

ORDINANCE NO. 24-S-154

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING PART III SCHERTZ CODE OF ORDINANCES, THE UNIFIED DEVELOPMENT CODE (UDC) ARTICLE 5 ZONING DISTRICTS, ARTICLE 9 SITE DESIGN STANDARDS, AND ARTICLE 16 DEFINITIONS.

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

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

WHEREAS, on September 4, 2024, the Planning and Zoning Commission conducted a public hearing and, after considering the Criteria, made a recommendation to City Council of approval; and

WHEREAS, on October 22, 2024, the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the proposed amendments are appropriate and are in the interest of the public safety, health, and welfare.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:

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

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

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and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

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

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

Section 6. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this

Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 7. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

PASSED ON FIRST READING, the _____ of _____ 2024.

PASSED, APPROVED and ADOPTED ON SECOND READING, the _____ of _____, 2024.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

(city seal)

Exhibit "A"

Proposed Unified Development Code (UDC) Amendments

Article 5- Zoning Districts, Article 9- Site Design Standards, and Article 16- Definitions

Sec. 21.5.9. Special districts.

A. *Air Installation Compatible Use Zone District (AICUZ).*

1. Established to provide control on encroachment around a military airfield, encroachment that could destroy the harmonious relationship existing between the local community and a military airfield. This could eventually lead to the removal of the airfield, which would affect the economy of the area. Restrictions established in accordance with suggested guidelines and studies published by the military will control the development, construction and density of the area. The area is subject to high frequency of noise from aircraft and is at high risk to potential aircraft accidents. All uses and regulations contained within the AICUZ shall be in accordance with the AICUZ study and regulations published by Randolph Air Force Base.
2. A request for development that is not a permitted use by the AICUZ Study, as adopted by the City, or a request for zoning change for property located within the AICUZ requires written notification to Randolph Air Force Base (RAFB) of the proposed development, type occupancy, occupant load, hours of operation, and any special conditions of the project that may include noise, dust, smoke emissions, etc., and any proposed request for a zone change within the AICUZ, with applicable reference the Standard Land Use Code Manual (SLUCM) as adopted in the AICUZ Study. An acknowledgment from RAFB will be requested on the proposed development within 60 days. RAFB may conclude that the proposed development or zoning change should be permitted. Unless RAFB affirmatively recommends to the City that the proposed development or zoning change in the AICUZ be permitted, the development or zoning change will not be approved by the City. Failure on the part of RAFB to respond within 60 days will be deemed to be disapproval.

B. *Planned Development District (PDD).* A contiguous land area of a minimum size, as specified by this UDC and this Article, to be planned and developed using a common master zoning plan, and containing one or more uses and appurtenant common areas.

C. Reserved.

(Ord. No. 13-S-22, § 5, 7-16-2013)

Sec. 21.9.3. Lots.

- A. Lot sizes and dimensions shall conform to the minimum requirements of the appropriate zoning district. The lot area shall be computed including all easements. Changes in the required lot sizes and dimensions may only be allowed through rezoning or through the granting of a variance by the BOA. No lot shall be approved which does not meet the minimum requirements of the appropriate zoning district.
- B. In residential subdivisions not served by public sewer, the Planning and Zoning Commission shall require the developer to cause a percolation test to be made. In no case will the lot size in such subdivision be less than one-half acre (21,780 square feet). This is the responsibility of the County Health Inspector.
- C. Depth and width of properties laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- D. Corner lots shall have sufficient width to permit the required building setback and proper orientation to both streets. Lots abutting crosswalks shall be treated as corner lots.
- E. Where a residential lot backs up to a railroad right-of-way, high pressure gas line, industrial area or any other land use which may have a dangerous effect on residential property, and where no marginal access street or other street is provided at the rear of such lot, an additional depth of 25 feet shall be required. Where a lot sides to any of the above, an additional width of 15 feet shall be required. A planting screen or non-access easement of at least ten feet shall be provided along the line of lots abutting a railroad right-of-way, high pressure gas line, industrial area or any other land use which may have a dangerous effect on residential property.
- F. Residential lots located on a cul-de-sac shall be at least fifty feet (50') wide at the building line.
- G. Residential lots shall be oriented to take advantage of topography; the best relationship to the overall design of the neighborhood; and to minimize the effects of any surrounding depreciating land uses.
- H. There shall be no residential lots facing directly upon a major street.
- I. All side lines of lots shall be perpendicular to straight street lines and radial to curved street lines except where a waiver to this rule will provide a better street and lot layout.
- J. Every lot shall be provided with adequate access to a public street, either by direct frontage on such street, or by public access easement approved by the Planning and Zoning Commission. Rear and/or side driveway access to major streets shall be prohibited.
- K. In no event shall setback lines be less than those required by the applicable zoning district.

Sec. 21.9.8. Screening and Fencing.

A. Fences and Screening in Residential Areas.

1. Height.

- a. No fence, screen, or wall shall exceed eight feet (8') in height. No fence, screen, or wall within a required front yard shall exceed four feet (4') in height. Fences constructed in the front yard shall be non-opaque, decorative fences and shall not interfere with the sight visibility triangle as required by this UDC or any other applicable City ordinances, codes or regulations.
- b. Exceptions:
 - i. A fence not to exceed six feet (6') in height may be installed in the front yard of property located in a Residential Agricultural (RA) District which is not in a mandatory homeowners' association or within the jurisdiction of a mandatory architectural review committee and which contains a minimum of two (2) acres.
 - ii. A fence not to exceed six feet (6') in height may be installed in the front yard of property located in a Residential Agricultural (RA) District which is in a mandatory homeowners' association or within the jurisdiction of a mandatory architectural review committee with the written approval of the homeowners' association or the architectural review committee, which approval must accompany the application for fence permit.
 - iii. Any such fence under this paragraph (b) shall be a non-opaque decorative fence which shall not interfere with the sight visibility triangle as required by this UDC or any other applicable City ordinances.

2. Fence Materials.

a. Materials Permitted.

- i. Fences may be constructed of chain link or similar woven wire mesh (provided no screening is attached), pressure treated wood, decorative metal, stone, brick, or other materials traditionally used in private fence construction.
- ii. Decorative fences shall be constructed of pressure treated wood picket, decorative metal, stone or brick, or a combination thereof. Solid surface area of any decorative fence shall not exceed fifty percent (50%) of the total surface area. Above ground electrical fencing shall be permitted in accordance with the building code.

- b. Prohibited Materials. Chicken wire and barbed wire are prohibited except on parcels or lots in conjunction with agricultural operations.

- 3. Fences within Easements.** Fences within a public easement shall have a gate or removable panel to allow for maintenance access to such easement. The City shall not be responsible for damage to any fence that may occur as a result of maintenance within the easement. Fences located within drainage easements shall be equipped with a bar screen at the bottom to allow for proper drainage flow.

B. Fences in Nonresidential and Multifamily Areas.

- 1. Height.** No fence, screen, or wall shall exceed eight feet (8') in height. No fence, screen, or wall within a required front yard shall exceed eight feet (8') in height. Fences constructed in the front yard shall be non-opaque and shall not interfere with the sight visibility triangle as required by this UDC or any other applicable City ordinances, codes and regulations. All fences for public water and wastewater facilities are allowed to be opaque.

2. Fence Materials.

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- a. *Materials Permitted.* Fences may be constructed of chain link or similar woven wire mesh (provided no screening is attached), pressure treated wood, decorative metal, stone, brick, above ground electrical fencing or other materials traditionally used in private fence construction.
 - b. *Prohibited Materials.* Chicken wire and barbed wire are prohibited except on parcels or lots in conjunction with agricultural operations . Three strand barbed wire on top of chain link fencing is permitted when associated with public water and wastewater facilities and when not visible from public rights-of-way or adjacent properties.
3. *Fences Adjacent to Residential Property.* Where any nonresidential or multifamily use, lot or parcel except public schools is adjacent to or separated by only a local street or alley from a lot or parcel that is zoned for single family residential use, the nonresidential or multifamily use shall construct a masonry screening wall a minimum of eight feet (8') in height.
- a. The screen shall be located no closer to the street than the property line. Such screening wall shall be maintained in good condition.
 - b. Any sections of this UDC or any other City ordinances, codes or regulations concerning sight obstructions of intersections shall be applicable to the screen where it is intersected by a right-of-way.
 - c. Where any nonresidential or multifamily use, lot or parcel is located in such a manner so as to be at a higher elevation than an adjacent lot or parcel that is zoned for single family residential use, the required masonry screening wall shall be constructed on the higher elevation so as to mitigate the adjacent residential property from the impacts of the adjacent use.
 - d. Due to the flexibility in residential/nonresidential for the Main Street Mixed Use (MSMU) and Main Street Mixed-Use - New Development (MSMU-ND) zoning districts, the masonry wall requirement is not applicable.
4. *Screening of Trash Receptacles.* All trash receptacles shall be screened from public view by a solid screening wall a minimum of eight feet (8') in height and constructed of a masonry material. Gates shall be of solid metal and shall be closed at all times except when loading and unloading.
5. *Fences within Public Easements.* Fences within a public easement shall have a gate or removable panel to allow for maintenance access to such easement. The City shall not be responsible for damage to any fence that may occur as a result of maintenance of any utility within the easement.
6. *Gates for Vehicular Access.* Gates designed for vehicular access shall be set back from the property line a minimum of twenty-four feet (24').
- C. *Screening Along Arterial Roadways.*
1. *Requirement Criteria.*
 - a. Where subdivisions are platted so that the rear or side yards of single-family residential lots are adjacent to a principal or secondary arterial roadway as described in section 21.14.1, or are separated from a principal or secondary arterial roadway by an alley, the developer shall provide, at its sole expense, a minimum eight foot (8') tall masonry screening wall. All screening shall be adjacent to the right-of-way or property line and fully located on the private lot(s), including columns and decorative features. Any sections of this UDC or any other City ordinances, codes or regulations concerning sight obstructions of intersections shall be applicable to the screen where it is intersected by a right-of-way.
 - b. Parcels or lots used in conjunction with agricultural operations are exempt from the screening wall requirements of this section.

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2. *Screening Alternatives.* An alternative form of screening, in-lieu of the masonry wall, may be approved by the Planning and Zoning Commission with the Preliminary Plat application. Alternatives that may be considered include:
 - a. a living/landscaped screen in conjunction with decorative metal (e.g., wrought iron) fence sections with masonry columns;
 - b. a combination of berms and living/landscaped screening;
 - c. a combination of berms, decorative masonry walls and living/landscaped screening, either with or without a decorative metal or "FenceCrete" type of fence with masonry columns; or
 - d. some other creative screening alternative may be approved if it meets the spirit and intent of this section, if it is demonstrated to be long-lasting and generally maintenance-free, and if the Planning and Zoning Commission find it to be in the public interest to approve the alternative screening device.
 3. *Time required for opacity.* Any required screening device shall be, or shall achieve, at least six feet (6') in height and at least ninety percent (90%) opacity within three (3) years of initial installation/planting.
 4. *Maintenance Easement.* A wall/screening maintenance easement at least five feet in width shall be dedicated to the home owners association on the private lot side and adjacent to the entire length of the screening wall or device for maintenance and repair of the screening wall.
 5. *Installation.* The screening/wall/device shall be installed prior to final acceptance of the subdivision public improvements. All landscape materials, if utilized, shall be installed in accordance with section 21.9.7. Failure to properly install all components of a required screening wall or device within the prescribed time frame shall constitute a violation of this UDC, and shall authorize the Public Works Director to refuse acceptance of the subdivision public improvements.
 6. *Design of Walls.* All masonry, wrought iron, steel or aluminum screening wall plans and details must be designed and sealed by a licensed professional engineer, and must be approved by the City Manager or his/her designee. Use of chain-link, chicken-wire, hog-wire fencing, and any other material similar in appearance and quality is expressly prohibited for meeting the requirements of this section.
 7. *Height of Screening.* The height of required screening devices, including spans between columns, shall be a minimum of six feet (6') and shall be no more than eight feet (8'). Decorative columns, pilasters, stone caps, sculptural elements, and other similar features may exceed the maximum height by up to two feet (2') for a total maximum height of ten feet (10') for these features.
 8. *Other Easements.* Screening fences, walls and devices shall not be constructed within any portion of a utility or drainage easement unless specifically authorized by the City Manager or his/her designee and by any other applicable utility provider(s).

(Ord. No. 16-S-27, § 5, 8-30-2016; Ord. No. 18-S-24, § 1(Exh. A), 8-7-2018; Ord. No. 19-S-22, § 1(Exh. A), 9-3-2019; Ord. No. 21-S-26, § 1(Exh. A), 7-6-2021)

Sec. 21.9.9. Tree Preservation and Mitigation.

A. *Purpose and Intent.*

1. The purpose of this section is to conserve, protect and enhance existing healthy trees and natural landscape. It is recognized that the preservation of existing trees contributes to the overall quality and environment of the City. Trees can and do contribute to the processes of purification, oxygenation, regeneration, groundwater recharge, reduction of pollution and contaminants in aquifers, erosion and dust control, abatement of noise, provision of wildlife habitat and enhancement property values. Indiscriminate clearing or stripping of natural vegetation on any parcel is prohibited.
2. It is hereby declared the intent of the City to encourage the preservation of all trees within the City limits. While the layout of a property with respect to the placement of buildings, parking facilities and other site requirements is at the discretion of the developer of the property, it is the policy of the City to promote site layout and design in a manner which preserves the maximum amount of Protected Class and Heritage Class trees possible.

B. *Applicability and Exemptions.*

1. The provisions of this section are applicable to the following:
 - a. all new residential and nonresidential development within the City except public schools;
 - b. redevelopment of any residential or nonresidential property within the City that results in an increase in the building footprint or the total destruction and reconstruction except public schools;
 - c. any grading, filling or clearing of land in the City limits; and
 - d. any selective or individual removal of any Protected Class or Heritage Class Tree in the City limits.
2. The following definitions shall be applicable to the provisions of this section:
 - a. *Protected Class Trees.* Trees having a DBH (diameter at breast height measured four and one half feet above existing ground level) between eight inches (8") and less than twenty-four inches (24") are designated as "Protected Class Trees".
 - b. *Heritage Class Trees.* Trees having a DBH greater than or equal to twenty-four inches (24") are designated as "Heritage Class Trees".
 - c. *Damage.* Damage shall be considered any injury to a tree including, but not limited to:
 - i. uprooting;
 - ii. severance of the root system or main trunk;
 - iii. storage of topsoil, construction materials, debris or chemicals within the drip line area;
 - iv. compaction of soil within the drip line area;
 - v. a substantial change in the natural grade above a root system or within the drip line area;
 - vi. pruning or removal of more than twenty-five percent (25%) of the living tissue; or
 - vii. Paving with concrete, asphalt or other impervious material within the drip line area. Tree grates or tree wells may be provided to preserve pervious surface within the drip line area.
3. The following are exempt from the preservation, mitigation and permitting requirements of this section:

- a. Protected Class Trees located within the area of a proposed on-site sewage facility (OSSF) (A waiver to mitigation for Heritage Class trees may be requested);
- b. Protected Class and Heritage Class Trees located within a right-of-way to be dedicated to and maintained by the City and shown on the City's Master Thoroughfare Plan;
- c. Protected Class Trees located within any utility easement, Heritage Class Trees located within any utility easement are exempt from preservation requirements only (A waiver to mitigation for Heritage Class trees may be requested);
- d. Protected Class and Heritage Class trees damaged or destroyed by floods, fire, wind or other natural causes;
- e. Dangerous, diseased, damaged, dead or dying Protected Class or Heritage Class trees as determined by a tree survey and a letter from a certified Texas Arborist; provided, notwithstanding the title of this section; and
- f. Protected Class and Heritage Class trees located on property that has an existing one family or two-family dwelling that is occupied.
- g. Protected Class and Heritage Class trees of the following exempted tree species:

Table 21.9.9 Exempted Trees	
Common Name	Scientific Name
Hackberry	<i>Celtis occidentalis</i>
Eastern Red Cedar	<i>Juniperus virginiana</i>
Common Ashe Juniper	<i>Juniperus ashei</i>
Chinaberry	<i>Melia azedarach</i>
Mesquite	<i>Prosopis</i> spp.
Ligustrum	<i>Ligustrum</i> spp.
Tree-of Heaven	<i>Ailanthus altissima</i>
Chinese Tallow	<i>Triadica sebifera</i>
Chinese Privet, Glossy (Japanese) Privet	<i>Ligustrum sinense</i>
Paper Mullberry	<i>Broussonetia papyrifera</i>
Salt Cedar	<i>Tamarix</i> spp.
Chinese Pistache	<i>Pistacia chinensis</i>
Vitex	<i>Vitex agnus-castus</i>
Japanese Honeysuckle	<i>Lonicera Japonica</i>
Nandina	<i>Nandina domestica</i>
Princess Tree	<i>Paulownia tomentosa</i>
Huisache or Sweet Acia	<i>Acacia Farnesiana</i>
Box Elder	<i>Acer negundo</i>
Mimosa	<i>Albizia julibrissin</i>
Golden-Rain Tree	<i>Koelreuteria paniculata</i>
Bradford Pear	<i>Pyrus calleryana</i>
Japanese Plum	<i>Prunus salicina</i>
Lombardy poplar	<i>Populus nigra "italica"</i>
Chinese Parasol/ Varnish Tree	<i>Firmiana simplex</i>
Chinese Loquat or Loquat	<i>Eriobotrya japonica</i>

- C. *Tree Preservation.* The existing natural landscape character, especially native oaks, elms, and pecan trees, shall be preserved to the maximum extent reasonable and feasible. Except as otherwise exempted in section 21.9.9.B.3. above, a tree removal permit is required for the removal of any tree with a DBH greater than eight inches.
1. *Protected Trees.* Any Protected Trees not exempt from preservation in section B.3. above may be removed upon approval of a Tree Removal Permit by the Director of Parks, Recreation and Community Services Any decision of the Director of Parks, Recreation and Community Services regarding a tree removal permit may be appealed to the Planning and Zoning Commission in accordance with section 21.4.14 of this UDC.
 2. *Heritage Trees.* Any Heritage Trees to be removed may be removed upon approval of a Tree Removal Permit by the Director of Parks, Recreation and Community Services. Any decision by the Director of Parks, Recreation and Community Services regarding a tree removal permit may be appealed to the Planning and Zoning Commission in accordance with section 21.4.14 of this UDC. All Heritage Trees shall be required to meet the mitigation requirements of this section.
 3. *Minimum Preservation.* In the development of any site, at least twenty-five percent (25%) of all mitigatable Protected Class and Heritage Class trees must be preserved. (A waiver to the 25% preservation requirement may be requested)
- D. *Tree Mitigation.* Any trees that are removed or damaged as a result of the approval of a Tree Removal Permit shall be mitigated for on the same site as the proposed development. The species of trees planted for mitigation purposes may not include those listed as exempt in subsection 21.9.9.B.3. above. In the event that mitigation is not feasible on the same site as the proposed development, an applicant may request to donate trees, meeting the mitigation requirements of this section, to be planted at public parks, schools, or other approved public facilities throughout the City or provide a fee-in-lieu of payment which will be used to place trees at public parks, schools, or other approved public facilities throughout the City. Tree mitigation funds may also be utilized to install irrigation, to repair or remove damaged or destroyed trees, to preserve and protect existing Protected Class and Heritage Class trees and to purchase equipment for the preservation or protection of existing trees. Mitigation requirements are:
1. *Protected Class Trees.* Protected trees shall be mitigated at a one-to-one (1:1) DBH inch ratio for every tree removed. Replacement trees shall have a minimum DBH of two inches (2").
 2. *Heritage Class Trees.* Heritage Class trees shall be mitigated at a three-to-one (3:1) DBH inch ratio for every tree removed. Replacement trees shall have a minimum DBH of two inches (2").
 3. *Damaged Trees.* Any trees that are designated for preservation and are damaged during the construction process or that die within two (2) years of issuance of a certificate of occupancy shall be mitigated for in accordance with subsection 21.9.9.D.1. and D.2. above.
 4. *Mitigated Trees.* Trees planted and counted towards the necessary mitigation requirements that are damaged after planting or that die within two (2) years of issuance of a certificate of occupancy shall be mitigated for at a one-to-one (1:1) DBH inch ratio for every tree damaged or that dies.
 5. The amount of tree mitigation per acre is capped at 100 inches per acre. For properties where the trees are generally clustered, staff has the discretion to define the acreage of the property as an area extending twenty feet (20') beyond the tree canopy of the cluster in determining the acreage.
- E. *Tree Protection Standards.*

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1. All trees to be preserved on site shall be protected from damage caused by site excavation or construction in accordance with the following:
 - a. All trees shall be protected by a fence, frame or box constructed around the drip line of the preserved tree. Protection measures may not be removed until construction is complete.
 - b. A minimum of three inches (3") of mulch or compost shall be spread beneath the drip line of the preserved tree.
 - c. No person shall excavate any ditches, tunnels, or trenches, place any paving material or place any drive or parking area within the drip line of any Protected Class or Heritage Class Tree without prior written approval of the City Manager or his/her designee at the time of Site Plan approval.
 - d. No person shall attach any rope, wire, nails, advertising posters or other contrivance to any Protected Class or Heritage Class Tree.
 2. It is the intent of the City to control and prevent the spread of Oak Wilt.
 - a. If any oak tree is wounded by intentional damage or pruning or as a result of natural causes, the damaged area shall be immediately treated with tree wound dressing.
 - b. All necessary and reasonable efforts shall be given during the permitted removal of any trees to utilize best known practices to prevent the spread of Oak Wilt disease to any other surrounding trees.
- F. *Tree Preservation Credits—Nonresidential and Multifamily Developments.* To encourage the preservation of existing Protected Class or Heritage Class Trees contained within a proposed development, tree preservation credits may be requested to reduce the amount of new trees required on nonresidential and multifamily sites. Tree preservation credits can be issued for landscape buffer requirements when the tree being preserved is located within the buffer. Tree preservation credits can be issued to satisfy total trees per acre requirements of UDC Sec. 21.9.7.D.11. The following minimum tree preservation credits may be requested:
1. Protected Class Trees shall receive a credit against the minimum required landscaping or mitigation standards at a one-to-one (1:1) caliper inch ratio;
 2. Heritage Class Trees shall receive a credit against the minimum required landscaping or mitigation standards at a three-to-one (3:1) caliper inch ratio;
- G. *Tree Survey Required.* Every application for a final plat for residential development or Site Plan for nonresidential and multifamily development shall be accompanied by a tree survey that includes the following information:
1. total number of DBH caliper inches of Protected Class and Heritage Class on the site;
 2. total number of DBH caliper inches of Protected Class and Heritage Class to be removed; and
 3. total number of DBH caliper inches of Protected Class and Heritage Class to be preserved.
- H. *Tree Removal Permit.* A tree removal permit is required for the removal of any Protected Class or Heritage Class trees not exempt in section 21.9.9.B.3. above. The permit must be accompanied by an appropriate application and shall contain a tree preservation plan showing the following:
1. existing/proposed topography;
 2. location of property lines, easement, rights-of-ways, setbacks, parking areas and sidewalks;
 3. location, species and size (in DBH) of each Protected Class and Heritage Class Tree, except those trees exempted by section 21.9.9.B.3 above;
 4. a tree inventory that summarizes the following:

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- a. total number of DBH caliper inches on the site;
 - b. total number of DBH caliper inches to be removed;
 - c. total number of DBH caliper inches to be preserved;
 - d. location of any proposed tree mitigation;
 - e. any proposed tree preservation credits; and
5. a summary of the tree protection methods to be utilized.
- I. *Waiver.*
 1. *General.* The City Manager or his/her designee may authorize waivers from the provisions of this Article when, in their opinion, undue hardship will result from requiring strict compliance. Waivers may be granted only to items specifically stated in this section. Waivers must meet one of the following eligibility requirements:
 - a. The tree is proposed for removal in order for the property to achieve compliance with other applicable City requirements and standards (i.e. site design or storm water management); or
 - b. The tree is proposed for removal because it is within a future public utility location.
 2. *Criteria for approval.* Waivers shall be evaluated using the following criteria:
 - a. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees or windbreaks;
 - b. The requested waiver does not violate the intent of this section or the UDC;
 - c. Strict interpretation of the provisions of the section would deprive the applicant of rights commonly enjoyed by other nearby properties in the same zoning district or with the same land use that would comply with the same provisions;
 - d. A reasonable effort to preserve the tree has been made and reasonable alternatives have been evaluated and determined to not be feasible.
 3. Any decision of the City Manager or his/her designee regarding waivers to the provisions of this section may be appealed to the Planning and Zoning Commission. When considering an appeal, the Planning and Zoning Commission shall consider the same standards as the City Manager or his/her designee as outlined above.

(Ord. No. 16-S-27, § 6, 8-30-2016; Ord. No. 17-S-40, § 1(Exh. A), 10-24-2017; Ord. No. 18-S-08, § 1(Exh. A), 2-27-2018; Ord. No. 18-S-24, § 1(Exh. A), 8-7-2018; Ord. No. 22-S-18, § 1(Exh. A), 4-26-2022; Ord. No. 23-S-27, § 1(Exh. B), 10-17-2023)

Sec. 21.9.12. Site plan process.

A. *Purpose and Applicability.*

1. *Purpose.* This section establishes a Site Plan review process for certain proposed residential, nonresidential, and mixed-use developments. The purpose of Site Plan approval is to:
 - a. ensure compliance with the requirements of this UDC;
 - b. promote better site design;
 - c. integrate projects more effectively into their surrounding environment;
 - d. prevent the impairment or depreciation of property values;
 - e. improve internal vehicular and pedestrian circulation;
 - f. encourage quality and innovative site planning techniques;
 - g. project and enhance the overall general public health, safety and welfare;
 - h. ensure efficient and safe land development;
 - i. ensure harmonious use of land;
 - j. ensure compliance with the Comprehensive Land Plan and other appropriate design standards; and
 - k. ensure adequate parking and loading, water supply, drainage and storm water management, sanitary sewer facilities, and other utilities and services.
2. *Applicability.* Site Plan review and approval shall be required as follows:
 - a. for any development that contains two (2) or more residential dwelling units on a single tract, lot, or parcel of land;
 - b. for any development that contains single-family attached dwelling units;
 - c. for any non-residential development;
 - d. any increase in an existing non-residential structure or a residential structure that contains two (2) or more residential dwelling units that is greater than twenty-five percent (25%) of the existing building square footage;
 - e. for any single-family residential development that includes a private amenity or facility or a golf course; and
 - f. no building permit shall be issued for any of the above developments until a Site Plan and all other required engineering/construction plans are first approved by the City. No certificate of occupancy shall be issued until all construction and development conforms to the approved Site Plan and associated engineering/construction plans. The Site Plan review process shall include, but not be limited to, the following steps:
 - i. Site Plan review and approval; and
 - ii. Construction of project (after City approval of required Site Plan and other associated plans, including platting and engineering plans).
3. *Exempted Uses.* The following land use activities are exempted from the requirements of this Article:
 - a. construction of a one family dwelling, accessory structure and related land use activities;

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- b. repair and maintenance of existing structures or uses;
 - c. agricultural land uses;
 - d. incidental landscaping or grading;
 - e. individual manufactured homes; and
 - f. interior alterations that do not substantially change the nature or use of the structure.
- B. *Application Requirements.* Any request for Site Plan approval shall be accompanied by an application prepared in accordance with the Development Manual.
- C. *Processing of Application and Decision.*
1. *Submittal.* An application for a Site Plan shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review the application for completeness in accordance with section 21.4.2. The City Manager or his/her designee shall forward a copy of the proposed plan to the other appropriate departments for review and recommendation.
 2. *Site Plan Approval.* The City Manager or his/her designee may approve a site plan. The City Manager or his/her designee may, for any reason, elect to present the site plan for approval to the Planning and Zoning Commission. The City Manager or his/her designee shall not approve with conditions or disapprove a site plan and shall be required to refer any site plan for which approval is refused to the Planning and Zoning Commission. The City Manager or his/her designee or the Planning and Zoning Commission shall act on the plan within thirty (30) days after the date a complete application is filed.
 3. *Conditional Approval and Denial.* If the Commission conditionally approves or denies the plan, a written statement must be provided to the applicant clearly articulating each specific condition for the conditional approval or reason for denial. Each condition or reason specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the conditional approval or denial.
 4. *Applicant Response to Conditional Approval or Denial.* After the conditional approval or denial of a plan, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for denial provided. The City Manager or his/her designee is authorized to approve revisions required for conditional approval of the site plan. The Planning and Zoning Commission shall determine whether to approve or deny the applicant's previously denied plan or conditionally approved plan, if forwarded to the commission by the City Manager or his/her designee, no later than the fifteenth (15th) day after the date the response was submitted.
- D. *Criteria for Approval.* The City Manager or his/her designee in considering final action on a Site Plan, should consider the following criteria:
1. the Site Plan is consistent with the general purpose and intent of the applicable zoning district regulations;
 2. the Site Plan is compatible with adjacent developments and neighborhoods and includes improvements to mitigate development related adverse impacts;
 3. the Site Plan does not generate pedestrian or vehicular traffic which will be hazardous or conflict with the existing traffic patterns in the area;
 4. the Site Plan incorporates features to minimize adverse effects on adjacent properties;
 5. adequate capacity of public or private facilities for water, sewer, electricity and transportation to and through the development are provided to the site;
 6. the proposed use and associated Site Plan promotes the health, safety or general welfare of the City.

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- E. *Revisions to Approved Site Plan.* Changes to an approved Site Plan shall be processed in the same manner as the original approved Site Plan; however, changes of details within a Site Plan which do not alter the basic physical relationship of the property to adjacent property, do not alter the use permitted, increase the density, floor area, height, or reduce the yards provided at the boundary of the site as indicated on the approved Site Plan, may be authorized by the City Manager or his/her designee.
- F. *Expiration of Site Plan.* A Site Plan shall expire if any of the following occurs:
1. a building permit has not been approved within two (2) years for the construction of any building on the property for which the Site Plan was approved.

(Ord. No. 17-S-40, § 1(Exh. A), 10-24-2017; Ord. No. 18-S-04, § 1(Exh. A), 1-23-2018; Ord. No. 19-S-22, § 1(Exh. A), 9-3-2019)

Exhibit "A": Proposed UDC Amendments Article 16

- SCHERTZ UNIFIED DEVELOPMENT CODE
ARTICLE 16. DEFINITIONS

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Mixed-Use Self-Storage: A climate-controlled building(s) containing ground floor retail, service, or office space with separate, individual self-storage units for rent or lease. The conduct of sales, business, or any activity other than storage shall be prohibited within the individual storage units. Such building(s) shall be a minimum of 45-feet in height.