.00 feet to a 1/2" iron pin with orange cap stamped "C & B PROP COR." set at a point of curvature of a non tangent curve to the right,

Thence with said non tangent curve to the right having a radius of 172.39 feet, an interior angle of 33° 01' 36", an arc length of 99.37 feet, and a chord bearing and distance of S 14° 13' 09" E 98.00 feet to a 1/2" iron pin with orange cap stamped "C & B PROP COR." set;

Thence S 02° 24' 01" W a distance of 30.32 feet to a 1/2" iron pin with orange cap stamped "C & B PROP COR." set at a point of curvature of a curve to the left;

## EXHIBIT A (page 2)

Thence with said curve to the left having a radius of 232.39 feet, an interior angle of  $32^{\circ} 59' 25''$ , an arc length of 133.81 feet, and a chord bearing and distance of  $S 14^{\circ} 14' 12'' E 131.97$  feet to a  $\frac{1}{2}$ " iron pin with orange cap stamped "C & B PROP COR." set;

and  $S 30^{\circ} 43' 54'' E$  a distance of 299.34 feet to a  $\frac{1}{2}$ " iron pin with orange cap stamped "C & B PROP COR." set in the Northwest right-of-way line of said Interstate Highway No. 35;

Thence with said Northwest right-of-way line of IH 35,  $S 60^{\circ} 00' 15'' W$  a distance of 113.55 feet to a  $\frac{1}{2}$ " iron pin with cap stamped "FISHER" found for the most Southerly corner of this herein described 127.252 acre tract of land, the Easterly corner of a tract of land as recorded in Volume 584 Page 590 of the Deed Records of Guadalupe County, Texas;

Thence with the Southwesterly lines of this herein described tract of land, the following calls:

$N 30^{\circ} 06' 55'' W$  a distance of 1012.05 feet to an iron pin with cap stamped "FISHER" found for an interior corner of this herein described tract of land;  
and  $S 60^{\circ} 04' 32'' W$  a distance of 181.37 feet to an iron pin with cap stamped "FISHER" found in the East line of a 39.472 acre tract of land;

Thence  $N 30^{\circ} 05' 15'' W$ , passing an Easterly corner of a 27.741 acre tract of land at 768.09 feet, the Northerly corner of said 27.741 acre tract, the Easterly corner of a 14.232 acre tract of land at 1944.29 feet, and continuing a total distance of 2644.29 feet to a  $\frac{1}{2}$ " iron pin found for the Northern corner of said 14.232 acre tract of land, the Westerly corner of this herein described 127.252 acre tract of land, and being in the Southeasterly line of a 38.753 acre tract of land called a Save and Except tract as described in deed and recorded in Volume 768, Page 800 and Volume 768, Page 812 of the Official Records of Comal County, Texas;

Thence departing said Westerly corner and across said 234.173 acre tract of land,  $N 60^{\circ} 00' 57'' E$  a distance of 1672.17 feet to the Place Of Beginning and containing 127.252 acres of land.

Survey drawing prepared this day

January 26, 2005

  
Drew A. Mawyer  
Registered Professional Land Surveyor No. 5348

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Revised 5/11/2005

## EXHIBIT A (page 3)

### METES AND BOUNDS DESCRIPTION FOR A 68.207 ACRE TRACT OF LAND

Being 68.207 acres of land out of the Torribia Herrera Survey No. 68, Abstract No. 153, Comal County, Texas, and being those certain tracts described as a 27.741 acres in Volume 2078, Page 983 of the Deed Records of Guadalupe County, Texas, and the remainder of an 87.58 acre tract of land as recorded on Volume 60, Page 546 of the Deed Records of Comal County, Texas, and said 68.207 acre tract of land being more particularly described as follows:

Beginning at a Texas Department of Transportation Type II monument found at the Northerly cutback of Interstate Highway 35 and Lookout Road, and being a Southerly corner of this herein described 68.207 acre tract of land;

Thence with the Northeasterly line of Lookout Road, N 30° 10' 34" W, passing a ½" iron pin with red cap stamped "VICKERY" found for the Southerly corner of a called 27.741 acre tract of land at 1730.29 feet, and continuing a total distance of 2996.54 feet to a ½" iron pin with yellow cap stamped "KOLODZIE" found for the Southerly corner of a called 14.100 acres in Volume 443, page 446 of the Deed Records of Guadalupe County, Texas and Volume 188, Page 886 of the Official Records of Comal County, Texas, and being the most Westerly corner of this herein described 68.207 acre tract of land;

Thence departing said Lookout Road and with the Southeasterly line of said 14.100 acre tract of land, N 65° 14' 52" E a distance of 996.34 feet to a ½" iron pin with yellow cap stamped "KOLODZIE" found in the Southwesterly line of a 234.13 acre tract of land as described in deed recorded in Volume 768, Page 800 and Volume 768, Page 812 of the Official Records of Comal County, Texas, and being the Easterly corner of said 14.100 acres, the most Northerly corner of this herein described 68.207 acre tract of land;

Thence with the Southwesterly line of said 234.13 acres, S 30° 05' 15" E, passing a ½" iron pin with red cap stamped "FISHER" found for the most Easterly corner of said 27.741 acre tract of land, and continuing a total distance of 2974.83 feet to a ½" iron pin with orange cap stamped "C & B PROP COR." set in the Northwesterly right-of-way line of Interstate Highway 35;

Thence with said Northwesterly right-of-way line of Interstate Highway 35, the following calls:

S 65° 16' 27" W a distance of 206.69 feet to a 1" square iron pin found for a corner;

S 59° 55' 20" W a distance of 319.15 feet to a ½" iron pin with red cap stamped "VICKERY" found for a corner;

S 60° 04' 50" W a distance of 412.39 feet to a Texas Department of Transportation Type II monument found at a cutback to Lookout Road;

and N 74° 55' 25" W a distance of 71.02 feet to the Place Of Beginning and containing 68.207 acres of land.

## EXHIBIT A (page 4)

### METES AND BOUNDS DESCRIPTION FOR A 14.254 ACRE TRACT OF LAND

Being 14.254 acres of land out of the Torribia Herrera Survey No. 68, Abstract No. 153, Comal County, Texas, and being that certain tract described as 14.100 acres in Volume 443, page 446 of the Deed Records of Guadalupe County, Texas and Volume 188, Page 686 of the Official Records of Comal County, Texas, and said 14.254 acre tract of land being more particularly described as follows:

Beginning at a  $\frac{1}{2}$ " Iron pin found for the most Westerly corner of a 234.13 acre tract of land as described in deed recorded in Volume 768, Page 800 and Volume 768, Page 812 of the Official Records of Comal County, Texas, and being in the Southeasterly line of a 38.753 acre tract of land called a Save and Except tract as described in deed and recorded in Volume 768, Page 800 and Volume 768, Page 812 of the Official Records of Comal County, Texas, and being the most northerly corner of this herein described 14.254 acre tract of land;

Thence with the Southwesterly line of said 234.13 acre tract, S 30° 05' 15" E a distance of 671.22 feet to a  $\frac{1}{2}$ " Iron pin with yellow cap stamped "KOLODZIE" found for the most Northerly corner of a called 27.741 acre tract of land as recorded in Volume 2078, Page 983 of the Deed Records of Guadalupe County, Texas, and being the most Easterly corner of this herein described 14.254 acre tract of land;

Thence departing the Southeasterly line of said 234.13 acre tract of land, the Northerly corner of said 27.741 acre tract of land, S 65° 14' 52" W, a distance of 996.34 feet to a  $\frac{1}{2}$ " Iron pin with yellow cap stamped "KOLODZIE" found for the most Westerly corner of said 27.741 acre tract of land, the Northeast line of Lookout Road, and being the most Southerly corner of this herein described 14.254 acre tract of land;

Thence departing the Westerly corner of said 27.741 acre tract of land, and with the Northeast line of Lookout Road, N 30° 10' 34" W, a distance of 580.12 feet to a  $\frac{1}{2}$ " Iron pin found for a Southerly corner of said 38.753 acre tract of land, and being the most Westerly corner of this herein described 14.254 acre tract of land;

Thence with the common line of said 38.753 acre tract of land, and this herein described 14.254 acre tract of land, N 60° 00' 07" E a distance of 992.92 feet to the Place Of Beginning and containing 14.254 acres of land.

## EXHIBIT-B

February 8, 2007 Update

### Enterprise Business Park PUD Standards

#### I. DEFINITIONS

**A. Commercial Area**

That certain area designated as "Commercial Area" on Schedule 1 attached hereto and made a part hereof for all purposes.

**B. Façade**

Any exterior wall of a building exposed to public view [7.9C (a)].

**C. General Open Space**

An outdoor or unenclosed area located on the ground or on a roof, balcony, deck, porch or terrace, designed and accessible for outdoor recreation, pedestrian access or landscaping, excluding parking facilities and driveways [7.6A(a)].

**D. Gross Floor Area (GFA)**

The total area of the covered floor space measured between the center line of party walls, including the thickness of external walls, but excluding voids.

**E. Industrial Area**

That certain area designated as "Industrial Area" on Schedule 1.

**F. Major Electric/Telephone/Transmission Lines**

Any electric/telephone/transmission or other service line not having a direct building service/feed and which runs from metal poles [7.6C(i)].

**G. Permitted Uses**

All uses permitted by right within an "M-1" (Manufacture District – Light) zoning district under the Unified Development Code (Article IV, Section 5), and all uses permitted by right within a "GB" (General Business District) zoning district under the UDC (Article IV, Section 5), unless otherwise listed below under "Prohibited Uses".

**H. Prohibited Uses**

The following uses shall be prohibited on the property:

1. Animal control facility;
2. Flea market;
3. Portable building sales;
4. Recreational vehicle sales and service;
5. Sexually Oriented Business;
6. Trailer/Manufactured homes sales;
7. Truck sales/heavy equipment;

8. Waste disposal facility (public);
9. Wrecking or salvage yard; and
10. Any use that emits noxious or hazardous odors.

**I. Significant Natural Features**

Unique natural features, the destruction of which would constitute a significant loss for a larger community (local, state, national or global), including, but not limited to, wetlands, creeks or rivers or karst formations (limestone caves) [7.6A(b)].

- J. Tractor-Trailer** An articulated truck consisting of a towing engine and a semi-trailer (plus possible additional trailers) that carries freight.

**K. Typical Utility Mains/Service Lines**

Water mains, sanitary sewer mains, electrical lines, telephone lines, cable television lines, fiber optic lines or similar lines, and storm drain pipes/box culverts other than Major Electric/Telephone/Transmission Lines [7.6C(i)].

**L. UDC**

The City of Schertz Unified Development Code, which is Ordinance No. 96-S-28.

Note: Any corresponding existing UDC provision, proposed for amendment or requiring additional specificity in the form of new definitions below, is referenced in brackets.

**II. GENERAL DEVELOPMENT STANDARDS**

Except as noted herein, the terms of the City of Schertz Planned Unit Development (PUD) Ordinance 05-S-50, which is Section 7 of the UDC, shall apply. Unless otherwise specified herein, all future development on the Property shall be governed by the terms of the UDC in effect of the effective date of this zoning ordinance.

**III. AMENDMENTS TO GENERAL DEVELOPMENT STANDARDS**

**A. General Open Space Provisions**

1. General Open Space shall not be required to exceed landscaped areas (excluding medians) and drainage channels [7.6A(a)].
2. The Property has no significant natural features to preserve [7.6A(b)].
3. All six (6) inch DBH (Diameter at Breast Height) hardwood trees shall be preserved or mitigated and

inventoried, except for those located within a proposed building footprint [7.6A(e)].

4. All medians and drainage channels shall be maintained as common areas by business park management [7.6B(b)].

**B. Screening and Buffering**

Screening and buffering may be accomplished via landscaping, trees (including existing trees), fences, walls, or any combination thereof. Fences and walls may be at heights desired by Developer, but with a minimum height of six (6) feet [7.6C (e)].

**C. Interconnectivity**

Vehicular interconnectivity shall be provided for all contiguous buildings in the Commercial Area along the IH-35 frontage road [7.6C(f)].

**D. Screening of Trash Enclosures**

All trash enclosures shall be screened from view utilizing landscaping, trees, fences, walls, or any combination thereof, and shall have a minimum height of six (6) feet [7.6C(g)].

**E. Utilities**

Typical Utility Mains/Service Lines shall be buried, except for Major Electric/Telephone/Transmission Lines [7.6C(i)].

**F. Stormwater**

The project shall demonstrate that, as compared with the condition that would have existed on the Property without development, no phase of the PUD shall result in a net loss in storage capacity for stormwater. The project must comply with Federal Emergency Management Administration (FEMA) requirements, including the Code of Federal Regulations (CFR) 44 [7.6C(j)].

**IV. AMENDMENTS TO COMMERCIAL AREA DEVELOPMENT STANDARDS**

**A. Building Height**

Commercial building height shall be limited to a maximum of sixty (60) feet [7.9A(a)].

**B. Parking**

One hundred percent (100 %) of parking spaces shall abut either a landscaped separation or a sidewalk, except for service parking areas behind the buildings [7.9A(g)].

**C. Commercial Architectural and Site Design**

1. Every one hundred (100) feet of building length shall incorporate a minimum of one (1) architectural element, such as an arcade, roof, alcove, portico or awning [7.9C(a)].
2. The primary orientation of the commercial/retail buildings shall be toward a street, excepting any office pad sites within the Commercial Area. For the purposes of this requirement, a building shall be deemed oriented toward a street if the major entry feature of the building generally faces the street. [7.9C(d)].
3. Loading docks shall be located at the rear of commercial/retail buildings [7.9C(f)].
4. Windows shall be inset a minimum of three (3) inches [7.9C(h) & 7.9C(i)].

**V. AMENDMENTS TO INDUSTRIAL AREA DEVELOPMENT STANDARDS**

**A. Building Height**

Industrial building height shall be limited to a maximum of forty-five (45) feet [7.10B(a)].

**B. Screening**

1. Service or storage yards shall be screened with a minimum height of six (6) feet, but they may be located other than at the rear of the building [7.10B(c)(3)].
2. Loading docks shall be screened with landscaping, trees, fences, or walls, or any combination thereof, and at a minimum height of six (6) feet [7.10B(d)].

**C. Industrial Architectural and Site Design**

1. Awnings will be incorporated into the building designs where commercially reasonable [7.10D(a) & 7.10D(b)].
2. Parking shall be permitted in the front of buildings [7.10D(g)].

**VI. AMENDMENTS TO SIGN STANDARDS**

**A. Permitting [Article IX, 5.1]**

1. Commercial Area  
Permitting from the City of Schertz is required initially for each sign in the Commercial Area. However, no permits are required to relocate "For Sale" or "For Lease" signs in the Commercial Area.

2. Industrial Area  
Permitting is not required for the installation of "For Sale" or "For Lease" signs in the Industrial Area.

**B. Number of Signs (General Provisions)**

Except as noted herein, all businesses/tenants shall be permitted two (2) exterior on-premise signs: one (1) wall sign and one (1) free-standing sign. Additionally, if the façade length of a building exceeds five hundred (500) feet, two (2) monument signs shall be permitted at a distance of at least four hundred (400) feet from each other [Article IX, 7.3].

**C. Maximum Height (Monument Signs)**

Project identification monument signs along Interstate 35 shall not exceed a maximum of nine (9) feet in height. Monument signs within the Commercial Area shall not exceed five (5) feet six (6) inches in height. Monument signs in the Industrial Area shall not exceed twelve (12) feet, four (4) inches in height [Article IX, 7.5C].

**D. Maximum Square Footage (Monument Signs)**

Monument signs along Interstate 35 shall not exceed two hundred fifty (250) total square feet per sign side. Other monument signs (i.e., not located along IH-35) shall not exceed one hundred eighty (180) total square feet per sign side [Article IX, 7.5D].

**E. Number of Signs (Industrial Area Monument Signs)**

One (1) monument sign shall be permitted for each building in the Industrial Area; provided, however, if the façade length of a building exceeds five hundred (500) feet, two (2) monument signs shall be permitted at a distance of at least four hundred (400) feet from each other [Article IX, 7.5E].

**F. For Sale or Lease Signs (Real Estate Signs)**

There shall be a maximum of one (1) "For Sale" or "For Lease" sign for each building façade fronting a public or private street or private driveway, unless the building façade length exceeds five hundred (500) feet, in which case two (2) "For Sale" or "For Lease" signs shall be permitted, but no closer than within four hundred (400) feet of each other [Article IX, 7.13(3)].

**G. Number of Signs (Multi-Tenant)**

In addition to the signs otherwise permitted herein, multi-tenant buildings shall be permitted to have a directory sign at each intersection of a public or private street or private driveway [Article IX, 8.9B(1)].

**H. Maximum Square Footage (Multi-Tenant)**

Tenant signs grouped in a directory arrangement shall not exceed twenty four (24) square feet for each tenant sign [Article IX, 8.9B(2)].

**VII. PARKING [Article X, 7.2]**

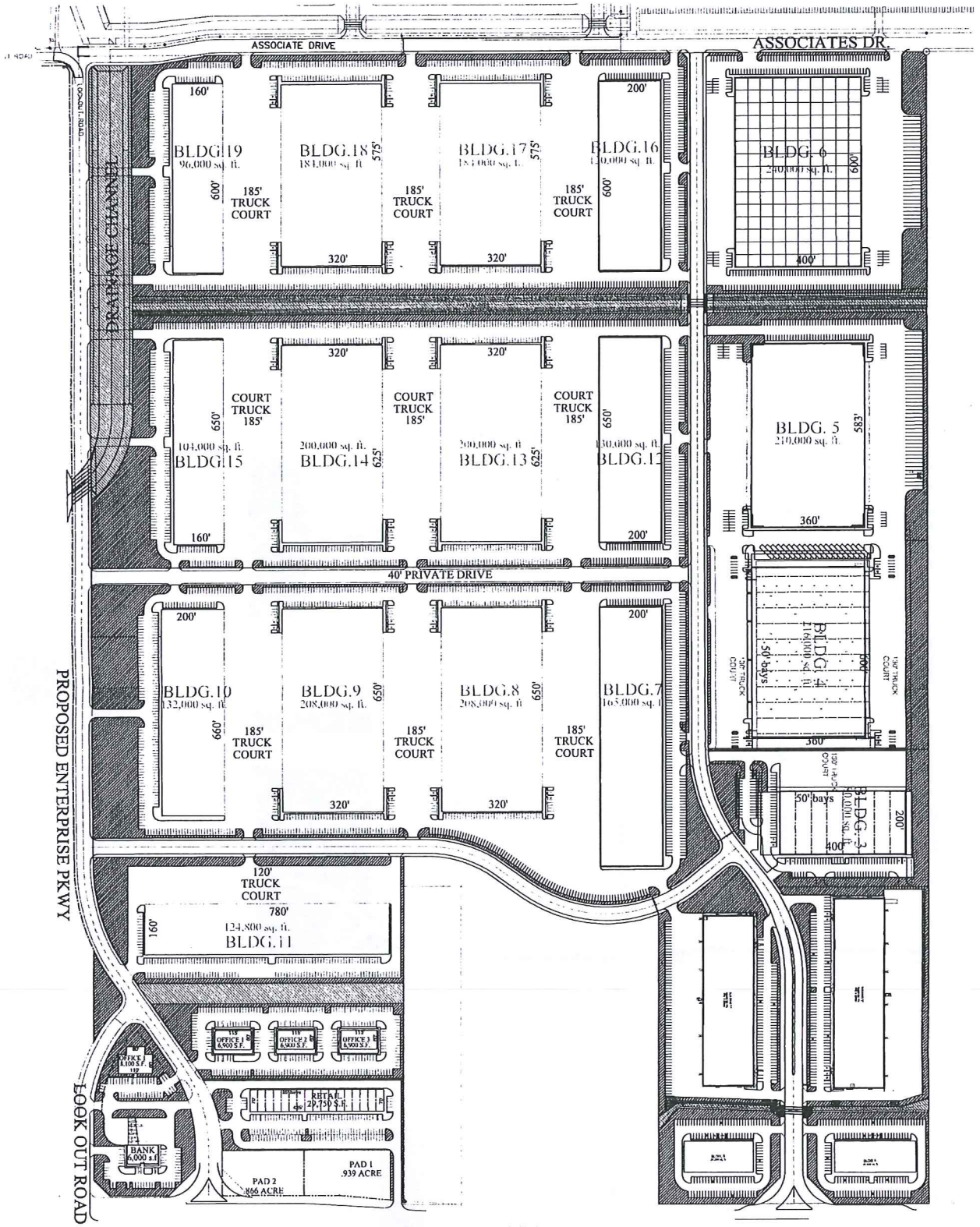
The following parking ratios shall be:

1. Commercial  
Office: 3 spaces/1000 sf GFA; and  
Retail: 4 spaces/1000 sf GFA;
2. Warehouse Buildings under 150,000 sf  
Office: 3 spaces/1000 sf GFA; and  
Warehouse: 1 space/5000 sf GFA;
3. Warehouse Buildings over 150,000 sf  
Office: 3 spaces/1000 sf GFA; and  
Warehouse: 1 space /10000 sf GFA; and
4. Excess Tractor-Trailer Parking Ratios  
Buildings containing 300,000 square feet of GFA or more shall have a staging area requirement of one (1) trailer per five (5) dock doors, with staging allowed against any buildings that have no dock doors.

**VIII. PARKING LIGHTING [Article X, 9.3]**

1. Commercial Area  
In the Commercial Area, lighting shall be shielded to reduce lighting of adjacent properties.
2. Industrial Area  
In the Industrial Area, lighting shall be appropriate to provide adequate security for the area.





INTERSTATE HIGHWAY 35  
 EXHIBIT "D"  
 LANDSCAPE GENERAL OPEN SPACE PLAN





## ARTICLE IX-SIGN STANDARDS

### SECTION - 1 PURPOSE

IX.1.1 The City recognizes the safety, commercial, emergency, and informational needs for signs. This Article has been adopted to protect the health, safety, and welfare of the citizens by regulating the location, construction, duration, size, height, installation, and maintenance of all signs within the jurisdiction of the City, including its ETJ. Additionally, this Article is intended to enhance property values, maintain aesthetic attractiveness, and promote commercial opportunity in the City, and to support and further the objectives of the City's Comprehensive Land Plan.

### SECTION - 2 DEFINITIONS

Abandoned or Obsolete Sign: A sign that no longer serves to direct attention to a business product, service, or activity, which is no longer conducted upon the premises.

Advertising: To convey information, to seek the attraction of or to direct the attention of the public to any location, event, person, activity, goods, service or merchandise.

Balloon Sign: Inflatable and other gas filled advertisement devices.

Bandit Sign: Any temporary ground sign announcing a subdivision or new development.

Bench Sign: A sign painted on or affixed to a bench normally used for outdoor seating.

Billboard: A structure primarily erected to display an off-premise sign.

Board of Adjustment: The Commission established by City Council under the City Charter and the Texas Local Government Code that reviews and acts upon variance requests.

Builder Directional or Development Sign: Any temporary realty sign that announces a new subdivision or model home.

Building Mounted Sign: A sign attached to, or supported by any part of the building that encloses or covers usable space and is related to the business within, including but not limited to wall signs, signage on awnings, canopies, or marquees, and projecting signs.

City Building Official: The individual appointed by the City Manager, or their designated representative charged with the enforcement of this Article.

Community Service Sign: Any sign that solicits support for or advertises a non-profit community use or activity, public use or activity, or social institution.

Damaged Sign:

- A. Any sign where any portion of the finished material, surface or message area of the sign is visibly faded, flaked, broken off, missing, cracked, splintered, defective or is otherwise deteriorated or in a state of disrepair so as not to substantially appear as it was intended or designed to appear when originally constructed; or

## ARTICLE IX-SIGN STANDARDS

- B. Any sign whose elements or the structural support or frame members are visibly bent, broken, dented, torn, twisted, leaning or at angles other than those at which it was originally erected.

Directional Sign: Any sign designed to provide direction to pedestrian and/or vehicular traffic.

Electric Sign: Any sign containing or using electrical power.

Electronic Sign: A variable message sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.

Flag: A piece of fabric or distinctive design that is used as a symbol or as a signaling device.

Freestanding Sign: A sign that is not attached to a building and which is self supporting.

Garage Sale Sign: (See Code of Ordinances Chapter 10).

Governmental Sign: Any sign indicating public facilities, work projects, services or other places, programs, or activities conducted by the federal, state or any local government.

Identification Sign: A sign whose purpose is to identify:

- A. *Street Address Sign/Markers:* Address signs are composed of a numeric address and street or complex name. Street markers are signs adjacent to streets required by local government.
- B. *On-Premise Business Signs:* Any sign which relates to the premises on which it is located, referring exclusively to the name, location, product, person, accommodation, service, or activity of those premises, or the sale, lease or construction of those premises.
- C. *Personal, or Professional Signs and Nameplates:* Any sign that lists exclusively a name or names (including family/farm name signs).

Illegal Sign: A sign erected without a required permit, without the property owner's permission, or any sign not meeting the requirements established in this Article.

Limited Access Highways: Interstate Highway 35 and Interstate Highway 10.

Multi-Tenant Sign: A sign that identifies the names and locations of tenants in a multi-tenant building or in a development made up of a group of buildings.

Monument, Low Profile or Berm Sign: A permanent freestanding ground sign.

Non-Conforming Sign: A sign that was legally installed or modified in accordance with local laws, ordinances and approvals in effect at the time of installation or last significant modification, but which does not comply to laws or ordinances enacted subsequent to that time.

Off-Premise Sign: Any sign that relates to products, services, or activities not located on or offered on the premises where the sign is located.

## ARTICLE IX-SIGN STANDARDS

On-Premise Sign: Any sign relating to the premises on which it is located referring to names, locations, products, services or activities on or offered on such premises, or the sale, lease, or construction of such premises.

Pennant: Any long, narrow, usually triangular flag composed primarily of cloth, paper, fabric or other similar non-rigid material, which may be used to announce grand openings and/or special events.

Political Sign: Any sign announcing or promoting the candidacy of one or more persons for elective public office, concerning any political issue appearing, or which is to appear, on the ballot in any public election, or otherwise relating to issues of national, state, or local governmental affairs.

Portable or Mobile Sign: Any sign designed or constructed to be easily moved from one location to another or designed to be mounted upon a trailer, wheeled carrier, or other non-motorized mobile structure. A portable or mobile sign which has its wheels removed shall still be considered a portable or mobile sign under this Article.

Prohibited Sign: Any sign that does not meet the requirements established in this chapter Article.

Realty Sign: A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

Roof Sign: Any sign wholly erected on, affixed to or supported by a roof of a building.

Setback: The horizontal distance between a sign and the property line, as measured from the outer most part of the sign, including its extremities and supports, nearest to any point on an imaginary vertical plane projecting from the property line.

Shopping Center: Two (2) or more retail stores and/or service establishments, or one (1) or more retail stores and one (1) or more service establishments sharing customer parking area and entrance ways, regardless of whether said stores and/or establishments occupy the same or separate structures or are under separate ownership.

Sign: A name, identification, description, display, or illustration which is affixed directly or indirectly upon the exterior of a building or structure or upon a piece of land which directs attention to an object, person, product, place, activity, service institution, or business.

Sign Area: The area of any sign shall be the sum of the area enclosed by the minimum imaginary rectangles, triangles, or circles which fully contain all extremities of the sign, including the frame, all words, numbers, figures, devices, designs, or trademarks by which anything is made known, but excluding any supports. To compute the allowable square footage of sign area, only one (1) side of a double-face sign shall be considered.

Sign Height: The vertical distance between the highest part of a sign or its supporting structure, whichever is higher, and the average established ground level beneath the sign.

## ARTICLE IX-SIGN STANDARDS

Subdivision or Neighborhood Sign: Any sign used to mark the entrance to a specific subdivision or neighborhood. Usually a low profile monument sign designed in such a way as to indicate the name of the specific community and placed at the main entry to such community.

Unlimited Access Highway: State Farm to Market Roads 78, 482, 1103, 1518, 2252, 3009 and Schertz Parkway.

Variance: Relief granted for an exceptional condition that poses a practical difficulty or particular hardship in such a way as to prevent an owner from displaying a sign as required by this Article. Such practical difficulty or hardship must be clearly exhibited and must be a result of an external influence and not be self-imposed.

Visibility Triangle: The triangular sight area from the corner of converging streets to a distance of twenty-five feet (25') along each street with the triangle completed by drawing a line through the property from both twenty-five foot (25') points on the converging streets.

Wall Sign: Any sign painted on, attached to or projected from the wall surface of a building (whether permanent or portable), including window signs and signs on awnings and/or marquees.

### SECTION - 3 APPLICABILITY

IX.3.1 General Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

- A. *Other Laws:* The provisions of this Article shall not be deemed to nullify any other provisions of federal or state law.
- B. *Partial Invalidity:* In the event any part or provision of this Article is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.
- C. *Existing Signs:* All signs legally in existence on the date of the adoption of this Article shall be permitted to continue without change.

### SECTION - 4 ADMINISTRATION

IX.4.1 General: The Building Official is hereby authorized and directed to enforce the provisions of this Article and other laws and ordinances applicable thereto. The Building Official shall have the authority to render interpretations of this Article and other laws and ordinances applicable thereto, and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this Article and shall not have the effect of waiving requirements specifically provided for herein.

IX.4.2 Applications: The Building Official shall receive applications, review plans and documentation and issue permits for the erection, installation, enlargement, alteration, and repair of all signs within the City of Schertz and its ETJ.

## ARTICLE IX-SIGN STANDARDS

IX.4.3 Inspection: The Building Official or designated representative shall make all inspections necessary to ensure compliance with all state and local requirements governing signage.

IX.4.4 Notices and Orders: The Building Official shall issue all necessary citations, notices or orders to ensure compliance with this Article.

IX.4.5 Right of Entry: Where it is necessary to make an inspection to enforce the provisions of this Article, or where the Building Official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this Article, the Building Official is authorized to enter premises at reasonable times to inspect or to perform the duties imposed by this Article, provided that if such premises are occupied that credentials be presented to the occupant and entry requested. If such premises are unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

IX.4.6 Department Records: The Building Official shall keep official records of applications received, permits issued, fees collected, reports of inspections, and citations, notices and orders issued. Such records shall be retained in the official records for the period required by the State of Texas for the retention of public records.

IX.4.7 Liability: The Building Official, members of the Board of Adjustment, or City employees charged with the enforcement of this Article, while acting for the City of Schertz in good faith and without malice in the discharge of the duties required by this Article or other pertinent laws or ordinances, shall not thereby be rendered liable personally and are hereby relieved of personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Article shall be defended by a legal representative of the City of Schertz until the final termination of the proceedings. The Building Official or any subordinate shall not be liable for cost in any action, suit, or proceeding that is instituted in pursuance of the provisions of this Article.

### SECTION - 5 GENERAL REQUIREMENTS

IX.5.1 Permit Required: No person shall erect, alter or display any sign nor shall any person allow the erection, alteration, or display of any sign upon any property within the City of Schertz or its ETJ owned or controlled by them without first obtaining a sign permit to do so from the Building Official, except as hereinafter provided. No sign permit shall be released by the Building Official until after the building permit for the principal building on the site has been issued, except as hereinafter provided.

- A. *Electrical Permit:* No person shall install and connect electrical systems for a sign within the City of Schertz or its ETJ without first obtaining a electrical permit to do so from the Building Official, except as hereinafter provided. The Building Official shall issue no electrical permit for a sign until after the principal sign permit for such work has been issued.

## ARTICLE IX-SIGN STANDARDS

B. *Work Exempt From a Permit:* Exemption from the permit requirements of this Article shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Article or any other laws or ordinances of the City of Schertz.

1) *Governmental Sign - Any sign:*

- a. Erected or maintained pursuant to and in discharge of government functions;
- b. Required by law, ordinance or City regulation; or
- c. Located on property owned, leased or under the control of the federal or state government.

2) *Political Sign:* Any political sign that meets all applicable state requirements.

3) *Railway Sign:* Any sign within the railway right-of-way placed and maintained in reference to the operation of such railway.

4) *Utility Sign:* Any sign marking utility or underground communications or transmission lines.

5) *Vehicle Sign:* Any sign displayed or used upon motorized vehicles.

6) *Holiday Sign:* Any temporary sign containing only holiday messages and no commercial advertising.

7) *Plaques:* Any commemorative sign of a recognized historical society or organization.

8) *Private Traffic Control Sign:* Any on-premise sign that directs the movement of traffic on private property or warns of obstacles, overhead clearances, or controls parking, including, but not limited to, entrance and exits signs. The sign must be less than ten (10) square feet in effective area, less than six (6) feet in height, and be placed where it will not interfere with the safe movement of vehicles or pedestrians.

9) *Electrical Repairs and Maintenance:* An electrical permit shall not be required for minor repair work to any sign, including the replacement of lamps or the connection of approved portable electrical equipment to approve permanently installed receptacles.

IX.5.2 Application: The following information shall be required for each application for a permit:

A. Completed building permit application obtained from the Inspection Department.

B. A site plan which includes:

- 1) Location of all buildings, structures or tracts to which or upon which the sign is to be attached or erected.
- 2) Position of the sign in relation to rights-of-way, easements, buildings or structures and other existing signs.

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- C. Plans that illustrate height, length, width and all other dimensions associated with the sign. Plans shall include all electrical elements of the sign.
- D. Letter or copy of a contract signed by the owner of the property stating that the applicant has permission to erect such sign.

IX.5.3 Fees: All fees for a sign permit shall be in accordance with the current fee schedule adopted by City Council.

- A. A permit shall not be valid until such fee has been paid. An amendment to a permit shall not be released until the additional fees, if any, have been paid.
- B. Where work for which a permit is required by this Article has been started prior to obtaining a permit, the fees established by City Council shall be doubled. Payment of such double fees shall not relieve any person(s) from any other penalties prescribed by this Article or any other law or ordinance applicable thereto.

IX.5.4 Action on Application: The Building Official shall examine or cause to be examined application for permits and amendments thereto within fifteen (15) business days after filing. If the application or the construction documents do not conform to the requirements of this Article and other pertinent laws or ordinances, the Building Official shall reject such application in writing, stating the reasons therefore. If the Building Official is satisfied that the proposed work conforms to the requirements of this Article and other laws and ordinances applicable thereto, the Building Official shall issue a permit therefore as soon as practicable.

IX.5.5 Time Limitation of Application: An application for a permit for any proposed work for which a permits has not been issued shall be deemed abandoned six (6) months after the date of filing. The Building Official may, in his discretion, grant one or more extensions for additional time not exceeding ninety (90) days each. The extension shall be requested in writing and justifiable cause demonstrated.

IX.5.6 Condition of Permit: A permit issued under this Article shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter, or set aside any of the provisions of this Article or other law or ordinances applicable thereto. Nor shall issuance of a permit prevent the Building Official from thereafter requiring correction of errors in plans, construction, or removing violations of this Article or other laws or ordinances applicable thereto. Every permit issued shall become invalid within six (6) months after its issuance if the work is not completed unless otherwise stated in this Article. One or more extensions of time, for periods not more than ninety (90) days each, may be allowed at the discretion of the Building Official. The extension shall be requested in writing before such permit has expired. Permits issued under this Article are non-transferable from one person to another.

IX.5.7 Suspension or Revocation: The Building Official is authorized to suspend or revoke a permit issued under this Article whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of this Article or any other laws or ordinances applicable thereto.

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IX.5.8 Public Right-of-way, Alleys and Easements: A permit shall not be given by the Building Official for the placement of a sign that will encroach upon any public right-of-way, alley or utility or drainage easement.

IX.5.9 Placement of Permit: The permit or copy thereof shall be kept on the site until the work permitted is completed.

IX.5.10 Temporary Signs: The Building Official is authorized to issue a permit for temporary signs. Such permit shall be limited as to time of service, but shall not be permitted for more than forty-five (45) days, and shall not exceed four (4) permits per calendar year. The Building Official is authorized to grant extensions for demonstrated cause. Temporary signs shall conform to all the requirements of this Article and other applicable laws and ordinances. The Building Official is authorized to terminate any permit for a temporary sign, if the sign is determined abandoned or in violation of this Article or other applicable laws or ordinances.

IX.5.11 Appeal: An individual who has been denied permit or had a permit revoked may appeal in writing along with the established filing fee to the Board of Adjustment within ten (10) days after the date of denial or revocation.

## SECTION - 6 REMOVAL OF SIGNS

IX.6.1 Maintenance of Signs: Every sign shall be maintained in good structural condition at all times. All signs shall be kept neatly painted including all metal parts and supports that are not galvanized or of rust resistant material. On undeveloped parcels of land, the area between any sign and the street or highway to which the sign is oriented and the area within twenty-five (25') feet of such sign must be kept free and clear of debris, trash, and weeds or other refuse.

IX.6.2 Damaged Signs: which are determined by the Inspection Department to be a public hazard or in a state of disrepair shall be repaired or removed within ten (10) days of written notification to the property owner by the Building Official.

IX.6.3 Abandoned Signs: Signs which are determined by the Inspection Department to be abandoned shall be removed or otherwise painted over and neutralized within thirty (30) days of written notification to the property owner by the Building Official.

IX.6.4 Extensions: The Building Official shall have the authority, but not the obligation, to grant extensions as necessary to resolve a damaged or abandoned sign. The extension shall be requested in writing and justifiable cause demonstrated.

IX.6.5 Signs in Right-of-way and/or Public Property: Any sign that is erected, constructed or otherwise located within or upon public right-of-way or on public property may be removed by City personnel and disposed of immediately. The City is not required to notify the owner of the sign of its removal and disposal.

IX.6.6 Illegally Erected Temporary Sign: Any temporary sign that is erected, constructed or otherwise displayed, without a permit or in direct violation of this Article may be removed by City personnel and disposed of immediately. The City is not required to notify the owner of the sign of its removal and disposal.

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IX.6.7 Illegally Erected Permanent Sign: Any permanent sign installed without a permit or in direct violation of this Article shall be removed by the owner of the sign or property within ten (10) days of written notification by the Building Official.

IX.6.8 Filing of Liens Against Property: The City is authorized to file a lien against any property which is not otherwise exempt to recover expenses incurred by the City for the removal of a sign or portion of a sign.

IX.6.9 Appeal: Any decision rendered by the Building Official or other City personnel in the enforcement of this Article may be appealed to the Board of Adjustment by any person, agent, or representative affected by such decision. Such appeal must be in writing and received within ten (10) days of a decision rendered along with the established fee.

**SECTION - 7 GENERAL SIGN PROVISIONS**

IX.7.1 Wind and Dead Load Requirements: All signs shall be designed and constructed to withstand a wind load of not less than thirty-two (32) pounds per square foot of area and shall be constructed to receive dead loads as required by building codes adopted by the City of Schertz. The sign application must include a statement signed by the applicant that states compliance with this requirement.

IX.7.2 Location of Business/Residential: All business and residential locations shall be identified by an address, which is clearly visible from the street.

IX.7.3 Number of Signs: All businesses shall be authorized two (2) exterior on-premise signs pertaining to the primary occupancy, products or service of a building or structure: one (1) sign located on the building and one (1) freestanding sign.

Exception: Lots that front two (2) intersecting streets may be allowed four (4) signs pertaining to the primary occupancy, products or service of a building or structure: two (2) signs located on different elevations of the building and two (2) freestanding signs, one (1) freestanding sign facing each thoroughfare.

IX.7.4 Wall Sign:

- A. *General:* Unless otherwise specifically provided, the regulations set forth in this subsection shall be applicable to all wall signs. Wall signs may not be attached to light fixtures, poles, or trees. The direct painting of wall signs on buildings shall be prohibited except for wall signs less than three (3) square feet in area used for building identification.
- B. *Minimum/Maximum Letter/Logo Height:* The minimum height allowed for letters on a wall sign shall be six (6") inches. The maximum height allowed for letters or logos shall be based on the following criteria:

Distance From R.O.W.	Maximum Letter/Logo Height
Less than 100 ft.	12 inches
101—150 ft.	18 inches
151—200 ft.	24 inches
201—250 ft.	30 inches

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251—300 ft.	36 inches
301 ft. and greater	42 inches

- C. *Maximum Area:* The maximum area of a wall sign shall be no greater than fifteen (15) percent of the wall space or eighty (80) square feet, which ever is less.
- D. *Roofline Limitations:* In no case shall a wall sign project above the roofline of any building nor extend above the parapet wall if attached thereto. Wall signs shall be no closer vertically to the eave of the roofline or overhang than the predominant letter height. Wall signs may be attached to a continuous plane fascia if the sign does not extend above or below the projection of the fascia. Signs attached to fascia are only allowed when attached to structural canopy supported to the ground by columns constructed of similar masonry material as the primary structure.
- E. *Illumination:* Wall signs may be illuminated utilizing only internal lighting. Exterior letters with exposed neon lighting are not allowed.
- F. *Protrusions:* Wall signs may not protrude farther than eighteen (18") inches from the building, excluding signs attached to canopies.
- G. *Adjacent Residential:* Wall signs shall not be located on any façade (other than the main front of the building) which faces property zoned for single-family residential uses if the sign is within one hundred and fifty (150') feet of the property line of said residential property.
- H. *Multi-tenant Wall Signs:* Only one (1) wall sign per lease space shall be allowed along each street frontage on any site unless otherwise specifically provided for in this Article. A secondary wall sign may be permitted at a public entrance provided the entrance is on another side of the building but shall be limited to twenty-five (25) percent of the primary or permitted wall sign size. No more than two (2) wall signs shall be allowed per lease space. Wall signs shall be located within the first story of the main exterior entrance for a building or lease space.

IX.7.5. Monument Sign:

- A. *General:* Unless otherwise specifically provided, the regulations set forth in this subsection shall be applicable to all monument signs that are allowed under this Article.
- B. *Minimum Letter/Logo Height:* The minimum height allowed for letters on monument signs shall be six (6") inches.
- C. *Maximum Height:* The maximum height of a monument sign shall be four (4') feet, excluding monument base and sign structure. The monument base may be an additional eighteen (18") inches in height measured from ground level at the center of the base to the top of the base. The sign structure shall not exceed five feet six inches (5' 6") in overall height.

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- D. *Maximum Area:* The maximum area of a monument sign shall not exceed one hundred (100) square feet with a maximum area per sign face of fifty (50) square feet.
- E. *Number of Signs:* Only one (1) monument sign, excluding menu board signs, shall be allowed along each street frontage on any site unless otherwise specifically provided in this Article.
- F. *Minimum Setback:* The minimum setback of all monument signs shall be fifteen (15) feet from any property line.
- G. *Material Requirements:* All monument sign bases shall be constructed of the same masonry material as the front building façade on the site, or shall be stone or brick. The monument sign structure must be constructed or covered with the same masonry material as the principal building or stone, or brick. Sculpted aluminum sign panels will be allowed. All sign text and graphic elements shall be limited to a minimum of six inches from the outer limits of the sign structure.
- H. *Illumination:* Monument signs may only be illuminated utilizing internal lighting for sculpted aluminum panels or a ground lighting source where the light itself and supporting sign structure are not visible from public right-of-way.

**IX.7.6 Freestanding Ground Signs:**

- A. *General:* Unless otherwise specifically provided, the regulations set forth in this subsection shall be applicable to all freestanding ground signs.
- B. *Minimum Setback:* The minimum setback of all freestanding ground signs shall be fifteen (15) feet from any property line.
- C. *Maximum Height:* The maximum height of a freestanding ground sign shall not exceed the following:

Areas with limited access	50 ft.
Areas with unlimited access	40 ft.
All other streets	20 ft.

Exception: Areas along FM3009 and Schertz Parkway within an overlay district shall not exceed eighteen (18') feet in height.

- D. *Maximum Area:* Freestanding ground signs shall not exceed the following.

Areas with limited access	250 sq. ft.
Areas with unlimited access	100 sq. ft.
All other streets	32 sq. ft.

Exception: Areas along FM 3009 and Schertz Parkway within an overlay district shall not exceed ninety (90) square feet.

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- E. *Number of Signs:* No more than one (1) freestanding sign is permitted per site, except lots that front two (2) intersecting streets may be allowed two (2) freestanding signs. With one (1) sign located on each thoroughfare.

Exception: No more than one (1) freestanding multi-tenant sign is permitted for a shopping center. One (1) additional freestanding sign may be permitted for an anchor business with fifty thousand (50,000) square feet or more of building space within a shopping center. All tenants signs within a freestanding multi-tenant sign shall contain the same number of square feet.

### IX.7.7 Subdivision Entry Signs:

- A. *Maximum Height:* Wall mounted subdivision entry signs may not project above the top of a wall.
- B. *Maximum Area:* The maximum area of a wall mounted subdivision entry sign shall not exceed thirty-two (32) square feet.
- C. *Maximum Number of Signs:* No more than one (1) monument sign or two (2) attached wall signs (not in combination thereof) may be permitted per street entrance.
- D. *Placement of Sign:* A monument sign may be located on a median at the street entrance if approved by the Public Works Director.

### IX.7.8 Bulletin Board Signs:

- A. *Maximum Height:* The maximum height of a bulletin board sign shall not exceed six (6') feet.
- B. *Maximum Area:* The maximum area of a bulletin board sign shall not exceed eighteen (18) square feet.
- C. *Maximum Number of Signs:* No more than one (1) bulletin board sign per commercial site or one (1) per subdivision entrance, not to exceed two (2) per subdivision is permitted.

### IX.7.9 Price-Per-Gallon Display:

- A. *General:* All price-per-gallon displays must be an integral part of the general permitted sign for the site. Displays, whether electronic or manual, may not scroll, flash, or change more than once a day.
- B. *Minimum Letter Height:* The minimum height allowed for price-per-gallon display signs shall be six (6") inches for the fuel classification (i.e. "unleaded" "diesel", etc.).
- C. *Maximum Area:* Price-per-gallon displays may not exceed two-thirds (2/3) of the permitted gross surface area per face of the general permitted sign.
- D. *Number of Signs:* Only one (1) price-per-gallon sign is permitted per site.

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- E. *Illumination*: Only internal illumination may be utilized for fuel classification and price-per-gallon signs.

### IX.7.10 Directional Signs:

- A. *Maximum Height*: The maximum height of a directional sign shall not exceed three (3') feet.
- B. *Maximum Area*: The maximum area of a directional sign shall not exceed eight (8) square feet.
- C. *Number of Signs*: Maximum of two (2) directional signs are permitted per site.

IX.7.11 Banners: Banners may only be permitted for special events or grand openings. The maximum area of a banner shall not exceed 0.5 square feet for every one (1) foot of width of a building wall or lease space not to exceed fifty (50) square feet. Banner permits shall not exceed 45 days each, and shall not exceed four (4) permits per calendar year.

### IX.7.12 Development Signs:

- A. *Permitted Sign Structure*: Development signs shall be a temporary freestanding ground sign.
- B. *Maximum Area*: Development signs shall not exceed sixty-four (64) square feet maximum, thirty-two (32) square feet per sign face.
- C. *Maximum Height*: Development signs shall not exceed five (5') feet in height.
- D. *Number of Signs*: Each development is permitted no more than one (1) sign per commercial development, or one (1) sign per entry of a residential subdivision not to exceed two (2) signs.
- E. *Duration*: Development signs may be installed at any time after the issuance of the building permit for a commercial development or after approval of the developer's site plan for a residential subdivision. The development sign must be removed within one (1) year or upon the issuance of a certificate of occupancy for commercial developments, and upon three (3) years or seventy-five percent (75%) of development of a residential subdivision, whichever is less.

### IX.7.13 Real Estate Signs:

- 1) *Maximum Height*: The maximum height for commercial real estate signs shall not exceed five (5') feet for freestanding ground signs and must be below the roof line for wall signs.
- 2) *Maximum Area*: The maximum area of a commercial real estate sign shall not exceed sixty-four (64) square feet, thirty-two (32) square feet per sign face. Residential real estate signs shall not exceed four (4) square feet in size.
- 3) *Maximum Number of Signs*: Only one real estate sign is permitted per site.

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### IX.7.14 Prohibited Signs:

- A. *Obscene Signs:* No person shall erect or display on any site a sign in which the dominant theme of material taken as a whole appeals to a prurient interest in sex, or is patently offensive because it affronts community standards relating to the description or representation of sexual matters, or is utterly without redeeming social value.
- B. *Obstructing Doors, Windows or Fire Escapes:* No person shall erect or display on any site any sign that prevents free ingress to or egress from any door, window or fire escape.
- C. *Obstructing Vision/Sight Triangle:* No person shall erect or display on any site any sign in such a manner as to obstruct free and clear vision of moving vehicles at any location, street intersection, or driveway. All signs placed at any intersection shall prevent such problem by observing a visibility triangle (see definition of visibility triangle).
- D. *Interference With Traffic:* No person shall erect or display on any site any sign which interferes with vehicular or pedestrian traffic as a result of the position, size, shape, movement, color, fashion, manner, or intensity of illumination, or any other characteristics causing such interference. Nor shall any person erect or allow to be displayed any sign in such a manner as to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, including, signs making use of the words "stop", "go", "look", "slow", "danger", or any other similar word, phrase, symbol or character, or employ any red, yellow, green, or other colored lamp or light in such a manner as to cause confusion or otherwise interfere with vehicular or pedestrian traffic.
- E. *Illuminated Signs:* No sign shall be illuminated to such intensity or in such a manner as to cause a glare or brightness to a degree that it constitutes a hazard or nuisance to traffic. No lighted sign shall be erected or displayed within one hundred and fifty (150') feet of a single-family residential zoned property unless the lighting is shielded from view.
- F. *Over Public Property or Public Right-of-Way:* It shall be prohibited to erect or display any type of sign on or over public right-of-way or other public property, unless the same be erected by the city, county, state or other authorized governmental agency, or with the permission of the City, for public purposes.
- G. *Signs on Utility Poles:* No person shall erect or display any sign on any utility pole located upon any public right-of-way or utility easement.
- H. *Private Property:* No sign shall be located on private property without the consent of the owner of the premises, to including signs located on trees, light poles or mail boxes.
- I. *Dilapidated Signs:* No signs are permitted which is deteriorated, dilapidated or in danger of falling or otherwise unsafe.
- J. *Signs In Violation:* No signs are permitted that does not comply with any applicable provisions of the building code, electrical code or other applicable ordinances of the City of Schertz.

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- K. *Home Occupation Signs*: No exterior home occupation signs shall be permitted unless specifically authorized in another section of this Article.
- L. *Non-Motorized or Portable Signs*: No trailer type, non-motorized signs using wheels and axles, as the primary support shall be permitted.
- M. *Off Premise Signs*: Except as set forth elsewhere in this Article, all off premise signs not legally existing on the effective date of this Article are prohibited.

Exceptions: The following off-premise signs which otherwise meet the applicable requirements of this Article are permitted:

- 1) Community Service Signs
- 2) Garage Sale Signs
- 3) Official Government Signs
- 4) Historical Markers and Plaques
- 5) Political Sign
- 6) Realty Signs
- 7) Temporary Signs
- 8) Traffic Signs

- N. *Other Signs*: Except as set forth elsewhere in this Article, bench signs, bandit signs, and balloons are prohibited within the City of Schertz and its ETJ.

### SECTION - 8 NONCONFORMING SIGNS:

- A. *General*: A sign, including its supporting structure, shall be considered nonconforming when it does not conform to all or part of the provisions of this Article and
  - 1) Was in existence and lawfully located prior to the adoption of this Article; or
  - 2) Was in existence and lawfully located and used in accordance with the provisions of the prior ordinance applicable thereto or which was considered legally nonconforming there under and has since been in continuous or regular use; or
  - 3) Was in existence, located and used on the premises at the time it was annexed into the city and has since been in continuous or regular and continuous use; or
  - 4) Was in existence and lawfully located and used as an off-premise sign prior to the adoption of this Article.
- B. *Registration*: On September 1, 2006, it shall be unlawful for any person to maintain any nonconforming or off-premise sign within the corporate limits of the City of Schertz or its ETJ without having a valid registration number affixed thereto as required in this section as follows:

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- C. *Application:* To register a nonconforming sign or off-premise sign, application shall be made to the Building Official on forms provided for that purpose. The application shall be accompanied by the payment of the established fees and shall contain the name and address of the owner of the sign, the exact location of the sign, the date of placement, and any other information reasonably required by the Building Official.
- D. *Issuance of Registration Number:* If the Building Official determines that the nonconforming or off-premise sign is a lawfully nonconforming or off-premise sign, he shall issue a registration number to the applicant. The owner of the sign shall cause the registration number to be affixed in a conspicuous place on the registered nonconforming or off-premise sign.
- E. *Removal or Destroyed Signs:* Any owner who removes or causes the removal of any validly registered nonconforming or off-premise sign from any premises shall, within ten (10) business days of its removal, report the removal to the Building Official.
- F. *Invalidation of Registration:* The Building Official shall invalidate any registration for a nonconforming or off-premises sign when:
- 1) It is removed from the premises for any reason;
    - a) It has been damaged or destroyed so as to lose its nonconforming sign status as provided in this Article;
    - b) It has become an abandoned sign.

## SECTION - 9 LICENSES

### IX.9.1 Licenses Required

- A. *Required:* It shall be unlawful for any person to erect, construct, place, locate, reconstruct, repair, replace or service any sign for compensation without first obtaining a license to do such work from the Building Official.
- B. *License:* It is unlawful for any person to perform construction work subject to this Article unless the person is licensed as a sign contractor or is exempt under the following:

Exception: A maintenance person may perform maintenance work only upon property owned by the person's employer. A maintenance person who performs work upon the property of more than one property owner is deemed to be performing work for the general public and shall be licensed as a sign contractor.

### IX.9.2 It is unlawful for any person to:

- A. Display or cause a permit to be displayed or to have in one's possession any license for doing any construction work, knowing it to be fictitious or to have been canceled, suspended or altered;
- B. Lend or permit the use of any license for doing any construction work to any person not entitled to it;

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- C. Fail or refuse to surrender to the Building Official any license for any construction work that has been suspended or canceled;
- D. Apply for or have in one's possession more than one current City construction license of the same type;
- E. Use a false or fictitious name or address in any application for any license or permit provided for in this Article or any renewal or duplicate, or make a false statement or conceal a material fact or otherwise commit fraud in making any application;
- F. Perform any construction work in the City or its ETJ for which a license is required without having the license or while the license is suspended, expired or canceled.
- G. Perform any construction work for which a permit is required without having the permit or after the permit has been suspended, canceled or expired.
- H. Fail or refuse to make the necessary repairs or changes as provided in a written notice issued by the Inspection Department. A separate offense is deemed to be committed each day after the expiration of the time for correction provided in the notice until the work is corrected; or
- I. Place or leave a property in such condition that it injures or endangers persons or property.

IX.9.3 Insurance Required: It is the duty of all sign contractors who practice their craft within the City of Schertz to show proof of general commercial liability insurance. A current copy of the insurance must be maintained on file at the City of Schertz Inspection Department or the sign contractor's license may be revoked. The insurance shall include:

- A. A minimum of \$300,000 per occurrence (combined for property damage and bodily injury);
- B. A minimum of \$600,000 aggregated (total amount the policy will pay for property damage and bodily injury coverage); and
- C. A minimum of \$300,000 aggregate for products and completed operation.

A licensed applicant or licensee shall file with the Inspection Department a completed certificate of insurance when applying for an initial license, when changing a business name, or upon request by the Building Official.

- A. *Application:* A written application for a sign contractor's license will be submitted to the Building Official on a form prescribed by the City along with the required initial fee and evidence of two (2) years experience to include the following:
  - 1) Required initial fee (as established by City Council)
  - 2) Renewal fee (as established by City Council)
  - 3) Completed application
  - 4) Reference for one (1) financial institution
  - 5) Reference for two (2) suppliers
  - 6) Reference for three (3) customers with work performed within the last two (2) years.

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IX.9.4 The Building Official, within thirty (30) days from the receipt of the completed application, will issue the license or give a written refusal setting out the reasons for refusal.

- B. *Renewal*: All renewals shall be due January 1<sup>st</sup> of each year. Failure to renew within thirty (30) days after the renewal date will require the applicant to reapply for license at the initial fee rate.
- C. *Revocation*: Any license issued under this section may be suspended or revoked by the Building Official for the following:
  - 1) The Building Official may suspend the license of a person who has been convicted two (2) times within a one-year (1) period of any violation of this Article or other laws and ordinances applicable hereto.
  - 2) If the Building Official decides to suspend a sign contractor's license, the Building Official will notify the licensee of the suspension by first class mail to the licensee's last address on record, or by hand delivery to the licensee. Notice by mail will be deemed received three days after posting.
  - 3) The licensee may appeal a suspension decision to the Board of Adjustment by filing a written request within ten (10) days of receiving notice of the suspension. The Board of Adjustment will hold a hearing to determine whether the suspension decision should be sustained or reversed.
  - 4) If a licensee's license has been suspended twice in a three (3) year period, and the licensee then commits another violation under this Article or other laws and ordinances applicable hereto, the Building Official will notify the Board of Adjustment. The Board of Adjustment will then hold a hearing to consider cancellation of the license.
  - 5) Enforcement actions taken under this section are not exclusive and do not affect any other remedies for violations of this Article or other applicable laws and ordinances.
- D. *Appeal*: A person, whose license has been denied or revoked may appeal in writing along with the filing fee then in effect to the Board of Adjustment within ten (10) days.
- E. *Electrical License*: It shall be unlawful for any person to install and connect electrical systems for a sign within the City of Schertz and its ETJ without first obtaining a license to do so from the Texas Department of Licensing and Regulation (TDLR) for such work. A sign contractor may subcontract the electrical portion of a project to someone licensed by TDLR. Someone so licensed shall obtain all electrical permits to do such work.
- F. *Electrical License Registration*: Electrical contractors shall register with the City Inspection Department as follows:
  - 1) *Registration of Company* – Each electrical company shall register with the Inspection Department and shall provide a copy of general liability insurance in the amount

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established by the Texas Department of Licensing and Regulation (TDLR) for electrical contractors.

- 2) Application – A written application to register an electrical company, along with the established filing fee, shall be submitted to the Building Official on a form prescribed by the City.
- 3) Renewal – All registered electrical companies shall renew their registrations annually. All renewals shall be due March 1<sup>st</sup> of each year.

Exempt: Licensed sign contractors who hold an electrical license issued by TDLR and who submit a copy of such license with their application, and do not work as an independent electrical company, will not be required to register as an electrical company.

### SECTION - 10 VIOLATIONS

IX.10.1 Unlawful Acts: It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, or demolish a sign regulated by this Article, or cause the same to be done in conflict with or in violation of any of the provisions of this Article.

IX.10.2 Notice of Violation: The Building Official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removing or demolition of a sign in violation of the provisions of this Article or in violation of a permit issued under the provisions of this Article. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

IX.10.3 Violation Penalties: Any person who violates a provision of this Article or fails to comply with any of the requirements thereof shall be subject to penalties as prescribed by law. Such persons shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Article is committed or continued, and upon conviction of any such violation such person shall be punished each and every day by a fine of not more than five hundred dollars (\$500.00) for each offense.

Allegation and evidence of a culpable mental state is not required for the proof of an offense by this Article.