

Ordinance 24-S-154

Proposed UDC Amendments Article 5- Zoning, Article 9- Site Design Standards,
Article 16- Definitions

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Background

As per Unified Development Code Section 21.4.7, City Council from time to time, or on its own motion, or at the recommendation of City Staff, may make amendments, change or modify any portion of the UDC to establish and maintain sound and stable development.

Staff periodically reviews the development process to make improvements, which includes reviewing the Unified Development Code for clarity and cohesion.

The proposed UDC amendments, which were initiated by the Planning Division Staff, are meant to clarify the intent of the Unified Development Code and clean up lingering language removed from previous amendments.

Article	Unified Development Code Sections	Proposed
Article 5 - Zoning	<p>Section 21.5.9-Special Districts</p> <p>C. Agricultural Planned Development District (ACPDD)</p> <p>F. Mixed Use Planned Development District (MUPDD)</p> <p>G. Design Overlay District (DO)</p>	Removal of the Purpose and Intent of these Special Districts as they can no longer be requested.

Article	Unified Development Code Sections	Proposed
Article 9 - Site Design Standards	<p>Section 21.9.3- Lots. Subsection K</p> <ul style="list-style-type: none"> Required setbacks to be shown on all plats and defined setbacks. 	<ul style="list-style-type: none"> Removal of language requiring setbacks be shown on plats. This is not consistent with the development manual requirements. Setbacks are clearly defined in Article 16- Definitions and the language here was redundant.

Article	Unified Development Code Sections	Proposed
Article 9 - Site Design Standards	<p>Section 21.9.8- Screening and Fencing</p> <ul style="list-style-type: none"> Fences and Screening in Residential Areas Fences and Screening in Nonresidential and Multifamily Areas Screening Along Arterial Roadways 	<ul style="list-style-type: none"> Make the UDC clear that chain link and similar fencing are to not have screening attached. Modify language to be cohesive with recent Article 7- Nonconforming, Agricultural Operations UDC Amendments.

Article	Unified Development Code Sections	Proposed
Article 9- Site Design Standards	<p>Section 21.9.9- Tree Preservation and Mitigation</p> <ul style="list-style-type: none"> • 21.9.9.3: Undesirable Trees list in Table 21.9.7.F • 21.9.9.3:Table 21.9.9: Exempted Trees List 	<ul style="list-style-type: none"> • Removal of the Undesirable Trees list that was removed with a prior UDC change. • Expansion of Exempted Trees List which prevents the mitigation and payment of invasive tree species.

Article	Unified Development Code Sections	Proposed
Article 9- Site Design Standards	<p>Section 21.9.12- Site Plan Process</p> <ul style="list-style-type: none"> Planned Development District Application Specific Use Permit Application Pre-Application Conference Requirement 	<ul style="list-style-type: none"> To remove applications that no longer require an approved site plan as part of the application. Removal of Pre-Application conference requirement for approval of a site plan, building permit issuance, and certificate of occupancy.

Article	Unified Development Code Sections	Proposed
Article 16-Definitions	Mixed-Use Self-Storage	“In height” was added to the definition of Mixed-Use Self-Storage to make it clear that the number 45 was referring to a 45 minimum height requirement for this use.

UDC SECTION 21.4.7.D Criteria for Approval

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.

Staff proposes UDC amendments from time to time to proactively better the Unified Development Code that governs development within the City of Schertz.

The proposed amendments are necessary for consistency with changes already made to the UDC. Additionally, they provide clarification on sections of the Unified Development Code Sections used by multiple departments.

The proposed amendments to Article 9, Section 21.9.9. add invasive tree species to the Exempt Tree Table that are not desirable and are classified as invasive to our area.

The proposed amendments have been reviewed by the Parks Director, and there are no objections to the amendments. Additionally, Staff met with a representative of the Texas A&M Forest Service to discuss the proposed additional exempt tree species.

UDC SECTION 21.4.7.D Criteria for Approval

2. An amendment to the text is consistent with other policies of this UDC and the City;

The proposed amendments are meant to clean up lingering UDC language that has remained and to clarify the intent of the UDC.

UDC SECTION 21.4.7.D Criteria for Approval

3. Any proposed amendment is consistent with the goals and objectives of this UDC and the City; and

The proposed Unified Development Code amendments are consistent with the goals and objectives of this UDC and the City as they are meant to help keep the UDC consistent with previously approved amendments.

The Operational Values of the City include being proactive and service-oriented. By being proactive with these proposed UDC amendments, Staff can provide a better experience within the development process.

UDC SECTION 21.4.7.D Criteria for Approval

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.

Staff has ensured all UDC requirements have been met for the proposed UDC Amendments and at this time have not received special considerations from the Planning and Zoning Commission or City Council.

21.9.3- Lots

access to major streets shall be provided.

- K. ~~Minimum front and side building setback lines at streets and crosswalks shall be shown on all plats and shall conform to the restrictions, if any, imposed on the subdivision by the subdivider, but i~~ **In no event shall such setback lines be less than those required by the applicable zoning district. The front line setback shall be measured from the point where the public right of way ends to the front face to the building, covered porch, covered terrace or attached accessory building.**

21.9.8- Screening and Fencing (Residential)

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, ~~chain link or similar woven wire mesh~~, 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 ~~one acre or greater in size~~ in conjunction with agricultural operations ~~the containment of livestock or farm animals~~.

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.

21.9.8- Screening and Fencing (Commercial)

2. Fence Materials.

- 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, ~~chain link or similar woven wire mesh~~, stone, brick, above ground electrical fencing or other materials traditionally used in private fence construction.
- b. **Prohibited Materials.** ~~Hog wire or Chicken wire, screening slats within chain link,~~ and barbed wire are prohibited except on parcels or lots ~~one acre or greater in size~~ in conjunction with ~~agricultural operations the containment of livestock or farm animals~~. 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.

21.9.8- Screening and Fencing

- b. Parcels or lots ~~one (1) acre or greater in size located in the RA zoning district and used in conjunction with agricultural operations the containment of livestock or farm animals~~ are exempt from the screening wall requirements of this section.

21.9.9- Tree Preservation and Mitigation

f. — Protected Class trees from the Undesirable Trees list in UDC Table 21.9.7F. (A waiver to mitigation for Heritage Class trees may be requested)

gf. Protected Class and Heritage Class trees located on property that has an existing one family or two-family dwelling that is occupied.

hg. Protected Class and Heritage Class trees of the following exempted tree species:

Common Name	Scientific Name
Hackberry	<i>Celtis occidentalis</i>
Eastern Red Cedar	<i>Juniperus virginiana</i>
Common Ashe Juniper	<i>Juniperis ashei</i>
Chinaberry	<i>Melia azedarach</i>
Mesquite	<i>Prosopis spp.</i>
Ligustrum	<i>Ligustrum spp.</i>
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 spp.</i>
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 popular	<i>Populus nigra "italica"</i>

21.9.9- Tree Preservation and Mitigation

<u>Chinese Parasol/ Varnish Tree</u>	<u>Firmiana simplex</u>
<u>Chinese Loquat or Loquat</u>	<u>Eriobotrya japonica</u>
<u>Crape Myrtle</u>	<u>Lagerostroemia indica</u>

- 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. ~~nor any of the undesirable trees identified in table 21.9.7F. All trees planted for mitigation purposes must be a species of shade tree identified in table 21.9.7.A.~~ 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:

21.9.9- Tree Preservation and Mitigation

- 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.F-2~~. 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.~~3.2~~, above. The permit must be accompanied by an appropriate application and shall contain a tree preservation plan showing the following:
1. existing/proposed topography;

21.9.9- Tree Preservation and Mitigation

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.32.f. above;
4. a tree inventory that summarizes the following:
 - 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.

21.9.12- Site Plan Process

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 PDD or SUP;~~
 - ef. for any single-family residential development that includes a private amenity or facility or a golf course; and
 - fg. 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. pre-application conference;~~
 - ii. ~~s~~Site Plan review and approval; and
 - iii. ~~e~~Construction of project (after City approval of required Site Plan and other associated plans, including platting and engineering plans).

21.9.12- Site Plan Process

3. *Exempted Uses.* The following land use activities are exempted from the requirements of this Article:
 - a. construction of ~~a one- or two-~~family dwellings, ~~ordinary~~-accessory structures and related land use activities;
 - b. ~~ordinary~~ 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.

21.9.12- Site Plan Process

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.
~~and the safe, orderly, efficient and healthful development of the City.~~
- 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; ~~and~~
 2. ~~a building permit that was approved as a result of an approved Site Plan expires within two (2) years after approval of the Site Plan.~~

Article 16- Definitions

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.

Recommendation

Staff Recommendation

The proposed UDC amendments promote consistency throughout the UDC and provide additional clarity in the development process. Staff recommends approval of Ordinance 24-S-154.

Planning and Zoning Commission

The Planning and Zoning Commission met on September 4, 2024, held a public hearing, and made a recommendation of approval, with a 6-0 vote.

COMMENTS AND QUESTIONS