



**MEETING AGENDA**  
**Schertz Capital Improvement Advisory Committee**  
**AND**  
**Planning & Zoning Commission**  
**September 4, 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**  
**WEDNESDAY, SEPTEMBER 4, 2024 at 6:00 p.m.**

**The Capital Improvement Advisory Committee and the Planning and Zoning Commission will hold the scheduled meeting at 6:00p.m., Wednesday, September 4, 2024, at the City Council Chambers. In lieu of attending the meeting in person, residents will have the opportunity to watch the meeting via live stream on the City's YouTube Channel.**

**1. CALL TO ORDER / ROLL CALL THE CAPITAL IMPROVEMENT ADVISORY COMMITTEE MEETING**

**2. SEAT ALTERNATE TO ACT IF REQUIRED**

**3. HEARING OF RESIDENTS**

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

**4. PUBLIC HEARING:**

- A.** Hold a public hearing, consider, and file the semi-annual report evaluating the progress of the City on achieving the capital improvements program and identifying any problems in implementing the plans or administering the capital recovery fees.

**5. WORKSHOP AND DISCUSSION:**

- A.** Workshop and presentation on Water and Wastewater Capital Recovery Fees (Impact Fees)

**6. ADJOURNMENT OF THE CAPITAL IMPROVEMENT ADVISORY COMMITTEE MEETING**

**1. CALL TO ORDER / ROLL CALL THE REGULAR PLANNING & ZONING COMMISSION MEETING**

**2. SEAT ALTERNATE TO ACT IF REQUIRED**

**3. HEARING OF RESIDENTS**

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

**4. CONSENT AGENDA:**

- A. Minutes for the August 7, 2024 Regular Meeting.

**5. PUBLIC HEARING:**

*The Planning and Zoning Commission will hold a public hearing related to zone change requests and replats within this agenda. The public hearing will be opened to receive a report from staff, the applicant, the adjoining property owners affected by the applicant's request, and any other interested persons. Upon completion, the public hearing will be closed. The Commission will discuss and consider the application, and may request additional information from staff or the applicant, if required. After deliberation, the Commission is asked to consider and act upon the following requests and make a recommendation to the City Council if necessary.*

- A. **PLUDC20240167** - Conduct a public hearing, workshop and discussion and possible action to make a recommendation on amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC), to Article 5, Section 21.5.9- 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.
- B. **PLUDC20240195** - Conduct a public hearing, workshop and discussion and possible action to make a recommendation on amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC), to Article 4 - Procedures and Applications, and Article 5 - Zoning Districts.
- C. **PLUDC20240186** - Conduct a public hearing, workshop and discussion and possible action to make a recommendation on amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC), to Article 5 - Zoning Districts and Article 10 - Parking Standards.

**6. REQUESTS AND ANNOUNCEMENTS:**

- A. Requests by Commissioners to place items on a future Planning and Zoning Agenda
- B. Announcements by Commissioners
  - City and community events attended and to be attended
  - Continuing education events attended and to be attended
- C. Announcements by City Staff.
  - City and community events attended and to be attended.

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

- A. Current Projects and City Council Status Update

8. **ADJOURNMENT OF THE REGULAR MEETING**

**CERTIFICATION**

I, Emily Delgado, Planning Manager, of the City of Schertz, Texas, do hereby certify that the above agenda was posted on the official bulletin boards on this the 30th day of August, 2024 at 3:00 p.m., which is a place readily accessible to the public at all times and that said notice was posted in accordance with chapter 551, Texas Government Code.

*Emily Delgado*  
Emily Delgado, Planning Manager

**I certify that the attached notice and agenda of items to be considered by the Schertz Planning & Zoning Commission was removed from the official bulletin board on \_\_\_\_ day of \_\_\_\_\_, 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 619-1030 at least 24 hours in advance of meeting.*

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

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

**CAPITAL IMPROVEMENT ADVISORY COMMITTEE: 09/04/2024**

**Agenda Item 4 A**

TO: Planning and Zoning Commission  
PREPARED BY: Kathryn Woodlee, City Engineer  
SUBJECT: Hold a public hearing, consider, and file the semi-annual report evaluating the progress of the City on achieving the capital improvements program and identifying any problems in implementing the plans or administering the capital recovery fees.

---

**GENERAL INFORMATION**

Section 395.058 (c) (4) of the Texas Local Government Code requires the Capital Improvements Advisory Committee (CIAC) to file semi-annual reports with respect to the progress of the capital improvement plan and report to City Council any perceived inequities in implementing the plan or imposing impact fees. Section 90-158 of the City's Code of Ordinances includes the same requirement.

Active projects and associated expenses that are funded using Impact Fee Funds this period were as follows:

**Water**

- Corbett Ground Storage Tank
  - Expenses 1st Half FY24: \$695,289.34
    - Professional services - \$21,899.53
    - Construction - \$673,389.81
  - Status: Construction Phase.
- City-wide Water Master Plan and Impact Fee Update Study
  - Expenses 1st Half FY24: Professional services - \$2,281.60
  - Status: Water system model finalized, projected future demands applied, identification of capital improvement projects complete.
- Ware Seguin to Lower Seguin and Graytown to Pfeil Loop Lines
  - Expenses 1st Half FY24: Professional services - \$5,823.00
  - Status: Design and easement acquisition efforts continuing.

**Sewer**

- Woman Hollering Creek Wastewater Project
  - Expenses 1st Half FY24: \$462,515.44
    - Professional services - \$57,484.55
    - Construction - \$405,030.89
  - Status: Construction nearing completion - lift station has been delayed, but startup projected 1st half FY25.
- City-wide Wastewater Master Plan and Impact Fee Update Study
  - Expenses 1st Half FY24: Professional services - \$38,021.90
  - Status: Wastewater system model finalized, projected capacity demands based on future land use assumptions applied, identification of capital improvement projects complete.

**Roadway**

- Service Area 1
  - No Expenses 1st Half FY24
- Service Area 2
  - Expenses 1st Half FY24 - \$57,305.25 annual partial reimbursement to Babcock Road 165, Ltd., for cost of Ripps Kreuzler extension (\$147,771.64 remaining to be paid)
- Service Areas 3 and 4
  - No Expenses 1st Half FY24

**STAFF ANALYSIS AND RECOMMENDATION**

Staff recommends the CIAC accept this report and file the semi-annual report with City Council. The semi-annual report will consist of the items presented to the CIAC and draft minutes from this meeting.

---

**Attachments**

Capital Recovery Balance - 1st Half FY2023-24



**CITY OF SCHERTZ  
CAPITAL RECOVERY IMPACT FEE REPORT  
October 1, 2023 TO March 31, 2024**

	***** IMPACTS FEES *****		
	Water	Sewer	Total
Beginning Allocated Impact Fee Balance <sup>1</sup>	3,686,219.82	199,007.03	3,885,226.85
Net Change in Allocated Impact Fees	(695,289.34)	(46,737.44) #	(742,026.78)
Ending Allocated Impact Fee Balance	2,990,930.48	152,269.59 #	3,143,200.07
Beginning Unallocated Impact Fee Balance	5,352,852.76	1,287,903.58	5,408,319.98
Revenues:			
Impact Fees	596,350.00	473,506.28	1,069,856.28
Transfer In	0.00	0.00	0.00
Interest Earned	728.31	702.74	1,431.05
Investments Income	156,339.61	137,413.27	293,752.88
Expenses:			
Professional Services	2,281.60	38,021.90	40,303.50
Auditor/Accounting Services	0.00	0.00	0.00
Investment Mgt Fee - Sewer	0.00	0.00	0.00
Transferred Out	0.00	415,778.00	415,778.00
Construction	0.00	0.00	0.00
Total Revenue Over/(Under) Expense	751,136.32	157,822.39	908,958.71
Ending Unallocated Impact Fee Balance	6,103,989.08	1,445,725.97	7,549,715.05
Estimated Cost of Unfunded Projects			
Loop Lines	721,185.59		
Capital Impact Fee Study - Water	76,135.52		
Capital Impact Fee Study - Sewer		59,880.59	
Cibolo West Trunk Line		6,000,000.00	
Total Unfunded Project Costs	797,321.11	6,059,880.59	6,857,201.70
Unfunded Projects to Ending Unallocated Impact Fee Balance <sup>2</sup>	5,306,667.97	(4,614,154.62)	692,513.35

<sup>1</sup> Allocated Impact Fee Balances only include Capital Recovery funds and not funds from any other source. It also assumes Capital Recovery Funds are used first when allocated.

<sup>2</sup> Negative Unfunded Projects to Ending Impact Fee Balance to be funded by future revenues or through other sources

**Capital Recovery Water Projects**

Capital Improvements Program	SE Quad Pump Station	SE Quad GST	SE Quad Elevated Tank	SE Quad Distribution Mains	NE Quad Distribution Mains	IH10 Corridor Distribution Mains
Original Cost Estimate	\$ 1,688,289	\$ 1,100,000	\$ 1,250,000	\$ 1,700,000	\$ 1,600,000	\$ 1,000,000
Current Project Designation	Corbett Ground Storage Tank	Corbett Ground Storage Tank- RL2	Corbett Elevated Tank - RL1	Loop Lines - WA1		
Current Cost Estimate		\$ 5,000,000	\$ 5,650,000	\$ 1,806,076		

Capital Recovery Funding/Allocation

2011						
2012						
2013			\$ 12,251.14			
2014			\$ 500.00			
2015			\$ 86,166.10			
2016			\$ 3,050,000.00			
2017						
2018						
2019			\$ 1,375,000.00			
2020						
2021		\$ 512,000.00				
2022		\$ 4,230,818.70				

Capital Recovery Funding Balance	\$ -	\$ 4,742,818.70	\$ 4,523,917.24	\$ -	\$ -	\$ -
Other Funding Sources	\$ -	\$ -	\$ 924,031.46	\$ 1,084,890.41	\$ -	\$ -
<b>Total Project Funding Sources</b>	\$ -	\$ 4,742,818.70	\$ 5,447,948.70	\$ 1,084,890.41	\$ -	\$ -

Project Annual Expenses

Second Half 2013			\$ 12,251.14			
First Half 2014			\$ 6.77			
Second Half 2014			\$ 2,081.13			
First Half 2015			\$ 980.00			
Second Half 2015			\$ 120,233.32			
First Half 2016			\$ 87,843.28			
Second Half 2016			\$ 22,763.75			
First Half 2017			\$ -			
Second Half 2017			\$ 40,403.20			
First Half 2018			\$ 6,248.00			
Second Half 2018			\$ 7,485.13			
First Half 2019			\$ 50,510.63			
Second Half 2019			\$ 1,994,741.24			
First Half 2020			\$ 1,385,858.48			
Second Half 2020			\$ 1,161,122.42			
First Half 2021			\$ 172,980.16			
Second Half 2021		\$ 114,254.48	\$ 91,433.48			
First Half 2022		\$ 154,707.22				
Second Half 2022		\$ 124,820.80				
First Half 2023		\$ 21,629.11		\$ 40,455.00		
Second Half 2023		\$ 641,187.27		\$ 80,810.00		
First Half 2024		\$ 685,310.64		\$ 5,823.00		
<b>Total Expenses</b>	\$ -	\$ 1,741,909.52	\$ 5,156,942.13	\$ 127,088.00	\$ -	\$ -

Allocated Impact Project Fee Balance	\$ -	\$ 3,000,909.18	\$ -	\$ -	\$ -	\$ -
Project Balance	\$ -	\$ 3,000,909.18	\$ 291,006.57	\$ 957,802.41	\$ -	\$ -

Project Status	Future	On Going	Complete	On Going	Future	Future
----------------	--------	----------	----------	----------	--------	--------

**Capital Recovery Sewer Projects**

Capital Improvements Program	Final South Sewershed Master Plan	Town Creek Phase III	Town Creek Phase IV	Woman Hollering Creek STP PH II	South Schertz Trunk Lines and Lift Station	South Schertz Trunk Lines and Lift Station
Original Cost Estimate	\$ 15,000	\$ 659,126	\$ 1,000,000	\$ 600,000	\$ 9,600,000	
Current Project Designation		Town Creek Phase III - QA3		Crossvines Batch Plant Expansion - QA4	Woman Hollering Trunk Line - QA2/Q01	Cibolo West Truck Line
Current Cost Estimate		\$ 931,740		\$ 487,848	\$ 12,000,000	\$ 6,000,000.0

Capital Recovery Funding/Allocation

2011						
2012						
2013						
2014						
2015						
2016						
2017						
2018				\$ 487,848.00		
2019				\$ -		
2020						
2021					\$ 7,795,000.00	
2022						
2024					\$ 415,778.00	

Capital Recovery Funding Balance	\$ -	\$ -	\$ -	\$ 487,848.00	\$ 8,210,778.00	\$ -
Other Funding Sources		Bond 2007 \$ 931,739.74			Bond 2013 \$ 3,069,305.46	
Total Project Funding Sources	\$ -	\$ 931,739.74	\$ -	\$ 487,848.00	\$ 11,280,083.46	\$ -

Project Annual Expenses

First Half 2012						
Second Half 2012					\$ 82,262.17	
First Half 2013					\$ 49,861.30	
Second Half 2013		\$ 980.00			\$ 17,032.55	
First Half 2014		\$ 28,743.00			\$ 61,364.70	
Second Half 2014		\$ 46,690.62			\$ 34,775.84	
First Half 2015		\$ 5,858.72			\$ 5,382.50	
Second Half 2015		\$ 815,683.00			\$ 38,315.41	
First Half 2016		\$ 33,784.40			\$ 121,438.32	
Second Half 2016					\$ 83,983.26	
First Half 2017					\$ 6,220.00	
Second Half 2017					\$ 4,048.18	
First Half 2018					\$ 247,870.62	
Second Half 2018				\$ 68,609.20	\$ 212,479.83	
First Half 2019				\$ 225,595.33	\$ 56,860.59	
Second Half 2019				\$ 41,375.48	\$ 225,106.41	
First Half 2020				\$ -	\$ 98,737.52	
Second Half 2020				\$ -	\$ 143,307.30	
First Half 2021				\$ -	\$ -	
Second Half 2021				\$ -	\$ 16,123.52	
First Half 2022				\$ -	\$ 6,615.06	
Second Half 2022				\$ -	\$ 3,886,885.47	
First Half 2023				\$ -	\$ 3,715,891.65	
Second Half 2023				\$ -	\$ 1,703,004.22	
First Half 2024					\$ 462,515.44	
<b>Total Expenses</b>	\$ -	\$ 931,739.74	\$ -	\$ 335,580.01	\$ 11,280,081.86	\$ -

Allocated Impact Project Fee Balance	\$ -	\$ -	\$ -	\$ 152,267.99	\$ 1.60	\$ -
Project Balance	\$ -	\$ -	\$ -	\$ 152,267.99	\$ 1.60	\$ -
Project Status	Future	Complete	Future	On Going	On Going	Future

**CITY OF SCHERTZ**  
**ROADWAY IMPACT FEE REPORT**  
**October 1, 2023 TO March 31, 2024**

	***** ROADWAY IMPACTS FEES *****				
	Area 1	Area 2	Area 3	Area 4	Total
Beginning Allocated Impact Fee Balance	0.00	0.00	0.00	0.00	0.00
Net Change in Allocated Impact Fees	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Ending Allocated Impact Fee Balance	0.00	0.00	0.00	0.00	0.00
Beginning Unallocated Impact Fee Balance	1,061,487.37	681,048.07	1,262,722.62	6,403.04	3,011,661.10
Revenues:					
Impact Fees	202,178.83	110,519.53	728,607.50	0.00	1,041,305.86
Transfer In	0.00	0.00	0.00	0.00	0.00
Interest Earned	157.35	53.85	98.85	0.05	310.10
Investments Income	30,221.05	19,632.01	51,041.23	181.14	101,075.43
Expenses:					
Development Incentive Fund	0.00	57,305.25	0.00	0.00	57,305.25
Professional Services	0.00	0.00	0.00	0.00	0.00
Auditor/Accounting Services	0.00	0.00	0.00	0.00	0.00
Transferred Out	0.00	0.00	0.00	0.00	0.00
Contingency	0.00	0.00	0.00	0.00	0.00
Construction	0.00	0.00	0.00	0.00	0.00
RightOfWay/Easements	0.00	0.00	0.00	0.00	0.00
Total Revenue Over/(Under) Expense	<u>232,557.23</u>	<u>72,900.14</u>	<u>779,747.58</u>	<u>181.19</u>	<u>1,085,386.14</u>
Ending Unallocated Impact Fee Balance	1,294,044.60	753,948.21	2,042,470.20	6,584.23	4,097,047.24



**PLANNING AND ZONING COMMISSION MEETING: 09/04/2024**  
**Agenda Item 4 A**

TO: Planning and Zoning Commission  
PREPARED BY: Emily Delgado, Planning Manager  
SUBJECT: Minutes for the August 7, 2024 Regular Meeting.

---

**Attachments**

Draft Minutes for the August 7, 2024 Regular P&Z Meeting

# DRAFT

## PLANNING AND ZONING MINUTES

August 7, 2024

The Schertz Planning and Zoning Commission convened on August 7, 2024 at 6:00 p.m. at the Municipal Complex, Council Chambers, 1400 Schertz Parkway Building #4, Schertz, Texas.

Present: Glen Outlaw, Chairman; Richard Braud, Vice Chairman; Roderick Hector, Commissioner; Clayton Wallace, Commissioner; Judy Goldick, Commissioner; John Carbon, Commissioner; Patrick McMaster, Commissioner

Absent: Danielle Craig, Commissioner; Tamara Brown, Commissioner

Staff present: Lesa Wood, Director of Planning & Community Development; Emily Delgado, Planning Manager; Tiffany Danhof, Administrative Assistant; Daisy Marquez, Planner; Samuel Haas, Senior Planner

### 1. CALL TO ORDER

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

### 2. SEAT ALTERNATE TO ACT IF REQUIRED

Commissioner Wallace was seated as an alternate.

### 3. HEARING OF RESIDENTS

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

Elliot Lomay-11709 Cypress Barn  
Loretta Brand- 10423 Cotton Spindle

### 4. CONSENT AGENDA:

- A. Election of Planning and Zoning Commission Chair and Vice Chair.  
Mr. Outlaw was reappointed as Chairman with a 7/0 vote, and Mr. Braud was voted the Vice-Chairman with a 7/0 vote.
- B. Minutes for the July 3, 2024 Regular Meeting.

Motioned by Commissioner Clayton Wallace to approve, seconded by Commissioner John Carbon

**Vote: 7 - 0 Passed**

**5. PUBLIC HEARING:**

*The Planning and Zoning Commission will hold a public hearing related to zone change requests, specific use permit requests, and Unified Development Code Amendments within this agenda. The public hearing will be opened to receive a report from staff, the applicant, the adjoining property owners affected by the applicant's request, and any other interested persons. Upon completion, the public hearing will be closed. The Commission will discuss and consider the application, and may request additional information from staff or the applicant, if required. After deliberation, the Commission is asked to consider and act upon the following requests and make a recommendation to the City Council if necessary.*

- A. PLSPU20240142** - Hold a public hearing and make a recommendation on a Specific Use Permit to allow for a Convenience Store with Gas Pumps in General Business District (GB), on approximately 1.61 acres of land, known as Bexar County Property Identification Number 1396038, generally located southwest of the intersection of FM1518 and Schaefer Road, City of Schertz, Bexar County, Texas.

Mr. Haas and the applicant provided a presentation.

Mr. Outlaw opened the public hearing at 6:27 P.M.

Rod Fischer- 10224 Aurora Sky

Carlos Tienda- 10516 Pecan Branch

Christina Brown- 11709 Cypress Barn

Carly Gentry- 10413 Aurorasky

Lance Campbell- 10408 Pecan Branch

Bill Charest- 10425 Bowies Knoll

Mary Stanford- 10305 Hoot Owl

Kyle Lucas- 10409 Pecan Ranch

Alex Smith- 11708 Cypress Barn

Patricia Lucas- 10409 Pecan Ranch

Mike Allshouse-10422 Cotton Spindle

Ken Sterling-President Willow Grove

Jason Bishop- 10437 Shadowy Dusk

Todd Vician- 8926 Green Grant

Myron Shirley- 10405 Bowies Knoll

Mr. Outlaw closed the public hearing at 7:06 P.M.

Motioned by Commissioner Clayton Wallace to recommend disapproval to the City Council, seconded by Commissioner Patrick McMaster

**Vote: 6 - 1 Passed**

NAY: Commissioner John Carbon

- B. PLZC20240155** – Conduct a public hearing and make a recommendation on a request to rezone approximately 71 acres of land from Single-Family Residential/ Agricultural District (R-A) and Agricultural District (AD) to approximately 41 acres as Single-Family Residential District (R-2) and approximately 30 acres as Single-Family Residential District (R-6), known as Bexar County Property Identification Number 310022, more specifically known as 12840 Lower Seguin Road, City of Schertz, Bexar County, Texas.

Mrs. Marquez and the applicant provided a presentation.

Mr. Outlaw opened the public hearing at 7:54 P.M.

Todd Vician- 8926 Green Grant

Guillermo Guajardo- 12870 Lower Seguin Rd.

Mr. Outlaw closed the public hearing at 7:56 P.M.

Motioned by Commissioner Roderick Hector to recommend approval to the City Council, seconded by Commissioner Patrick McMaster

**Vote:** 7 - 0 Passed

- C. PLZC20240153** – Conduct a public hearing and make a recommendation on a request to rezone approximately 79 acres of land from Planned Development District (PDD) to Single-Family Residential District (R-1), known as Bexar County Property Identification Number 310060, more specifically known as 8676 Trainer Hale Rd, City of Schertz, Bexar County, Texas.

Mrs. Marquez and the applicant provided a presentation.

Mr. Outlaw opened the public hearing at 8:23 P.M.

No one spoke.

Mr. Outlaw closed the public hearing at 8:24 P.M.

Motioned by Commissioner Patrick McMaster to recommend approval to the City Council, seconded by Commissioner Clayton Wallace

**Vote:** 7 - 0 Passed

## **6. ITEMS FOR INDIVIDUAL CONSIDERATION:**

- A. PLRP20240154** - Consider and act upon a request for approval of a replat for the Royal Manufacturing Phase III Subdivision Lots 3-6, Block 3, approximately 75.24 acres of land generally located 1,860 feet to the west of the Tejas Way and Doerr Lane intersection, also known as Comal County Parcel ID 474772, City of Schertz, Comal County, Texas.

Mr. Haas provided a presentation.

Motioned by Commissioner Judy Goldick to approve, seconded by Commissioner Patrick McMaster

**Vote:** 7 - 0 Passed

## **7. REQUESTS AND ANNOUNCEMENTS:**

- A.** Requests by Commissioners to place items on a future Planning and Zoning Agenda  
There were no requests by Commissioners.

- B.** Announcements by Commissioners

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

There were no announcements by Commissioners.

**C.** Announcements by City Staff.

- City and community events attended and to be attended.

There were no announcements by City staff.

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

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

**9. ADJOURNMENT OF THE REGULAR MEETING**

Chairman Mr. Outlaw adjourned the regular meeting at 8:37 P.M.

---

Chairman, Planning and Zoning Commission

---

Recording Secretary, City of Schertz

**PLANNING AND ZONING COMMISSION MEETING: 09/04/2024**  
**Agenda Item 5 A**

TO: Planning and Zoning Commission  
 PREPARED BY: Daisy Marquez, Planner  
 SUBJECT: **PLUDC20240167** - Conduct a public hearing, workshop and discussion and possible action to make a recommendation on amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC), to Article 5, Section 21.5.9- 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.

**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 UDC	Proposed Amendment
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 21.9.9; 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 Caedar, 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	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.	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**

The proposed UDC amendments promote consistency throughout the UDC and provide additional clarity in the development process. Staff recommends approval of PLUDC20240176, 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.

---

**Attachments**

Proposed UDC Amendments RED LINES

Proposed UDC Amendments CLEAN

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.

- 
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 c~~ 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.

- 
- 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.
<del>Tree-of Heaven</del>	<del><i>Ailanthus altissima</i></del>
<del>Chinese Tallow</del>	<del><i>Triadica sebifera</i></del>
<del>Chinese Privet, Glossy (Japanese) Privet</del>	<del><i>Ligustrum sinense</i></del>
<del>Paper Mullberry</del>	<del><i>Broussonetia papyrifera</i></del>
<del>Salt Cedar</del>	<del><i>Tamarix</i> spp.</del>
<del>Chinese Pistache</del>	<del><i>Pistacia chinensis</i></del>
<del>Vitex</del>	<del><i>Vitex agnus-castus</i></del>
<del>Japanese Honeysuckle</del>	<del><i>Lonicera Japonica</i></del>
<del>Nandina</del>	<del><i>Nandina domestica</i></del>
<del>Princess Tree</del>	<del><i>Paulownia tomentosa</i></del>
<del>Huisache or Sweet Acia</del>	<del><i>Acacia Farnesiana</i></del>
<del>Box Elder</del>	<del><i>Acer negundo</i></del>
<del>Mimosa</del>	<del><i>Albizia julibrissin</i></del>
<del>Golden-Rain Tree</del>	<del><i>Koelreuteria paniculata</i></del>
<del>Bradford Pear</del>	<del><i>Pyrus calleryana</i></del>
<del>Japanese Plum</del>	<del><i>Prunus salicina</i></del>
<del>Lombardy popular</del>	<del><i>Populus nigra "italica"</i></del>

<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.

- 
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;

- 
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 (15<sup>th</sup>) 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.*

**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.*

- 
- 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.

- 
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.*

- 
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:

- 
- 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;

- 
- 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 (15<sup>th</sup>) 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.

- 
- 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)

# Proposed UDC Amendments Article 16 Clean

- 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.*



**PLANNING AND ZONING COMMISSION MEETING: 09/04/2024**  
**Agenda Item 5 B**

TO: Planning and Zoning Commission  
 PREPARED BY: Samuel Haas, Senior Planner  
 SUBJECT: **PLUDC20240195** - Conduct a public hearing, workshop and discussion and possible action to make a recommendation on amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC), to Article 4 - Procedures and Applications, and Article 5 - Zoning Districts.

**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".

<b>Comprehensive Plan Amendments Criteria For Approval 21.4.6.D</b>	
<b>Current Text</b>	<b>Proposed Text</b>
<ol style="list-style-type: none"> <li>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> <li>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;</li> <li>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;</li> <li>4. Any proposed amendment is consistent with the goals and objectives of the Comprehensive Land Plan;</li> <li>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</li> <li>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.</li> </ol>	<ol style="list-style-type: none"> <li>1. The proposed amendment promotes the health, safety, or general welfare of the City;</li> <li>2. An amendment to the text is consistent with the goals, objectives, and other policies of the Comprehensive Land Plan;</li> <li>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;</li> <li>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</li> <li>5. Other factors which, are deemed relevant and important in the consideration of the amendment.</li> </ol>

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".

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

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.

<b>Zone Change Criteria For Approval 21.5.4.D</b>	
<b>Current Text</b>	<b>Proposed Text</b>
<ol style="list-style-type: none"> <li>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;</li> <li>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;</li> <li>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;</li> <li>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;</li> <li>5. Whether there have been environmental and/or economical changes which warrant the requested change;</li> <li>6. Whether there is an error in the original zoning of the property for which a change is requested;</li> <li>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</li> <li>8. 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.</li> </ol>	<ol style="list-style-type: none"> <li>1. Whether the proposed zoning change implements the policies of the adopted Comprehensive Land Plan, or any other applicable adopted plans;</li> <li>2. Whether the proposed zoning change promotes the health, safety, and general welfare of the City.</li> <li>3. Whether the uses permitted by the proposed change will be consistent and appropriate with existing uses in the immediate area;</li> <li>4. Whether other factors are deemed relevant and important in the consideration of the amendment.</li> </ol>

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.

<b>Specific Use Permit Criteria For Approval 21.5.11.D</b>	
<b>Current Text</b>	<b>Proposed Text</b>
<ol style="list-style-type: none"> <li>1. The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Land Plan;</li> <li>2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;</li> <li>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;</li> <li>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;</li> <li>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;</li> <li>6. The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed use on adjacent properties;</li> <li>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;</li> <li>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;</li> <li>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</li> <li>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.</li> </ol>	<ol style="list-style-type: none"> <li>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.</li> <li>2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;</li> <li>3. The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods.</li> <li>4. The proposed use will not adversely affect the overall health, safety or general welfare of the City;</li> <li>5. Whether other factors are deemed relevant and important in the consideration of the Specific Use Permit.</li> </ol>

**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 PLUDC20240195

**RECOMMENDATION**

Approval of PLUDC20240195.

---

**Attachments**

UDC Criteria for Approval - redlines

UDC Criteria for Approval - Clean

---

## 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.

## Proposed Redlines

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~~
  - ~~8. 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)

---

## 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;

- 
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.

- 
- 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.

- 
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)



**PLANNING AND ZONING COMMISSION MEETING: 09/04/2024**  
**Agenda Item 5 C**

TO: Planning and Zoning Commission  
 PREPARED BY: Samuel Haas, Senior Planner  
 SUBJECT: **PLUDC20240186** - Conduct a public hearing, workshop and discussion and possible action to make a recommendation on amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC), to Article 5 - Zoning Districts and Article 10 - Parking Standards.

**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 PLUDC20240186 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:

<b>UDC Sections</b>	
<b>Section 21.5.2 Zoning Districts Established</b> <i>Table establishing zoning districts in the City</i>	
<b>Apartment / Multi-Family (R-4)</b>	<b>Middle Density Residential (R-5)</b>
(no change)	Adding Middle Density Residential (R-5)
<b>Section 21.5.5 Zoning Districts Established</b> <i>A narrative description of each zoning district.</i>	
<b>Apartment / Multi-Family (R-4)</b>	<b>Middle Density Residential (R-5)</b>

<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"> <li>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.</li> <li>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.</li> </ol>
--	---

**Section 21.5.7 Dimensional and Developmental Standards**  
*Section with setbacks, height requirements, min lot width, etc.*

Zoning District	Lot Size and Dimensions			Setbacks			Misc. Requirements	
	Area sq. ft.	Width sq. ft.	Depth ft.	Front ft.	Side ft.	Rear ft.	Max Height ft.	Imp. Coverage
<b>Apartment / Multi-Family (R-4)</b>	43,560	400	100	25	20	20	50	75%
<b>Middle Density (R-5)</b>	10,890	-	-	25	10	10	35	80%

New Key for R-5:  
(q) Minimum building separation is 10 feet. No HVAC units or fences may be within the building separation space.

**Section 21.5.7 Permitted Use Table**  
Section with uses permitted within each zoning district

<b>Apartment / Multi-Family (R-4)</b>	<b>Middle Density Residential (R-5)</b>
(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

<b>Apartment / Multi-Family (R-4)</b>	<b>Middle Density Residential (R-5)</b>
(no change)	For tracts one (1) acre or less, 1 space 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 ahead of the scheduled public hearing with Planning and Zoning.

For these reasons, staff is recommending approval of PLUDC20240186

**RECOMMENDATION**

Approval of UDC20240186.

---

**Attachments**

UDC R-4 & R-5 Redlines

UDC R-4 & R-5 Clean

**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	<del>10,000</del> 43,560	<del>1400</del>	100	25	10	20	2	<del>35</del> 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.	<del>Add 1,800 square feet of area for each unit after the first 3 units.</del> 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>Minimum building separation is 10 feet. No HVAC units or fences may be within the building separation space.</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.

(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 space 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, Condominium or Other Similar Use	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

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)

---

### 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.	Minimum building separation is 10 feet. No HVAC units or fences may be within the building separation space.

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.

- 
- 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.

(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)

**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 space 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, Condominium or Other Similar Use	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)

---

**SUBJECT**

Current Projects and City Council Status Update

**DEVELOPMENT INFORMATION**

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

**NEW SITE PLAN APPLICATIONS:**

- There were no new site plan applications submitted to the Planning and Community Development Department between August 3, 2024 and August 29, 2024.

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

- Ordinance 24-S-144- Conduct a public hearing and consider a request for a Specific Use Permit to allow a monopole telecommunication facility on approximately 1 acre of land, known as Guadalupe County Property Identification Number 47083, more specifically known as 120 Windy Meadows Drive, City of Schertz, Guadalupe County, Texas
  - Denied on First Hearing at the August 6, 2024 CC Meeting
- Ordinance 24-S-145- Conduct a public hearing and consider a request to rezone approximately 3.3 acres of land from Manufacturing – Light District (M-1) to Single-Family Residential District (R-6), known as Comal County Property Identification Number 75307, a portion of the property also known as 7444 FM 482, City of Schertz, Comal County, Texas.
  - Approved at First Hearing at the August 6, 2024 CC Meeting
  - Approved at Final Reading at the August 20, 2024 CC Meeting
- Ord. 24-S-146?- Conduct a public hearing and consider a request to rezone approximately 38.8 acres of land from Single-Family Residential/Agricultural District (R-A) and General Business District (GB) to Apartment/Multi-Family District (R-4), known as Guadalupe County Property Identification Number 68294, 68295, 68296, 68302, 68303, 68315 68316, generally located 1,100 feet to the west of the FM 2252 and IH 35 intersection, City of Schertz, Guadalupe County, Texas.
  - Scheduled for First Hearing at the September 3, 2024 CC Meeting
- Ord. 24-S-148- Conduct a public hearing and consider a request to rezone approximately 71 acres of land from Single-Family Residential/ Agricultural District (R-A) and Agricultural District (AD) to approximately 41 acres as Single-Family Residential District (R-2) and approximately 30 acres as Single-Family Residential District (R-6), known as Bexar County Property Identification Number 310022, more specifically known as 12840 Lower Seguin Road, City of Schertz, Bexar County, Texas.
  - Scheduled for First Hearing at the September 3, 2024 CC Meeting
- Ord. 24-S-149- Conduct a public hearing and consider a request to rezone approximately 79 acres of land from Planned Development District (PDD) to Single-Family Residential District (R-1), known as Bexar County Property Identification Number 310060, more specifically known as 8676 Trainer Hale Rd, City of Schertz, Bexar County, Texas.
  - Scheduled for First Hearing at the September 3, 2024 CC Meeting
- Ord. 24-S-147 – Conduct a public hearing and consider a request for a Specific Use Permit to allow for a Convenience Store with Gas Pumps in General Business District (GB), on approximately 1.61 acres of land, known as Bexar County Property Identification Number 1396038, generally located southwest of the intersection of FM1518 and Schaefer Road, City of Schertz, Bexar County, Texas.
  - Scheduled for First Hearing at the September 17, 2024 CC Meeting

**ADMINISTRATIVELY APPROVED PROJECTS:**

The following were administratively approved projects from August 3, 2024, to August 29, 2024.

- Eckhardt Road Retail- Final Plat
    - An approximately 8.701 acre final plat, creating the Eckhardt Road Retail Subdivision, which consists of 4 build-able commercial lots. Approved August 22, 2024.
-