



MEETING AGENDA
Planning & Zoning Commission
REGULAR SESSION PLANNING & ZONING COMMISSION
May 24, 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

WEDNESDAY, MAY 24, 2023 at 5:30 p.m.

The Planning and Zoning Commission will hold the regularly scheduled meeting at 5:30p.m., Wednesday, May 24, 2023, at the City Council Chambers. In lieu of attending the meeting in person, residents will have the opportunity to watch the meeting via live stream on the City's YouTube Channel.

1. CALL TO ORDER

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 by 5:00p.m. on Tuesday, May 23, 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 Planning and Zoning Commission. 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 Commission 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. WORKSHOP AND DISCUSSION:

A. Comprehensive Plan Advisory Committee Meeting #1

B. Workshop on new electronic voting system.

5. CONSENT AGENDA:

A. Minutes for the May 10, 2023, Regular Meeting.

6. PUBLIC HEARING:

The Planning and Zoning Commission will hold a public hearing related to zone change requests and replats 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 Commission will discuss and consider the application, and may request additional information from staff or the applicant, if required. After deliberation, the Commission is asked to consider and act upon the following requests and make a recommendation to the City Council if necessary.

A. PLUDC20230133 - Hold a public hearing, workshop and discussion and possible action to make a recommendation on amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC) to Article 8, Section 21.8.4 - Home Occupations

B. PLUDC20230134 - Hold a public hearing, workshop and discussion and possible action to make a recommendation on amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC) to Article 5, Section 21.8.5 Permitted Use Table, and Article 16 Definitions.

7. REQUESTS AND ANNOUNCEMENTS:

A. Requests by Commissioners to place items on a future Planning and Zoning Agenda

B. Announcements by Commissioners

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

C. Announcements by City Staff.

- City and community events attended and to be attended.

8. INFORMATION AVAILABLE IN THE PLANNING AND ZONING COMMISSION PACKETS- NO DISCUSSION TO OCCUR

A. Current Projects and City Council Status Update

9. 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 19th day of May, 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 Planning & Zoning Commission 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 Planning and Zoning Commission 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.

PLANNING AND ZONING COMMISSION MEETING: 05/24/2023
Agenda Item 4 A

TO: Planning and Zoning Commission
PREPARED BY: Samuel Haas, Senior Planner
SUBJECT: Comprehensive Plan Advisory Committee Meeting #1

BACKGROUND

Freese and Nichols, Inc. (FNI) was hired by the City of Schertz to update the Comprehensive Land Use Plan. The scope of the project includes four (4) Comprehensive Plan Advisory Committee (CPAC) meetings. The Planning and Zoning Commission will effectively act as the Comprehensive Plan Advisory Committee.

The Planning Division along with the FNI team had a kick-off meeting on March 27th, 2023. The staff gave a tour of the city and has been providing the FNI team with information since. The first of the CPAC meetings is scheduled for May 24th, 2023. FNI will be making introductions and will be providing The Committee with what information they have found so far.

Attachments

CPAC Presentation #1

City of Schertz

Comprehensive Plan Update

May 24, 2023

CPAC Meeting #1



Meeting Agenda

Introductions

What is a Comprehensive Plan?

Project Orientation

Discussion:

Vision, Opportunities, Issues/Constraints

Project Team



Shad Comeaux



Caitlin Admire



Shubhangi Rathor



Caroline Stewart



Chris Wesseln



Jason Claunch

Why Plan?



**Establish a
Blueprint**



Give Direction



Create a Vision

What is a Comprehensive Plan?

It is...

- Reflection of the community's vision
- Long term statement that guides policy
- Basis for subsequent ordinances
- Tool for decision making

It isn't...

- Legally binding
- Zoning ordinances
- Meant to sit on a shelf

Project Purpose & Scope

The Comprehensive Plan Update will...

- Serve as the primary document for planning the City's growth
- Be the basis for various policies, initiatives, and funding priorities to be considered by the City.
- Establish a long-term vision
- Focus on 4 key areas of the City
- Topics include: Future Land Use, Economic Strategy, Transportation and Mobility, and Parks and Recreation
- Develop recommendations to assist the City in planning for necessary future assessments, planning or plan updates.
- Identify concerns based on an assessment of the current conditions, future growth and developmental issues
- Propose policies, initiatives, and implementation goals to accomplish the overall vision and direction of the City

The CPAC's Role

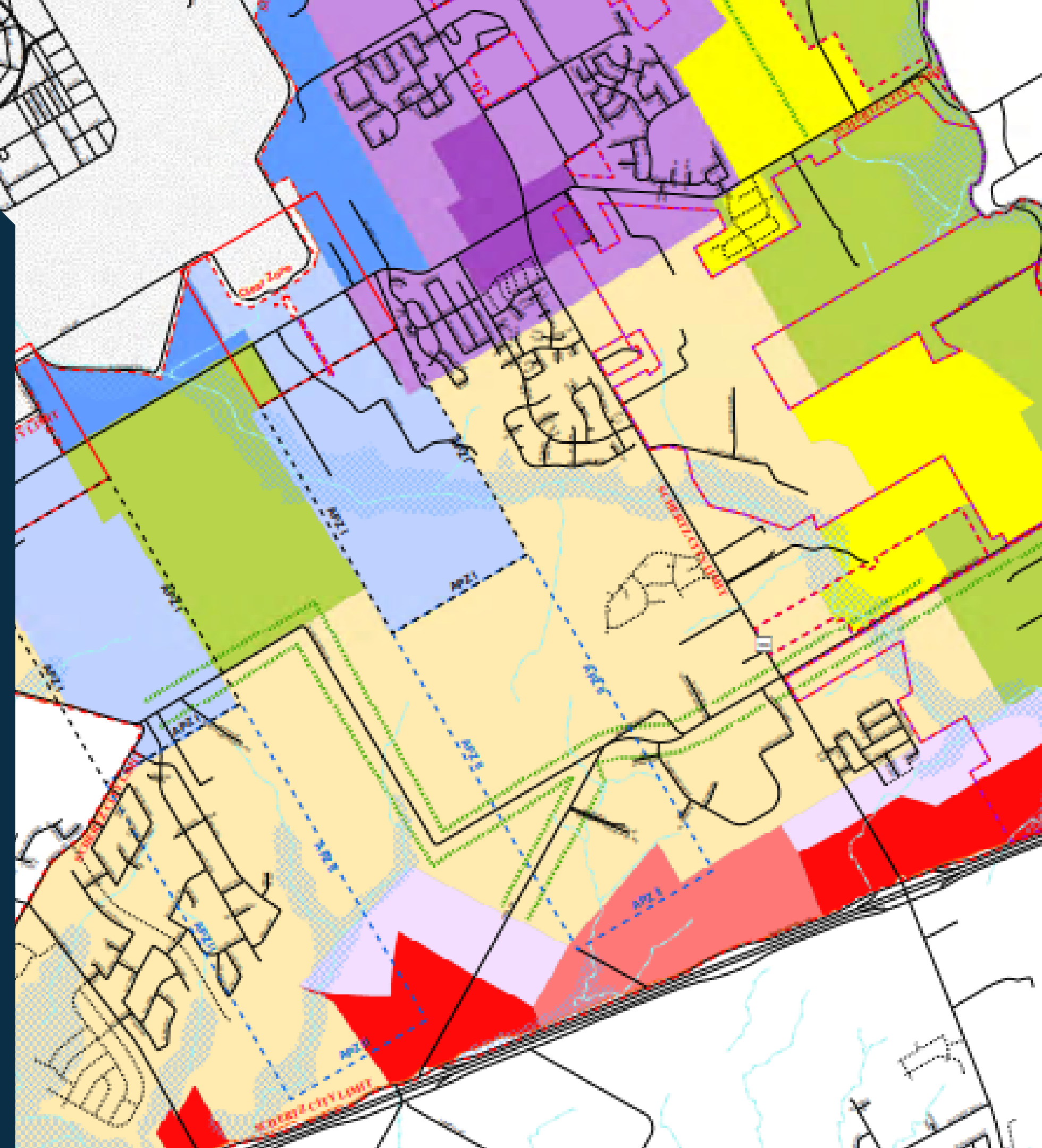
- Serves as the **primary steering committee** for the plan's development
- Works with the consultant team and city staff to **provide guidance** and ensure the process and recommendations are **keeping in line with the community's needs and vision**
- Generates the **overall vision** and provides feedback on the best **ways to engage** the community
- Directly involved both in the determination of the **process and the proposed recommendations**
- Become **champions** of the comprehensive plan
- **Attend** 4 CPAC meetings and community events, if possible
- **Encourage** fellow residents to get involved in the planning process

Proposed Timeline



Previous Studies

- Future Land Use Plan
- Comprehensive Land Plan
- Sector Plan
- Parks and Recreation Master Plan
- Thoroughfare Plan



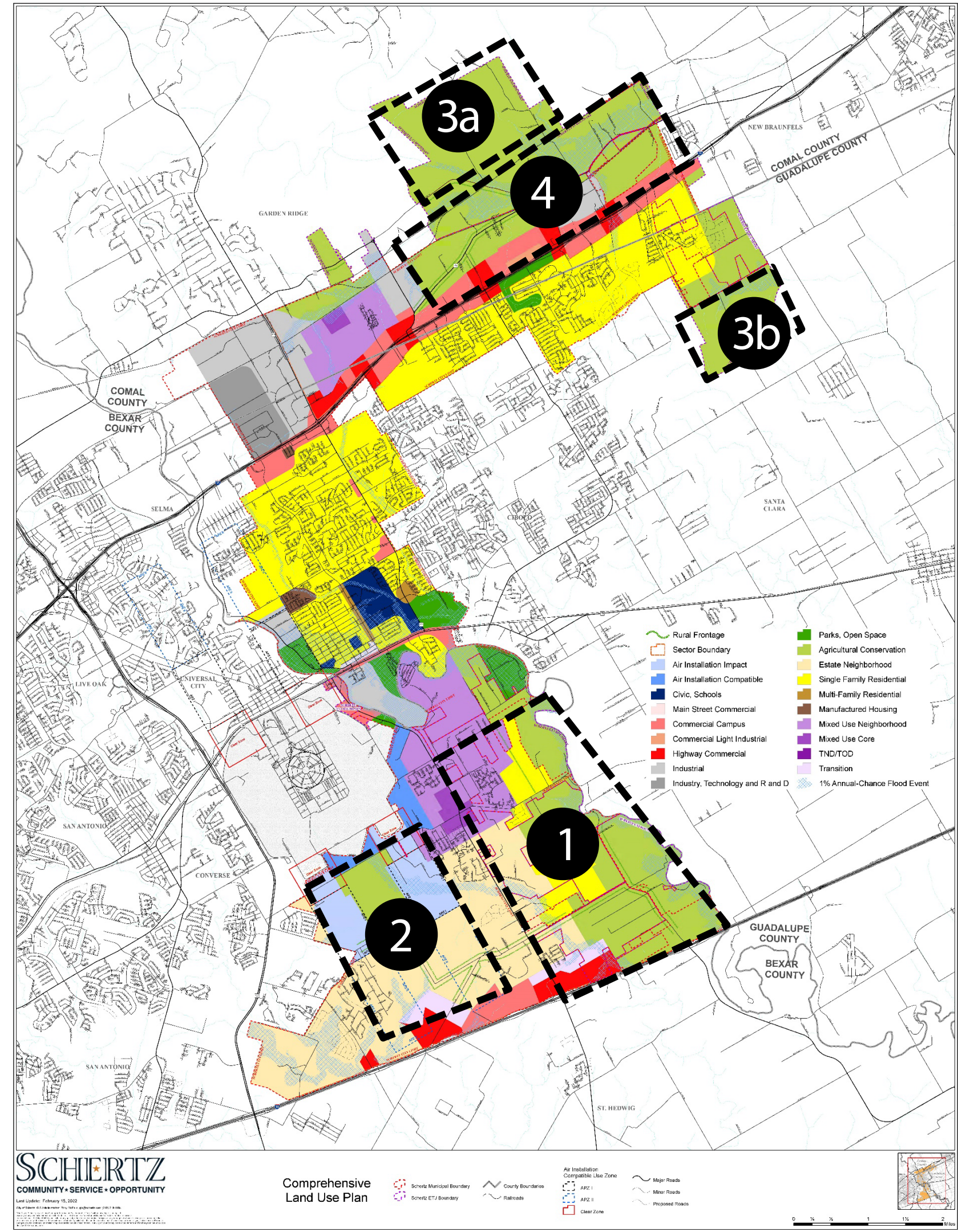
Tell us about Schertz...

What are your values and priorities, as a community?

What are your big issues?

What future are you working towards?

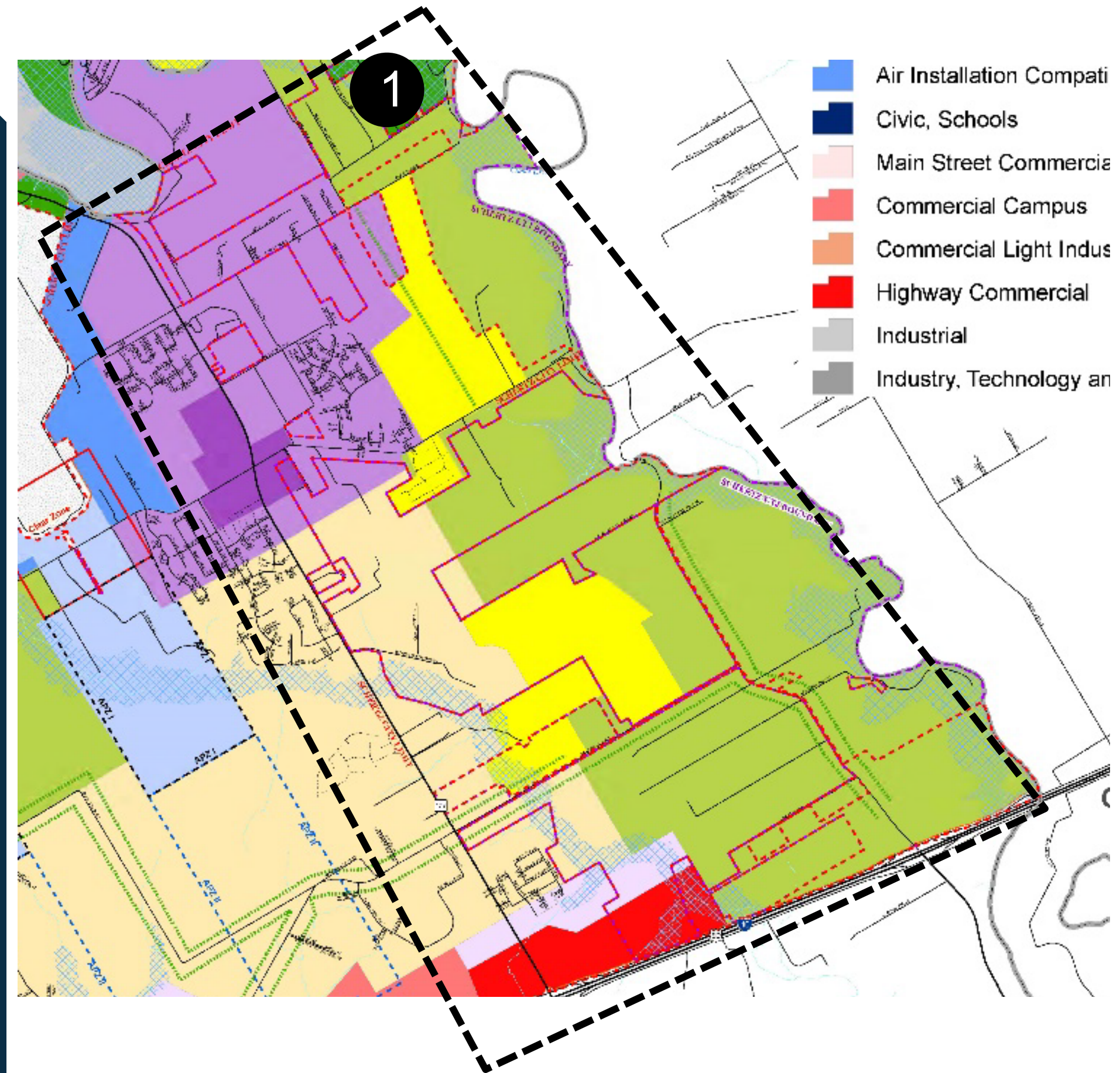
4 Key Areas



4 Key Areas

Vision, Opportunities, Issues/Constraints

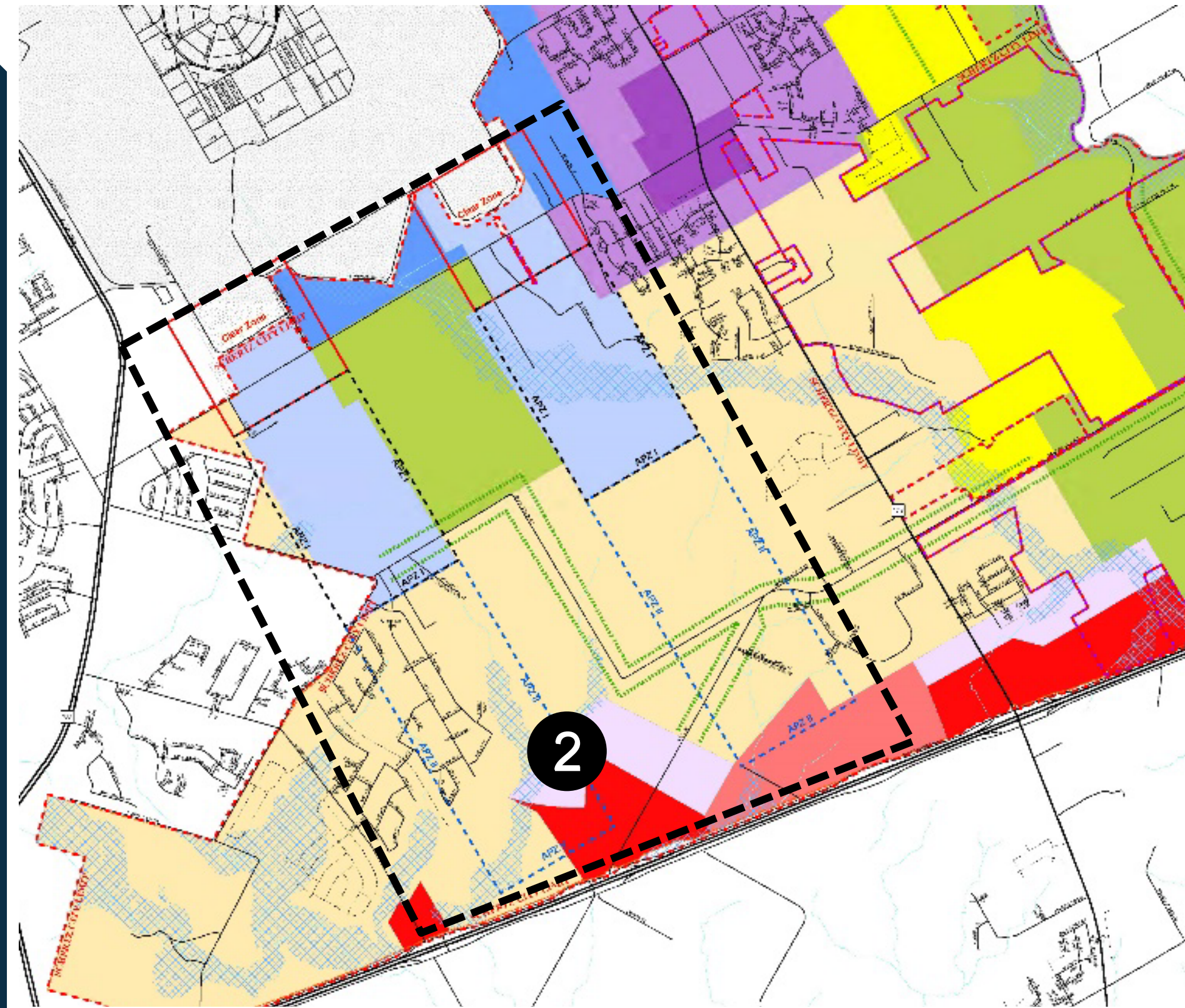
- **Area 1**—designated as Agriculture Conservation (5-acre min lot size) and Estate Neighborhood (½ acre min lot size). Mostly undeveloped, but several property owners are interested in selling to developers. There have been rezoning approvals for single-family residential (suburban size lots—6,000 sq ft to 10,000 sq ft).



4 Key Areas

Vision, Opportunities, Issues/Constraints

- **Area 2** – within the JBSA Randolph Clear Air Impact Compatible Use Zones and the area in between them. Mostly Estate Neighborhood but JBSA Randolph has concerns about the density – pushing for 2-acre minimum. APZ 1 (northern light blue) does not allow residential.



4 Key Areas

Vision, Opportunities, Issues/Constraints

- **Areas 3A and 3B** – Do these areas remain outside the ETJ, or should they be released, if so, what land use designation should they have? 3B would likely develop as suburban single-family residential development. 3A has a quarry in the middle and estate lots. Providing services and road access is challenging. There are issues with regulating and dealing with complaints related to the quarry.



4 Key Areas

Vision, Opportunities, Issues/Constraints

- Area 4 – Development pressures on the Estate designated area and Industrial uses starting to develop. There needs to be a balance of Industrial, Commercial, Retail etc.



Next Steps

- **Stakeholder Identification & Stakeholder Meetings in June**
- **FNI/Catalyst team developing content for Community Snapshot, Existing Conditions, Market Analysis**
- **CPAC Meeting #2 Wednesday, June 28**

PLANNING AND ZONING COMMISSION MEETING: 05/24/2023
Agenda Item 4 B

TO: Planning and Zoning Commission
PREPARED BY: Samuel Haas, Senior Planner
SUBJECT: Workshop on new electronic voting system.

BACKGROUND

Per Commissioner request - a discussion, workshop, and/or action to occur on the procedure of voting with the updated electronic system.

PLANNING AND ZONING COMMISSION MEETING: 05/24/2023
Agenda Item 5 A

TO: Planning and Zoning Commission
PREPARED BY: Tiffany Danhof, Administrative Assistant
SUBJECT: Minutes for the May 10, 2023, Regular Meeting.

Attachments

Draft Minutes for the May 10, 2023 Regular Meeting

DRAFT

PLANNING AND ZONING MINUTES May 10, 2023

The Schertz Planning and Zoning Commission convened on May 10, 2023 at 6:00 p.m. at the Municipal Complex, Council Chambers, 1400 Schertz Parkway Building #4, Schertz, Texas.

Present: Glen Outlaw, Chairman; Ernie Evans, Vice Chairman; Richard Braud, Commissioner; Gordon Rae, Commissioner; Roderick Hector, Commissioner; Judy Goldick, Commissioner; Tamara Brown, Commissioner

Absent: John Carbon, Commissioner; Patrick McMaster, Commissioner

Staff present: Emily Delgado, Planning Manager; Samuel Haas, Senior Planner; Daisy Marquez, Planner

1. CALL TO ORDER

Chairman Mr. Outlaw called the meeting to order at 6:00 P.M.

2. SEAT ALTERNATE TO ACT IF REQUIRED

No one was seated as an alternate.

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 by 5:00p.m. on Tuesday, May 9, 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 Planning and Zoning Commission. 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 Commission 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 April 26, 2023, Regular Meeting.

Motioned by Commissioner Gordon Rae to approve, seconded by Commissioner Tamara Brown

Vote: 7 - 0 Passed

5. PUBLIC HEARING:

The Planning and Zoning Commission will hold a public hearing related to zone change requests and replats 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 Commission will discuss and consider the application, and may request additional information from staff or the applicant, if required. After deliberation, the Commission is asked to consider and act upon the following requests and make a recommendation to the City Council if necessary.

- A.** PLSPU20220208 - Conduct a public hearing and make a recommendation on a Specific Use Permit to allow a convenience store with gas pumps on approximately 4.2 acres of land, located at the intersection of North Graytown Road & IH 10, address: 11185 IH 10 E, City of Schertz, Bexar County, Texas, property ID: 619232.

Mr. Haas provided a presentation.

Mr. Outlaw opened the public hearing at 6:05 P.M.

No one spoke.

Mr. Outlaw closed the public hearing at 6:06 P.M.

Motioned by Commissioner Judy Goldick to approve, seconded by Commissioner Tamara Brown

Vote: 7 - 0 Passed

6. REQUESTS AND ANNOUNCEMENTS:

- A.** Requests by Commissioners to place items on a future Planning and Zoning Agenda

There were no requests by Commissioners.

- B.** Announcements by Commissioners

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

There were no announcements by Commissioners.

- C.** Announcements by City Staff.

- City and community events attended and to be attended.

There were announcements by City staff.

7. INFORMATION AVAILABLE IN THE PLANNING AND ZONING COMMISSION PACKETS- NO DISCUSSION TO OCCUR

- A.** Current Projects and City Council Status Update

8. ADJOURNMENT OF THE REGULAR MEETING

Chairman Mr. Outlaw adjourned the regular meeting at 6:16 P.M.

PLANNING AND ZONING COMMISSION MEETING: 05/24/2023
Agenda Item 6 A

TO: Planning and Zoning Commission
PREPARED BY: Samuel Haas, Senior Planner
CASE: PLUDC20230133
SUBJECT: PLUDC20230133 - Hold a public hearing, workshop and discussion and possible action to make a recommendation on amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC) to Article 8, Section 21.8.4 - Home Occupations

GENERAL INFORMATION:

As stated in the Unified Development Code (UDC), City Council from time to time, on its own motion, or at the recommendation of City staff amend, change, or modify text in any portion of the UDC to establish and maintain stable and desirable development. It is generally considered good practice to periodically review and update the development regulations due to changing conditions, community goals, and/or State and Federal regulations.

Background:

Home Occupations occur frequently in the City of Schertz. Often, these businesses have little to no adverse impact on the surrounding community, yet are not compliant with the current version and regulations of the UDC. In an effort to better serve the citizens of Schertz, and to match the changing nature of work (and by extension at-home work), staff has drafted amendments to Article 8, Section 21.8.4: Home Occupation of the UDC. The amendments were drafted with consideration to the Development Subcommittee's discussions on the subject, and after extensive research was done on other municipalities similar regulations concerning Home Occupations.

PROPOSED AMENDMENTS

Staff is proposing the following amendments in relation to UDC Article 8, Section 21.8.4: Home Occupations

UDC 21.8.4 Existing vs Proposed Regulations	
Existing	Proposed
	Added language permitting home occupations as an accessory use in all residential zoning districts provided they comply with all other restrictions.
The area set aside for home occupations shall not exceed twenty percent (20%) of the total floor area of such residence.	Proposing home occupation not exceed 30% of combined floor area of main and accessory structures and cannot exceed 600 square feet.
Retail sales prohibited	Retail sales permitted if item is produced on premise in conformance with Code.
	Added language clarifying home occupation business must have permanent resident of home involved.
	Added language stating only one home occupation business-related vehicle permitted
Home occupation must be within principle structure	Allowing for additional accessory structure use.
	Added language clarifying that no exterior storage or display may occur.
	Added language clarifying that home occupation is accessory use only.

No permitted use list currently exist	List of permitted home occupation uses.
No prohibited use list currently exist	List of prohibited home occupation uses.
	Added language clarifying unlisted uses considered prohibited until further amendments.

STAFF ANALYSIS AND RECOMMENDATION:

Staff conducted research on eight (8) other municipalities in the region and compared and contrasted each municipalities' regulations concerning Home Occupations with the City of Schertz's current regulations. The amendments that are proposed take into consideration areas in which Schertz is more restrictive, not restrictive enough, or when further nuance/explanation is needed for sections of the code. Also, these amendments were drafted with discussions from the Development Subcommittee in-mind.

The proposed amendments will add clarity on the land uses that are permitted and not permitted as a home occupation which is beneficial for the residents of Schertz who desire doing a home business. Additionally, the increased flexibility in percentage of home area, the use of an accessory structure, and being able to have customers come to the home will be a benefit to residents who are interested in doing a home occupation that previously would not have been permitted.

Therefore, Staff recommends approval of the amendments to the Unified Development Code (UDC) as proposed and discussed.

COMMISSIONERS CRITERIA FOR CONSIDERATION:

The Planning and Zoning Commission in making a recommendation to City Council on the proposed Unified Development Code Amendment. In considering action on a UDC Amendment, the Commission should consider the criteria within UDC, Section 21.4.7. D.

1. The proposed amendment promotes the health, safety, or general welfare of the City and the safe, orderly, efficient and healthful development of the City;
2. An amendment to the text is consistent with other policies of this UDC and the City;
3. Any proposed amendment is consistent with the goals and objectives of this UDC and the City; and
4. Other criteria which, at the discretion of the Planning and Zoning Commission and the City Council, are deemed relevant and important in the consideration of the amendment.

Attachments

Current UDC Regulations- Section 21.8.4

Proposed UDC Regulations- Section 21.8.4- Red Lines

Proposed UDC Regulations- Section 21.8.4-Clean Version

Sec. 21.8.4. Home Occupations.

A. *Purpose and Intent.*

1. Protect residential areas from adverse impact of activities associated with home occupations.
2. Permit residents of the community a reasonable choice in the use of their homes as a place of livelihood and the production or supplementing of personal and family income.
3. Establish criteria and development standards for home occupations conducted in dwelling units.

B. *Home Occupations—Required Conditions.*

1. The area set aside for home occupations shall not exceed twenty percent (20%) of the total floor area of such residence.
2. No interior or exterior business sign shall be permitted.
3. No mechanical equipment shall be used except of a type that is similar in character to that normally used for purely domestic or household mechanical equipment as for hobby purposes in conjunction with the home occupation.
4. Retail sales shall be prohibited on the premises.
5. No more than one person other than the immediate family permanently residing on the premises shall be employed in the home occupation.
6. No more than one home occupation shall be permitted within any single dwelling unit.
7. A home occupation shall be carried on wholly within the principal building. No home occupation or any storage of goods, materials, or products connected with a home occupation shall be allowed in accessory buildings or garages, attached or detached, excluding paints and chemicals that may be used in the home occupation.
8. There shall be no exterior indication of the home occupation or variation from the residential character of the principal building.
9. There shall be no exterior storage of materials to be used in conjunction with a home occupation.
10. A home occupation shall produce no offensive noise, vibration, smoke, electrical interferences, dust, odors, or heat detectable beyond the property limits or beyond the walls of the dwelling unit. The judgment of the City's Code Enforcement Officer pertaining to a violation under this section shall be considered decisive and final unless formally appealed to the Planning and Zoning Commission within thirty (30) days after the Code Enforcement Officer's written determination.
11. All home occupations may be subject to periodic inspections by the City.

C. *Home Occupation Permit.*

1. *Purpose.* To establish a method to allow the City to regulate and control nonresidential activities and maintain a record of the types and numbers of home occupations in the City.
2. *Permit Required.* Each resident within the City who has, or desires to establish an authorized home occupation, is required to have a home occupation permit.
3. *Application for Home Occupation Permit.*
 - a. Applicant shall apply to the City Manager or his/her designee for a home occupation permit.
 - b. The City Manager or his/her designee may issue the permit if the home occupation meets all the requirements established in Paragraph B.

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- c. The decision of the City Manager or his/her designee may be appealed to the Planning and Zoning Commission in accordance with section 21.4.14.
 - d. The Planning and Zoning Commission will be the final judgment on appeals which must be submitted to the Planning and Zoning Commission within thirty (30) days after disapproval by the City Manager or his/her designee.
 - e. Supporting Documents.
 - i. *Signed statement.* One type of supporting evidence that may be submitted to the Planning and Zoning Commission for their consideration of an appeal is a signed statement by each property owner up to 200 feet of the property on which the home occupation is to occur, stating that the property owner has no objection to the existence of the proposed home occupation. An example of such a statement is as follows:

"I (name) the property owner at (address) have been advised by (name of home occupation applicant) of the request to the City for a Home Occupation Permit for the purpose of conducting (type of home occupation) and I have no objection to the home occupation permit being granted for the purpose reflected in this statement.

Signature of neighboring property owner and date"
 - ii. *Statement from property owner.* An applicant who is renting the property on which a home occupation permit is requested shall obtain a written statement from the owner of the property. The owner will state that he/she has no objection to the home occupation on the property.
 - iii. *Persons with demonstrated physical handicaps.* Persons with physical handicaps may be permitted special consideration. The applicant may request a waiver of a portion or all of one or more of the requirements for a home occupation.
 - iv. *Granting of exception.* It shall be the responsibility of the applicant to submit sufficient evidence to justify the granting of an exception to any of the requirements in Paragraph B.
 - f. *Conditions Applicable to Home Occupation Permits.*
 - i. *Validation.* A home occupation permit expires every December 31.
 - ii. *Renewal.* Permits shall be renewed annually.
 - iii. *Inspection.* The City Manager or his/her designee is authorized to periodically enter the premises to ensure full compliance with these requirements.
 - iv. *Termination.* When a home occupation is found in noncompliance with the requirements outlined in Paragraph B, the permit will be terminated immediately.
 - v. *Renewal of terminated permits.* The procedure for renewal of a terminated permit shall be the same as required for the issuance of a new permit under this section.

(Ord. No. 17-S-40 , § 1(Exh. A), 10-24-2017; Ord. No. 18-S-04 , § 1(Exh. A), 1-23-2018)

Sec. 21.8.4. Home Occupations.

A. *Purpose and Intent.*

1. Protect residential areas from adverse impact of activities associated with home occupations.
2. Permit residents of the community a reasonable choice in the use of their homes as a place of livelihood and the production or supplementing of personal and family income.
3. Establish criteria and development standards for home occupations conducted in dwelling units.

B. *Home Occupations—Required Conditions* - home occupations shall be permitted as an accessory use in all residential zoning districts provided that they comply with all restrictions herein.

1. ~~The area set aside for home occupations shall not exceed twenty percent (20%) of the total floor area of such residence. Such use shall be incidental and secondary to the use of the premises for residential purposes, and shall not utilize floor area exceeding 30 percent of the combined gross floor area of dwelling unit and any accessory building(s). In no case shall the combined floor area utilized for a home occupation exceed 600 square feet.~~
2. No interior or exterior business sign shall be permitted.
3. No mechanical equipment shall be used except of a type that is similar in character to that normally used for purely domestic or household mechanical equipment as for hobby purposes in conjunction with the home occupation.
4. Retail sales shall be prohibited on the premises except for items that are produced entirely on the premises in conformance with this Code.-
5. No more than one person other than the immediate family permanently residing on the premises shall be employed in the home occupation and at least one person permanently residing in the home must be involved in the business and shall obtain the Home Occupation Permit.-
6. No more than one home occupation shall be permitted within any single dwelling unit.
7. ~~No more than one business-related commercial vehicle shall be present at one time~~
-
- ~~87. A home occupation shall be carried on wholly within the principal ~~building~~ building or accessory building. ~~No home occupation or any storage of goods, materials, or products connected with a home occupation shall be allowed in accessory buildings or garages, attached or detached, excluding paints and chemicals that may be used in the home occupation.~~~~
- ~~98. There shall be no exterior indication of the home occupation or variation from the residential character of the principal building. Performance of the occupation activity shall not be visible from the street~~
- ~~109.~~ There shall be no exterior storage of materials or display to be used in conjunction with a home occupation.
- ~~101.~~ A home occupation shall produce no offensive noise, vibration, smoke, electrical interferences, dust, odors, or heat detectable beyond the property limits or beyond the walls of the dwelling unit. The judgment of the City's Code Enforcement Officer pertaining to a violation under this section shall be considered decisive and final unless formally appealed to the Planning and Zoning Commission within thirty (30) days after the Code Enforcement Officer's written determination.
- ~~112.~~ All home occupations may be subject to periodic inspections by the City.

~~13. Such uses must be located in the dwelling used by the person who has the home occupation as his or her private residence.~~

14. Said incidental use shall never be permitted as a principal use but only as an accessory use.

C. Uses allowed as home occupations. Subject to the provisions of this Section, home occupations may include the following uses:

1. Office facility of an accountant, architect, landscape architect, attorney, engineer, consultant, insurance agent, realtor, broker, or similar profession.

2. Author, artist, artisan, or sculptor.

3. Dressmaker, seamstress or tailor.

4. Music or dance teacher, or similar types of instruction, provided that instruction shall be limited to no more than five pupils at a time.

5. Individual tutoring.

6. Office facility of a minister, rabbi, priest or other cleric.

7. Home crafts, such as rug weaving, model making, etc.

8. Office facility of a salesman, sales or manufacturer's representative, provided that no retail or wholesale transactions or provision of services are personally and physically made on the premises except for items that are produced entirely on the premises in conformance with this Code.

9. Repair shop for small electrical appliances, cameras, watches and clocks, and other small items, provided that the items can be carried by one person without using special equipment, and provided that the items are not equipped with an internal combustion engine.

10. Food preparation establishments such as cake making, decorating or catering, provided that there is no on-premises consumption by customers, and provided that all aspects of the business comply with all state and local health regulations.

11. Family homes, in compliance with applicable state laws, which are incorporated herein by reference, with no more than six children or adults.

12. Barber shop or beauty salon or manicure studio, provided that no more than one customer is served on the premises at any one time.

13. Swimming lessons and water safety instruction, provided that such instruction involves no more than two pupils at any one time.

14. Activity involving primarily a computer.

15. Contractor, provided that there shall be no outside storage of materials related to the operation of the business and any interior storage shall count toward the maximum area allowed in subsection B. 1.

D. Uses prohibited as home occupations. Home occupations shall not, in any event, be deemed to include the following uses:

1. Animal hospitals or clinics, commercial stables having more than two horses per acre or kennels.

-
2. Restaurants or on-premises food or beverage, including private clubs, consumption of any kind, except for limited food or meal consumption associated with the operation of a licensed registered family home or a bed and breakfast facility.
 3. Automobile, boat or trailer paint or repair shop; small engine or motorcycle repair shop; welding shop; large household appliance repair shop; or other similar type of business.
 4. On-premises retail or wholesale sales of any kind where multiple customers patronize the sales business on-site, except for items that are produced entirely on the premises in conformance with this Code, and except for occasional garage sales (no more than two per calendar year and shall not be held within six months of each other).
 5. Commercial clothing laundering or cleaning.
 6. Mortuaries or funeral homes.
 7. Trailer, vehicle, tool or equipment rentals.
 8. Repair shops for any items having internal combustion engines.
 9. Any use that would be defined by the building code as an assembly, factory or industrial, hazardous, institutional or mercantile occupancy.

E. Home occupation uses not classified herein. Any use that is not either expressly allowed nor expressly prohibited by this division is considered prohibited, unless and until such use is classified by amendment to this chapter by the city council, subsequent to an affirmative recommendation by the planning commission.

F. Home Occupation Permit.

1. *Purpose.* To establish a method to allow the City to regulate and control nonresidential activities and maintain a record of the types and numbers of home occupations in the City.
2. *Permit Required.* Each resident within the City who has, or desires to establish an authorized home occupation, is required to have a home occupation permit.
3. *Application for Home Occupation Permit.*
 - a. Applicant shall apply to the City Manager or his/her designee for a home occupation permit.
 - b. The City Manager or his/her designee may issue the permit if the home occupation meets all the requirements established in Subsection Paragraph B.
 - c. The decision of the City Manager or his/her designee may be appealed to the Planning and Zoning Commission in accordance with section 21.4.14.-
 - d. The Planning and Zoning Commission will be the final judgment on appeals which must be submitted to the Planning and Zoning Commission within thirty (30) days after disapproval by the City Manager or his/her designee.
 - e. Supporting Documents.
 - i. *Signed statement.* One type of supporting evidence that may be submitted to the Planning and Zoning Commission for their consideration of an appeal is a signed statement by each property owner up to 200 feet of the property on which the home occupation is to occur, stating that the property owner has no objection to the existence of the proposed home occupation. An example of such a statement is as follows:

"I (name) the property owner at (address) have been advised by (name of home occupation applicant) of the request to the City for a Home Occupation Permit for the purpose of conducting (type of home occupation) and I have no objection to the home occupation permit being granted for the purpose reflected in this statement.

Signature of neighboring property owner and date"

- ii. *Statement from property owner.* An applicant who is renting the property on which a home occupation permit is requested shall obtain a written statement from the owner of the property. The owner will state that he/she has no objection to the home occupation on the property.
 - iii. *Persons with demonstrated physical handicaps.* Persons with physical handicaps may be permitted special consideration. The applicant may request a waiver of a portion or all of one or more of the requirements for a home occupation.
 - iv. *Granting of exception.* It shall be the responsibility of the applicant to submit sufficient evidence to justify the granting of an exception to any of the requirements in [Subsection Paragraph B](#).
- f. *Conditions Applicable to Home Occupation Permits.*
- i. *Validation.* A home occupation permit expires every December 31.
 - ii. *Renewal.* Permits shall be renewed annually.
 - iii. *Inspection.* The City Manager or his/her designee is authorized to periodically enter the premises to ensure full compliance with these requirements.
 - iv. *Termination.* When a home occupation is found in noncompliance with the requirements outlined in [Subsection Paragraph B](#), the permit will be terminated immediately.
 - v. *Renewal of terminated permits.* The procedure for renewal of a terminated permit shall be the same as required for the issuance of a new permit under this section.

(Ord. No. 17-S-40 , § 1(Exh. A), 10-24-2017; Ord. No. 18-S-04 , § 1(Exh. A), 1-23-2018)

Sec. 21.8.4. Home Occupations.

A. *Purpose and Intent.*

1. Protect residential areas from adverse impact of activities associated with home occupations.
2. Permit residents of the community a reasonable choice in the use of their homes as a place of livelihood and the production or supplementing of personal and family income.
3. Establish criteria and development standards for home occupations conducted in dwelling units.

B. *Home Occupations—Required Conditions* - home occupations shall be permitted as an accessory use in all residential zoning districts provided that they comply with all restrictions herein.

1. Such use shall be incidental and secondary to the use of the premises for residential purposes, and shall not utilize floor area exceeding 30 percent of the combined gross floor area of dwelling unit and any accessory building(s). In no case shall the combined floor area utilized for a home occupation exceed 600 square feet.
2. No interior or exterior business sign shall be permitted.
3. No mechanical equipment shall be used except of a type that is similar in character to that normally used for purely domestic or household mechanical equipment as for hobby purposes in conjunction with the home occupation.
4. Retail sales shall be prohibited on the premises except for items that are produced entirely on the premises in conformance with this Code
5. No more than one person other than the immediate family permanently residing on the premises shall be employed in the home occupation and at least one person permanently residing in the home must be involved in the business and shall obtain the Home Occupation Permit.
6. No more than one home occupation shall be permitted within any single dwelling unit.
7. No more than one business-related commercial vehicle shall be present at one time
8. A home occupation shall be carried on wholly within the principal building or accessory building.
9. Performance of the occupation activity shall not be visible from the street
10. There shall be no exterior storage of materials or display to be used in conjunction with a home occupation.
11. A home occupation shall produce no offensive noise, vibration, smoke, electrical interferences, dust, odors, or heat detectable beyond the property limits or beyond the walls of the dwelling unit. The judgment of the City's Code Enforcement Officer pertaining to a violation under this section shall be considered decisive and final unless formally appealed to the Planning and Zoning Commission within thirty (30) days after the Code Enforcement Officer's written determination.
12. All home occupations may be subject to periodic inspections by the City.
13. Said incidental use shall never be permitted as a principal use but only as an accessory use.

C. *Uses allowed as home occupations.* Subject to the provisions of this Section, home occupations may include the following uses:

1. Office facility of an accountant, architect, landscape architect, attorney, engineer, consultant, insurance agent, realtor, broker, or similar profession.
2. Author, artist, artisan, or sculptor.

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3. Dressmaker, seamstress or tailor.
 4. Music or dance teacher, or similar types of instruction, provided that instruction shall be limited to no more than five pupils at a time.
 5. Individual tutoring.
 6. Office facility of a minister, rabbi, priest or other cleric.
 7. Home crafts, such as rug weaving, model making, etc.
 8. Office facility of a salesman, sales or manufacturer's representative, provided that no retail or wholesale transactions or provision of services are personally and physically made on the premises except for items that are produced entirely on the premises in conformance with this Code.
 9. Repair shop for small electrical appliances, cameras, watches and clocks, and other small items, provided that the items can be carried by one person without using special equipment, and provided that the items are not equipped with an internal combustion engine.
 10. Food preparation establishments such as cake making, decorating or catering, provided that there is no on-premises consumption by customers, and provided that all aspects of the business comply with all state and local health regulations.
 11. Family homes, in compliance with applicable state laws, which are incorporated herein by reference, with no more than six children or adults.
 12. Barber shop or beauty salon or manicure studio, provided that no more than one customer is served on the premises at any one time.
 13. Swimming lessons and water safety instruction, provided that such instruction involves no more than two pupils at any one time.
 14. Activity involving primarily a computer.
 15. Contractor, provided that there shall be no outside storage of materials related to the operation of the business and any interior storage shall count toward the maximum area allowed in Subsection B.
- D. *Uses prohibited as home occupations.* Home occupations shall not, in any event, be deemed to include the following uses:
1. Animal hospitals or clinics, commercial stables having more than two horses per acre or kennels.
 2. Restaurants or on-premises food or beverage, including private clubs, consumption of any kind, except for limited food or meal consumption associated with the operation of a licensed registered family home or a bed and breakfast facility.
 3. Automobile, boat or trailer paint or repair shop; small engine or motorcycle repair shop; welding shop; large household appliance repair shop; or other similar type of business.
 4. On-premises retail or wholesale sales of any kind where multiple customers patronize the sales business on-site, except for items that are produced entirely on the premises in conformance with this Code, and except for occasional garage sales (no more than two per calendar year and shall not be held within six months of each other).
 5. Commercial clothing laundering or cleaning.
 6. Mortuaries or funeral homes.
 7. Trailer, vehicle, tool or equipment rentals.

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8. Repair shops for any items having internal combustion engines.
 9. Any use that would be defined by the building code as an assembly, factory or industrial, hazardous, institutional or mercantile occupancy.
- E. *Home occupation uses not classified herein.* Any use that is not either expressly allowed nor expressly prohibited by this division is considered prohibited, unless and until such use is classified by amendment to this chapter by the city council, subsequent to an affirmative recommendation by the planning commission.
- F. *Home Occupation Permit.*
1. *Purpose.* To establish a method to allow the City to regulate and control nonresidential activities and maintain a record of the types and numbers of home occupations in the City.
 2. *Permit Required.* Each resident within the City who has, or desires to establish an authorized home occupation, is required to have a home occupation permit.
 3. *Application for Home Occupation Permit.*
 - a. Applicant shall apply to the City Manager or his/her designee for a home occupation permit.
 - b. The City Manager or his/her designee may issue the permit if the home occupation meets all the requirements established in Subsection B.
 - c. The decision of the City Manager or his/her designee may be appealed to the Planning and Zoning Commission in accordance with section 21.4.14.
 - d. The Planning and Zoning Commission will be the final judgment on appeals which must be submitted to the Planning and Zoning Commission within thirty (30) days after disapproval by the City Manager or his/her designee.
 - e. Supporting Documents.
 - i. *Signed statement.* One type of supporting evidence that may be submitted to the Planning and Zoning Commission for their consideration of an appeal is a signed statement by each property owner up to 200 feet of the property on which the home occupation is to occur, stating that the property owner has no objection to the existence of the proposed home occupation. An example of such a statement is as follows:

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 - iii. *Persons with demonstrated physical handicaps.* Persons with physical handicaps may be permitted special consideration. The applicant may request a waiver of a portion or all of one or more of the requirements for a home occupation.
 - iv. *Granting of exception.* It shall be the responsibility of the applicant to submit sufficient evidence to justify the granting of an exception to any of the requirements in Subsection B.
 - f. *Conditions Applicable to Home Occupation Permits.*

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- i. *Validation.* A home occupation permit expires every December 31.
 - ii. *Renewal.* Permits shall be renewed annually.
 - iii. *Inspection.* The City Manager or his/her designee is authorized to periodically enter the premises to ensure full compliance with these requirements.
 - iv. *Termination.* When a home occupation is found in noncompliance with the requirements outlined in Subsection B, the permit will be terminated immediately.
 - v. *Renewal of terminated permits.* The procedure for renewal of a terminated permit shall be the same as required for the issuance of a new permit under this section.

(Ord. No. 17-S-40 , § 1(Exh. A), 10-24-2017; Ord. No. 18-S-04 , § 1(Exh. A), 1-23-2018)

PLANNING AND ZONING COMMISSION MEETING: 05/24/2023
Agenda Item 6 B

TO: Planning and Zoning Commission
 PREPARED BY: Samuel Haas, Senior Planner
 CASE: PLUDC20230134
 SUBJECT: PLUDC20230134 - Hold a public hearing, workshop and discussion and possible action to make a recommendation on amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC) to Article 5, Section 21.8.5 Permitted Use Table, and Article 16 Definitions.

GENERAL INFORMATION:

As stated in the Unified Development Code (UDC), City Council from time to time, on its own motion, or at the recommendation of City staff amend, change, or modify text in any portion of the UDC to establish and maintain stable and desirable development. It is generally considered good practice to periodically review and update the development regulations due to changing conditions, community goals, and/or State and Federal regulations.

The city has received interest for sites within the city for potential uses related to producing and/or storing solar energy. The interest is primarily centered around the undeveloped and underdeveloped Manufacturing - Light (M-1) Districts around the edges of the city. The current UDC has no language pertaining to solar energy land uses. Currently, this would be considered a "New and Unlisted Use", which requires a Specific Use Permit.

Several neighboring municipalities have language within their city codes defining and permitting solar related activities. Given the interest, staff is using these proposed amendments to make an effort to remain regionally competitive while fulfilling the intent of the Unified Development Code. Therefore, staff is proposing amendments to define solar activity land use and permit by right this use within the high intensity zoning districts of Manufacturing - Light Districts (M-1) and Manufacturing - Heavy Districts (M-2).

PROPOSED AMENDMENTS

Proposed Amendments to Article 5, Section 21.5.8 Permitted Use Table:

Zoning District	P=Permitted/ S= Specific Use Permit	Permitted Uses
Manufacturing - Light District (M-1)	P	Solar/Photovoltaic Facilities
Manufacturing - Heavy District (M-2)	P	Solar/Photovoltaic Facilities

Proposed Amendments to Article 16 - Definitions:

- *Solar Energy*: Radiant energy (direct, diffuse, and reflected) received from the sun.
- *Solar/Photovoltaic Facility*: A structure, assembly, equipment, or any combination thereof relating to the generation, transportation, and storage of solar energy.

No other modifications to Article 5, Section 21.5.8 Permitted Use Table or Article 16 Definitions are proposed with this UDC Amendment.

STAFF ANALYSIS AND RECOMMENDATION:

As interest in solar energy related activities has increased within the City of Schertz, staff has researched neighboring municipalities to better understand how the region is addressing this industry with their respective codes, and believes that Schertz can include similar language to remain competitive.

Given that solar energy production has less adverse impacts on surrounding properties as other forms of energy production, staff believes that Manufacturing - Light Districts (M-1) and Manufacturing - Heavy Districts (M-2) are appropriate as well as consistent with how other municipalities have handled solar energy related land uses.

Therefore, staff recommends approval of the amendments to the Unified Development Code (UDC) as proposed and discussed.

COMMISSIONERS CRITERIA FOR CONSIDERATION:

The Planning and Zoning Commission in making a recommendation to City Council on the proposed Unified Development Code Amendment. In considering action on a UDC Amendment, the Commission should consider the criteria within UDC, Section 21.4.7 D.

1. The proposed amendment promotes the health, safety, or general welfare of the City and the safe, orderly, efficient and healthful development of the City;
2. An amendment to the text is consistent with other policies of this UDC and the City;
3. Any proposed amendment is consistent with the goals and objectives of this UDC and the City; and
4. Other criteria which, at the discretion of the Planning and Zoning Commission and the City Council, are deemed relevant and important in the consideration of the amendment.

Attachments

Proposed UDC Amendment- Article 5- Permitted Use Table

Proposed UDC Amendment- Article 16 - Definitions

DRAFT

Proposed UDC Amendment

Article 5, Section 21.5.8, - Permitted Use Table

Proposed changes to the Permitted Use Table to add Solar/Photovoltaic Facilities.

Zoning District	P=Permitted/ S= Specific Use Permit	Permitted Uses
Manufacturing – Light District (M-1)	P	Solar/Photovoltaic Facilities
Manufacturing – Heavy District (M-2)	P	Solar/Photovoltaic Facilities

Proposed UDC Amendment

Article 16 - Definitions

Proposed changes to Article 16 - Definitions to add Solar Energy and Solar/Photovoltaic Facility.

Solar Energy: Radiant energy (direct, diffuse, and reflected) received from the sun.

Solar/Photovoltaic Facility: A structure, assembly, equipment, or any combination thereof relating to the generation, transportation, and storage of solar energy.

No other changes are proposed.

SUBJECT

Current Projects and City Council Status Update

DEVELOPMENT INFORMATION

The following is being provided for information purposes only so that the Planning and Zoning Commission is aware of the current status of new site plan applications, status of applications heard by the Commission and recommended for final action by the City Council, and the status of administratively approved applications.

NEW SITE PLAN APPLICATIONS:

- The following new site plan applications were submitted to the Planning and Community Development Department between May 5, 2023 and May 19, 2023.
 - Verde Enterprise Business Park Unit 10B Lot 7, Block 12 (17648 Verde Parkway)
 - Site Plan for a proposed 40,023 square foot hotel
 - Schertz Wastewater Lift Station Lot 1, Block 1 (72 Bubbling Springs Road)
 - Site Plan for a proposed lift station

CITY COUNCIL RESULTS: The following development applications were recommended for final action to the City Council:

- Ord. 23-S-09 – Conduct a public hearing and consideration and/or action on a request to rezone approximately 15 acres of land from Pre-Development District (PRE) to Apartment/Multi-Family Residential District (R-4), located approximately 1,800 feet east of the intersection of FM 1518 and Ray Corbett Drive, also known as Bexar County Property Identification Number 309863, City of Schertz, Bexar County, Texas.
 - Recommended for denial at the April 12, 2023 P&Z Meeting (5-0)
 - On May 9, 2023 the applicant withdrew this application.
- Ord. 23-S-10 – Conduct a public hearing and consideration and/or action on a request to rezone approximately 1 acre of land from Single-Family Residential District (R-1) to Neighborhood Services District (NS), located approximately 600 feet south of the intersection of FM 3009 and Live Oak Road, also known as Guadalupe County Property Identification Number 67544, City of Schertz, Guadalupe County, Texas.
 - Recommended for approval at the April 12, 2023 P&Z Meeting (5-0)
 - Approved at first reading at the May 9, 2023 CC Meeting (7-0)
 - Scheduled for final reading at the May 23, 2023 CC Meeting
- Ord. 23-S-12 - Conduct a public hearing and consideration and/or action on a Specific Use Permit to allow a convenience store with gas pumps on approximately 4.2 acres of land, located at the intersection of North Graytown Road & IH 10, address: 11185 IH 10 E, City of Schertz, Bexar County, Texas, property ID: 619232.
 - Recommended for approval at the May 10, 2023 P&Z Meeting (7-0)
 - Scheduled for first reading at the June 6, 2023 CC Meeting

ADMINISTRATIVELY APPROVED PROJECTS:

- There were no development applications administratively approved between May 5, 2023 and May 19, 2023.
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