



**MEETING AGENDA
City Council
REGULAR SESSION CITY COUNCIL
October 22, 2024**

**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
TUESDAY, OCTOBER 22, 2024 at 6:00 p.m.**

Call to Order

**Opening Prayer and Pledges of Allegiance to the Flags of the United States and State of Texas.
(Councilmember Heyward)**

Presentations

Fire Prevention Poster Contest Awards Presentation (S.Williams/G.Rodgers/B.Boney)

Presentation of the TML Municipal Excellence Award (S.Williams/S.Gonzalez)

City Events and Announcements

- Announcements of upcoming City Events (B. James/S. Gonzalez)
- Announcements and recognitions by the City Manager (S. Williams)
- Announcements and recognitions by the Mayor (R. Gutierrez)

Hearing of Residents

This time is set aside for any person who wishes to address the City Council. Each person should fill out the speaker's register prior to the meeting. Presentations should be limited to no more than 3 minutes.

All remarks shall be addressed to the Council as a body, and not to any individual member thereof. Any person making personal, impertinent, or slanderous remarks while addressing the Council may be requested to leave the meeting.

All handouts and/or USB devices must be submitted to the City Secretary no later than noon on the Monday preceding the meeting. Handouts will be provided to each Councilmember prior to the start of the meeting by the City Secretary. All USB devices will be vetted by City IT staff to ensure City property is protected from malware.

Discussion by the Council 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.

Consent Agenda Items

The Consent Agenda is considered self-explanatory and will be enacted by the Council with one motion. There will be no separate discussion of these items unless they are removed from the Consent Agenda upon the request of the Mayor or a Councilmember.

1. **Minutes** - Consideration and/or action regarding the approval of the Council Workshop minutes and Council Meeting minutes of October 15, 2024 (S.Edmondson/S.Courney)
2. **Ordinance 24-S-156** - Approving amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC), to Article 5 - Zoning Districts and Article 10 - Parking Standards **Final Reading** (B.James/L.Wood/S.Haas)
3. **Resolution 24-R-145** - Adopting the State-mandated Covered Applications and Prohibited Technology Policy (B.James/D. Hardin/J.Bluebird)
4. **Ordinance 24-S-155** - Approving amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC), to Article 4 - Procedures and Applications, and Article 5 - Zoning Districts **Final Reading** (B.James/L.Wood/S.Haas)
5. **Resolution 24-R-134** - Authorizing an Interlocal Agreement with Guadalupe County for Library Services (S.Gonzalez/M.Uhlhorn)

6. **Resolution 24-R-127** - Authorizing a mutual aid agreement with Acadian Ambulance (S.Williams/J.Mabbitt)

Discussion and Action Items

7. **Resolution 24-R-120** - Authorizing a contract with H2O Partners for Planning & Management Services for Local Hazard Mitigation Plans Program (S.Williams/G.Rodgers/B.High)

Public Hearings

8. **Ordinance 24-S-154** - Conduct a public hearing and consider amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC), to Article 5, Section 21.5.9- Special Districts, and Article 9, Section 21.9.3- Lots, Section 21.9.8- Screening and Fencing, Section 21.9.9- Tree Preservation and Mitigation, Section 21.9.12- Site Plan Process, and Article 16 - Definitions **First Reading** (B.James/L.Wood/D.Marquez)
9. **Ordinance 24-S-162** - Conduct a public hearing to consider closing and abandoning to the abutting property owner a portion of Troy Lane Right-of-Way, from Wiederstein Road, north to the end (approximately 600 feet) and a portion of Shady Lane Right-Of-Way from Wiederstein Road, north to the end (approximately 600 feet); and to establish an effective date hereof **First Reading** (B.James/K.Woodlee/J.Nowak)

Workshop

10. **Street Preservation and Maintenance Workshop** (B.James/L. Busch/K. Woodlee/J. Nowak)
11. **Workshop on design and location options for the Municipal Complex Electronic Sign** (B.James/D.Hardin)

Information available in City Council Packets - NO DISCUSSION TO OCCUR

12. **Standard Operating Procedure (SOP) - Political Signs on City Property** (Mayor/S.Edmondson)

Requests and Announcements

- Requests by Mayor and Councilmembers for updates or information from Staff
- Requests by Mayor and Councilmembers that items or presentations be placed on a future City Council agenda

- City and Community Events attended and to be attended (Council)

Adjournment

CERTIFICATION

I, SHEILA EDMONDSON, CITY SECRETARY OF THE CITY OF SCHERTZ, TEXAS, DO HEREBY CERTIFY THAT THE ABOVE AGENDA WAS PREPARED AND POSTED ON THE OFFICIAL BULLETIN BOARDS ON THIS THE 18th DAY OF OCTOBER 2024 AT 3:30 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.

SHEILA EDMONDSON

I CERTIFY THAT THE ATTACHED NOTICE AND AGENDA OF ITEMS TO BE CONSIDERED BY THE CITY COUNCIL WAS REMOVED BY ME FROM THE OFFICIAL BULLETIN BOARD ON _____ DAY OF _____, 2024.

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 210-619-1030.

The City Council for the City of Schertz reserves the right to adjourn into closed 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.

Closed Sessions Authorized: This agenda has been reviewed and approved by the City’s legal counsel and the presence of any subject in any Closed 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.

COUNCIL COMMITTEE AND LIAISON ASSIGNMENTS

<p>Mayor Gutierrez Member Audit Committee Investment Advisory Committee Main Street Committee</p> <p>Liaison Board of Adjustments Senior Center Advisory Board-Alternate</p>	<p>Councilmember Davis– Place 1 Member Interview Committee Main Street Committee - Chair TIRZ II Board</p> <p>Liaison Parks & Recreation Advisory Board Schertz Housing Authority Board Transportation Safety Advisory Board</p>
<p>Councilmember Watson-Place 2 Member Audit Committee</p> <p>Liaison</p>	<p>Councilmember Macaluso – Place 3 Member Interview Committee Hal Baldwin Scholarship Committee</p>

<p>Library Advisory Board Senior Center Advisory Board Cibolo Valley Local Government Corporation-Ex-Officio</p>	<p>Liaison TIRZ II Board Animal Services Advisory Committee</p>
<p>Councilmember – Place 4</p>	<p>Councilmember Westbrook – Place 5 Liaison Schertz-Seguin Local Government Corporation (SSLGC) Planning and Zoning Commission Schertz Historical Preservation Society Cibolo Valley Local Government Corporation (CVLGC)-Alternate</p>
<p>Councilmember Heyward – Place 6 Member Animal Services Advisory Committee Audit Committee Interview Committee-Chair Investment Advisory Committee Main Street Committee</p> <p>Liaison Building and Standards Commission Economic Development Corporation - Alternate Senior Center Advisory Board</p>	<p>Councilmember Brown – Place 7 Member Main Street Committee Schertz-Seguin Local Government Corporation (SSLGC)</p> <p>Liaison Economic Development Corporation</p>

CITY COUNCIL MEMORANDUM

City Council Meeting: October 22, 2024
Department: Fire Department
Subject: Fire Prevention Poster Contest Awards Presentation
(S.Williams/G.Rodgers/B.Boney)

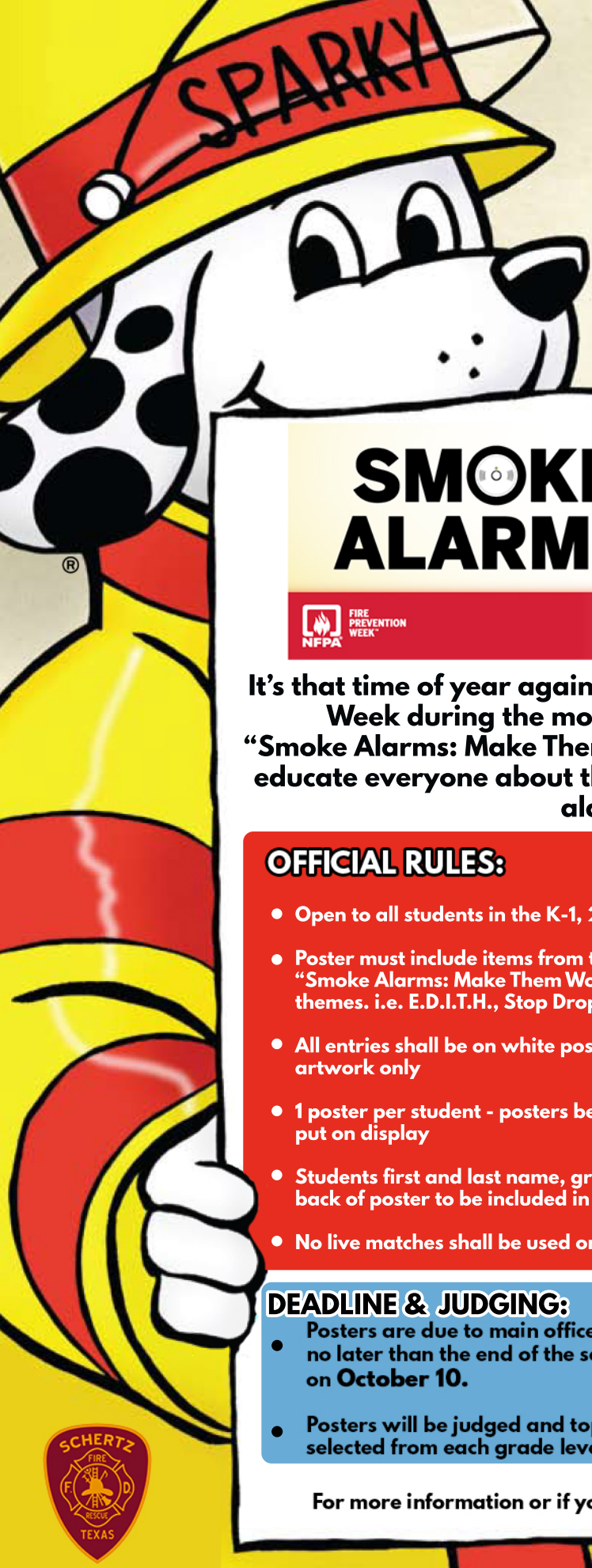
BACKGROUND

The Schertz Fire Department Prevention Division will be conducting our annual Fire Prevention Poster Contest during Fire Prevention Week, 10/6/24 - 10/12/24. Participants from Schertz schools and SCUCISD submit posters based on this year's Fire Prevention Week Theme "Smoke alarms: Make them work for you!™". The posters are judged by the Mayor, City Council members and City staff. Posters are judged by grade level groups of K-1, 2-3, and 4th grade with an additional pick for Mayor's choice. Each grade level group has a 1st, 2nd and 3rd place poster that will be presented with a trophy.

Participation in this fire prevention poster contest encourages fire prevention education at all levels and is vital to our preparedness mission relating to fire prevention education.

Attachments

2024 Poster Contest



SCHERTZ FIRE RESCUE FIRE PREVENTION WEEK POSTER CONTEST

SMOKE ALARMS



Make Them WORK For You!



fpw.org

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It's that time of year again when we honor National Fire Prevention Week during the month of October. This year's theme is "Smoke Alarms: Make Them Work For You!" The campaign works to educate everyone about the importance of having working smoke alarms in the home.

OFFICIAL RULES:

- Open to all students in the K-1, 2-3, and 4th grade levels, in Schertz and SCUCISD
- Poster must include items from this year's Fire Prevention Week Theme "Smoke Alarms: Make Them Work For You!" It may also include additional fire safety themes. i.e. E.D.I.T.H., Stop Drop and Roll, Get Out and Stay Out
- All entries shall be on white poster board between 11" x 14" and 22" x 28" - original artwork only
- 1 poster per student - posters become property of Schertz Fire Rescue and may be put on display
- Students first and last name, grade, school and teacher's name must be written on back of poster to be included in the judging
- No live matches shall be used on poster

DEADLINE & JUDGING:

- Posters are due to main office of school no later than the end of the school day on **October 10**.
- Posters will be judged and top 3 selected from each grade level grouping

AWARDS:

- Trophies will be awarded to the top 3 from each grade level grouping
- Winners will be announced at City Council on **October 22**.

For more information or if you have any questions, please call (210) 619-1300.



CITY COUNCIL MEMORANDUM

City Council Meeting: October 22, 2024
Department: Executive Team
Subject: Presentation of the TML Municipal Excellence Award (S.Williams/S.Gonzalez)

BACKGROUND

During the 2024 Texas Municipal League (TML) Annual Conference and Exhibition in Houston, the City of Schertz received a 2024 Municipal Excellence Award in the City Spirit category for cities over 25,000 in population. This award recognized the City for its Adopt-A-Grandparent program. For this program, the Schertz Public Library partnered with Legacy at Forest Ridge, a local senior living community, to create an adopt-a-grandparent for the holidays event. This low-cost program allows Schertz citizens to adopt residents of the senior community and provide them with gifts for the holidays. Over 325 items were distributed last December at a celebration reception. The City was also recognized as a finalist in the Management Innovations category for the Schertz Emerging Leaders Program, which fosters the next generation of city leaders.

TML's Municipal Excellence Awards recognize and encourage the achievements of Texas cities in meeting the challenge of municipal governance. Innovative problem-solving, excellence in management, increasing citizen participation, and reaching higher service levels are all daily occurrences in Texas cities. This awards program seeks out the best of these programs to honor. Awards are given in two population categories (under 25,000 and over 25,000) and five areas (management innovations, communication programs, city spirit, public safety, and public works).

The 2024 TML Annual Conference and Exhibition was held at the George R. Brown Convention Center in Houston on October 9-11 and attracted more than 3,000 city officials, who learned ways to govern more effectively, discussed critical issues, and shared best practices and solutions. TML is a voluntary association of 1,175 Texas cities. Guided by its purpose statement—Empowering Texas cities to serve their cities—the League provides support and services to city governments. The City of Schertz is a member of TML.

CITY COUNCIL MEMORANDUM

City Council Meeting: **October 22, 2024**
Department: **City Secretary**
Subject: **Minutes - Consideration and/or action regarding the approval of the Council Workshop minutes and Council Meeting minutes of October 15, 2024 (S.Edmondson/S.Courney)**

Attachments

Draft 10-15-2024 Workshop minutes
Draft 10-15-2024 Council minutes

DRAFT

MINUTES CITY COUNCIL WORKSHOP October 15, 2024

A City Council Workshop was held by the Schertz City Council of the City of Schertz, Texas, on October 15, 2024, at 5:00 p.m. in the Hal Baldwin Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas. The following members present to-wit:

Present: Mayor Ralph Gutierrez; Mayor Pro-Tem Robert Westbrook; Councilmember Mark Davis; Councilmember Michelle Watson; Councilmember Paul Macaluso; Councilmember Allison Heyward; Councilmember Tim Brown

Staff present: City Manager Steve Williams; City Attorney Daniel Santee; Deputy City Manager Brian James; Deputy City Secretary Sheree Courney

Call to Order

Mayor Gutierrez called the meeting to order at 5:01 p.m.

Discussion Items

1. Workshop on the National League of Cities Membership (A.Heyward)

Item was brought forward by Councilmember Heyward. She provided historical information on the origin of the organization and the benefits afforded to its members.

Mayor Gutierrez expressed his view that as a small city, Schertz does not have the resources available nor the issues faced by larger cities. Schertz should focus on state level programs where our needs can be met more directly. He stated that this issue should be considered during the budget process. He did not support joining the organization at this time.

Several Councilmembers commented that it should be part of the budget process. However, the opportunities and benefits laid out by Councilmember Heyward were worthy of further consideration. Discussion ended with a request for feedback from neighboring cities with membership in the organization. Council is seeking information regarding the benefits our neighboring cities have received and the impact they believe is yet to be realized.

2. Workshop on Publication of Employee Compensation (M.Davis)

Item was brought forward by Councilmember Davis. He stated he would like to see true total compensation for each employee. In the spirit of transparency, this information should be readily available to the public since it is funded by taxpayer dollars. Salary information for each employee is already on the web in multiple places but not always listed accurately. Having it on the Schertz website, allows the city to ensure the accuracy of the information being conveyed about our employees.

Councilmembers were in agreement that transparency was necessary. However, a couple were concerned with putting names, instead of just position titles, with salaries on the website.

Adjournment

Mayor Gutierrez adjourned the meeting at 5:41 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

DRAFT

MINUTES REGULAR MEETING October 15, 2024

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on October 15, 2024, at 6:00 p.m. in the Hal Baldwin Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas. The following members present to-wit:

Present: Mayor Ralph Gutierrez; Mayor Pro-Tem Robert Westbrook; Councilmember Mark Davis; Councilmember Michelle Watson; Councilmember Paul Macaluso; Councilmember Allison Heyward; Councilmember Tim Brown

Absent: Councilmember Place 4 (Vacant)

Staff present: City Manager Steve Williams; City Attorney Daniel Santee; Deputy City Manager Brian James; City Secretary Sheila Edmondson; Deputy City Secretary Sheree Courney

Call to Order

Mayor Gutierrez called the meeting to order at 6:00 p.m.

Opening Prayer and Pledges of Allegiance to the Flags of the United States and State of Texas. (Councilmember Westbrook)

Mayor Pro-Tem Robert Westbrook provided the opening prayer and led the Pledges of Allegiance to the Flags of the United States and State of Texas.

Proclamations

- **DVAM Awareness Month-October 2024** (Ms. Ashton Story-Thriving Hearts Crisis Center) presented by Councilmember Heyward

Councilmember Heyward presented the Domestic Violence Awareness Month Proclamation to Thriving Hearts Crisis Center CEO Ms. Manijeh Huereca, Schertz Crime Victim Liaison Ms. Heather Davis, and Schertz Police Detective Helen Lafitte.

- **Fentanyl Poisoning Awareness Month-October 2024** (Johnson Family) presented by Councilmember Watson

Councilmember Michelle Watson presented the Fentanyl Poisoning Awareness Month Proclamation to Mr. Lane Johnson, Mrs. Martha Johnson, and members of their family. Mr Johnson addressed the residents, sharing his family's heartache and struggle following the loss of his grandson to Fentanyl.

- **National Manufacturing Month-October 2024** (Mr.Scott Wayman) presented by Councilmember Macaluso

Councilmember Paul Macaluso presented the National Manufacturing Month Proclamation to the Schertz Economic Development Corporation Director, Mr. Scott Wayman, and Business Engagement Manager, Ms. Ashley Ritchey.

- **Hill Country Night Sky Month-October 2024** (Ms. Susan Fisher) presented by Mayor Pro-Tem Westbrook

Mayor Pro-Tem Robert Westbrook presented the Hill Country Night Sky Month Proclamation to Ms. Susan Fisher, who received the proclamation on behalf of Comal County Friends of the Night Sky and the Hill Country Alliance.

- **National Community Planning Month-October 2024** (Planning Department) presented by Councilmember Brown

Councilmember Tim Brown presented the National Community Planning Month proclamation to Planning Manager Emily Delgado and Senior Planner Samuel Haas.

Employee Introductions

Mayor Gutierrez recognized City Department Heads who introduced the following new staff:

- Public Works: Justin Stead, Water/Wastewater Worker I; Damontell Thompson, Water/Wastewater Worker I
- Public Affairs: Tatum Hearn, Marketing & Communications Specialist
- Schertz-Seguin Local Government Corporation: Philip DeFrancesco, SSLGC Assistant General Manager

Presentations

Recognition of the 2024 Emerging Leaders Class (S.Gonzalez/J.Kurz)

HR and Purchasing Director Ms. Jessica Kurz recognized the following graduates of the 2024 Emerging Leaders Class:

- Amy Anderson - MIH Paramedic, EMS
- Thomas Brooks - Master Electrician, Internal Services
- Nick Ferris - Assistant Director, Public Works
- Jacki Marbach - Administrative Assistant, Police Department
- Albert Orosco - Civic Center Attendant, Parks and Recreation Department
- Sydney Paredes - Recreation Coordinator, Parks and Recreation Department
- Cody Raines - Building Inspector, Planning and Community Development
- Sarah Rodriguez - Permit Technician, Planning and Community Development
- Kathryn Scheel - Recreation Specialist, Parks and Recreation Department
- Yolanda Valdez - HR Generalist, Human Resources

Public Works Department will be recognized by TML for R.O.A.D Ready Program (B.James/L.Busch)

Ms. Jessica Kurz introduced Rudy Garza, Safety and Loss Control Supervisor at TML Risk Pool. Mr. Garza explained the R.O.A.D. Ready recognition awarded by TML Risk Pool acknowledges the City's commitment to maintaining the highest safety standards in one of the biggest exposure areas. He presented a plaque to Public Works Director Larry Busch, Assistant Public Works Director Nick Ferris, Administrative Assistant Desiree Johnson, and Risk & Safety Specialist Nancy Tumlinson. Ms. Desiree Johnson thanked Mr. Garza and everyone who supported Public Works in accomplishing this achievement.

City Events and Announcements

- **Announcements of upcoming City Events (B. James/S. Gonzalez)**
Deputy City Manager Brian James announced the upcoming City Events.

- **Announcements and recognitions by the City Manager (S. Williams)**

City Manager Steve Williams made the following announcements:

- *National Night Out was a huge success. 30 neighborhoods registered to participate.
- *He provided kudos to Anthony Jimenez, Miguel Sandaval, and Jorge Guzman for their prompt and professional response to a water leak at 7537 FM 1518 N on October 3rd. Residents, David and Teresa Vick, were impressed with the City's responsiveness.
- *Congratulations to Cassie Paddock, Recreation Manager, who was recognized by the National Recreation Parks Association during their Best of the Best Ceremony at their national conference, for receiving the prestigious NRPA Young Professionals Award.
- *Richard Gomez earned his license from the TDLR as a Code Enforcement Officer.
- *Planning Staff, P&Z, and City Leadership received the Planning Excellence Award from the American Planning Association Texas Chapter.
- *City received the TML Excellence Award for the Library's Adopt-a-Grandparent Program.
- *Staff Promotions: Terran Jaramillo, EMS, was promoted to paramedic; Antonio Wilson, Facilities Services, was promoted to Contractor HVAC Technician; and Patrick Beuligmann was promoted to Police Officer.

- **Announcements and recognitions by the Mayor (R. Gutierrez)**
Congratulations to Councilmember Heyward who was named TML President 2024-2025.

Hearing of Residents

This time is set aside for any person who wishes to address the City Council. Each person should fill out the speaker's register prior to the meeting. Presentations should be limited to no more than 3 minutes.

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Mayor Pro-Tem Robert Westbrook recognized the following resident:

Maggie Titterington, 1730 Schertz Parkway, who provided an update on upcoming Chamber events.

Consent Agenda Items

The Consent Agenda is considered self-explanatory and will be enacted by the Council with one motion. There will be no separate discussion of these items unless they are removed from the Consent Agenda upon the request of the Mayor or a Councilmember.

1. **Minutes** - Consideration and/or action regarding the approval of the regular meeting minutes of September 17, 2024, and the Special Session Council Meeting of September 24, 2024 (S.Edmondson/S.Courney)
2. **Appointments, Re-appointments, and Resignations-City of Schertz Boards, Commissions and Committees** (S.Edmondson/S.Courney)
 - Resignations
 - Danielle Craig-Library Advisory Board and Planning and Zoning Commission
3. **Resolution 24-R-139**-Appointing Mr. Justin Murray to Cibolo Valley Local Government Corporation (CVLGC) (Mayor/S.Edmondson)
4. **Resolution 24-R-128** - Accepting the semi-annual report on the progress of the Capital Recovery Capital Improvements Plan (B.James/K.Woodlee)
5. **Resolution 24-R-138** - Authorizing expenditures with Prime Controls, LP at the Morning Dr. Water Facility for the SCADA Upgrade Project (B.James/L.Busch/N.Ferris)

6. **Resolution 24-R-101** - Authorizing the purchase of various vehicles/equipment as part of the 2024-2025 Vehicle/Equipment Replacement/Acquisition program (B.James/D.Hardin/C.Hernandez)
7. **Resolution 24-R-82** - Authorizing an agreement with Lockwood, Andrews, and Newnam, Inc., for Engineering Services Related to a Route Study for the Cibolo West Wastewater Trunk Main (B.James/K.Woodlee)
8. **Resolution 24-R-135** - Authorizing an Interlocal Purchasing Agreement with City of Cibolo for Cooperative Purchasing Services (S.Williams/J.Lowery)
9. **Resolution 24-R-136** - Accepting a grant award from the Motor Vehicle Crime Prevention Authority and authorizing expenditures with Insight Public Sector, Inc. for the Flock Camera System (S.Williams/J.Lowery)

No items were removed for separate action.

Mayor Gutierrez asked for a motion to approve Consent Agenda Items #1 - 9.

Moved by Councilmember Michelle Watson, seconded by Councilmember Allison Heyward

AYE: Mayor Pro-Tem Robert Westbrook, Councilmember Mark Davis,
Councilmember Michelle Watson, Councilmember Paul Macaluso,
Councilmember Allison Heyward, Councilmember Tim Brown

Passed

Discussion and Action Items

10. **Resolution 24-R-131**- Authorizing a resolution accepting a petition for voluntary annexation of approximately 3.014-acres, known as a portion of Comal County Property Identification Number 79004 Comal County, Texas (B.James/L.Wood/E.Delgado)

Planning Manager Emily Delgado introduced Resolution 24-R-131 authorizing acceptance of a petition for voluntary annexation of approximately 3.014 acres, known as a portion of Comal County Property Identification Number 79004. No Council discussion occurred.

Moved by Councilmember Michelle Watson, seconded by Councilmember Tim Brown

AYE: Mayor Pro-Tem Robert Westbrook, Councilmember Mark Davis,
Councilmember Michelle Watson, Councilmember Paul Macaluso,
Councilmember Allison Heyward, Councilmember Tim Brown

Passed

- 11. Resolution 24-R-137** - Authorizing a Contract with Axon Enterprises for the Purchase of a Video Recording System for the Schertz Police Department Interview and Intoxilyzer Rooms. (S.Williams/J.Lowery)

Police Chief James Lowery introduced Resolution 24-R-137 authorizing a contract with Axon Enterprises for the purchase of a video recording system for the Schertz Police Department Interview and Intoxilyzer rooms.

No Council discussion occurred.

Moved by Councilmember Tim Brown, seconded by Councilmember Michelle Watson

AYE: Mayor Pro-Tem Robert Westbrook, Councilmember Mark Davis, Councilmember Michelle Watson, Councilmember Paul Macaluso, Councilmember Allison Heyward, Councilmember Tim Brown

Passed

- 12. Resolution 24-R-142** - A resolution by the City Council to amend the Fee Schedule (S. Gonzalez/J. Walters)

Finance Director James Walters introduced Resolution 24-R-142 amending the Fee Schedule for water meter size correction.

No Council discussion occurred.

Moved by Councilmember Paul Macaluso, seconded by Councilmember Michelle Watson

AYE: Mayor Pro-Tem Robert Westbrook, Councilmember Mark Davis, Councilmember Michelle Watson, Councilmember Paul Macaluso, Councilmember Allison Heyward, Councilmember Tim Brown

Passed

- 13. Resolution 24-R-140** - Authorizing a construction contract with R.L. Jones LP for the 2024 SPAM Resurfacing Project (B.James/K.Woodlee/J.Nowak)

City Engineer Kathy Woodlee introduced Resolution 24-R-140 authorizing a construction contract with R.L. Jones LP for the 2024 SPAM Resurfacing Project.

No Council discussion occurred.

Moved by Councilmember Michelle Watson, seconded by Councilmember Allison Heyward

AYE: Mayor Pro-Tem Robert Westbrook, Councilmember Mark Davis,
Councilmember Michelle Watson, Councilmember Paul Macaluso,
Councilmember Allison Heyward, Councilmember Tim Brown

Passed

Public Hearings

14. **Ordinance 24-S-155** - Conduct a public hearing and consider amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC), to Article 4 - Procedures and Applications, and Article 5 - Zoning Districts *First Reading* (B.James/L.Wood/S.Haas)

Senior Planner Samuel Haas introduced Ordinance 24-S-155 to amend Part III of the Schertz Code of Ordinances, Unified Development Code (UDC), to Article 4 - Procedures and Applications, and Article 5 - Zoning Districts.

Public Hearing opened at 7:13 p.m.
No residents came forward to speak.
Public Hearing closed at 7:14 p.m.

Councilmember Westbrook asked for clarification. Mr. Haas provided clarification. Deputy City Manager Brian James provided input regarding clarity for staff when Council is not aligned. Mayor Gutierrez stated the staff's main purpose is to align with the UDC not what they think Council wants. Councilmember Brown stated that the issue for Council is that recommendations from staff are technically charged, but residents are emotionally charged. Council has to take both into account when making a determination.

No further discussion occurred. Mayor Gutierrez asked for a motion to approve Ordinance 24-S-155.

Moved by Councilmember Michelle Watson, seconded by Councilmember Tim Brown

AYE: Mayor Pro-Tem Robert Westbrook, Councilmember Mark Davis,
Councilmember Michelle Watson, Councilmember Paul Macaluso,
Councilmember Allison Heyward, Councilmember Tim Brown

Passed

15. **Ordinance 24-S-156** - Conduct a public hearing and consider amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC), to Article 5 - Zoning Districts and Article 10 - Parking Standards *First Reading* (B.James/L.Wood/S.Haas)

Senior Planner Samuel Haas introduced Ordinance 24-S-156 to amend Part III of the Schertz Code of Ordinances, Unified Development Code (UDC), to Article 5 -

Zoning Districts and Article 10 - Parking Standards.

Public Hearing opened at 7:38 p.m.
No residents came forward to speak.
Public Hearing closed at 7:39 p.m.

Council expressed concerns with limiting the number of parking spaces to 1 space per unit and traffic associated with multifamily developments through single family residential neighborhoods.

Councilmember Paul Macaluso made the motion to approve Ordinance 24-S-156 with modification of 1.5 parking spaces per unit; seconded by Councilmember Michelle Watson

AYE: Mayor Pro-Tem Robert Westbrook, Councilmember Mark Davis,
Councilmember Michelle Watson, Councilmember Paul Macaluso,
Councilmember Allison Heyward, Councilmember Tim Brown

Passed

Workshop

16. Workshop regarding Planned Development Districts (PDDs) (B.James/L.Wood/E.Delgado)

Deputy City Manager Brian James provided background information regarding Planned Development Districts (PDDs) and straight zoning districts. Planning Manager Emily Delgado provided an indepth presentation on PDDs.

Council discussion centered on the need for flexibility. Each property is unique - shape, size, location, etc. Sometimes it is not possible to fit the needs of development for some properties into straight zoning as is stated. Deputy City Manager James asked for guidelines that would provide more clarity for staff. Council reiterated the need for flexibility and they expect staff to use their expertise to know when developers are trying to skirt City standards that provide no benefit to the City and when the development needs a PDD to fit the view set and ultimately benefits the City.

Mayor Gutierrez recessed to Closed Session at 9:22 p.m.

Closed Session

17. The City Council will meet in closed session under Section 551.087 of the Texas Government Code, Deliberation Regarding Economic Development Negotiations; Closed Meeting. The governmental body is not required to conduct an open meeting (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect.
 - Project E-80
 - Project E-83
 - Project E-84

18. The City Council will meet in closed session under Section 551.074 of the Texas Government Code, Personnel Matters, to conduct the annual evaluation of the City Secretary, Ms. Sheila Edmondson.

Reconvene into Regular Session

Mayor Gutierrez reconvened Regular Session at 9:47 p.m.

19. Take any action based on discussion held in Closed session under Agenda Item #17.

Mayor Gutierrez stated the discussion for Closed Session Agenda Item #17 started at 9:27 p.m. and ended at 9:41 p.m.

Mayor Gutierrez read Resolution 24-R-132 authorizing an expenditure as reflected in the amendment of the Economic Development Performance Agreement between the City of Schertz, Texas Economic Development Corporation, 3009 OAC Investments, LLC and Schertz Freckles, LLC.

A motion to approve Resolution 24-R-132 was

Moved by Councilmember Paul Macaluso, seconded by Councilmember Tim Brown

AYE: Mayor Pro-Tem Robert Westbrook, Councilmember Mark Davis,
Councilmember Michelle Watson, Councilmember Paul Macaluso,
Councilmember Allison Heyward, Councilmember Tim Brown

Passed

20. Take any action based on discussion held in Closed session under Agenda Item #18.

Mayor Gutierrez stated the discussion for Closed Session Agenda Item #18 began 9:44 p.m. and ended at 9:46 p.m.

No action was taken.

Information available in City Council Packets - NO DISCUSSION TO OCCUR

21. Monthly Update - Major Projects in Progress/CIP (B.James/K.Woodlee)

Requests and Announcements

- Requests by Mayor and Councilmembers for updates or information from Staff
No requests by Mayor or Councilmembers for updates or information from Staff were made.

- Requests by Mayor and Councilmembers that items or presentations be placed on a future City Council agenda
No requests by Mayor or Councilmembers that items or presentations be placed on a future City Council agenda were made.

- City and Community Events attended and to be attended (Council)
Councilmember Davis attended National Night Out and the TML Annual Conference.
Councilmember Watson attended National Night Out and the TML Annual Conference.
Councilmember Macaluso attended National Night Out, the TML Annual Conference, and the YMCA Trunk n Treat.
Councilmember Heyward attended National Night Out, the TML Annual Conference, Animal Advisory Meeting, and The Chamber luncheon and judged the Fire Posters contest.
Councilmember Brown attended National Night Out and The Chamber luncheon and judged the Fire Posters contest.

Adjournment

Mayor Gutierrez adjourned the meeting at 9:50 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

CITY COUNCIL MEMORANDUM

City Council Meeting: October 22, 2024
Department: Planning & Community Development
Subject: Ordinance 24-S-156 - Approving amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC), to Article 5 - Zoning Districts and Article 10 - Parking Standards *Final Reading* (B.James/L.Wood/S.Haas)

BACKGROUND

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.

A recent regional trend in the housing market is for developments that offer something in-between traditional single-family subdivision housing and large multi-family complexes. Staff has recently received several proposals for these developments, typically in the form of one large lot that behaves like a multi-family complex that is spread out; a product known in the industry as Build to Rent (BTR). City Council has recently approved two such proposals as components of a larger Planned Development District (PDD) project. The two proposals that were approved were the Schertz Station PDD and the Schertz Gateway PDD.

When an applicant is applying for a Planned Development District (PDD), they must select a base zoning district. The PDD allows applicants to request modifications to the Unified Development Code (UDC) to fit their project. Given that our zoning districts offer mostly single-family zoning variations and limited other options, both Schertz Station and Schertz Gateway selected the Apartment/Multi-Family Residential District (R-4) and lowered the maximum density from 24 dwelling units per acre to around 10-12 dwelling units per acre.

However, when an applicant applies for a straight zone change, they must adhere to the requirements as set forth in the UDC. This has the potential to present a problem with this middle-density housing product. When City Council approves PDD applications, they also approve the concept that is tied to the application. This ensures no deviation from what was presented. With a straight zone change, there is no such requirement to adhere to the concept. So, an applicant may propose a middle density housing product as part of a zone change request for an R-4 district, but if said proposal were approved, there would be nothing preventing them from building 24 units per acre. This means that an applicant wishing to bring a 10-12 unit per acre housing product will almost always have to go the PDD route.

Given that the Planning and Zoning Commission and City Council have been amenable to these middle density housing project proposals, staff concluded that the city should establish a new base zoning district in order to codify a framework for what these projects should look like in Schertz. The proposed amendments in Ord. 24-S-156 will establish a new zoning district called Middle Density Residential District (R-5). As part of this proposal, Staff has drafted language to provide incentives for "smaller" developments. Smaller is being defined as R-5 developments occurring on tracts under 1 acre. This includes a small density bonus, as well as decreased site design and parking requirements.

In addition to establishing a new residential zoning district, Staff is also proposing to make modifications to the current Apartment / Multi-Family District (R-4). With the proposed establishing

of R-5, Schertz will be creating space for incremental multi-family developments through differences in density and scale of housing products. This means that the current R-4 district can be repurposed to be slightly denser and taller. However, staff is proposing that when deciding on the appropriateness of location for these developments, the UDC requirements become more selective.

The proposed amendments will be in the following sections of the UDC:

UDC Sections								
Section 21.5.2 Zoning Districts Established <i>Table establishing zoning districts in the City</i>								
Apartment / Multi-Family (R-4)				Middle Density Residential (R-5)				
(no change)				Adding Middle Density Residential (R-5)				
Section 21.5.5 Zoning Districts Established <i>A narrative description of each zoning district.</i>								
Apartment / Multi-Family (R-4)				Middle Density Residential (R-5)				
<p>Intended to provide denser apartment and multi-family style developments. This district is a suitable transition between single-family districts and commercial uses. However, Apartment/Multi-Family Residential Districts (R-4) shall not be located in areas where they would increase traffic with access through single-family neighborhoods and shall be located adjacent to arterial streets. The maximum density shall be thirty-five (35) units per acre. Twenty percent (20%) of the total platted area shall be provided as common, usable open space.</p>				<p>Intended to provide developments that offer a variety of housing types. This district is a suitable transition between single-family residential and commercial and/or denser multi-family developments. Comprised of attached or detached residential dwelling units.</p> <ol style="list-style-type: none"> 1. When tracts in this district are one (1) acre or less, density shall not exceed sixteen (16) units per gross acre and these tracts will be required to adhere to the single-family site design requirements in Article 9 – Site Design Standards. 2. When tracts exceed one (1) acre, density shall not exceed twelve (12) units per gross acre and these tracts will be required to adhere to the multi-family site design requirements in Article 9 – Site Design Standards and provide ten percent (10%) of the total platted area as common, usable open space. 				
Section 21.5.7 Dimensional and Developmental Standards <i>Section with setbacks, height requirements, min lot width, etc.</i>								
	Lot Size and Dimensions			Setbacks			Misc. Requirements	
Zoning District	Area sq. ft.	Width sq. ft.	Depth ft.	Front ft.	Side ft.	Rear ft.	Max Height ft.	Imp. Coverage
Apartment / Multi-Family (R-4)	43,560	400	100	25	20	20	50	75%
Middle Density (R-5)	10,890	-	-	25	10	10	35	80%

New Key for R-5:
(q) Refer to section 21.5.7.B.8
21.5.7.B.8 :

Middle Density District (R-5) developments may have unique designs and dimensions. Due to this, the following additional standards apply. These standards pertain to building separation space with the intent for fire safety:

- When HVAC units are not within the building separation space the minimum separation is ten (10) feet.
- When HVAC units are within the building separation space, or either structure is above one story, the minimum separation is fifteen (15) feet.
 - HVAC units shall be on opposite sides of buildings.
- These additional standards are not required if fire suppression systems are installed within the buildings.

Section 21.5.7 Permitted Use Table

Section with uses permitted within each zoning district

Apartment / Multi-Family (R-4)	Middle Density Residential (R-5)
(no change)	Accessory Building Church (with Specific Use Permit) Gated Community Multi-Family Apartment Dwelling Municipal Uses One-Family Dwelling Attached One-Family Dwelling Detached Park/Playground School

Section 21.10.8 Off Street Loading and Unloading Requirements.

Section that provides parking requirements

Apartment / Multi-Family (R-4)	Middle Density Residential (R-5)
(no change)	For tracts one (1) acre or less, 1.5 spaces per unit For tracts exceeding one (1) acre, 2 spaces per unit

To summarize the above table, Middle Density District (R-5) is completely new and is designed to be a lower density multi-family district. The text you see above is proposed to be added to the UDC. For Apartment / Multi-Family (R-4), Staff is proposing to modify the narrative text in UDC 21.5.5 to include higher density. However, the proposed amendments to R-4 prevent applicants from getting access through single-family neighborhoods, and they require that R-4 districts be adjacent to arterial streets. Additionally, staff is revising the table in UDC 21.5.7 to allow for higher buildings, from the current 35 feet requirement to 50 feet. This is proposed with the intent to allow for one additional story and while giving developers additional room for architectural creativity. Finally, Staff is proposing to increase the minimum lot size to 1 acre and the minimum lot width to 400 feet.

GOAL

To amend the UDC to review and update the development regulations due to changing conditions and community goals in order to establish and maintain sound, stable and desirable development.

COMMUNITY BENEFIT

It is the City's desire to promote safe, orderly, efficient development and ensure compliance with the City's vision of future growth.

SUMMARY OF RECOMMENDED ACTION

When evaluating UDC amendments, staff uses the Criteria of Approval found in 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

The UDC functions better when we provide adequate zoning district options for applicants. Currently, applicants either choose a single-family district or Apartment / Multi-Family (R-4) district, and when they desire something in-between these, they go the route of a Planned Development District (PDD). Each property in the city has unique challenges pertaining to development. Some properties may be too small for a single-family subdivision to be economically viable. A higher density product on the same property, such as an apartment complex, may also be incompatible with surrounding land uses. This situation often occurs in Schertz and is limiting the housing products that can be provided to the city. Additionally, high density housing proposals, either in the form of Apartment / Multi-Family (R-4) requests or PDD requests, have faced much scrutiny from citizens and decision-makers. In order to promote orderly and efficient development, Staff is proposing these changes to help balance the demand for housing while attempting to alleviate the friction between established neighborhoods and incoming developments.

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

With the recent approval of middle density housing proposals, such as Schertz Gateway PDD and Schertz Station PDD, these amendments are attempting to codify recently adopted policy in the UDC.

Additionally, Chapter 2 of the City of Schertz Strategic Plan explains the city's Policy Values with regard to "high quality of life". High quality of life is "a well planned community that creates convenient living". Part of planning the community well is responding to issues and developments that have created friction in the community. Also, planning a community well is adapting to trends in the housing market and ensuring Schertz has the flexibility to mindfully capture these trends. The Strategic Plan also states that a high quality life is not: "limited options for work, live and play". The purpose of these amendments is to help expand our zoning/density options to help the UDC be consistent with these policies.

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

One UDC objective strives to "prevent the overcrowding of land and avoid undue concentration or diffusion of population". The UDC effectively steers applicants to choose the higher density options in Apartment/Multi-Family Residential (R-4), because there is a lack of middle density zoning options. The UDC also lays out the goal "to minimize the conflicts among the uses of land and buildings". Single-family subdivisions and adjacent high-density multifamily proposals have proven to be a source of conflict in the city. Providing a middle density zoning option and revising our existing Apartment / Multi-Family District (R-4) will help alleviate this conflict.

The City of Schertz Strategic Plan also has clear stated goals for the Operational Values of the city. Among these are the goals to be innovative and proactive. Innovative is "finding a better way to do things" and "being creative". Staff is making strides with these amendments to not be complacent with the status quo. "Proactive means initiating change by anticipating future situations in order to make things happen". Within this framework, it is the responsibility of staff to be "continuously improving and evolving", "forward thinking", and have "the ability to forecast and meet needs even before the customer identifies them". These amendments would achieve these goals in the Strategic Plan.

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.

On, August 6, 2024, Staff brought these proposed changes to the City Council for a workshop. Council received the proposal positively and directed Staff to move forward with the amendment process. Staff has received no special considerations.

For these reasons, staff is recommending approval of Ord. 24-S-146.

The Planning and Zoning Commission held a public hearing on September 4, 2024, and made a recommendation of approval with a 5-1 vote. Commissioner Richard Braud was the "nay" vote on this motion to recommend approval. The Commissioner voiced concerns about having denser development patterns near established single family subdivisions.

City Council held a public hearing on October 15, 2024 and voted to approve the ordinance with a 6-0 vote provided that staff increase the parking minimum for the 1 ac or less tracts in R-5. Staff updated the ordinance, redline and clean version to reflect that change - but staff did not update the attached presentation.

RECOMMENDATION

Approval of Ordinance 24-S-156

Attachments

Ord. 24-S-156 with Exhibits

UDC R-4 & R-5 Redlines

City Council Presentation Slides

ORDINANCE NO. 24-S-156

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS TO AMEND PART III, SCHERTZ CODE OF ORDINANCES, THE UNIFIED DEVELOPMENT CODE (UDC) ARTICLE 5 – ZONING DISTRICTS AND ARTICLE 10 – PARKING STANDARDS

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

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

WHEREAS, on September 4, 2024, the Planning and Zoning Commission conducted a public hearing and, thereafter recommended approval; and

WHEREAS, on October 15, 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 in the interest of the public safety, health, and welfare.

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

Section 1. The current UDC is hereby amended as set forth on Exhibit A and Exhibit B 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 ____ day of _____ 2024.

PASSED, APPROVED and ADOPTED ON SECOND READING, the ____ day 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

Sec. 21.5.2. Zoning Districts Established.

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

Symbol	Zoning District Name
PRE	Predevelopment District
R-1	Single-Family Residential District
R-2	Single-Family Residential District
R-3	Two-Family Residential District
R-4	Apartment/Multi-Family Residential District
R-5	Middle Density Residential District
R-6	Single-Family Residential District
R-7	Single-Family Residential District
R-A	Single-Family Residential/Agricultural District
GH	Garden Home Residential District
TH	Townhome District
MHS	Manufactured Home Subdivision District
MHP	Manufactured Home Park District
OP	Office and Professional District
NS	Neighborhood Services District
GB	General Business District
GB-2	General Business District-2
M-1	Manufacturing District (Light)
M-2	Manufacturing District (Heavy)
PUB	Public Use District
PDD	Planned Development District
EN	Estate Neighborhood PDD
MSMU	Main Street Mixed-Use District
MSMU-ND	Main Street Mixed-Use New Development District

(Ord. No. 13-S-22 , § 1, 7-16-2013; Ord. No. 14-S-47 , § 1, 11-18-2014; Ord. No. 23-S-07 , § 1(Exh. A), 3-14-2023)

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

- A. *Predevelopment District (PRE)*. Intended for use for undeveloped land in the City or as a temporary designation for existing uses for newly annexed property. This zoning is also suitable for areas where development is premature due to lack of utilities, capacity or service and for areas that are unsuitable for development because of physical constraints or potential health or safety hazards. No improvements, construction or structures may be undertaken without obtaining a building permit and no occupancy of such improvements and structures without obtaining a certificate of occupancy.
- B. *Single-Family Residential District (R-1)*. Comprised of single-family detached residential dwellings on a minimum lot size of 9,600 square feet, together with the schools, churches, and parks necessary to create basic neighborhood units.
- C. *Single-Family Residential District (R-2)*. Comprised of single-family detached residential dwellings with a minimum lot size of 8,400 square feet, together with the schools, churches, and parks necessary to create basic neighborhood units.
- D. *Two-Family Residential District (R-3)*. Comprised of two (2) single-family attached residential dwellings with a minimum lot size of 9,000 square feet, together with the schools, churches, and parks necessary to create basic neighborhood units.
- E. *Apartment/Multi-Family Residential District (R-4)*. Intended to provide denser apartment and multi-family style developments. This district is a suitable transition between single-family districts and commercial uses. However, Apartment/Multi-Family Residential Districts (R-4) shall not be located in areas where they would increase traffic with access through single-family neighborhoods and shall be located adjacent to arterial streets. The maximum density shall be thirty-five (35) units per acre. Twenty percent (20%) of the total platted area shall be provided as common, usable open space.
- F. *Middle Density Residential District (R-5)*. Intended to provide developments that offer a variety of housing types. This district is a suitable transition between single-family residential and commercial and/or denser multi-family developments. Comprised of attached or detached residential dwelling units.
 - 1. When tracts in this district are one (1) acre or less, density shall not exceed sixteen (16) units per gross acre and these tracts will be required to adhere to the single-family site design requirements in Article 9 – Site Design Standards
 - 2. When tracts exceed one (1) acre, density shall not exceed twelve (12) units per gross acre and these tracts will be required to adhere to the multi-family site design requirements in Article 9 – Site Design Standards and provide ten percent (10%) of the total platted area as common, usable open space.
- G. *Single-Family Residential District (R-6)*. Comprised of single-family detached residential dwellings that are on a minimum lot size of 7,200 square feet, together with the schools, churches, and parks necessary to create basic neighborhood units. This district is intended to be developed using the more contemporary building styles and allowing those dwellings to be constructed on relatively small lots. The maximum size tract that can be zoned R-6 is 30 acres.
- H. *Single-Family Residential District (R-7)*. Comprised of single-family detached residential dwellings on a minimum lot size of 6,600 square feet, together with the schools, churches, and parks necessary to create basic neighborhood units. This district is intended to be developed using the more contemporary building styles and allowing those dwellings to be constructed on relatively small lots. The maximum size tract that can be zoned R-7 is 40 acres.
- I. *Single-Family Residential/Agricultural District (RA)*. Intended to provide for areas in which agricultural land may be held in such use for as long as is practical and reasonable. Residences in this District are intended to be on a minimum lot size of 21,780 square feet (one-half acre). This District is suitable for areas where

development is premature due to lack of utilities, capacity or service, and for areas that are unsuitable for development because of physical restraints or potential health or safety hazards.

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

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

- K. *Townhome District (TH)*. Comprised of an attached residential dwelling unit in structures built to accommodate three (3) to six (6) units per structure. Density shall not exceed twelve (12) units per gross acre. Townhome units shall be constructed on a single lot, or on adjacent individual lots. Individual ownership of the townhome units is encouraged. Minimum lot area shall not be less than 2,500 square feet per dwelling unit. Ten percent (10%) of the total platted area shall be provided as common, usable open space. This District should not be located in areas where it would increase traffic through single-family neighborhoods and should be adjacent to arterial streets with sufficient capacity to carry the increased traffic generated.

- L. *Manufactured Home Subdivision District (MHS)*. Intended to recognize that certain areas of the City are suitable for a mixture of single-family dwelling units and HUD-Code manufactured homes, to provide adequate space and site diversification for residential purposes designed to accommodate the peculiarities and design criteria of manufactured homes, along with single-family residences, to promote the most desirable use of land and direction of building development, to promote stability of development, to protect the character of the district, to conserve the value of land and buildings, and to protect the City's tax base. This District provides for the creation and/or subdivision of any lot, tract or parcel of land used for the placement of manufactured homes. This District is not intended to prohibit or unduly restrict any type of housing but to ensure compatibility in housing types between manufactured home subdivisions and surrounding single family residential subdivisions and recognizing their inherent differences.

- M. *Manufactured Home Park District (MHP)*. Intended to provide adequate space and site diversification for residential purposes designed to accommodate the peculiarities and design criteria of manufactured homes, to promote the most desirable use of land and direction of building development, to promote stability of development, to protect the character of the district, to conserve the value of land and buildings, and to protect the City's tax base. This District provides for the creation of tracts of land used for the placement of multiple manufactured homes on a single lot, tract or parcel of land and utilized for rent or lease. This District is not intended to prohibit or unduly restrict any type of housing but to ensure compatibility between manufactured home parks and surrounding properties and recognizing the inherent differences in housing types between manufactured home parks and other residential districts.

- N. *Agricultural District (AD)*. Intended to provide as a base zoning district in areas designated as agricultural conservation on the North and South Schertz Framework Plans. Residences in this District are intended to be on a minimum lot size of 217,800 square feet (five acres). Clustering of up to two homes may be allowed on the same lot subject to setback requirements. This District is suitable for areas where development is premature due to lack of utilities, capacity or service, and for areas that are unsuitable for development because of physical restraints or potential health or safety hazards.

- O. *Main Street Mixed-Use District (MSMU)*. Intended to provide a base zoning district in the area along Main Street. In light of the history of the area and variety of land uses that exist, this zoning district allows for

single-family and multi-family residential uses, and low intensity commercial uses. Reduced setbacks and parking requirements are provided as part of this district due to physical restraints.

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

(Ord. No. 13-S-22, § 2, 7-16-2013 ; Ord. No. 14-S-47 , § 2, 11-18-2014; Ord. No. 21-S-26 , § 1(Exh. A), 7-6-2021; Ord. No. 23-S-07 , § 1(Exh. A), 3-14-2023)

Sec. 21.5.7. Dimensional and Developmental Standards.

- A. *General.* All projects or developments shall comply with all of the applicable dimensional and development standards of this Article. Additional requirements may also apply as required in other sections of this UDC. All area requirements and lot sizes shall be calculated based on gross acres.

**Table 21.5.7.A DIMENSIONAL REQUIREMENTS
RESIDENTIAL ZONING DISTRICTS**

		Minimum Lot Size And Dimensions			Minimum Yard Setback (Ft)				Miscellaneous Lot Requirements		
Code	Zoning District	Area Sq. Ft.	Width Ft.	Depth Ft.	Front Ft.	Side Ft.	Rear Ft.	Minimum Off-Street Parking Spaces	Max Height Ft.	Max Imperv Cover	Key
R-1	Single-Family Residential District-1	9,600	80	120	25	10	20	2	35	50%	h,j,k,l,m,o
R-2	Single-Family Residential District-2	8,400	70	120	25	10	20	2	35	50%	h,j,k,l,m,o
R-3	Two-Family Residential District	9,000	75	120	25	10	20	2	35	60%	h,j,k,l,m,o
R-4	Apartment/Multi-Family Residential District	43,560	400	100	25	10	20	2	50	75%	a,b,j,k,l,m,
R-5	Middle Density District	10,890	-	-	25	10	10	2	35	80%	h,j,k,l,m,q
R-6	Single-Family Residential District-6	7,200	60	120	25	10	20	2	35	50%	h,k,l,m,n,o
R-7	Single-Family Residential District-7	6,600	60	110	25	10	20	2	35	50%	h,k,l,m,n,o
R-A	Single-Family-Residential/Agriculture	21,780	-	-	25	25	25	2	35	50%	h,k,l,m,n
GH	Garden Home Residential District	5,000	50	100	10	10	10	2	35	75%	c,d,e,f,g,k,l,m
TH	Townhome District	2,500	25	100	25	10	20	2	35	75%	h,j,k,l,m
MHS	Manufactured Home Subdivision District	6,600	60	110	25	10	20	2	35	50%	j,k,l,m,o
MHP	Manufactured Home Park District	43,560	-	-	25	12.5	25	-	35	50%	j,k,l,m
AD	Agricultural District	217,800	100	100	25	25	25	2	35	30%	h,k,o

MSMU	Main Street Mixed Use	5,000	50	100	10	5	10	2	35	80%	h,j,k,m, n,p
MSMU-ND	Main Street Mixed Use-New Development	5,000	50	100	10	5	10	2	35	80%	j,k,m,p

Key:	
a.	Maximum density shall not exceed 35 units per acre.
b.	2 parking spaces per unit plus 5%.
c.	Zero lot line Garden Homes.
d.	20-foot paved alley for ingress/egress to all rear garages.
e.	5-foot shall be designated maintenance easement.
f.	Corner lot shall have 10-foot side yard setback from street right-of-way.
g.	25-foot set back to property line adjoining public street.
h.	Corner lot shall have minimum 15-foot side yard setback from street right-of-way. For properties on Main Street, the City Engineer may authorize a reduction to no less than 10' if there are no sight distance issues.
i.	Minimum lot area for each unit.
j.	Site Plan approval required.
k.	Swimming pools count toward the maximum impervious cover limitations, unless the swimming pool is equipped with a water overflow device appropriate for such pool, and only if it drains into any pervious surface, in which case the water surface shall be excluded.
l.	No variances may be permitted to exceed the maximum impervious cover limitations
m.	Refer to Article 14, section 21.14.3 for additional design requirements
n.	All single family residential dwelling units constructed within this district shall be constructed with an enclosed garage.
o.	Side yard setback of 7.5 ft. for R-1, R-2, R-3, R-6, R-7, and MHS continues in effect for all subdivisions vested on the date of adoption of Ordinance No. 11-S-15.
p.	Not subject to the requirements in section 21.10.4
q.	Refer to section 21.5.7.B.8

Table 21.5.7.B DIMENSIONAL REQUIREMENTS NON-RESIDENTIAL ZONING DISTRICTS (d)			
	Minimum Lot Size And Dimensions	Minimum Yard Setback (Ft)	Miscellaneous Lot Requirements

Code	Zoning District	Area Sq. Ft.	Width Ft.	Depth Ft.	Front Ft.	Rear Adj Non-Res Zone	Rear Adj. Res Zone	Side Adj Non-Res Zone	Side Adj Res Zone	Max Ht. Ft.	Max Imperv Cover	Key
OP	Office/ Professional	6,000	60	100	25	0	25	0	25	35	70%	a, b, c, d
NS	Neighborhood Services	10,000	100	100	25a	0	25	0	25	35	80%	a, b, c, d
GB	General Business	10,000	100	100	25	0	25	0	25	120	80%	a, b, c, d
GB-2	General Business-2	10,000	100	100	25	0	25	0	25	120	80%	a, b, c, d
M-1	Light Manufacturing	10,000	100	100	25	0	50c	0	25b	120	80%	a, b, c, d
M-2	Heavy Manufacturing	10,000	100	100	25	0	50c	0	25b	120	80%	a, b, c, d
PUB	Public Use District	10,000	100	100	25	0	15	0	25	35	70%	a, c, d
Key:												
a.	See Article 10 for parking requirements.											
b.	Uses may require a Specific Use Permit. The City of Schertz will follow the guidelines outlined in the Air Installation Compatible Use Zone (AICUZ) study for Randolph Air Force Base.											
c.	No variances may be permitted to exceed the maximum impervious cover limitations.											
d.	Refer to Article 14, Sec. 21.14.3 for additional design requirements.											

B. *Additional Dimensional and Development Standards.*

1. All lots developed for residential purposes shall comply with the lot area, minimum setbacks and height requirements established in table 21.5.7A for the zoning district(s) in which the lot(s) is/are located. All lots developed for allowed non-residential purposes, within residential zoning districts, shall comply with lot, area and height requirements established in table 21.5.7A for the zoning district(s) in which the lot(s) is/are located.
2. All lots developed for non-residential purposes shall comply with lot, area, minimum setbacks, and maximum height requirements established for the zoning district(s) in which the lot(s) is located, as established in table 21.5.7B.
3. All lots shall have at least the minimum area, width and depth as indicated in the tables 21.5.7A and 21.5.7B in this section.
4. Platted subdivisions established by a duly approved plat filed prior to adoption of this UDC shall be exempt from meeting any new lot width, depth, and/or square footage requirements.
5. No lot existing at the time of passage of this UDC shall be reduced in size below the minimum area requirements set forth in tables 21.5.7A and 21.5.7B.
6. Minimum lot size requirements shall not apply to previously platted lots that are annexed into the City, but shall apply in the event of a vacation and replat of such property. All other requirements of this UDC shall nevertheless apply.
7. No portion of any building on a residential lot may be located on any lot closer to any lot line or to the street right-of-way line than is authorized in table 21.5.7A set forth in this section unless otherwise listed below:
 - a. Where the frontage on one (1) side of a street is divided by two (2) or more zoning districts, the front yard setback shall comply with the requirements of most restrictive district for the entire frontage between the nearest intersecting streets.
 - b. Where the building setback line has been established by plat and exceeds the requirements of this UDC, the more restrictive setback line shall apply.
 - c. The front yard setback shall be measured from the property line to the front face of the building, covered porch, covered terrace, or attached accessory building. Eaves and roof extensions may project into the required front yard, not to exceed two (2) feet.
 - d. *Side Yards:* Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices and other architectural features projecting not to exceed twelve (12) inches into the required side yard, and roof eaves projecting not to exceed twenty-four (24) inches into the required side yard.
 - e. *Rear Yards:* Every part of a required rear yard shall be open and unobstructed, except for accessory buildings, uses and structures as permitted and the ordinary projections of window sills, belt courses, cornices and roof overhangs and other architectural features projecting not to exceed twenty-four (24) inches into the required rear yard.
 - f. Where lots have double frontage, running from one street to another, a required front yard setback shall be provided on both streets.
 - g. *Mixed Use Building:* In a building serving dwelling and other uses, in any district, the height and area regulations applicable to non-residential buildings shall apply.

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- h. There shall not be more than one (1) residential dwelling on a platted lot of a duly recorded plat of a single-family residential use.
8. Middle Density District (R-5) developments may have unique designs and dimensions. Due to this, the following additional standards apply. These standards pertain to the side building separation space with the intent for fire safety
- a. When HVAC units are not within the building separation space the minimum separation is ten (10) feet.
 - b. When HVAC units are within the building separation space, or either structure is above one story, the minimum separation is fifteen (15) feet.
 - c. HVAC units shall be on opposite sides of buildings.
 - d. These additional standards are not required if fire suppression systems are installed within the buildings.

(Ord. No. 13-S-22 , § 3, 7-16-2013; Ord. No. 14-S-47 , § 3, 11-18-2014; Ord. No. 21-S-26 , § 1(Exh. A), 7-6-2021)

Sec. 21.5.8. Permitted Use Table.

- A. *Use of Land and Buildings.* Structures, land or premises shall be used only in accordance with the use permitted in the following use table subject to compliance with the dimensional and development standards for the applicable zoning district and all other applicable requirements of this UDC.
- B. *Permitted Principal Uses.* No principal use shall be permitted in any district unless it appears in the following permitted use table.
 - 1. *Legend for the permitted use table:*

P	Use is permitted in district indicated
S	Use is permitted in district indicated upon approval of Specific Use Permit
	Use is prohibited in district indicated

		RESIDENTIAL USES														
PRE	AD	RA	R-1	R-2	R-3	R-4	R-5	R-6	R-7	MHS	MHP	GH	MS MU	MS MU-ND	TH	
Predevelopment	Agricultural District	Residential/Agricultural	Single Family - 1	Single Family - 2	Two Family	Apartment/Multi-Family	Middle Density Residential District	Single Family - 6	Single Family - 7	Manufactured Home Subdivision	Manufactured Home Park	Garden Home	Main Street Mixed Use	Main Street Mixed Use - New Development	Townhome District	PERMITTED USES
	P	P	P	P	P		P	P	P	P	P	P	P	P	P	Accessory Building, Residential
																Aggregate Extraction
	P	P														Agricultural/Field Crops
	P															Airport, Heliport or Landing Field
																Alcohol Package Sales
																Antenna and/or Antenna Support Structure, Commercial
													P	P		Antique Shop
																Appliances, Furniture and Home Furnishings Store
													P	P		Art Gallery/Library/Museum
																Assisted Care or Living Facility
																Athletic Stadium, Private
																Athletic Stadium, Public
													P	P		Automobile Parking Structure/Garage
																Automobile Parts Sales

																Automobile Repairs & Service, Major
																Automobile Repairs & Service, Minor
																Automobile Sales
													P	P		Bakery
													P	P		Bank, Saving and Loan, Credit Union
													P	P		Beauty Salon/Barber Shop
	S	S	S	S	S	S		S	S	S	S	S	P	P		Bed and Breakfast Inn
													P	P		Book Store
																Bottling Works
	S															Building Material and Hardware Sales
																Cabinet or Upholstery Shop
																Car Wash, Automated
																Car Wash, Self Serve
	S	S														Cemetery or Mausoleum
S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Church, Temple, Synagogue, Mosque, or Other Place of Worship
																Civic/Convention Center
																College, University, Trade, or Private Boarding School
																Commercial Amusement, Indoor
																Commercial Amusement, Outdoor
																Community Center
																Concrete/Asphalt Batching Plant

	S																Convenience Store w/o Gas Pumps
																	Convenience Store w/ Gas Pumps
													P	P			Dance Hall/Night Club
													P	P			Day Care Center
																	Department Store
																	Dry Cleaning, Major
													P	P			Dry Cleaning, Minor
	P	P	P	P	P	P		P	P	P	P	P					Family or Group Home
	P												P	P			Farmers Market
																	Flea Market, Inside
	S																Flea Market, Outside
														P	P		Florist
																	Fraternity, Sorority, Civic Club or Lodge
														P	P		Furniture Sales
																	Gasoline Station/Fuel Pumps
		P	P	P	P	P	P	P	P	P	P	P				P	Gated Community
																	General Manufacturing/Industrial Use
		P	P	P	P	P	P	P	P	P	P	P				P	Golf Course and/or Country Club
														P	P		Governmental Facilities
														P	P		Gymnastics/Dance Studio
																	Hazardous Waste
														P	P		Health/Fitness Center
	S																Heavy Equipment Sales, Service or Rental
																	Home Improvement Center

																Hospital
																Hotel/Motel
																Household Appliance Service and Repair
	S	S	S	S				S	S	S	S	S	S	S		In-Home Day Care
																Landfill
																Laundromat
	P	P														Livestock
													P	P		Locksmith/Security System Company
													P	P		Medical, Dental or Professional Office/Clinic
																Mini-Warehouse/Public Storage
		S								P	P					Manufactured/Mobile Homes
																Manufacturing
													P	P		Microbrewery/Brewpub
																Mortuary/Funeral Home
					S	P	P						P	P		Multi-Family Apartment Dwelling
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Municipal Uses Operated by the City of Schertz
													P	P		Museum
	S															Nursery, Major
	P															Nursery, Minor
																Office Showroom
																Office-Warehouse/Distribution Center
					P	P	P						P	P	P	One-Family Dwelling Attached

	P	P	P	P	P	P	P	P	P	P	P	P	P	P		One-Family Dwelling Detached
													P	P		Packaging/Mailing Store
	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Park/Playground/Similar Public Site
																Pawn Shop
													P	P		Pet Store
													P	P		Pharmacy
																Portable Building Sales
													P	P		Post Office
																Print Shop, Major
													P	P		Print Shop, Minor
													P	P		Private Club
																Railroad/Bus Passenger Station
	S	S									P					Recreational Vehicle Park
																Recreational Vehicle Sales and Service
																Recycling Collection Center
																Recycling Collection Point
																Recycling Facility
																Rehabilitation Care Facility
																Restaurant, Drive-In
													P	P		Restaurant or Cafeteria
													P	P		Retail Stores and Shops
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	School, Public or Private
																Sexually Oriented Business (See Ordinance No. 02-L-16)
	P	P														Stable, Commercial

																Storage or Wholesale Warehouse
													P	P		Tattoo Parlors/Studios
													P	P		Tavern
																Taxidermist
																Theater, Outdoor
													P	P		Theater, Indoor
	S															Tool Rental
																Trailer/Manufactured Homes Sales
																Truck Sales, Heavy Equipment
																Truck Terminal
					P	P	P						P	P		Two-Family Dwelling
	P															Veterinarian Clinic/Kennel, Indoor
	P	P														Veterinarian Clinic/Kennel, Outdoor
	S															Welding/Machine Shop
																Wrecking or Salvage Yard
S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	New and Unlisted Uses

C. *New and Unlisted Uses.*

1. It is recognized that new or unlisted types of land use may seek to locate in the City. In order to provide for such contingencies, a determination of any new or unlisted form of land use shall be made in accordance with this section.
2. For uses in which an applicant requests a Specific Use Permit, the City Manager or his/her designee shall follow the procedures for granting an SUP in accordance with section 21.5.11 of this UDC.
3. It is recognized that the permitted use chart may require amendment, from time to time, to allow for uses that were otherwise not permitted. In the event an amendment to the permitted use chart is required, the procedure for the amendment shall be the same as required for an amendment to the text of the UDC in accordance with section 21.4.7 of this UDC.

D. *Limited Uses.*

1. Tattoo Parlors/Studios in the Main Street Mixed Use District and the Main Street Mixed Use – New Development District shall have the following limited uses:
 - a. No tattoo studio shall be within 900 feet of another tattoo studio (property line to property line).
2. Automobile Sales within the City of Schertz shall have the following limited uses:
 - a. No Automobile Sales shall be within three (3) miles of another Automobile Sales (property line to property line).
 - b. No Automobile Sales shall be within 250 feet of any single-family residential zoning or use.
 - c. Automobile Sales uses are required to have Automobile Repair, Major as an accessory use.

(Ord. No. 13-S-22 , § 4, 7-16-2013; Ord. No. 14-S-47 , § 4, 11-18-2014; Ord. No. 20-S-29, § 1(Exh. A), 10-27-2020; Ord. No. 21-S-26 , § 1(Exh. A), 7-6-2021; Ord. No. 21-S-44 , § 1(Exh. A), 10-26-2021)

Exhibit “B”

Proposed Unified Development Code (UDC) Amendments

Article 10 – Parking Standards

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

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

Table 21.10.4 Schedule of Off-Street Parking Requirements	
Use Type	Parking Requirement
Amusement, Commercial (Indoor)	1 space for each 200 square feet of gross floor area
Amusement, Commercial (Outdoor)	1 space per 500 square feet of outdoor site area plus 1 space per each 4 fixed spectator seats
Assisted Care, Living Facility, Care Facility	1 parking space for each 2 beds
Bank, Savings And Loan, Or Other Financial Institution	1 space for each 250 square feet of gross floor area
Bar Or Night Club	1 space for each 50 square feet of gross floor area
Bed And Breakfast	1 space for each guest room plus 1 space per employee
Bowling Alley	5 parking spaces for each lane
Car Wash	1 space for each 200 Square feet of floor area
Day Care Center	1 space per 250 square feet of gross floor area
Fitness Center/Gym	1 space for each 250 square feet of gross floor area
Convenience Store/Gas Station	1 space for each 250 square feet of gross floor area. Spaces provided for fueling at the pump stations shall not be considered parking spaces.
Group Home	4 spaces
Hospital	1 parking space for each bed
Hotel Or Motel	1 space for each sleeping room or suite plus 1 space for every 200 square feet of common area not designated as sleeping rooms
Lodging Houses And Boarding Houses	1 parking space for each bedroom
Manufacturing, Processing Or Repairing	1 space for each 2 employees or 1 space for each 1,000 square feet of total floor area, whichever is greater
Medical Or Dental Clinic	1 space for each 200 square feet of total floor area
Middle-Density (R-5) Housing Types	For tracts one (1) acre or less, 1.5 spaces per unit For tracts exceeding one (1) acre, 2 spaces per unit
Mini-warehouse/Public Storage	1 space for each 300 square feet of office floor area plus 1 space for each 3,000 square feet of storage area
Mortuary/Funeral Home	1 parking space for each 50 square feet of floor space in service rooms or 1 space for each 3 seats, whichever is less based on maximum design capacity)
Multifamily (R-4)	2 spaces per unit plus additional guest parking provided at a ratio of 5% of required spaces
Duplex and Two-Family	2 spaces per unit
Nursery	1 space per 300 square feet of total sales area Wholesale nursery: 1 parking space per employee of the largest work shift, plus 1 space per 10,000 square feet of display area and 1 space per acre of growing areas
Offices	1 space for each 250 square feet of gross floor area

Outdoor Facilities (Outdoor Recreational Fields i.e. Football, Soccer, etc.)	20 spaces per designated field or 1 per 4 person design capacity
Public Use	Parking shall be provided at a ratio approved by City staff based on a parking study provided by the applicant
Residence Halls, Fraternity Buildings And Sorority Buildings	1 space per person capacity of permanent sleeping facilities
Residential Subdivision Mailbox Kiosk	2 spaces—these may be in the right-of-way but not in the traffic lane—an expansion of the road surface is required and the kiosk must be covered to provide shelter for people using the kiosk
Restaurants	1 parking space for each 100 square feet of gross floor area, or 1 space for each 4 seats, whichever is less (based on maximum design capacity)
Retail Sales And Service	1 space for each 250 square feet of gross floor area
School, High School, Vocational, All Other Schools	Parking shall be provided at a ratio approved by City staff based on a parking study provided by the applicant that shall include vehicle stacking requirements
Single Family Attached And Detached Dwelling Units	2 parking spaces per dwelling unit
Theaters, Auditoriums, Churches, Assembly Halls, Sports Arenas, Stadiums, Conference Center, Convention Center, Dance Hall, Exhibition Halls, Or Other Place Of Public Assembly	1 space for each 4 seats or 1 space for every 100 square feet of gross floor area, whichever is less (based on maximum design capacity)
Automobile Sales Or Rental	1 space for each 3,000 square feet of sales area (open and enclosed) devoted to the sale, display or rental of vehicles
Automobile Service, Repair, Garage	1 space for each 200 square feet of total floor area
Warehouse	1 space for each 1,000 square feet of total floor area

- B. *New and Unlisted Uses.* When a proposed land use is not classified in this section or a single use which have varying parking needs depending on the function of that specific single use, an applicant may submit a parking ratio based on best/current planning and transportation practices.
1. A best/current parking ratio application should include the following:
 - a. An application shall fully cite the sources used to derive the applicant-submitted parking ratio, possible resources include parking standards material from the Institute of Transportation Engineers (ITE) or the American Planning Association (APA).
 - b. The City Manager or his/her designee shall review the applicant submitted parking ratio to confirm best/current planning practices for a use.
 - c. The City Manager or his/her designee shall approve, modify, or deny the applicant submitted parking ratio.
 2. Parking ratio determination where no application is submitted
 - a. If the applicant does not submit a parking ratio, then the City Manager or his/her designee shall determine the parking ratio based on the best/current planning and transportation practices.
- C. *Mixed uses.* In the event that several users occupy a single structure, or parcels of land, the total requirements for off street parking shall be the sum of the requirements for the several uses computed

separately unless it can be shown that the peak parking demands are offset, for example with retail and residential, or theater and office uses. In such case the City Manager or his/her designee may reduce the total requirements accordingly, but not more than twenty-five percent (25%).

- D. *Joint use of facilities.* Required parking facilities of two (2) or more uses, structures, or parcels of land may be satisfied by the same parking facility used jointly, to the extent that it can be shown by the owners or operators that the need for the facilities does not materially overlap and provided that such right of joint use is evidenced by a deed, lease, contract, or similar written instrument establishing the joint use.
- E. *Properties zoned main street mixed-use.* Properties zoned Main Street Mixed-Use shall only be required to provide two (2) on-site parking spaces but must still provide the minimum required number of handicapped spaces on site.

(Ord. No. 14-S-47, § 5, 11-18-2014; Ord. No. 16-S-27, § 7, 8-30-2016; Ord. No. 18-S-03, § 1(Exh. A), 1-23-2018; Ord. No. 22-S-19, § 1(Exh. A), 4-26-2022; Ord. No. 23-S-07, § 1(Exh. A), 3-14-2023)

Sec. 21.5.2. Zoning Districts Established.

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

Table 21.5.2	
Symbol	Zoning District Name
PRE	Predevelopment District
R-1	Single-Family Residential District
R-2	Single-Family Residential District
R-3	Two-Family Residential District
R-4	Apartment/Multi-Family Residential District
R-5	<u>Middle Density Residential District</u>
R-6	Single-Family Residential District
R-7	Single-Family Residential District
R-A	Single-Family Residential/Agricultural District
GH	Garden Home Residential District
TH	Townhome District
MHS	Manufactured Home Subdivision District
MHP	Manufactured Home Park District
OP	Office and Professional District
NS	Neighborhood Services District
GB	General Business District
GB-2	General Business District-2
M-1	Manufacturing District (Light)
M-2	Manufacturing District (Heavy)
PUB	Public Use District
PDD	Planned Development District
EN	Estate Neighborhood PDD
MSMU	Main Street Mixed-Use District
MSMU-ND	Main Street Mixed-Use New Development District

(Ord. No. 13-S-22 , § 1, 7-16-2013; Ord. No. 14-S-47 , § 1, 11-18-2014; Ord. No. 23-S-07 , § 1(Exh. A), 3-14-2023)

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

- A. *Predevelopment District (PRE)*. Intended for use for undeveloped land in the City or as a temporary designation for existing uses for newly annexed property. This zoning is also suitable for areas where development is premature due to lack of utilities, capacity or service and for areas that are unsuitable for development because of physical constraints or potential health or safety hazards. No improvements, construction or structures may be undertaken without obtaining a building permit and no occupancy of such improvements and structures without obtaining a certificate of occupancy.
- B. *Single-Family Residential District (R-1)*. Comprised of single-family detached residential dwellings on a minimum lot size of 9,600 square feet, together with the schools, churches, and parks necessary to create basic neighborhood units.
- C. *Single-Family Residential District (R-2)*. Comprised of single-family detached residential dwellings with a minimum lot size of 8,400 square feet, together with the schools, churches, and parks necessary to create basic neighborhood units.
- D. *Two-Family Residential District (R-3)*. Comprised of two (2) single-family attached residential dwellings with a minimum lot size of 9,000 square feet, together with the schools, churches, and parks necessary to create basic neighborhood units.
- E. *Apartment/Multi-Family Residential District (R-4)*. Intended to provide denser~~for~~ apartment and multi-family style developments. This district is a suitable transition between single-family districts and commercial uses. However, Apartment/Multi-Family Residential Districts (R-4) shall not be located in areas where they would increase traffic with access through single-family neighborhoods and shall be located adjacent to arterial streets. including, but not limited to apartment buildings, duplex, garden apartments, condominium units, assisted living centers, nursing homes and other similar uses. Due to the infrastructure requirements for such districts, the City may require the applicant seeking such zoning classification to establish (i) the adequacy of available access and utility facilities, (ii) sufficiency of drainage, and (iii) provision of sufficient open space. The minimum lot size in such district is 10,000 square feet for three (3) units and 1,800 square feet for each additional dwelling unit. The maximum density shall be thirty-five ~~twenty-four~~ (2435) units per acre. Apartment/Multi-Family Residential Districts should not be located in areas where they would increase traffic through single-family neighborhoods and should be located adjacent to arterial streets with sufficient capacity to carry the increased traffic generated. Multi-family developments are suitable buffers between single-family districts and commercial uses. Multi-family districts should be buffered from non-residential land uses and from pollution sources and environmental hazards. Twenty percent (20%) of the total platted area shall be provided as common, usable open space.
- F. *Middle Density Residential District (R-5)*. Intended to provide developments that offer a variety of housing types. This district is a suitable transition between single-family residential and commercial and/or denser multi-family developments. Comprised of attached or detached residential dwelling units.
1. When tracts in this district are one (1) acre or less, density shall not exceed sixteen (16) units per gross acre and these tracts will be required to adhere to the single-family site design requirements in Article 9 – Site Design Standards
 2. When tracts exceed one (1) acre, density shall not exceed twelve (12) units per gross acre and these tracts will be required to adhere to the multi-family site design requirements in Article 9 – Site Design Standards and provide ten percent (10%) of the total platted area as common, usable open space.
- ~~FG.~~ *Single-Family Residential District (R-6)*. Comprised of single-family detached residential dwellings that are on a minimum lot size of 7,200 square feet, together with the schools, churches, and parks necessary to create basic neighborhood units. This district is intended to be developed using the more contemporary building

styles and allowing those dwellings to be constructed on relatively small lots. The maximum size tract that can be zoned R-6 is 30 acres.

- ~~GH~~. *Single-Family Residential District (R-7)*. Comprised of single-family detached residential dwellings on a minimum lot size of 6,600 square feet, together with the schools, churches, and parks necessary to create basic neighborhood units. This district is intended to be developed using the more contemporary building styles and allowing those dwellings to be constructed on relatively small lots. The maximum size tract that can be zoned R-7 is 40 acres.
- ~~HJ~~. *Single-Family Residential/Agricultural District (RA)*. Intended to provide for areas in which agricultural land may be held in such use for as long as is practical and reasonable. Residences in this District are intended to be on a minimum lot size of 21,780 square feet (one-half acre). This District is suitable for areas where development is premature due to lack of utilities, capacity or service, and for areas that are unsuitable for development because of physical restraints or potential health or safety hazards.
- ~~HJ~~. *Garden Homes Residential District (GH)*. Comprised of single-family detached residential dwellings on a minimum lot size of 5,000 square feet together with the schools, churches, and parks necessary to create basic neighborhood units. This District allows the main structure to be constructed coincident with one (1) of the side property lines, and requires only one (1) side yard setback in order to maximize lot usage and yet maintain a neighborhood character consistent with conventional single-family detached homes.

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

- ~~J-K~~. *Townhome District (TH)*. Comprised of an attached residential dwelling unit in structures built to accommodate three (3) to six (6) units per structure. Density shall not exceed twelve (12) units per gross acre. Townhome units shall be constructed on a single lot, or on adjacent individual lots. Individual ownership of the townhome units is encouraged. Minimum lot area shall not be less than 2,500 square feet per dwelling unit. Ten percent (10%) of the total platted area shall be provided as common, usable open space. This District should not be located in areas where it would increase traffic through single-family neighborhoods and should be adjacent to arterial streets with sufficient capacity to carry the increased traffic generated.
- ~~K-L~~. *Manufactured Home Subdivision District (MHS)*. Intended to recognize that certain areas of the City are suitable for a mixture of single-family dwelling units and HUD-Code manufactured homes, to provide adequate space and site diversification for residential purposes designed to accommodate the peculiarities and design criteria of manufactured homes, along with single-family residences, to promote the most desirable use of land and direction of building development, to promote stability of development, to protect the character of the district, to conserve the value of land and buildings, and to protect the City's tax base. This District provides for the creation and/or subdivision of any lot, tract or parcel of land used for the placement of manufactured homes. This District is not intended to prohibit or unduly restrict any type of housing but to ensure compatibility in housing types between manufactured home subdivisions and surrounding single family residential subdivisions and recognizing their inherent differences.
- ~~L-M~~. *Manufactured Home Park District (MHP)*. Intended to provide adequate space and site diversification for residential purposes designed to accommodate the peculiarities and design criteria of manufactured homes, to promote the most desirable use of land and direction of building development, to promote stability of development, to protect the character of the district, to conserve the value of land and buildings, and to protect the City's tax base. This District provides for the creation of tracts of land used for the placement of multiple manufactured homes on a single lot, tract or parcel of land and utilized for rent or lease. This District is not intended to prohibit or unduly restrict any type of housing but to ensure compatibility between

manufactured home parks and surrounding properties and recognizing the inherent differences in housing types between manufactured home parks and other residential districts.

~~AN~~. *Agricultural District (AD)*. Intended to provide as a base zoning district in areas designated as agricultural conservation on the North and South Schertz Framework Plans. Residences in this District are intended to be on a minimum lot size of 217,800 square feet (five acres). Clustering of up to two homes may be allowed on the same lot subject to setback requirements. This District is suitable for areas where development is premature due to lack of utilities, capacity or service, and for areas that are unsuitable for development because of physical restraints or potential health or safety hazards.

~~NO~~. *Main Street Mixed-Use District (MSMU)*. Intended to provide a base zoning district in the area along Main Street. In light of the history of the area and variety of land uses that exist, this zoning district allows for single-family and multi-family residential uses, and low intensity commercial uses. Reduced setbacks and parking requirements are provided as part of this district due to physical restraints.

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

(Ord. No. 13-S-22, § 2, 7-16-2013 ; Ord. No. 14-S-47 , § 2, 11-18-2014; Ord. No. 21-S-26 , § 1(Exh. A), 7-6-2021; Ord. No. 23-S-07 , § 1(Exh. A), 3-14-2023)

Sec. 21.5.7. Dimensional and Developmental Standards.

- A. *General.* All projects or developments shall comply with all of the applicable dimensional and development standards of this Article. Additional requirements may also apply as required in other sections of this UDC. All area requirements and lot sizes shall be calculated based on gross acres.

Proposed Redlines

Table 21.5.7.A DIMENSIONAL REQUIREMENTS RESIDENTIAL ZONING DISTRICTS											
		Minimum Lot Size And Dimensions			Minimum Yard Setback (Ft)				Miscellaneous Lot Requirements		
Code	Zoning District	Area Sq. Ft.	Width Ft.	Depth Ft.	Front Ft.	Side Ft.	Rear Ft.	Minimum Off-Street Parking Spaces	Max Height Ft.	Max Imperv Cover	Key
R-1	Single-Family Residential District-1	9,600	80	120	25	10	20	2	35	50%	h,j,k,l,m,o
R-2	Single-Family Residential District-2	8,400	70	120	25	10	20	2	35	50%	h,j,k,l,m,o
R-3	Two-Family Residential District	9,000	75	120	25	10	20	2	35	60%	h,j,k,l,m,o
R-4	Apartment/Multi-Family Residential District	10,000 43,560	1400	100	25	10	20	2	35 50	75%	a,b,j,k,l,m,n
<u>R-5</u>	<u>Middle Density District</u>	<u>10,890</u>	<u>-</u>	<u>-</u>	<u>25</u>	<u>10</u>	<u>10</u>	<u>2</u>	<u>35</u>	<u>80%</u>	<u>h,j,k,l,m,q</u>
R-6	Single-Family Residential District-6	7,200	60	120	25	10	20	2	35	50%	h,k,l,m,n,o
R-7	Single-Family Residential District-7	6,600	60	110	25	10	20	2	35	50%	h,k,l,m,n,o
R-A	Single-Family-Residential/Agriculture	21,780	-	-	25	25	25	2	35	50%	h,k,l,m,n
GH	Garden Home Residential District	5,000	50	100	10	10	10	2	35	75%	c,d,e,f,g,k,l,m
TH	Townhome District	2,500	25	100	25	10	20	2	35	75%	h,j,k,l,m
MHS	Manufactured Home Subdivision District	6,600	60	110	25	10	20	2	35	50%	j,k,l,m,o
MHP	Manufactured Home Park District	43,560	-	-	25	12.5	25	-	35	50%	j,k,l,m
AD	Agricultural District	217,800	100	100	25	25	25	2	35	30%	h,k,o

Proposed Redlines

MSMU	Main Street Mixed Use	5,000	50	100	10	5	10	2	35	80%	h,j,k,m, n,p
MSMU-ND	Main Street Mixed Use-New Development	5,000	50	100	10	5	10	2	35	80%	j,k,m,p
Key:											
a.	Add 1,800 square feet of area for each unit after the first 3 units. Maximum density shall not exceed <u>3524</u> units per acre.										
b.	2 parking spaces per unit plus 5%.										
c.	Zero lot line Garden Homes.										
d.	20-foot paved alley for ingress/egress to all rear garages.										
e.	5-foot shall be designated maintenance easement.										
f.	Corner lot shall have 10-foot side yard setback from street right-of-way.										
g.	25-foot set back to property line adjoining public street.										
h.	Corner lot shall have minimum 15-foot side yard setback from street right-of-way. For properties on Main Street, the City Engineer may authorize a reduction to no less than 10' if there are no sight distance issues.										
i.	Minimum lot area for each unit.										
j.	Site Plan approval required.										
k.	Swimming pools count toward the maximum impervious cover limitations, unless the swimming pool is equipped with a water overflow device appropriate for such pool, and only if it drains into any pervious surface, in which case the water surface shall be excluded.										
l.	No variances may be permitted to exceed the maximum impervious cover limitations										
m.	Refer to Article 14, section 21.14.3 for additional design requirements										
n.	All single family residential dwelling units constructed within this district shall be constructed with an enclosed garage.										
o.	Side yard setback of 7.5 ft. for R-1, R-2, R-3, R-6, R-7, and MHS continues in effect for all subdivisions vested on the date of adoption of Ordinance No. 11-S-15.										
p.	Not subject to the requirements in section 21.10.4										
q.	<u>Refer to section 21.5.7.B.8</u>										

Table 21.5.7.B DIMENSIONAL REQUIREMENTS NON-RESIDENTIAL ZONING DISTRICTS (d)			
	Minimum Lot Size And Dimensions	Minimum Yard Setback (Ft)	Miscellaneous Lot Requirements

Proposed Redlines

Code	Zoning District	Area Sq. Ft.	Width Ft.	Depth Ft.	Front Ft.	Rear Adj Non-Res Zone	Rear Adj. Res Zone	Side Adj Non-Res Zone	Side Adj Res Zone	Max Ht. Ft.	Max Imperv Cover	Key
OP	Office/ Professional	6,000	60	100	25	0	25	0	25	35	70%	a, b, c, d
NS	Neighborhood Services	10,000	100	100	25a	0	25	0	25	35	80%	a, b, c, d
GB	General Business	10,000	100	100	25	0	25	0	25	120	80%	a, b, c, d
GB-2	General Business-2	10,000	100	100	25	0	25	0	25	120	80%	a, b, c, d
M-1	Light Manufacturing	10,000	100	100	25	0	50c	0	25b	120	80%	a, b, c, d
M-2	Heavy Manufacturing	10,000	100	100	25	0	50c	0	25b	120	80%	a, b, c, d
PUB	Public Use District	10,000	100	100	25	0	15	0	25	35	70%	a, c, d
Key:												
a.	See Article 10 for parking requirements.											
b.	Uses may require a Specific Use Permit. The City of Schertz will follow the guidelines outlined in the Air Installation Compatible Use Zone (AICUZ) study for Randolph Air Force Base.											
c.	No variances may be permitted to exceed the maximum impervious cover limitations.											
d.	Refer to Article 14, Sec. 21.14.3 for additional design requirements.											

B. *Additional Dimensional and Development Standards.*

1. All lots developed for residential purposes shall comply with the lot area, minimum setbacks and height requirements established in table 21.5.7A for the zoning district(s) in which the lot(s) is/are located. All lots developed for allowed non-residential purposes, within residential zoning districts, shall comply with lot, area and height requirements established in table 21.5.7A for the zoning district(s) in which the lot(s) is/are located.
2. All lots developed for non-residential purposes shall comply with lot, area, minimum setbacks, and maximum height requirements established for the zoning district(s) in which the lot(s) is located, as established in table 21.5.7B.
3. All lots shall have at least the minimum area, width and depth as indicated in the tables 21.5.7A and 21.5.7B in this section.
4. Platted subdivisions established by a duly approved plat filed prior to adoption of this UDC shall be exempt from meeting any new lot width, depth, and/or square footage requirements.
5. No lot existing at the time of passage of this UDC shall be reduced in size below the minimum area requirements set forth in tables 21.5.7A and 21.5.7B.
6. Minimum lot size requirements shall not apply to previously platted lots that are annexed into the City, but shall apply in the event of a vacation and replat of such property. All other requirements of this UDC shall nevertheless apply.
7. No portion of any building on a residential lot may be located on any lot closer to any lot line or to the street right-of-way line than is authorized in table 21.5.7A set forth in this section unless otherwise listed below:
 - a. Where the frontage on one (1) side of a street is divided by two (2) or more zoning districts, the front yard setback shall comply with the requirements of most restrictive district for the entire frontage between the nearest intersecting streets.
 - b. Where the building setback line has been established by plat and exceeds the requirements of this UDC, the more restrictive setback line shall apply.
 - c. The front yard setback shall be measured from the property line to the front face of the building, covered porch, covered terrace, or attached accessory building. Eaves and roof extensions may project into the required front yard, not to exceed two (2) feet.
 - d. *Side Yards:* Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices and other architectural features projecting not to exceed twelve (12) inches into the required side yard, and roof eaves projecting not to exceed twenty-four (24) inches into the required side yard.
 - e. *Rear Yards:* Every part of a required rear yard shall be open and unobstructed, except for accessory buildings, uses and structures as permitted and the ordinary projections of window sills, belt courses, cornices and roof overhangs and other architectural features projecting not to exceed twenty-four (24) inches into the required rear yard.
 - f. Where lots have double frontage, running from one street to another, a required front yard setback shall be provided on both streets.
 - g. *Mixed Use Building:* In a building serving dwelling and other uses, in any district, the height and area regulations applicable to non-residential buildings shall apply.

h. There shall not be more than one (1) residential dwelling on a platted lot of a duly recorded plat of a single-family residential use.

8. Middle Density District (R-5) developments may have unique designs and dimensions. Due to this, the following additional standards apply. These standards pertain to the side building separation space with the intent for fire safety:

a. When HVAC units are not within the building separation space the minimum separation is ten (10) feet.

b. When HVAC units are within the building separation space, or either structure is above one story, the minimum separation is fifteen (15) feet.

c. HVAC units shall be on opposite sides of buildings.

d. These additional standards are not required if fire suppression systems are installed within the buildings.

(Ord. No. 13-S-22 , § 3, 7-16-2013; Ord. No. 14-S-47 , § 3, 11-18-2014; Ord. No. 21-S-26 , § 1(Exh. A), 7-6-2021)

Sec. 21.5.8. Permitted Use Table.

- A. *Use of Land and Buildings.* Structures, land or premises shall be used only in accordance with the use permitted in the following use table subject to compliance with the dimensional and development standards for the applicable zoning district and all other applicable requirements of this UDC.
- B. *Permitted Principal Uses.* No principal use shall be permitted in any district unless it appears in the following permitted use table.
 - 1. *Legend for the permitted use table:*

P	Use is permitted in district indicated
S	Use is permitted in district indicated upon approval of Specific Use Permit
	Use is prohibited in district indicated

Proposed Redlines

RESIDENTIAL USES																
PRE	AD	RA	R-1	R-2	R-3	R-4	<u>R-5</u>	R-6	R-7	MHS	MHP	GH	MS MU	MS MU-ND	TH	
Predevelopment	Agricultural District	Residential/Agricultural	Single Family - 1	Single Family - 2	Two Family	Apartment/Multi-Family	<u>Middle Density Residential District</u>	Single Family - 6	Single Family - 7	Manufactured Home Subdivision	Manufactured Home Park	Garden Home	Main Street Mixed Use	Main Street Mixed Use - New Development	Townhome District	PERMITTED USES
	P	P	P	P	P		<u>P</u>	P	P	P	P	P	P	P	P	Accessory Building, Residential
																Aggregate Extraction
	P	P														Agricultural/Field Crops
	P															Airport, Heliport or Landing Field
																Alcohol Package Sales
																Antenna and/or Antenna Support Structure, Commercial
													P	P		Antique Shop
																Appliances, Furniture and Home Furnishings Store
													P	P		Art Gallery/Library/Museum
																Assisted Care or Living Facility
																Athletic Stadium, Private
																Athletic Stadium, Public
													P	P		Automobile Parking Structure/Garage
																Automobile Parts Sales

Proposed Redlines

																Automobile Repairs & Service, Major
																Automobile Repairs & Service, Minor
																Automobile Sales
													P	P		Bakery
													P	P		Bank, Saving and Loan, Credit Union
													P	P		Beauty Salon/Barber Shop
	S	S	S	S	S	S		S	S	S	S	S	P	P		Bed and Breakfast Inn
													P	P		Book Store
																Bottling Works
	S															Building Material and Hardware Sales
																Cabinet or Upholstery Shop
																Car Wash, Automated
																Car Wash, Self Serve
	S	S														Cemetery or Mausoleum
S	S	S	S	S	S	S	<u>S</u>	S	S	S	S	S	S	S	S	Church, Temple, Synagogue, Mosque, or Other Place of Worship
																Civic/Convention Center
																College, University, Trade, or Private Boarding School
																Commercial Amusement, Indoor
																Commercial Amusement, Outdoor
																Community Center
																Concrete/Asphalt Batching Plant

Proposed Redlines

	S																Convenience Store w/o Gas Pumps
																	Convenience Store w/ Gas Pumps
													P	P			Dance Hall/Night Club
													P	P			Day Care Center
																	Department Store
																	Dry Cleaning, Major
													P	P			Dry Cleaning, Minor
	P	P	P	P	P	P		P	P	P	P	P					Family or Group Home
	P												P	P			Farmers Market
																	Flea Market, Inside
	S																Flea Market, Outside
														P	P		Florist
																	Fraternity, Sorority, Civic Club or Lodge
														P	P		Furniture Sales
																	Gasoline Station/Fuel Pumps
		P	P	P	P	P	<u>P</u>	P	P	P	P	P				P	Gated Community
																	General Manufacturing/Industrial Use
		P	P	P	P	P	<u>P</u>	P	P	P	P	P				P	Golf Course and/or Country Club
														P	P		Governmental Facilities
														P	P		Gymnastics/Dance Studio
																	Hazardous Waste
														P	P		Health/Fitness Center
	S																Heavy Equipment Sales, Service or Rental
																	Home Improvement Center

Proposed Redlines

																Hospital
																Hotel/Motel
																Household Appliance Service and Repair
	S	S	S	S				S	S	S	S	S	S	S		In-Home Day Care
																Landfill
																Laundromat
	P	P														Livestock
													P	P		Locksmith/Security System Company
													P	P		Medical, Dental or Professional Office/Clinic
																Mini-Warehouse/Public Storage
		S								P	P					Manufactured/Mobile Homes
																Manufacturing
													P	P		Microbrewery/Brewpub
					S	P	<u>P</u>						P	P		Mortuary/Funeral Home
P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P	Municipal Uses Operated by the City of Schertz
													P	P		Museum
	S															Nursery, Major
	P															Nursery, Minor
																Office Showroom
																Office-Warehouse/Distribution Center
					P	P	<u>P</u>						P	P	P	One-Family Dwelling Attached

Proposed Redlines

	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P		One-Family Dwelling Detached
													P	P		Packaging/Mailing Store
	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P	Park/Playground/Similar Public Site
																Pawn Shop
													P	P		Pet Store
													P	P		Pharmacy
																Portable Building Sales
													P	P		Post Office
																Print Shop, Major
													P	P		Print Shop, Minor
													P	P		Private Club
																Railroad/Bus Passenger Station
	S	S									P					Recreational Vehicle Park
																Recreational Vehicle Sales and Service
																Recycling Collection Center
																Recycling Collection Point
																Recycling Facility
																Rehabilitation Care Facility
																Restaurant, Drive-In
													P	P		Restaurant or Cafeteria
													P	P		Retail Stores and Shops
P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P	School, Public or Private
																Sexually Oriented Business (See Ordinance No. 02-L-16)
	P	P														Stable, Commercial

Proposed Redlines

																Storage or Wholesale Warehouse
													P	P		Tattoo Parlors/Studios
													P	P		Tavern
																Taxidermist
																Theater, Outdoor
													P	P		Theater, Indoor
	S															Tool Rental
																Trailer/Manufactured Homes Sales
																Truck Sales, Heavy Equipment
																Truck Terminal
					P	P	<u>P</u>						P	P		Two-Family Dwelling
	P															Veterinarian Clinic/Kennel, Indoor
	P	P														Veterinarian Clinic/Kennel, Outdoor
	S															Welding/Machine Shop
																Wrecking or Salvage Yard
S	S	S	S	S	S	S	<u>S</u>	S	S	S	S	S	S	S	S	New and Unlisted Uses

C. *New and Unlisted Uses.*

1. It is recognized that new or unlisted types of land use may seek to locate in the City. In order to provide for such contingencies, a determination of any new or unlisted form of land use shall be made in accordance with this section.
2. For uses in which an applicant requests a Specific Use Permit, the City Manager or his/her designee shall follow the procedures for granting an SUP in accordance with section 21.5.11 of this UDC.
3. It is recognized that the permitted use chart may require amendment, from time to time, to allow for uses that were otherwise not permitted. In the event an amendment to the permitted use chart is required, the procedure for the amendment shall be the same as required for an amendment to the text of the UDC in accordance with section 21.4.7 of this UDC.

D. *Limited Uses.*

1. Tattoo Parlors/Studios in the Main Street Mixed Use District and the Main Street Mixed Use – New Development District shall have the following limited uses:
 - a. No tattoo studio shall be within 900 feet of another tattoo studio (property line to property line).
2. Automobile Sales within the City of Schertz shall have the following limited uses:
 - a. No Automobile Sales shall be within three (3) miles of another Automobile Sales (property line to property line).
 - b. No Automobile Sales shall be within 250 feet of any single-family residential zoning or use.
 - c. Automobile Sales uses are required to have Automobile Repair, Major as an accessory use.

(Ord. No. 13-S-22 , § 4, 7-16-2013; Ord. No. 14-S-47 , § 4, 11-18-2014; Ord. No. 20-S-29, § 1(Exh. A), 10-27-2020; Ord. No. 21-S-26 , § 1(Exh. A), 7-6-2021; Ord. No. 21-S-44 , § 1(Exh. A), 10-26-2021)

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

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

Table 21.10.4 Schedule of Off-Street Parking Requirements	
Use Type	Parking Requirement
Amusement, Commercial (Indoor)	1 space for each 200 square feet of gross floor area
Amusement, Commercial (Outdoor)	1 space per 500 square feet of outdoor site area plus 1 space per each 4 fixed spectator seats
Assisted Care, Living Facility, Care Facility	1 parking space for each 2 beds
Bank, Savings And Loan, Or Other Financial Institution	1 space for each 250 square feet of gross floor area
Bar Or Night Club	1 space for each 50 square feet of gross floor area
Bed And Breakfast	1 space for each guest room plus 1 space per employee
Bowling Alley	5 parking spaces for each lane
Car Wash	1 space for each 200 Square feet of floor area
Day Care Center	1 space per 250 square feet of gross floor area
Fitness Center/Gym	1 space for each 250 square feet of gross floor area
Convenience Store/Gas Station	1 space for each 250 square feet of gross floor area. Spaces provided for fueling at the pump stations shall not be considered parking spaces.
Group Home	4 spaces
Hospital	1 parking space for each bed
Hotel Or Motel	1 space for each sleeping room or suite plus 1 space for every 200 square feet of common area not designated as sleeping rooms
Lodging Houses And Boarding Houses	1 parking space for each bedroom
Manufacturing, Processing Or Repairing	1 space for each 2 employees or 1 space for each 1,000 square feet of total floor area, whichever is greater
Medical Or Dental Clinic	1 space for each 200 square feet of total floor area
<u>Middle-Density (R-5) Housing Types</u>	<u>For tracts one (1) acre or less, 1.5 spaces per unit</u> <u>For tracts exceeding one (1) acre, 2 spaces per unit</u>
Mini-warehouse/Public Storage	1 space for each 300 square feet of office floor area plus 1 space for each 3,000 square feet of storage area
Mortuary/Funeral Home	1 parking space for each 50 square feet of floor space in service rooms or 1 space for each 3 seats, whichever is less based on maximum design capacity)
Multifamily (R-4), Condominium or Other Similar Use	2 spaces per unit p Plus additional guest parking provided at a ratio of 5% of required spaces
Duplex and Two-Family	2 spaces per unit
Nursery	1 space per 300 square feet of total sales area Wholesale nursery: 1 parking space per employee of the largest work shift, plus 1 space per 10,000 square feet of display area and 1 space per acre of growing areas
Offices	1 space for each 250 square feet of gross floor area

Proposed Redlines

Outdoor Facilities (Outdoor Recreational Fields i.e. Football, Soccer, etc.)	20 spaces per designated field or 1 per 4 person design capacity
Public Use	Parking shall be provided at a ratio approved by City staff based on a parking study provided by the applicant
Residence Halls, Fraternity Buildings And Sorority Buildings	1 space per person capacity of permanent sleeping facilities
Residential Subdivision Mailbox Kiosk	2 spaces—these may be in the right-of-way but not in the traffic lane—an expansion of the road surface is required and the kiosk must be covered to provide shelter for people using the kiosk
Restaurants	1 parking space for each 100 square feet of gross floor area, or 1 space for each 4 seats, whichever is less (based on maximum design capacity)
Retail Sales And Service	1 space for each 250 square feet of gross floor area
School, High School, Vocational, All Other Schools	Parking shall be provided at a ratio approved by City staff based on a parking study provided by the applicant that shall include vehicle stacking requirements
Single Family Attached And Detached Dwelling Units	2 parking spaces per dwelling unit
Theaters, Auditoriums, Churches, Assembly Halls, Sports Arenas, Stadiums, Conference Center, Convention Center, Dance Hall, Exhibition Halls, Or Other Place Of Public Assembly	1 space for each 4 seats or 1 space for every 100 square feet of gross floor area, whichever is less (based on maximum design capacity)
Automobile Sales Or Rental	1 space for each 3,000 square feet of sales area (open and enclosed) devoted to the sale, display or rental of vehicles
Automobile Service, Repair, Garage	1 space for each 200 square feet of total floor area
Warehouse	1 space for each 1,000 square feet of total floor area

- B. *New and Unlisted Uses.* When a proposed land use is not classified in this section or a single use which have varying parking needs depending on the function of that specific single use, an applicant may submit a parking ratio based on best/current planning and transportation practices.
1. A best/current parking ratio application should include the following:
 - a. An application shall fully cite the sources used to derive the applicant-submitted parking ratio, possible resources include parking standards material from the Institute of Transportation Engineers (ITE) or the American Planning Association (APA).
 - b. The City Manager or his/her designee shall review the applicant submitted parking ratio to confirm best/current planning practices for a use.
 - c. The City Manager or his/her designee shall approve, modify, or deny the applicant submitted parking ratio.
 2. Parking ratio determination where no application is submitted
 - a. If the applicant does not submit a parking ratio, then the City Manager or his/her designee shall determine the parking ratio based on the best/current planning and transportation practices.
- C. *Mixed uses.* In the event that several users occupy a single structure, or parcels of land, the total requirements for off street parking shall be the sum of the requirements for the several uses computed

separately unless it can be shown that the peak parking demands are offset, for example with retail and residential, or theater and office uses. In such case the City Manager or his/her designee may reduce the total requirements accordingly, but not more than twenty-five percent (25%).

- D. *Joint use of facilities.* Required parking facilities of two (2) or more uses, structures, or parcels of land may be satisfied by the same parking facility used jointly, to the extent that it can be shown by the owners or operators that the need for the facilities does not materially overlap and provided that such right of joint use is evidenced by a deed, lease, contract, or similar written instrument establishing the joint use.
- E. *Properties zoned main street mixed-use.* Properties zoned Main Street Mixed-Use shall only be required to provide two (2) on-site parking spaces but must still provide the minimum required number of handicapped spaces on site.

(Ord. No. 14-S-47, § 5, 11-18-2014; Ord. No. 16-S-27, § 7, 8-30-2016; Ord. No. 18-S-03, § 1(Exh. A), 1-23-2018; Ord. No. 22-S-19, § 1(Exh. A), 4-26-2022; Ord. No. 23-S-07, § 1(Exh. A), 3-14-2023)

Ord. 24-S-156

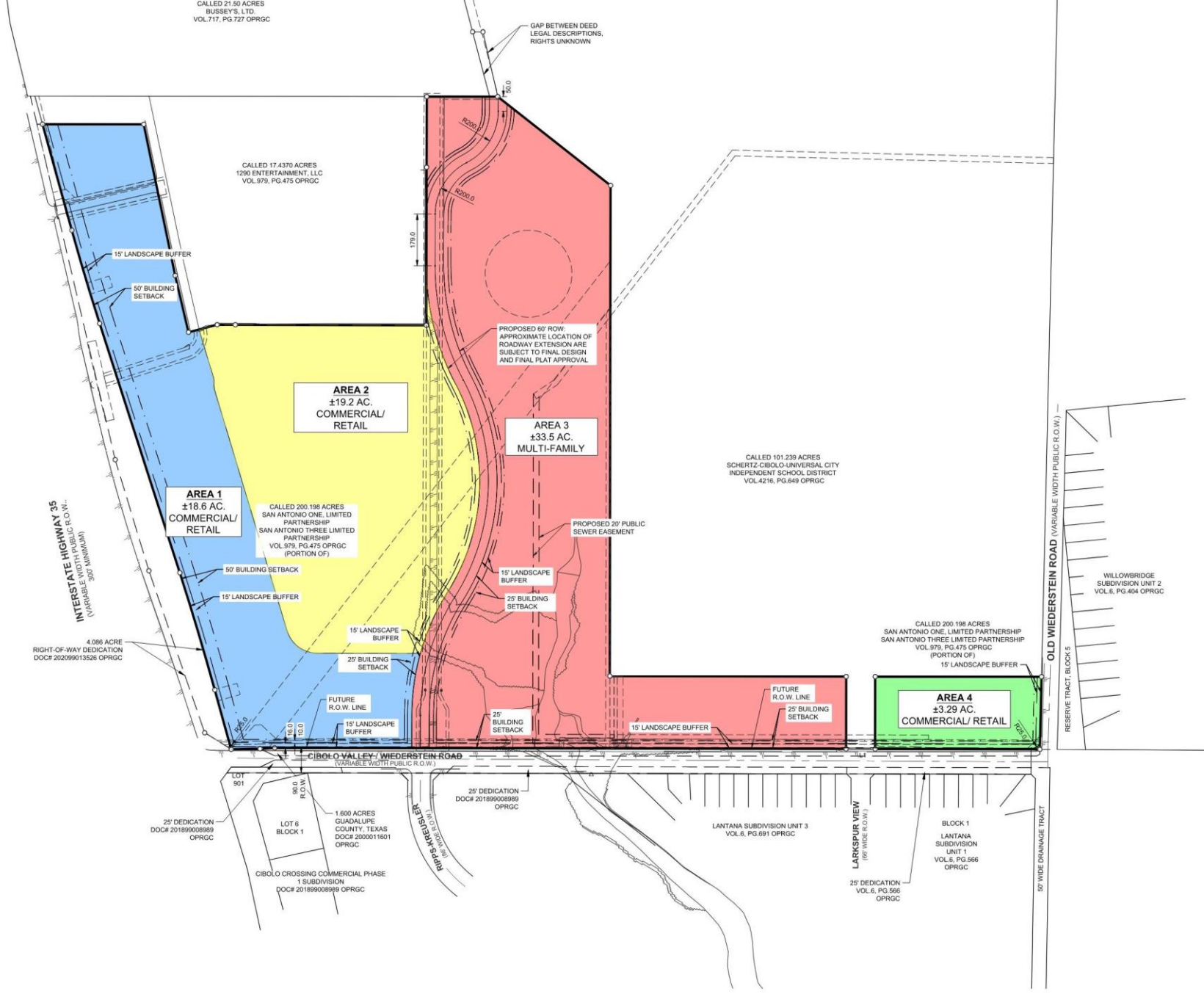
UDC Amendments to Article 5 - Zoning Districts and Article 10 - Parking Standards.

Samuel Haas | Senior Planner

Background

- Workshop August 6, 2024
- Trends in Development
 - Lower density, dispersed – townhome style
 - Multi-Family in function





???



General
Business (GB)

Proposed Changes to UDC

1. New Zoning District
2. Modify Existing Apartment / Multi-Family (R-4)

Proposal # 1 New Zoning District

- New Zoning District
 - Middle Density Residential (R-5)
 - Lower density than traditional apartment complexes i.e. R-4
 - Provide incentives smaller multi-family developments
 - Capture market trends provide variety of housing

New Zoning District – R-5 Middle Density

- UDC Section
 - 21.5.2 – Zoning Districts Established
 - 21.5.5 – Statement of Purpose and Intent
 - 21.5.7 – Dimensional and Development Standards
 - 21.5.8 – Permitted Use Table
 - 21.10.4 – Parking Requirements

New Zoning District – R-5 Middle Density

21.5.2 – Zoning Districts Established

Table 21.5.2	
Symbol	Zoning District Name
PRE	Predevelopment District
R-1	Single-Family Residential District
R-2	Single-Family Residential District
R-3	Two-Family Residential District
R-4	Apartment/Multi-Family Residential District
R-5	Middle Density Residential District
R-6	Single-Family Residential District
R-7	Single-Family Residential District
R-A	Single-Family Residential/Agricultural District
GH	Garden Home Residential District
TH	Townhome District
MHS	Manufactured Home Subdivision District
MHP	Manufactured Home Park District
OP	Office and Professional District
NS	Neighborhood Services District
GB	General Business District
GB-2	General Business District-2
M-1	Manufacturing District (Light)
M-2	Manufacturing District (Heavy)
PUB	Public Use District
PDD	Planned Development District
EN	Estate Neighborhood PDD
MSMU	Main Street Mixed-Use District
MSMU-ND	Main Street Mixed-Use New Development District

New Zoning District – R-5 Middle Density

21.5.5 – Statement of Purpose and Intent

F. Middle Density Residential District (R-5). Intended to provide developments that offer a variety of housing types. This district is a suitable transition between single-family residential and commercial and/or denser multi-family developments. Comprised of attached or detached residential dwelling units.

1. When tracts in this district are one (1) acre or less, density shall not exceed sixteen (16) units per gross acre and these tracts will be required to adhere to the single-family site design requirements in Article 9 – Site Design Standards
2. When tracts exceed one (1) acre, density shall not exceed twelve (12) units per gross acre and these tracts will be required to adhere to the multi-family site design requirements in Article 9 – Site Design Standards and provide ten percent (10%) of the total platted area as common, usable open space.

Tract - Unit or contiguous units of land

New Zoning District – R-5 Middle Density

Table 21.5.7.A DIMENSIONAL REQUIREMENTS RESIDENTIAL ZONING DISTRICTS											
Code	Zoning District	Minimum Lot Size <u>And</u> Dimensions			Minimum Yard Setback (Ft)				Miscellaneous Lot Requirements		Key
		Area Sq. Ft.	Width Ft.	Depth Ft.	Front Ft.	Side Ft.	Rear Ft.	Minimum Off- Street Parking Spaces	Max Height Ft.	Max Imperv Cover	
R-1	Single-Family Residential District-1	9,600	80	120	25	10	20	2	35	50%	<u>h,k,l</u> <u>m,o</u>
R-2	Single-Family Residential District-2	8,400	70	120	25	10	20	2	35	50%	<u>h,k,l</u> <u>m,o</u>
R-3	Two-Family Residential District	9,000	75	120	25	10	20	2	35	60%	<u>h,k,l</u> <u>m,o</u>
R-4	Apartment/Multi-Family Residential District	10,000	100	100	25	10	20	2	35	75%	<u>a,b,j,k</u> <u>l,m</u>
<u>R-5</u>	<u>Middle Density Residential District</u>	<u>10,890</u>	<u>-</u>	<u>-</u>	<u>25</u>	<u>10</u>	<u>10</u>	<u>2</u>	<u>35</u>	<u>80%</u>	<u>h,j,k,l</u> <u>m,q</u>
R-6	Single-Family Residential District-6	7,200	60	120	25	10	20	2	35	50%	<u>h,k,l</u> <u>m,n,o</u>
R-7	Single-Family Residential District-7	6,600	60	110	25	10	20	2	35	50%	<u>h,k,l</u> <u>m,n,o</u>
R-A	Single-Family-Residential/Agriculture	21,780	-	-	25	25	25	2	35	50%	<u>h,k,l</u> <u>m,n</u>
GH	Garden Home Residential District	5,000	50	100	10	10	10	2	35	75%	<u>c,d,e,f</u> <u>g,k,l,m</u>
TH	Townhome District	2,500	25	100	25	10	20	2	35	75%	<u>h,k,l</u> <u>m</u>
MHS	Manufactured Home Subdivision District	6,600	60	110	25	10	20	2	35	50%	<u>j,k,l</u> <u>m,o</u>
MHP	Manufactured Home Park District	43,560	-	-	25	12.5	25	-	35	50%	<u>j,k,l,m</u>
AD	Agricultural District	217,800	100	100	25	25	25	2	35	30%	<u>h,k,o</u>
MSMU	Main Street Mixed Use	5,000	50	100	10	5	10	2	35	80%	<u>h,j,k,m</u> <u>n,p</u>

New Zoning District – R-5 Middle Density

21.5.7 – Dimensional and Development Standards

MSMU	Main Street Mixed Use	5,000	50	100	10	5	10	2	35	80%	h,i,k,m n,p
MSMU-ND	Main Street Mixed Use-New Development	5,000	50	100	10	5	10	2	35	80%	i,k,m,p
Key:											
a.	Add 1,800 square feet of area for each unit after the first 3 units. Maximum density shall not exceed 35 24 units per acre.										
b.	2 parking spaces per unit plus 5%.										
c.	Zero lot line Garden Homes.										
d.	20-foot paved alley for ingress/egress to all rear garages.										
e.	5-foot shall be designated maintenance easement.										
f.	Corner lot shall have 10-foot side yard setback from street right-of-way.										
g.	25-foot set back to property line adjoining public street.										
h.	Corner lot shall have minimum 15-foot side yard setback from street right-of-way. For properties on Main Street, the City Engineer may authorize a reduction to no less than 10' if there are no sight distance issues.										
i.	Minimum lot area for each unit.										
j.	Site Plan approval required.										
k.	Swimming pools count toward the maximum impervious cover limitations, unless the swimming pool is equipped with a water overflow device appropriate for such pool, and only if it drains into any pervious surface, in which case the water surface shall be excluded.										
l.	No variances may be permitted to exceed the maximum impervious cover limitations										
m.	Refer to Article 14, section 21.14.3 for additional design requirements										
n.	All single family residential dwelling units constructed within this district shall be constructed with an enclosed garage.										
o.	Side yard setback of 7.5 ft. for R-1, R-2, R-3, R-6, R-7, and MHS continues in effect for all subdivisions vested on the date of adoption of Ordinance No. 11-S-15.										
p.	Not subject to the requirements in section 21.10.4										
q.	Refer to section 21.5.7.B.8										

New Zoning District – R-5 Middle Density

21.5.7 – Dimensional and Development Standards

8. Middle Density District (R-5) developments may have unique designs and dimensions. Due to this, the following additional standards apply. These standards pertain to the side building separation space with the intent for fire safety:
- a. When HVAC units are not within the building separation space the minimum separation is ten (10) feet.
 - b. When HVAC units are within the building separation space, or either structure is above one story, the minimum separation is fifteen (15) feet.
 - c. HVAC units shall be on opposite sides of buildings.
 - d. These additional standards are not required if fire suppression systems are installed within the buildings.

New Zoning District – R-5 Middle Density

- 21.5.8 – Permitted Uses
 - Accessory Building, Residential
 - Church (with SUP)
 - Gated Community
 - Golf Course
 - MF Dwelling
 - Municipal Uses
 - SF Dwelling, Attached
 - SF Dwelling Detached
 - Park/Playground
 - School
 - Two-Family Dwelling

New Zoning District – R-5 Middle Density

- 21.5.10 – Parking

<u>Middle-Density (R-5) Housing Types</u>	<u>For tracts one (1) acre or less, 1.5 spaces per unit</u> <u>For tracts exceeding one (1) acre, 2 spaces per unit</u>
Mini-warehouse/Public Storage	1 space for each 300 square feet of office floor area plus 1 space for each 3,000 square feet of storage area
Mortuary/Funeral Home	1 parking space for each 50 square feet of floor space in service rooms or 1 space for each 3 seats, whichever is less based on maximum design capacity)
Multifamily (R-4), Condominium or Other Similar Use	2 spaces per unit p Plus additional guest parking provided at a ratio of 5% of required spaces

New Zoning District – R-5 Middle Density

- 1 ac or less
 - 16 units per ac with ¼ ac lot min.
 - 4-16 units per ac
 - 1 Parking space required per unit
 - Required to adhere to single-family design requirements of Article 9
 - No 20-foot landscape buffer from ROW
 - No 20-foot landscape buffer next to SF districts or use
 - No 8-foot masonry wall next to SF districts or use
 - 2 trees per lot vs 9 trees per ac

¼ ac = four plex



1/2 ac = 8-units



1 ac = 16-units



New Zoning District – R-5 Middle Density

- Over 1 ac
- 12 units per ac
 - 2 Parking spaces required per unit
- Required to adhere to all multi-family design requirements of Article 9

12 DU/ac



Proposal # 2 Modify R-4 District

- Modify Existing Apartment / Multi-Family (R-4)
 - Denser
 - Taller
 - More selective on appropriateness of location

Modify– R-4

- E. *Apartment/Multi-Family Residential District (R-4)*. Intended to provide for denser apartment and multi-family style developments. This district is a suitable transition between single-family districts and commercial uses. However, Apartment/Multi-Family Residential Districts (R-4) shall not be located in areas where they would increase traffic with access through single-family neighborhoods and shall be located adjacent to arterial streets. ~~including, but not limited to apartment buildings, duplex, garden apartments, condominium units, assisted living centers, nursing homes and other similar uses.~~ ~~Due to the infrastructure requirements for such districts, the City may require the applicant seeking such zoning classification to establish (i) the adequacy of available access and utility facilities, (ii) sufficiency of drainage, and (iii) provision of sufficient open space.~~ ~~The minimum lot size in such district is 10,000 square feet for three (3) units and 1,800 square feet for each additional dwelling unit.~~ The maximum density shall be thirty-two ~~thirty-two-five~~ four ~~(3524)~~ units per acre. ~~Apartment/Multi-Family Residential Districts should not be located in areas where they would increase traffic through single-family neighborhoods and should be located adjacent to arterial streets with sufficient capacity to carry the increased traffic generated. Multi-family developments are suitable buffers between single-family districts and commercial uses. Multi-family districts should be buffered from non-residential land uses and from pollution sources and environmental hazards.~~ Twenty percent (20%) of the total platted

Modify– R-4

- E. *Apartment/Multi-Family Residential District (R-4)*. Intended to provide denser apartment and multi-family style developments. This district is a suitable transition between single-family districts and commercial uses. However, Apartment/Multi-Family Residential Districts (R-4) shall not be located in areas where they would increase traffic with access through single-family neighborhoods and shall be located adjacent to arterial streets. The maximum density shall be thirty-five (35) units per acre. Twenty percent (20%) of the total platted area shall be provided as common, usable open space.

Modify– R-4

Table 21.5.7.A DIMENSIONAL REQUIREMENTS RESIDENTIAL ZONING DISTRICTS											
Code	Zoning District	Minimum Lot Size <u>And</u> Dimensions			Minimum Yard Setback (Ft)				Miscellaneous Lot Requirements		Key
		Area Sq. Ft.	Width Ft.	Depth Ft.	Front Ft.	Side Ft.	Rear Ft.	Minimum Off- Street Parking Spaces	Max Height Ft.	Max Imperv Cover	
R-1	Single-Family Residential District-1	9,600	80	120	25	10	20	2	35	50%	<u>h,i,k,l</u> <u>m,o</u>
R-2	Single-Family Residential District-2	8,400	70	120	25	10	20	2	35	50%	<u>h,i,k,l</u> <u>m,o</u>
R-3	Two-Family Residential District	9,000	75	120	25	10	20	2	35	60%	<u>h,i,k,l</u> <u>m,o</u>
R-4	Apartment/Multi-Family Residential District	10,000 43,560	1400	100	25	10	20	2	35 50	75%	<u>a,b,i,k</u> <u>l,m</u>
<u>R-5</u>	<u>Middle Density District</u>	<u>10,890</u>	<u>-</u>	<u>-</u>	<u>25</u>	<u>10</u>	<u>10</u>	<u>2</u>	<u>35</u>	<u>80%</u>	<u>h,i,k,l</u> <u>m, g</u>
R-6	Single-Family Residential District-6	7,200	60	120	25	10	20	2	35	50%	<u>h,k,l</u> <u>m,n,o</u>
R-7	Single-Family Residential District-7	6,600	60	110	25	10	20	2	35	50%	<u>h,k,l</u> <u>m,n,o</u>
R-A	Single-Family-Residential/Agriculture	21,780	-	-	25	25	25	2	35	50%	<u>h,k,l</u> <u>m,n</u>
GH	Garden Home Residential District	5,000	50	100	10	10	10	2	35	75%	<u>c,d,e,f</u> <u>g,k,l,m</u>
TH	Townhome District	2,500	25	100	25	10	20	2	35	75%	<u>h,i,k,l</u> <u>m</u>
MHS	Manufactured Home Subdivision District	6,600	60	110	25	10	20	2	35	50%	<u>i,k,l</u> <u>m,o</u>
MHP	Manufactured Home Park District	43,560	-	-	25	12.5	25	-	35	50%	<u>i,k,l,m</u>
AD	Agricultural District	217,800	100	100	25	25	25	2	35	30%	<u>h,k,o</u>

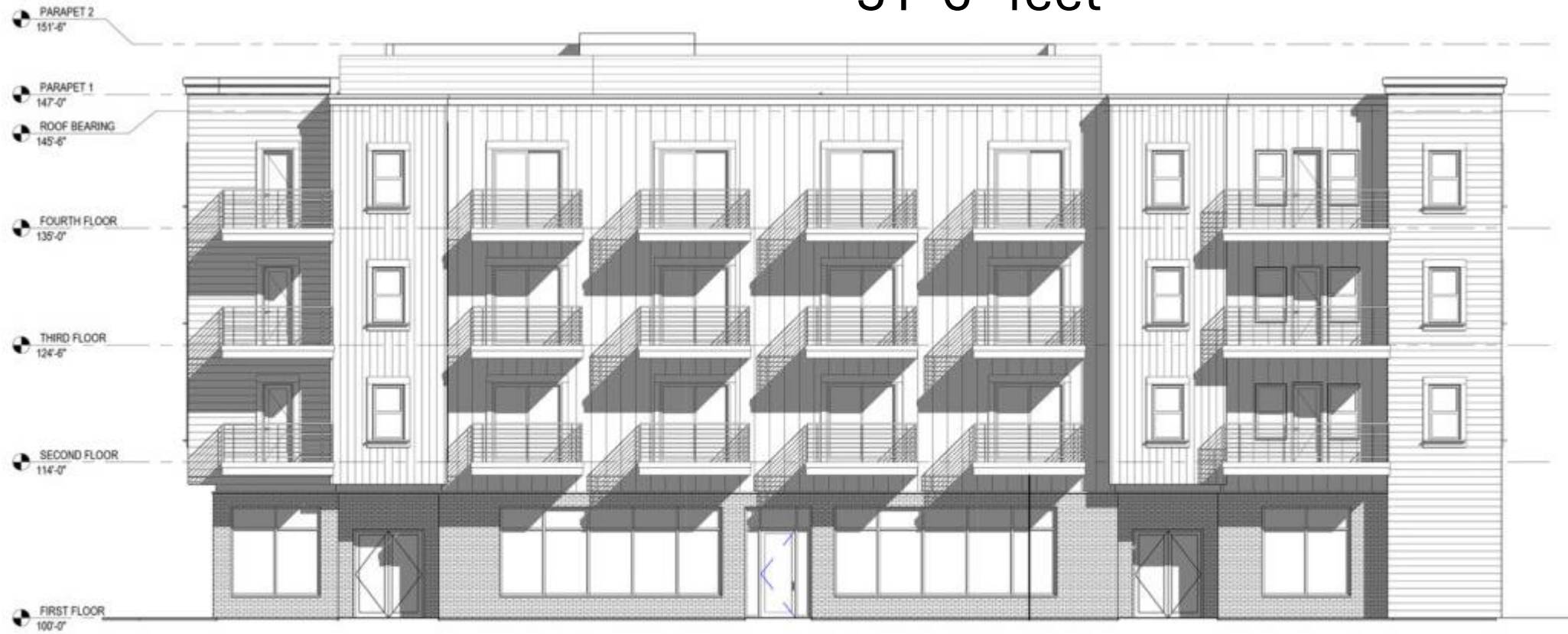
Modify– R-4

- Schertz Gateway – 35 DU/ac
- 1518 Apts – 45 feet

MF Max			
City	DU	Height	Notes
Schertz	24 / ac	35 feet	
Cibolo	24 / ac	45 feet	
Frisco	19 / ac	50 feet	
Georgetown	24 / ac	45 feet	
McKinney	30 / ac	45 feet	
NB	24 / ac	45 of 60 feet*	Extended height for use of pitched roof
San Antonio	65 / ac	None	45 & 60 feet (MF-33, MF-40)
San Marcos	24+ / ac	75 feet	No Max in some districts - form based
Seguin	20 / ac	45 feet	
Selma	20 / ac	45 feet	
Temple	40 / ac	140 feet	
UC	20 / ac	35 feet	

Modify- R-4

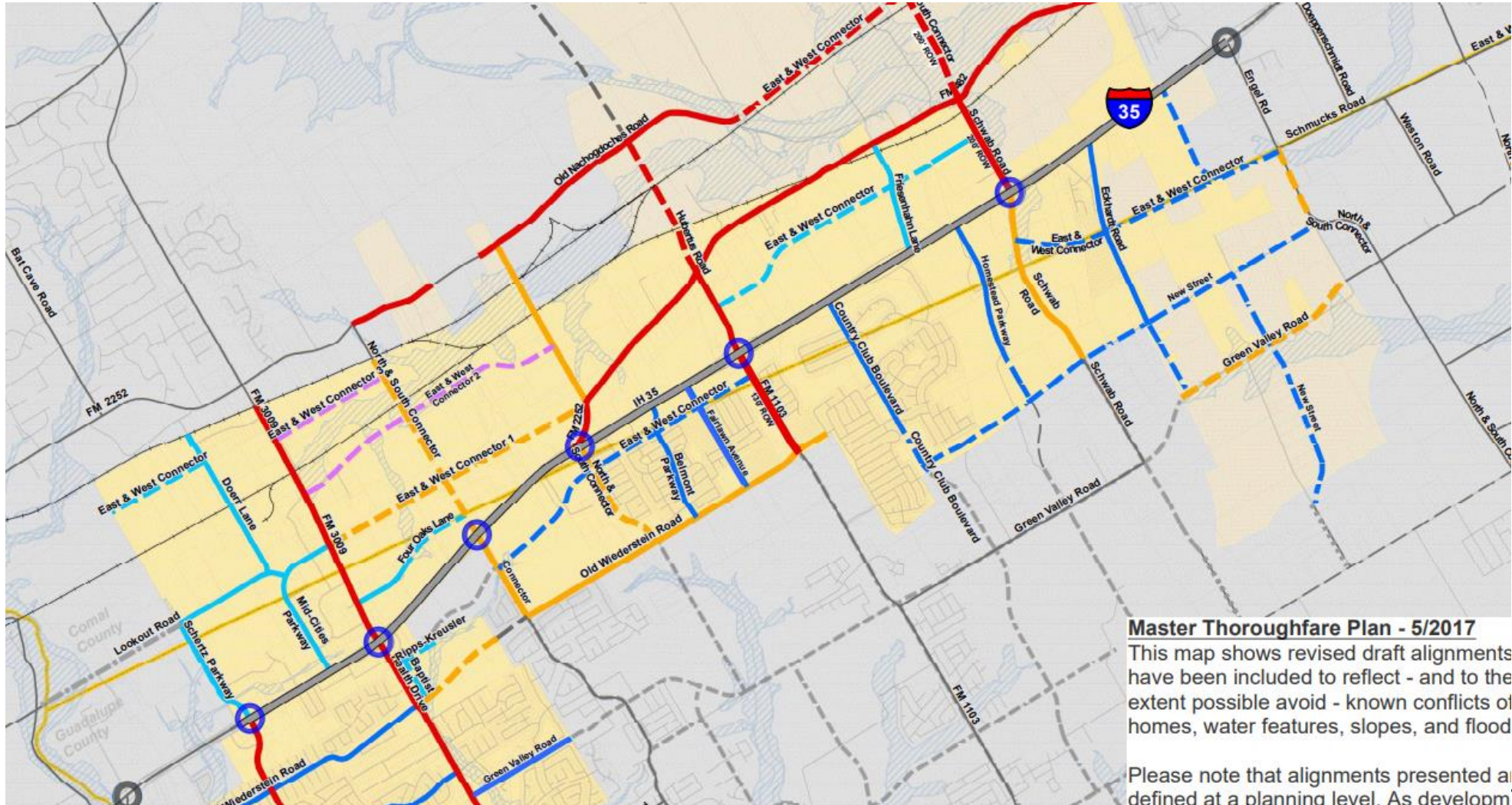
51' 6" feet



1 NORTH
1/8" = 1'-0"



Modify- R-4

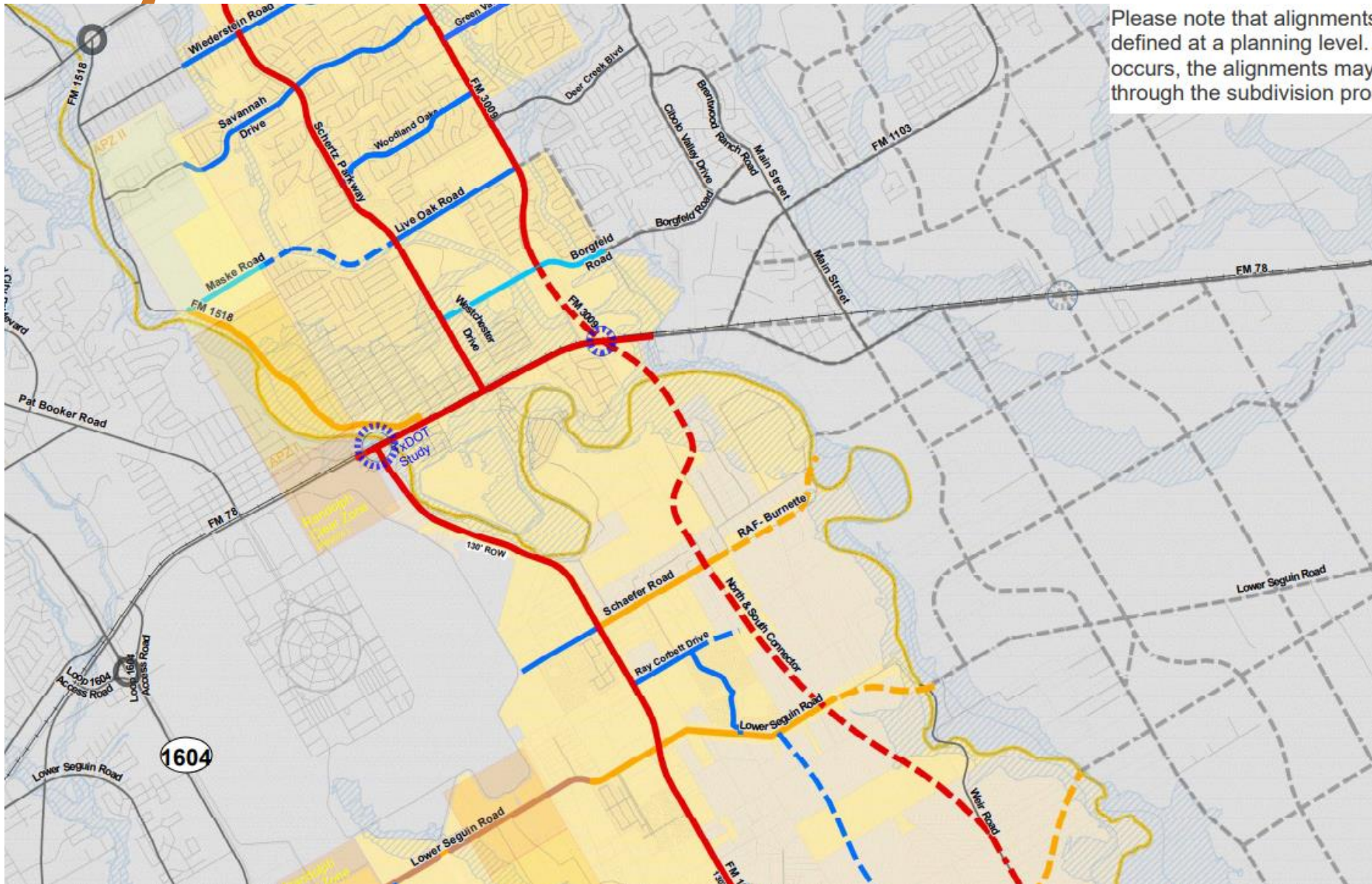


Master Thoroughfare Plan - 5/2017

This map shows revised draft alignments have been included to reflect - and to the extent possible avoid - known conflicts of homes, water features, slopes, and flood

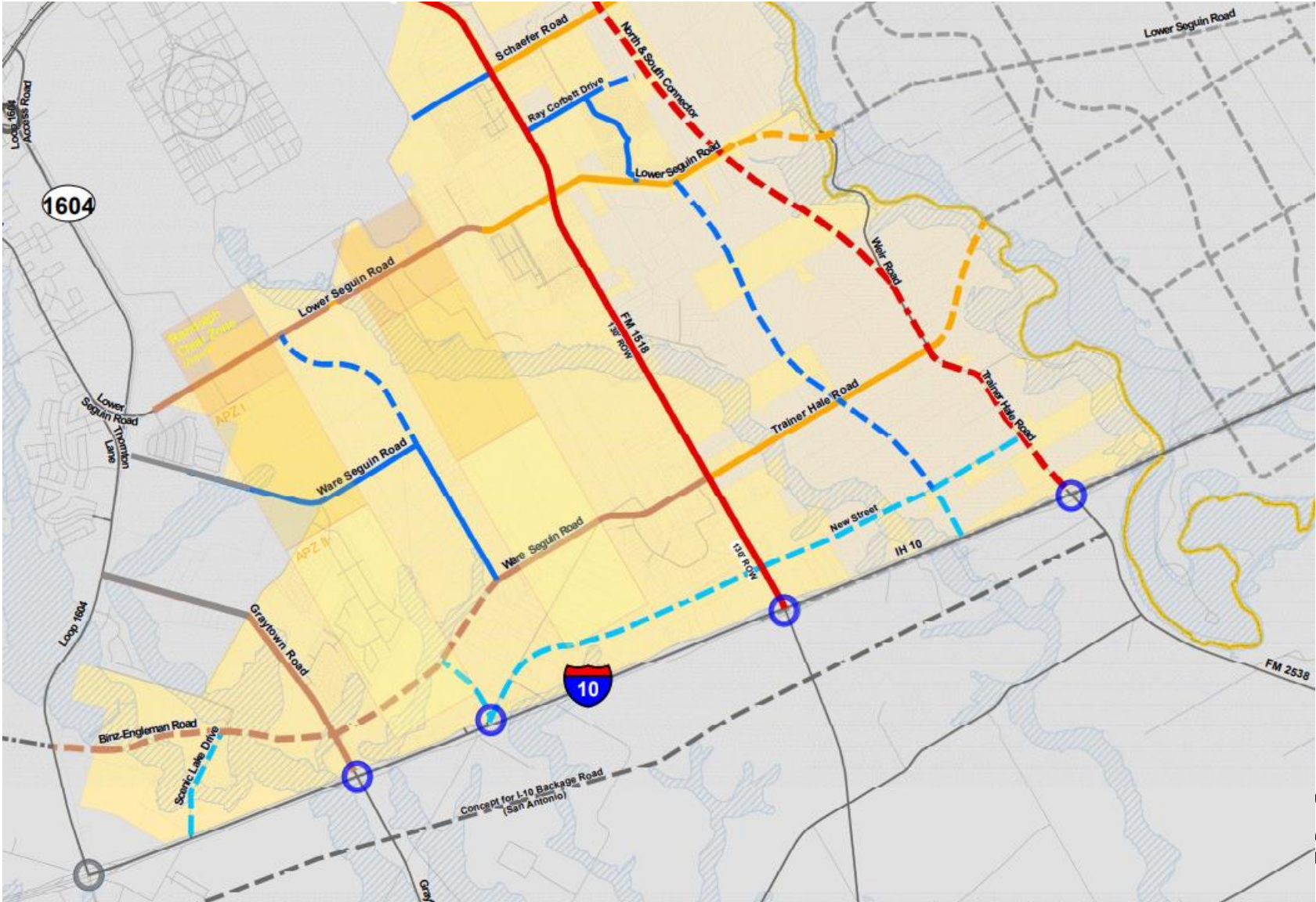
Please note that alignments presented are defined at a planning level. As development

Modify- R-4



Please note that alignments defined at a planning level... occurs, the alignments may through the subdivision pro

Modify- R-4



Summary

Establish R-5

- Min 1/4 ac lots
- 12 DU/ac
- Under 1 ac bonuses
 - 16 DU/ac
 - SF Site Requirements
 - Less Parking

Modify– R-4

- Min 1 ac lots
- 400 – feet width
- 35 DU/ac
- 50 feet max. height
- No access through SF Neighborhoods
- Must be adjacent to arterial street

Criteria for Approval 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
 - The UDC functions better when we provide adequate zoning district options for applicants.
 - Balance the demand for housing while attempting to alleviate the friction between established neighborhoods and incoming developments.

Criteria for Approval 21.4.7.D

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

- With the approval of Schertz Gateway PDD and Schertz Station PDD, these amendments are attempting to codify in the UDC recently adopted policy.
- Strategic Plan's Policy Values – High Quality of Life
 - High Quality of Life is “a well-planned community that creates convenient living”
 - High Quality of Life is not "**limited options** for work, **live**, and play“
- These amendments are consistent with other policies in the city.

Criteria for Approval 21.4.7.D

3. Any proposed amendment is consistent with the goals and objectives of this UDC and the City;
 - UDC strives to "prevent the overcrowding of land and avoid undue concentration or diffusion of population"
 - SF Neighborhoods vs. High-Density Apartments
 - UDC goal "to minimize the conflicts among the uses of land and buildings"
 - Providing an in-between housing option and revising R-4 (i.e. more selective with placement) will help.
 - The Strategic Plan stated goals for the Operational Values of the city.
 - Be Innovative – Innovative is "finding a better way to do things" and "being creative".
 - Be Proactive – "Proactive means initiating change by anticipating future situations in order to make things happen".
 - These amendments are consistent with the UDC and City goals and objectives.

Criteria for Approval 21.4.7.D

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.

- August 6, 2024, City Council Workshop.
 - Council received the proposal positively and directed Staff to move forward with the amendment process.
- City Council advised staff to increase the 1 ac or less R-5 parking requirement to 1.5 spaces per unit.

COMMENTS AND QUESTIONS

CITY COUNCIL MEMORANDUM

City Council Meeting: October 22, 2024
Department: Information Technology
Subject: Resolution 24-R-145 - Adopting the State-mandated Covered Applications and Prohibited Technology Policy (B.James/D. Hardin/J.Bluebird)

BACKGROUND

The 88th Texas Legislature passed Senate Bill 1893 which prohibits the use of certain social media applications and services on government entity devices. TikTok is one of those applications. The bill specifically requires cities and other political subdivisions to adopt a policy: (1) prohibiting the installation of TikTok or another covered application on any device owned or leased by the governmental entity; and (2) requiring the removal of TikTok and covered applications from those devices. An exception is made for law enforcement and for developing and implementing security measures. In these cases, the City must use measures to mitigate risk and document the measures taken. Although not required of cities, the City is adopting as part of this policy the requirement that employees annually sign and document confirming their understanding of this policy. This will be done as part of the annual cybersecurity training. The City is not adopting a policy that prohibits the installation of certain social media applications on personal devices that are used for work.

GOAL

To comply with the Requirements of Senate Bill 1893.

COMMUNITY BENEFIT

The City of Schertz will be in compliance with State Law.

SUMMARY OF RECOMMENDED ACTION

Approval of Resolution 24-R-145 adopting the Covered Applications and Prohibited Technology Policy in order to comply with Senate Bill 1893.

RECOMMENDATION

Approval of Resolution 24-R-145.

Attachments

Resolution 24-R-145 with attachment

RESOLUTION NO. 24-R-145

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING CITY COUNCIL TO ADOPT THE MANDATED COVERED APPLICATIONS AND PROHIBITED TECHNOLOGY, TIKTOK POLICY.

WHEREAS, Senate Bill 1893, prohibits the use of certain social media applications and services on governmental entity devices and directs DIR and DPS to develop a model policy for the prohibition of Covered Applications; and

WHEREAS, Government Code Chapter 620 requires governmental entities as defined, which includes the City of Schertz, to ban the social media service TikTok (Covered Applications) and any successor application developed by ByteDance; and

WHEREAS, City Staff is recommending City Council approved a policy that is consistent with these requirements,

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

Section 1. The City Council hereby adopts the City of Schertz Covered Applications and Prohibited Technology Policy as attached per Exhibit "A".

Section 2. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 3. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 4. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 5. It is officially found, determined, and declared that the meeting at which this Resolution 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 Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 6. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this ____ day of _____, 2024.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

EXHIBIT "A"

Adopted Covered Applications and Prohibited Technology Policy



City of Schertz

Covered Applications and Prohibited Technology Policy

Date: October 15, 2024

Version: 1.0

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1.0 INTRODUCTION

1.1 PURPOSE

On December 7, 2022, Governor Greg Abbott required all state agencies to ban the video-sharing application TikTok from all state-owned and state-issued devices and networks over the Chinese Communist Party's ability to use the application for surveilling Texans. Governor Abbott also directed the Texas Department of Public Safety (DPS) and the Texas Department of Information Resources (DIR) to develop a plan providing state agencies guidance on managing personal devices used to conduct state business. Following the issuance of the Governor's directive, the 88th Texas Legislature passed [Senate Bill 1893](#), which prohibits the use of covered applications on governmental entity devices.

As required by the Governor's directive and Senate Bill 1893, this model policy establishes a template that entities subject to the directive or bill may mimic to prohibit the installation or use of covered applications or prohibited technologies on applicable devices.

1.2 SCOPE AND APPLICATION

Due to distinctions in requirements between the Governor's directive and SB 1893, Sections 2 and 3 apply to distinct organizations. Where appropriate, each section will identify the unique entities to whom the section applies and the appropriate definitions.

Governmental entities, including local governments, must adopt a covered applications policy as described by [Section 2.0](#).

State agencies to whom the Governor issued his December 7, 2022, directive must adopt a prohibited technology policy as described by [Section 3.0](#). To the extent a state agency is also subject to the requirements of Senate Bill 1893, that agency must also adopt a covered applications policy as described by [Section 2.0](#).

The City of Schertz is not adopting Section 3.0 of the Model Policy for Preventing the Use of Prohibited Technology and Covered Applications.

2.0 COVERED APPLICATIONS POLICY FOR GOVERNMENTAL ENTITIES

2.1 SCOPE AND DEFINITIONS

Pursuant to Senate Bill 1893, governmental entities, as defined below, must establish a covered applications policy:

- A department, commission, board, office, or other agency that is in the executive or legislative branch of state government and that was created by the constitution or a statute, including an institution of higher education as defined by Education Code Section 61.003.
- The supreme court, the court of criminal appeals, a court of appeals, a district court, or the Texas Judicial Council or another agency in the judicial branch of state government.
- A political subdivision of this state, including a municipality, county, or special purpose district.

This policy applies to all City of Schertz full- and part-time employees, contractors, paid or unpaid interns, and other users of government networks. All City of Schertz employees are responsible for complying with this policy.

A covered application is:

- The social media service TikTok or any successor application or service developed or provided by ByteDance Limited, or an entity owned by ByteDance Limited.
- A social media application or service specified by proclamation of the governor under Government Code Section 620.005.

2.2 COVERED APPLICATIONS ON GOVERNMENT-OWNED OR LEASED DEVICES

Except where approved exceptions apply, the use or installation of covered applications is prohibited on all government-owned or -leased devices, including cell phones, tablets, desktop and laptop computers, and other internet-capable devices.

City of Schertz will identify, track, and manage all government-owned or -leased devices including mobile phones, tablets, laptops, desktop computers, or any other internet-capable devices to:

- a. Prohibit the installation of a covered application.
- b. Prohibit the use of a covered application.
- c. Remove a covered application from a government-owned or -leased device that was on the device prior to the passage of S.B. 1893 (88th Leg, R.S.).
- d. Remove an application from a government-owned or -leased device if the Governor issues a proclamation identifying it as a covered application.

City of Schertz will manage all government-owned or leased mobile devices by implementing the security measures listed below:

- a. Restrict access to “app stores” or unauthorized software repositories to prevent the installation of unauthorized applications.
- b. Maintain the ability to remotely wipe non-compliant or compromised mobile devices.
- c. Maintain the ability to remotely uninstall unauthorized software from mobile devices.
- d. Other Governmental Entity-implemented security measures.

2.3 ONGOING AND EMERGING TECHNOLOGY THREATS

To provide protection against ongoing and emerging technological threats to the government’s sensitive information and critical infrastructure, DPS and DIR will regularly monitor and evaluate additional social media applications or services that pose a risk to this state.

DIR will annually submit to the Governor a list of social media applications and services identified as posing a risk to Texas. The Governor may proclaim items on this list as covered applications that are subject to this policy.

If the Governor identifies an item on the DIR-posted list described by this section, then City of Schertz will remove and prohibit the covered application.

City of Schertz may also prohibit social media applications or services in addition to those specified by proclamation of the Governor.

2.4 BRING YOUR OWN DEVICE POLICY

The City of Schertz has a “Bring Your Own Device” (BYOD) program, and as such the

City of Schertz may consider prohibiting the installation or operation of covered applications on employee-owned devices that are used to conduct government business.

City of Schertz is not prohibiting the installation or operation of covered applications on employee-owned devices that are used to conduct government business.

2.5 COVERED APPLICATION EXCEPTIONS

City of Schertz may permit exceptions authorizing the installation and use of a covered application on government-owned or -leased devices consistent with the authority provided by Government Code Chapter 620.

Government Code Section 620.004 only allows City of Schertz to install and use a covered application on an applicable device to the extent necessary for:

- (1) Providing law enforcement; or
- (2) Developing or implementing information security measures.

If City of Schertz authorizes an exception allowing for the installation and use of a covered application, City of Schertz must use measures to mitigate the risks posed to the state during the application's used.

City of Schertz must document whichever measures it took to mitigate the risks posed to the state during the use of the covered application.

City of Schertz is authorizing an exception for law enforcement and Information Technology department for the installation and use of a covered application to mitigate risk posed to the stated during the applications use.

City of Schertz has drafted internal measures to document the measures taken to mitigate risks.

3.0 PROHIBITED TECHNOLOGY POLICY FOR STATE AGENCIES (CITY OF SCHERTZ NOT ADOPTING)

4.0 POLICY COMPLIANCE

All City of Schertz employees shall sign a document annually confirming their understanding of the agency's covered applications and prohibited technology policies. Governmental entities that are subject to Senate Bill 1893 but not subject to the Governor's December 07, 2022, directive may elect not to require employees to complete an annual certification.

City of Schertz will verify compliance with this policy through various methods, including but not limited to, IT/security system reports and feedback to leadership.

An employee found to have violated this policy may be subject to disciplinary action, including termination of employment.

5.0 POLICY REVIEW

This policy will be reviewed annually and updated as necessary to reflect changes in state law, additions to applications identified under Government Code Section 620.006, updates to the prohibited technology list posted to DIR's website, or to suit the needs of City of Schertz.

CITY COUNCIL MEMORANDUM

City Council Meeting: October 22, 2024
Department: Planning & Community Development
Subject: Ordinance 24-S-155 - Approving amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC), to Article 4 - Procedures and Applications, and Article 5 - Zoning Districts *Final Reading* (B.James/L.Wood/S.Haas)

BACKGROUND

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.

When evaluating Comprehensive Plan Amendments, Unified Development Code Amendments, Specific Use Permits, or Zone Changes, staff uses a set of criteria, specific to each application, to base their analysis and recommendation on. Staff researched neighboring municipalities as well as other cities throughout the state on what their similar criteria stated. After this research, Staff determined that our own criteria are in need of revision to become more clear and easy to understand, to match city practices, and to reflect the particular challenges of today.

The first section that staff is proposing to amend is UDC section 21.4.6.D, which is the criteria for approval for amending the Comprehensive Plan. Criteria number one includes text that says "health, safety, or general welfare of the City and the safe, orderly, efficient and healthful development". Staff feels as though this is redundant and is proposing to remove "safe, orderly, efficient and healthful development". Leaving "health, safety, or general welfare" matches language from the Local Government Code and is consistent with the rest of the UDC. Staff is proposing to combine current criteria #2 and #4 to be more concise while also removing the "taking into account..." text as this is redundant and an implicit analysis for Staff and decision makers. Finally, the last criterion was modified to provide not just our decision makers, but also staff space to consider other "factors".

Comprehensive Plan Amendments Criteria For Approval 21.4.6.D	
Current Text	Proposed Text
<ol style="list-style-type: none"> 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 the Comprehensive Land Plan, taking into account the nature of any proposed map amendment associated with the text 	<ol style="list-style-type: none"> 1. The proposed amendment promotes the health, safety, or general welfare of the City; 2. An amendment to the text is consistent with the goals, objectives, and other policies of the Comprehensive Land Plan; 3. An amendment to the Future Land Use

<p>amendment;</p> <ol style="list-style-type: none"> 3. An amendment to the Future Land Use Map, Master Thoroughfare Plan or any other applicable maps contained in the Comprehensive Land Plan is consistent with the policies of the Comprehensive Land Plan that apply to the map being amended, taking into account the nature of any proposed land use associated with the map amendment; 4. Any proposed amendment is consistent with the goals and objectives of the Comprehensive Land Plan; 5. Any proposed amendment addresses circumstances that have changed since the last time the plan map or text was considered, implements plan policies better than the current plan map or text corrects a mapping error or addresses a deficiency in the plan; and 6. Other criteria which, at the discretion of the Planning and Zoning Commission and City Council, are deemed relevant and important in the consideration of the amendment. 	<p>Map, Master Thoroughfare Plan or any other applicable maps contained in the Comprehensive Land Plan is consistent with the policies of the Comprehensive Land Plan that apply to the map being amended;</p> <ol style="list-style-type: none"> 4. Any proposed amendment addresses circumstances that have changed since the last time the plan map or text was considered, implements plan policies better than the current plan map or text corrects a mapping error or addresses a deficiency in the plan; and 5. Other factors which, are deemed relevant and important in the consideration of the amendment.
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The second section that staff is proposing to amend is UDC section 21.4.7.D, which is the criteria for approval for amending the Unified Development Code text. Criteria number one includes text that says "health, safety, or general welfare of the City and the safe, orderly, efficient and healthful development". Staff feels as though this is redundant and is proposing to remove "safe, orderly, efficient and healthful development". Leaving "health, safety, or general welfare" matches language from the Local Government Code and is consistent with the rest of the UDC. Staff is proposing to combine current criteria #2 and #3, and adding new text stating "The proposed amendment corrects an error, meets the challenge of changing conditions, or is in response to changes in state law". Staff proposes that this new item is needed as Schertz is rapidly developing, and state law is frequently changing. Also, the UDC is an extensive document that has been constantly evolving for many years, so certain errors can occur. Finally, the last criterion was modified to provide not just our decision makers, but also staff space to consider other "factors".

UDC Criteria For Approval 21.4.7.D	
Current Text	Proposed Text
<ol style="list-style-type: none"> 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 	<ol style="list-style-type: none"> 1. The proposed amendment promotes the health, safety, and general welfare of the City; 2. The proposed amendment is consistent with the goals, objectives, and policies of this UDC and the City; 3. The proposed amendment corrects an error, meets the challenge of changing conditions, or is in response to changes in state law; and 4. Other factors which are deemed

Council, are deemed relevant and important in the consideration of the amendment.

relevant and important in the consideration of the amendment.

The next section staff is proposing to modify is UDC 21.5.4. This is the section for zone changes. The first change that staff is proposing to change is by removing "or zoning map amendment" from the section. This is redundant and when zoning changes occur, as a zoning map amendment will always follow a zone change. This is most likely a hold-over from an earlier time when zone changes and zoning map amendments could occur at different times. Now with better technology, the zoning map is updated almost as soon as the zoning ordinance is approved. The next changes focus specifically on 21.5.4.D, Criteria for Approval. Similar to the UDC criteria changes, staff is proposing to eliminate language that is redundant. Staff is also proposing to eliminate current criteria #4 through #7. These criteria do not match current practice or are hold-overs from previous city charters. For example, in the 2012-2013 City Charter, Section 6.07 had extensive language about the duties of the Tax-Assessor Collector, when taxes should be collected, and when taxes could be assessed. This section was removed in the adopted 2015 City Charter. The "back taxes owed" criterion is most likely a remnant of this City Charter.

Zone Change Criteria For Approval 21.5.4.D	
Current Text	Proposed Text
<ol style="list-style-type: none"> 1. Whether the proposed zoning change or zoning map amendment implements the policies of the adopted Comprehensive Land Plan, including the land use classification of the property on the Future Land Use Map; 2. Whether the proposed zoning change or zoning map amendment promotes the health, safety, or general welfare of the City and the safe, orderly, efficient and healthful development of the City; 3. Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified; 4. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers or other public services and utilities to the area; 5. Whether there have been environmental and/or economical changes which warrant the requested change; 6. Whether there is an error in the original zoning of the property for which a change is requested; 7. Whether all of the applicant's back taxed owed to the City have been paid in full (no application will receive final approval until all back taxes are paid in full); and 8. Whether other criteria are met, which, at the discretion of the Planning and Zoning 	<ol style="list-style-type: none"> 1. Whether the proposed zoning change implements the policies of the adopted Comprehensive Land Plan, or any other applicable adopted plans; 2. Whether the proposed zoning change promotes the health, safety, and general welfare of the City. 3. Whether the uses permitted by the proposed change will be consistent and appropriate with existing uses in the immediate area; 4. Whether other factors are deemed relevant and important in the consideration of the amendment.

Commission and the City Council, are deemed relevant and important in the consideration of the amendment.

The last section Staff is proposing to change is UDC Section 21.5.11.D. This section pertains to Specific Use Permits. Proposed changes in language are consistent with the other two sections in these proposed amendments. Additionally, on March 14, 2023, City Council approved Ordinance 23-S-07. This ordinance amended portions of the UDC that required more stringent application requirements for Specific Use Permits, such as a detailed site plan. As a result, criteria #3 through #7 do not match the changes in current city practice that Ordinance 23-S-07 initiated. Finally, current criteria #8 was reworded to better convey the purpose of a discretionary Specific Use Permit. That is, developments "with unique or widely varying operating characteristics" necessitate more evaluation to ensure adverse impacts on the surrounding area will not occur.

Specific Use Permit Criteria For Approval 21.5.11.D	
Current Text	Proposed Text
<ol style="list-style-type: none"> 1. The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Land Plan; 2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations; 3. The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as safety, traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods; 4. The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood; 5. The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets; 6. The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed use on adjacent properties; 7. The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood; 8. The proposed [use] promotes the health, safety or general welfare of the City and the safe, orderly, efficient and healthful development of the City; 	<ol style="list-style-type: none"> 1. The proposed use at the specified location is consistent with the policies of the adopted Comprehensive Land Plan, or any other applicable adopted plans. 2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations; 3. The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods. 4. The proposed use will not adversely affect the overall health, safety or general welfare of the City; 5. Whether other factors are deemed relevant and important in the consideration of the Specific Use Permit.

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| <ol style="list-style-type: none">9. No application made under these provisions will receive final approval until all back taxes owed to the City have been paid in full; and10. Other criteria which, at the discretion of the Planning and Zoning Commission and City Council are deemed relevant and important in the consideration of the Specific Use Permit. | |
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GOAL

To amend the Unified Development Code in order to match city practices and better convey the intent of the UDC by providing clearer language.

COMMUNITY BENEFIT

It is the City’s desire to promote safe, orderly, efficient development and ensure compliance with the City’s vision of future growth.

SUMMARY OF RECOMMENDED ACTION

When evaluating Unified Development Code amendments, staff uses the criteria in UDC section 21.4.7.D. to make a recommendation:

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;

In order to promote orderly and efficient development, the UDC functions better when it matches current city practices. Also, it is better for the residents of Schertz, applicants, and Staff when there is continuity and clarity throughout the UDC. For these reasons, streamlining our criteria for approval will assist with the orderly and efficient development of the City.

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

As mentioned in the background, many of these proposed amendments are reflective of changes in the City Charter, adopted ordinances, and updated city practices. For this reason, these amendments are consistent with the policies of the UDC and the City.

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

The City of Schertz Strategic Plan has clear stated goals for the Operational Values of the city. Among these is the goal to be proactive; "Proactive means initiating change by anticipating future situations in order to make things happen". Within this framework, it is the responsibility of staff to be "continuously improving and evolving", "forward-thinking", and have "the ability to forecast and meet needs even before the customer identifies them". These amendments would achieve these goals in the Strategic Plan.

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.

As of this staff report, Staff has received no special considerations. However, the scheduled public hearing provides the opportunity for the Planning and Zoning Commission to determine this.

Therefore, Staff is recommending approval of Ordinance 24-S-155

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

City Council held a public hearing on October 15, 2024, and voted to approve the Ordinance with a 6-0 vote.

RECOMMENDATION

Approval of Ordinance 24-S-155.

Attachments

Ord. 24-S-155 with Exhibits
UDC Criteria for Approval - redlines
City Council Presentation Slides

ORDINANCE NO. 24-S-155

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS TO AMEND PART III, SCHERTZ CODE OF ORDINANCES, THE UNIFIED DEVELOPMENT CODE (UDC) ARTICLE 4 - PROCEDURES AND APPLICATIONS, AND ARTICLE 5 - ZONING DISTRICTS

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

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

WHEREAS, on September 4, 2024, the Planning and Zoning Commission conducted a public hearing and, thereafter recommended approval; and

WHEREAS, on October 15, 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 in the interest of the public safety, health, and welfare.

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

Section 1. The current UDC is hereby amended as set forth on Exhibit A and Exhibit B 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 ____ day of _____ 2024.

PASSED, APPROVED and ADOPTED ON SECOND READING, the ____ day 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 4 – Procedures and Applications

Sec. 21.4.6. Comprehensive Land Plan Amendment.

- A. *Applicability.* The Comprehensive Land Plan of the City reflects the long-term plan for growth and development of the City. The City Council may, from time to time, on its own motion, by request of the City Manager or his/her designee or by application from a property owner, amend, supplement, change, modify or repeal the text of the Comprehensive Land Plan or may amend the boundaries shown on the Future Land Use Map, Master Thoroughfare Plan or any other applicable maps contained in the Comprehensive Land Plan. Approved amendments to the Comprehensive Land Plan authorize a property owner to submit subsequent development applications consistent with the amendment.
- B. *Application Requirements.*
1. *Application Required.* Any request for an amendment to the Comprehensive Land Plan shall be accompanied by a completed Planning Department Development Application.
 2. *Accompanying Applications.* Any request for amendment of the Future Land Use Map submitted by a property owner may be accompanied by an application for a zoning change consistent with requested Future Land Use Map amendment for land within the City limits, or by a Subdivision Master Plan, for land within the ETJ. Approval of an amendment to the Comprehensive Land Plan shall require all subsequent development applications to be consistent with the approved amendments.
- C. *Processing of Application and Decision.*
1. *Submittal.* An application for an amendment to the Comprehensive Land Plan shall be submitted to the Planning Department. The City Manager or his/her designee shall review the application for completeness in accordance with section 21.4.2 of this Article. The City Manager or his/her designee may, at its option, request a recommendation from any other City department or consultant. The City Manager or his/her designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the City Manager or his/her designee shall forward a written recommendation to the Planning and Zoning Commission for consideration.
 2. *Notification Requirements.* An application for an amendment to the Comprehensive Land Plan requires the following notification in accordance with section 21.4.3 of this Article:
 - a. Written notice prior to consideration by the Planning and Zoning Commission; and
 - b. Published notice prior to consideration by the City Council.
 3. *Commission recommendation.* The Planning and Zoning Commission shall hold a public hearing in accordance with the Texas Open Meetings Act and section 21.4.4 of this Article and make a written recommendation regarding a proposed amendment to the Comprehensive Land Plan to the City Council. The Planning and Zoning Commission may recommend approval, approval with conditions, or denial of the amendment.
 4. *Decision by City Council.* The City Council shall receive the written recommendation of the Planning and Zoning Commission regarding a proposed amendment to the Comprehensive Land Plan and shall hold a public hearing in accordance with the Texas Open Meetings Act and section 21.4.4 of this Article. The City Council may vote to approve, approve with conditions, or deny the amendment.
- D. *Criteria for Approval.* The Planning and Zoning Commission, in making its recommendation, and the City Council, in considering final action on an amendment to the Comprehensive Land Plan, should consider the following criteria:
1. The proposed amendment promotes the health, safety, or general welfare of the City;

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2. An amendment to the text is consistent with the goals, objectives, and other policies of the Comprehensive Land Plan;
 3. An amendment to the Future Land Use Map, Master Thoroughfare Plan or any other applicable maps contained in the Comprehensive Land Plan is consistent with the policies of the Comprehensive Land Plan that apply to the map being amended;
 4. Any proposed amendment addresses circumstances that have changed since the last time the plan map or text was considered, implements plan policies better than the current plan map or text corrects a mapping error or addresses a deficiency in the plan; and
 5. Other factors which, are deemed relevant and important in the consideration of the amendment.

Sec. 21.4.7. Unified Development Code Amendment.

- A. *Applicability.* The provisions of this section apply to any request for an amendment to the text of this UDC. The City Council may, from time to time, on its own motion, or at the request of the City Manager or his/her designee, amend, supplement, change, modify or repeal the text of any portion of this UDC in order to establish and maintain sound, stable and desirable development within the jurisdiction of the City. The provisions of this section shall exclude amendments to any appendix which may be amended by general consent of the City Council.
- B. *Application Requirements.* Requests for amendments to the text of this UDC may be initiated by the request of the Planning and Zoning Commission, the City Council or the City Manager on his/her own initiative. A request for an amendment to the text of this UDC shall be accompanied by a completed Development Application.
- C. *Processing of Application and Decision.*
1. *Submittal.* An application for an amendment to the text of this UDC shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review the application and may direct the proposed amendment to any other City departments or consultant for review and recommendation. After appropriate review, the City Manager or his/her designee shall forward a recommendation to the Planning and Zoning Commission for consideration.
 2. *Notification Requirements.* An application for an amendment to the text of this UDC requires published notice prior to consideration by the City Council.
 3. *Commission recommendation.* The Planning and Zoning Commission shall hold a public hearing in accordance with the Texas Open Meetings Act and section 21.4.4 of this Article and make a written recommendation regarding a proposed amendment to the text of this UDC to the City Council. The Planning and Zoning Commission may recommend approval, approval with conditions, or denial of the amendment.
 4. *Decision by City Council.* The City Council shall receive the written recommendation of the Planning and Zoning Commission regarding a proposed amendment to the text of this UDC and shall hold a public hearing in accordance with the Texas Open Meetings Act and section 21.4.4 of this Article. The City Council may vote to approve, approve with conditions, or deny the amendment. Such amendment shall be by ordinance, and the identifying number of any such ordinance shall be noted on the cover of this UDC.
- D. *Criteria for Approval.* The Planning and Zoning Commission, in making its written recommendation, and the City Council, in considering final action on an amendment to the text of this UDC, should consider the following criteria:
1. The proposed amendment promotes the health, safety, and general welfare of the City;
 2. The proposed amendment is consistent with the goals, objectives, and policies of this UDC and the City;
 3. The proposed amendment corrects an error, meets the challenge of changing conditions, or is in response to changes in state law; and
 4. Other factors which are deemed relevant and important in the consideration of the amendment.
- E. *Non-Substantive Amendments.* Notwithstanding the other provisions of this section, the City Council may by resolution correct spelling or punctuation errors, cross-reference errors, and other matters herein determined by the City Attorney to be non-substantive without complying with the foregoing provisions of this section. The number of any such resolution shall be noted on the cover of this UDC.

Sec. 21.5.4. Zoning Change.

A. *Applicability.*

1. The City Council may, from time to time, on its own motion, by request of the City Manager or his/her designee, or by application from a property owner, establish or amend the boundaries shown on the Official Zoning Map of the City. A zoning change is required to establish the use of land and the development associated with the proposed zoning classification for the purpose of establishing and maintaining sound, stable and desirable development within the City.
2. Approval of a zoning change authorizes a property owner to submit subsequent development applications consistent with the amendment.

B. *Application Requirements.*

1. *Application Required.* Any request for a zoning change shall be accompanied by an application and zoning exhibit prepared in accordance with the Development Manual.
2. *Accompanying Applications.* A request for a zoning change may be accompanied by an application for amendment of the Future Land Use Map or by a Subdivision Master Plan. Approval of a zoning change shall require all subsequent development applications to be consistent with the approved amendments.
3. *Tax Certificate Required.* All applications made as a request for a zoning change shall be accompanied by a copy of a Tax Certificate.

C. *Processing of Application and Decision.*

1. *Submittal.* An application for a zoning change 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 may, at its option, request a recommendation from any other City Department or consultant. The City Manager or his/her designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the City Manager or his/her designee shall forward a written recommendation to the Planning and Zoning Commission for consideration.
2. *Notification Requirements.* An application for a zoning change requires the following notification in accordance with section 21.4.3:
 - a. written notice prior to consideration by the Planning and Zoning Commission; and
 - b. published notice prior to consideration by the City Council.
 - c. posted notice prior to consideration by the Planning and Zoning Commission and prior to consideration by the City Council.
3. *Commission Recommendation.* The Planning and Zoning Commission shall hold a public hearing in accordance with the Texas Open Meetings Act and section 21.4.4 and make a written recommendation regarding a proposed zoning change to the City Council. The Planning and Zoning Commission may recommend approval, approval with conditions, or denial of the zoning change. The Planning and Zoning Commission may, on its own motion or by request of the property owner, postpone consideration of the request to a certain date that is not more than thirty (30) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the recommendation to the City Council.
4. *Decision by City Council.* The City Council shall receive the written recommendation of the Planning and Zoning Commission regarding a proposed zoning change and shall hold a public hearing in accordance

with the Texas Open Meetings Act and section 21.4.4. The City Council may vote to approve, approve with conditions, or deny the zoning change. The City Council may, on its own motion or by request of the property owner, postpone consideration of the request to a certain date that is not more than thirty (30) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the final decision.

5. *Consideration of a Previously Denied Zoning Change.* A request for a zoning change for a tract of land shall not be considered by the Planning and Zoning Commission or the City Council within six (6) months after the Council's decision to deny the request unless the request is to a different zoning classification or there has been a substantial change in the conditions surrounding the parcel since the initial request. For the purpose of this section, a request may be considered substantially different if the change is to a different zoning classification, there is a change in conditions relating to zoning principles of the property or surrounding properties or there is a change in the nature of the development of the property or surrounding properties. The City Manager or his/her designee shall have the authority to determine whether the request is substantially different from the initial request.
- D. *Criteria for Approval.* The Planning and Zoning Commission, in making its recommendation, and the City Council, in considering final action on a zoning change, should consider the following criteria:
1. Whether the proposed zoning change implements the policies of the adopted Comprehensive Land Plan, or any other applicable adopted plans;
 2. Whether the proposed zoning change promotes the health, safety, and general welfare of the City.
 3. Whether the uses permitted by the proposed change will be consistent and appropriate with existing uses in the immediate area;
 4. Whether other factors are deemed relevant and important in the consideration of the amendment.
- E. *Protests.*
1. If a proposed zoning change is protested in accordance with this section, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths ($\frac{3}{4}$) of all members of the City Council according to LGC, Local Government Code § 211.006(d). The protest must be written and signed by the owners of at least twenty percent (20%) of either:
 - a. The area of the lots or land covered by the proposed zoning change; or
 - b. The area of the lots or land immediately adjoining the area covered by the proposed zoning change and extending 200 feet from that area.
 2. In computing the percentage of land area under section 21.5.4.E.1 above, the area of streets and alleys shall be included.
 3. In determining property ownership under section 21.5.4.E.1 above, the property owner shall be the owner as indicated on the most recently approved municipal tax roll, unless the property has been bought or sold since the last approved municipal tax roll. The City Manager or his/her designee determines property ownership in the above-mentioned municipal tax roll from the County Appraisal District.
 - a. If a property has recently been purchased and the County Appraisal District has not updated their public records to reflect the now current property owner, the new property owner must submit proof of ownership with their written protest to demonstrate ownership for the protest to be counted under section 21.5.4.E.1.
 - b. In the event of a conflict in property ownership, the City Manager or his/her designee shall determine who the owner of the property is for the purposes of calculating written protest.

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- c. The written protest will only be counted if signed by the owner of the property. Written protests from tenants or lessees will not be counted toward the written protest calculations under section 21.5.4.E.1.
4. The following deadlines apply to the receipt and calculation of written protest:
 - a. First Reading. Written protest must be received before noon (12pm) on the Friday before the first reading of the proposed zoning change ordinance by the City Council, in order to be included in the calculation of written protest described by section 21.5.4.E.1.
 - b. Second Reading. Written protest must be received before noon (12pm) on the Friday before the second reading of the proposed zoning change ordinance by the City Council, in order to be included in the calculation of written protest described by section 21.5.4.E.1.
 - c. Written protest received prior to the First Reading deadline will also be included in the Second Reading written protest calculation.
 - d. In calculating the written protest described by section 21.5.4.E.1., only the most recent written protest received prior to the deadline above will be counted per property.
 - e. In the event a federal, state, or local holiday prevents staff from receiving votes on the Friday before the City Council reading, the deadline will be extended to noon (12pm) on the next business day.

(Ord. No. 17-S-42, § 1(Exh. A), 10-24-2017; Ord. No. 18-S-04, § 1(Exh. A), 1-23-2018; Ord. No. 23-S-78, § 1(Exh. A), 11-14-2023)

Exhibit “B”

Proposed Unified Development Code (UDC) Amendments

Article 5 – Zoning Districts

Sec. 21.5.4. Zoning Change.

A. *Applicability.*

1. The City Council may, from time to time, on its own motion, by request of the City Manager or his/her designee, or by application from a property owner, establish or amend the boundaries shown on the Official Zoning Map of the City. A zoning change is required to establish the use of land and the development associated with the proposed zoning classification for the purpose of establishing and maintaining sound, stable and desirable development within the City.
2. Approval of a zoning change authorizes a property owner to submit subsequent development applications consistent with the amendment.

B. *Application Requirements.*

1. *Application Required.* Any request for a zoning change shall be accompanied by an application and zoning exhibit prepared in accordance with the Development Manual.
2. *Accompanying Applications.* A request for a zoning change may be accompanied by an application for amendment of the Future Land Use Map or by a Subdivision Master Plan. Approval of a zoning change shall require all subsequent development applications to be consistent with the approved amendments.
3. *Tax Certificate Required.* All applications made as a request for a zoning change shall be accompanied by a copy of a Tax Certificate.

C. *Processing of Application and Decision.*

1. *Submittal.* An application for a zoning change 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 may, at its option, request a recommendation from any other City Department or consultant. The City Manager or his/her designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the City Manager or his/her designee shall forward a written recommendation to the Planning and Zoning Commission for consideration.
2. *Notification Requirements.* An application for a zoning change requires the following notification in accordance with section 21.4.3:
 - a. written notice prior to consideration by the Planning and Zoning Commission; and
 - b. published notice prior to consideration by the City Council.
 - c. posted notice prior to consideration by the Planning and Zoning Commission and prior to consideration by the City Council.
3. *Commission Recommendation.* The Planning and Zoning Commission shall hold a public hearing in accordance with the Texas Open Meetings Act and section 21.4.4 and make a written recommendation regarding a proposed zoning change to the City Council. The Planning and Zoning Commission may recommend approval, approval with conditions, or denial of the zoning change. The Planning and Zoning Commission may, on its own motion or by request of the property owner, postpone consideration of the request to a certain date that is not more than thirty (30) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the recommendation to the City Council.
4. *Decision by City Council.* The City Council shall receive the written recommendation of the Planning and Zoning Commission regarding a proposed zoning change and shall hold a public hearing in accordance

with the Texas Open Meetings Act and section 21.4.4. The City Council may vote to approve, approve with conditions, or deny the zoning change. The City Council may, on its own motion or by request of the property owner, postpone consideration of the request to a certain date that is not more than thirty (30) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the final decision.

5. *Consideration of a Previously Denied Zoning Change.* A request for a zoning change for a tract of land shall not be considered by the Planning and Zoning Commission or the City Council within six (6) months after the Council's decision to deny the request unless the request is to a different zoning classification or there has been a substantial change in the conditions surrounding the parcel since the initial request. For the purpose of this section, a request may be considered substantially different if the change is to a different zoning classification, there is a change in conditions relating to zoning principles of the property or surrounding properties or there is a change in the nature of the development of the property or surrounding properties. The City Manager or his/her designee shall have the authority to determine whether the request is substantially different from the initial request.
- D. *Criteria for Approval.* The Planning and Zoning Commission, in making its recommendation, and the City Council, in considering final action on a zoning change, should consider the following criteria:
1. Whether the proposed zoning change implements the policies of the adopted Comprehensive Land Plan, or any other applicable adopted plans;
 2. Whether the proposed zoning change promotes the health, safety, and general welfare of the City.
 3. Whether the uses permitted by the proposed change will be consistent and appropriate with existing uses in the immediate area;
 4. Whether other factors are deemed relevant and important in the consideration of the zone change.
- E. *Protests.*
1. If a proposed zoning change is protested in accordance with this section, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths ($\frac{3}{4}$) of all members of the City Council according to LGC, Local Government Code § 211.006(d). The protest must be written and signed by the owners of at least twenty percent (20%) of either:
 - a. The area of the lots or land covered by the proposed zoning change; or
 - b. The area of the lots or land immediately adjoining the area covered by the proposed zoning change and extending 200 feet from that area.
 2. In computing the percentage of land area under section 21.5.4.E.1 above, the area of streets and alleys shall be included.
 3. In determining property ownership under section 21.5.4.E.1 above, the property owner shall be the owner as indicated on the most recently approved municipal tax roll, unless the property has been bought or sold since the last approved municipal tax roll. The City Manager or his/her designee determines property ownership in the above-mentioned municipal tax roll from the County Appraisal District.
 - a. If a property has recently been purchased and the County Appraisal District has not updated their public records to reflect the now current property owner, the new property owner must submit proof of ownership with their written protest to demonstrate ownership for the protest to be counted under section 21.5.4.E.1.
 - b. In the event of a conflict in property ownership, the City Manager or his/her designee shall determine who the owner of the property is for the purposes of calculating written protest.

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- c. The written protest will only be counted if signed by the owner of the property. Written protests from tenants or lessees will not be counted toward the written protest calculations under section 21.5.4.E.1.
4. The following deadlines apply to the receipt and calculation of written protest:
- a. First Reading. Written protest must be received before noon (12pm) on the Friday before the first reading of the proposed zoning change ordinance by the City Council, in order to be included in the calculation of written protest described by section 21.5.4.E.1.
 - b. Second Reading. Written protest must be received before noon (12pm) on the Friday before the second reading of the proposed zoning change ordinance by the City Council, in order to be included in the calculation of written protest described by section 21.5.4.E.1.
 - c. Written protest received prior to the First Reading deadline will also be included in the Second Reading written protest calculation.
 - d. In calculating the written protest described by section 21.5.4.E.1., only the most recent written protest received prior to the deadline above will be counted per property.
 - e. In the event a federal, state, or local holiday prevents staff from receiving votes on the Friday before the City Council reading, the deadline will be extended to noon (12pm) on the next business day.

(Ord. No. 17-S-42, § 1(Exh. A), 10-24-2017; Ord. No. 18-S-04, § 1(Exh. A), 1-23-2018; Ord. No. 23-S-78, § 1(Exh. A), 11-14-2023)

Sec. 21.5.11. Specific Use Permit (SUP).

- A. *Applicability.* Specific Use Permits allow for discretionary City Council approval of uses with unique or widely varying operating characteristics or unusual site development features, subject to the terms and conditions set forth in this UDC. These uses and the districts where they may be located are listed in Table 21.5.8. Certain uses located within the AICUZ zone require an SUP. Approval of a Specific Use Permit authorizes a property owner to submit subsequent development applications consistent with the approved SUP.
- B. *Application Requirements.*
1. *Application Required.* Any request for a Specific Use Permit (SUP) shall be accompanied by an application and SUP exhibit prepared in accordance with the Development Manual.
 2. *Tax Certificate Required.* All applications made as a request for a Specific Use Permit shall be accompanied by a copy of a Tax Certificate.
- C. *Processing of Application and Decision.*
1. *Submittal.* An application for a Specific Use Permit 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 may, at its option, request a recommendation from any other City Department or consultant. The City Manager or his/her designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the City Manager or his/her designee shall forward a written recommendation to the Planning and Zoning Commission for consideration.
 2. *Notification requirements.* An application for a Specific Use Permit requires the following notification in accordance with section 21.4.3:
 - a. Written notice prior to consideration by the Planning and Zoning Commission; and
 - b. Published notice prior to consideration by the City Council.
 3. *Commission Recommendation.* The Planning and Zoning Commission shall hold a public hearing in accordance with the Texas Open Meetings Act and section 21.4.4 and make a written recommendation regarding a proposed Specific Use Permit to the City Council. The Planning and Zoning Commission may recommend approval, approval with conditions, or denial of the SUP. The Planning and Zoning Commission may, on its own motion or by request of the property owner, postpone consideration of the request to a certain date that is not more than thirty (30) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the recommendation to the City Council.
 4. *Decision by City Council.* The City Council shall receive the written recommendation of the Planning and Zoning Commission regarding a proposed Specific Use Permit and shall hold a public hearing in accordance with the Texas Open Meetings Act and section 21.4.4. The City Council may vote to approve, approve with conditions, or deny the SUP. The City Council may, on its own motion or by request of the property owner, postpone consideration of the request to a certain date that is not more than thirty (30) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the final decision.
- D. *Criteria for Approval.* The Planning and Zoning Commission, in making its recommendation, and the City Council, in considering final action on a Specific Use Permit, should consider the following criteria:
1. The proposed use at the specified location is consistent with the policies of the adopted Comprehensive Land Plan, or any other applicable adopted plans.

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2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
 3. The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods.
 4. The proposed use will not adversely affect the overall health, safety or general welfare of the City;
 5. Whether other factors are deemed relevant and important in the consideration of the Specific Use Permit.
- E. *Conditions.* The Planning and Zoning Commission, in making its recommendation, and the City Council, in considering final action, may require such modifications in the proposed use and attach such conditions to the Specific Use Permit as deemed necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of this section. Conditions and modifications may include but are not limited to limitation of building size or height, increased open space, limitations on impervious surfaces, enhanced loading and parking requirements, additional landscaping, curbing, sidewalk, vehicular access and parking improvements, placement or orientation of buildings and entryways, buffer yards, landscaping and screening, signage restrictions and design, maintenance of buildings and outdoor areas, duration of the permit, hours of operation, and requiring a site layout.
- F. *Expiration of Specific Use Permit.* A Specific Use Permit shall expire if any of the following occurs:
1. A building permit, if necessary, for the use has not been approved within two (2) years after the approval of the SUP;
 2. A building permit approved as a result of the approval of the SUP expires within two (2) years after the approval of the SUP;
 3. The use has been abandoned or discontinued for a period of time exceeding six (6) months; or
 4. The SUP expires in accordance with its terms.

(Ord. No. 18-S-04, § 1(Exh. A), 1-23-2018; Ord. No. 23-S-07, § 1(Exh. A), 3-14-2023)

Sec. 21.4.6. Comprehensive Land Plan Amendment.

- A. *Applicability.* The Comprehensive Land Plan of the City reflects the long-term plan for growth and development of the City. The City Council may, from time to time, on its own motion, by request of the City Manager or his/her designee or by application from a property owner, amend, supplement, change, modify or repeal the text of the Comprehensive Land Plan or may amend the boundaries shown on the Future Land Use Map, Master Thoroughfare Plan or any other applicable maps contained in the Comprehensive Land Plan. Approved amendments to the Comprehensive Land Plan authorize a property owner to submit subsequent development applications consistent with the amendment.
- B. *Application Requirements.*
1. *Application Required.* Any request for an amendment to the Comprehensive Land Plan shall be accompanied by a completed Planning Department Development Application.
 2. *Accompanying Applications.* Any request for amendment of the Future Land Use Map submitted by a property owner may be accompanied by an application for a zoning change consistent with requested Future Land Use Map amendment for land within the City limits, or by a Subdivision Master Plan, for land within the ETJ. Approval of an amendment to the Comprehensive Land Plan shall require all subsequent development applications to be consistent with the approved amendments.
- C. *Processing of Application and Decision.*
1. *Submittal.* An application for an amendment to the Comprehensive Land Plan shall be submitted to the Planning Department. The City Manager or his/her designee shall review the application for completeness in accordance with section 21.4.2 of this Article. The City Manager or his/her designee may, at its option, request a recommendation from any other City department or consultant. The City Manager or his/her designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the City Manager or his/her designee shall forward a written recommendation to the Planning and Zoning Commission for consideration.
 2. *Notification Requirements.* An application for an amendment to the Comprehensive Land Plan requires the following notification in accordance with section 21.4.3 of this Article:
 - a. Written notice prior to consideration by the Planning and Zoning Commission; and
 - b. Published notice prior to consideration by the City Council.
 3. *Commission recommendation.* The Planning and Zoning Commission shall hold a public hearing in accordance with the Texas Open Meetings Act and section 21.4.4 of this Article and make a written recommendation regarding a proposed amendment to the Comprehensive Land Plan to the City Council. The Planning and Zoning Commission may recommend approval, approval with conditions, or denial of the amendment.
 4. *Decision by City Council.* The City Council shall receive the written recommendation of the Planning and Zoning Commission regarding a proposed amendment to the Comprehensive Land Plan and shall hold a public hearing in accordance with the Texas Open Meetings Act and section 21.4.4 of this Article. The City Council may vote to approve, approve with conditions, or deny the amendment.
- D. *Criteria for Approval.* The Planning and Zoning Commission, in making its recommendation, and the City Council, in considering final action on an amendment to the Comprehensive Land Plan, should consider the following criteria:
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;~~

Proposed Redlines

2. An amendment to the text is consistent with the goals, objectives, and other policies of the Comprehensive Land Plan, ~~taking into account the nature of any proposed map amendment associated with the text amendment;~~
3. An amendment to the Future Land Use Map, Master Thoroughfare Plan or any other applicable maps contained in the Comprehensive Land Plan is consistent with the policies of the Comprehensive Land Plan that apply to the map being amended, ~~taking into account the nature of any proposed land use associated with the map amendment;~~
- ~~4. Any proposed amendment is consistent with the goals and objectives of the Comprehensive Land Plan;~~
45. Any proposed amendment addresses circumstances that have changed since the last time the plan map or text was considered, implements plan policies better than the current plan map or text corrects a mapping error or addresses a deficiency in the plan; and
56. Other factors criteria which, ~~at the discretion of the Planning and Zoning Commission and City Council,~~ are deemed relevant and important in the consideration of the amendment.

Sec. 21.4.7. Unified Development Code Amendment.

- A. *Applicability.* The provisions of this section apply to any request for an amendment to the text of this UDC. The City Council may, from time to time, on its own motion, or at the request of the City Manager or his/her designee, amend, supplement, change, modify or repeal the text of any portion of this UDC in order to establish and maintain sound, stable and desirable development within the jurisdiction of the City. The provisions of this section shall exclude amendments to any appendix which may be amended by general consent of the City Council.
- B. *Application Requirements.* Requests for amendments to the text of this UDC may be initiated by the request of the Planning and Zoning Commission, the City Council or the City Manager on his/her own initiative. A request for an amendment to the text of this UDC shall be accompanied by a completed Development Application.
- C. *Processing of Application and Decision.*
 - 1. *Submittal.* An application for an amendment to the text of this UDC shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review the application and may direct the proposed amendment to any other City departments or consultant for review and recommendation. After appropriate review, the City Manager or his/her designee shall forward a recommendation to the Planning and Zoning Commission for consideration.
 - 2. *Notification Requirements.* An application for an amendment to the text of this UDC requires published notice prior to consideration by the City Council.
 - 3. *Commission recommendation.* The Planning and Zoning Commission shall hold a public hearing in accordance with the Texas Open Meetings Act and section 21.4.4 of this Article and make a written recommendation regarding a proposed amendment to the text of this UDC to the City Council. The Planning and Zoning Commission may recommend approval, approval with conditions, or denial of the amendment.
 - 4. *Decision by City Council.* The City Council shall receive the written recommendation of the Planning and Zoning Commission regarding a proposed amendment to the text of this UDC and shall hold a public hearing in accordance with the Texas Open Meetings Act and section 21.4.4 of this Article. The City Council may vote to approve, approve with conditions, or deny the amendment. Such amendment shall be by ordinance, and the identifying number of any such ordinance shall be noted on the cover of this UDC.
- D. *Criteria for Approval.* The Planning and Zoning Commission, in making its written recommendation, and the City Council, in considering final action on an amendment to the text of this UDC, should consider the following criteria:
 - 1. The proposed amendment promotes the health, safety, ~~or~~and general welfare of the City ~~and the safe, orderly, efficient and healthful development of the City;~~
 - 2. ~~A~~The proposed amendment ~~to the text~~ is consistent with goals, objectives, and ~~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~~The proposed amendment corrects an error, meets the challenge of changing conditions, or is in response to changes in state law; and
 - 4. Other factors ~~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.

- E. *Non-Substantive Amendments.* Notwithstanding the other provisions of this section, the City Council may by resolution correct spelling or punctuation errors, cross-reference errors, and other matters herein determined by the City Attorney to be non-substantive without complying with the foregoing provisions of this section. The number of any such resolution shall be noted on the cover of this UDC.

Sec. 21.5.4. Zoning Change/~~Zoning Map Amendment~~.

A. *Applicability.*

1. The City Council may, from time to time, on its own motion, by request of the City Manager or his/her designee, or by application from a property owner, establish or amend the boundaries shown on the Official Zoning Map of the City. A zoning change ~~or zoning map amendment~~ is required to establish the use of land and the development associated with the proposed zoning classification for the purpose of establishing and maintaining sound, stable and desirable development within the City.
2. Approval of a zoning change ~~or zoning map amendment~~ authorizes a property owner to submit subsequent development applications consistent with the amendment.

B. *Application Requirements.*

1. *Application Required.* Any request for a zoning change ~~or zoning map amendment~~ shall be accompanied by an application and zoning exhibit prepared in accordance with the Development Manual.
2. *Accompanying Applications.* A request for a zoning change ~~or zoning map amendment~~ may be accompanied by an application for amendment of the Future Land Use Map or by a Subdivision Master Plan. Approval of a zoning change ~~or zoning map amendment~~ shall require all subsequent development applications to be consistent with the approved amendments.
3. *Tax Certificate Required.* All applications made as a request for a zoning change ~~or zoning map amendment~~ shall be accompanied by a copy of a Tax Certificate.

C. *Processing of Application and Decision.*

1. *Submittal.* An application for a zoning change ~~or zoning map amendment~~ 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 may, at its option, request a recommendation from any other City Department or consultant. The City Manager or his/her designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the City Manager or his/her designee shall forward a written recommendation to the Planning and Zoning Commission for consideration.
2. *Notification Requirements.* An application for a zoning change ~~or zoning map amendment~~ requires the following notification in accordance with section 21.4.3:
 - a. written notice prior to consideration by the Planning and Zoning Commission; and
 - b. published notice prior to consideration by the City Council.
 - c. posted notice prior to consideration by the Planning and Zoning Commission and prior to consideration by the City Council.
3. *Commission Recommendation.* The Planning and Zoning Commission shall hold a public hearing in accordance with the Texas Open Meetings Act and section 21.4.4 and make a written recommendation regarding a proposed zoning change ~~or zoning map amendment~~ to the City Council. The Planning and Zoning Commission may recommend approval, approval with conditions, or denial of the ~~zoning change amendment~~. The Planning and Zoning Commission may, on its own motion or by request of the property owner, postpone consideration of the request to a certain date that is not more than thirty (30) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the recommendation to the City Council.

4. *Decision by City Council.* The City Council shall receive the written recommendation of the Planning and Zoning Commission regarding a proposed zoning change ~~or zoning map amendment~~ and shall hold a public hearing in accordance with the Texas Open Meetings Act and section 21.4.4. The City Council may vote to approve, approve with conditions, or deny the ~~zoning change amendment~~. The City Council may, on its own motion or by request of the property owner, postpone consideration of the request to a certain date that is not more than thirty (30) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the final decision.
 5. *Consideration of a Previously Denied Zoning Change Amendments.* A request for a zoning change ~~or zoning map amendment~~ for a tract of land shall not be considered by the Planning and Zoning Commission or the City Council within six (6) months after the Council's decision to deny the request unless the request is to a different zoning classification or there has been a substantial change in the conditions surrounding the parcel since the initial request. For the purpose of this section, a request may be considered substantially different if the change is to a different zoning classification, there is a change in conditions relating to zoning principles of the property or surrounding properties or there is a change in the nature of the development of the property or surrounding properties. The City Manager or his/her designee shall have the authority to determine whether the request is substantially different from the initial request.
- D. *Criteria for Approval.* The Planning and Zoning Commission, in making its recommendation, and the City Council, in considering final action on a zoning change ~~or zoning map amendment~~, should consider the following criteria:
1. Whether the proposed zoning change ~~or zoning map amendment~~ implements the policies of the adopted Comprehensive Land Plan, ~~or any other applicable adopted plans; including the land use classification of the property on the Future Land Use Map;~~
 2. Whether the proposed zoning change ~~or zoning map amendment~~ promotes the health, safety, ~~and~~ general welfare of the City, ~~and the safe, orderly, efficient and healthful development of the City;~~
 3. Whether the uses permitted by the proposed change ~~in zoning district classification and the standards applicable to such uses~~ will be consistent and appropriate with existing uses in the immediate area, ~~of the land to be reclassified;~~
 4. ~~Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers or other public services and utilities to the area;~~
 5. ~~Whether there have been environmental and/or economical changes which warrant the requested change;~~
 6. ~~Whether there is an error in the original zoning of the property for which a change is requested;~~
 7. ~~Whether all of the applicant's back taxed owed to the City have been paid in full (no application will receive final approval until all back taxes are paid in full); and~~
 84. Whether other factors ~~criteria are met, 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.
- E. *Protests.*
1. If a proposed zoning change ~~or zoning map amendment~~ is protested in accordance with this section, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths (¾) of all members of the City Council according to LGC, Local Government Code § 211.006(d). The protest must be written and signed by the owners of at least twenty percent (20%) of either:

- a. The area of the lots or land covered by the proposed zoning change ~~or zoning map amendment~~;
or
- b. The area of the lots or land immediately adjoining the area covered by the proposed zoning change ~~or zoning map amendment~~ and extending 200 feet from that area.
2. In computing the percentage of land area under section 21.5.4.E.1 above, the area of streets and alleys shall be included.
3. In determining property ownership under section 21.5.4.E.1 above, the property owner shall be the owner as indicated on the most recently approved municipal tax roll, unless the property has been bought or sold since the last approved municipal tax roll. The City Manager or his/her designee determines property ownership in the above-mentioned municipal tax roll from the County Appraisal District.
 - a. If a property has recently been purchased and the County Appraisal District has not updated their public records to reflect the now current property owner, the new property owner must submit proof of ownership with their written protest to demonstrate ownership for the protest to be counted under section 21.5.4.E.1.
 - b. In the event of a conflict in property ownership, the City Manager or his/her designee shall determine who the owner of the property is for the purposes of calculating written protest.
 - c. The written protest will only be counted if signed by the owner of the property. Written protests from tenants or lessees will not be counted toward the written protest calculations under section 21.5.4.E.1.
4. The following deadlines apply to the receipt and calculation of written protest:
 - a. First Reading. Written protest must be received before noon (12pm) on the Friday before the first reading of the proposed zoning change ~~or zoning map amendment~~ ordinance by the City Council, in order to be included in the calculation of written protest described by section 21.5.4.E.1.
 - b. Second Reading. Written protest must be received before noon (12pm) on the Friday before the second reading of the proposed zoning change ~~or zoning map amendment~~ ordinance by the City Council, in order to be included in the calculation of written protest described by section 21.5.4.E.1.
 - c. Written protest received prior to the First Reading deadline will also be included in the Second Reading written protest calculation.
 - d. In calculating the written protest described by section 21.5.4.E.1., only the most recent written protest received prior to the deadline above will be counted per property.
 - e. In the event a federal, state, or local holiday prevents staff from receiving votes on the Friday before the City Council reading, the deadline will be extended to noon (12pm) on the next business day.

(Ord. No. 17-S-42, § 1(Exh. A), 10-24-2017; Ord. No. 18-S-04, § 1(Exh. A), 1-23-2018; Ord. No. 23-S-78, § 1(Exh. A), 11-14-2023)

Sec. 21.5.11. Specific Use Permit (SUP).

- A. *Applicability.* Specific Use Permits allow for discretionary City Council approval of uses with unique or widely varying operating characteristics or unusual site development features, subject to the terms and conditions set forth in this UDC. These uses and the districts where they may be located are listed in Table 21.5.8. Certain uses located within the AICUZ zone require an SUP. Approval of a Specific Use Permit authorizes a property owner to submit subsequent development applications consistent with the approved SUP.
- B. *Application Requirements.*
1. *Application Required.* Any request for a Specific Use Permit (SUP) shall be accompanied by an application and SUP exhibit prepared in accordance with the Development Manual.
 2. *Tax Certificate Required.* All applications made as a request for a Specific Use Permit shall be accompanied by a copy of a Tax Certificate.
- C. *Processing of Application and Decision.*
1. *Submittal.* An application for a Specific Use Permit 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 may, at its option, request a recommendation from any other City Department or consultant. The City Manager or his/her designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the City Manager or his/her designee shall forward a written recommendation to the Planning and Zoning Commission for consideration.
 2. *Notification requirements.* An application for a Specific Use Permit requires the following notification in accordance with section 21.4.3:
 - a. Written notice prior to consideration by the Planning and Zoning Commission; and
 - b. Published notice prior to consideration by the City Council.
 3. *Commission Recommendation.* The Planning and Zoning Commission shall hold a public hearing in accordance with the Texas Open Meetings Act and section 21.4.4 and make a written recommendation regarding a proposed Specific Use Permit to the City Council. The Planning and Zoning Commission may recommend approval, approval with conditions, or denial of the SUP. The Planning and Zoning Commission may, on its own motion or by request of the property owner, postpone consideration of the request to a certain date that is not more than thirty (30) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the recommendation to the City Council.
 4. *Decision by City Council.* The City Council shall receive the written recommendation of the Planning and Zoning Commission regarding a proposed Specific Use Permit and shall hold a public hearing in accordance with the Texas Open Meetings Act and section 21.4.4. The City Council may vote to approve, approve with conditions, or deny the SUP. The City Council may, on its own motion or by request of the property owner, postpone consideration of the request to a certain date that is not more than thirty (30) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the final decision.
- D. *Criteria for Approval.* The Planning and Zoning Commission, in making its recommendation, and the City Council, in considering final action on a Specific Use Permit, should consider the following criteria:
1. The proposed use at the specified location is consistent with the policies of the adopted Comprehensive Land Plan, or any other applicable adopted plans. ~~consistent with the policies embodied in the adopted Comprehensive Land Plan;~~

Proposed Redlines

2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
 3. The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, ~~and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as safety, traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;~~
 - ~~4. The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;~~
 - ~~5. The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;~~
 - ~~6. The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed use on adjacent properties;~~
 - ~~7. The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood;~~
 - ~~48. The proposed use [use] promotes will not adversely affect the overall health, safety or general welfare of the City and the safe, orderly, efficient and healthful development of the City;~~
 9. ~~No application made under these provisions will receive final approval until all back taxes owed to the City have been paid in full; and~~
 - ~~510. Whether Other factors criteria which, at the discretion of the Planning and Zoning Commission and City Council are deemed relevant and important in the consideration of the Specific Use Permit.~~
- E. *Conditions.* The Planning and Zoning Commission, in making its recommendation, and the City Council, in considering final action, may require such modifications in the proposed use and attach such conditions to the Specific Use Permit as deemed necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of this section. Conditions and modifications may include but are not limited to limitation of building size or height, increased open space, limitations on impervious surfaces, enhanced loading and parking requirements, additional landscaping, curbing, sidewalk, vehicular access and parking improvements, placement or orientation of buildings and entryways, buffer yards, landscaping and screening, signage restrictions and design, maintenance of buildings and outdoor areas, duration of the permit, hours of operation, and requiring a site layout.
- F. *Expiration of Specific Use Permit.* A Specific Use Permit shall expire if any of the following occurs:
1. A building permit, if necessary, for the use has not been approved within two (2) years after the approval of the SUP;
 2. A building permit approved as a result of the approval of the SUP expires within two (2) years after the approval of the SUP;
 3. The use has been abandoned or discontinued for a period of time exceeding six (6) months; or
 4. The SUP expires in accordance with its terms.

(Ord. No. 18-S-04, § 1(Exh. A), 1-23-2018; Ord. No. 23-S-07, § 1(Exh. A), 3-14-2023)

Ord. 24-S-155

UDC Amendments to Article 4 - Procedures and Applications, and Article 5 - Zoning Districts.

Samuel Haas | Senior Planner

Background

- Criteria for Approval is across the UDC for a variety of applications
- Staff Analysis is based on Criteria for Approval
- Changes in practice, Target City research, and updates to UDC require amendments to certain sections:
 - Comprehensive Land Plan Amendment
 - UDC Amendments
 - Zone Changes
 - Specific Use Permits

Staff is also using this opportunity to simplify language and make items clearer

Comprehensive Plan Amendments Criteria For Approval 21.4.6.D

Current Text	Proposed
<ol style="list-style-type: none"> 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 the Comprehensive Land Plan, taking into account the nature of any proposed map amendment associated with the text amendment; 3. An amendment to the Future Land Use Map, Master Thoroughfare Plan or any other applicable maps contained in the Comprehensive Land Plan is consistent with the policies of the Comprehensive Land Plan that apply to the map being amended, taking into account the nature of any proposed land use associated with the map amendment; 4. Any proposed amendment is consistent with the goals and objectives of the Comprehensive Land Plan; 5. Any proposed amendment addresses circumstances that have changed since the last time the plan map or text was considered, implements plan policies better than the current plan map or text corrects a mapping error or addresses a deficiency in the plan; and 6. Other criteria which, at the discretion of the Planning and Zoning Commission and City Council, are deemed relevant and important in the consideration of the amendment 	<ol style="list-style-type: none"> 1. The proposed amendment promotes the health, safety, or general welfare of the City; 2. An amendment to the text is consistent with the goals, objectives, and other policies of the Comprehensive Land Plan; 3. An amendment to the Future Land Use Map, Master Thoroughfare Plan or any other applicable maps contained in the Comprehensive Land Plan is consistent with the policies of the Comprehensive Land Plan that apply to the map being amended; 4. Any proposed amendment addresses circumstances that have changed since the last time the plan map or text was considered, implements plan policies better than the current plan map or text corrects a mapping error or addresses a deficiency in the plan; and 5. Other factors which, are deemed relevant and important in the consideration of the amendment.

UDC Criteria For Approval 21.4.7.D

Current Text	Proposed
<ol style="list-style-type: none"><li data-bbox="180 319 1271 515">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<li data-bbox="180 572 1271 665">2. An amendment to the text is consistent with other policies of this UDC and the City<li data-bbox="180 722 1271 815">3. Any proposed amendment is consistent with the goals and objectives of this UDC and the City; and<li data-bbox="180 872 1271 1068">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.	<ol style="list-style-type: none"><li data-bbox="1274 319 2359 412">1. The proposed amendment promotes the health, safety, and general welfare of the City;<li data-bbox="1274 469 2359 615">2. The proposed amendment is consistent with the goals, objectives, and policies of this UDC and the City;<li data-bbox="1274 672 2359 818">3. The proposed amendment corrects an error, meets the challenge of changing conditions, or is in response to changes in state law; and<li data-bbox="1274 875 2359 968">4. Other factors which are deemed relevant and important in the consideration of the amendment.

UDC Criteria For Approval 21.4.7.D

Current Text	Proposed
<ol style="list-style-type: none">1. Whether the proposed zoning change or zoning map amendment implements the policies of the adopted Comprehensive Land Plan, including the land use classification of the property on the Future Land Use Map;2. Whether the proposed zoning change or zoning map amendment promotes the health, safety, or general welfare of the City and the safe, orderly, efficient and healthful development of the City;3. Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified;4. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers or other public services and utilities to the area;5. Whether there have been environmental and/or economical changes which warrant the requested change;6. Whether there is an error in the original zoning of the property for which a change is requested;7. Whether all of the applicant's back taxed owed to the City have been paid in full (no application will receive final approval until all back taxes are paid in full); and8. Whether other criteria are met, 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.	<ol style="list-style-type: none">1. Whether the proposed zoning change implements the policies of the adopted Comprehensive Land Plan, or any other applicable adopted plans;2. Whether the proposed zoning change promotes the health, safety, and general welfare of the City.3. Whether the uses permitted by the proposed change will be consistent and appropriate with existing uses in the immediate area;4. Whether other factors are deemed relevant and important in the consideration of the amendment.

Zone Change 21.5.4.D

- Eliminated “zoning map amendment” from section.

Sec. 21.5.4. Zoning Change/~~Zoning Map Amendment~~.

A. *Applicability.*

1. The City Council may, from time to time, on its own motion, by request of the City Manager or his/her designee, or by application from a property owner, establish or amend the boundaries shown on the Official Zoning Map of the City. A zoning change ~~or zoning map amendment~~ is required to establish the use of land and the development associated with the proposed zoning classification for the purpose of establishing and maintaining sound, stable and desirable development within the City.
2. Approval of a zoning change ~~or zoning map amendment~~ authorizes a property owner to submit subsequent development applications consistent with the amendment.

B. *Application Requirements.*

1. *Application Required.* Any request for a zoning change ~~or zoning map amendment~~ shall be accompanied by an application and zoning exhibit prepared in accordance with the Development Manual.
2. *Accompanying Applications.* A request for a zoning change ~~or zoning map amendment~~ may be accompanied by an application for amendment of the Future Land Use Map or by a Subdivision Master Plan. Approval of a zoning change ~~or zoning map amendment~~ shall require all subsequent development applications to be consistent with the approved amendments.
3. *Tax Certificate Required.* All applications made as a request for a zoning change ~~or zoning map amendment~~ shall be accompanied by a copy of a Tax Certificate.

Zone Change 21.5.4.D

- “Back Taxes” possibly a hold-over from previous 2012-2013 Charter.

Section 6.07 Tax Assessor-Collector.

(a) Assessor-Collector. The City Manager shall appoint, and may remove, the City’s Assessor-Collector of taxes. The City Council may, in the interest of economy and efficiency and on the recommendation of the City Manager, authorize the City Manager to contract with an individual or another political subdivision as Assessor-Collector to handle the assessment and/or collection of taxes, and no separate Assessor-Collector need be appointed in such case. The Assessor-Collector shall give a surety bond for the faithful performance of his or her duties including compliance with all controlling provisions of the State law bearing upon the functions of his or her office in a sum which shall be fixed by the City Council, but in no event shall the amount be less than twenty thousand dollars, the cost to be borne by the City; provided, if the Assessor-Collector is an officer of another political subdivision providing services to the City by contract and if the City Council determines that the Assessor-Collector’s existing surety bond sufficiently protects the City, no further surety bond shall be required.

(b) Power to Levy, Assess and Collect Taxes. The City shall have the power to assess, levy and collect an annual tax upon taxable property within the City not to exceed the maximum provided by the Constitution and general laws of the State.

(c) Taxes, When Due and Payable. All taxes due the City shall be payable at the Office of the Assessor-Collector and may be paid at any time after the tax rolls for the year have been completed and approved, which shall be not later than October first. Taxes shall be paid before February 1, and all such taxes not paid prior to such date shall be deemed delinquent and shall be subject to such penalty and interest as authorized by applicable State law. The City Council may, by ordinance, provide a discount for prompt payment of current taxes. The City Council may contract with an attorney or attorneys for the collection of delinquent taxes as authorized by applicable State law.

UDC Criteria For Approval 21.5.11.D

Current Text	Proposed
<ol style="list-style-type: none">1. The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Land Plan;2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;3. The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as safety, traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;4. The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;5. The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;	<ol style="list-style-type: none">1. The proposed use at the specified location is consistent with the policies of the adopted Comprehensive Land Plan, or any other applicable adopted plans.2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;3. The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods;4. The proposed use will not adversely affect the overall health, safety or general welfare of the City;5. Whether other factors are deemed relevant and important in the consideration of the Specific Use Permit

UDC Criteria For Approval 21.5.11.D – cont.

Current Text	Proposed
<p>6. The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed use on adjacent properties;</p> <p>7. The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood;</p> <p>8. The proposed [use] promotes the health, safety or general welfare of the City and the safe, orderly, efficient and healthful development of the City;</p> <p>9. No application made under these provisions will receive final approval until all back taxes owed to the City have been paid in full; and</p> <p>10. Other criteria which, at the discretion of the Planning and Zoning Commission and City Council are deemed relevant and important in the consideration of the Specific Use Permit.</p>	<ol style="list-style-type: none">1. The proposed use at the specified location is consistent with the policies of the adopted Comprehensive Land Plan, or any other applicable adopted plans.2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;3. The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods;4. The proposed use will not adversely affect the overall health, safety or general welfare of the City;5. Whether other factors are deemed relevant and important in the consideration of the Specific Use Permit

Criteria for Approval 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
 - The UDC functions better when it matches current city practices.
 - Better for the residents of Schertz, applicants, and Staff when there is continuity and clarity throughout the UDC.
 - Streamlining our criteria for approval will assist with the orderly and efficient development of the City

Criteria for Approval 21.4.7.D

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

- Many of these proposed amendments are reflective of changes in the City Charter, adopted ordinances, and updated city practices.
- These amendments are consistent with the policies of the UDC and the City

Criteria for Approval 21.4.7.D

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

- The Strategic Plan stated goals for the Operational Values of the city.
 - Be proactive – "Proactive means initiating change by anticipating future situations in order to make things happen".
 - Responsibility of staff to be "continuously **improving** and evolving", "forward-thinking".
- These amendments would achieve these goals in the Strategic Plan

Criteria for Approval 21.4.7.D

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 received no special considerations.
 - This public hearing provides the opportunity for City Council to determine this.

Recommendation

These amendments align with the goals, objectives, and policies of the UDC and the City.

Therefore, Staff is recommending approval of Ord. 24-S-155.

On September 4th, 2024, The Planning and Zoning Commission held a public hearing and recommended approval with a 6-0 vote.

COMMENTS AND QUESTIONS

CITY COUNCIL MEMORANDUM

City Council Meeting: October 22, 2024
Department: Library
Subject: Resolution 24-R-134 - Authorizing an Interlocal Agreement with Guadalupe County for Library Services (S.Gonzalez/M.Uhlhorn)

BACKGROUND

The City of Schertz and Guadalupe County have had an interlocal agreement regarding the provision of library service to County residents since 1981. The Commissioners' Court has long held the view that library services are beneficial to all County residents and has entered into agreements with each of the three public libraries in the County to provide library service to all its residents for many years. The proposed Interlocal Agreement is for one fiscal year, from October 1, 2024 through September 30, 2025, with an option to renew each successive year. The agreement can be terminated by either party with written notice not less than 30 days prior to the agreement's end.

Note—the City of Cibolo has also provided funding for the Schertz Library since the late 1990s. The FY 2025 agreement is in the amount of \$40,000. The City of Selma has provided funding since 2009 and the FY 2025 agreement will provide approximately \$25,000 in the upcoming fiscal year. A recent look at cardholder statistics shows that 70% of the library's cardholders live in Guadalupe County. The majority of them live within the limits of the Cities of Schertz, Cibolo and Selma and are entitled to use the Schertz Library as a result of Schertz resident status, or agreements with the other cities. Only 4.8% of the library's Guadalupe County cardholders live in other parts of Guadalupe County.

One other item of note—it is the Schertz Library's practice to allow residents of the State of Texas to use the library free of charge. Out-of-state residents pay \$15.00 per person per year to have full access to all resources. The Texas State Library has a program called Texshare in which Schertz participates. The program allows Schertz Library cardholders to have access to resources, though often on a limited basis, at other participating libraries, including the San Antonio Public Library System, Seguin Library and the New Braunfels Library System.

GOAL

The goal is to eliminate digital divide and provide educational opportunities for all County residents by providing access to library services without duplication of effort on the County's part. Contracting with existing library service providers is an efficient way to provide service, while at the same time, it helps offset our own operational costs.

COMMUNITY BENEFIT

The Schertz Public Library fills a significant community need by providing quality of life opportunities for area families and individuals. Services include circulation of books and other media, access to digital content, public computers and Internet, educational programs, and reference services. This Interlocal agreement is mutually advantageous to both the County and the City. It allows the County to efficiently and economically provide library service to its residents who would not otherwise have it, and the City receives funds that help offset operating costs for its residents. It also allows Schertz residents to use the libraries in Seguin and Marion free-of-charge.

SUMMARY OF RECOMMENDED ACTION

Staff recommends re-authorizing the Public Library Interlocal Agreement with Guadalupe County as it is mutually beneficial.

FISCAL IMPACT

Guadalupe County will pay the City \$238,010.04 in monthly installments of \$19,834.17 for Library Services as outlined in the ILA under section III, Consideration, which is a 4.2% increase over last fiscal year and an \$11,000 increase over the original budget estimate. The Schertz Library budget is \$1,491,818 for FY25.

RECOMMENDATION

Staff recommends approval of Resolution 24-R-134 and re-authorizing the Public Library Interlocal Agreement with Guadalupe County as it is mutually beneficial to both entities.

Attachments

Resolution 24-R-134 with attachments

RESOLUTION NO. 24-R-134

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS
AUTHORIZING A PUBLIC LIBRARY INTERLOCAL AGREEMENT WITH
GUADALUPE COUNTY, TEXAS, AND OTHER MATTERS IN CONNECTION
THEREWITH**

WHEREAS, the City Council (the “City Council”) of the City of Schertz (the “City”) has determined that it is in the best interest of the City to enter into a Public Library Interlocal Agreement with the Guadalupe County, Texas (the “County”), permitting the citizens of the County to utilize the services of the City’s public library; now, therefore,

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

Section 1. The City Council hereby authorizes the City Manager to execute and deliver the Public Library Interlocal Agreement with Guadalupe County in substantially the form set forth on Exhibit A.

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 Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

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

Section 4. This Resolution 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 Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution 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 Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this ____ day of _____, 2024

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmonson, City Secretary

(CITY SEAL)

Exhibit "A"
Interlocal Agreement

**PUBLIC LIBRARY INTERLOCAL AGREEMENT BETWEEN
GUADALUPE COUNTY AND
THE CITY OF SCHERTZ**

This Public Library InterLocal Agreement, effective as of the date of final execution (hereinafter referred to as “Agreement”), is between Guadalupe County (hereinafter referred to as “County”), Texas, and the City of Schertz, (hereinafter referred to as “City”), Texas.

WHEREAS, the City has an established public library and has for several years provided free public library services to all citizens of the County residing in or near the City by informal agreement with the County; and

WHEREAS, the County and the City have determined to enter into this Agreement relating to the provision of free public library services (hereinafter referred to as “Library Services”), to the citizens of the County, and to set out the purposes, terms, rights, objectives, duties, and responsibilities of the County and the City with respect thereto; and

WHEREAS, the County and the City have determined that the provision of the Library Services is a public purpose and within their statutory powers of government; and

WHEREAS, the County and City are political subdivisions of the State of Texas, and are authorized to execute this Agreement pursuant to *Texas Government Code* 791.001 et. seq. as amended, and *Local Government Code* Section 323, as amended (the “Act”).

NOW, THEREFORE, the County and the City, acting by and through their duly authorized officers, hereby covenant and agree as follows:

I. Purpose

1. The City agrees that the established library of the City shall assume the functions of a county library within the County, all as permitted by the Act.
2. The Librarian of the City’s established library holds a county librarian’s certificate from the Texas Library and Archives Commission, as required by the Act.
3. All public library facilities, books, reading material, and other equipment in the possession of the City’s library shall be equally accessible to all residents of the County during the term of this Agreement.
4. All public library facilities, books, reading material, and other equipment currently owned by the City of acquired for use in its established public library during the term of this Agreement shall remain the property of the City.

II. Term and Renewal

This agreement shall be for a term commencing with effective date of this Agreement through and including October 1, 2024 to September 30, 2025 (the “Initial Term”), unless either party to this Agreement notifies the other party in writing that it wishes to terminate this Agreement. Such notice shall

be provided not less than thirty (30) days prior to the end of the Initial Term or any Renewal Term.

III. Consideration

1. In consideration of the City’s provision of the Library Services during the Initial Term, the county agrees to pay the City a monthly sum of \$19,834.17 (Nineteen Thousand, Eight Hundred Thirty-four Dollars and 17/100) on the 15th day of each month following the effective date of this Agreement.
2. The County and the City agree that the monthly amount payable by the County to the City shall be determined by good faith negotiations between the County and City and that such amount shall be determined not less than thirty (30) days before the end of the Initial Term and each Renewal Term.

IV. Authorization

The governing bodies of the County and the City have duly authorized this Agreement.

V. Severability

If any portion of this Agreement shall be declared illegal or held unenforceable for any reason, for remaining portions hereof shall continue in full force and effect.

VI. Amendments

This agreement represents the complete understanding of the County and the City with respect to the matters described herein, and this Agreement may not be amended or altered without the written consent of both parties.

IN WITNESS WHEREOF, the undersigned have entered into the Public Library InterLocal Agreement, effective as stated herein.

GUADALUPE COUNTY, TEXAS

ATTEST

By: _____
Kyle Kutscher
Guadalupe County Judge

By: _____
Teresa Kiel
Guadalupe County Clerk
Date: _____

CITY OF SCHERTZ, TEXAS

ATTEST

By: _____
Steve Williams
City Manager

By: _____
Sheila Edmondson
City Secretary
Date: _____

CITY COUNCIL MEMORANDUM

City Council Meeting: October 22, 2024
Department: Emergency Medical Services
Subject: Resolution 24-R-127 - Authorizing a mutual aid agreement with Acadian Ambulance (S.Williams/J.Mabbitt)

BACKGROUND

Schertz Emergency Medical Services provides regional emergency medical services in a 230 square mile service area that includes the municipalities of Schertz, Cibolo, Live Oak, Marion, Santa Clara, Selma, Universal City, western Guadalupe County, Comal County ESD #6 and a small area of unincorporated Bexar County. We respond to over 14,000 requests for emergency services annually utilizing seven on-duty ambulances.

On rare occasions, when all of our ambulances are tied up on calls, we contact one of our mutual aid departments from the surrounding area to assist. We also are required to have mutual aid agreements with surrounding agencies as part of our DSHS (Department of State Health Services) provider license. We have current agreements with Converse FD, Seguin FD, New Braunfels FD, Bulverde Spring Branch FD and Acadian Ambulance.

Our current mutual aid agreement with Acadian Ambulance has been in effect since September 2009. There is a desire to update this agreement.

GOAL

To update the current mutual aid agreement with Acadian Ambulance.

COMMUNITY BENEFIT

Having mutual aid agreements in place will assure that the community will receive emergency medical services at times when all ambulances are busy responding to calls.

SUMMARY OF RECOMMENDED ACTION

Staff recommends approval of the attached resolution authorizing the City Manager to enter into a mutual aid agreement with Acadian Ambulance.

RECOMMENDATION

Approval of Resolution 24-R-127

Attachments

Resolution 24-R-127 with attachments
2009 Agreement

RESOLUTION 24-R-127

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO A MUTUAL AID AGREEMENT WITH ACADIAN AMBULANCE AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the Schertz EMS Department provides Emergency Medical Services to the citizens in our service area; and

WHEREAS, Acadian Ambulance has the need to receive and provide mutual aid from the nearest EMS agencies; and

WHEREAS, Schertz EMS has the need to receive and provide mutual aid from the nearest EMS agencies; and

WHEREAS, it is a benefit to both parties and to the residents for which we serve to enter into this agreement to provide Emergency Medical Services;

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

Section 1. The City Council hereby authorizes the City Manager to enter into a mutual aid agreement with Acadian Ambulance as outlined in Exhibit A.

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 Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

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

Section 4. This Resolution 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 Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution 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 Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this _____ day of _____ 2024.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

Exhibit "A"
Mutual Aid Agreement

**Mutual Aid Agreement
by and between
City of Schertz EMS
and
Acadian Ambulance Service of Texas, LLC**

THIS AGREEMENT, entered into this 10/23/2024 (the “Effective Date”) , between the parties hereinafter named and represented by their undersigned duly authorized representatives, is for the purpose of securing mutual aid non-emergency medical ambulance transportation and other related emergency services for which the parties agree to be responsible.

WITNESS THAT:

WHEREAS, the respective parties hereto have in whole or in part, certain ambulance response equipment and personnel to operate same; and

WHEREAS, each of the parties hereto recognize that there exists the possibility that there can be non-emergencies, emergencies and certain other circumstances wherein said equipment and personnel, as maintained by each of the parties individually, may not be adequate to afford full and complete protection to lives within each area of respective operation; and

WHEREAS, it is mutually desired by the parties hereto that, in the event of such an aforementioned occurrence that the non-emergency and emergency equipment and personnel of the other signatories to this agreement will, when same is available and will not impede on such party’s ability to fulfill its obligations, contractual or otherwise, make those resources available upon the terms and conditions as set forth herein.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, the parties hereto agree and contract to the following:

1. In the event that any party hereto, because of emergency or any other circumstance beyond their reasonable control, should require mutual aid for non-emergency or emergency medical ambulance transportation, or other emergency response resources above and beyond their own capacity and capabilities, such party may request additional resources from any other party that is signatory to this agreement. Each of the parties hereto shall agree to furnish the other, such assistance and resources within their capability without impeding on their ability to fulfill their own obligations, contractual or otherwise and which are deemed necessary by the party requesting such assistance.

Be it further understood and agreed upon that the expectation for and obligation to render assistance is limited to the ability of the responding party to provide adequate protection to its own service area.

2. Any mutual aid assignments of personnel, non-emergency or emergency equipment will be subject to the following conditions:
 - a. The status and availability of personnel, non-emergency or emergency equipment in the department being asked to send aid. Ambulance providers must protect their own area first.
 - b. When requesting mutual aid the following information shall be provided to the department being asked to furnish aid by the party requesting aid:
 - i. The nature of the non-emergency or emergency request (medical, motor vehicle accident, or mass casualty, etc.)
 - ii. The specific type of resources being requested (ground ambulance or air)

iii. The location that the requested resources are to report.

Additionally, nothing in this agreement shall be construed as to prevent the chief, senior officer, or supervisor from the party furnishing aid from refusing, in the exercise of his/her best judgment, to commit personnel and/or resources to any position in which there is an unreasonable exposure to loss of life, injury or equipment damage. The chief, senior officer or supervisor of the party furnishing aid will be the sole judge of these circumstances and such party shall incur no liability under this agreement or otherwise, there being no intended third-party beneficiaries to this agreement, for the decision made.

3. The nature and extent of assistance furnished by either party to another shall be determined on the basis of prevailing needs for the non-emergency or emergency medical response in the area being asked to furnish aid.

Nothing in this agreement is intended or is to be construed as relieving any party hereto of its primary responsibility for emergency response within its own service area. The chief, senior officer or supervisor of the party being asked to provide mutual aid is the sole and final authority for responding outside of his/her area.

Consequently, the rendering of mutual aid under this agreement is not mandatory, however, the party being asked to respond with mutual aid should immediately inform the requesting department by means of oral, fax, radio, telephone, wire or other means of communication whether or not the request for assistance can be rendered.

4. Each party that is a signatory to this agreement waives any and all claims against the other signatories including any loss, damage, personal injury, or death as a consequence of the performance of this agreement. As to third parties, each of the signatories shall only be liable for injuries or losses attributable to their own negligence and not for any cause beyond its control or the actions of personnel operating under the auspices of other signatories of this agreement.
5. No party to this agreement shall be reimbursed by any other party to this agreement for costs incurred during the performance of this agreement. Nothing in this agreement, however, shall prevent any party from recovering the cost of equipment, supplies, man-hours, or other losses from any third party that may be responsible for such reimbursement under the law.
6. All equipment used by each party hereto in performing this agreement will, at the time of its use be owned by the department or service; and all personnel acting on behalf of any department or service that is a signatory of this agreement will when rendering mutual aid be an employee or volunteer of that department.
7. The parties to this agreement are invited and encouraged through their designated officers to promote and participate in joint training exercises to familiarize each other with the capabilities and equipment of the departments that are signatories of this agreement.
8. Participation in mutual aid exercises for the purpose of this agreement are the same as responding to a mutual aid request.
9. The terms of this agreement shall extend indefinitely, or until modified or terminated by written agreement of the parties hereto. Any party that elects to withdraw from this agreement may do so by notifying the remaining parties in writing at least thirty (30) days prior to the date of the intended withdrawal. The parties agree to review this agreement annually and make the appropriate changes.
10. This agreement shall supersede any and all similar agreements verbal or written that may have previously been executed.

IN WITNESS WHEREOF, the parties hereto have caused this Mutual Aid Agreement to be signed by their authorized officers.

City of Schertz EMS
1400 Schertz Parkway
Schertz ,TX, 78154

Acadian Ambulance Service of Texas, LLC
P O Box 98000
Lafayette, LA 70509-8000

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

EMERGENCY MEDICAL SERVICES MUTUAL AID AGREEMENT

THIS AGREEMENT is made and entered into by the City of Schertz EMS a licensed Texas Department of State Health Services EMS Provider and Acadian Ambulance a licensed Texas Department of State Health Services EMS Provider for the provision of Mutual Aid during times of peak overload of Emergency Medical calls.

SCOPE OF AGREEMENT

1. The parties agree that a request for Mutual Aid will be made only when an emergency occurs in the area within the jurisdiction of any party hereto and local resources may be inadequate to control and respond to that emergency.
2. The parties agree to provide, upon request of the other party, such equipment and trained personnel as may be requested, unless such action would prevent or disrupt adequate service and/or protection of its own area of jurisdiction and responsibility.
3. If Mutual Aid resources are being requested to supplement a provider's resources already on scene such as a multi-casualty incident, the requested party will use normal Incident Command protocol and report to the Incident Commander upon arrival for assignment.
4. Requested resources will respond and operate under the Medical Protocols and Standard Operating Procedures in place for their organization regardless of what jurisdiction they are in.

POLICIES

Each Party hereto agrees:

1. To maintain the work force and equipment sufficient to respond and control emergency calls of the type and magnitude which are likely to occur in its jurisdiction.
2. To provide and maintain an emergency action plan for activating their personnel and resources within their jurisdiction.
3. To establish procedures for response and control of emergencies in its own jurisdiction.
4. To be responsible for its own costs and expenses, even those incurred as a result of participation in this agreement. The requested provider may bill the customers serviced as a result of this agreement their usual and customary charges as applicable by law.

5. To be responsible and liable for only the actions of its own employees and resources while participating in this agreement.

TERM OF AGREEMENT

This agreement shall be in place for a period of two (2) years commencing on the date of the signatures set forth below, unless cancelled in writing by either party with at least thirty (30) days notice. Unless either party objects, this agreement shall then be automatically renewed for consecutive two-year periods.

COMPLIANCE WITH APPLICABLE LAWS

All parties agree to observe and comply with all Federal, State, and local laws, rules, ordinances and regulations that in any manner may affect or be applicable to the services herein provided.

ENTIRE AGREEMENT

This agreement supercedes any and all other agreements, either oral or in writing between the parties hereto with respect to the subject matter hereof, and no other agreement, statement of promise relating to the subject matter of this agreement which is not contained herein shall be valid or binding.

Acadian Ambulance

Christopher J. Cirillo
Title Vice President

09.15.09
Date

City Of Schertz EMS

Justin West
Title EMS Director

09/15/09
Date

CITY COUNCIL MEMORANDUM

City Council Meeting: October 22, 2024
Department: City Secretary
Subject: Resolution 24-R-120 - Authorizing a contract with H2O Partners for Planning & Management Services for Local Hazard Mitigation Plans Program (S.Williams/G.Rodgers/B.High)

BACKGROUND

The City of Schertz Office of Emergency Management requires grant planning and management services to assist in the development of grant applications for the Local Hazard Mitigation Planning Program (LHMPP) and Community Development Block Grant (CDBG). If awarded, these grants would provide the necessary funding for the contractor to update the City's Hazard Mitigation Plan (HMP). Hazard Mitigation Plans are required for jurisdictions like ours from both the state and federal government, and must be updated every 4 years. We are currently in this process of updating our Hazard Mitigation Plan.

Prior to reaching this point the City of Schertz completed two other requirements which provide the foundation for the development of a Hazard Mitigation Plan including a Threat and Hazard Identification Risk Assessment (THIRA) and Stakeholder Preparedness Review (SPR).

All grant funding that will be accessed during this process are awarded and funded at the federal level. These federal tax dollars are then sent to the states for administration of local programs.

The City put out a solicitation in June 2024 for planning & management services for Local Hazard Mitigation Plans Program (to include both pre and post award activities). Two proposal were received and evaluated based on the published RFP scoring criteria. Staff recommeneds contracting with H2O Partners, the highest ranked firm, for these grant-related services.

Local Hazard Mitigation Plans Program (LHMPP)

A program created with the Texas Division of Emergency Mangement (TDEM) to provide Community Development Block Grant (CDBG) funds for the development of an enhanced State of Texas Hazard Mitigation Plan, as well as providing funds for the development of Hazard Mitigation PLans for eligible areas.

Community Development Block Grant (CDBG)

This program provides annual grants on a formula basis to states, cities, and counties to develop viable urban communities decent housing and a suitable living environment, and by expanding economic opportunities, principlally for low and moderate income persons. The program is authorized under Title 1 of the Housing and Community Development Act of 1974, Public Law 93-383, as amended 42 U.S.C. 5301 et seq. The program was designed to reinforce several important values and principles of community development.

Threat and Hazard Identification Risk Assessment (THIRA) & Stakeholders Preparedness Review (SPR)

These two processes help communities prepare for disasters. THIRA is a risk assessment process that helps communities identify the capability targets and resource requirements necessary to address anticipated and unanticipated risks. Communities complete the THIRA every three years. SPR is an annual, three-step self-assessment of a community's capability levels based on the capability targets identified in the THIRA. Communities use the data from the THIRA process to assess their capabilities in the SPR which is then used to identify and address capability gaps related to Planning, Organization, Equipment, Training, and Exercise (POETE) areas.

Hazard Mitigation Planning

Hazard mitigation planning helps to minimize the loss of life and property damage by minimizing the impact of disasters. It begins with state, tribal and local governments identifying natural disaster risks and vulnerabilities that are common in their area. After identifying these risks, they develop long-term strategies for protecting people and property from similar events. Mitigation plans are key to breaking the cycle of disaster damage and reconstruction.

GOAL

The goal is to apply for and receive grant funding to complete our local Hazard Mitigation Plan.

COMMUNITY BENEFIT

Having a local Hazard Mitigation Plan allows our city to apply for federal grants, protects our citizens by authorizing Public Assistance (PA) funds to be dispensed in case of disaster, and brings our departments and neighboring jurisdictions today related to the hazards we all face within the City of Schertz.

SUMMARY OF RECOMMENDED ACTION

Approve Resolution 24-R-120 authorizing a contract with H2O Partners for Planning & Management Services for Local Hazard Mitigation Plans Programs.

FISCAL IMPACT

All project costs will come directly from awarded grant funding. H2O Partners will utilize management and administration fees applied to the grant in order to receive compensation for their services. Therefore, there will be no cost or fiscal impact to the City.

RECOMMENDATION

Approve Resolution 24-R-120 authorizing a contract with H2O Partners for Planning & Management Services for Local Hazard Mitigation Plans Programs.

Attachments

Bid Tab

Resolution 24-R-120 with attachments



2024-010 - Planning & Management Services for Local Hazard Mitigation Plans Program (LHMPP) Scoring Summary

Active Submissions

	Total	Responsiveness	Proposer's Qualifications, Abilities, and Reputation	Quality of Proposed Services/System	Cost
Supplier	/ 100 pts	/ 10 pts	/ 30 pts	/ 30 pts	/ 30 pts
H2O Partners	89.6	8	26.4	25.2	30
GrantWorks	80.9	8	21.6	25.2	26.1

RESOLUTION NO. 24-R-120

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING A CONTRACT WITH H2O PARTNERS FOR PLANNING AND MANAGEMENT SERVICES FOR LOCAL HAZARD MITIGATION PLANS PROGRAM AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the City of Schertz (the “City”) solicited Requests for Proposals (RFP) for grant planning and management services related to Local Hazard Mitigation Plan development, and

WHEREAS, after extensive analysis of the responses, City staff determined that H2O Partners is well qualified to provide the required services, and

WHEREAS, the City Council has determined that it is in the best interest of the city to enter into an agreement with H2O Partners.

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

Section 1. The City Council hereby authorizes the City Manager to enter into a contract attached hereto as Exhibit A with H2O Partners for grant planning and management services, to include execution and deliverance of a grant application with the State of Texas for development of a Local Hazard Mitigation Plan (HMP).

Section 2. The City Council further authorizes the City Manager to accept the grant funds (if awarded) for the development of a Local Hazard Mitigation Plan.

Section 3. The recitals contained in the preamble hereof found to be true, and such recitals are hereby made a part of this Resolution for all purposes and adopted as a part of the judgement and findings of the City Council.

Section 4. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this resolution are hereby repealed to the extent of such conflict, and the provisions of this resolution shall be and remain controlling as to the matters resolved herein.

Section 5. This resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 6. If any provision of this resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this resolution would have been enacted without such invalid provision.

Section 7. It is officially found, determined, and declared that the meeting at which this resolution 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 resolution, was given, all as required by Chapter 55}, Texas Government Code, as amended.

Section 8. This resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, This _____ day of _____ 20_____.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

EXHIBIT A

Contract with H2O Partners for Grant Planning & Management Services
Local Hazard Mitigation Planning Program (LHMPP)

CITY OF SCHERTZ
SERVICE AGREEMENT

THE STATE OF TEXAS §
§
GUADALUPE COUNTY §

This Service Agreement (“Agreement”) is made and entered by and between the City of Schertz, Texas, (the “City”) a Texas municipality, and H2O Partners, Inc. (“Contractor”).

Section 1. Duration

This Agreement shall become effective upon the date of the final signature affixed hereto and shall remain in effect through the completion of the Scope of Work as outlined in Exhibit “A” and “D” and as provided herein.

Section 2. Scope of Work

- (A) Contractor shall perform the Work as more particularly described in the Scope of Work attached hereto as Exhibit “A” and “D”. The work as described in the Scope of Work constitutes the “Project”.
- (B) The Quality of Work provided under this Agreement shall be of the level of quality performed by Contractors regularly rendering this type of service.
- (C) The Contractor shall perform its Work for the Project in compliance with all statutory, regulatory and contractual requirements now or hereafter in effect as may be applicable to the rights and obligations set forth in the Agreement.
- (D) The Contractor may rely upon the accuracy of reports and surveys provided to it by the City except when defects should have been apparent to a reasonably competent Contractor or when it has actual notice of any defects in the reports and surveys.

Section 3. Compensation

- (A) The Contractor shall be paid in full upon completion of the project or in the manner set forth in Exhibit “D” and as provided herein.
- (B) *Billing Period.* Subject to Chapter 2251, Texas Government Code (the “Prompt Payment Act”), payment is due within thirty (30) days of the City’s receipt of the Contractor’s invoice. Interest on overdue payments shall be calculated in accordance with the Prompt Payment Act.
- (C) *Reimbursable Expenses.* Any and all reimbursable expenses related to the Project shall be included in the scope of Work (Exhibit D) and accounted for in the total contract amount.
- (D) *Payments Subject to Future Appropriation.* This Agreement shall not be construed as a commitment, issue, pledge or obligation of any specific taxes or tax revenues for payment to Contractor.

- (1) All payments or expenditures made by the City under this Agreement are subject to the City's appropriation of funds for such payments or expenditures to be paid in the budget year for which they are made.
- (2) The payments to be made to Contractor, or other expenditures under this Agreement, if paid, shall be made solely from annual appropriations of the City as may be legally set aside for the implementation of Article III, Section 52-a of the Texas Constitution or Chapter 380 of the Texas Local Government Code or any other economic development or financing program authorized by statute or home rule powers of the City under applicable Texas law, subject to any applicable limitations or procedural requirements.
- (3) In the event the City does not appropriate funds in any fiscal year for payments due or expenditures under this Agreement, the City shall not be liable to Contractor for such payments or expenditures unless and until appropriation of said funds is made; provided, however, that Contractor, in its sole discretion, shall have the right but not the obligation to terminate this Agreement and shall have no obligations under this Agreement for the year in respect to which said unappropriated funds relate.
- (4) To the extent there is a conflict of this Section and any other language or covenants in this Agreement, this Section 3 shall control.

Section 4. Time of Completion

The prompt completion of the Work under the Scope of Work relates is critical to the City. Unnecessary delays in providing Work under a Scope of Work shall be grounds for dismissal of the Contractor and termination of this Agreement without any or further liability to the City other than a prorated payment for necessary, timely, and conforming work done by Contractor prior to the time of termination.

Section 5. Insurance

Before commencing work under this Agreement, Contractor shall obtain and maintain the liability insurance provided for below throughout the term of the Project plus an additional two years. Contractor shall provide evidence of such insurance to the City. Such documentation shall meet the requirements noted in Exhibit B.

Contractor shall maintain the following limits and types of insurance:

Workers Compensation Insurance: Contractor shall carry and maintain during the term of this Agreement, workers compensation and employers liability insurance meeting the requirements of the State of Texas on all the Contractor's employees carrying out the work involved in this contract.

General Liability Insurance: Contractor shall carry and maintain during the term of this Agreement, general liability insurance on a per occurrence basis with limits of liability not less than \$1,000,000 for each occurrence and for fire damage. For Bodily Injury and Property Damage, coverage shall be no less than \$1,000,000. As a minimum, coverage for Premises, Operations, Products and Completed Operations shall be \$2,000,000. This coverage shall protect the public or any person from injury or property damages sustained by reason of the Contractor or its employees

carrying out the work involved in this Agreement. The general aggregate shall be no less than \$2,000,000.

Automobile Liability Insurance: Contractor shall carry and maintain during the term of this Agreement, automobile liability insurance with either a combined limit of at least \$1,000,000 per occurrence for bodily injury and property damage or split limits of at least \$1,000,000 for bodily injury per person per occurrence and \$1,000,000 for property damage per occurrence. Coverage shall include all owned, hired, and non-owned motor vehicles used in the performance of this contract by the Contractor or its employees.

Subcontractor: In the case of any work sublet, the Contractor shall require subcontractor and independent contractors working under the direction of either the Contractor or a subcontractor to carry and maintain the same workers compensation and liability insurance required of the Contractor.

Qualifying Insurance: The insurance required by this Agreement shall be written by non-assessable insurance company licensed to do business in the State of Texas and currently rated "B+" or better by the A.M. Best Companies. All policies shall be written on a "per occurrence basis" and not a "claims made" form.

Evidence of such insurance shall be attached as Exhibit "C".

Failure of Certificate Holder to demand a certificate or other evidence of full compliance with these insurance requirements or failure of Certificate Holder to identify a deficiency from evidence that is provided will not be construed as a waiver of Insured's obligation to maintain such insurance.

Section 6. Miscellaneous Provisions

- (A) *Subletting.* The Contractor shall not sublet or transfer any portion of the work under this Agreement or any Scope of Work issued pursuant to this Agreement unless specifically approved in writing by the City, which approval shall not be unreasonably withheld. Subcontractors shall comply with all provisions of this Agreement and the applicable Scope of Work. The approval or acquiescence of the City in the subletting of any work shall not relieve the Contractor of any responsibility for work done by such subcontractor.
- (B) *Compliance with Laws.* The Contractor shall comply with all federal, state and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts, administrative, or regulatory bodies in any matter affecting the performance of this Agreement, including, without limitation, worker's compensation laws, minimum and maximum salary and wage statutes and regulations, and licensing laws and regulations. When required, the Contractor shall furnish the City with satisfactory proof of compliance.
- (C) *Independent Contractor.* Contractor acknowledges that Contractor is an independent contractor of the City and is not an employee, agent, official or representative of the City. Contractor shall not represent, either expressly or through implication, that Contractor is an employee, agent, official or representative of the City. Income taxes, self-employment taxes, social security taxes and the like are the sole responsibility of the Contractor.
- (D) *Non-Collusion.* Contractor represents and warrants that Contractor has not given, made, promised or paid, nor offered to give, make, promise or pay any gift, bonus, commission, money or other consideration to any person as an inducement to or in order to obtain the work

to be provided to the City under this Agreement. Contractor further agrees that Contractor shall not accept any gift, bonus, commission, money, or other consideration from any person (other than from the City pursuant to this Agreement) for any of the Work performed by Contractor under or related to this Agreement. If any such gift, bonus, commission, money, or other consideration is received by or offered to Contractor, Contractor shall immediately report that fact to the City and, at the sole option of the City, the City may elect to accept the consideration for itself or to take the value of such consideration as a credit against the compensation otherwise owing to Contractor under or pursuant to this Agreement.

(E) *Force Majeure.* If the performance of any covenant or obligation to be performed hereunder by any party is delayed as a result of circumstances which are beyond the reasonable control of such party (which circumstances may include, without limitation, pending litigation, acts of God, war, acts of civil disobedience, fire or other casualty, shortage of materials, adverse weather conditions [such as, by way of illustration and not of limitation, severe rain storms or below freezing temperatures, or tornados] labor action, strikes or similar acts, moratoriums or regulations or actions by governmental authorities), the time for such performance shall be extended by the amount of time of such delay, but no longer than the amount of time reasonably occasioned by the delay. The party claiming delay of performance as a result of any of the foregoing force majeure events shall deliver written notice of the commencement of any such delay resulting from such force majeure event not later than seven (7) days after the claiming party becomes aware of the same, and if the claiming party fails to so notify the other party of the occurrence of a force majeure event causing such delay and the other party shall not otherwise be aware of such force majeure event, the claiming party shall not be entitled to avail itself of the provisions for the extension of performance contained in this subsection.

(F) *Conflict of Terms.*

Scope of work:

In the case of any conflicts between the terms of this Agreement within the Scope of Work, this Agreement shall govern. The Scope of Work is intended to detail the technical scope of Work, fee schedule, and contract time only and shall not dictate Agreement terms.

Other Agreements between parties:

In the case of any conflicts between the terms of this Agreement and wording contained within any other attachment, amendment, and agreement executed between the parties in conjunction with this Agreement, this Agreement shall govern.

(G) *Non-Boycott of Israel.* Pursuant to Section 2270.002 of the Texas Government Code, Contractor certifies that either (i) it meets an exemption criterion under Section 2270.002; or (ii) it does not boycott Israel and will not boycott Israel during the term of the contract resulting from this solicitation. Contractor shall state any facts that make it exempt from the boycott certification as an attachment to this agreement.

Relevant definitions from the bill:

"Company" means a for-profit sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company,

or affiliate of those entities or business associations that exists to make a profit.

"Boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes.

- (H) *Access to Premises.* Authorized representatives of the Contractor will be allowed access to the facilities on City premises at reasonable times to perform the obligations of the Contractor regarding such facilities. Contractor shall adhere to all City rules, regulations, and guidelines while on City property. It is expressly understood that the City may limit or restrict the right of access herein granted in any manner considered necessary (e.g., national security, public safety).

Section 7. Termination

(A) This Agreement may be terminated:

- (1) By the mutual agreement and consent of both Contractor and City;
- (2) By either party, upon the failure of the other party to fulfill its obligations as set forth in either this Agreement or a Scope of Work issued under this Agreement;
- (3) By the City, immediately upon notice in writing to the Contractor, as consequence of the failure of Contractor to perform the Work contemplated by this Agreement in a timely or satisfactory manner;
- (4) By the City, at will and without cause upon not less than ten (10) days written notice to the Contractor.

- (B) If the City terminates this Agreement pursuant to subsection 7(A)(2) or (3), above, the Contractor shall not be entitled to any fees or reimbursable expenses other than the fees and reimbursable expenses then due and payable as of the time of termination and only then for those Work that have been timely and adequately performed by the Contractor considering the actual costs incurred by the Contractor in performing work to date of termination, the value of the work that is nonetheless usable to the City, the cost to the City of employing another Contractor to complete the work required and the time required to do so, and other factors that affect the value to the City of the work performed at time of termination. In the event of termination not the fault of the Contractor, the Contractor shall be compensated for all basic, special, and additional Work actually performed prior to termination, together with any reimbursable expenses then due.

Section 8. Indemnification

CONTRACTOR AGREES TO INDEMNIFY AND HOLD THE CITY OF SCHERTZ, TEXAS AND ALL OF ITS PRESENT, FUTURE AND FORMER AGENTS, EMPLOYEES, OFFICIALS AND REPRESENTATIVES HARMLESS IN THEIR OFFICIAL, INDIVIDUAL AND REPRESENTATIVE CAPACITIES FROM ANY AND ALL CLAIMS, DEMANDS, CAUSES OF ACTION, JUDGMENTS, LIENS AND EXPENSES (INCLUDING

ATTORNEY'S FEES, WHETHER CONTRACTUAL OR STATUTORY), COSTS AND DAMAGES (WHETHER COMMON LAW OR STATUTORY), COSTS AND DAMAGES (WHETHER COMMON LAW OR STATUTORY, AND WHETHER ACTUAL, PUNITIVE, CONSEQUENTIAL OR INCIDENTAL), OF ANY CONCEIVABLE CHARACTER, FOR INJURIES TO PERSONS (INCLUDING DEATH) OR TO PROPERTY (BOTH REAL AND PERSONAL) CREATED BY, ARISING FROM OR IN ANY MANNER RELATING TO THE WORK OR GOODS PERFORMED OR PROVIDED BY CONTRACTOR – EXPRESSLY INCLUDING THOSE ARISING THROUGH STRICT LIABILITY OR UNDER THE CONSTITUTIONS OF THE UNITED STATES.

Section 9. Notices

Any notice required or desired to be given from one party to the other party to this Agreement shall be in writing and shall be given and shall be deemed to have been served and received (whether actually received or not) if (i) delivered in person to the address set forth below; (ii) deposited in an official depository under the regular care and custody of the United States Postal Service located within the confines of the United States of America and sent by certified mail, return receipt requested, and addressed to such party at the address hereinafter specified; or (iii) delivered to such party by courier receipted delivery. Either party may designate another address within the confines of the continental United States of America for notice, but until written notice of such change is actually received by the other party, the last address of such party designated for notice shall remain such party's address for notice.

Section 10. No Assignment

Neither party shall have the right to assign that party's interest in this Agreement without the prior written consent of the other party.

Section 11. Severability

If any term or provision of this Agreement is held to be illegal, invalid or unenforceable, the legality, validity or enforceability of the remaining terms or provisions of this Agreement shall not be affected thereby, and in lieu of each such illegal, invalid or unenforceable term or provision, there shall be added automatically to this Agreement a legal, valid or enforceable term or provision as similar as possible to the term or provision declared illegal, invalid or unenforceable.

Section 12. Waiver

Either City or the Contractor shall have the right to waive any requirement contained in this Agreement that is intended for the waiving party's benefit, but, except as otherwise provided herein, such waiver shall be effective only if in writing executed by the party for whose benefit such requirement is intended. No waiver of any breach or violation of any term of this Agreement shall be deemed or construed to constitute a waiver of any other breach or violation, whether concurrent or subsequent, and whether of the same or of a different type of breach or violation.

Section 13. Governing Law; Venue

This Agreement and all of the transactions contemplated herein shall be governed by and construed in accordance with the laws of the State of Texas. The provisions and obligations of this Agreement are performable in Guadalupe County, Texas such that exclusive venue for any action arising out of this Agreement shall be in Guadalupe County, Texas.

Section 14. Paragraph Headings; Construction

The paragraph headings contained in this Agreement are for convenience only and shall in no way

enlarge or limit the scope or meaning of the various and several paragraphs hereof. Both parties have participated in the negotiation and preparation of this Agreement and this Agreement shall not be construed either more or less strongly against or for either party.

Section 15. Binding Effect

Except as limited herein, the terms and provisions of this Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, devisees, personal and legal representatives, successors and assigns.

Section 16. Gender

Within this Agreement, words of any gender shall be held and construed to include any other gender, and words in the singular number shall be held and construed to include the plural, unless the context otherwise requires.

Section 17. Counterparts

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, and all of which shall constitute but one and the same instrument.

Section 18. Exhibits & Attachments

All exhibits and attachments to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

Section 19. Entire Agreement

It is understood and agreed that this Agreement contains the entire agreement between the parties and supersedes any and all prior agreements, arrangements or understandings between the parties relating to the subject matter. No oral understandings, statements, promises or inducements contrary to the terms of this Agreement exist. This Agreement cannot be changed or terminated orally.

Section 20. Relationship of Parties

Nothing contained in this Agreement shall be deemed or construed by the parties hereto or by any third party to create the relationship of principal and agent or of partnership or of joint venture or of any association whatsoever between the parties, it being expressly understood and agreed that no provision contained in this Agreement nor any act or acts of the parties hereto shall be deemed to create any relationship between the parties other than the relationship of independent parties contracting with each other solely for the purpose of effecting the provisions of this Agreement.

Section 21. Right To Audit

City shall have the right to examine and audit the books and records of Contractor with regards to the work described in Exhibit A and D, or any subsequent changes, at any reasonable time. Such books and records will be maintained in accordance with generally accepted principles of accounting and will be adequate to enable determination of: (1) the substantiation and accuracy of any payments required to be made under this Agreement; and (2) compliance with the provisions of this Agreement.

Section 22. Dispute Resolution

In accordance with the provisions of Subchapter I, Chapter 271, TEX. LOCAL GOV'T CODE, the parties agree that, prior to instituting any lawsuit or other proceeding arising from a dispute under

this agreement, the parties will first attempt to resolve the dispute by taking the following steps: (1) A written notice substantially describing the nature of the dispute shall be delivered by the dissatisfied party to the other party, which notice shall request a written response to be delivered to the dissatisfied party not less than 5 days after receipt of the notice of dispute. (2) If the response does not reasonably resolve the dispute, in the opinion of the dissatisfied party, the dissatisfied party shall give notice to that effect to the other party whereupon each party shall appoint a person having authority over the activities of the respective parties who shall promptly meet, in person, in an effort to resolve the dispute. (3) If those persons cannot or do not resolve the dispute, then the parties shall each appoint a person from the highest tier of managerial responsibility within each respective party, who shall then promptly meet, in person, in an effort to resolve the dispute.

Section 23. Disclosure of Business Relationships/Affiliations; Conflict of Interest Questionnaire

Contractor represents that it is in compliance with the applicable filing and disclosure requirements of Chapter 176 of the Texas Local Government Code.

Certificate of Interested Parties

Effective January 1, 2016, pursuant to House Bill 1295 passed by the 84th Texas Legislature (Section 2252.908, Texas Government Code, as amended) and formal rules released by the Texas Ethics Commission (TEC), all contracts with private business entities requiring approval by the Schertz City Council will require the on-line completion of Form 1295 "Certificate of Interested Parties." Form 1295 is also required for any and all contract amendments, extensions or renewals. Contractors are required to complete and file electronically with the Texas Ethics Commission using the online filing application.

Please visit the State of Texas Ethics Commission website, https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm and <https://www.ethics.state.tx.us/tec/1295-Info.htm> for more information.

IF YOU HAVE ANY QUESTIONS ABOUT COMPLIANCE, PLEASE CONSULT YOUR OWN LEGAL COUNSEL. COMPLIANCE IS THE INDIVIDUAL RESPONSIBILITY OF EACH PERSON OR AGENT OF A PERSON WHO IS SUBJECT TO THE FILING REQUIREMENT. AN OFFENSE UNDER CHAPTER 176 IS A CLASS C MISDEMEANOR.

[The remainder of this page is intentionally left blank.]

EXECUTED on this the _____ day of _____, 20__.

CITY:

CONTRACTOR:

By: _____
Name: Steve Williams
Title: City Manager

By: _____
Name: _____
Title: _____

ADDRESS FOR NOTICE:

CITY:

CONTRACTOR:

City of Schertz
Attn: Steve Williams, City Manager
1400 Schertz Parkway
Schertz, Texas 78154

H2O Partners, Inc.
Attn: Julie Wickert
260 Addie Roy Road, Suite 150
Austin, TX 78746

Exhibit “A”

SCOPE OF WORK

Project Scope

Contractor will help the City fulfill State and Federal Community Development Block Grant Mitigation ("CDBG-MIT") statutory responsibilities related to recovery in connection with any federally declared disaster. Contractor will develop application(s) for the funding for CDBG-MIT Local Hazard Mitigation Plan Program (LHMPP).

Contractor will assist the City in completion of LHMPP qualified projects. Contractor will be qualified to provide Grant Administration services for LHMPP qualified projects including possible update of the City’s hazard mitigation plan. Grant administrative services will be performed in compliance with the U.S. Department of Housing and Urban Development ("HUD") and guidelines issued by the GLO.

The contract for grant administration services is contingent upon the receipt of CDBG- MIT funds and, if no such funds are awarded, this contract shall terminate.

Services and pricing are further outlined in Contractor’s proposal and is attached in part herein as Exhibit “D.”

Exhibit “B”

REQUIREMENTS FOR ALL INSURANCE DOCUMENTS

The Contractor shall comply with each and every condition contained herein. The Contractor shall provide and maintain the minimum insurance coverage set forth below during the term of its agreement with the City. Any Subcontractor(s) hired by the Contractor shall maintain insurance coverage equal to that required of the Contractor. It is the responsibility of the Contractor to assure compliance with this provision. The City of Schertz accepts no responsibility arising from the conduct, or lack of conduct, of the Subcontractor.

INSTRUCTIONS FOR COMPLETION OF INSURANCE DOCUMENT

With reference to the foregoing insurance requirements, Contractor shall specifically endorse applicable insurance policies as follows:

1. The City of Schertz shall be named as an additional insured with respect to General Liability and Automobile Liability **on a separate endorsement.**
2. A waiver of subrogation in favor of The City of Schertz shall be contained in the Workers Compensation and all liability policies and must be provided **on a separate endorsement.**
3. All insurance policies shall be endorsed to the effect that The City of Schertz will receive at least thirty (30) days written notice prior to cancellation or non-renewal of the insurance.
4. All insurance policies, which name The City of Schertz as an additional insured, must be endorsed to read as primary and non-contributory coverage regardless of the application of other insurance.
5. **Chapter 1811 of the Texas Insurance Code, Senate Bill 425 82(R) of 2011, states that the above endorsements cannot be on the certificate of insurance. Separate endorsements must be provided for each of the above.**
6. All insurance policies shall be endorsed to require the insurer to immediately notify The City of Schertz of any material change in the insurance coverage.
7. All liability policies shall contain no cross liability exclusions or insured versus insured restrictions.
8. Required limits may be satisfied by any combination of primary and umbrella liability insurances.
9. Contractor may maintain reasonable and customary deductibles, subject to approval by The City of Schertz.
10. Insurance must be purchased from insurers having a minimum AmBest rating of B+.
11. All insurance must be written on forms filed with and approved by the Texas Department of Insurance. (ACORD 25 2010/05). Coverage must be written on an occurrence form.
12. Contractual Liability must be maintained covering the Contractors obligations contained in the contract. Certificates of Insurance shall be prepared and executed by the insurance company or its authorized agent and shall contain provisions representing and warranting all endorsements and insurance coverages according to requirements and instructions contained herein.
13. Upon request, Contractor shall furnish The City of Schertz with certified copies of all insurance policies.
14. A valid certificate of insurance verifying each of the coverages required above shall be issued directly to the City of Schertz within ten (10) business days after contract award and prior to starting any work by the successful Contractor’s insurance agent of record or insurance company. Also, prior to the start of any work and at the same time that the Certificate of Insurance is issued and sent to the City of Schertz, all required endorsements identified in sections A, B, C and D, above shall be sent to the City of Schertz. The certificate of insurance and endorsements shall be sent to:

**City of Schertz
Purchasing Department
1400 Schertz Parkway
Schertz, TX 78154**

**emailed to: purchasing@schertz.com
Faxed to: 210-619-1169**



CERTIFICATE OF LIABILITY INSURANCE

A

DATE (MM/DD/YYYY)
01/01/1000

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER ABC Insurance Agency 655 Main Street Tampa, FL 33333-0000	CONTACT NAME: _____ PHONE (Area No., Ext): _____ FAX (Area No., Ext): _____ ADDRESS: _____													
	<table border="1"> <thead> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A: Insurance Carrier</td> <td>00000</td> </tr> <tr> <td>INSURER B: Insurance Carrier</td> <td>00000</td> </tr> <tr> <td>INSURER C: Insurance Carrier</td> <td>00000</td> </tr> <tr> <td>INSURER D: Insurance Carrier</td> <td>00000</td> </tr> <tr> <td>INSURER E: Insurance Carrier</td> <td>00000</td> </tr> <tr> <td>INSURER F: Insurance Carrier</td> <td>00000</td> </tr> </tbody> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: Insurance Carrier	00000	INSURER B: Insurance Carrier	00000	INSURER C: Insurance Carrier	00000	INSURER D: Insurance Carrier	00000	INSURER E: Insurance Carrier	00000	INSURER F: Insurance Carrier
INSURER(S) AFFORDING COVERAGE	NAIC #													
INSURER A: Insurance Carrier	00000													
INSURER B: Insurance Carrier	00000													
INSURER C: Insurance Carrier	00000													
INSURER D: Insurance Carrier	00000													
INSURER E: Insurance Carrier	00000													
INSURER F: Insurance Carrier	00000													
INSURED XYZ Company 123 Apple Street Tampa, FL 22222-0000														

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

TYPE OF INSURANCE	ADDL SUBR (Y/N)	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GENL AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC	Y Y	X123456	01/01/1000	01/01/1000	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 6,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMMOP AGG \$ 1,000,000
AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWN AUTOS	Y Y	123456789	01/01/1000	01/01/1000	COEXISTED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Pw person) \$ BODILY INJURY (Pw accident) \$ PROPERTY DAMAGE (Pw accident) \$
<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB DED RETENTION \$	Y Y				EACH OCCURRENCE \$ AGGREGATE \$
WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICEMEMBER EXCLUDED? (Mandatory in HI) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A	01234	01/01/1000	01/01/1000	<input checked="" type="checkbox"/> NO STATUTORY LIMITS E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
<input checked="" type="checkbox"/> Builder's Risk <input type="checkbox"/> Professional Services	Y Y	123456	01/01/1000	01/01/1000	100% Insurable Value, replacement cost basis \$1,000,000 each claim / \$1,000,000 aggregate

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedules, if more space is required)

Effective January 1, 2012 must be compliant with Chapter 1811, Tex. Ins. Code (SB 426 enacted by Texas Legislature 82(7) session in 2011).

CERTIFICATE HOLDER City of Schertz 1400 Schertz Parkway Schertz, Tx 78154 Attn: Purchasing Dept.	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE AUTHORIZED SIGNATURE REQUIRED HERE
---	--

(Instructions for completing and submitting a certificate to the City of Schertz)

Complete the certificate of insurance with the information listed below:

- A) Certificate of Insurance date
- B) Producer (Insurance Agency) Information – complete name, address, telephone information, & email address.
- C) Insured's (Insurance Policy Holder) Information – complete name & address information
- D) Insurer (name/names of insurance company) ******(Remember the city requires all insurance companies to be Authorized to do business in the State of Texas be rated by A.M. Best with a rating of B+ (or better) Class VI (or higher) or otherwise be acceptable to the City if not rated by A.M. Best)
- E) NAIC # (National Association of Insurance Commissioners, a # that is assigned by the State to all insurance companies)
- F) Insurer letter represents which insurance company provides which type of coverage from D
- G) General Liability Insurance Policy – must have an (x) in box. Also, "Occurrence" type policy – must have an (x) in the box (occurrence policy preferred but claims made policy can be accepted with special approval)
- H) This section shall be filled in with "Y" for yes under Additional Insured for all coverages, except for Contractor Liability and Workers' Compensation. There shall also be a "Y" for yes under all coverages for subrogation waived.
- I) Automobile Liability Insurance – must be checked for Any Auto, All Owned Autos, Hired Autos
- J) Umbrella Coverage – must be checked in this section and by occurrence whenever it is required by written contract and in accordance with the contract value.
- K) Worker's Compensation and Employers Liability Insurance – information must be completed in this section of the certificate of insurance form (if applicable).
- L) Builder's Risk Policy – for construction projects as designated by the City of Schertz.
Professional Liability Coverage – for professional services if required by the City of Schertz.
- M) Insurance Policy #'s
- N) Insurance policy effective dates (always check for current dates)
- O) Insurance Policy limits (See Insurance Requirements Checklist)
- P) This section is to list projects, dates of projects, or location of project. Endorsements to the insurance policy(ies) must be provided separately and not in this section. The following endorsements are required by the City of Schertz.
 - (1) Adding the City of Schertz as an additional insured. The "additional insured" endorsement is not required for professional liability and workers compensation insurance; and
 - (2) Waiver of Subrogation
 - (3) Primary and Non-Contributory
 - (4) Cancellation Notice
- Q) City of Schertz's name and address information must be listed in this section
- R) Notice of cancellation, non-renewal, or material change to the insurance policy(ies) must be provided to the City of Schertz in accordance with a cancellation notice endorsement to the policy and/or per the policy provisions based on the endorsement adding the city as an additional insured. (Sec. 1811.155, Tex. Ins. Code)
- S) The certificate must be signed by the Authorized Agent in this section of the certificate form.

Exhibit “C”

EVIDENCE OF INSURANCE



CERTIFICATE OF LIABILITY INSURANCE

Acct#: 2282449

DATE (MM/DD/YYYY)
10/01/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Lockton Companies, LLC 3657 Briarpark Dr., Suite 700 Houston, TX 77042	CONTACT NAME:	
	PHONE (A/C, No, Ext): 888-828-8365	FAX (A/C, No):
E-MAIL ADDRESS: INSPERTYCERTS@LOCKTONAFFINITY.COM		
INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A: Indemnity Insurance Co. of North America		43575
INSURER B:		
INSURER C:		
INSURER D:		
INSURER E:		
INSURER F:		

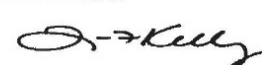
COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ OTHER \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ OTHER \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED: RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ OTHER \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	C55797468	10/01/2023	10/01/2024	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER**CANCELLATION**

SAMPLE 260 ADDIE ROY RD., STE. 150 AUSTIN, TX 78746	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

ACORD 25 (2016/03)

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Exhibit “D”

H2O PARTNER PROPOSAL

Proposed Scope of Services Elements to Be Performed

H2O Partners proposes to complete the LHMPP application for the City of Schertz and, upon award, complete the Update of the City's Hazard Mitigation Plan. The City of Schertz's hazard mitigation initiative will benefit from H2O Partners' experience, expertise, and proven technical approach. The summarized technical approach presented in **H2O's Service Approach section** is designed to best serve City residents.

Capacity to Perform

Ample Capacity

H2O has the experience, organizational capacity, and financial stability to reliably deliver on all contract obligations for the City of Schertz's Hazard Mitigation Plan Update project in a timely manner. To fulfill the requirements of the project, H2O Partners will provide expert and professional staff to perform all tasks. These staff members will provide technical assistance and attend all required meetings.

Our proposed project team has ample experience drafting and executing Hazard Mitigation Plans across multiple public sector accounts including for city and county governments, school districts, state agencies, stakeholder groups, councils of governments, and river authorities. This cohesive team has a successful track record of working collaboratively with each other and each jurisdiction to produce timely, accurate Hazard Mitigation Plans and Updates.

Resumes of Assigned Staff

The following resumes of H2O staff show experience with the CDBG-MIT/CDBG-DR program, FEMA Hazard Mitigation grant development and management, and hazard mitigation plan development. Each staff member listed here is a current H2O Partners employee.

Substantiating Resources and Ability

H2O Partners has the needed resources and ability to carry out the scope of work within the proposed timeline. We have a past relationship with the City of Schertz, having worked with the City in the development of Bexar County's previous Hazard Mitigation Plan. We are located in nearby Austin, Texas and have developed plans and plan updates for the majority of the State's counties. We are deeply aware of the present environments and likely future developments for entities similar in nature to the City of Schertz.

Approach To Project Services

H2O's Service Approach

Developing the LHMPP Application (Pre-Funding Services)

The CDBG-MIT Local Hazard Mitigation Plan Program (LHMPP) provides grants to eligible local jurisdictions to develop or update their Hazard Mitigation Plans. CDBG-MIT funds are administered through HUD and implemented through the Texas General Land Office. The Hazard Mitigation Plan will be reviewed and approved by the Texas Division of Emergency Management and FEMA.

H2O Partners has extensive experience in developing LHMPP applications, and we have a 100% success rate gaining funding for our clients through this program. H2O Partners will address all elements of the LHMPP application and provide technical assistance to the City of Schertz, completing the following tasks:

- Develop a detailed narrative statement and scope of work;
- Identify hazards and historical occurrences;
- Complete a detailed budget;
- Detail the proposed work schedule;
- Complete State and Federal assurance forms;
- Conduct correspondence with GLO; and
- Revise the application if requested by GLO.

Creating the Hazard Mitigation Plan (Post-Funding Services)

Upon GLO approval of the LHMPP planning application and completion of a contract, H2O will begin the development of the City of Schertz's Hazard Mitigation Plan. In close coordination with City leadership, H2O Partners will develop a plan that complies with the requirements set forth in the Request for Proposals (RFP). **The plan will include all required elements, as defined in the FEMA Local Mitigation Planning Policy Guide (April 2023). It will meet or exceed the final rule for local mitigation planning found in 44 CFR, Section 201 and will attain FEMA approval and meet the guidelines issued by TDEM.**

Engaging local stakeholders early in the planning process, H2O will work with community leaders and residents to assess natural hazards that coordinate with the current FEMA-approved State of Texas Hazard Mitigation Plan. The plan will adequately address all natural hazards with any probability of occurrence in the City and will reflect its current disaster recovery goals.



Established methodology. H2O Partners will tailor our phased methodology to meet The City of Schertz’s needs, providing hands-on service from kickoff through plan adoption

H2O’s established **planning methodology** manages the process in a series of tasks, some of which overlap, condensing the timeframe required to reach plan completion.

Task One – Project Overview and Data Collection; Maintaining Communication on Plan Development

Task One begins with Planning Team organization, developing the plan format, and beginning the development and documentation of the Planning Process. H2O will work with the City and participating jurisdictions to develop the Planning Team, which will include at a minimum elected local officials, representatives from nonprofit organizations, representatives from key departments, and other local stakeholders. The first of three public workshops, the **Kick-off Workshop**, will be held as a forum to discuss the plan requirements, timetable, proposed strategy, public participation, and gather feedback to help refine the process.

Task Two – Involving Internal Partners, External Partners, the Community, and Stakeholders

In Task Two, H2O Partners will develop and implement a public engagement strategy and a public outreach plan for public and stakeholder involvement that will describe methods utilized by the Planning Team to ensure the public has multiple opportunities to participate in the planning process. Outreach will include surveys, press releases, website and social media postings, and multiple public meetings and workshops held throughout the planning process to solicit input. Ongoing outreach to local elected officials, the media, and the public will help ensure that the federal and state public participation requirements are fully met and the community is notified of progress. A **Hazard Survey** will be developed and distributed at public meetings and posted on relevant City websites. The survey will seek information from the public about hazards that have impacted them in the past and those that they feel will have the greatest impact in the future. Surveys results will be compiled and included in the Plan.

Task Three – Capability Assessment

The **capability assessment** inventories all relevant plans and analyzes the capacity to integrate these planning mechanisms into a comprehensive mitigation strategy. Careful examination of local capabilities will detect any existing gaps, shortfalls or weaknesses with ongoing government activities that could hinder proposed mitigation activities and possibly exacerbate community hazard vulnerability. The capability assessment will also highlight the positive

mitigation measures already in place or being implemented, which should continue to be supported and enhanced through future mitigation efforts.

Task Four – Risk Assessment

H2O Partners will collect the best available data to complete the **risk assessment**. This includes reviewing the hazard data from the State of Texas Hazard Mitigation Plan, relevant and available maps, existing and nearby plans, studies and reports, and other references. Local anecdotes of significant hazard events within the past five years will also be researched as part of the data collection process.

H2O Partners will review any existing Hazard Analysis, verifying existing hazards and identifying additional hazards including but not limited to floods, flash floods, tornadoes, windstorms, extreme heat, grass or wildland fires, severe winter storms, dam/levee failure, drought, earthquakes, , expansive soils, hailstorms, and lightning. **Since 1953 the City of Schertz has been included in 29 Presidential Disaster Declarations, with most due to hurricanes and wildfire impacts.**

The development of hazard and damage profiles is an important step in evaluating the changed frequency and impact of risks for the Planning Area. H2O Partners' skilled personnel will conduct a statistical analysis to relate frequency to intensity. This will allow an analysis of variations of intensity within each type of hazard event and determine the probability and frequency of future events. A Risk Assessment workshop will be held to gather input from the Planning Team and the public.

Where necessary or previously unavailable, H2O Partners will produce a series of **natural hazard maps** to demonstrate historical occurrences. These maps will provide a spatial understanding including the location and extent of hazard intensity. Geo-spatial tools such as ArcGIS will be utilized to produce customized maps for hazards with a defined boundary such as flood and wildfire hazards. H2O Partners will produce all maps included in the plan at the local level to ensure sufficient detail is conveyed for each hazard.

Task Five – Vulnerability Assessment

H2O Partners will conduct an up-to-date **vulnerability analysis** to determine the potential for detrimental impacts of hazards on critical facilities, general building stock, lifelines and infrastructure, populations and economic and financial assets.

Task Six – Develop Mitigation Strategies, Actions, and Objectives; Plan Maintenance

H2O will work with the Planning Team and stakeholders to identify mitigation goals, objectives, and specific mitigation actions. The **Mitigation Strategy Workshop** will include a discussion of the status of pre-and post-disaster hazard management policies, programs and capabilities to mitigate hazards in the areas, and develop strategies. Strategies will be consistent with parameters identified in the capability assessment and will identify and prioritize action items related to continued compliance with NFIP.

Task Seven – Finalize and Submit the Mitigation Action Plan

H2O will provide a draft of the plan to the Planning Team for review and comments. All Planning Team members will be asked to review the plan and provide comments. Once all

revisions are received and incorporated, H2O will complete and submit the **FEMA review tool** along with a draft of the plan to the Texas Division of Emergency Management (TDEM) for review. The Planning Team will receive notice and a digital copy of the draft plan once submitted to TDEM. After TDEM conducts its initial evaluation of the Plan, they will forward the plan to FEMA Region VI in Denton, Texas for review and approval. Once FEMA approves the Plan, it becomes 'Approvable Pending Adoption' or (APA). H2O Partners will continue to assist in planning efforts until all adoption resolutions are received and returned to TDEM.

H2O Partners will work with the Planning Team to develop a Plan Review section that will include a schedule for monitoring, evaluating, and updating the Plan and identify the elements or processes that will be employed. The Plan Review section will describe the method and schedule to be used over the next five years to monitor, evaluate, and update the Plan, including a description of how the City, participating jurisdictions, stakeholders and public will remain involved during the plan maintenance process. The Plan Review section will also include a description of the process and procedures by which the City and participating jurisdictions can incorporate the requirements of the plan into other planning mechanisms such as comprehensive or capital improvement plans, when appropriate.

Start Date for Proposed Services

H2O Partners has allocated ample resources and is ready to begin work on developing The City of Schertz's grant application immediately upon signing a contract with the City. Having developed CDBG MIT applications and Hazard Mitigation Plans and Plan Updates throughout FEMA Region 6, the staff at H2O Partners is intimately familiar with FEMA, TDEM, and GLO guidelines and regulations. We have a successful track record with GLO's CDBG-MIT LHMPP and assure The City of Schertz of a compliant and effective grant application and Plan Update.

Key Dates and Milestones

Time Frame for Identified Tasks

Having developed Hazard Mitigation Plans and Plan Updates throughout FEMA Region 6, the staff at H2O Partners is intimately familiar with FEMA and TDEM guidelines and regulations. H2O Partners strives to ensure that plans receive an expedited review process by organizing them according to the grading schedule for TDEM and FEMA reviewers, removing unnecessary information, and including narrative to make charts and tables understandable.

The timeline below presents a preliminary schedule for completion of the City of Schertz's Hazard Mitigation Plan Update project. Upon contract award, H2O Partners will work with the City to refine this preliminary schedule. Plan approval dates are set by TDEM and FEMA.

Month	Service/Deliverables
July – August 2024	ORGANIZE HAZARD MITIGATION LOCAL PLANNING TEAM AND PROCESS: Organize Hazard Mitigation Local Planning Team and develop planning process and goals; develop capability assessment and conduct kick-off workshops and public meeting
September – October 2024	DEVELOP RISK AND VULNERABILITY ASSESSMENT: Identify/review hazards and develop risk assessment report and GIS maps; finalize risk and vulnerability assessment; conduct risk workshop and public meeting
November – December 2024	CONDUCT MITIGATION STRATEGY DEVELOPMENT: Incorporate information from risk and capability assessment; review/analyze previous mitigation actions; conduct mitigation workshops and public meeting; develop and prioritize mitigation actions
January – April 2025	DRAFT PLAN: Develop draft of Plan; submit to Hazard Mitigation Local Planning Team for approval; incorporate edits
April – June 2025	FINALIZE AND MAINTAIN PLAN: Finalize and submit plan to TDEM for review and approval; submit to FEMA
July – September 2025	FINAL APPROVAL: FEMA Approval Pending Adoption (APA); City Council approval; adoption by the City of Schertz and participating jurisdictions

Project Management Methodology

Our proven organizational structure provides a management hierarchy that assures the quality and timeliness of all deliverables at each project stage. For each phase in the planning process, a technical reviewer validates that all data received from the planning team is incorporated into the plan and that the plan meets all requirements. Ample project oversight and rigorous quality assurance reviews result in plans that are delivered on time with a 100 percent approval

rate from TDEM and FEMA. We continually review our business processes for improvement, strongly considering feedback from clients.

Cost controls include the allocation of the appropriate personnel to each task to optimize the quality of each deliverable while containing costs. To ensure cost transparency, H2O Partners provides a timeline as well as a cost breakdown by task.

Project Roles and Responsibilities

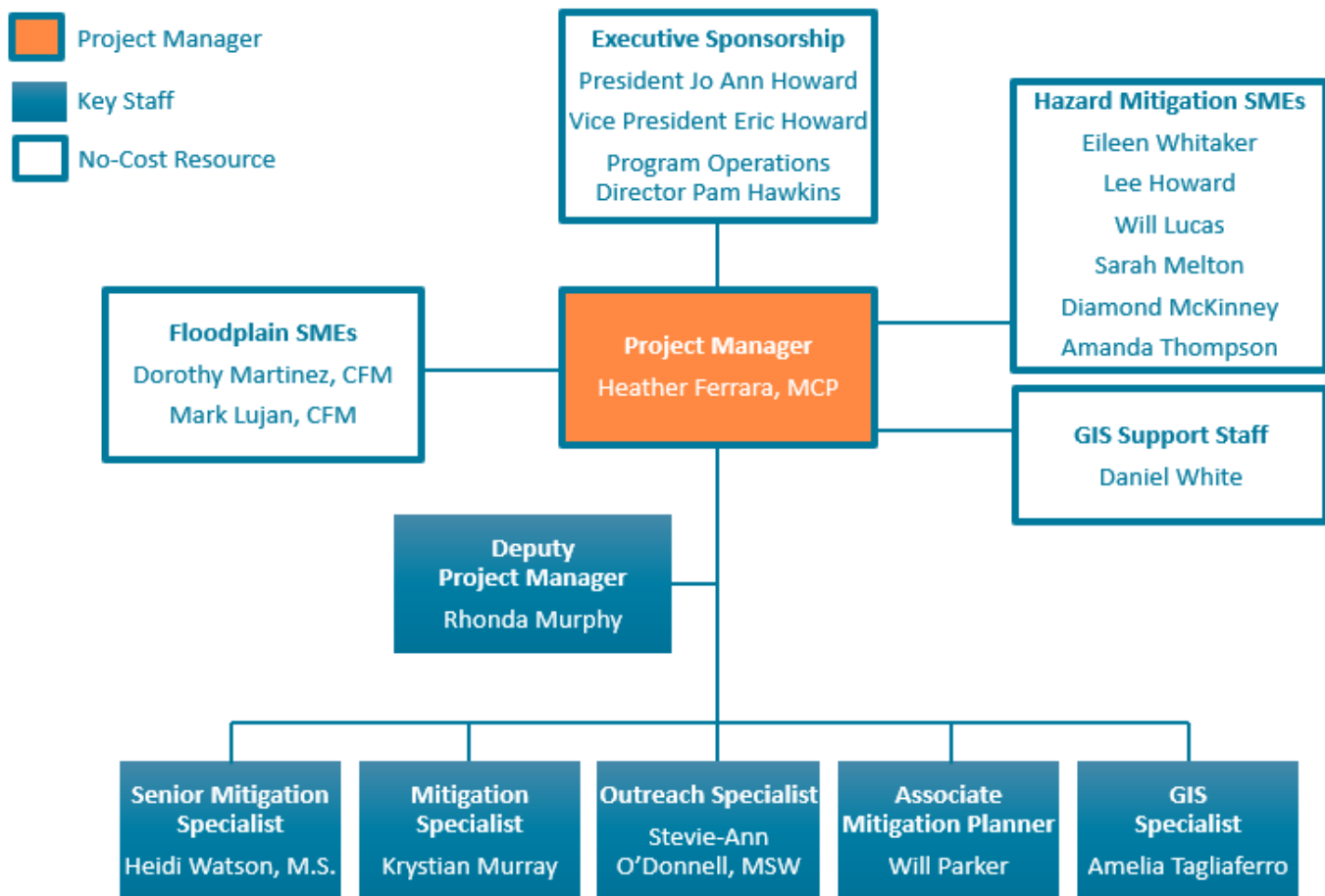
H2O Partners has assigned its core team of seven dedicated Hazard Mitigation planning staff members to the City’s project. Proposed Project Manager Heather Ferrara is a sought-after hazard mitigation expert with more than 13 years’ experience leading mitigation planning projects serving more than 600 jurisdictions. With a Master of Community Planning degree, Ms. Ferrara will serve as primary point of contact throughout the project. Responsible for fulfilling all project requirements, Ms. Ferrara will directly supervise all team members, providing oversight, guidance, technical assistance, and quality control. All proposed personnel are employees of H2O, no subcontractors are needed to complete this project.

Proposed Team Areas of Specialization	Hazard Mitigation Planning	HMGP Grant Development	Project Management	Mitigation Outreach	GIS
Heather Ferrara, MCP	X	X	X	X	X
Rhonda Murphy, CFM	X		X	X	
Heidi Watson, M.S.	X	X	X	X	
Krystian Murray	X			X	
Stevie-Ann O’Donnell, MSW	X	X		X	
Will Parker	X			X	
Amelia Tagliaferro	X	X			X

Skilled Project Team. H2O Partners has assigned skilled, experienced staff to complete The City of Schertz’s LHMPP grant application and Hazard Mitigation Plan Update.

Our Hazard Mitigation team receives support and oversight from H2O Partners' executive team, including President Jo Ann Howard, Vice President Eric Howard, and Program Operations Director Pam Hawkins. This executive team monitors project quality and progress and ensures ample resources successful project completion. Additionally, The City of Schertz will be supported by subject matter experts (SMEs) with specializations as Certified Floodplain Managers and Hazard Mitigation professionals. Executive sponsors, SMEs, mitigation support staff, and floodplain managers are on hand to support the core team throughout the planning process; **these support resources will not be billed to the City.**

The following organizational chart depicts the core mitigation planning team assigned to The City of Schertz's project and support personnel (in white boxes) available to the core team.



Strong Team Structure. H2O Partners proposes a robust, experienced team with ample oversight from Project Manager Heather Ferrara.

Project Change Control Procedures

Shortly after contract initiation, Project Manager Heather Ferrara will coordinate with the City to establish clear channels of communication, understand City needs and expectations, and schedule meetings every other week to provide regular updates on project process. These meetings will discuss updates on status, progress reports, and milestone reviews. Ms. Ferrara will also supply proactive communication on potential project risks, changes to preliminary plans, and budgetary constraints, if any.

Implementation Strategy

We view each client engagement as a **long-term partnership**. We provide hands-on client service, managing the planning process through official approval. We remain an **on-call resource**, available to assist with technical questions and to update you on new grant programs and best practices. Selecting H2O Partners assures the City of Schertz of an efficient, effective, and inclusive mitigation planning process and a plan that complies with all applicable requirements and accurately reflects the unique set of potential hazards faced in the City and its participating agencies.

Reporting

Each month, the City of Schertz will receive a summary of the percent complete for each task and the remaining budget. H2O will provide a final plan document that will include hazard profiles for all natural hazards with likelihood of occurrence in the City of Schertz, mitigation strategies and actions to improve the City's resilience, and will meet all requirements set forth by TDEM and FEMA.

Miscellaneous

Additional Services

Our experts know Hazard Mitigation Planning; Community Development Block Grants for Disaster Recovery and Mitigation (CDBG-DR/CDBG-MIT); Hazard Mitigation Assistance (HMA) grant development and management; Public Assistance (PA); GIS mapping; construction management; environmental regulatory compliance; outreach and training; the NFIP; floodplain management and administration; Community Wildfire Defense Grant (CWDG) applications for the creation of Community Wildfire Protection Plans (CWPP). We would be happy to discuss providing any of the above services to the City of Schertz.

Benefits and Advantages

H2O Partners is a Historically Underutilized Business (HUB), a Small Business Enterprise (SBE), and a Women's Business Enterprise (WBE). Further, we propose to provide all specified services without subcontracting. Evidence of status is included in the **Supplementary Information** section of this proposal.

OVERVIEW OF PROPOSED SYSTEM/SCOPE OF SERVICES

City of Schertz seeks a qualified, experienced professional consultant to obtain a planning grant through the Community Development Block Grant-Mitigation (CDBG-MIT) Local Hazard Mitigation Plans Program (LHMPP), implemented through the Texas General Land Office (GLO). This grant program can have up to a 100% federal share, alleviating much, if not all, of the financial strain of completing a Plan. Upon grant approval, this consultant will develop a Hazard Mitigation Action Plan that addresses all the natural hazards that can affect the City. The selected consultant must have expertise in developing both successful LHMPP grant applications and comprehensive Hazard Mitigation Plans that save lives, reduce property loss, and allow for grant funding eligibility under the Hazard Mitigation Assistance program. H2O Partners proposes to complete the LHMPP application for the City of Schertz. After award, H2O's expert mitigation team will develop a Hazard Mitigation Plan for the City that meets all requirements of TDEM and FEMA.

In developing a Mitigation Action Plan, H2O Partners:

- Establishes an open and collaborative planning process and facilitate planning meetings;
- Identifies and assesses natural and human-caused hazards that have threatened the area;
- Profiles hazards based on their severity of impact, frequency of occurrence, seasonal patterns, warning time, and cascading potential;
- Using ArcGIS geographic information systems (GIS) analyses, conducts an inventory of populations, buildings, critical and special facilities and commercial facilities at risk;
- Estimates probability of occurrence and potential dollar losses from hazards;
- Develops mitigation vision, goals and long-term objectives for the plan;
- Prioritizes the hazards in terms of potential dollar losses and their likelihood of occurrence, spatial extent, and severity of impact;
- Assists in examining previous and current mitigation projects;
- Develops and prioritizes mitigation actions unique to the planning area as a whole, to reduce the long-term risk to people and property;
- Examines how mitigation projects will be integrated into existing planning mechanisms and the budgetary process;
- Conducts public meetings and stakeholder outreach to gain input into the planning process;
- Documents all meetings, advertisements, and public feedback;
- Develops plan maintenance procedures; and,
- Obtains State and FEMA plan approval.

Hazard Mitigation planning serves as a vital foundation for saving lives and protecting property from the effects of natural hazards. Because the work we do is of critical importance to the well-being and economic health of the communities we serve, we apply an established methodology to managing our deliverables. Tailored to the specific needs of each client, our proven approach ensures on-target quality and timeliness of all deliverables at each project stage, allowing us to consistently exceed customer expectations.

COST PROPOSAL

All-inclusive price. The Price Detail Table below presents milestone and Grand Total pricing that covers all services required to accomplish the scope of work outlined in the solicitation; the pricing includes all necessary fees and charges needed to complete this work. Time periods for each line item are included in the **Key Dates and Milestones** section of this proposal.

Pricing presented here assumes that the City of Schertz is the sole participant in the Hazard Mitigation Plan. Additional jurisdictions can be included in the Plan for \$4,500 each.

Fair pricing – grant development versus Hazard Mitigation planning. City of Schertz evaluators will notice that the pricing amount for developing and submitting the LHMPP planning grant application is significantly lower than for Hazard Mitigation planning services. H2O Partners’ experience developing successful planning grants and producing FEMA-approved Hazard Mitigation Plans and Plan Updates has shown us that the planning process is a much larger, more demanding endeavor than the grant application process. Our pricing indicates the relative levels of effort required for the two services. It is also important to note that the LHMPP provides up to 100% federal share.

Price Detail Table

Description	Amount
LHMPP Grant Development / Submission	
DEVELOPING AND SUBMITTING LHMPP PLANNING GRANT APPLICATION	\$1,690
Hazard Mitigation Plan Development	
DEVELOPING PLANNING PROCESS: Organize Planning Committee and Develop Planning Process and Goals; Develop Capability Assessment and Conduct Kick-off Workshop and Public Meeting	\$11,570
RISK AND VULNERABILITY ASSESSMENT: Identify/Review Hazards and Develop Risk Assessment Report and GIS Maps; Finalize Risk and Vulnerability Assessment; Conduct Risk Workshop and Public Meeting	\$16,250
MITIGATION STRATEGY DEVELOPMENT: Incorporate Information from Risk/Capability Assessment; Analyze Previous Mitigation Actions; Conduct Mitigation Workshop and Public Meeting; Develop/Prioritize Mitigation Actions	\$17,810
DRAFT, FINALIZE AND MAINTAIN PLAN: Develop draft of Plan; Submit to County for Approval; Incorporate Edits; Finalize and Submit Plan to TDEM; State Review and Approval; Submit to FEMA	\$14,690
PROJECT COMPLETION: Final Presentation; FEMA Approval; Adoption by The City of Schertz	\$3,250
GRAND TOTAL	\$65,260

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY CERTIFICATION OF FILING

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

H2O Partners, Inc.
Austin, TX United States

Certificate Number:
2024-1173165

Date Filed:
06/10/2024

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

City of Schertz, TX

Date Acknowledged:

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

2024-010
Planning & Management Services Related to Community Development Block Grant - Mitigation ("CDBG-MIT") Local Hazard Mitigation Plans Program ("LHMPP")

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

5 Check only if there is NO Interested Party.

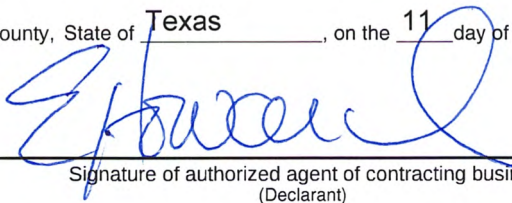
6 UNSWORN DECLARATION

My name is Eric Howard, and my date of birth is October 23, 1961.

My address is 260 Addie Roy Rd, Suite 150, Austin, TX, 78746, US.
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Travis County, State of Texas, on the 11 day of June, 2024.
(month) (year)


Signature of authorized agent of contracting business entity (Declarant)

Supplementary Information

HUB Certificate

Texas Historically Underutilized Business (HUB) Certificate	
 <small>Statewide Historically Underutilized Business Program</small>	Certificate/VID Number: 1742994685200 Approval Date: September 13, 2021 Scheduled Expiration Date: September 13, 2025
The Texas Comptroller of Public Accounts (CPA), hereby certifies that	
H2O Partners, Inc.	
<p>has successfully met the established requirements of the State of Texas Historically Underutilized Business (HUB) Program to be recognized as a HUB. This certificate printed September 13, 2021, supersedes any registration and certificate previously issued by the HUB Program. If there are any changes regarding the information (i.e., business structure, ownership, day to day management, operational control, business location) provided in the submission of the business; application for registration/certification as a HUB, you must immediately (within 30 days of such changes) notify the HUB Program in writing. The CPA reserves the right to conduct a compliance review at any time to confirm HUB eligibility. HUB certification may be suspended or revoked upon findings of ineligibility.</p>	
<small>Statewide HUB Program Statewide Procurement Division</small>	
<small>Note: In order for State agencies and institutions of higher education (universities) to be credited for utilizing this business as a HUB, they must award payment under the Certificate/VID Number identified above. Agencies, universities and prime contractors are encouraged to verify the company's HUB certification prior to issuing a notice of award by accessing the Internet (https://mycpa.cpa.state.tx.us/tpascmblesearch/index.jsp) or by contacting the HUB Program at 512-463-5872 or toll-free in Texas at 1-888-863-5881.</small>	

SBE/WBE Certificate

		
RCWOSB22618 CERTIFICATION NUMBER		02/02/25 EXPIRATION DATE
Certifies that:		
H2O Partners, Inc.		
JoAnn Howard		
has successfully met the requirements of the NWBOC national certification program for certification as a woman-owned and woman-controlled business.		
<small>The identified small business is an eligible WOSB for the WOSB Program, as set forth in 13 C.F.R. Part 127 and has been certified as such by NWBOC an SBA approved Third Party Certifier pursuant to the Third Party Certifier Agreement, dated 06/30/11, and available at www.sba.gov/wosb.</small>		
 PHYLLIS HILL SLATER Board Chair, NWBOC	541611, 541990, 611430, 624229, 624230 NAICS Code(s)	02/03/22 Date
WWW.NWBOC.ORG <small>INFO@NWBOC.ORG 800-794-6140 1101 East Cumberland Ave, Suite #301, Tampa, Florida 33602</small>		
<small>TAMPERING OR ALTERING THIS CERTIFICATE IS, IN THE DISCRETION OF NWBOC, GROUNDS FOR TERMINATION OF CERTIFICATION.</small>		

Other Supporting Materials

H2O Partners maintains an active status on the System for Award Management (SAM). A printout of the website is below.

The screenshot shows the SAM.GOV website interface. At the top left is the SAM.GOV logo. To the right are navigation links for Requests, Notifications, Workspace, and Sign Out. Below the logo is a navigation menu with Home, Search, Data Bank, Data Services, and Help. The Search bar contains the text "All Words" and "e.g. 1606N020Q02". To the right of the search bar are buttons for "Search Results", "Saved Searches", and "Actions".

On the left side, there are two expandable panels: "Select Domain All Domains" (expanded) and "Filter By" (collapsed). Below these is a "Keyword Search" section with a link for more information.

The main content area displays "Showing 1 - 1 of 1 results". The result is for "H2O PARTNERS INC" with an "Active Registration" status. The details are as follows:

Unique Entity ID	CAGE Code	Physical Address	Entity
FMCPYJMNWJW7	4BX74	260 ADDIE ROY RD, STE 150, AUSTIN, TX 78746 USA	Expiration Date Nov 29, 2024 Purpose of Registration All Awards

CITY COUNCIL MEMORANDUM

City Council Meeting: October 22, 2024

Department: Planning & Community Development

Subject: Ordinance 24-S-154 - Conduct a public hearing and consider amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC), to Article 5, Section 21.5.9- Special Districts, and Article 9, Section 21.9.3- Lots, Section 21.9.8- Screening and Fencing, Section 21.9.9- Tree Preservation and Mitigation, Section 21.9.12- Site Plan Process, and Article 16 - Definitions *First Reading* (B.James/L.Wood/D.Marquez)

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 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.

The proposed UDC amendments include modifications to the following Articles and Subsections:

- Article 5, Section, 21.5.9- Special Districts; to remove Agricultural Conservation Planned Development District (ACPDD), Mixed Use Planned Development District (MUPDD), and Design Overlay District (DO)
- Article 9, Section 21.9.3 - Lots; to remove the requirement to show building setbacks on plats
- Article 9, Section 21.9.8 - Screening and Fencing; to modify the prohibited materials to include a clarification
- Article 9, Section 21.9.9 - Tree Preservation and Mitigation; to remove tables that are no longer in the UDC, and to modify the exempted trees table
- Article 9, Section 21.9.12 - Site Plan Process; to remove applications that require an approved site plan
- Article 16 -Definitions; to add clarification to the Mixed-Use Self-Storage definition.

Proposed Amendments

Staff is proposing modifications to the following UDC Articles and Sections:

Article	UDC Section	Current Unified Development Code	Proposed Unified Development Code
Article 5	Section 21.5.9; specifically Subsection C	Agricultural Conservation Planned Development District (ACPDD)	Proposing to remove the statement of purpose and intent of this Special District, which can no longer be requested for consistency.

Article 5	Section 21.5.9; Specifically Subsection F	Mixed Use Planned Development District (MUPDD)	Proposing to remove the statement of purpose and intent of this Special District, which can no longer be requested for consistency.
Article 5	Section 21.5.9; Specifically Subsection G	Design Overlay District (DO)	Proposing to remove the statement of purpose and intent of this Special District, which can no longer be requested for consistency.
Article 9	Section 21.9.3; Specifically Subsection K	Required all minimum building setback lines and crosswalks to be shown on all plats.	Proposing to remove this language for consistency with the development manual. Proposing to remove the definition of front line setback from this location.
Article 9	Section 21.9.8; Specifically Subsection A.2.a.i	i. Fences may be constructed of pressure treated wood, decorative metal, chain link or similar woven wire mesh, stone, brick, or other materials traditionally used in private fence construction.	i. 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, or other materials traditionally used in private fence construction.
Article 9	Section 21.9.8; Specifically Subsection A.2.b	b. Prohibited Materials. Chicken wire and barbed wire are prohibited except on parcels or lots one acre or greater in size in conjunction with the containment of livestock or farm animals.	b. Prohibited Materials. Chicken wire and barbed wire are prohibited except on parcels in conjunction with agricultural operations.
Article 9	Section 21.9.8; Specifically, Subsection B.2.a	a. Materials Permitted. Fences may be constructed of 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.	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, or other materials traditionally used in private fence construction.
Article 9	Section 21.9.8; Specifically Subsection B.2.b	b. Prohibited Materials. Hog wire or chicken wire, screening slats with chain link, and barbed wire are prohibited except on parcels or lots one acre or greater in size in conjunction with the containment of livestock or farm animals.	b. Prohibited Materials. Chicken wire and barbed wire are prohibited except on parcels in conjunction with agricultural operations.

Article 9	Section 21.9.8; Specifically Subsection C.1.b	b. Parcels or lots one (1) acre or greater in size located in the RA zoning district and used in conjunction with the containment of livestock or farm animals.	b. Parcels or lots used in conjunction with agricultural operations are exempt from the screening wall requirements of this section.
Article 9	Section 21.9.9; Specifically Subsection B.3.f	f. Protected Class trees from the Undesirable Trees list in table 21.9.7.F (A waiver to mitigation for Heritage class trees may be request).	Proposing to remove this subsection as table 21.9.7.F no longer exists in the UDC.
Article 9	Section 21.9.9; Specifically Subsection B.3.h	Hackberry, Eastern Red Cedar, Common Ashe Juniper, Chinaberry, Mesquite, and Ligustrum are listed as the only Exempted Trees in Table 21.9.9.	Proposing to modify table 21.9.9 by adding additional invasive tree species.
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.

GOAL

To amend the Unified Development Code Article 5, Section 21.5.9- Special Districts, and Article 9, Section 21.9.3- Lots, Section 21.9.8- Screening and Fencing, Section 21.9.9- Tree Preservation and Mitigation, Section 21.9.12- Site Plan Process, and Article 16- Definitions.

COMMUNITY BENEFIT

It is the City’s desire to promote safe, orderly, efficient development and ensure compliance with the City’s vision of future growth.

SUMMARY OF RECOMMENDED ACTION

When staff evaluates Unified Development Code Amendments, they use section 21.4.7.D Criteria for approval. The criteria are listed below.

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 Unified Development Code. 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 to Article 9, Section 21.9.9, have been reviewed by the Parks, Recreation and Community Services 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.

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.

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.

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 Unified Development Code Amendments and at this time have not received special considerations from the Planning and Zoning Commission or City Council.

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, amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC), Article 5, Section 21.5.9- Special Districts, and Article 9, Section 21.9.3- Lots, Section 21.9.8- Screening and Fencing, Section 21.9.9- Tree Preservation and Mitigation, Section 21.9.12- Site Plan Process, and Article 16-Definitions.

Planning and Zoning Commission Recommendation

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

Attachments

Ordinance 24-S-154 With Attachments
Proposed UDC Amendments RED LINES
City Council Presentation Slides

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

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.

ARTICLE 5. ZONING DISTRICTS

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 Agricultural Conservation Planned Development District (ACPDD).* Intended to provide an alternative cluster neighborhood option in areas designated as agricultural conservation on the North and South Schertz Framework Plans. Residences in this district may be on lots smaller than five acres provided the district maintains an overall gross residential density of 0.2 DU/Acre and provide a minimum of seventy percent (70%) of gross area of the development in open space or conservation easement (public or private ownership). The open space may remain in a natural state or be used for agricultural purposes. The AGC shall be a contiguous land area of 40 acres in size, as specified by this UDC and this Article (section 21.5.12), to be planned and developed using a common master zoning plan, and containing single family residential and/or agricultural uses and preserved open space.~~

D. ~~*Estate Neighborhood Planned Development District (ENPDD).* Intended to provide for an alternative zoning option for areas in the South Schertz Framework Plan designated as Estate Neighborhood or zoned RA. Residences in this district may be on lots smaller than 0.5 acres provided the district maintains an overall gross residential density of two DU/Acre and provide a minimum of fifty percent (50%) of gross area of the development in open space or conservation easement (public or private ownership). The open space may remain in a natural state or be used for agricultural purposes. The EN shall be a contiguous land area of at least 20 acres in size, as specified by the UDC and this Article (section 21.5.13), to be planned and developed using a common master zoning plan, and containing single family residential and/or agricultural uses and preserved open space.~~

F. ~~*Mixed Use Planned Development District (MUPDD).* Intended to implement mixed use and traditional neighborhood development goals (i.e., mixed use core, neighborhood center, and neighborhood designations) of the North and South Schertz Framework Plans. The MU district shall be a contiguous land area of a minimum size, as specified by this UDC and this Article (section 21.5.14), to be planned and~~

~~developed using a common master zoning plan, and containing a complementary mix of residential, office, retail, civic, and service uses, a network of pedestrian-oriented streets and open spaces.~~

~~G. — *Design Overlay Districts (DO)*. The purpose of this section is to provide a set of Design Overlay Districts that correspond with existing zoning and establish a coherent character and encourage enduring and attractive development that implement the North and South Schertz Framework Plans and the Schertz Downtown Plan. All development within the Design Overlay Districts shall meet the Dimensional and Development standards within section 21.5.15 in lieu of the standards in section 21.5.7 unless specified otherwise. The four (4) Design Overlay Districts are: Campus Commercial Overlay District, Highway Commercial Overlay District, Industrial Overlay District, and Downtown Overlay District.~~

(Ord. No. 13-S-22, § 5, 7-16-2013)

ARTICLE 9. SITE DESIGN STANDARDS

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. ~~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.~~

ARTICLE 9. SITE DESIGN STANDARDS

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, ~~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.

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.

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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 e~~ 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.
 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.

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- 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.
 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)

ARTICLE 9. SITE DESIGN STANDARDS

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 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>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 popular	<i>Populus nigra "italica"</i>

<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:
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.

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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.*

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.E-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;

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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.

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)

ARTICLE 9. SITE DESIGN STANDARDS

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 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).

-
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.
 - 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. ~~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.~~

(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)

Proposed UDC Amendments Article 16 Red Lines

- SCHERTZ UNIFIED DEVELOPMENT CODE
ARTICLE 16. DEFINITIONS

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.

Ordinance 24-S-154

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

Daisy Marquez | Planner

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

CITY COUNCIL MEMORANDUM

City Council Meeting: October 22, 2024
Department: Engineering
Subject: Ordinance 24-S-162 - Conduct a public hearing to consider closing and abandoning to the abutting property owner a portion of Troy Lane Right-of-Way, from Wiederstein Road, north to the end (approximately 600 feet) and a portion of Shady Lane Right-Of-Way from Wiederstein Road, north to the end (approximately 600 feet); and to establish an effective date hereof *First Reading* (B.James/K.Woodlee/J.Nowak)

BACKGROUND

The City of Schertz owns many lots in the Live Oak Hills Subdivision to the east of Schertz Parkway. The City is proposing to construct a new Fire Station (Fire Station #4) on a portion of the city-owned land to help the City meet its emergency response time goals. The City is re-platting a number of its lots into a single, large lot for Fire Station #4. In order to do this, portions of Shady Lane and Troy Lane rights-of-way included in the re-plat effort need to be abandoned. The rights-of-way segments would become part of the new large lot for the Fire Station.

The portions of right-of-way proposed for abandonment are the portion of Troy Lane north of Wiederstein Road and the portion of Shady Lane north of Wiederstein Road. Each portion of right-of-way is approximately 600 feet long. The rights-of-way being requested to be abandoned are not currently developed/constructed as roadways. The City of Schertz owns the adjacent land to the requested to be abandoned rights-of-way. This means the abandoned rights-of-way will remain under City of Schertz ownership as the City is the "abutting property owner."

A Public Hearing was posted in the San Antonio Express News on October 3, 2024, in preparation for the City Council Meeting. Additionally, seven public hearing notices were mailed out to the property owners within 200 feet on October 2, 2024.

GOAL

To create a single large lot on a portion of city owned land in order to construct Fire Station #4.

COMMUNITY BENEFIT

The abandonment and release of the right-of-way would allow for the City-owned property to be replatted into a large lot for Fire Station #4. The new fire station will improve emergency response times for residents and the public.

SUMMARY OF RECOMMENDED ACTION

It is recommended that Ordinance 24-S-162 be approved to abandon the rights-of-way to allow for a large lot to be created, providing a site for the construction of Fire Station 4.

RECOMMENDATION

Approve Ordinance 24-S-162.

Attachments

Legal Notice

Presentation

Ordinance 24-S-162

Notification Maps

CITY OF SCHERTZ
NOTICE OF PUBLIC HEARINGS

The City of Schertz City Council will conduct public hearings on Tuesday, October 22th, 2024 at 6:00 p.m. located at the Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas to consider and act upon the following items:

Ord. 24-S-162: Conduct a public hearing and consider closing and abandoning to the abutting property owners a portion of Troy Lane Right-of-Way, from Wiederstein Road, north to the end (approximately 600 feet) and a portion of Shady Lane Right-Of-Way from Wiederstein Road, north to the end (approximately 600 feet).

Anyone with an interest is invited to attend these public hearings.

ORDINANCE 24-S-162

RIGHT-OF-WAY ABANDONMENT FOR FIRE STATION #4

October 22, 2024 City Council Meeting

John Nowak | Engineering

LIVE OAK HILLS SUBDIVISION

- ▭ - Fire Station #4 Site
- ▭ - Rights-of-Way to be Abandoned



FIRE STATION #4 SITE

- Fire Station #4 Site
- Rights-of-Way to be Abandoned

Portion of Live Oak Hills Subdivision Plat



COMMENTS AND QUESTIONS

SCHIERTZ
COMMUNITY. SERVICE. OPPORTUNITY.

CONTACT US

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Phone Number

(210) 619-1820

Email Address

engineering@schertz.com

ORDINANCE NO. 24-S-162

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, CLOSING AND ABANDONING TO THE ABUTTING PROPERTY OWNERS A PORTION OF TROY LANE RIGHT-OF-WAY, FROM WIEDERSTEIN ROAD, NORTH TO THE END (APPROXIMATELY 600 FEET) AND A PORTION OF SHADY LANE RIGHT-OF-WAY FROM WIEDERSTEIN ROAD, NORTH TO THE END (APPROXIMATELY 600 FEET); AND ESTABLISHING AN EFFECTIVE DATE HEREOF

WHEREAS, the City of Schertz, Texas, a home rule municipality, has established a public Right-of-Way, Troy Lane from Wiederstein Road, north to the end (approximately 600 feet) and a portion of Shady Lane Right-of-Way from Wiederstein Road, north to the end (approximately 600 feet); described in the Exhibit A attached herein (herein after, “The Subject Area”); and

WHEREAS, The Subject Area is located entirely within the Live Oak Hills Subdivision; and

WHEREAS, The Subject Area is abutted to the north by platted property as part of the Harden Subdivision and to the south by platted Right-of-Way, more specifically Wiederstein Road; and

WHEREAS, pursuant to Section 311.007 of the Texas Transportation Code, a home rule municipality may vacate, abandon, or close a street or alley; and

WHEREAS, no detriment or hazard to the City of Schertz or its citizens has been found; and

WHEREAS, on October 22, 2024, a Public Hearing was held to allow members of the public to give testimony, and comment, on the merits of The Subject Area abandonment.

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

Section 1. The recitals contained in the preamble hereto 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 City Council.

Section 2. That the City Council finds such closure and abandonment as requested will cause no harm or injury to the City or its citizens, said portion of Right-of-Way is not needed for public purpose and it is in the public interest to abandon said portion of Right-of-Way.

Section 3. That The Subject Area as depicted on Exhibit A, is hereby closed, abandoned, and vacated insofar as the right, title, or easement of the public is concerned and shall only extend to the public right, title, and easement that the City may legally and lawfully abandon, subject to the conditions of Section 4.

Section 4. That The Subject Area is abandoned to the abutting owners as authorized by Section 311.007 of the Texas Transportation Code and Section 272.001 (b)(2) or the Texas Local Government Code condition upon The Subject Area being replatted into the property of the abutting property owners within 12 months. The replat must not create any non-conforming lots.

Section 5. 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 6. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 7. 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 Council hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 8. 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, Texas Government Code, as amended.

Section 9. This Ordinance shall be in force and effect from and after its final passage, and it is so resolved.

Approved on first reading, this _____ day of _____, 2024.

PASSED AND ADOPTED on final reading, this _____ day of _____, 2024.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

EXHIBIT A

- Fire Station #4 Site
- Rights-of-Way to be Abandoned

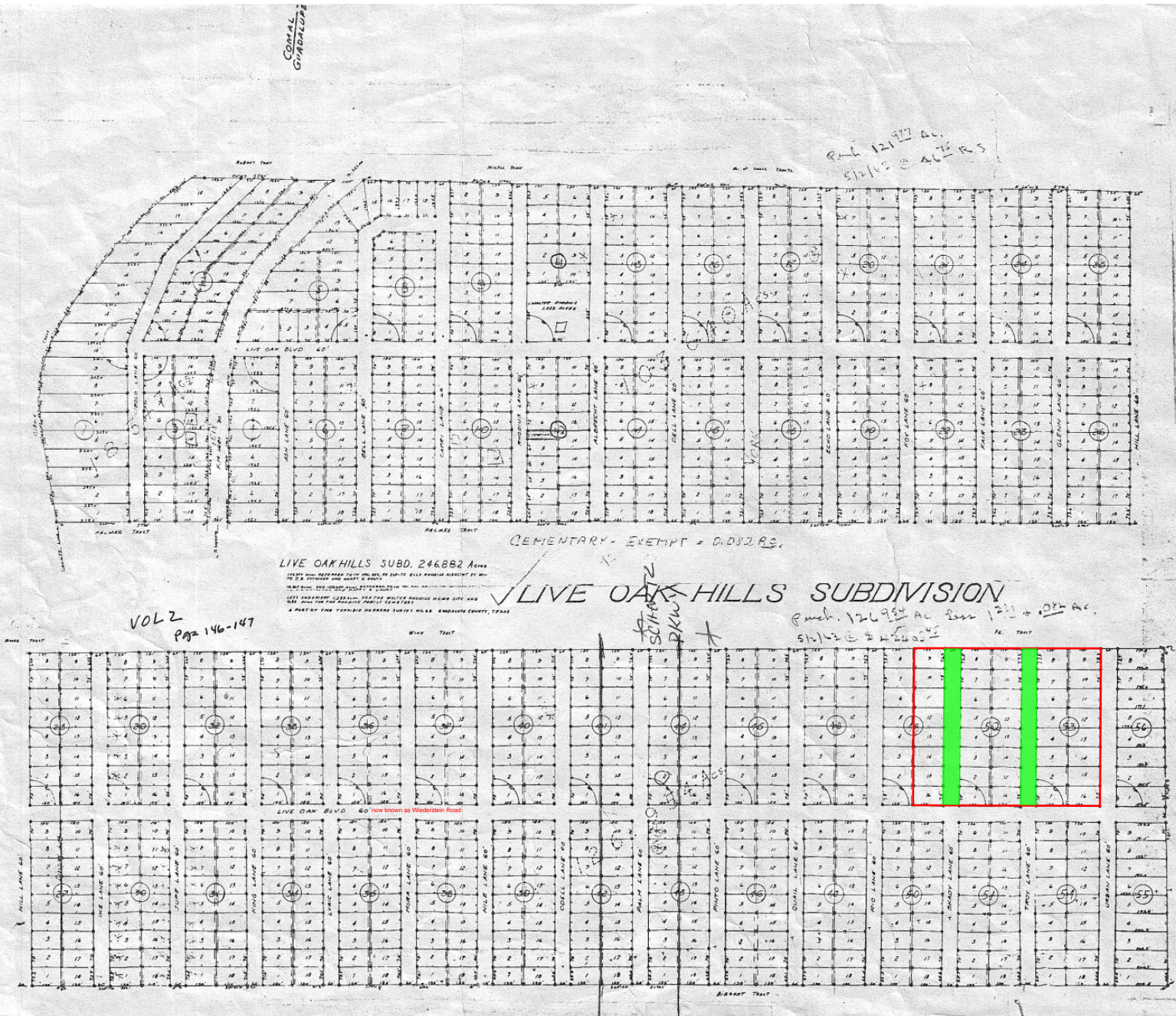




EXHIBIT A

-  - Fire Station #4 Site
-  - Rights-of-Way to be Abandoned

Portion of Live Oak Hills Subdivision Plat





City of Schertz

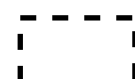
FIRE STATION 4 SITE

PARCEL IDs:

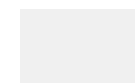
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Project Boundary



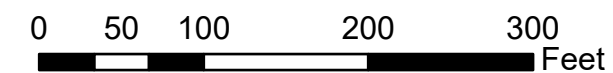
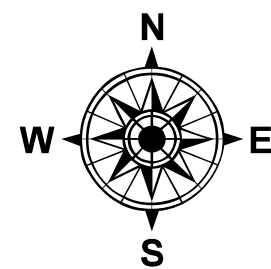
Schertz ETJ Boundary



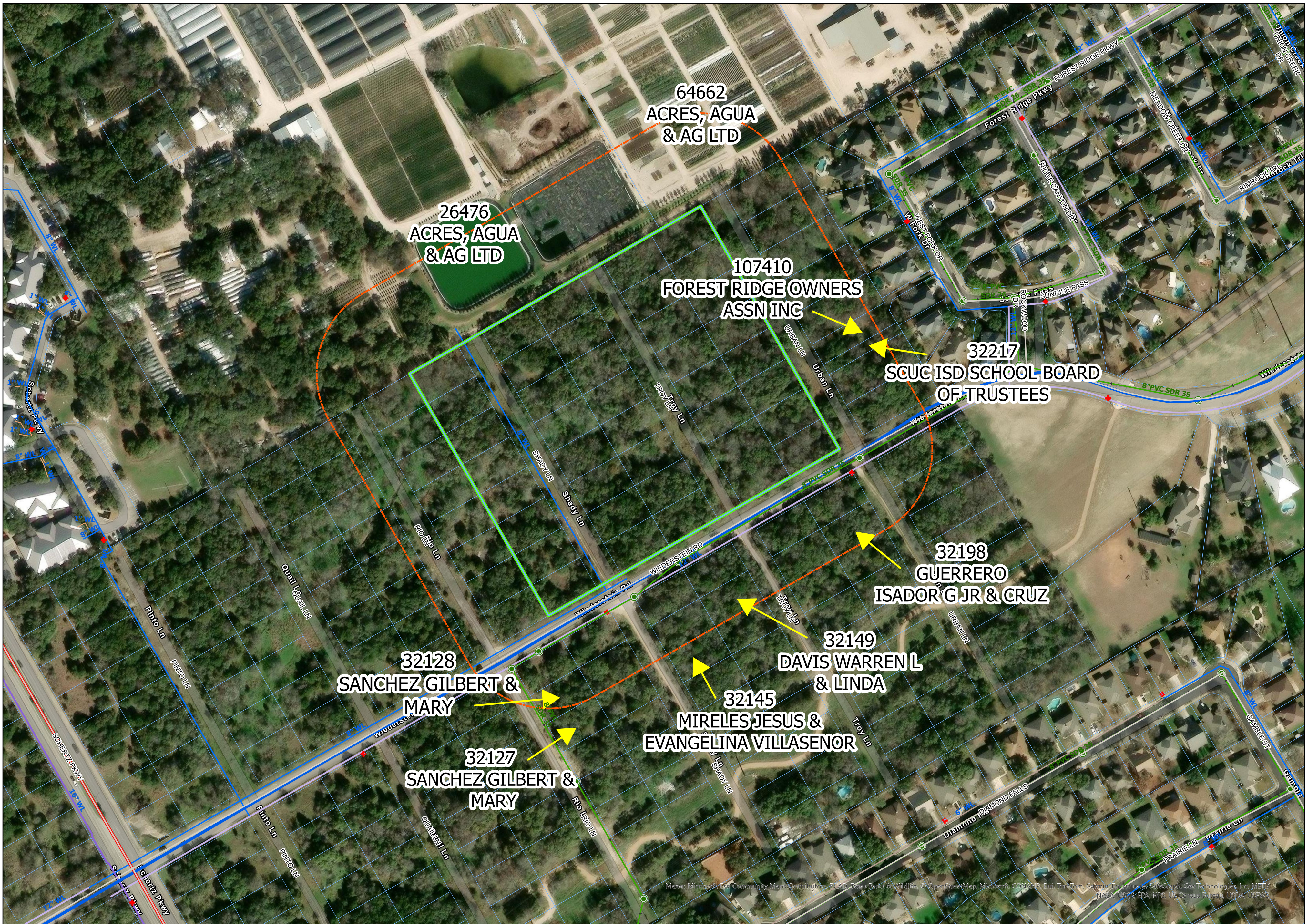
City Limits



200' Buffer



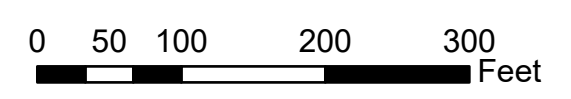
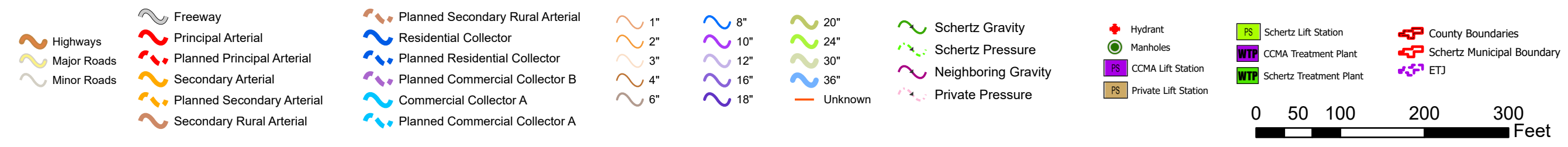
Property ID	Owner	Mailing Address
64662, 24676	ACRES, AGUA & AG LTD	16946 INTERSTATE 35 N, SCHERTZ TX 78154-1226
32217	SCUC ISD SCHOOL BOARD OF TRUSTEES	1060 ELBEL RD, SCHERTZ TX 78154-2037
32128, 32127	SANCHEZ GILBERT & MARY	9513 GLOXINIA DR, GARDEN RIDGE TX 78266-2536
32149	DAVIS WARREN L & LINDA	434 PHILLIP DR, PIPE CREEK TX 78063-6143
32198	GUERRERO ISADOR G JR & CRUZ, C/O ERNASTINE MORALES	3127 DARBY BLVD, SAN ANTONIO TX 78237-4416
32145	MIRELES JESUS & EVANGELINA VILLASENOR	320 CARRANZA LN, MARION TX 78124-2016
107410	FOREST RIDGE OWNERS ASSN INC	17319 SAN PEDRO AVE STE 1613, SAN ANTONIO TX 78209-1411



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Schertz Fire Station 4 Site



CITY COUNCIL MEMORANDUM

City Council Meeting: October 22, 2024
Department: Public Works
Subject: Street Preservation and Maintenance Workshop (B.James/L. Busch/K. Woodlee/J. Nowak)

BACKGROUND

Workshop presentation by City Staff outlining the City's pavement preservation efforts (SPAM) and street maintenance efforts. The presentation will also demonstrate the map "dashboards" for the Capital Improvements Program and Street Maintenance.

Attachments

Streets Workshop Presentation 10.22.24

SCHERTZ STREET PRESERVATION AND MAINTENANCE

October 22, City Council Workshop

Larry Busch | Public Works Director

John Nowak, P.E. | Assistant City Engineer

SCHERTZ
COMMUNITY. SERVICE. OPPORTUNITY.

2024 SPAM RESURFACING PROJECT

Construction contract awarded on October 15, 2024

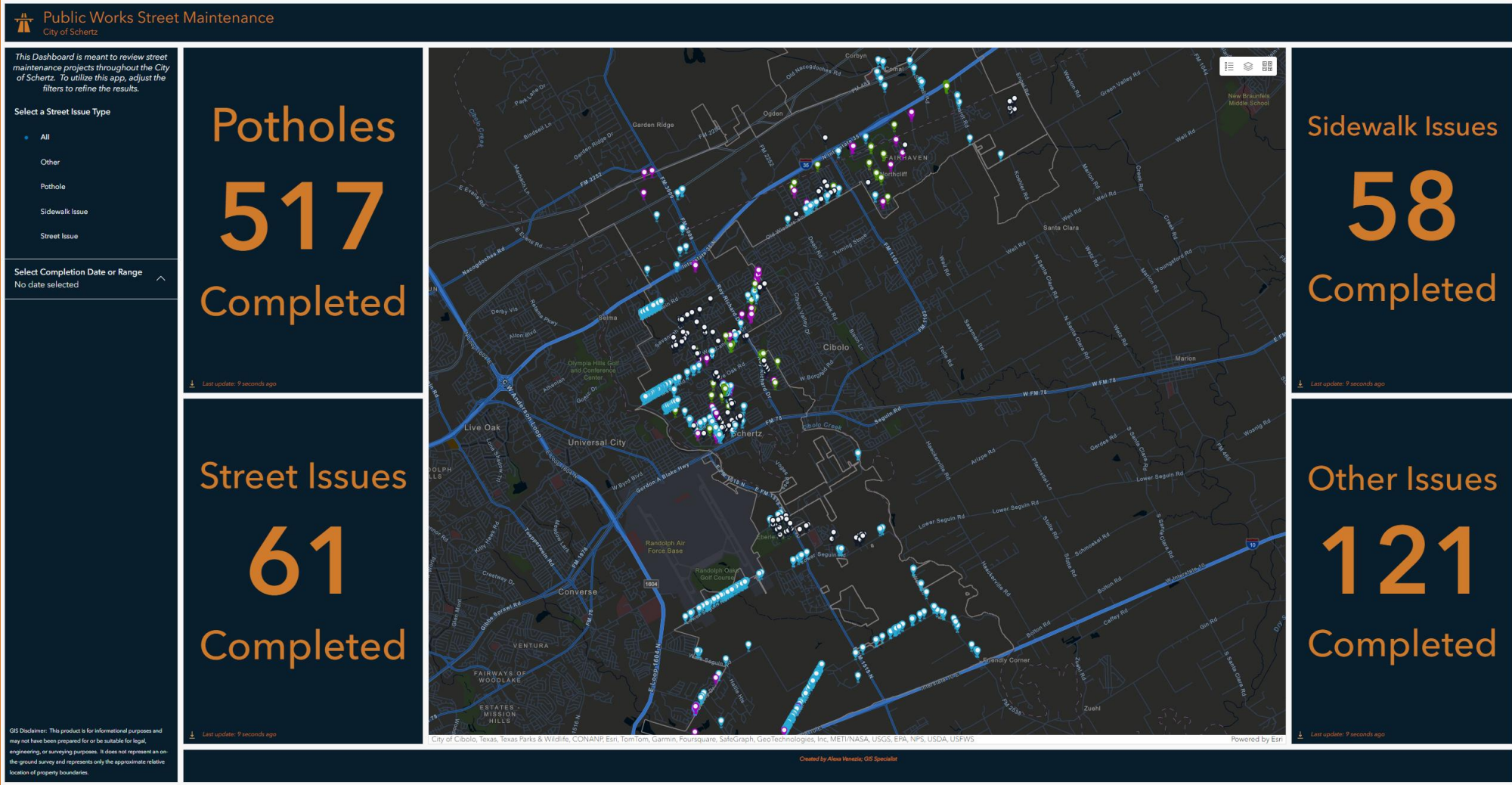
- Contractor: R.L. Jones LP
- Cost: \$2,400,000 (not to exceed amount)
- Approx. four months of construction

2024 SPAM Resurfacing Project

- Bid package being finalized now
- Start advertising for bids this month
- Anticipated contract award in November 2024

[Capital Improvement Projects Dashboard](#)

Streets Maintenance Dashboard



Streets Maintenance Examples: Pothole Patches



Pothole Patch:

Semi-permanent repair to areas equal to or less than one square yard. Done with cold-patch asphalt material.

Pothole Repair:

Permanent repair to areas equal to or less than one square yard. Done by square cutting area, cleaning and application of hot-patch asphalt.

Streets Maintenance Examples: Concrete & Other Repairs

Rail painting and pavement markings.



Sidewalk and driveway repairs.

Streets Maintenance Examples: Street Issues

Exchange Avenue



Mule Deer



Midwell



Streets Maintenance: Crack Seal Program 2024

Crack Seal Program Miles Completed: 1.33

Crack Sealant – 24 Boxes

Brook Hollow Drive

Woodland Oaks Drive



Streets Maintenance Progress Summary 2024

Street Issues (7/1/24 – 9/30/24): 16

Pothole (7/1/24 – 9/30/24): 155

UPM (Pothole Patch Material) – 12 tons

Asphalt Hot Mix Tons – 226 tons

Street Repairs:

Columbia Drive

Sennen Cove

Mule Deer

Summit Hill

Bent Tree

Midwell

Exchange Avenue

Aero Avenue

Boenig Drive

Scenic Lake Drive



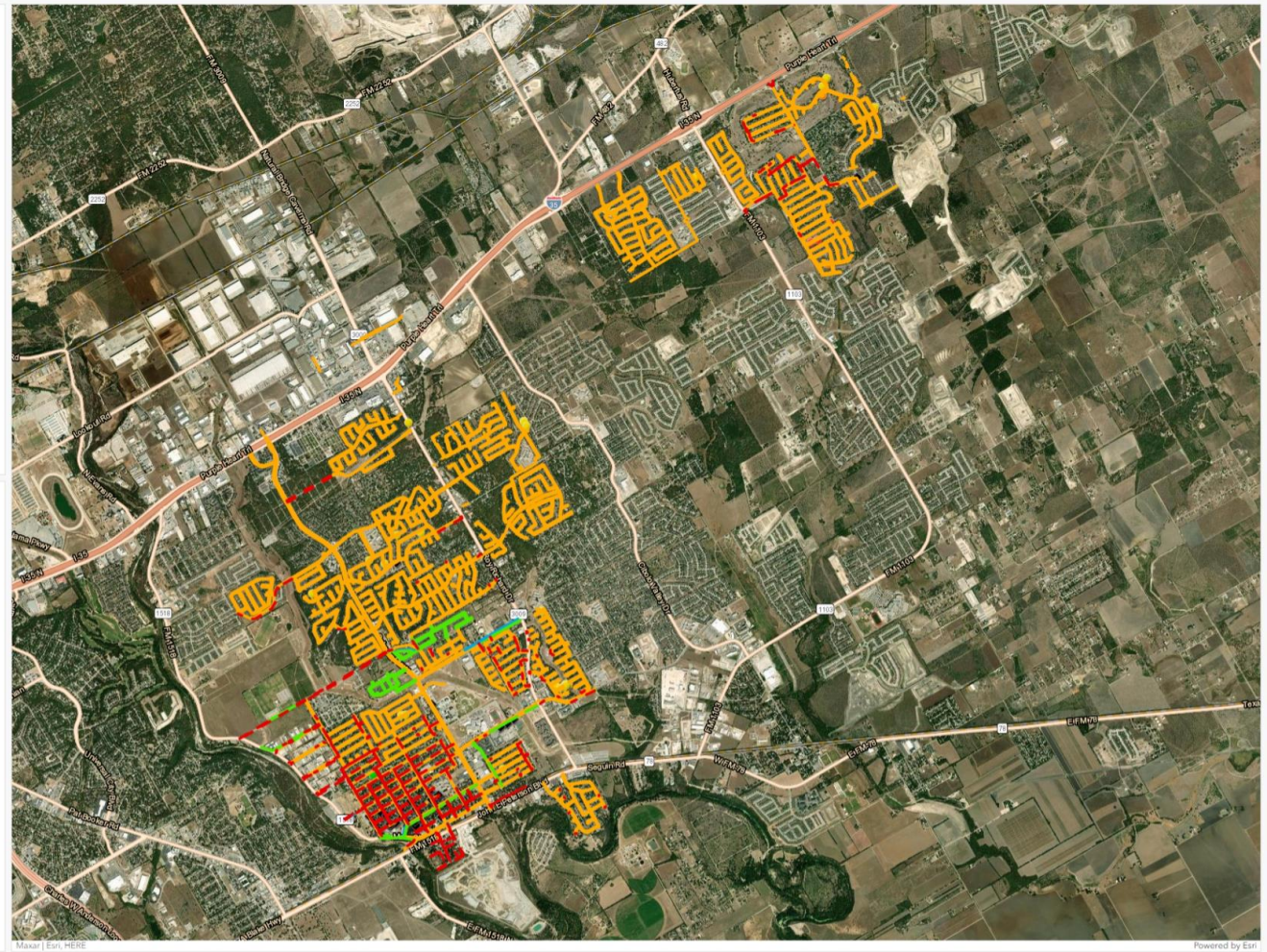
Sidewalk Inventory Dashboard

41.1k

feet of missing sidewalk

306.4k

feet of current sidewalk



COMMENTS AND QUESTIONS

SCHIERTZ
COMMUNITY. SERVICE. OPPORTUNITY.

CONTACT US

Mailing Address

1400 Schertz Parkway, Schertz, TX 78154

Phone Number

(210) 619-1820

Email Address

engineering@schertz.com

CITY COUNCIL MEMORANDUM

City Council Meeting: October 22, 2024
Department: Executive Team
Subject: Workshop on design and location options for the Municipal Complex Electronic Sign (B.James/D.Hardin)

BACKGROUND

The original design of the electronic sign was approved by the City Council in September 2024. Since then, staff and the contractor have identified a safety issue with the initial new location, which was the first parking spot leading to Council Chambers. There are concerns about limited visibility for pedestrians and drivers. The restrictions from the GVEC easement also limit where the sign can be located. As such, staff is proposing the sign be installed at the south end of the parking lot in front of Council Chambers. Additionally, staff has a few options for the final lettering on the sign.

Staff is seeking direction from Council on the final sign design and location.

Attachments

Electronic Sign Design Options
Electronic Sign Location Options

SCOPE OF WORK

1. REMOVE & DISPOSE EXISTING- LED DISPLAYS & STONE COLUMNS


QTY: 1



PROPOSED ELEVATION
SCALE: 3/16" = 1' - 0"



EXISTING ELEVATION
SCALE: 3/16" = 1' - 0"


EZZI SIGNS
EST. 200
16611 West Little York Rd
Houston, Texas 77084
EZZISIGNS.COM
713-232-0771

PROJECT:
CITY OF SCHERTZ

ADDRESS:
1400 SCHERTZ PKWY
SCHERTZ, TX 78154

DATE: 06/28/2024

PROJECT NUMBER:
E512811

DESIGNER:
LISA C

REVISIONS
R4: 10/02/24
DESIGN UPDATE
R5: 10/10/24
DESIGN UPDATE

APPROVALS / DATE

CLIENT:

LANDLORD:



Ⓢ Installation requirements. This sign is to be installed in accordance with the requirements of article 600 of the national electrical code and other applicable local codes. This includes proper grounding and bonding. The location of the disconnect switch after installation shall comply with Article 600.6(A)(1) of the National Electrical Code.

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SCOPE OF WORK

1. FABRICATE & INSTALL - NEW ILLUMINATED DF MONUMENT w LED DISPLAY

OPTION 1



QTY: 1



16611 West Little York Rd
Houston, Texas 77084
EZZISIGNS.COM
713-232-0771

PROJECT:
CITY OF SCHERTZ

ADDRESS:
1400 SCHERTZ PKWY
SCHERTZ, TX 78154

DATE: 06/28/2024

PROJECT NUMBER:
ES12811

DESIGNER:
LISA C

REVISIONS
R4: 10/02/24
DESIGN UPDATE
R5: 10/10/24
DESIGN UPDATE

APPROVALS / DATE

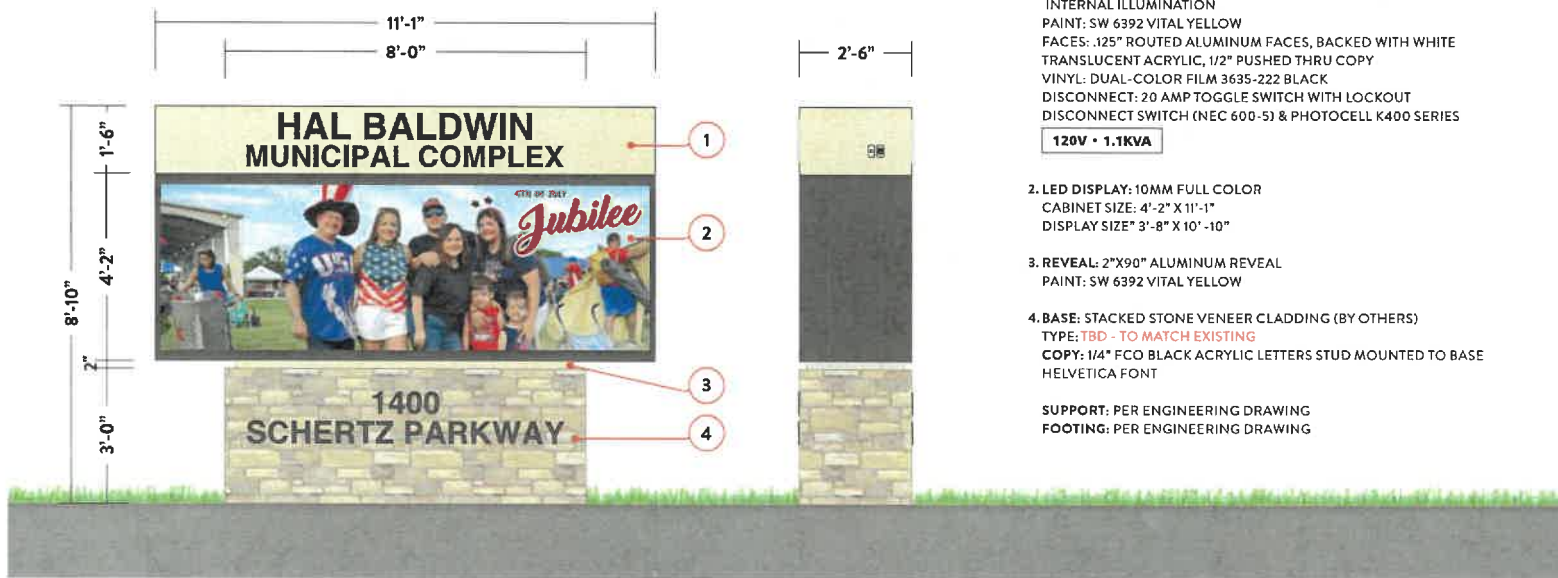
CLIENT:

LANDLORD:



Ⓢ Installation requirements: This sign is to be installed in accordance with the requirements of article 600 of the national electrical code and other applicable local codes. This includes proper grounding and bonding. The location of the disconnect switch after installation shall comply with Article 600 6(A)(1) of the National Electrical Code.

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1. **SIGN CABINET:** ALL ALUMINUM CONSTRUCTION, WITH ROUTED FACES, PUSHED THRU COPY WITH VINYL APPLIED ON FIRST SURFACE
INTERNAL ILLUMINATION
PAINT: SW 6392 VITAL YELLOW
FACES: .125" ROUTED ALUMINUM FACES, BACKED WITH WHITE TRANSLUCENT ACRYLIC, 1/2" PUSHED THRU COPY
VINYL: DUAL-COLOR FILM 3635-222 BLACK
DISCONNECT: 20 AMP TOGGLE SWITCH WITH LOCKOUT
DISCONNECT SWITCH (NEC 600-5) & PHOTOCELL K400 SERIES
120V • 1.1KVA

2. **LED DISPLAY:** 10MM FULL COLOR
CABINET SIZE: 4'-2" X 11'-1"
DISPLAY SIZE: 3'-8" X 10' -10"

3. **REVEAL:** 2"X90" ALUMINUM REVEAL
PAINT: SW 6392 VITAL YELLOW

4. **BASE:** STACKED STONE VENEER CLADDING (BY OTHERS)
TYPE: TBD - TO MATCH EXISTING
COPY: 1/4" FCO BLACK ACRYLIC LETTERS STUD MOUNTED TO BASE
HELVETICA FONT

SUPPORT: PER ENGINEERING DRAWING
FOOTING: PER ENGINEERING DRAWING

DESIGN
SCALE: 3/8" = 1'-0"

SCOPE OF WORK

1. FABRICATE & INSTALL - NEW ILLUMINATED DF MONUMENT w LED DISPLAY

OPTION 2

B

QTY: 1



EZZI SIGNS
EST. 2005

16611 West Little York Rd
Houston, Texas 77084
EZZISIGNS.COM
713-232-0771

PROJECT:
CITY OF SCHERTZ

ADDRESS:
1400 SCHERTZ PKWY
SCHERTZ, TX 78154

DATE: 06/28/2024

PROJECT NUMBER:
ES12811

DESIGNER:
LISA C

REVISIONS
R4: 10/02/24
DESIGN UPDATE
R5: 10/10/24
DESIGN UPDATE

APPROVALS / DATE

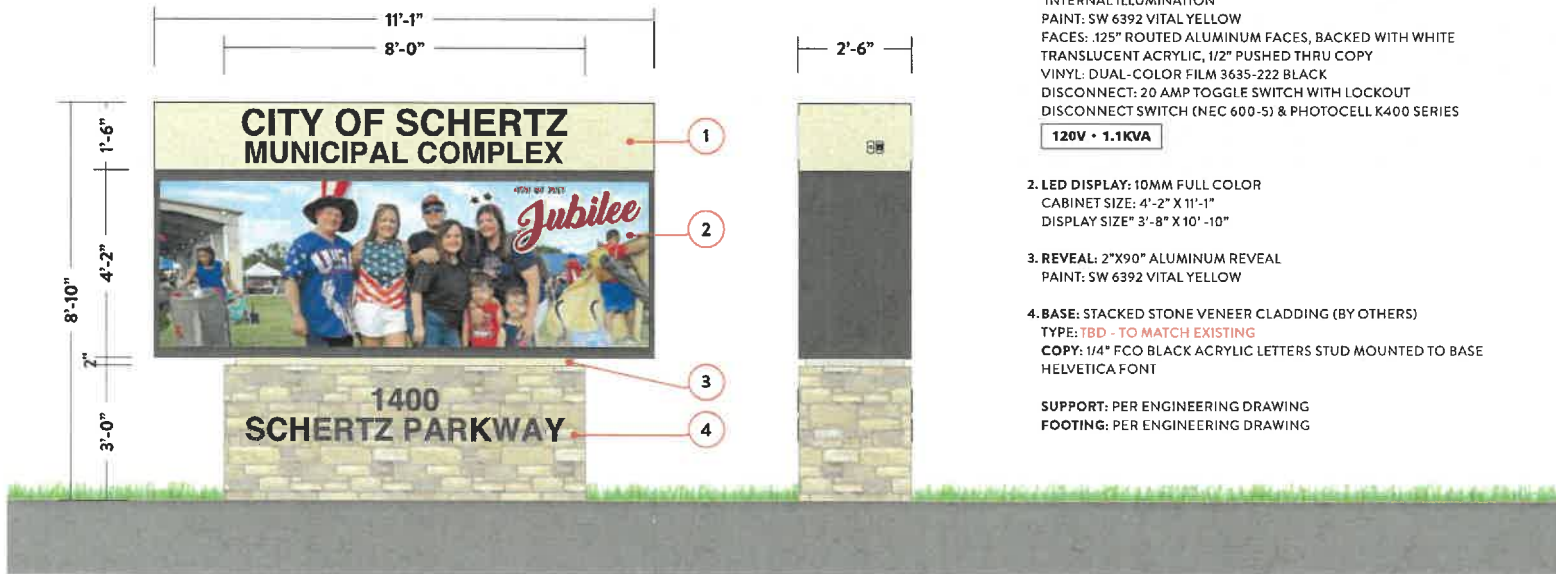
CLIENT:

LANDLORD:



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INTERNAL ILLUMINATION
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FACES: .125" ROUTED ALUMINUM FACES, BACKED WITH WHITE TRANSLUCENT ACRYLIC, 1/2" PUSHED THRU COPY
VINYL: DUAL-COLOR FILM 3635-222 BLACK
DISCONNECT: 20 AMP TOGGLE SWITCH WITH LOCKOUT
DISCONNECT SWITCH (NEC 600-5) & PHOTOCELL K400 SERIES
120V • 1.1KVA

2. **LED DISPLAY:** 10MM FULL COLOR
CABINET SIZE: 4'-2" X 11'-1"
DISPLAY SIZE: 3'-8" X 10' -10"

3. **REVEAL:** 2"X90" ALUMINUM REVEAL
PAINT: SW 6392 VITAL YELLOW

4. **BASE:** STACKED STONE VENEER CLADDING (BY OTHERS)
TYPE: TBD - TO MATCH EXISTING
COPY: 1/4" FCO BLACK ACRYLIC LETTERS STUD MOUNTED TO BASE
HELVETICA FONT

SUPPORT: PER ENGINEERING DRAWING
FOOTING: PER ENGINEERING DRAWING

DESIGN
SCALE: 3/8" = 1'-0"

SCOPE OF WORK

1. FABRICATE & INSTALL - NEW ILLUMINATED DF MONUMENT w LED DISPLAY

OPTION 3



QTY: 1



EZZI SIGNS

EST. 2011

16611 West Little York Rd
Houston, Texas 77084

EZZISIGNS.COM

713-232-0771

PROJECT:
CITY OF SCHERTZ

ADDRESS:
1400 SCHERTZ PKWY
SCHERTZ, TX 78154

DATE: 06/28/2024

PROJECT NUMBER:
ES12811

DESIGNER:
ISA C

REVISIONS
R4: 10/02/24
DESIGN UPDATE
R5: 10/10/24
DESIGN UPDATE

APPROVALS / DATE

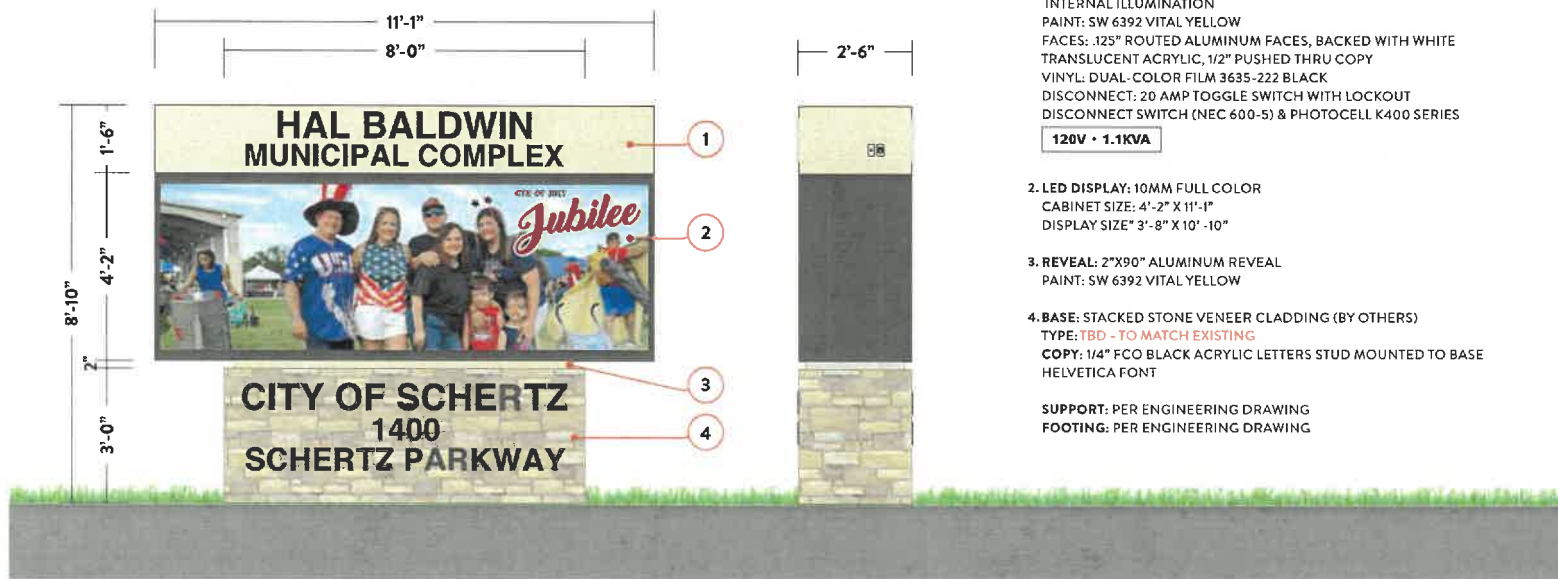
CLIENT:

LANDLORD:



Installation requirements This sign is to be installed in accordance with the requirements of article 600 of the national electrical code and other applicable local codes. This includes proper grounding and bonding. The location of the disconnect switch after installation shall comply with Article 600.6(A)(1) of the National Electrical Code.

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INTERNAL ILLUMINATION
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VINYL: DUAL-COLOR FILM 3635-222 BLACK
DISCONNECT: 20 AMP TOGGLE SWITCH WITH LOCKOUT
DISCONNECT SWITCH (NEC 600-5) & PHOTOCCELL K400 SERIES
120V • 1.1KVA

2. LED DISPLAY: 10MM FULL COLOR
CABINET SIZE: 4'-2" X 11'-1"
DISPLAY SIZE: 3'-8" X 10' -10"

3. REVEAL: 2"X90" ALUMINUM REVEAL
PAINT: SW 6392 VITAL YELLOW

4. BASE: STACKED STONE VENEER CLADDING (BY OTHERS)
TYPE: TBD - TO MATCH EXISTING
COPY: 1/4" FCO BLACK ACRYLIC LETTERS STUD MOUNTED TO BASE
HELVETICA FONT

SUPPORT: PER ENGINEERING DRAWING
FOOTING: PER ENGINEERING DRAWING

DESIGN

SCALE: 3/8" = 1'-0"

SCOPE OF WORK

1. FABRICATE & INSTALL - NEW ILLUMINATED DF MONUMENT w LED DISPLAY

OPTION 4



QTY: 1



16611 West Little York Rd
Houston, Texas 77084
EZZISIGNS.COM
713-232-0771

PROJECT:
CITY OF SCHERTZ

ADDRESS:
1400 SCHERTZ PKWY
SCHERTZ, TX 78154

DATE: 06/28/2024

PROJECT NUMBER:
ES12811

DESIGNER:
LISA C

REVISIONS
R4: 10/02/24
DESIGN UPDATE
R5: 10/10/24
DESIGN UPDATE

APPROVALS / DATE

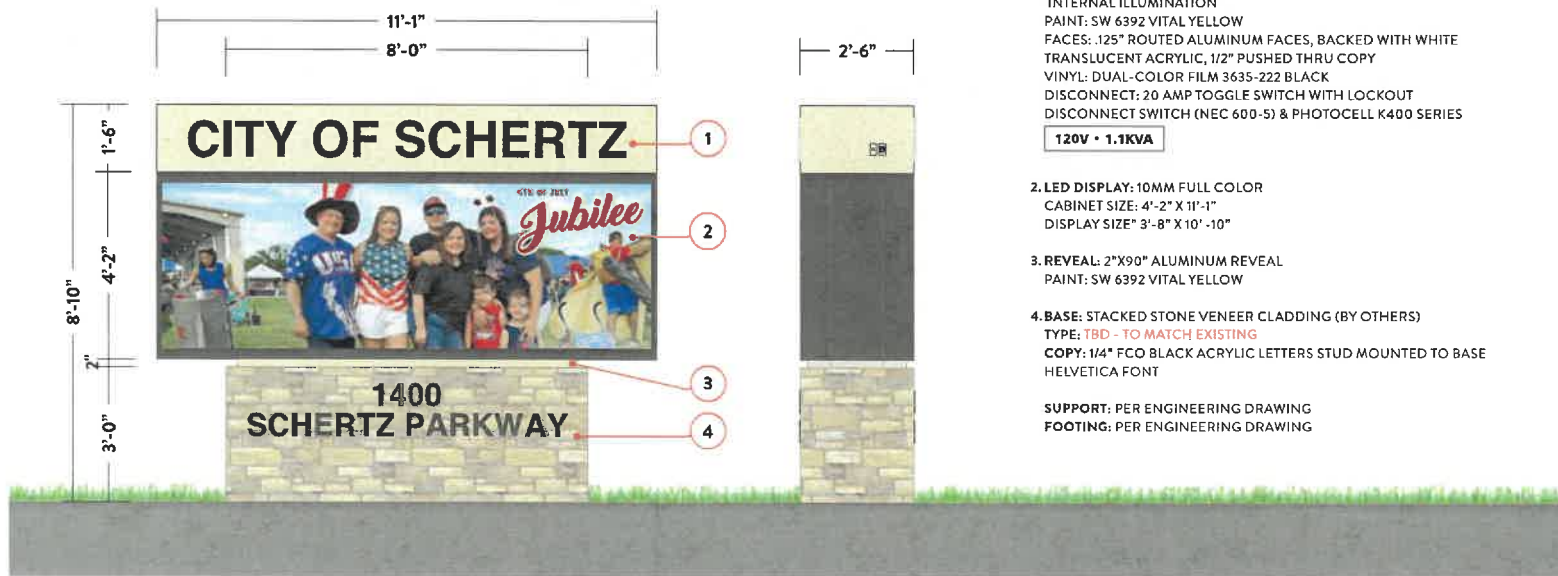
CLIENT:

LANDLORD:



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FACES: .125" ROUTED ALUMINUM FACES, BACKED WITH WHITE TRANSLUCENT ACRYLIC, 1/2" PUSHED THRU COPY
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DISCONNECT: 20 AMP TOGGLE SWITCH WITH LOCKOUT
DISCONNECT SWITCH (NEC 600-5) & PHOTOCELL K400 SERIES
120V • 1.1KVA

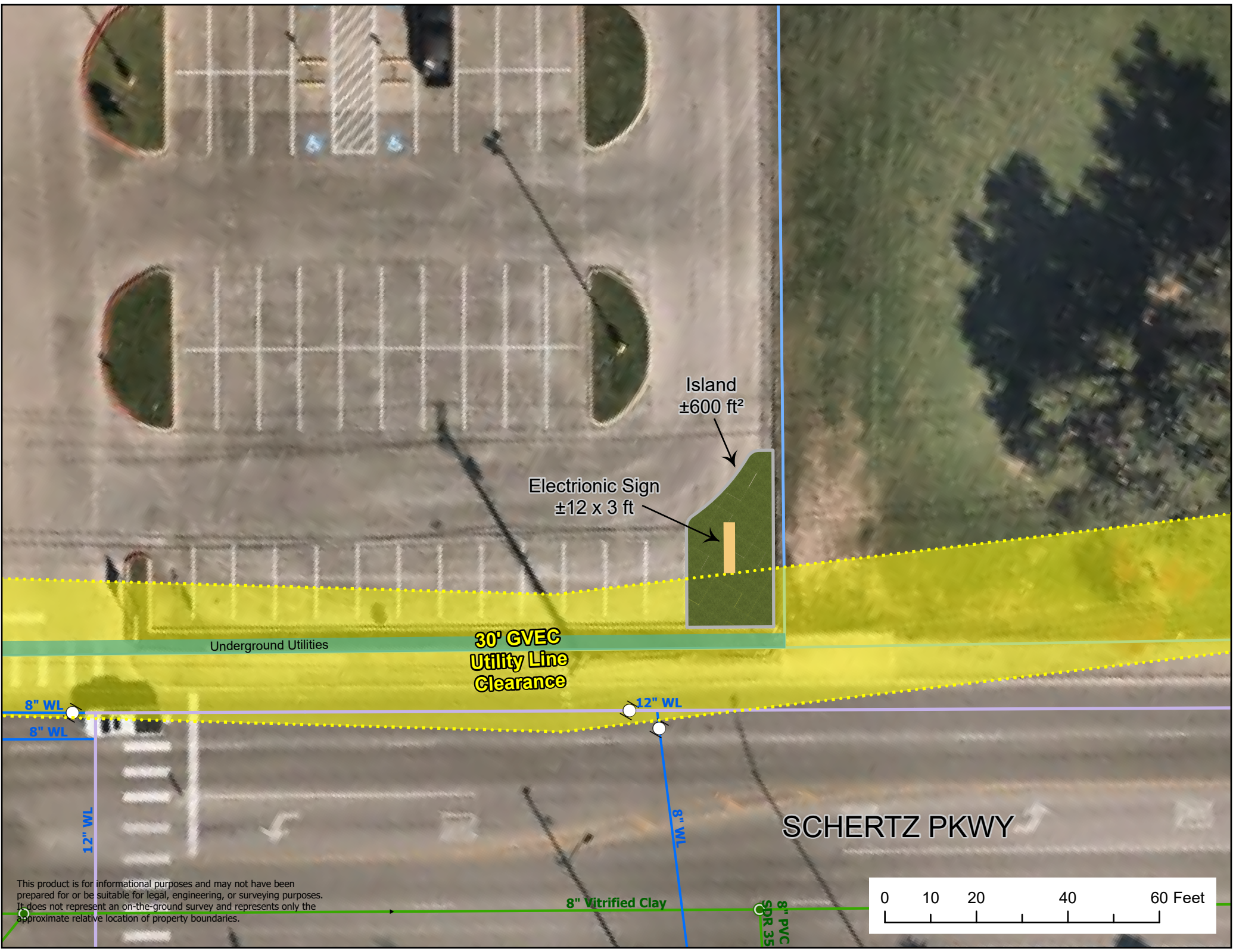
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PAINT: SW 6392 VITAL YELLOW

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TYPE: TBD - TO MATCH EXISTING
COPY: 1/4" FCO BLACK ACRYLIC LETTERS STUD MOUNTED TO BASE
HELVETICA FONT

SUPPORT: PER ENGINEERING DRAWING
FOOTING: PER ENGINEERING DRAWING

DESIGN
SCALE: 3/8" = 1'-0"



Island
±600 ft²

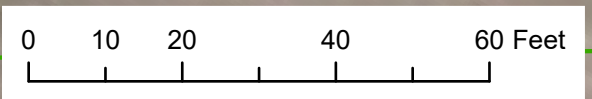
Electronic Sign
±12 x 3 ft

**30' GVEC
Utility Line
Clearance**

Underground Utilities

SCHERTZ PKWY

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



8" Vitrified Clay

8" PVC
SPR 35

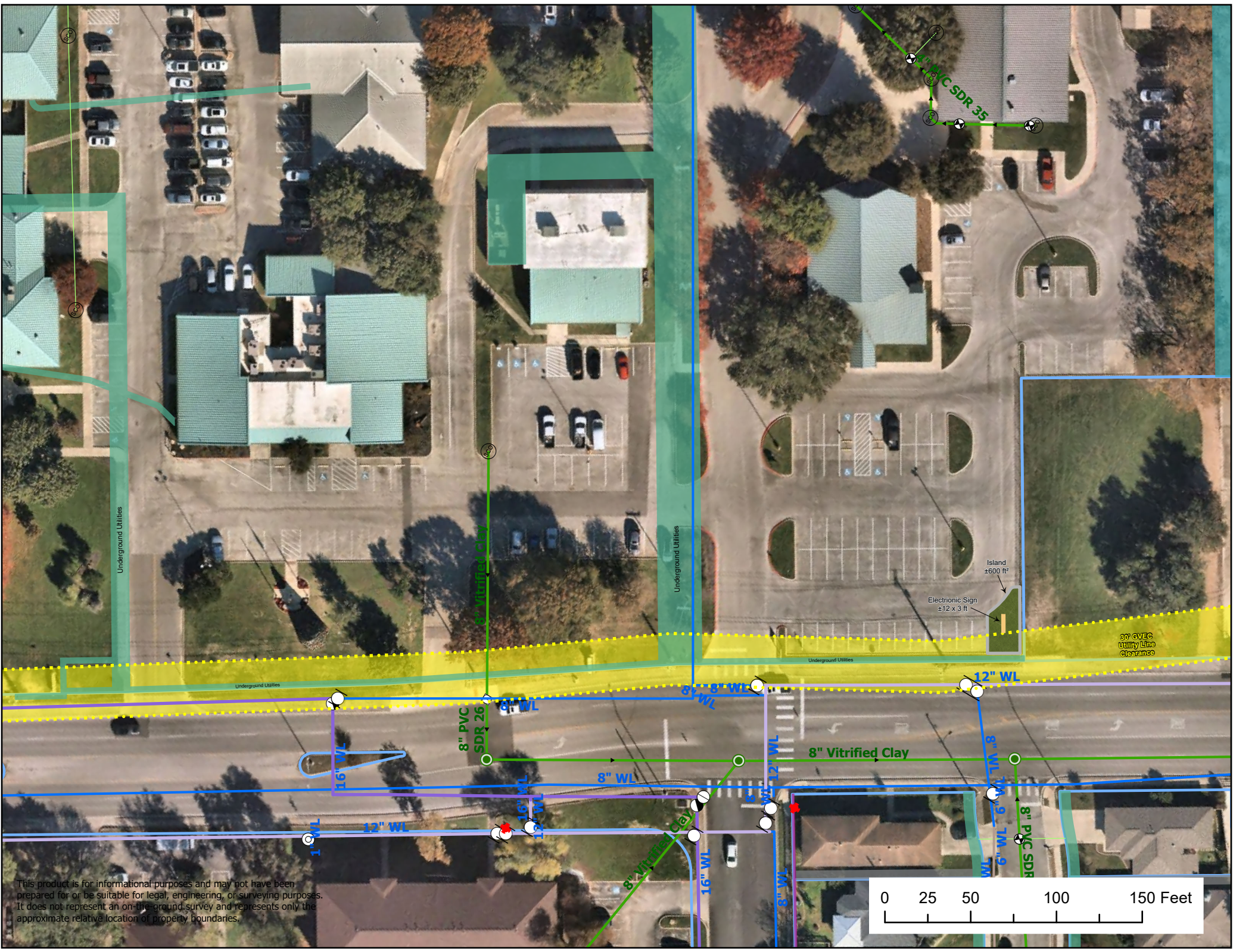
8" WL

8" WL

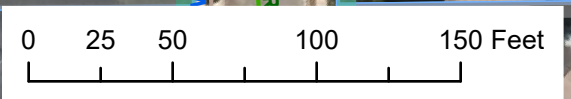
12" WL

12" WL

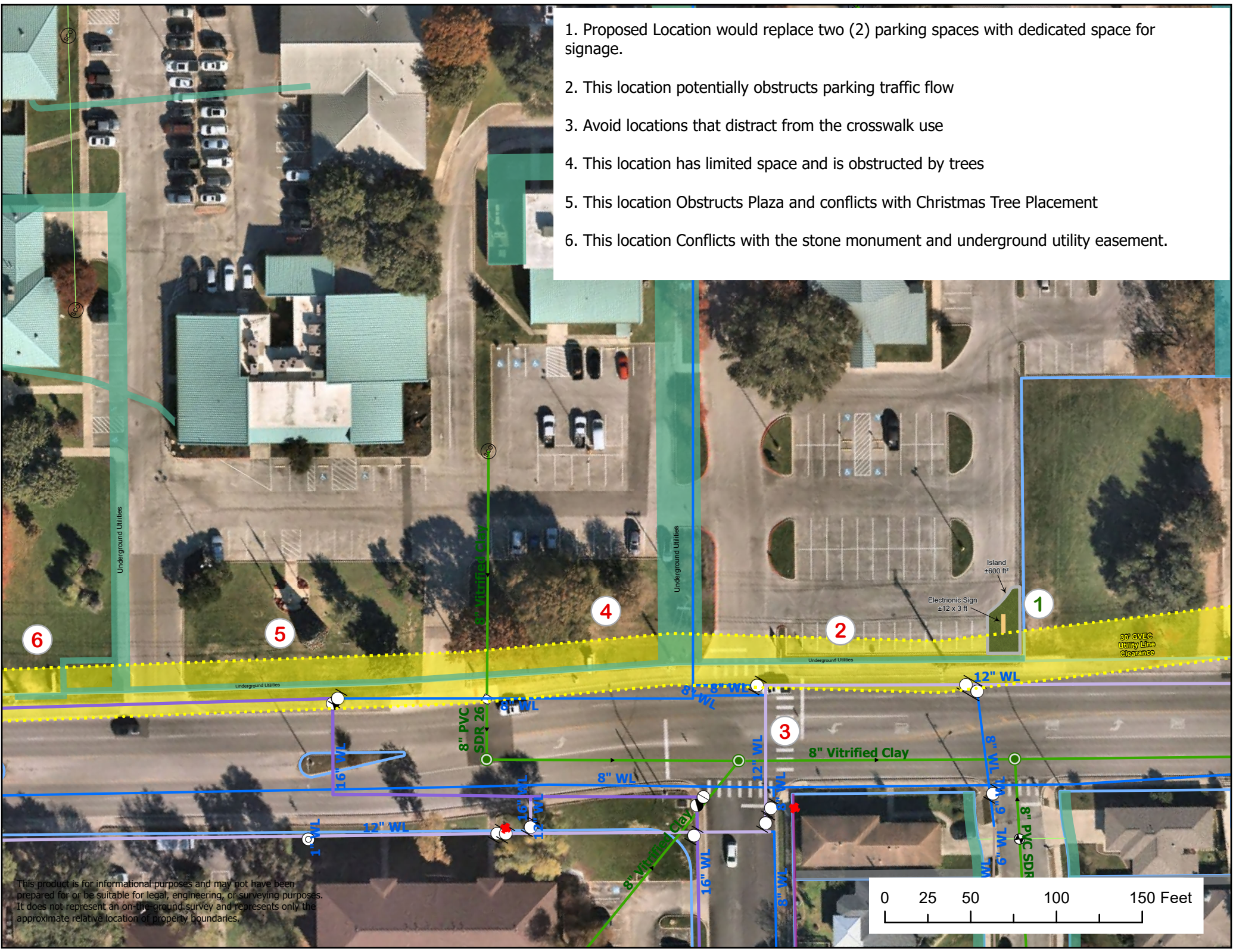
8" WL



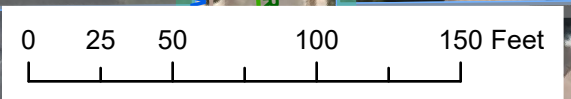
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1. Proposed Location would replace two (2) parking spaces with dedicated space for signage.
2. This location potentially obstructs parking traffic flow
3. Avoid locations that distract from the crosswalk use
4. This location has limited space and is obstructed by trees
5. This location Obstructs Plaza and conflicts with Christmas Tree Placement
6. This location Conflicts with the stone monument and underground utility easement.



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CITY COUNCIL MEMORANDUM

City Council Meeting: October 22, 2024
Department: City Secretary
Subject: Standard Operating Procedure (SOP) - Political Signs on City Property (Mayor/S.Edmondson)

BACKGROUND

A standard process on how to handle political signs on city-owned property during any election season will greatly help staff and candidates.

The political sign SOP standards will be consistent whether the city is the main hub for Guadalupe County Elections or an election day vote site.

Attachments

Political Sign SOP
Sign SOP Map

Standard Operating Procedures for Dealing with Political Signs in the Public ROW or on City Property

City Owned Property Being Used for the County's Vote Site Polling Locations

City Secretary will disseminate this document and the map(s) to candidates as needed and provide a copy to Neighborhood Services.

A week prior to voting, City Secretary's Office will identify and mark on the City owned Polling Location the limits of the one hundred (100) foot electioneering free zone adjacent to the entry to polling places.

The City Secretary's office will monitor, document, remove and transfer to Neighborhood Services, to hold, any political signs (for 5 days) found to be in violation and as a courtesy will notify the candidates (if possible) and inform them of how to retrieve their political signs.

Political signs may not be placed on City owned property before 5:00 pm the Friday prior to election day or the start of early voting and must be removed by 5:00 p.m. the day after the election or Neighborhood Service Staff will remove and dispose of them.

Only political signs on H-frame metal stands are permitted on city-owned property. Signs must be 24 x 18 inches in size and the limit per is 3 signs per candidate.

If a Runoff Election is required, candidates may not place political signs on city owned property before 5:00 pm Friday prior to the start of early voting. All political signs must be removed by 5:00 p.m. the day after the runoff election. Political signs that are not removed by then will be removed and disposed of by Neighborhood Service Staff .

Removal of Signs within the City Right-of-Way and City Owned

Neighborhood Services will track these in Cityview.

For Political Signs that are clearly located within the Right-of-way, Neighborhood Services Staff will immediately remove and hold the sign and inform the City Secretary's Office will notify the candidate (if possible) as a courtesy that the sign was removed and that it will be held for 5 days to be retrieved and will be disposed of after that time period.

For Political Signs that are clearly located on property that a reasonable person would know is City owned, such as developed Parks, City Facilities, etc., except for within the defined area of a polling location on City property as noted above, Neighborhood Services Staff will immediately remove and hold the sign and inform the City Secretary's Office who will notify the candidate (if possible) as a courtesy that the sign was removed and that it will be held for 5 days to be retrieved but will be disposed of after that time period.

For Political Signs that are clearly located on City Owned property, but which the public may not be aware is City owned property, Neighborhood Services Staff will immediately remove and hold the sign and inform the City Secretary's Office who will notify the candidate (if possible) as a courtesy that the sign was removed and that it will be held for 5 days to be retrieved but will be disposed of after that time period.

For signs that Neighborhood Services Staff believes to be in the City Right-of-Way or on City Owned Property, but cannot definitively prove, Neighborhood Services Staff will notify the City Secretary's Office who will ask the Candidate or adjacent property owner to provide evidence that the sign is not in the City Owned Right-of-Way or on City Owned Property. If such evidence is not provided within 24 hours, Neighborhood Services Staff will remove the sign and inform the City Secretary's Office who will notify the candidate (if possible) as a courtesy that the sign was removed and that it will be held for 5 days to be retrieved but will be disposed of after that time period.

Pop-up canopies or tents may not be used on city property during early voting and election day. Vehicles with candidate signage or vehicle wrap may be parked on designated city property on election day.

City Code Reference Regarding Political Signs

City of Schertz UDC:

Sec. 21.11.5. Exempted Signs.

The following types of signs or sign work are exempt from the permit requirements of this Article provided, however, that the exemption from the permit requirements of this Article shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Article or any other laws, ordinances, codes or regulations of the City:

B. Political Signs


Sec. 21.11.6. Prohibited Signs.

E. Over Public Property or Public Right-of-Way. It shall be prohibited to erect or display any type of sign on or over public ROW or other public property, unless the same is erected by the City, County, State or other authorized governmental agency, or with the permission of the City (in its sole discretion), for public purposes.

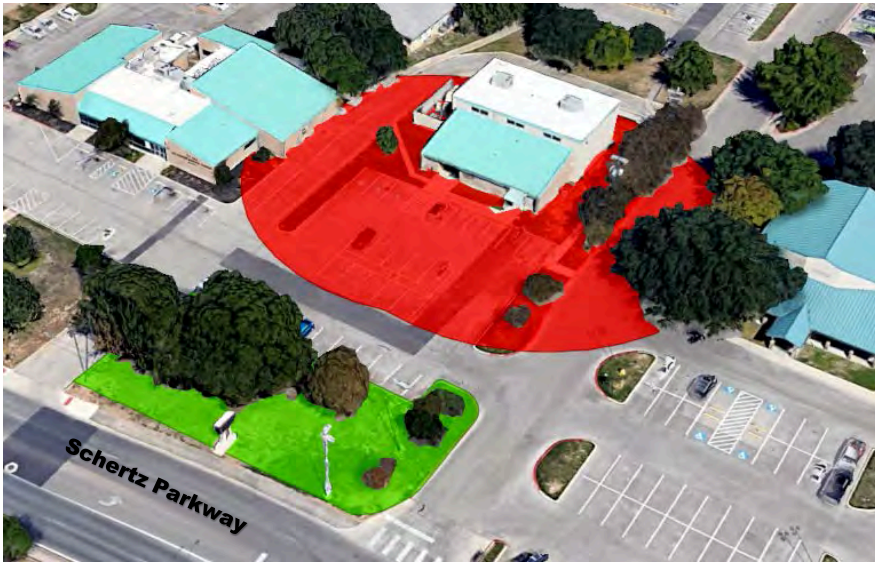
Sec. 21.11.7. Removal of Signs.

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

Political Signs

 Prohibited
(within 100' of entrance)

 Allowed



Schertz Community Center

1400 SCHERTZ PKWY
SCHERTZ TX 78154



Schertz Fire Station #3

11917 LOWER SEGUIN RD
SCHERTZ TX 78154



Schertz North Center

3501 MORNING DR
SCHERTZ TX 78108