



MEETING AGENDA
Planning & Zoning Commission
REGULAR SESSION PLANNING & ZONING COMMISSION
April 1, 2026

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, APRIL 1, 2026 at 6:00 p.m.

The Planning and Zoning Commission will hold the regularly scheduled meeting at 6:00p.m., Wednesday, April 1, 2026, at the City Council Chambers. In lieu of attending the meeting in person, residents will have the opportunity to watch the meeting via live stream on the City's YouTube Channel.

1. CALL TO ORDER

2. SEAT ALTERNATE TO ACT IF REQUIRED

3. HEARING OF RESIDENTS

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 February 4, 2026, Regular Meeting.

5. ITEMS FOR INDIVIDUAL CONSIDERATION:

- A. **PLVAR20260065 Sign Waiver-** Consider and act upon a request for a waiver in relation to a freestanding ground sign on Lot 2, Block 1 of the Schertz Station Subdivision, approximately 1.84 acres of land located at 18636 IH 35N , more specifically known as Guadalupe County Property Identification Number 203789.
- B. **PLVAR20260066 Sign Waiver-** Consider and act upon a request for a waiver in relation to a freestanding ground sign on Lot 7, Block 1 of the Schertz Station Subdivision, approximately 3.04 acres of land located at 18406 IH 35N, more specifically known as Guadalupe County Property Identification Number 203794.

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, Daisy Marquez, Senior Planner, of the City of Schertz, Texas, do hereby certify that the above agenda was posted on the official bulletin boards on this the 25th day of March, 2026 at 2:00 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.



Daisy Marquez, Senior Planner

I certify that the attached notice and agenda of items to be considered by the Schertz Planning & Zoning Commission was removed from the official bulletin board on ____ day of _____, 2026. _____ title:_____

This facility is accessible in accordance with the Americans with Disabilities Act. Handicapped parking spaces are available. If you require special assistance or have a request for sign interpretative services or other services please call 619-1030 at least 24 hours in advance of meeting.

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

Executive Sessions Authorized: This agenda has been reviewed and approved by the City’s legal counsel and presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and

constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.



PLANNING AND ZONING COMMISSION MEETING: 04/01/2026
Agenda Item 4 A

TO: Planning and Zoning Commission
PREPARED BY: Daisy Marquez, Senior Planner
SUBJECT: Minutes for the February 4, 2026, Regular Meeting.

Attachments

Draft Minutes for the February 4, 2026 Regular Meeting

DRAFT

PLANNING AND ZONING MINUTES

February 4, 2026

The Schertz Planning and Zoning Commission convened on February 4, 2026 at 6:00 p.m. at the Municipal Complex, Council Chambers, 1400 Schertz Parkway Building #4, Schertz, Texas.

Present: Clayton Wallace, Chairman; Patrick McMaster, Vice Chairman; Glen Outlaw, Commissioner; Roderick Hector, Commissioner; David Hughes, Commissioner; Tamara Brown, Commissioner

Absent: Judy Goldick, Commissioner

Staff present: Jack Bluebird, Director of Information Technology; Emily Delgado, Planning Manager; Daisy Marquez, Senior Planner; William Willingham, Planner; Brandon Elliott, Planner; Sarah Rodriguez, Administrative Assistant

1. CALL TO ORDER

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

2. SEAT ALTERNATE TO ACT IF REQUIRED

No alternate was seated.

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.

Chairman Wallace opened the Hearing of Residents. The following residents spoke:

- Jesse Anguiano, 913 Beck spoke in relation to Main Street.

4. CONSENT AGENDA:

- A. Minutes for the December 3, 2025 Regular Meeting.
There was no discussion.

Motioned by Chairman Clayton Wallace to approve, seconded by Commissioner David Hughes

Vote: 6 - 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. PLSPU20260003** - Hold a public hearing and make a recommendation on a Specific Use Permit to allow a convenience store with gas pumps on approximately 7.8 acres of land, located approximately 51-feet west from the intersection of IH-35 N Access Road and FM 2252, also known as 18920 IH 35 N, more specifically known as Guadalupe County Property Identification Number 114083 and Comal County Property Identification Number 119021, City of Schertz, Comal and Guadalupe County, Texas.

Mrs. Marquez gave a presentation on PLSPU20260003.
Chairman Wallace opened up the Public Hearing at 6:08 P.M.
No residents spoke
Chairman Wallace closed the Public Hearing at 6:08 P.M.

Motioned by Commissioner Glen Outlaw to recommend approval of PLSPU20260003 to City Council with conditions as proposed by Staff, seconded by Vice Chairman Patrick McMaster

Vote: 6 - 0 Passed

- B. PLSPU20260006** - Hold a public hearing and make a recommendation on a request for a Specific Use Permit to allow a Truck Terminal on approximately 4.1 acres of land, located approximately 600-feet west of the intersection of Baugh Lane and Schwab Road, also known as 23870 Baugh Lane, more specifically known as Comal County Parcel Identification Number 464879, City of Schertz, Comal County, Texas.

Mr. Willingham gave a presentation on PLSPU20260006.
Chairman Wallace opened up the Public Hearing at 6:15 P.M.
No residents spoke.
Chairman Wallace closed the Public Hearing at 6:15 P.M.

Motioned by Commissioner Glen Outlaw to recommend approval of PLSPU20260006 to City Council with conditions as proposed by Staff, seconded by Vice Chairman Patrick McMaster

Vote: 6 - 0 Passed

- C. PLUDC20260015** - Conduct a public hearing, workshop, discussion, and possible action to make a recommendation on amendments to Part III of the Schertz Code of Ordinance, Unified Development Code (UDC), to Article 8 Section 21.8.4 - Home Occupations and Article 16-Definitions.

Mr. Willingham gave a presentation on PLUDC20260015.
Chairman Wallace opened up the Public Hearing at 6:21 P.M.
No residents spoke.
Chairman Wallace closed the Public Hearing at 6:21 P.M.

Motioned by Vice Chairman Patrick McMaster to recommend approval to City Council of PLUDC20260015, seconded by Commissioner David Hughes

Vote: 6 - 0 Passed

- D. PLUDC20260016** - Conduct a public hearing, workshop, discussion, and possible action to make a recommendation on amendments to Part III of the Schertz Code of Ordinance, Unified Development Code (UDC), to Article 4 Section 21.4.3- Notice Requirements.

Mrs. Marquez gave a presentation on PLUDC20260016.
Chairman Wallace opened up the Public Hearing at 6:29 P.M.
No residents spoke
Chairman Wallace closed the Public Hearing at 6:29 P.M.

Motioned by Vice Chairman Patrick McMaster to recommend approval of PLUDC20260016 to the City Council , seconded by Commissioner Roderick Hector

Vote: 6 - 0 Passed

- E. PLUDC20260020** - Conduct a public hearing, workshop, 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 21.5.7- Dimensional and Development Standards , and Article 16 Definitions.

Mrs. Marquez gave a presentation on PLUDC20260020.
Chairman Wallace opened up the Public Hearing at 6:39 P.M.
No residents spoke
Chairman Wallace closed the Public Hearing at 6:39 P.M.

Motioned by Commissioner David Hughes to make a recommendation of approval to City Council, with amendments to the proposed Article 16, Definition of Impervious Coverage amendment, to include a restriction of the amount of allowable impervious coverage that can be used for decorative pavers to only 25% of the maximum impervious coverage per UDC Section 21.5.7. Dimensional and Developmental Standards, and allowing decorative pavers for residential zoning district driveways, seconded by Commissioner Tamara Brown

Vote: 5 - 1 Passed

NAY: Commissioner Glen Outlaw

- F. Main Street Workshop** - Conduct a public hearing, workshop, and discussion on the Comprehensive Land Use Plan - Future Land Use Map Designation area of Main Street and Main Street Mixed Use (MSMU) and Main Street Mixed Use - New Development (MSMU-ND) Zoning District Permitted Uses.

Mrs. Marquez gave a presentation on Main Street.
Chairman Wallace opened the Public Hearing at 7:05 P.M.
● Jesse Anguiano -913 Beck spoke on Main Street

Chairman Wallace closed the Public Hearing at 7:07 P.M.
No action was taken.

6. REQUESTS AND ANNOUNCEMENTS:

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

The Planning and Zoning Commission requested staff to discuss Main Street with the Main Street Committee and come back at a later date.

B. Announcements by Commissioners

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

Chairman Wallace announced the departure of Commissioner John Carbon and thanked him for the time he spent on the Commission. Chairman Wallace also announced that the Planning and Zoning Commission is accepting applications for 2 alternate spots on the Planning and Zoning Commission.

C. Announcements by City Staff.

- City and community events attended and to be attended.

Mrs. Delgado introduced Brandon Elliott, new Planner.

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

A. Current Projects and City Council Status Update

8. ADJOURNMENT OF THE REGULAR MEETING

Chairman Wallace adjourned the meeting at 8:08 P.M.

Chairman, Planning and Zoning Commission

Recording Secretary, City of Schertz



PLANNING AND ZONING COMMISSION MEETING: 04/01/2026
Agenda Item 5 A

TO: Planning and Zoning Commission
PREPARED BY: Emily Delgado, Planning Manager
CASE: PLVAR20260065
SUBJECT: **PLVAR20260065 Sign Waiver**- Consider and act upon a request for a waiver in relation to a freestanding ground sign on Lot 2, Block 1 of the Schertz Station Subdivision, approximately 1.84 acres of land located at 18636 IH 35N , more specifically known as Guadalupe County Property Identification Number 203789.

GENERAL INFORMATION:

Owner: Schertz Station LTD.
Applicant: Britney Christy, Merit

ITEM SUMMARY:

The Schertz City Council recently passed updates to Article 11 - Signs and Advertising Devices on June 17, 2025 as Ord. 25-S-024. In these updates, is Section 21.11.15 Waivers. This section allows applicants the opportunity to request waivers from the sign standards in extenuating circumstances. These requests are then decided upon by the Schertz Planning and Zoning Commission.

The applicant intends to construct a freestanding ground sign at 18636 IH 35, Schertz Station Lot 2, Block 1. Based on the proposed sign, the applicant is requesting waivers to three sections of UDC Article 11, identified below:

UDC Article 11, Section 21.11.10 Freestanding Signs, specifically maximum area:

- Based on the property location on IH 35, the maximum area for a freestanding sign is 250 square feet. The proposed sign is 40 feet tall and 19 feet wide for a total area of 760 square feet. The waiver request is to exceed the maximum allowable area by 510 square feet, approximately 3 times more than the allotted area per the UDC. For size reference the billboard on IH 35 that advertises for the City of Schertz is 14 feet by 48 feet, for a total area of 672 square feet. The proposed sign within the waiver request is approximately 88 square feet larger than the billboard on IH 35.

UDC Article 11, Section 21.11.4 General Requirements, subsection A.- Permit Required:

- The UDC states: *No person shall erect, alter or display any sign without first obtaining a sign permit to do so from the City Manager or his/her designee. **No sign permit shall be released by the City Manager or his/her designee until after the building permit for the principal building on the site has been issued.*** The waiver request is for the second portion in bold. Currently, there are no active development plans for Schertz Station Lot 2, Block 1. This lot has not gone through the site plan process or building permit process. The applicant is requesting to construct the freestanding sign prior to development of the lot.

UDC Article 11 Section 21.11.6 Prohibited Signs, subsection K- Off Premise Signs

- The UDC lists off premise signs as prohibited. The applicant is requesting a waiver to this section as the intent is to advertise tenants from differing platted lots on the proposed sign on Lot 2, Block 1. Per the proposed sign exhibits, the intent is to advertise "The Home Depot" on the proposed sign, which is under construction at Schertz Station Lot 17, Block 1. Since this tenant is not located on Lot 2, Block 1 advertising this business on the proposed sign would be considered Off Premise signage and would be prohibited.

GENERAL LOCATION AND SITE DESCRIPTION:

The site is 18636 IH 35, otherwise known as Lot 2, Block 1 of the Schertz Station subdivision. Schertz Station is a larger mixed-use subdivision consisting of multifamily housing and restaurant / retail sites on the corner of Cibolo Valley Drive and IH 35. Schertz Station Lot 2, Block 1 is located between IH 35 and the existing EVO development.

PUBLIC IMPROVEMENTS:

There is no public infrastructure associated with this sign waiver request.

STAFF ANALYSIS AND RECOMMENDATION:

The Planning and Zoning Commission uses the criteria in 21.11.15 for sign waivers and staff use the same for our analysis.

21.11.15.B has the the following considerations:

1. The nature of the proposed use of the land involved.

The Schertz Station Subdivision is a large subdivision currently zoned Planned Development District (PDD). The subdivision as a whole consists of multifamily-style housing and several retail / restaurant sites. The site for this specific waiver is part of the PDD designed for commercial / retail. As a note, the Schertz Station PDD, did not include deviations or modifications to the City of Schertz sign regulations. As part of the PDD process, the applicant could have included requested deviations to the sign regulations that would have been specific for their development, that then would have been reviewed and either approved or denied by the City Council. Since signs were not included in the PDD design standards, Schertz Station is bound to the current UDC Article 11 sign regulations for the site.

The property has not gone through the site plan or building permit process. How the site will develop is unknown at this time as there are no active applications for the site. Due to the lack of development applications specific for the site, the sign request in general at this time is inappropriate. The UDC section that requires building permits to be issued prior to sign permits is based on staff having a clear understanding of how the site will develop, that the sign location will not be in conflict with any required easements, landscaping, setbacks, etc. for the site. At this time, staff can not fully evaluate whether the sign will be in conflict with any proposed development. Additionally, this section of the UDC is in place to ensure that signage is not installed on properties that may not actually develop.

2. The location of the property in relation to roadway classification.

The property is located along IH 35, a major freeway. Based on the location of the property on IH 35, the maximum height and area for a freestanding sign are larger than what would be permitted on other roadway classifications, see below:

| Freestanding Sign Standards | | | | |
|------------------------------------|-------------|------------------|----------------|------------------------|
| Roadway Classification | Setback Ft. | Max Area sq. ft. | Max Height ft. | Maximum Number |
| Interstates | 15 | 250 | 50 | 1 per lot per frontage |
| Farm to Market Roads | 15 | 250 | 35 | 1 per lot per frontage |
| All Others | 15 | 150 | 20 | 1 per lot per frontage |

Per the Sign Code Waiver Justification form submitted by the applicant, they stated "*due to varying elevations and vertical grade changes along IH 35, visibility from the interstate is limited compared to similarly zoned properties along flatter roadway segments.*" Additionally, the letter states in relation to the maximum area waiver request "*This increase will improve interstate visibility and provide clear identification for the development's national retail tenants.*" From staffs evaluation, the property location in relation to IH 35 and the stated "*varying elevations and vertical grade changes*" are not unique to this site and should not be a basis for an increased area of 510 square feet over the maximum allowable. Additionally, staff would like to note that Schertz Station Lot 6, Block 1, which is approximately 1,100 feet west of the proposed sign location, has a constructed freestanding sign that did not request a waiver to increase the maximum area. If the existing sign on Lot 6, Block 1 of Schertz Station, also located along IH 35, did not need waivers for increased area, and is located along the same IH 35 frontage the "*varying elevations and vertical grade changes*" do not appear to be a constraint for advertising other tenants within Schertz Station.

3. The existing uses of land in the vicinity.

The land uses in the vicinity consist of the remainder of the Schertz Station subdivision which, as mentioned above, consists of multifamily-style housing and several retail / restaurant sites. Additionally, the EVO site is adjacent to the property to the rear.

21.11.15.C has the following considerations:

1. That the granting of the waiver will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area

The proposed signage may not be necessarily detrimental to the public health, safety, or welfare. However, the proposed signage does not align with the City of Schertz core values. One of the City of Schertz core values is "Do the right thing." The proposed signage does not promote the core value of doing the right thing to other properties along IH 35 that have met the UDC requirements for signage for their businesses.

Additionally, the City Council adopted the updated UDC Article 11 in June of 2025. The intent of the updated UDC amendment was to allow greater flexibility / increased signage specifically for properties along major roadway classifications. Based on the UDC amendment in 2025, the City Council set the standards that would be applicable for properties along IH 35 and determined that the set allowable maximum height and area was appropriate. With the 2025 UDC Article 11 amendment it removed the designation for "Multi-tenant signs". In the previous UDC requirements for multi-tenant signs the maximum height allowed was 20 feet with a maximum area of 150 square feet. The proposed sign prior to the ordinance amendment would have been considered a multi-tenant sign and would have utilized those size limitations. The 2025 UDC amendment increased what would have been allowable to the now current standard, which again increased maximum area to twice as large as was previously allowed.

The proposed sign could be considered injurious to other property in the area in relation to site visibility of other properties along IH 35. The scale of the proposed sign at 760 square feet is significant, especially based on the applicants' other waiver request for similar signage at Schertz Station Lot 7.

2. Strict interpretation of the provisions of the section would deprive the applicant of rights commonly enjoyed by other nearby properties with the same land use that would comply with the same provisions.

The property in question, Schertz Station Lot 2, Block 1, is not necessarily unique in location in relation to other properties located along IH 35. The UDC Article 11 sign regulations are in place to ensure cohesive development, including cohesive signage throughout the City of Schertz. The same provisions that the property in question are required to meet are the same provisions that any new signage along IH 35 or IH 10 would be required to meet. Granting the waivers, as requested by the applicant, is an inconsistent interpretation of the UDC that favors one specific development over other developments or businesses that have applied for sign permits and made revisions to ensure their signs meet the requirements of the UDC as approved by City Council. Granting this waiver is not in alignment with the City of Schertz Core Values.

Additional Considerations in relation to number of signs:

Staff would also like to note that the proposed The Home Depot currently under construction at 18541 IH 35, Schertz Station Lot 17, Block 1 has submitted for two additional freestanding signs to be placed on their subject property, one proposed on Station Road and the other on Ripps Kreuzler. If the proposed waiver and associated PLVAR20260066 are approved, then The Home Depot would be advertising on 4 separate freestanding signs.

Also of note, a waiver request, PLVAR20250144 Sign Waiver, was heard by the Planning and Zoning Commission for increased wall signs for The Home Depot in July of 2025. Ultimately, after Planning and Zoning Commission denied the waiver request, the City Council approved the request after the applicant appealed the Planning and Zoning Commissions decision. In other words, The Home Depot has already received a waiver for larger wall signage than permitted, and will still have two freestanding signs advertising the business on their property without the approval of this waiver request of the associated PLVAR20260066.

Granting the waivers, as requested by the applicant, is an inconsistent interpretation of the UDC, specifically allowing The Home Depot to have additional signage, than would be permitted for other national retailers within the City of Schertz that comply with the UDC regulations. If the applicant desired to have increased signage for their anchor tenant, those considerations could have been incorporated into the Planned Development District design standards for the subdivision.

Additional Considerations in relation to signs without building permit issuance:

In relation to the waiver request to Article 11, Section 21.11.4, which would allow for obtaining the permit and constructing the sign prior to building permits being issued, this code requirement is in place to ensure that signs are not being installed on properties that are not actively under development. For example, if a sign is constructed on a property for a proposed business that has not been reviewed for building permits, the sign could remain on the property for a number of years prior to development on the site occurring, if the development actually occurs. This is a situation that the City has made the decision to avoid by the language in UDC Article 11. It is of note this was not a new requirement with the 2025 amendment and has been a part of the sign code for many years to avoid having signage on properties that are not actively under development. The waiver request to this section is to allow the freestanding ground sign to be constructed on the site to ultimately advertise for a business not actually located on Lot 2, block 1, the subject property, but is actively under construction.

Another item of consideration is that, since the subject property is not actively under development or within the development process, the intentions or development plan is unknown at this time by staff. This site could ultimately be developed for a single-tenant building or multi-tenant building. Granting the waiver could deprive the actual tenant of the property of the signage they desire in order to advertise for a business on a different property.

Additional Considerations in relation to off-premise signage:

In relation to the waiver request to Article 11, Section 21.11.6, specifically prohibited signs to include off-premise signs, is in place to prohibit a business from advertising on other properties where the business is not located. For example, if this code section was not in place, a business on FM 3009 could advertise across the entire City of Schertz which ultimately is not the desire of the City of Schertz based on the code being in place. If businesses advertised on other properties that the business was not actually located it would put limitations on business advertising on their own property as there are limitations on the maximum number of freestanding signs permitted per property / per frontage. If the intention of Schertz Station was to have businesses advertise on off premise properties that could have been requested within their PDD design standards.

Staff would like to note that the IH 35 frontage is the only frontage for this property and this would be the only freestanding sign permitted for the lot. It is also worth noting that the property behind this lot is currently developed as EVO Entertainment. This larger commercial amusement establishment does not have frontage on IH 35 and has been operational for several years without having a sign along IH 35.

Additional Considerations in relation to maximum allowable area:

In relation to the waiver request to Article 11, Section 21.11.10, specifically the maximum area, was updated via

the 2025 UDC amendment. This amendment approved by City Council stipulated the height and area that was deemed appropriate to properties along IH 35 and IH 10. Prior to the 2025 amendment the proposed sign would have been considered a multi-tenant sign with a maximum allowable area of 150 square feet. The 2025 UDC amendment eliminated multi-tenant signs so that all multi-tenant signs would then be considered freestanding signs. This increased the maximum allowable for this property to be 250 square feet, an additional 100 square feet of signage than what would have been allowed in 2025. The proposed signage is for a 40 foot tall, 19 foot wide sign for a total of 760 square feet. The request is to have an additional 510 square feet of signage than what is permitted. Based on the waiver request form submitted by the applicant this increase is necessary due to varying elevations and vertical grade changes and to address site-specific topographic and logistical constraints. From staffs analysis it does not appear that there are elevation / vertical grade changes and topographic challenges that are unique to this property that would warrant a sign of this magnitude.

Additionally, staff would like to note that if this waiver is approved by the Planning and Zoning Commission or City Council, staff will be recommending a UDC amendment for Article 11 to increase the maximum allowable area for all signage. In addition to proposing modifications to the sign waiver UDC requirements. In an effort to follow the City of Schertz core values, and do the right thing, if the waivers are approved here where staff feels there are no unique challenges, then all businesses along IH 35 and IH 10 or other roadways should also be allowed to have larger signage. Based on staff's evaluation, the subject property is not unique in relation to requiring or necessitating larger signage, nor the need to have a sign prior to building permits for the site, or advertising businesses not located on the property, and therefore, if the waiver is approved, then larger signage should be allowed elsewhere. If the waiver is approved when staff has provided concerns and recommendation of denial, and there being no special circumstances for the property, then where would the Planning and Zoning Commission or City Council say "no" to a waiver for larger signage. The majority of sign permits requested originally request larger signage. Staff makes comments that the signs need to be reduced to meet the City of Schertz standards. The majority of those business then comply with the standards. In other words, the majority of businesses want larger and more signs, if the pattern is for applicants to submit waiver requests to have those larger signs and those waivers get approved with little to no justification, then the UDC needs to be amended to allow all businesses to have larger to maintain consistent regulations throughout the City.

Based on staffs evaluation of the three requests, the site, the waiver justification submitted by the applicant, staff is recommending denial of the requested waiver.

| | |
|---|--------------------------|
| Planning Department Recommendation | |
| | Approve as submitted |
| | Approve with conditions* |
| X | Denial |

* While the Commission can impose conditions; conditions should only be imposed to meet requirements of the UDC.

COMMISSIONERS CRITERIA FOR CONSIDERATION:

Unified Development Code Sec. 21.11.15 - Waivers

A. The Planning and Zoning Commission may authorize waivers from the provisions of this Article when, in its opinion, undue hardship will result from requiring strict compliance. In granting a waiver, the Planning and Zoning Commission shall prescribe only conditions that it deems necessary or desirable to the public interest.

B. In making their findings, the Planning and Zoning Commission shall take into account the following:

1. The nature of the proposed use of the land involved.
2. The location of the property in relation to roadway classification.
3. The existing uses of land in the vicinity.

C. Waivers shall not be granted unless the Planning and Zoning Commission finds:

1. That the granting of the waiver will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area; and
2. Strict interpretation of the provisions of the section would deprive the applicant of rights commonly enjoyed by other nearby properties with the same land use that would comply with the same provisions.

Attachments

PLVAR20260065 Sign Waiver Justification Documentation provided by applicant
ORDINANCE 25-S-024 with Exhibits



March 10, 2025

City of Schertz Planning Department
1400 Schertz Parkway Bldg. 1
Schertz, TX 78154
210-619-1780

RE: Letter of Intent – Schertz Station Lot 2 Pylon Waiver Request

To Whom It May Concern,

This letter serves as a statement of intent for the proposed development of approximately 1.843 acres at 18636 IH-35 North in Schertz, Texas, within the Schertz Station Subdivision. The property is located along the IH-35 corridor at Cibolo Valley Drive, offering high visibility and convenient access. Schertz Station is a 72-acre master-planned commercial development featuring retail, restaurant, and service users. The proposed development is designed to accommodate national credit tenants, enhancing the vitality and diversity of the Schertz Station commercial area.

Per the Planned Development District (PDD), the property is zoned General Business, which permits the proposed commercial uses. Three sign-code waivers are requested. The first is to allow an off-premise sign to advertise tenants on a different platted lot within the development, pursuant to Article 11, Section 21.11.6K of the Unified Development Code (UDC). Although the sign will be located on a separate platted lot, it will serve the same integrated commercial development and provide identification for tenants that may not otherwise have direct visibility from IH-35.

A waiver is also requested to exceed the maximum allowable area for a freestanding ground sign under Article 11, Section 21.11.10A of the UDC. Due to varying elevations and vertical grade changes along IH-35, visibility from the interstate is limited compared to similarly zoned properties along flatter roadway segments. To address this constraint, the applicant requests a waiver to increase the surface area of the freestanding sign while maintaining full compliance with all height requirements, resulting in a total waiver of 510 square feet above the standard maximum. This increase will improve interstate visibility and provide clear identification for the development's national retail tenants.

Additionally, a waiver is requested to allow installation of the sign prior to issuance of a building permit, pursuant to Article 11, Section 21.11.4.A.1 of the UDC. This will facilitate timely installation and visibility of the sign in coordination with construction schedules, ensuring tenant identification upon opening.

Granting these waivers will not harm public welfare or nearby property values. The signage is consistent with the scale and character of other IH-35 corridor developments and addresses site-specific topographic and logistical constraints, providing comparable visibility and identification as other similarly zoned properties. We appreciate the City's review of this request and look forward to continued coordination throughout the development process.

Sincerely,

A handwritten signature in black ink that reads "J. W. Collins, Jr." in a cursive script.

James W. Collins, Jr.
Schertz Station Ltd.
Manager
will@meritcre.com
210.541.2005

PLANNING & COMMUNITY
DEVELOPMENT

SIGN CODE WAIVER JUSTIFICATION FORM UDC 21.11.15:

The Planning and Zoning Commission may authorize waivers from the provisions of this Article when, in its opinion, undue hardship will result from requiring strict compliance. In granting a waiver, the Planning and Zoning Commission shall prescribe only conditions that it deems necessary or desirable to the public interest. Please answer the following questions below.

1. Description of waiver request and Unified Development Code (UDC) section the project or request is from:

Three sign-code waivers are requested. The first is to allow an off-premise sign to advertise tenants on a different platted lot within the development, pursuant to Article 11, Section 21.11.6K of the Unified Development Code (UDC). Although the sign will be located on a separate platted lot, it will serve the same integrated commercial development and provide identification for tenants that may not otherwise have direct visibility from IH-35.

A waiver is also requested to exceed the maximum allowable area for a freestanding ground sign under Article 11, Section 21.11.10A of the UDC. Due to varying elevations and vertical grade changes along IH-35, visibility from the interstate is limited compared to similarly zoned properties along flatter roadway segments. To address this constraint, the applicant requests a waiver to increase the surface area of the freestanding sign while maintaining full compliance with all height requirements, resulting in a total waiver of 510 square feet above the standard maximum. This increase will improve interstate visibility and provide clear identification for the development's national retail tenants.

Additionally, a waiver is requested to allow installation of the sign prior to issuance of a building permit, pursuant to Article 11, Section 21.11.4.A.1 of the UDC. This will facilitate timely installation and visibility of the sign in coordination with construction schedules, ensuring tenant identification upon opening.

2. Does the requested waiver violate the intent of the Unified Development Code or deprive the applicant of right commonly enjoyed by other properties in the same zoning district that comply with the same provisions? (YES/NO) Explain:

The requested waivers do not violate the intent of the Unified Development Code, but it does it deprive the applicant of rights commonly enjoyed by other properties within the same zoning district. The intent of the Code's signage standards is to ensure that signage remains appropriately scaled while providing adequate visibility and identification for commercial uses in a manner that protects public safety and the overall visual character of the corridor. Due to the varying elevations and vertical grade changes along IH-35 adjacent to the site, visibility to the development from the interstate is significantly constrained compared to similarly zoned properties located along more level roadway segments. Continued on page 2.

As a result, signage that strictly complies with the maximum area requirements would not provide the same level of visibility that other commercial properties in the zoning district are able to achieve due to more favorable topographic conditions. The requested waiver is therefore intended to offset these site-specific constraints and provide comparable visibility and identification opportunities

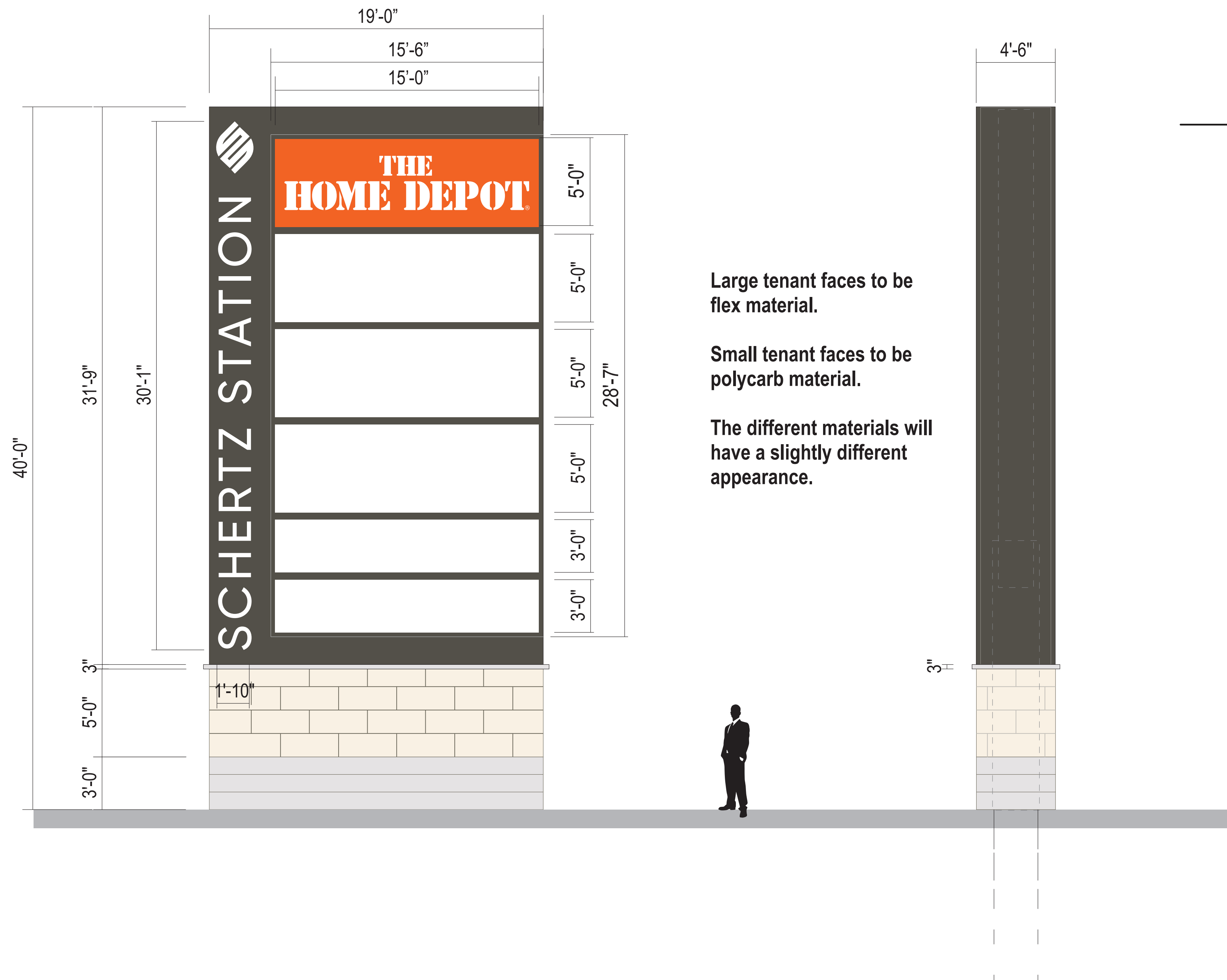
3. Do special conditions or restricted access, shape, topography, or physical features exist that are irregular to the subject parcel of land and not applicable to other parcels of land in the same zoning districts? (YES/NO) Explain:

Yes. Special conditions exist that are unique to the subject property and are not generally applicable to other parcels within the same zoning district. These topographic conditions create restricted sightlines for motorists traveling along the corridor, limiting the effectiveness of signage that complies with the standard requirements of the Unified Development Code. Unlike other commercially zoned properties located along flatter roadway segments, the subject property does not benefit from consistent grade relationships between the site and the adjacent roadway. As a result, the requested waiver is necessary to address these site-specific topographic constraints and allow the development to achieve reasonable visibility and identification from IH-35. These conditions are inherent to the property's location along the interstate corridor and are not the result of actions taken by the applicant.

4. Would granting this waiver be detrimental to the public welfare or injurious to the value of property in the vicinity? (YES/NO) Explain:

Granting this waiver would not be detrimental to the public welfare or injurious to the value of property in the vicinity. The proposed freestanding signage is consistent with the character and scale of other developments along IH 35 and is designed to enhance visibility and wayfinding without creating visual clutter or safety concerns. Adequate signage visibility is also important to support the success of the project's national credit retail tenants, which contribute to the overall economic vitality of the area and help maintain strong property values within the corridor.





Large tenant faces to be flex material.

Small tenant faces to be polycarb material.

The different materials will have a slightly different appearance.

A HIGH RISE SIGN FOR LOT 2

1 Quantity: ONE (1)

603.25 SF

Scale: 1/8" = 1'

- Fabricate & Install (1) new double sided 40ft overall high illuminated high rise sign.
- Exterior aluminum cabinet and retainers. Colors TBD.
- LED illuminated
- Cabinet faces to be routed and backed with white acrylic reading "SCHERTZ STATION".
- Flex tenant faces. (4) tenant spaces 5" x 15' VO, (2) tenant spaces 3' x 15' VO.
- Masonry work on base and around cabinet. Done by other contractors.
- New steel pole. Direct bury.
- Masonry typ. and colors TBD
- Freestanding sign for Lot 7
- Windload 32 PSF



4300 NE LOOP 410,
SAN ANTONIO, TEXAS 78218
877-293-6027 / 512-494-0002
FSG.COM

Merit Commercial
Schertz Station
IH-35 at Wiederstine Rd.
Schertz, TX 78154

Start Date: 04/09/2025
Last Revision: 02/19/2025
Job # Av1s1
File Name: Merit Commercial
- Schertz Station - Lot 2 & Lot 7
40' Pylon R6

Designer: Andrew Sifuentes
Sales Rep: Carter Thurmond

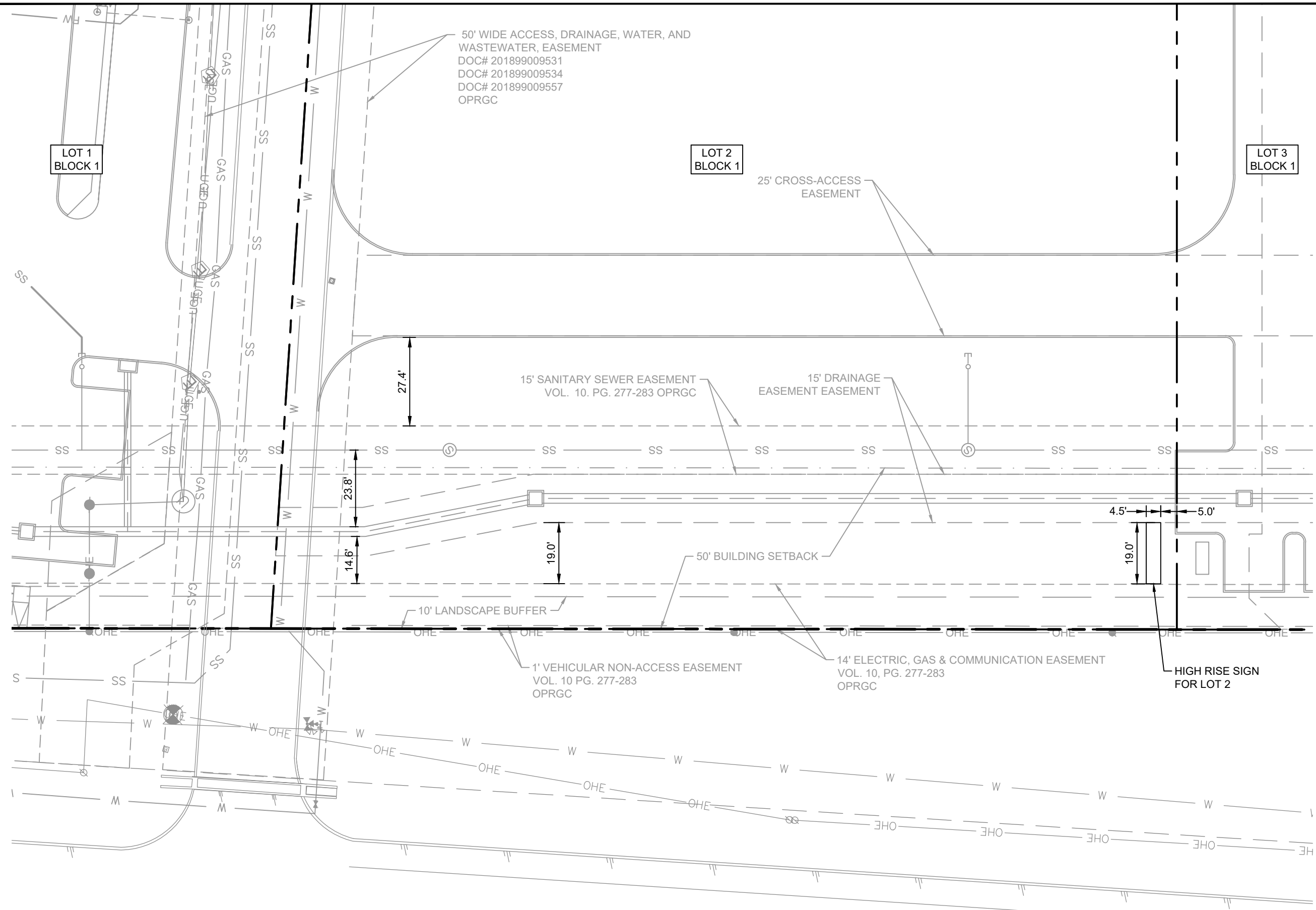
CLIENT APPROVAL: I have reviewed and approved the sign details on this drawing for fabrication and installation.
© COPYRIGHT 2025 / ALL RIGHTS RESERVED



FOR PRESENTATION
FOR PRODUCTION

Av1s1

K:\SNA_Civ\0872502-Schertz Station - Merit\CAD\Exhibits\Lot 2 Monument Sign.dwg Mar 12, 2026 2:55pm by Amy Noble



INTERSTATE HIGHWAY 35
(VARIABLE WIDTH PUBLIC R.O.W.,
300' MINIMUM)

Kimley»Horn

KIMLEY-HORN AND ASSOCIATES, INC.
10101 REUNION PLACE, SUITE 400, SAN ANTONIO, TX 78216
PHONE: 210-541-9166 FAX: 210-541-8899
WWW.KIMLEY-HORN.COM TBP# FIRM NO. 928

MERIT

LOT 2
MONUMENT SIGN

SCHERTZ STATION
COMMERCIAL

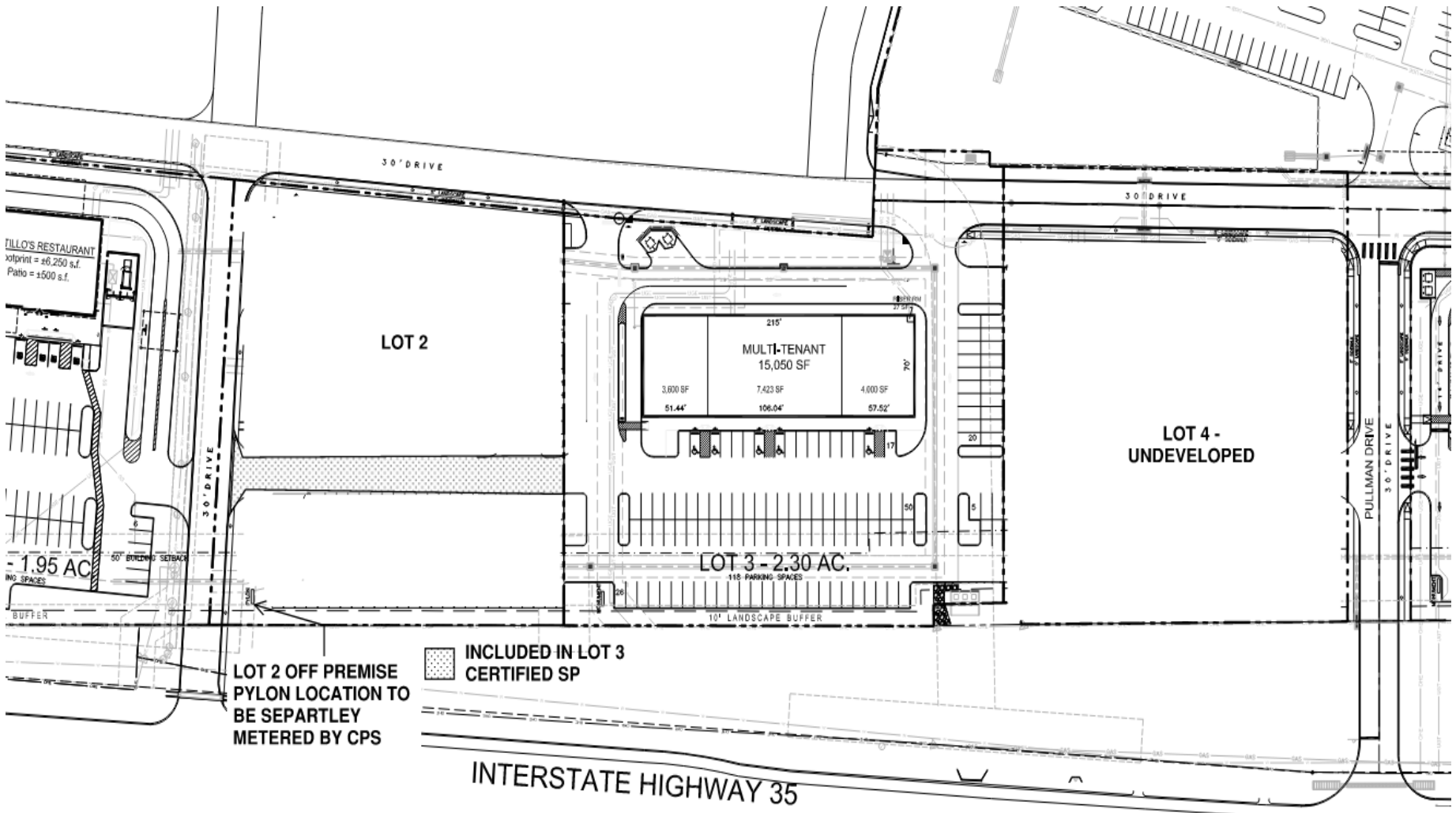
JOB NO.:

SCALE: AS SHOWN

DATE: 3/12/2026

LOT 2 SIGN SITE PERSPECTIVE





LOT 2 OFF PREMISE
 PYLON LOCATION TO
 BE SEPARTLEY
 METERED BY CPS

 INCLUDED IN LOT 3
 CERTIFIED SP

ORDINANCE 25-S-024

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS TO AMEND PART III, SCHERTZ CODE OF ORDINANCES, THE UNIFIED DEVELOPMENT CODE (UDC) ARTICLE 11 - SIGN AND ADVERTISING DEVICES, ARTICLE 3 BOARDS, COMMISSIONS, AND COMMITTEES - SECTION 21.3.3 - PLANNING AND ZONING COMMISSION, ARTICLE 7 - NONCONFORMING USES, LOTS, AND STRUCTURES, AND ARTICLE 16 – DEFINITIONS

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

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

WHEREAS, on May 7, 2025, the Planning and Zoning Commission conducted a public hearing and thereafter recommended approval with modifications; and

WHEREAS, on June 17, 2025, the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the proposed amendments are appropriate and in the interest of the public safety, health, and welfare.

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

Section 1. The current UDC is hereby amended as set forth on Exhibit A, Exhibit B, Exhibit C, and Exhibit D hereto.

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

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

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

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

Section 6. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

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

PASSED and ADOPTED, this ____ day of _____ 2025.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

Exhibit "A"

Proposed Unified Development Code (UDC) Amendments

Article 3 – Boards, Commissions, and Committees

Section 21.3.3 – Planning and Zoning Commission

Sec. 21.3.3. Planning and Zoning Commission.

- A. *Structure of the Commission.* The Planning and Zoning Commission is established in accordance with the City Charter and Commission members are appointed by the City Council.
- B. *Duties and Approval Authority.*
1. The Planning and Zoning Commission shall have the authority to review and make a recommendation to the City Council on the following applications:
 - a. amendment to the Comprehensive Land Plan;
 - b. establish or amend a zoning district map classification, including creation or amendment of an overlay district;
 - c. rezoning requests including an application for a Specific Use Permit.
 - d. amendment to the UDC; and
 - e. a Development Agreement as set forth in the LGC and this UDC;
 2. The Planning and Zoning Commission shall have final approval authority on the following applications:
 - a. Subdivision Master Plan, if forwarded by the City Manager or his/her designee.
 - b. Site Plan; if forwarded by the City Manager or his/her designee.
 - c. preliminary plat; if forwarded by the City Manager or his/her designee.
 - d. final plat; if forwarded by the City Manager or his/her designee.
 - e. amending plat; if forwarded by the City Manager or his/her designee.
 - f. minor plat; if forwarded by the City Manager or his/her designee.
 - g. replat; if forwarded by the City Manager or his/her designee.
 - h. waivers relating to Article 11, Signs and Advertising Devices, and
 - i. waivers relating to Article 12, Subdivisions.
 3. The Planning and Zoning Commission shall have the authority to make final determinations relating to appeals of staff determinations on the following items:
 - a. Required Conditions for Home Occupations and denial of a Home Occupation permit.
 - b. Site Design Standards including Tree Preservation & Mitigation, Revisions to Approved Site Plans.
 - c. Signs & Advertising Devices including general requirements, removal of signs.
 - d. Additional Design Requirements including off street parking, building setback lines, and landscape buffers.
 - e. An appeal of a driveway waiver determination.

(Ord. No. 17-S-40, § 1(Exh. A), 10-24-2017; Ord. No. 19-S-22, § 1(Exh. A), 9-3-2019; Ord. No. 23-S-29, § 1(Exh. A), 12-5-2023)

Exhibit "B"

Proposed Unified Development Code (UDC) Amendments

Article 7 - Nonconforming Uses, Lots, and Structure

ARTICLE 7. NONCONFORMING USES, LOTS AND STRUCTURES

Sec. 21.7.1. Purpose and intent.

- A. Within the districts established by this UDC or amendments thereto, there may exist lots, structures, uses of land and structures, and characteristics of use which were lawfully in existence and operating before this UDC was enacted, amended or otherwise made applicable to such lots, structures or uses, but which do not now conform to the regulations of the district in which they are located. It is the intent of this UDC to permit such nonconforming uses to continue, as long as the conditions within this section and other applicable sections of this UDC are met.
- B. It is further the intent of this UDC that nonconforming uses, lots and structures shall not be enlarged upon, expanded or extended, and shall not be used as a basis for adding other structures or uses prohibited elsewhere in the same district.
- C. Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.

(Ord. No. 24-S-20, § 1(Exh. A), 6-18-2024)

Sec. 21.7.2. Nonconforming status.

- A. Except as provided in section 21.7.9 below, any use, platted lot or structure that does not conform with the regulations of this UDC on the effective date hereof or any amendment hereto, shall be deemed a nonconforming use, platted lot or structure provided that:
 - 1. Such use, platted lot or structure was in existence under, and in compliance with, the provisions of the immediately prior UDC or code;
 - 2. Such use, platted lot or structure was a lawful, nonconforming use, platted lot or structure under the immediately prior UDC or code; or
 - 3. Such use, platted lot or structure was in existence at the time of annexation into the City, was a legal use of the land at such time, and has been in regular and continuous use since such time.
- B. Except as provided in section 21.7.9 below, any other use, platted lot or structure which does not conform with the regulations of the zoning district in which it is located on the effective date of this UDC or any amendment hereto, shall be deemed to be in violation of this UDC, and the City shall be entitled to enforce fully the terms of this UDC with respect to such use, platted lot or structure.

(Ord. No. 24-S-20, § 1(Exh. A), 6-18-2024)

Sec. 21.7.3. Continuing lawful use of land and structures.

- A. A nonconforming use or structure may continue to be used, operated or occupied in accordance with the terms of the zoning regulations by which it was established, or in the case of annexed property, in accordance with the regulations under which it was created.
- B. A nonconforming structure occupied by a nonconforming use may be re-occupied by a conforming use, following abandonment of the nonconforming use.

(Ord. No. 24-S-20, § 1(Exh. A), 6-18-2024)

Sec. 21.7.4. Expansion of nonconforming uses and structures.

- A. A nonconforming use may be extended throughout the structure in which it is located, provided that:
 - 1. The structure or its premises shall not be enlarged or increased in height, in floor area or in land area to accommodate extension of the nonconforming use;
 - 2. No alteration shall be made to the structure occupied by the nonconforming use, except those alterations that are required by law to preserve the integrity of the structure and alterations that would upgrade the quality, safety or aesthetic appeal of the structure; and
 - 3. The number of dwelling units occupying the structure shall not exceed the number of dwelling units existing at the time the use became nonconforming.
- B. A nonconforming use occupying a structure shall not be extended to occupy land outside the structure.
- C. A nonconforming use or structure shall not be enlarged, increased or extended to occupy a greater area of land than was occupied at the time the use or structure became nonconforming, except to provide additional off-street parking or loading areas required by this UDC.

(Ord. No. 24-S-20, § 1(Exh. A), 6-18-2024)

Sec. 21.7.5. Abandonment of nonconforming uses and structures, and cessation of use of structures or land.

- A. If a nonconforming use or structure is abandoned, any future use of the premises shall be in conformity with the provisions of this UDC, as amended, and with any other applicable City codes, ordinances or regulations that are in effect at the time the use is resumed or the structure is re-occupied.
- B. A nonconforming use or structure shall be deemed "abandoned" in the following circumstances:
 - 1. The use ceases to operate for a continuous period of 180 calendar days;
 - 2. The structure remains vacant for a continuous period of 180 calendar days; or
 - 3. In the case of a temporary use, the use is moved from the premises for any length of time.
- C. If the use of any lot, tract or property that does not have a building on it and that is used for open/outside storage as of the effective date of this UDC is made nonconforming by this UDC, as amended on the effective date, then such storage use shall cease within 180 calendar days following the effective date of this UDC. The lot, tract or property shall be cleaned up and all trash, debris, stored items and vehicles, and other materials shall be removed from the premises such that the property is not a physical or visual nuisance to the public or to surrounding property owners.

(Ord. No. 24-S-20, § 1(Exh. A), 6-18-2024)

Sec. 21.7.6. Substitution of nonconforming uses.

- A. A nonconforming use shall not be changed to another nonconforming use.
- B. A nonconforming use may be changed to a conforming use provided that, once such change is made, the use shall not be changed back to a nonconforming use.

- C. A conforming use located in a nonconforming structure may be changed to another conforming use, but shall not be changed to another nonconforming use.
- D. Notwithstanding any of the provisions of this section, a nonconforming HUD-Code manufactured home may be exchanged or replaced by another HUD-Code manufactured home, provided the newly located residential unit is owner-occupied.

(Ord. No. 24-S-20, § 1(Exh. A), 6-18-2024)

Sec. 21.7.7. Reconstruction or repair of nonconforming structure.

- A. If more than fifty percent (50%) of the total appraised value of a nonconforming structure, as determined by the applicable county appraisal district, is destroyed by fire, the elements, or some other cause, then the structure may be rebuilt only in conformity with the standards of this UDC.
- B. If less than fifty percent (50%) of the total appraised value of a nonconforming structure, as determined by the applicable county appraisal district, is destroyed by fire, the elements, or some other cause, then the structure may be reconstructed as it was before the partial destruction but only to its original dimensions and floor area, and provided that such reconstruction is completed within 365 calendar days following the event that caused the partial destruction. If reconstruction is delayed by contested insurance claims, litigation, or some other similar cause, then the 365 calendar day reconstruction period may be extended by the City Manager or his/her designee, at his/her sole discretion.
- C. If a nonconforming structure that is totally or partially destroyed was occupied by a nonconforming use at the time of such destruction, then the nonconforming use may be re-established subject to the limitations on expansion set forth in section 21.7.4 above.
- D. Any conforming structure that is totally or partially destroyed shall be reconstructed only in conformity with the standards of this UDC.
- E. Nothing in this UDC shall be construed to prohibit the upgrading, strengthening, repair or maintenance of any part of any structure, conforming or nonconforming, that is declared unsafe or uninhabitable by the proper authority, unless such repairs or maintenance exceeds fifty percent (50%) of the structure's appraised value, as determined by the applicable county appraisal district.

(Ord. No. 24-S-20, § 1(Exh. A), 6-18-2024)

Sec. 21.7.8. Relocation of nonconforming structure.

No nonconforming structure or building shall be moved in whole or in part to any other location on the lot, or to any other location or lot, unless every portion of such structure is in compliance with all the regulations of the zoning district in which the structure is to be relocated. Such building relocation shall also require a structure relocation permit from the City, and may also require platting of the intended building site as well as Site Plan approval pursuant to this UDC.

(Ord. No. 24-S-20, § 1(Exh. A), 6-18-2024)

Sec. 21.7.9. Nonconforming lots.

- A. The following types of platted lots shall be deemed in conformance with the provisions of this UDC, notwithstanding the fact that such lot does not meet the standards of this UDC in the zoning district in which it is located:

1. Any vacant lot that conformed to the City's zoning district regulations at the time that it was platted; or
 2. Any lot occupied by a single-family dwelling authorized under the zoning district regulations in which the lot is located.
- B. Nothing in this UDC shall be construed to prohibit the use of a lot that does not meet the minimum lot standards of the zoning district in which it is located, provided that the lot is zoned for the land use(s) intended and the lot was platted as a lot of record prior to the effective date of this UDC.
- C. A lot of record located within the RA zoning district that is nonconforming may be occupied by a single-family dwelling provided that all applicable zoning standards with regard to building setbacks, building size and design criteria are met.

(Ord. No. 24-S-20, § 1(Exh. A), 6-18-2024)

Sec. 21.7.10. Validation.

- A. Within the City, there exist on the following subdivisions: Belmont Park; Kramer Farm; Whisper Meadows; Northcliffe II; Tanglewood; Wynn Brook; Jonas Woods Unit 1 Lots 1-18, Block 3; Jonas Woods Unit 1 Lots 1-29, Block 2; Jonas Woods Unit 1 Lots 1-18 and 51-65, Block 1; Jonas Woods Unit 4; The Ridge at Scenic Hills; Fairhaven; The Links at Scenic Hills; and The Fairways at Scenic Hills (the "Subdivisions"), which include structural encroachments onto platted setbacks; plats with improperly designated setbacks or improper lot sizes; and improper master plans. It is the intent of this section to validate such improper encroachments, plats, and master plans in the subdivisions and to determine that such improper encroachments, plats, and master plans are deemed not to be in violation of this UDC, but only so long as the conditions within this section 21.7.10 of this UDC are met. The provisions of this section shall be limited to validate only the improper encroachments, plats, and master plans on February 24, 2009 in the subdivisions.
- B. The portions of existing structures encroaching onto platted setbacks in any of the subdivisions on the effective date of this UDC (validated encroaching structures) shall not be enlarged upon, expanded, or extended into the platted setback area.
- C. If more than fifty percent (50%) of (i) the total square footage of a validated encroaching structure or (ii) the total appraised value of the validated encroaching structure, as determined by the applicable county appraisal district, is destroyed by fire, the elements, or some other cause, the validated encroaching structure may not be rebuilt within the platted setback, except as may otherwise be permitted by this UDC (other than this section). If fifty percent (50%) or less of (i) the total square footage of a validated encroaching structure or (ii) the total appraised value of the validated encroaching structure, as determined by the applicable county appraisal district, is destroyed by fire, the elements, or some other cause, the validated encroaching structure may be reconstructed as it was before the partial destruction but only to its original dimensions and footprint area within the platted setback, and provided that such reconstruction is completed within 365 calendar days following the event that caused the partial destruction. If reconstruction is delayed by contested insurance claims, litigation, or some other similar cause, the three hundred sixty-five calendar day reconstruction period may be extended by the City Manager or his/her designee, at his/her sole discretion.
- D. No validated encroaching structure encroaching onto a platted setback shall be moved in whole or in part to any other location on the lot, unless every portion of such structure after such relocation is out of the platted setback and is in compliance with all the requirements of the zoning district for such lot and all other applicable requirements of this UDC and other applicable codes, ordinances or regulations of the City in effect at such time.
- E. If application is made to have plats with improper setbacks, plats with improper lot sizes, and/or existing master plans for any of the subdivisions replatted or amended, any such replats or amendments shall be

required to be in conformity with the provisions of this UDC (other than this section) and with all other applicable City codes, ordinances or regulations that are in effect at the time application for amendment or replatting is made.

- F. This section is subject in all events to the property owner's rights set forth in Local Government Code Chapter 245.

(Ord. No. 24-S-20, § 1(Exh. A), 6-18-2024)

Sec. 21.7.11 Agricultural Operations.

- A. Within the City of Schertz, there exists properties that have been utilized for Agricultural Operations prior to being annexed into the City of Schertz. Agricultural Operations per H.B. No 1750 include cultivating the soil, producing crops or growing vegetation for human food, animal feed, livestock forage, forage for wildlife management, planting seed or fiber, floriculture, viticulture, horticulture, silviculture, wildlife management, raising or keeping livestock or poultry, including veterinary services, and planting cover crops or leaving land idle for the purpose of participating in any governmental program or normal crop of livestock rotation procedures. Per Texas Agriculture Code Chapter 251 Section 251.0055 a city may not impose a governmental requirement that directly or indirectly prohibits the use of a generally accepted agricultural practice.
- B. In order to ensure that properties within the City of Schertz that have been utilized for Agricultural Operations can continue the following are applicable:
 - a. Land Use: Properties can be utilized for Agricultural Operations including alternating between growing crops and raising livestock regardless of the zoning designation for the property.
 - b. Expansion of Agricultural Operations: Existing Agricultural Operations can expand to include:
 - i. Increase of field crop area or increase of livestock or change in livestock species
 - ii. Construction of Maintenance Buildings or Equipment Sheds, Barns, Accessory Buildings, Animal Cages or Corrals, Feeders or Grain Storage, or any other miscellaneous Agricultural related structure.
 - 1. Issuance of building permits will not be required for any Maintenance Buildings or Equipment Sheds, Barns, Accessory Buildings, Animal Cages or Corrals, Feeders or Grain Storage, or any other miscellaneous Agricultural related structure that is less than 2,000 square feet.
 - 2. Platting of the property and connection to sanitary sewer will not be required for construction of Maintenance Buildings or Equipment Sheds, Barns, Accessory Buildings, Animal Cages or Corrals, Feeders or Grain Storage, or any other miscellaneous Agricultural related structure.
 - 3. This does not negate the requirement to obtain any necessary building permits or any Certificate of Occupancy requirements for a commercial business that will be occupied by or serves those that do not own or work for the agricultural operation.
 - iii. Construction of additional single family detached residential dwelling units which shall only be utilized for family members or employees of the Agricultural Operations on the same property with a minimum of 5 acres per unit, up to an additional four (4) units per property.
 - 1. Issuance of building permits will be required for any additional single family detached residential dwelling units.
 - 2. Platting of the property and connection to sanitary sewer will not be required for construction of additional single family detached residential dwelling units.

- iv. Construction of new, or repair of existing agricultural fencing in conjunction with agricultural operations, including utilizing barbed wire, is permitted without obtaining a building permit as long as the proposed fencing is within the property boundaries and does not impede sight visibility.
- c. Development Process: Agricultural Operations are subject to all City of Schertz development regulations and processes to include but not limited to Platting, Site Plan, and Building Permits and Inspections with the exceptions provided within this section.

(Ord. No. 24-S-20, § 1(Exh. A), 6-18-2024)

Sec. 21.7.12 Nonconforming Signs.

- A. *General.* A sign, including its supporting structure, shall be considered nonconforming when it does not conform to all or part of the provisions of this Article and
 - 1. was in existence and lawfully located and used in accordance with the provisions of the prior law, ordinance, code or regulation applicable thereto or which was considered legally nonconforming there under and has since been in continuous or regular use;
 - 2. was in existence, located and used on the premises at the time it was annexed into the City and has since been in continuous use; or
 - 3. was in existence and lawfully located and used as an off-premise sign prior to or on February 19, 2008.
- B. Signs shall lose nonconforming status when:
 - 1. it is removed from the premises for any reason;
 - 2. it has been blown down or otherwise destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on the sign;
 - a. a sign or substantial part of it is considered to have been destroyed only if the cost of repairing the sign is more than 60 percent of the cost of erecting a new sign of the same type at the same location
 - 3. it has become an abandoned sign, a sign that no longer serves to direct attention to an event, person, product, good, service, or activity, which is no longer conducted; or
 - 4. any structural changes are made not related to repair.

Exhibit "C"

Proposed Unified Development Code (UDC) Amendments

Article 11 - Sign and Advertising Devices

ARTICLE 11. SIGNS AND ADVERTISING DEVICES

Sec. 21.11.1. Purpose.

The City recognizes the safety, commercial, emergency, and informational needs for signs. This Article has been adopted to protect the health, safety, and welfare of the citizens in accordance with LGC Chapter 216. The City Manager or his/her designee is hereby authorized and directed to enforce and interpret the provisions of this Article and other laws, ordinances, codes and regulations applicable thereto in the City.

Sec. 21.11.2. Applicability.

All signs shall be erected, displayed, altered or reconstructed in conformity with this Article. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Sec. 21.11.3. Administration.

- A. *Applications.* The City Manager or his/her designee shall receive applications, review plans and documentation and issue permits for the erection, installation, enlargement, alteration, and repair of all signs within the City and its ETJ.
- B. *Inspection.* The City Manager or his/her designee shall make all inspections necessary to ensure compliance with all state and local requirements governing signage.
- C. *Notices and Orders.* The City Manager or his/her designee shall issue all necessary citations, notices or orders to ensure compliance with this Article.
- D. *Liability.* The City Manager or his/her designee, members of the Planning and Zoning Commission, or other City employees charged with the enforcement of this Article, while acting for the City in good faith and without malice in the discharge of the duties required by this Article or other pertinent laws, ordinances, codes or regulations shall not be rendered liable personally and are hereby relieved of personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Article shall be defended by a legal representative of the City until the final termination of the proceedings.

Sec. 21.11.4. General Requirements.

- A. *Permit Required.*
 1. No person shall erect, alter or display any sign without first obtaining a sign permit to do so from the City Manager or his/her designee. No sign permit shall be released by the City Manager or his/her designee until after the building permit for the principal building on the site has been issued.
 2. *Electrical Permit Required.* No person shall install and connect electrical systems for a sign within the City or its ETJ without first obtaining an electrical permit from the City Manager or his/her designee. The the City Manager or his/her designee shall not issue an electrical permit for a sign until after the principal sign permit for such work has been issued.
- B. *Application.* The following information shall be required for each application for a permit:
 1. Completed building permit application;

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2. Sign Plan Exhibits which include:
 - a. location of all buildings, structures or tracts to which or upon which the sign is to be attached or erected; and
 - b. position of the sign in relation to rights-of-way, property lines, easements, buildings or structures and other existing signs; and
 - c. plans that illustrate height, length, width and all other dimensions associated with the sign including all electrical elements of the sign.
 3. A copy of a contract with construction costs signed by the owner of the property stating that the applicant has permission to erect such sign.
- C. *Fees.* All fees for a sign permit shall be in accordance with the current fee schedule adopted by City Council.
1. A permit shall not be valid until such fee has been paid. An amendment to a permit shall not be released until the additional fees, if any, have been paid.
 2. An additional fee shall be assessed in accordance with the current fee schedule for work beginning prior to obtaining a permit as required by this Article. Payment of such fees shall not relieve any person(s) from any other penalties prescribed by this UDC or any other law, ordinance, code or regulation applicable thereto.
- D. *Action on Application.* The City Manager or his/her designee shall examine applications for permits and amendments in accordance with state law after a complete application is filed. If the application or the construction documents do not conform to the requirements of this Article and other pertinent laws, ordinances, codes or regulations, the City Manager or his/her designee shall reject such application in writing, stating the reasons therefore. If the City Manager or his/her designee is satisfied that the proposed work conforms to the requirements of this Article and other laws, ordinances, codes and regulations applicable thereto, the City Manager or his/her designee shall issue a permit.
- E. *Time Limitation of Application.* An application for a permit for any proposed work for which a permit has not been issued shall be deemed abandoned six (6) months after the date of filing. The City Manager or his/her designee may, at his/her discretion, grant one extension for additional time not exceeding ninety (90) days. The extension shall be requested in writing and justifiable cause demonstrated. Permits issued under this Article are non-transferable from one person to another.
- F. *Condition of Permit.* A permit issued under this Article shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter, or set aside any of the provisions of this Article or other law, ordinances, codes and regulations applicable thereto. Nor shall issuance of a permit prevent the City Manager or his/her designee from thereafter requiring correction of errors in plans, construction, or removing violations of this Article or other laws, ordinances, codes or regulations applicable thereto. Every permit issued shall become invalid six (6) months after its issuance if the work is not completed unless otherwise stated in this Article.
- G. *Suspension or Revocation.* The City Manager or his/her designee is authorized to suspend or revoke a permit issued under this Article whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of this Article or any other laws, ordinances, codes or regulations applicable thereto.
- H. *Public Rights-of-Way, Alleys and Easements.* A permit shall not be issued by the City Manager or his/her designee for the placement of a sign that will encroach upon any public right-of-way, alley or utility or drainage easement.
- I. *Placement of Permit.* The permit or copy thereof shall be kept on the site until the work permitted is completed.

- J. *Appeal*. An individual who has been denied a permit or had a permit revoked may appeal in writing along with the established filing fee to the Planning and Zoning Commission within ten (10) days after the date of denial or revocation.

Sec. 21.11.5. Exempted Signs.

The following types of signs or sign work are exempt from the permit requirements of this Article provided exemptions does not violate any other provisions of this Article or this UDC:

- A. *Governmental Signs*. Any sign indicating public facilities, public works projects, public services, or other places, events, persons, products, goods, programs, activities or institutions conducted by the Federal, State or any local government.
- B. *Political Signs*. A sign pertaining to any national, state, county or local election, or issue and erected for the purpose of announcing a political candidate, political party or ballot measure, or a position on a political issue.
- C. *Railway Signs*. Any sign within the railway right-of-way placed and maintained in reference to the operation of such railway.
- D. *Utility Signs*. Any sign marking utility or underground communications or transmission lines.
- E. *Vehicle Signs*. Any sign placed on or affixed to vehicles and/or trailers where the sign is incidental to the primary use of the vehicle or trailer as a form of transportation and which identifies the business, products, or services with which the vehicle and/or trailer is related.
- F. *Flags*. Official flags of governmental jurisdictions or non-profit organizations. Nothing in this Article shall be construed to prevent the display of a national or state flag or to limit flags, insignias, or legal notices or informational, directional or traffic signs which are legally required and necessary to the essential functions of governmental agencies. Flag poles shall not exceed thirty-five (35) feet in height.
- G. *Warning Signs*. Signs warning the public of the existence of danger but containing no advertising material.
- H. *Street Address Signs*. Address signs containing only numeric addresses and street names.
- I. *Holiday Signs*. Any temporary sign promoting the celebration of a holiday and containing no commercial advertising.
- J. *Plaques*. Any commemorative sign of a recognized historical society or organization.
- K. *Menu Board Signs*. A maximum of two (2) menu board signs, each with a maximum of thirty-two (32) square feet in area, shall be allowed per drive through service restaurant or restaurant drive-up window or similar drive through business. Structural and electrical elements will still require review from the City Manager or his/her designee.
- L. *Minor Repairs and Maintenance*. Minor repair work to any sign, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles, painting or other similar exterior maintenance of a sign structure so long as no structural alterations are made to the sign.
- M. *Murals*. A graphic displayed on the exterior of a building for decoration or artistic expression. Shall not include text, logos, or images advertising or indicating a service or product.
- N. *Directional Signs*: Any on-premise sign that directs the movement of traffic on private property within developments. Directional signs shall be located in a manner where they will not interfere with the safe movement of vehicles or pedestrians and shall not be located within any visibility triangle. Cannot be greater than twelve (12) square feet in area.

Sec. 21.11.6. Prohibited Signs.

- A. *Obscene Signs.* No person shall erect or display a sign in which the dominant theme of material taken as a whole appeals to the prurient interest in sex, and is patently offensive because it affronts current community standards relating to the description or representation of sexual matters, and is utterly without redeeming social literary, artistic, political, and scientific value, according to contemporary community standards.
- B. *Obstructing Doors, Windows or Fire Escapes.* No person shall erect or display any sign that prevents free ingress to or egress from any door, window or fire escape.
- C. *Obstructing Vision/Sight Triangle.* No person shall erect or display any sign in such a manner as to obstruct free and clear vision of moving vehicles at any location, street intersection, or driveway. All signs placed at any intersection shall prevent such problem by observing a visibility triangle (see definition of visibility triangle).
- D. *Interference With Traffic.* No sign shall be permitted which interferes with vehicular or pedestrian traffic as a result of the position, size, shape, movement, color, fashion, manner, or intensity of illumination, or any other characteristics causing such interference. No person shall erect or allow to be displayed any sign in such a manner as to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, including, signs making use of the words "stop", "go", "look", "slow", "danger", or any other similar word, phrase, symbol or character. No person shall employ any red, yellow, green, or other colored lamp or light in such a manner as to cause confusion or otherwise interfere with vehicular or pedestrian traffic.
- E. *Over Public Property or Public Right-of-Way.* It shall be prohibited to erect or display any type of sign on or over public ROW or other public property, unless the same is erected by the City, County, State or other authorized governmental agency, or with the permission of the City (in its sole discretion), for public purposes.
- F. *Signs on Utility Poles.* No person shall erect or display any sign except as specifically authorized by section 21.11.5 on any utility pole located upon any public right-of-way or utility easement.
- G. *Private Property.* No sign shall be located on private property without the consent of the owner of the premises, including signs located on trees, light poles or mail boxes.
- H. *Dilapidated Signs.* No sign shall be allowed which is deteriorated, dilapidated or in danger of falling or otherwise unsafe.
- I. *Signs in Violation.* No sign shall be allowed that does not comply with any applicable provisions of the building code, this UDC, or any other applicable laws, ordinances, codes or regulations of the City.
- J. *Home Occupation Signs.* No exterior home occupation signs shall be permitted.
- K. *Off Premise Signs.* Except as set forth elsewhere in this Article, all off premise signs are prohibited except that the following signs may be permitted provided they otherwise meet the applicable requirements of this Article:
 - 1. Community Service Signs;
 - 2. Garage Sale Signs;
 - 3. Official Government Signs;
 - 4. Historical Markers and Plaques;
 - 5. Political Signs;
 - 6. Real Estate Signs;

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- 7. Temporary Signs;
 - 8. Traffic Signs;
 - L. *Bandit Signs.*
 - M. *Painted Signs.* No sign advertising or indicating a service or product with text, logos, or images shall be permitted which is painted on the wall of any building or on any part of a building.
 - N. Balloon Signs including inflatable signs are prohibited regardless of size. Feather Flags are the only type of wind driven signs allowed.
 - O. *Other Signs.* Except as set forth elsewhere in this Article, any signs not specifically permitted by this Article are prohibited within the City.

Sec. 21.11.7. Removal of Signs.

- A. *Damaged Signs.* Signs which are determined by the City Manager or his/her designee to be a public hazard or in a state of disrepair shall be repaired or removed within ten (10) days after written notification to the property owner.
- B. *Abandoned Signs.* Signs which are determined by the City Manager or his/her designee to be abandoned shall be removed or otherwise painted over within thirty (30) days after written notification to the property owner by the City Manager or his/her designee.
- C. *Extensions.* The City Manager or his/her designee shall have the authority, to grant extensions as necessary to resolve a damaged or abandoned sign. The extension shall be requested in writing and justifiable cause demonstrated.
- D. *Signs in Right-of-Way and/or Public Property.* Any sign that is erected, constructed, or otherwise located within or upon public right-of-way or on public property may be removed by City personnel and disposed of immediately. The City is not required to notify the owner of the sign of its removal and disposal.
- E. *Relocation of Certain Detached On-Premise Signs.*
 - 1. Legal and non-conforming detached on-premise signs located on or overhanging a parcel of land acquired by a governmental entity may be relocated subject to the restrictions in this section. The owner of the sign and the governmental entity must sign an application requesting the relocation. The relocation must be completed within one (1) year after the date the governmental entity becomes the owner of the property. All relocated signs must fully comply with spacing, setbacks, and other restrictions in this section. All signs must relocate on the remainder of the tract from which the parcel of land was acquired unless:
 - a. There is no remainder; or
 - b. The remainder is not of sufficient size or suitable configuration to allow the relocated sign to fully comply with the spacing, setback, and other restrictions in this section.
 - 2. No relocated detached on-premise sign may have a greater effective area or increased height than it had at its original location, or contain new materials that are more than five feet (5') above grade.
 - 3. No detached on-premise sign may be relocated until demolition and other required permits have been applied for and approved by the City.
 - 4. No new electrical or mechanical properties may be added to a relocated detached on-premise sign. (For example, a non-illuminated sign may not be converted to an illuminated sign.)

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- F. *Illegally Erected Temporary Sign.* Any temporary sign that is erected, constructed or otherwise displayed, without a permit or in direct violation of this Article shall be removed by City personnel and disposed of immediately. The City is not required to notify the owner of the sign of its removal and disposal.
 - G. *Illegally Erected Permanent Sign.* Any permanent sign installed without a permit or in direct violation of this Article shall be removed by the owner of the sign or property within ten (10) days after written notification by the City Manager or his/her designee.
 - H. *Filing of Liens Against the Property.* The City is authorized to file a lien against any property which is not otherwise exempt to recover reasonable expenses incurred by the City for the removal of a sign or portion of a sign.
 - I. *Appeal.* Any decision rendered by the City Manager or his/her designee or other City personnel in the enforcement of this Article may be appealed to the Planning and Zoning Commission by any person, agent, or representative affected by such decision. Such appeal must be in writing and received within ten (10) days after a decision rendered along with the established fee.

Sec. 21.11.8. General Sign Provisions.

The provisions of this section shall be applicable to all signs hereafter erected, constructed, displayed, altered or repaired on any premise under the jurisdiction of the City.

- A. *Height of Signs.* The vertical height of a sign shall be measured from ground level to the highest part of the sign or its structure.
- B. *Wind and Dead Load Requirements.* All signs shall be designed and constructed to withstand wind loads and to receive dead loads as required by building codes adopted by the City. The sign application must include a statement signed or a letter with an engineer's seal that states compliance with this requirement.
- C. *Location of Business/Residential.* All business and residential locations shall be identified by an address, which is clearly visible from the street.
- D. *Illumination of Signs.* No sign shall be illuminated to such intensity to exceed a maximum of one (1) footcandle measured at the property line. No lighted sign shall be erected or displayed within 150 feet of a single-family residential zoned property unless the lighting is shielded from view.
- E. *Building and Electrical Codes Applicable.* All signs shall be constructed and maintained in conformity with all applicable provisions of the building code, electrical code or other applicable laws, ordinances, codes or regulations of the City.
- F. *Maintenance of Signs.* Every sign shall be maintained in good structural condition at all times. All signs shall be kept neatly painted including all metal parts and supports that are not galvanized or of rust resistant material. On undeveloped parcels of land, the area between any sign and the street or highway to which the sign is oriented and the area within twenty-five feet (25') of such sign must be kept free and clear of debris, trash, and weeds or other refuse and shall be maintained by mowing or trimming of any vegetation.
- G. *Structural Sign Elements.* The structural elements of permanent signs shall be constructed of materials that are noncombustible and may be supported by noncombustible materials only and finished in a presentable manner. Wood or unpainted steel supports are prohibited. Heavy timber and other materials may be used only if approved by the City Manager or his/her designee.
- H. *Sign Clearance.* Notwithstanding any other provisions of this UDC, all signs shall maintain a clearance of at least ten feet (10') when located over a public sidewalk and at least fourteen feet (14') when located over a driveway.

- I. *Sign Area.* The maximum effective sign area shall be the total square footage of a single face specified for each type of sign within this Article.

Sec. 21.11.9. Wall Signs.

- A. Wall Sign Standards apply per façade. Wall signs may be one contiguous sign or have multiple separate components provided total allowable square footage is not exceeded.

| Wall Sign Standards | | |
|------------------------------------|---------------------------------|--|
| Roadway Classification | Max Area sq. ft.(per facade) | Maximum Number of façades with signage |
| Interstates & Farm to Market Roads | 250 | 3 per building or tenant |
| All Others | 100 | 3 per building or tenant |

1. Roadway Classification is determined by the address of the building or unit and applies to each allowable sign.
2. Buildings over 100,000 square feet are allowed an additional 100 square feet of maximum signage area.
3. Wall signs shall not extend into the required building setback and may not be attached to light fixtures, poles, or trees.
4. In no case shall a wall sign project above the roofline of any building nor extend above the parapet wall if attached thereto.
5. Wall signs shall not be located on any facade (other than the main front of the building) which faces property zoned for single-family residential uses if the sign is within 150 feet of the property line of said residential property.
6. Properties on Main Street with a facade facing the railroad are allowed 250 square feet of signage facing FM 78.
 - a. Shall not exceed maximum allowable number of facades with signage.

Sec. 21.11.10. Freestanding Signs.

- A. Freestanding Sign Standards.

| Freestanding Sign Standards | | | | |
|-----------------------------|----------------|---------------------|-------------------|------------------------|
| Roadway Classification | Setback ft. | Max Area sq. ft. | Max Height ft. | Maximum Number |
| Interstates | 15 | 250 | 50 | 1 per lot per frontage |
| Farm to Market Roads | 15 | 250 | 35 | 1 per lot per frontage |
| All Others | 15 | 150 | 20 | 1 per lot per frontage |

1. Roadway Classification is determined by the adjacent frontage the sign will be placed.
2. Developments consisting of shopping centers or other multi-tenant type developments shall provide adequate sign spaces for each tenant and no tenant shall have more than 50% of the allowable area.
3. A freestanding sign may include an electronic sign as a component of the permitted sign with the following additional standards:
 - a. Limited to two (2) faces per sign.

- b. Limited to fifty (50) square feet per sign face.
- c. Electronic signage shall not exceed a maximum of one (1) footcandle illumination at the property line.
- d. Any change of pictures or information on the electronic sign shall not produce the illusion of moving objects, expanding or contracting shapes, rotation or any similar effect of animation.
- e. Any change of pictures or information on the message board sign shall not change more often than once every four (4) seconds.
- f. Any sign picture or information shall not have a solid white background between the time period of thirty (30) minutes after sunset and thirty (30) minutes before sunrise.

Sec. 21.11.11. Price-Per-Gallon Display .

- A. *General.* All price-per-gallon displays must be an integral part of the freestanding sign or wall sign for the site. Displays, whether electronic or manual, shall not scroll or flash.
- B. *Number of Signs.* Only one (1) price-per-gallon sign shall be permitted per site.
- C. *Illumination.* Only internal illumination may be utilized for fuel classification and price-per-gallon sign.

Sec. 21.11.12. Subdivision Entry Signs.

- A. Subdivision Entry Sign Standards

| Subdivision Entry Sign Standards | | | |
|---------------------------------------|---------------------|-------------------|----------------|
| Roadway Classification | Max Area sq. ft. | Max Height ft. | Maximum Number |
| Interstates & Farm to Market Roads | 50 | 10 | 2 per entry |
| All Others | 32 | 6 | 2 per entry |

- 1. *Subdivision Entry Feature.* A subdivision entry feature which incorporates masonry walls, berms and/or decorative fencing in combination with the subdivision entry sign may be constructed, however, the maximum area containing the subdivision sign shall not exceed standards.

Sec. 21.11.13. Temporary Signs.

- A. Temporary Sign Standards.

| Temporary Sign Standards | | | |
|--------------------------|---------------------|-------------------|--------------------------|
| Setback ft. | Max Area sq. ft. | Max Height ft. | Maximum Number |
| 15 | 24 | 6 | 3 per business or tenant |
| Feather Flag Standards | | | |
| Setback ft. | Max Area sq. ft. | Max Height ft. | Maximum Number |
| 15 | 16 | 8 | 3 per business or tenant |

- 1. Temporary signs shall be permitted for a maximum of 120 days per calendar year and Temporary Sign permits will be issued for thirty (30) day increments.

- a. The cumulative total number of days for which all temporary sign permits issued for a property or business shall not exceed 120 calendar days.
 - b. Each individual sign will count towards the allotted 120 calendar days.
 - c. Feather Flags shall only be permitted for 28 days per calendar year.
2. *Recurring Event Permit.* A Recurring Event Permit is for temporary signs that will be issued in two-day increments for up to fifteen (15) times per year. The applicant requesting a Recurring Event Permit must identify which 15 two day increments they intend to have the temporary signs when applying for the initial permit. The selected dates can be modified as dates change with prior approval.
3. Exceptions:
- a. Development signs may be installed at any time after the issuance of the building permit for a commercial development or after approval of the final plat for a residential subdivision. The development sign must be removed within six (6) months or upon the issuance of a certificate of occupancy for commercial developments, and within three (3) years of a residential subdivision.
 - b. Real estate signs shall be exempt from the permitting requirements of this section if they do not exceed six feet (6') in height and do not exceed thirty-two (32) square feet in area. Real estate signs shall be limited to one (1) per lot per street frontage.

Sec. 21.11.14. Banners Over Public Rights-of-Way.

- A. *General.* Banners may be erected over predetermined public rights-of-way within the City with the approval of the City Manager or his/her designee.
- B. *Restrictions.* Banners over public rights-of-way shall be permitted only for non-commercial or charitable events that are of general interest to the community as a whole and shall be restricted to non-profit or governmental entities.
- C. *Responsibility.* The applicant shall be responsible for the erection of any banner over public rights-of-way. The banner shall be inspected by the City Manager or his/her designee to ensure the banner is adequately secured. The applicant shall be responsible for removal of any banner erected over public rights-of-way.
- D. *Maximum Banner Size.* The maximum area of a banner shall not exceed 144 square feet. The standard banner size shall be four feet (4') wide by thirty-six feet (36') long. Variations to the standard banner size may be approved by the City Manager or his/her designee when differing variations are necessary to contain the entire message within the banner. In no case shall the area exceed the maximum area identified in this section.

Sec. 21.11.15. Waivers

- A. The Planning and Zoning Commission may authorize waivers from the provisions of this Article when, in its opinion, undue hardship will result from requiring strict compliance. In granting a waiver, the Planning and Zoning Commission shall prescribe only conditions that it deems necessary or desirable to the public interest.
- B. In making their findings, the Planning and Zoning Commission shall take into account the following:
 - a. The nature of the proposed use of the land involved.
 - b. The location of the property in relation to roadway classification.

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- c. The existing uses of land in the vicinity.
 - C. Waivers shall not be granted unless the Planning and Zoning Commission finds:
 - 1. That the granting of the waiver will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area; and
 - 2. Strict interpretation of the provisions of the section would deprive the applicant of rights commonly enjoyed by other nearby properties with the same land use that would comply with the same provisions.
 - D. The Planning and Zoning Commission may establish a time period for execution of each granted waiver.
 - E. Such findings together with the specific facts on which such findings are based shall be incorporated into the official minutes of the Planning and Zoning Commission meeting at which such exception is granted.
 - F. Planning and Zoning Commission shall not authorize a waiver that would constitute a violation of a valid law, ordinance, code or regulation of the City.
 - G. Any decision of the Planning and Zoning Commission regarding waivers to the provisions of this Article may be appealed to the City Council. When considering an appeal, the City Council shall consider the same standards as the Planning and Zoning Commission as outlined above.

Sec. 21.11.16. Violations.

- A. *Unlawful Acts.* It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, or demolish a sign regulated by this Article, or cause the same to be done in conflict with or in violation of any of the provisions of this Article.
- B. *Notice of Violation.* The City Manager or his/her designee is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removing or demolition of a sign in violation of the provisions of this Article or in violation of a permit issued under the provisions of this Article. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Exhibit “D”

Proposed Unified Development Code (UDC) Amendments

Article 16 – Definitions

Exhibit "D"

Proposed UDC Amendment

Article 16 - Definitions

Proposed changes to Article 16 - Definitions to add:

Façade: The portion of any exterior elevation of the building extending from grade to the top of the roof or parapet. Does not include structural or nonstructural elements which extend beyond roof or parapet.

Murals. A graphic displayed on the exterior of a building for decoration or artistic expression. Shall not include text, logos, or images advertising or indicating a service or product.

Subdivision Entry Signs: entry signs identifying a residential or mixed-use development.

Proposed changes to Article 16 - Definitions to replace/edit:

Balloon/Inflatable Signs: One or more inflatable devices filled with lighter-than-air gas used as a temporary sign for the purpose of directing attention to any location, event, person, product, good, service, activity, institution or business.

Bandit Sign: An illegally placed sign often used for advertising a service, business, or product.

Directional Signs: Any on-premise sign that directs the movement of traffic on private property within developments. Directional signs shall be located in a manner where they will not interfere with the safe movement of vehicles or pedestrians and shall not be located within any visibility triangle. Cannot be greater than twelve (12) square feet in area

Freestanding Sign: A sign that is not attached to a building and which is self-supported.

Temporary Signs: A sign constructed of a natural or man-made flexible material including, but not limited to, cloth, canvas, vinyl, engineered wood products not rated for outside use, or fabric which can be easily folded or rolled that is mounted with or without an enclosing framework that is attached or tethered to the building or structures. These signs are intended to be displayed for a limited period of time.

Wall Sign: Any sign attached to or projected from the exterior wall surface or facade of a building

Wind Sign: Any display or series of displays, banners, flags, pennants or other such objects designed and fashioned in such a manner as to move when subjected to wind pressure. Wind signs shall only be permitted as temporary signs. Feather Flags are the only type of wind driven signs allowed.

No other changes are proposed.



PLANNING AND ZONING COMMISSION MEETING: 04/01/2026
Agenda Item 5 B

TO: Planning and Zoning Commission
PREPARED BY: Emily Delgado, Planning Manager
CASE: PLVAR20260066
SUBJECT: **PLVAR20260066 Sign Waiver**- Consider and act upon a request for a waiver in relation to a freestanding ground sign on Lot 7, Block 1 of the Schertz Station Subdivision, approximately 3.04 acres of land located at 18406 IH 35N, more specifically known as Guadalupe County Property Identification Number 203794.

GENERAL INFORMATION:

Owner: Schertz Station LTD.
Applicant: Britney Christy, Merit

ITEM SUMMARY:

The Schertz City Council recently passed updates to Article 11 - Signs and Advertising Devices on June 17, 2025 as Ord. 25-S-024. In these updates, is Section 21.11.15 Waivers. This section allows applicants the opportunity to request waivers from the sign standards in extenuating circumstances. These requests are then decided upon by the Schertz Planning and Zoning Commission.

The applicant intends to construct a freestanding ground sign at 18406 IH 35, Schertz Station Lot 7, Block 1. Based on the proposed sign, the applicant is requesting waivers to two sections of UDC Article 11, identified below:

UDC Article 11, Section 21.11.10 Freestanding Signs, specifically maximum area:

- Based on the property location on IH 35, the maximum area for a freestanding sign is 250 square feet. The proposed sign is 40 feet tall and 19 feet wide for a total area of 760 square feet. The waiver request is to exceed the maximum allowable area by 510 square feet, approximately 3 times more than the allotted area per the UDC. For size reference the billboard on IH 35 that advertises for the City of Schertz is 14 feet by 48 feet, for a total area of 672 square feet. The proposed sign within the waiver request is approximately 88 square feet larger than the billboard on IH 35.

UDC Article 11 Section 21.11.6 Prohibited Signs, subsection K- Off Premise Signs

- The UDC lists off premise signs as prohibited. The applicant is requesting a waiver to this section as the intent is to advertise tenants from differing platted lots on the proposed sign on Lot 7, Block 1. Per the proposed sign exhibits, the intent is to advertise "The Home Depot" on the proposed sign, which is under construction at Schertz Station Lot 17, Block 1. Since this tenant is not located on Lot 7, Block 1 advertising this business on the proposed sign would be considered Off Premise signage and would be prohibited.

GENERAL LOCATION AND SITE DESCRIPTION:

The site is 18406 IH 35, otherwise known as Lot 7, Block 1 of the Schertz Station subdivision. Schertz Station is a larger mixed-use subdivision consisting of multifamily housing and restaurant / retail sites on the corner of Cibolo Valley Drive and IH 35. Schertz Station Lot 7, Block 1 is located at the hard corner of Cibolo Valley Drive and IH 35 and also has frontage on Merit LN which provides access to Schertz Station from IH 35. The subject property has three roadway frontages.

PUBLIC IMPROVEMENTS:

There is no public infrastructure associated with this sign waiver request.

STAFF ANALYSIS AND RECOMMENDATION:

The Planning and Zoning Commission uses the criteria in 21.11.15 for sign waivers and staff use the same for our analysis.

21.11.15.B has the the following considerations:

1. The nature of the proposed use of the land involved.

The Schertz Station Subdivision is a large subdivision currently zoned Planned Development District (PDD). The subdivision as a whole consists of multifamily-style housing and several retail / restaurant sites. The site for this specific waiver is part of the PDD designed for commercial / retail. As a note, the Schertz Station PDD, did not include deviations or modifications to the City of Schertz sign regulations. As part of the PDD process, the applicant could have included requested deviations to the sign regulations that would have been specific for their development, that then would have been reviewed and either approved or denied by the City Council. Since signs were not included in the PDD design standards, Schertz Station is bound to the current UDC Article 11 sign regulations for the site.

The subject property went through the development process and has constructed two multi-tenant buildings for commercial / retail / restaurant uses.

2. The location of the property in relation to roadway classification.

The property is located along IH 35, a major freeway. Based on the location of the property on IH 35, the maximum height and area for a freestanding sign are larger than what would be permitted on other roadway classifications, see below:

| Freestanding Sign Standards | | | | |
|-----------------------------|-------------|------------------|----------------|------------------------|
| Roadway Classification | Setback Ft. | Max Area sq. ft. | Max Height ft. | Maximum Number |
| Interstates | 15 | 250 | 50 | 1 per lot per frontage |
| Farm to Market Roads | 15 | 250 | 35 | 1 per lot per frontage |
| All Others | 15 | 150 | 20 | 1 per lot per frontage |

Per the Sign Code Waiver Justification form submitted by the applicant, they stated "*due to varying elevations and vertical grade changes along IH 35, visibility from the interstate is limited compared to similarly zoned properties along flatter roadway segments.*" Additionally, the letter states in relation to the maximum area waiver request " This increase will improve interstate visibility and provide clear identification for the development's national retail tenants." From staffs evaluation, the property location in relation to IH 35 and the stated "*varying elevations and vertical grade changes*" are not unique to this site and should not be a basis for an increased area of 510 square feet over the maximum allowable. Additionally, staff would like to note that Schertz Station Lot 6, Block 1, which is immediately adjacent to the lot for the proposed sign location, has a constructed freestanding sign that did not request a waiver to increase the maximum area. If the existing sign on Lot 6, Block 1 of Schertz Station, also located along IH 35, did not need waivers for increased area, and is located along the same IH 35 frontage the "*varying elevations and vertical grade changes*" do not appear to be a constraint for advertising other tenants within Schertz Station.

It is also of note that the subject property is located at the hard corner of Cibolo Valley Drive and IH 35. Additionally, the subject property has frontage on Merit Ln. Per the UDC freestanding ground regulations, properties are permitted to have 1 freestanding sign per lot, per frontage. Since Lot 7, Block 1 has three

frontages, they would be permitted to have 3 freestanding signs.

3. The existing uses of land in the vicinity.

The land uses in the vicinity consist of the remainder of the Schertz Station subdivision which, as mentioned above, consists of multifamily-style housing and several retail / restaurant sites. The subject property is currently being developed with two multi-tenant buildings with businesses such as Panera Bread, CAVA and multiple additional businesses in the tenant finish out process.

21.11.15.C has the following considerations:

1. That the granting of the waiver will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area

The proposed signage may not necessarily be detrimental to public health, safety, or welfare. However, the proposed signage does not align with the City of Schertz core values. One of the City of Schertz core values is "Do the right thing." The proposed signage does not promote the core value of doing the right thing to other properties along IH 35 that have met the UDC requirements for signage for their businesses.

Additionally, the City Council adopted the updated UDC Article 11 in June of 2025. The intent of the updated UDC amendment was to allow greater flexibility / increased signage specifically for properties along major roadway classifications. Based on the UDC amendment in 2025, the City Council set the standards that would be applicable for properties along IH 35 and determined that the set allowable maximum height and area was appropriate. With the 2025 UDC Article 11 amendment it removed the designation for "Multi-tenant signs". In the previous UDC requirements for multi-tenant signs the maximum height allowed was 20 feet with a maximum area of 150 square feet. The proposed sign prior to the ordinance amendment would have been considered a multi-tenant sign and would have utilized those size limitations. The 2025 UDC amendment increased what would have been allowable to the now current standard, which again increased maximum area to twice as large as was previously allowed.

The proposed sign could be considered injurious to other property in the area in relation to site visibility of other properties along IH 35 and Cibolo Valley Drive. The scale of the proposed sign at 760 square feet is significant, especially based on the applicants' other waiver request for similar signage at Schertz Station Lot 2.

2. Strict interpretation of the provisions of the section would deprive the applicant of rights commonly enjoyed by other nearby properties with the same land use that would comply with the same provisions.

The property in question, Schertz Station Lot 7, Block 1, is not necessarily unique in location in relation to other properties located along IH 35. The UDC Article 11 sign regulations are in place to ensure cohesive development, including cohesive signage throughout the City of Schertz. The same provisions that the property in question are required to meet are the same provisions that any new signage along IH 35 or IH 10 would be required to meet. Granting the waivers, as requested by the applicant, is an inconsistent interpretation of the UDC that favors one specific development over other developments or businesses that have applied for sign permits and made revisions to ensure their signs meet the requirements of the UDC as approved by City Council. Granting this waiver is not in alignment with the City of Schertz Core Values.

Additional Considerations in relation to number of signs:

Staff would also like to note that the proposed The Home Depot currently under construction at 18541 IH 35, Schertz Station Lot 17, Block 1 has submitted for two additional freestanding signs to be placed on their subject property, one proposed on Station Road and the other on Ripps Kreuzler. If the proposed waiver and associated PLVAR20260065 are approved, then The Home Depot would be advertising on 4 separate freestanding signs.

Also of note, a waiver request, PLVAR20250144 Sign Waiver, was heard by the Planning and Zoning Commission for increased wall signs for The Home Depot in July of 2025. Ultimately, after Planning and Zoning Commission denied the waiver request, the City Council approved the request after the applicant appealed the Planning and Zoning Commissions decision. In other words, The Home Depot has already received a waiver for larger wall signage than permitted, and will still have two freestanding signs advertising the business on their

property without the approval of this waiver request of the associated PLVAR20260065.

Granting the waivers, as requested by the applicant, is an inconsistent interpretation of the UDC, specifically allowing The Home Depot to have additional signage, than would be permitted for other national retailers within the City of Schertz that comply with the UDC regulations. If the applicant desired to have increased signage for their anchor tenant, those considerations could have been incorporated into the Planned Development District design standards for the subdivision.

Additional Considerations in relation to off-premise signage:

In relation to the waiver request to Article 11, Section 21.11.6, specifically prohibited signs to include off-premise signs, is in place to prohibit a business from advertising on other properties where the business is not located. For example, if this code section was not in place, a business on FM 3009 could advertise across the entire City of Schertz which ultimately is not the desire of the City of Schertz based on the code being in place. If businesses advertised on other properties that the business was not actually located it would put limitations on business advertising on their own property as there are limitations on the maximum number of freestanding signs permitted per property / per frontage. If the intention of Schertz Station was to have businesses advertise on off premise properties that could have been requested within their PDD design standards.

Additional Considerations in relation to maximum allowable area:

In relation to the waiver request to Article 11, Section 21.11.10, specifically the maximum area, was updated via the 2025 UDC amendment. This amendment approved by City Council stipulated the height and area that was deemed appropriate to properties along IH 35 and IH 10. Prior to the 2025 amendment the proposed sign would have been considered a multi-tenant sign with a maximum allowable area of 150 square feet. The 2025 UDC amendment eliminated multi-tenant signs so that all multi-tenant signs would then be considered freestanding signs. This increased the maximum allowable for this property to be 250 square feet, an additional 100 square feet of signage than what would have been allowed in 2025. The proposed signage is for a 40 foot tall, 19 foot wide sign for a total of 760 square feet. The request is to have an additional 510 square feet of signage than what is permitted. Based on the waiver request form submitted by the applicant this increase is necessary due to varying elevations and vertical grade changes and to address site-specific topographic and logistical constraints. From staffs analysis it does not appear that there are elevation / vertical grade changes and topographic challenges that are unique to this property that would warrant a sign of this magnitude. Again for perspective if this waiver request is approved along with PLVAR20260065 there would be two freestanding signs along IH 35 that would both be individually larger than the billboard that the City of Schertz advertises on.

Additionally, staff would like to note that if this waiver is approved by the Planning and Zoning Commission or City Council, staff will be recommending a UDC amendment for Article 11 to increase the maximum allowable area for all signage. In addition to proposing modifications to the sign waiver UDC requirements. In an effort to follow the City of Schertz core values, and do the right thing, if the waivers are approved here where staff feels there are no unique challenges, then all businesses along IH 35 and IH 10 or other roadways should also be allowed to have larger signage. Based on staff's evaluation, the subject property is not unique in relation to requiring or necessitating larger signage, nor the need to have a sign prior to building permits for the site, or advertising businesses not located on the property, and therefore, if the waiver is approved, then larger signage should be allowed elsewhere. If the waiver is approved when staff has provided concerns and recommendation of denial, and there being no special circumstances for the property, then where would the Planning and Zoning Commission or City Council say "no" to a waiver for larger signage. The majority of sign permits requested originally request larger signage. Staff makes comments that the signs need to be reduced to meet the City of Schertz standards. The majority of those businesses then comply with the standards. In other words, the majority of businesses want larger and more signs, if the pattern is for applicants to submit waiver requests to have those larger signs and those waivers get approved with little to no justification, then the UDC needs to be amended to allow all businesses to have larger to maintain consistent regulations throughout the City.

Based on staffs evaluation of the three requests, the site, the waiver justification submitted by the applicant, staff is recommending denial of the requested waiver.

| | |
|----------|--------------------------|
| | Approve as submitted |
| | Approve with conditions* |
| X | Denial |

* While the Commission can impose conditions; conditions should only be imposed to meet requirements of the UDC.

COMMISSIONERS CRITERIA FOR CONSIDERATION:

Unified Development Code Sec. 21.11.15 - Waivers

A. The Planning and Zoning Commission may authorize waivers from the provisions of this Article when, in its opinion, undue hardship will result from requiring strict compliance. In granting a waiver, the Planning and Zoning Commission shall prescribe only conditions that it deems necessary or desirable to the public interest.

B. In making their findings, the Planning and Zoning Commission shall take into account the following:

1. The nature of the proposed use of the land involved.
2. The location of the property in relation to roadway classification.
3. The existing uses of land in the vicinity.

C. Waivers shall not be granted unless the Planning and Zoning Commission finds:

1. That the granting of the waiver will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area; and
2. Strict interpretation of the provisions of the section would deprive the applicant of rights commonly enjoyed by other nearby properties with the same land use that would comply with the same provisions.

Attachments

PLVAR20260066 Sign Waiver Justification Documentation provided by applicant
 ORDINANCE 25-S-024 with Exhibits



March 10, 2025

City of Schertz Planning Department
1400 Schertz Parkway Bldg. 1
Schertz, TX 78154
210-619-1780

RE: Letter of Intent – Schertz Station Lot 7 Pylon Waiver Request

To Whom It May Concern,

This letter serves as a statement of intent for the proposed development of approximately 3.047 acres at 18406 IH-35 North in Schertz, Texas, within the Schertz Station Subdivision. The property is located along the IH-35 corridor at Cibolo Valley Drive, offering high visibility and convenient access. Schertz Station is a 72-acre master-planned commercial development featuring retail, restaurant, and service users. The proposed development is designed to accommodate national credit tenants, contributing to the vitality and diversity of the Schertz Station commercial area.

Per the Planned Development District (PDD), the property is zoned General Business, which permits the proposed commercial uses. Two sign-code waivers are requested. The first is to allow an off-premise sign to advertise tenants on a different platted lot within the same development, pursuant to Article 11, Section 21.11.6K of the Unified Development Code (UDC). Although the sign will be located on a separate platted lot, it will serve the same integrated commercial development and provide identification for tenants that may not otherwise have direct visibility from IH-35.

A waiver is also requested to exceed the maximum allowable area for a freestanding ground sign under Article 11, Section 21.11.10A of the UDC. Due to varying elevations and vertical grade changes along IH-35, visibility from the interstate is limited compared to similarly zoned properties along flatter roadway segments. To address this constraint, the applicant requests a waiver to increase the surface area of the freestanding sign while maintaining full compliance with all height requirements, resulting in a total waiver of 510 square feet above the standard maximum. This increase will improve interstate visibility and provide clear identification for the development's national retail tenants.

Granting these waivers will not be detrimental to public welfare or injurious to nearby property values. The signage is consistent with the scale and character of other IH-35 corridor developments and addresses site-specific topographic constraints to provide comparable visibility and identification opportunities as other similarly zoned properties.

We appreciate the City's review of this request and look forward to continued coordination throughout the development process.

Sincerely,

A handwritten signature in black ink that reads "J. W. Collins, Jr." with a stylized flourish at the end.

James W. Collins, Jr.
Schertz Station Ltd.
Manager
will@meritcre.com
210.541.2005

**PLANNING & COMMUNITY
DEVELOPMENT**

SIGN CODE WAIVER JUSTIFICATION FORM UDC 21.11.15:

The Planning and Zoning Commission may authorize waivers from the provisions of this Article when, in its opinion, undue hardship will result from requiring strict compliance. In granting a waiver, the Planning and Zoning Commission shall prescribe only conditions that it deems necessary or desirable to the public interest. Please answer the following questions below.

1. Description of waiver request and Unified Development Code (UDC) section the project or request is from:

Two sign-code waivers are requested. The first is to allow an off-premise sign to advertise tenants on a different platted lot within the same development, pursuant to Article 11, Section 21.11.6K of the Unified Development Code (UDC). Although the sign will be located on a separate platted lot, it will serve the same integrated commercial development and provide identification for tenants that may not otherwise have direct visibility from IH-35. A waiver is also requested to exceed the maximum allowable area for a freestanding ground sign under Article 11, Section 21.11.10A of the UDC. Due to varying elevations and vertical grade changes along IH-35, visibility from the interstate is limited compared to similarly zoned properties along flatter roadway segments. To address this constraint, the applicant requests a waiver to increase the surface area of the freestanding sign while maintaining full compliance with all height requirements, resulting in a total waiver of 510 square feet above the standard maximum. This increase will improve interstate visibility and provide clear identification for the development's national retail tenants.

2. Does the requested waiver violate the intent of the Unified Development Code or deprive the applicant of right commonly enjoyed by other properties in the same zoning district that comply with the same provisions? (YES/NO) Explain:

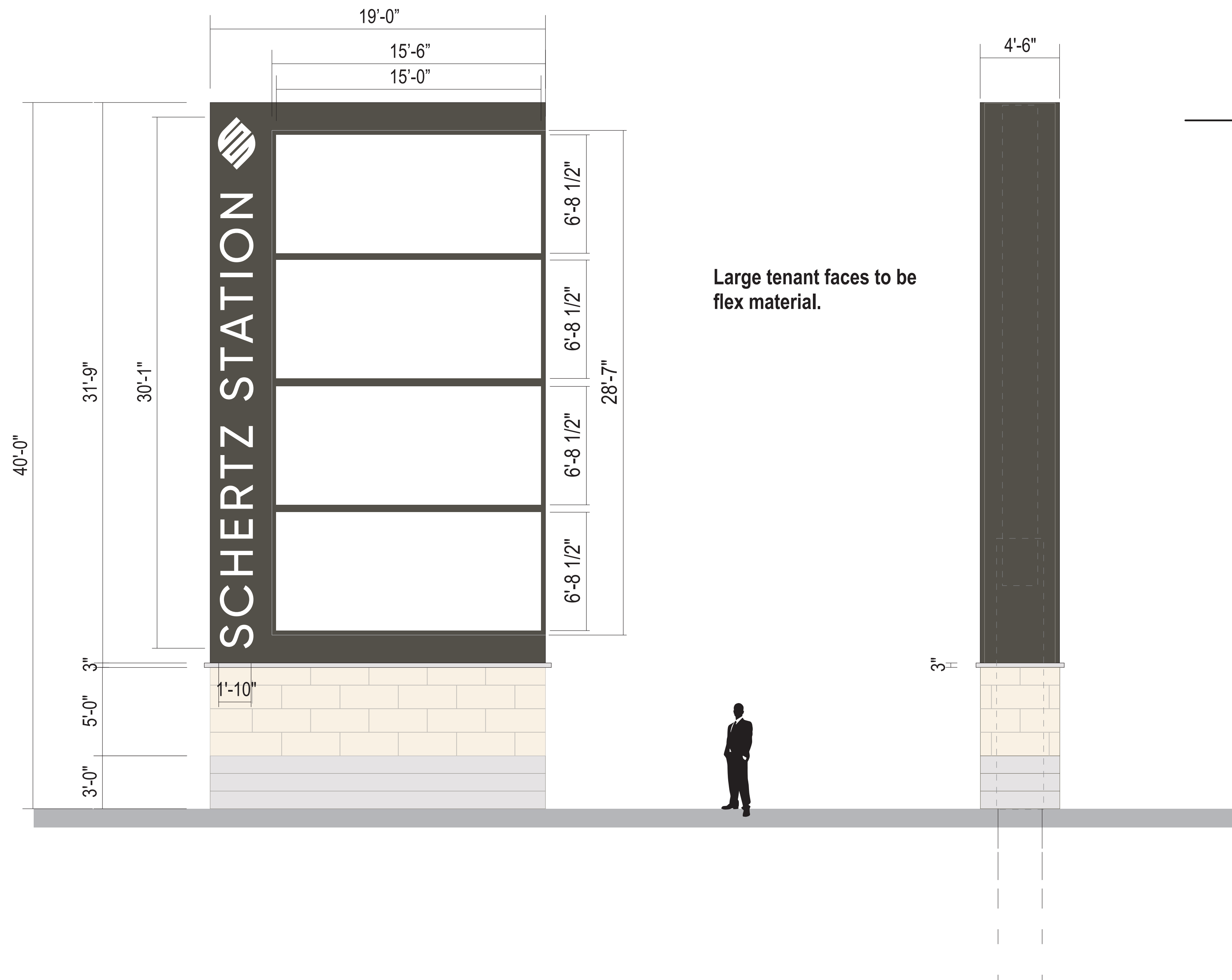
The requested waivers do not violate the intent of the Unified Development Code, nor does it deprive the applicant of rights commonly enjoyed by other properties within the same zoning district. The intent of the Code's signage standards is to ensure that signage remains appropriately scaled while providing adequate visibility and identification for commercial uses in a manner that protects public safety and the overall visual character of the corridor. Due to the varying elevations and vertical grade changes along IH-35 adjacent to the site, visibility to the development from the interstate is significantly constrained compared to similarly zoned properties located along more level roadway segments. As a result, signage that strictly complies with the maximum area requirements would not provide the same level of visibility that other commercial properties in the zoning district are able to achieve due to more favorable topographic conditions. The requested waiver is therefore intended to offset these site-specific constraints and provide comparable visibility and identification opportunities

3. Do special conditions or restricted access, shape, topography, or physical features exist irregular to the subject parcel of land and not applicable to other parcels of land in the same zoning districts? (YES/NO) Explain:

Yes. Special conditions exist that are unique to the subject property and are not generally applicable to other parcels within the same zoning district. These topographic conditions create restricted sightlines for motorists traveling along the corridor, limiting the effectiveness of signage that complies with the standard requirements of the Unified Development Code. Unlike other commercially zoned properties located along flatter roadway segments, the subject property does not benefit from consistent grade relationships between the site and the adjacent roadway. As a result, the requested waiver is necessary to address these site-specific topographic constraints and allow the development to achieve reasonable visibility and identification from IH-35. These conditions are inherent to the property's location along the interstate corridor and are not the result of actions taken by the applicant.

4. Would granting this waiver be detrimental to the public welfare or injurious to the value of property in the vicinity? (YES/NO) Explain:

Granting these waivers would not be detrimental to the public welfare or injurious to the value of property in the vicinity. The proposed freestanding signage is consistent with the character and scale of other developments along IH 35 and is designed to enhance visibility and wayfinding without creating visual clutter or safety concerns. Adequate signage visibility is also important to support the success of the project's national credit retail tenants, which contribute to the overall economic vitality of the area and help maintain strong property values within the corridor.



B HIGH RISE SIGN FOR LOT 7

1 Quantity: ONE (1)

603.25 SF

Scale: 1/8" = 1'

- Fabricate & Install (1) new double sided 40ft overall high illuminated high rise sign.
- Exterior aluminum cabinet and retainers. Colors TBD.
- LED illuminated
- Cabinet faces to be routed and backed with white acrylic reading "SCHERTZ STATION".
- Flex tenant faces. (4) tenant spaces available, 6'-8 1/2' x 15' VO.
- Masonry work on base and around cabinet. Done by other contractors.
- New steel pole. Direct bury.
- Masonry typ. and colors TBD
- Freestanding sign for Lot 7
- Windload 32 PSF



4300 NE LOOP 410,
SAN ANTONIO, TEXAS 78218
877-293-6027 / 512-494-0002
FSG.COM

Merit Commercial
Schertz Station
IH-35 at Wiederstine Rd.
Schertz, TX 78154

Start Date: 04/09/2025
Last Revision: 02/19/2025
Job # Bv1s1
File Name: Merit Commercial
- Schertz Station - Lot 2 & Lot 7
40' Pylon R6

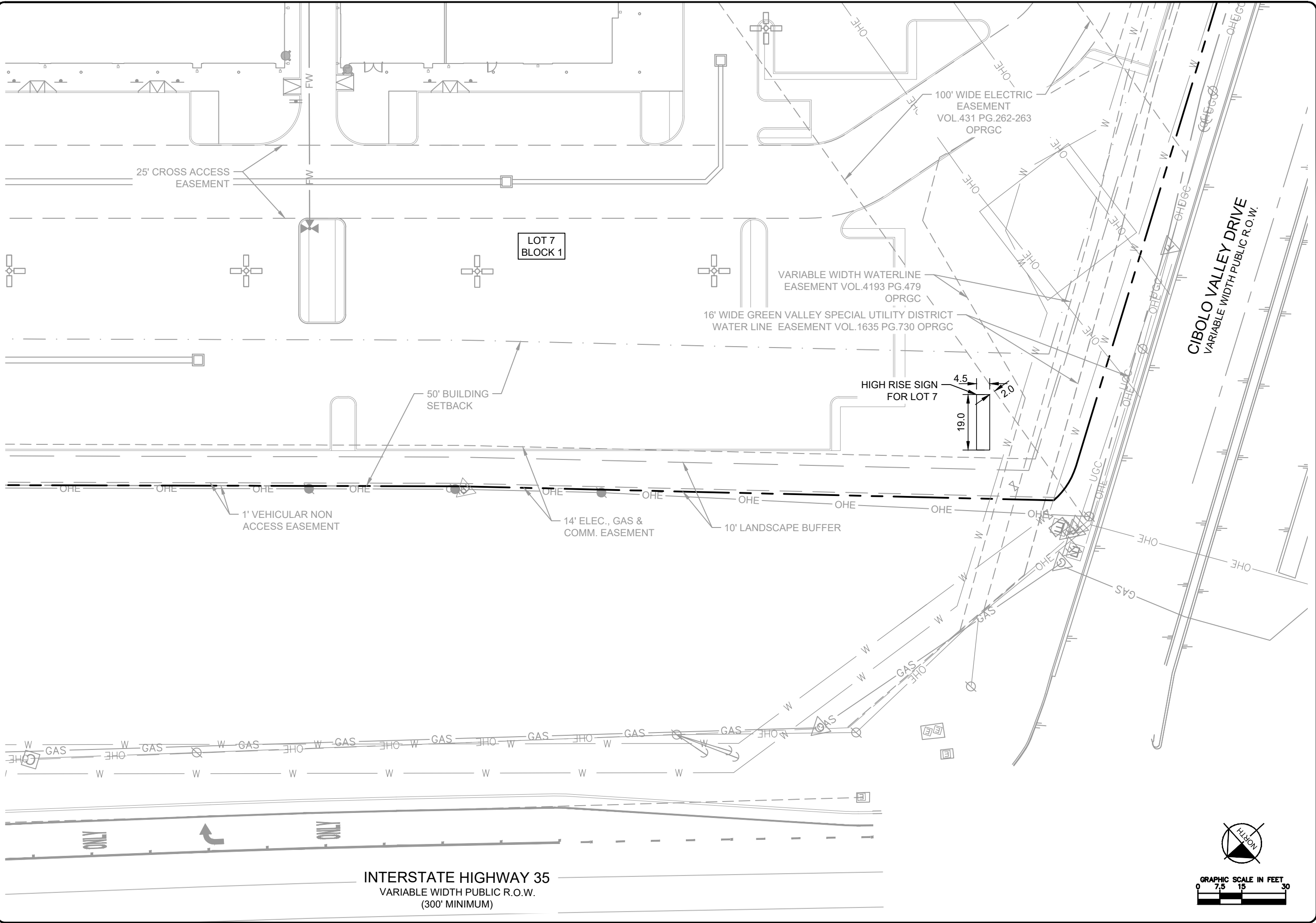
Designer: Andrew Sifuentes
Sales Rep: Carter Thurmond

CLIENT APPROVAL: I have reviewed and approved the sign details on this drawing for fabrication and installation.
© COPYRIGHT 2025 / ALL RIGHTS RESERVED



⊗ FOR PRESENTATION
○ FOR PRODUCTION

Bv1s1



K:\SNA_C\100872502_Schertz Station - Merit\GD\Exhibits\Lot 7 Monument Sign.dwg Layout1 Mar 12, 2026 2:34pm by Amy Neale

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGN PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC. COPYRIGHT KIMLEY-HORN AND ASSOCIATES, INC. 2022

LOT 7 SIGN SITE PERSPECTIVE



ORDINANCE 25-S-024

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS TO AMEND PART III, SCHERTZ CODE OF ORDINANCES, THE UNIFIED DEVELOPMENT CODE (UDC) ARTICLE 11 - SIGN AND ADVERTISING DEVICES, ARTICLE 3 BOARDS, COMMISSIONS, AND COMMITTEES - SECTION 21.3.3 - PLANNING AND ZONING COMMISSION, ARTICLE 7 - NONCONFORMING USES, LOTS, AND STRUCTURES, AND ARTICLE 16 – DEFINITIONS

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

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

WHEREAS, on May 7, 2025, the Planning and Zoning Commission conducted a public hearing and thereafter recommended approval with modifications; and

WHEREAS, on June 17, 2025, the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the proposed amendments are appropriate and in the interest of the public safety, health, and welfare.

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

Section 1. The current UDC is hereby amended as set forth on Exhibit A, Exhibit B, Exhibit C, and Exhibit D hereto.

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

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

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

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

Section 6. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

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

PASSED and ADOPTED, this ____ day of _____ 2025.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

Exhibit "A"

Proposed Unified Development Code (UDC) Amendments

Article 3 – Boards, Commissions, and Committees

Section 21.3.3 – Planning and Zoning Commission

Sec. 21.3.3. Planning and Zoning Commission.

- A. *Structure of the Commission.* The Planning and Zoning Commission is established in accordance with the City Charter and Commission members are appointed by the City Council.
- B. *Duties and Approval Authority.*
1. The Planning and Zoning Commission shall have the authority to review and make a recommendation to the City Council on the following applications:
 - a. amendment to the Comprehensive Land Plan;
 - b. establish or amend a zoning district map classification, including creation or amendment of an overlay district;
 - c. rezoning requests including an application for a Specific Use Permit.
 - d. amendment to the UDC; and
 - e. a Development Agreement as set forth in the LGC and this UDC;
 2. The Planning and Zoning Commission shall have final approval authority on the following applications:
 - a. Subdivision Master Plan, if forwarded by the City Manager or his/her designee.
 - b. Site Plan; if forwarded by the City Manager or his/her designee.
 - c. preliminary plat; if forwarded by the City Manager or his/her designee.
 - d. final plat; if forwarded by the City Manager or his/her designee.
 - e. amending plat; if forwarded by the City Manager or his/her designee.
 - f. minor plat; if forwarded by the City Manager or his/her designee.
 - g. replat; if forwarded by the City Manager or his/her designee.
 - h. waivers relating to Article 11, Signs and Advertising Devices, and
 - i. waivers relating to Article 12, Subdivisions.
 3. The Planning and Zoning Commission shall have the authority to make final determinations relating to appeals of staff determinations on the following items:
 - a. Required Conditions for Home Occupations and denial of a Home Occupation permit.
 - b. Site Design Standards including Tree Preservation & Mitigation, Revisions to Approved Site Plans.
 - c. Signs & Advertising Devices including general requirements, removal of signs.
 - d. Additional Design Requirements including off street parking, building setback lines, and landscape buffers.
 - e. An appeal of a driveway waiver determination.

(Ord. No. 17-S-40, § 1(Exh. A), 10-24-2017; Ord. No. 19-S-22, § 1(Exh. A), 9-3-2019; Ord. No. 23-S-29, § 1(Exh. A), 12-5-2023)

Exhibit "B"

Proposed Unified Development Code (UDC) Amendments

Article 7 - Nonconforming Uses, Lots, and Structure

ARTICLE 7. NONCONFORMING USES, LOTS AND STRUCTURES

Sec. 21.7.1. Purpose and intent.

- A. Within the districts established by this UDC or amendments thereto, there may exist lots, structures, uses of land and structures, and characteristics of use which were lawfully in existence and operating before this UDC was enacted, amended or otherwise made applicable to such lots, structures or uses, but which do not now conform to the regulations of the district in which they are located. It is the intent of this UDC to permit such nonconforming uses to continue, as long as the conditions within this section and other applicable sections of this UDC are met.
- B. It is further the intent of this UDC that nonconforming uses, lots and structures shall not be enlarged upon, expanded or extended, and shall not be used as a basis for adding other structures or uses prohibited elsewhere in the same district.
- C. Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.

(Ord. No. 24-S-20, § 1(Exh. A), 6-18-2024)

Sec. 21.7.2. Nonconforming status.

- A. Except as provided in section 21.7.9 below, any use, platted lot or structure that does not conform with the regulations of this UDC on the effective date hereof or any amendment hereto, shall be deemed a nonconforming use, platted lot or structure provided that:
 - 1. Such use, platted lot or structure was in existence under, and in compliance with, the provisions of the immediately prior UDC or code;
 - 2. Such use, platted lot or structure was a lawful, nonconforming use, platted lot or structure under the immediately prior UDC or code; or
 - 3. Such use, platted lot or structure was in existence at the time of annexation into the City, was a legal use of the land at such time, and has been in regular and continuous use since such time.
- B. Except as provided in section 21.7.9 below, any other use, platted lot or structure which does not conform with the regulations of the zoning district in which it is located on the effective date of this UDC or any amendment hereto, shall be deemed to be in violation of this UDC, and the City shall be entitled to enforce fully the terms of this UDC with respect to such use, platted lot or structure.

(Ord. No. 24-S-20, § 1(Exh. A), 6-18-2024)

Sec. 21.7.3. Continuing lawful use of land and structures.

- A. A nonconforming use or structure may continue to be used, operated or occupied in accordance with the terms of the zoning regulations by which it was established, or in the case of annexed property, in accordance with the regulations under which it was created.
- B. A nonconforming structure occupied by a nonconforming use may be re-occupied by a conforming use, following abandonment of the nonconforming use.

(Ord. No. 24-S-20, § 1(Exh. A), 6-18-2024)

Sec. 21.7.4. Expansion of nonconforming uses and structures.

- A. A nonconforming use may be extended throughout the structure in which it is located, provided that:
 - 1. The structure or its premises shall not be enlarged or increased in height, in floor area or in land area to accommodate extension of the nonconforming use;
 - 2. No alteration shall be made to the structure occupied by the nonconforming use, except those alterations that are required by law to preserve the integrity of the structure and alterations that would upgrade the quality, safety or aesthetic appeal of the structure; and
 - 3. The number of dwelling units occupying the structure shall not exceed the number of dwelling units existing at the time the use became nonconforming.
- B. A nonconforming use occupying a structure shall not be extended to occupy land outside the structure.
- C. A nonconforming use or structure shall not be enlarged, increased or extended to occupy a greater area of land than was occupied at the time the use or structure became nonconforming, except to provide additional off-street parking or loading areas required by this UDC.

(Ord. No. 24-S-20, § 1(Exh. A), 6-18-2024)

Sec. 21.7.5. Abandonment of nonconforming uses and structures, and cessation of use of structures or land.

- A. If a nonconforming use or structure is abandoned, any future use of the premises shall be in conformity with the provisions of this UDC, as amended, and with any other applicable City codes, ordinances or regulations that are in effect at the time the use is resumed or the structure is re-occupied.
- B. A nonconforming use or structure shall be deemed "abandoned" in the following circumstances:
 - 1. The use ceases to operate for a continuous period of 180 calendar days;
 - 2. The structure remains vacant for a continuous period of 180 calendar days; or
 - 3. In the case of a temporary use, the use is moved from the premises for any length of time.
- C. If the use of any lot, tract or property that does not have a building on it and that is used for open/outside storage as of the effective date of this UDC is made nonconforming by this UDC, as amended on the effective date, then such storage use shall cease within 180 calendar days following the effective date of this UDC. The lot, tract or property shall be cleaned up and all trash, debris, stored items and vehicles, and other materials shall be removed from the premises such that the property is not a physical or visual nuisance to the public or to surrounding property owners.

(Ord. No. 24-S-20, § 1(Exh. A), 6-18-2024)

Sec. 21.7.6. Substitution of nonconforming uses.

- A. A nonconforming use shall not be changed to another nonconforming use.
- B. A nonconforming use may be changed to a conforming use provided that, once such change is made, the use shall not be changed back to a nonconforming use.

- C. A conforming use located in a nonconforming structure may be changed to another conforming use, but shall not be changed to another nonconforming use.
- D. Notwithstanding any of the provisions of this section, a nonconforming HUD-Code manufactured home may be exchanged or replaced by another HUD-Code manufactured home, provided the newly located residential unit is owner-occupied.

(Ord. No. 24-S-20, § 1(Exh. A), 6-18-2024)

Sec. 21.7.7. Reconstruction or repair of nonconforming structure.

- A. If more than fifty percent (50%) of the total appraised value of a nonconforming structure, as determined by the applicable county appraisal district, is destroyed by fire, the elements, or some other cause, then the structure may be rebuilt only in conformity with the standards of this UDC.
- B. If less than fifty percent (50%) of the total appraised value of a nonconforming structure, as determined by the applicable county appraisal district, is destroyed by fire, the elements, or some other cause, then the structure may be reconstructed as it was before the partial destruction but only to its original dimensions and floor area, and provided that such reconstruction is completed within 365 calendar days following the event that caused the partial destruction. If reconstruction is delayed by contested insurance claims, litigation, or some other similar cause, then the 365 calendar day reconstruction period may be extended by the City Manager or his/her designee, at his/her sole discretion.
- C. If a nonconforming structure that is totally or partially destroyed was occupied by a nonconforming use at the time of such destruction, then the nonconforming use may be re-established subject to the limitations on expansion set forth in section 21.7.4 above.
- D. Any conforming structure that is totally or partially destroyed shall be reconstructed only in conformity with the standards of this UDC.
- E. Nothing in this UDC shall be construed to prohibit the upgrading, strengthening, repair or maintenance of any part of any structure, conforming or nonconforming, that is declared unsafe or uninhabitable by the proper authority, unless such repairs or maintenance exceeds fifty percent (50%) of the structure's appraised value, as determined by the applicable county appraisal district.

(Ord. No. 24-S-20, § 1(Exh. A), 6-18-2024)

Sec. 21.7.8. Relocation of nonconforming structure.

No nonconforming structure or building shall be moved in whole or in part to any other location on the lot, or to any other location or lot, unless every portion of such structure is in compliance with all the regulations of the zoning district in which the structure is to be relocated. Such building relocation shall also require a structure relocation permit from the City, and may also require platting of the intended building site as well as Site Plan approval pursuant to this UDC.

(Ord. No. 24-S-20, § 1(Exh. A), 6-18-2024)

Sec. 21.7.9. Nonconforming lots.

- A. The following types of platted lots shall be deemed in conformance with the provisions of this UDC, notwithstanding the fact that such lot does not meet the standards of this UDC in the zoning district in which it is located:

1. Any vacant lot that conformed to the City's zoning district regulations at the time that it was platted; or
 2. Any lot occupied by a single-family dwelling authorized under the zoning district regulations in which the lot is located.
- B. Nothing in this UDC shall be construed to prohibit the use of a lot that does not meet the minimum lot standards of the zoning district in which it is located, provided that the lot is zoned for the land use(s) intended and the lot was platted as a lot of record prior to the effective date of this UDC.
- C. A lot of record located within the RA zoning district that is nonconforming may be occupied by a single-family dwelling provided that all applicable zoning standards with regard to building setbacks, building size and design criteria are met.

(Ord. No. 24-S-20, § 1(Exh. A), 6-18-2024)

Sec. 21.7.10. Validation.

- A. Within the City, there exist on the following subdivisions: Belmont Park; Kramer Farm; Whisper Meadows; Northcliffe II; Tanglewood; Wynn Brook; Jonas Woods Unit 1 Lots 1-18, Block 3; Jonas Woods Unit 1 Lots 1-29, Block 2; Jonas Woods Unit 1 Lots 1-18 and 51-65, Block 1; Jonas Woods Unit 4; The Ridge at Scenic Hills; Fairhaven; The Links at Scenic Hills; and The Fairways at Scenic Hills (the "Subdivisions"), which include structural encroachments onto platted setbacks; plats with improperly designated setbacks or improper lot sizes; and improper master plans. It is the intent of this section to validate such improper encroachments, plats, and master plans in the subdivisions and to determine that such improper encroachments, plats, and master plans are deemed not to be in violation of this UDC, but only so long as the conditions within this section 21.7.10 of this UDC are met. The provisions of this section shall be limited to validate only the improper encroachments, plats, and master plans on February 24, 2009 in the subdivisions.
- B. The portions of existing structures encroaching onto platted setbacks in any of the subdivisions on the effective date of this UDC (validated encroaching structures) shall not be enlarged upon, expanded, or extended into the platted setback area.
- C. If more than fifty percent (50%) of (i) the total square footage of a validated encroaching structure or (ii) the total appraised value of the validated encroaching structure, as determined by the applicable county appraisal district, is destroyed by fire, the elements, or some other cause, the validated encroaching structure may not be rebuilt within the platted setback, except as may otherwise be permitted by this UDC (other than this section). If fifty percent (50%) or less of (i) the total square footage of a validated encroaching structure or (ii) the total appraised value of the validated encroaching structure, as determined by the applicable county appraisal district, is destroyed by fire, the elements, or some other cause, the validated encroaching structure may be reconstructed as it was before the partial destruction but only to its original dimensions and footprint area within the platted setback, and provided that such reconstruction is completed within 365 calendar days following the event that caused the partial destruction. If reconstruction is delayed by contested insurance claims, litigation, or some other similar cause, the three hundred sixty-five calendar day reconstruction period may be extended by the City Manager or his/her designee, at his/her sole discretion.
- D. No validated encroaching structure encroaching onto a platted setback shall be moved in whole or in part to any other location on the lot, unless every portion of such structure after such relocation is out of the platted setback and is in compliance with all the requirements of the zoning district for such lot and all other applicable requirements of this UDC and other applicable codes, ordinances or regulations of the City in effect at such time.
- E. If application is made to have plats with improper setbacks, plats with improper lot sizes, and/or existing master plans for any of the subdivisions replatted or amended, any such replats or amendments shall be

required to be in conformity with the provisions of this UDC (other than this section) and with all other applicable City codes, ordinances or regulations that are in effect at the time application for amendment or replatting is made.

- F. This section is subject in all events to the property owner's rights set forth in Local Government Code Chapter 245.

(Ord. No. 24-S-20, § 1(Exh. A), 6-18-2024)

Sec. 21.7.11 Agricultural Operations.

- A. Within the City of Schertz, there exists properties that have been utilized for Agricultural Operations prior to being annexed into the City of Schertz. Agricultural Operations per H.B. No 1750 include cultivating the soil, producing crops or growing vegetation for human food, animal feed, livestock forage, forage for wildlife management, planting seed or fiber, floriculture, viticulture, horticulture, silviculture, wildlife management, raising or keeping livestock or poultry, including veterinary services, and planting cover crops or leaving land idle for the purpose of participating in any governmental program or normal crop of livestock rotation procedures. Per Texas Agriculture Code Chapter 251 Section 251.0055 a city may not impose a governmental requirement that directly or indirectly prohibits the use of a generally accepted agricultural practice.
- B. In order to ensure that properties within the City of Schertz that have been utilized for Agricultural Operations can continue the following are applicable:
 - a. Land Use: Properties can be utilized for Agricultural Operations including alternating between growing crops and raising livestock regardless of the zoning designation for the property.
 - b. Expansion of Agricultural Operations: Existing Agricultural Operations can expand to include:
 - i. Increase of field crop area or increase of livestock or change in livestock species
 - ii. Construction of Maintenance Buildings or Equipment Sheds, Barns, Accessory Buildings, Animal Cages or Corrals, Feeders or Grain Storage, or any other miscellaneous Agricultural related structure.
 - 1. Issuance of building permits will not be required for any Maintenance Buildings or Equipment Sheds, Barns, Accessory Buildings, Animal Cages or Corrals, Feeders or Grain Storage, or any other miscellaneous Agricultural related structure that is less than 2,000 square feet.
 - 2. Platting of the property and connection to sanitary sewer will not be required for construction of Maintenance Buildings or Equipment Sheds, Barns, Accessory Buildings, Animal Cages or Corrals, Feeders or Grain Storage, or any other miscellaneous Agricultural related structure.
 - 3. This does not negate the requirement to obtain any necessary building permits or any Certificate of Occupancy requirements for a commercial business that will be occupied by or serves those that do not own or work for the agricultural operation.
 - iii. Construction of additional single family detached residential dwelling units which shall only be utilized for family members or employees of the Agricultural Operations on the same property with a minimum of 5 acres per unit, up to an additional four (4) units per property.
 - 1. Issuance of building permits will be required for any additional single family detached residential dwelling units.
 - 2. Platting of the property and connection to sanitary sewer will not be required for construction of additional single family detached residential dwelling units.

- iv. Construction of new, or repair of existing agricultural fencing in conjunction with agricultural operations, including utilizing barbed wire, is permitted without obtaining a building permit as long as the proposed fencing is within the property boundaries and does not impede sight visibility.
- c. Development Process: Agricultural Operations are subject to all City of Schertz development regulations and processes to include but not limited to Platting, Site Plan, and Building Permits and Inspections with the exceptions provided within this section.

(Ord. No. 24-S-20, § 1(Exh. A), 6-18-2024)

Sec. 21.7.12 Nonconforming Signs.

- A. *General.* A sign, including its supporting structure, shall be considered nonconforming when it does not conform to all or part of the provisions of this Article and
 - 1. was in existence and lawfully located and used in accordance with the provisions of the prior law, ordinance, code or regulation applicable thereto or which was considered legally nonconforming there under and has since been in continuous or regular use;
 - 2. was in existence, located and used on the premises at the time it was annexed into the City and has since been in continuous use; or
 - 3. was in existence and lawfully located and used as an off-premise sign prior to or on February 19, 2008.
- B. Signs shall lose nonconforming status when:
 - 1. it is removed from the premises for any reason;
 - 2. it has been blown down or otherwise destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on the sign;
 - a. a sign or substantial part of it is considered to have been destroyed only if the cost of repairing the sign is more than 60 percent of the cost of erecting a new sign of the same type at the same location
 - 3. it has become an abandoned sign, a sign that no longer serves to direct attention to an event, person, product, good, service, or activity, which is no longer conducted; or
 - 4. any structural changes are made not related to repair.

Exhibit "C"

Proposed Unified Development Code (UDC) Amendments

Article 11 - Sign and Advertising Devices

ARTICLE 11. SIGNS AND ADVERTISING DEVICES

Sec. 21.11.1. Purpose.

The City recognizes the safety, commercial, emergency, and informational needs for signs. This Article has been adopted to protect the health, safety, and welfare of the citizens in accordance with LGC Chapter 216. The City Manager or his/her designee is hereby authorized and directed to enforce and interpret the provisions of this Article and other laws, ordinances, codes and regulations applicable thereto in the City.

Sec. 21.11.2. Applicability.

All signs shall be erected, displayed, altered or reconstructed in conformity with this Article. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Sec. 21.11.3. Administration.

- A. *Applications.* The City Manager or his/her designee shall receive applications, review plans and documentation and issue permits for the erection, installation, enlargement, alteration, and repair of all signs within the City and its ETJ.
- B. *Inspection.* The City Manager or his/her designee shall make all inspections necessary to ensure compliance with all state and local requirements governing signage.
- C. *Notices and Orders.* The City Manager or his/her designee shall issue all necessary citations, notices or orders to ensure compliance with this Article.
- D. *Liability.* The City Manager or his/her designee, members of the Planning and Zoning Commission, or other City employees charged with the enforcement of this Article, while acting for the City in good faith and without malice in the discharge of the duties required by this Article or other pertinent laws, ordinances, codes or regulations shall not be rendered liable personally and are hereby relieved of personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Article shall be defended by a legal representative of the City until the final termination of the proceedings.

Sec. 21.11.4. General Requirements.

- A. *Permit Required.*
 - 1. No person shall erect, alter or display any sign without first obtaining a sign permit to do so from the City Manager or his/her designee. No sign permit shall be released by the City Manager or his/her designee until after the building permit for the principal building on the site has been issued.
 - 2. *Electrical Permit Required.* No person shall install and connect electrical systems for a sign within the City or its ETJ without first obtaining an electrical permit from the City Manager or his/her designee. The the City Manager or his/her designee shall not issue an electrical permit for a sign until after the principal sign permit for such work has been issued.
- B. *Application.* The following information shall be required for each application for a permit:
 - 1. Completed building permit application;

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2. Sign Plan Exhibits which include:
 - a. location of all buildings, structures or tracts to which or upon which the sign is to be attached or erected; and
 - b. position of the sign in relation to rights-of-way, property lines, easements, buildings or structures and other existing signs; and
 - c. plans that illustrate height, length, width and all other dimensions associated with the sign including all electrical elements of the sign.
 3. A copy of a contract with construction costs signed by the owner of the property stating that the applicant has permission to erect such sign.
- C. *Fees.* All fees for a sign permit shall be in accordance with the current fee schedule adopted by City Council.
1. A permit shall not be valid until such fee has been paid. An amendment to a permit shall not be released until the additional fees, if any, have been paid.
 2. An additional fee shall be assessed in accordance with the current fee schedule for work beginning prior to obtaining a permit as required by this Article. Payment of such fees shall not relieve any person(s) from any other penalties prescribed by this UDC or any other law, ordinance, code or regulation applicable thereto.
- D. *Action on Application.* The City Manager or his/her designee shall examine applications for permits and amendments in accordance with state law after a complete application is filed. If the application or the construction documents do not conform to the requirements of this Article and other pertinent laws, ordinances, codes or regulations, the City Manager or his/her designee shall reject such application in writing, stating the reasons therefore. If the City Manager or his/her designee is satisfied that the proposed work conforms to the requirements of this Article and other laws, ordinances, codes and regulations applicable thereto, the City Manager or his/her designee shall issue a permit.
- E. *Time Limitation of Application.* An application for a permit for any proposed work for which a permit has not been issued shall be deemed abandoned six (6) months after the date of filing. The City Manager or his/her designee may, at his/her discretion, grant one extension for additional time not exceeding ninety (90) days. The extension shall be requested in writing and justifiable cause demonstrated. Permits issued under this Article are non-transferable from one person to another.
- F. *Condition of Permit.* A permit issued under this Article shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter, or set aside any of the provisions of this Article or other law, ordinances, codes and regulations applicable thereto. Nor shall issuance of a permit prevent the City Manager or his/her designee from thereafter requiring correction of errors in plans, construction, or removing violations of this Article or other laws, ordinances, codes or regulations applicable thereto. Every permit issued shall become invalid six (6) months after its issuance if the work is not completed unless otherwise stated in this Article.
- G. *Suspension or Revocation.* The City Manager or his/her designee is authorized to suspend or revoke a permit issued under this Article whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of this Article or any other laws, ordinances, codes or regulations applicable thereto.
- H. *Public Rights-of-Way, Alleys and Easements.* A permit shall not be issued by the City Manager or his/her designee for the placement of a sign that will encroach upon any public right-of-way, alley or utility or drainage easement.
- I. *Placement of Permit.* The permit or copy thereof shall be kept on the site until the work permitted is completed.

- J. *Appeal*. An individual who has been denied a permit or had a permit revoked may appeal in writing along with the established filing fee to the Planning and Zoning Commission within ten (10) days after the date of denial or revocation.

Sec. 21.11.5. Exempted Signs.

The following types of signs or sign work are exempt from the permit requirements of this Article provided exemptions does not violate any other provisions of this Article or this UDC:

- A. *Governmental Signs*. Any sign indicating public facilities, public works projects, public services, or other places, events, persons, products, goods, programs, activities or institutions conducted by the Federal, State or any local government.
- B. *Political Signs*. A sign pertaining to any national, state, county or local election, or issue and erected for the purpose of announcing a political candidate, political party or ballot measure, or a position on a political issue.
- C. *Railway Signs*. Any sign within the railway right-of-way placed and maintained in reference to the operation of such railway.
- D. *Utility Signs*. Any sign marking utility or underground communications or transmission lines.
- E. *Vehicle Signs*. Any sign placed on or affixed to vehicles and/or trailers where the sign is incidental to the primary use of the vehicle or trailer as a form of transportation and which identifies the business, products, or services with which the vehicle and/or trailer is related.
- F. *Flags*. Official flags of governmental jurisdictions or non-profit organizations. Nothing in this Article shall be construed to prevent the display of a national or state flag or to limit flags, insignias, or legal notices or informational, directional or traffic signs which are legally required and necessary to the essential functions of governmental agencies. Flag poles shall not exceed thirty-five (35) feet in height.
- G. *Warning Signs*. Signs warning the public of the existence of danger but containing no advertising material.
- H. *Street Address Signs*. Address signs containing only numeric addresses and street names.
- I. *Holiday Signs*. Any temporary sign promoting the celebration of a holiday and containing no commercial advertising.
- J. *Plaques*. Any commemorative sign of a recognized historical society or organization.
- K. *Menu Board Signs*. A maximum of two (2) menu board signs, each with a maximum of thirty-two (32) square feet in area, shall be allowed per drive through service restaurant or restaurant drive-up window or similar drive through business. Structural and electrical elements will still require review from the City Manager or his/her designee.
- L. *Minor Repairs and Maintenance*. Minor repair work to any sign, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles, painting or other similar exterior maintenance of a sign structure so long as no structural alterations are made to the sign.
- M. *Murals*. A graphic displayed on the exterior of a building for decoration or artistic expression. Shall not include text, logos, or images advertising or indicating a service or product.
- N. *Directional Signs*: Any on-premise sign that directs the movement of traffic on private property within developments. Directional signs shall be located in a manner where they will not interfere with the safe movement of vehicles or pedestrians and shall not be located within any visibility triangle. Cannot be greater than twelve (12) square feet in area.

Sec. 21.11.6. Prohibited Signs.

- A. *Obscene Signs.* No person shall erect or display a sign in which the dominant theme of material taken as a whole appeals to the prurient interest in sex, and is patently offensive because it affronts current community standards relating to the description or representation of sexual matters, and is utterly without redeeming social literary, artistic, political, and scientific value, according to contemporary community standards.
- B. *Obstructing Doors, Windows or Fire Escapes.* No person shall erect or display any sign that prevents free ingress to or egress from any door, window or fire escape.
- C. *Obstructing Vision/Sight Triangle.* No person shall erect or display any sign in such a manner as to obstruct free and clear vision of moving vehicles at any location, street intersection, or driveway. All signs placed at any intersection shall prevent such problem by observing a visibility triangle (see definition of visibility triangle).
- D. *Interference With Traffic.* No sign shall be permitted which interferes with vehicular or pedestrian traffic as a result of the position, size, shape, movement, color, fashion, manner, or intensity of illumination, or any other characteristics causing such interference. No person shall erect or allow to be displayed any sign in such a manner as to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, including, signs making use of the words "stop", "go", "look", "slow", "danger", or any other similar word, phrase, symbol or character. No person shall employ any red, yellow, green, or other colored lamp or light in such a manner as to cause confusion or otherwise interfere with vehicular or pedestrian traffic.
- E. *Over Public Property or Public Right-of-Way.* It shall be prohibited to erect or display any type of sign on or over public ROW or other public property, unless the same is erected by the City, County, State or other authorized governmental agency, or with the permission of the City (in its sole discretion), for public purposes.
- F. *Signs on Utility Poles.* No person shall erect or display any sign except as specifically authorized by section 21.11.5 on any utility pole located upon any public right-of-way or utility easement.
- G. *Private Property.* No sign shall be located on private property without the consent of the owner of the premises, including signs located on trees, light poles or mail boxes.
- H. *Dilapidated Signs.* No sign shall be allowed which is deteriorated, dilapidated or in danger of falling or otherwise unsafe.
- I. *Signs in Violation.* No sign shall be allowed that does not comply with any applicable provisions of the building code, this UDC, or any other applicable laws, ordinances, codes or regulations of the City.
- J. *Home Occupation Signs.* No exterior home occupation signs shall be permitted.
- K. *Off Premise Signs.* Except as set forth elsewhere in this Article, all off premise signs are prohibited except that the following signs may be permitted provided they otherwise meet the applicable requirements of this Article:
 - 1. Community Service Signs;
 - 2. Garage Sale Signs;
 - 3. Official Government Signs;
 - 4. Historical Markers and Plaques;
 - 5. Political Signs;
 - 6. Real Estate Signs;

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- 7. Temporary Signs;
 - 8. Traffic Signs;
 - L. *Bandit Signs.*
 - M. *Painted Signs.* No sign advertising or indicating a service or product with text, logos, or images shall be permitted which is painted on the wall of any building or on any part of a building.
 - N. Balloon Signs including inflatable signs are prohibited regardless of size. Feather Flags are the only type of wind driven signs allowed.
 - O. *Other Signs.* Except as set forth elsewhere in this Article, any signs not specifically permitted by this Article are prohibited within the City.

Sec. 21.11.7. Removal of Signs.

- A. *Damaged Signs.* Signs which are determined by the City Manager or his/her designee to be a public hazard or in a state of disrepair shall be repaired or removed within ten (10) days after written notification to the property owner.
- B. *Abandoned Signs.* Signs which are determined by the City Manager or his/her designee to be abandoned shall be removed or otherwise painted over within thirty (30) days after written notification to the property owner by the City Manager or his/her designee.
- C. *Extensions.* The City Manager or his/her designee shall have the authority, to grant extensions as necessary to resolve a damaged or abandoned sign. The extension shall be requested in writing and justifiable cause demonstrated.
- D. *Signs in Right-of-Way and/or Public Property.* Any sign that is erected, constructed, or otherwise located within or upon public right-of-way or on public property may be removed by City personnel and disposed of immediately. The City is not required to notify the owner of the sign of its removal and disposal.
- E. *Relocation of Certain Detached On-Premise Signs.*
 - 1. Legal and non-conforming detached on-premise signs located on or overhanging a parcel of land acquired by a governmental entity may be relocated subject to the restrictions in this section. The owner of the sign and the governmental entity must sign an application requesting the relocation. The relocation must be completed within one (1) year after the date the governmental entity becomes the owner of the property. All relocated signs must fully comply with spacing, setbacks, and other restrictions in this section. All signs must relocate on the remainder of the tract from which the parcel of land was acquired unless:
 - a. There is no remainder; or
 - b. The remainder is not of sufficient size or suitable configuration to allow the relocated sign to fully comply with the spacing, setback, and other restrictions in this section.
 - 2. No relocated detached on-premise sign may have a greater effective area or increased height than it had at its original location, or contain new materials that are more than five feet (5') above grade.
 - 3. No detached on-premise sign may be relocated until demolition and other required permits have been applied for and approved by the City.
 - 4. No new electrical or mechanical properties may be added to a relocated detached on-premise sign. (For example, a non-illuminated sign may not be converted to an illuminated sign.)

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- F. *Illegally Erected Temporary Sign.* Any temporary sign that is erected, constructed or otherwise displayed, without a permit or in direct violation of this Article shall be removed by City personnel and disposed of immediately. The City is not required to notify the owner of the sign of its removal and disposal.
 - G. *Illegally Erected Permanent Sign.* Any permanent sign installed without a permit or in direct violation of this Article shall be removed by the owner of the sign or property within ten (10) days after written notification by the City Manager or his/her designee.
 - H. *Filing of Liens Against the Property.* The City is authorized to file a lien against any property which is not otherwise exempt to recover reasonable expenses incurred by the City for the removal of a sign or portion of a sign.
 - I. *Appeal.* Any decision rendered by the City Manager or his/her designee or other City personnel in the enforcement of this Article may be appealed to the Planning and Zoning Commission by any person, agent, or representative affected by such decision. Such appeal must be in writing and received within ten (10) days after a decision rendered along with the established fee.

Sec. 21.11.8. General Sign Provisions.

The provisions of this section shall be applicable to all signs hereafter erected, constructed, displayed, altered or repaired on any premise under the jurisdiction of the City.

- A. *Height of Signs.* The vertical height of a sign shall be measured from ground level to the highest part of the sign or its structure.
- B. *Wind and Dead Load Requirements.* All signs shall be designed and constructed to withstand wind loads and to receive dead loads as required by building codes adopted by the City. The sign application must include a statement signed or a letter with an engineer's seal that states compliance with this requirement.
- C. *Location of Business/Residential.* All business and residential locations shall be identified by an address, which is clearly visible from the street.
- D. *Illumination of Signs.* No sign shall be illuminated to such intensity to exceed a maximum of one (1) footcandle measured at the property line. No lighted sign shall be erected or displayed within 150 feet of a single-family residential zoned property unless the lighting is shielded from view.
- E. *Building and Electrical Codes Applicable.* All signs shall be constructed and maintained in conformity with all applicable provisions of the building code, electrical code or other applicable laws, ordinances, codes or regulations of the City.
- F. *Maintenance of Signs.* Every sign shall be maintained in good structural condition at all times. All signs shall be kept neatly painted including all metal parts and supports that are not galvanized or of rust resistant material. On undeveloped parcels of land, the area between any sign and the street or highway to which the sign is oriented and the area within twenty-five feet (25') of such sign must be kept free and clear of debris, trash, and weeds or other refuse and shall be maintained by mowing or trimming of any vegetation.
- G. *Structural Sign Elements.* The structural elements of permanent signs shall be constructed of materials that are noncombustible and may be supported by noncombustible materials only and finished in a presentable manner. Wood or unpainted steel supports are prohibited. Heavy timber and other materials may be used only if approved by the City Manager or his/her designee.
- H. *Sign Clearance.* Notwithstanding any other provisions of this UDC, all signs shall maintain a clearance of at least ten feet (10') when located over a public sidewalk and at least fourteen feet (14') when located over a driveway.

- I. *Sign Area.* The maximum effective sign area shall be the total square footage of a single face specified for each type of sign within this Article.

Sec. 21.11.9. Wall Signs.

- A. Wall Sign Standards apply per façade. Wall signs may be one contiguous sign or have multiple separate components provided total allowable square footage is not exceeded.

| Wall Sign Standards | | |
|------------------------------------|---------------------------------|--|
| Roadway Classification | Max Area sq. ft.(per facade) | Maximum Number of façades with signage |
| Interstates & Farm to Market Roads | 250 | 3 per building or tenant |
| All Others | 100 | 3 per building or tenant |

1. Roadway Classification is determined by the address of the building or unit and applies to each allowable sign.
2. Buildings over 100,000 square feet are allowed an additional 100 square feet of maximum signage area.
3. Wall signs shall not extend into the required building setback and may not be attached to light fixtures, poles, or trees.
4. In no case shall a wall sign project above the roofline of any building nor extend above the parapet wall if attached thereto.
5. Wall signs shall not be located on any facade (other than the main front of the building) which faces property zoned for single-family residential uses if the sign is within 150 feet of the property line of said residential property.
6. Properties on Main Street with a facade facing the railroad are allowed 250 square feet of signage facing FM 78.
 - a. Shall not exceed maximum allowable number of facades with signage.

Sec. 21.11.10. Freestanding Signs.

- A. Freestanding Sign Standards.

| Freestanding Sign Standards | | | | |
|-----------------------------|----------------|---------------------|-------------------|------------------------|
| Roadway Classification | Setback ft. | Max Area sq. ft. | Max Height ft. | Maximum Number |
| Interstates | 15 | 250 | 50 | 1 per lot per frontage |
| Farm to Market Roads | 15 | 250 | 35 | 1 per lot per frontage |
| All Others | 15 | 150 | 20 | 1 per lot per frontage |

1. Roadway Classification is determined by the adjacent frontage the sign will be placed.
2. Developments consisting of shopping centers or other multi-tenant type developments shall provide adequate sign spaces for each tenant and no tenant shall have more than 50% of the allowable area.
3. A freestanding sign may include an electronic sign as a component of the permitted sign with the following additional standards:
 - a. Limited to two (2) faces per sign.

- b. Limited to fifty (50) square feet per sign face.
- c. Electronic signage shall not exceed a maximum of one (1) footcandle illumination at the property line.
- d. Any change of pictures or information on the electronic sign shall not produce the illusion of moving objects, expanding or contracting shapes, rotation or any similar effect of animation.
- e. Any change of pictures or information on the message board sign shall not change more often than once every four (4) seconds.
- f. Any sign picture or information shall not have a solid white background between the time period of thirty (30) minutes after sunset and thirty (30) minutes before sunrise.

Sec. 21.11.11. Price-Per-Gallon Display .

- A. *General.* All price-per-gallon displays must be an integral part of the freestanding sign or wall sign for the site. Displays, whether electronic or manual, shall not scroll or flash.
- B. *Number of Signs.* Only one (1) price-per-gallon sign shall be permitted per site.
- C. *Illumination.* Only internal illumination may be utilized for fuel classification and price-per-gallon sign.

Sec. 21.11.12. Subdivision Entry Signs.

- A. Subdivision Entry Sign Standards

| Subdivision Entry Sign Standards | | | |
|---------------------------------------|---------------------|-------------------|----------------|
| Roadway Classification | Max Area sq. ft. | Max Height ft. | Maximum Number |
| Interstates & Farm to Market Roads | 50 | 10 | 2 per entry |
| All Others | 32 | 6 | 2 per entry |

- 1. *Subdivision Entry Feature.* A subdivision entry feature which incorporates masonry walls, berms and/or decorative fencing in combination with the subdivision entry sign may be constructed, however, the maximum area containing the subdivision sign shall not exceed standards.

Sec. 21.11.13. Temporary Signs.

- A. Temporary Sign Standards.

| Temporary Sign Standards | | | |
|--------------------------|---------------------|-------------------|--------------------------|
| Setback ft. | Max Area sq. ft. | Max Height ft. | Maximum Number |
| 15 | 24 | 6 | 3 per business or tenant |
| Feather Flag Standards | | | |
| Setback ft. | Max Area sq. ft. | Max Height ft. | Maximum Number |
| 15 | 16 | 8 | 3 per business or tenant |

- 1. Temporary signs shall be permitted for a maximum of 120 days per calendar year and Temporary Sign permits will be issued for thirty (30) day increments.

- a. The cumulative total number of days for which all temporary sign permits issued for a property or business shall not exceed 120 calendar days.
 - b. Each individual sign will count towards the allotted 120 calendar days.
 - c. Feather Flags shall only be permitted for 28 days per calendar year.
2. *Recurring Event Permit.* A Recurring Event Permit is for temporary signs that will be issued in two-day increments for up to fifteen (15) times per year. The applicant requesting a Recurring Event Permit must identify which 15 two day increments they intend to have the temporary signs when applying for the initial permit. The selected dates can be modified as dates change with prior approval.
3. Exceptions:
- a. Development signs may be installed at any time after the issuance of the building permit for a commercial development or after approval of the final plat for a residential subdivision. The development sign must be removed within six (6) months or upon the issuance of a certificate of occupancy for commercial developments, and within three (3) years of a residential subdivision.
 - b. Real estate signs shall be exempt from the permitting requirements of this section if they do not exceed six feet (6') in height and do not exceed thirty-two (32) square feet in area. Real estate signs shall be limited to one (1) per lot per street frontage.

Sec. 21.11.14. Banners Over Public Rights-of-Way.

- A. *General.* Banners may be erected over predetermined public rights-of-way within the City with the approval of the City Manager or his/her designee.
- B. *Restrictions.* Banners over public rights-of-way shall be permitted only for non-commercial or charitable events that are of general interest to the community as a whole and shall be restricted to non-profit or governmental entities.
- C. *Responsibility.* The applicant shall be responsible for the erection of any banner over public rights-of-way. The banner shall be inspected by the City Manager or his/her designee to ensure the banner is adequately secured. The applicant shall be responsible for removal of any banner erected over public rights-of-way.
- D. *Maximum Banner Size.* The maximum area of a banner shall not exceed 144 square feet. The standard banner size shall be four feet (4') wide by thirty-six feet (36') long. Variations to the standard banner size may be approved by the City Manager or his/her designee when differing variations are necessary to contain the entire message within the banner. In no case shall the area exceed the maximum area identified in this section.

Sec. 21.11.15. Waivers

- A. The Planning and Zoning Commission may authorize waivers from the provisions of this Article when, in its opinion, undue hardship will result from requiring strict compliance. In granting a waiver, the Planning and Zoning Commission shall prescribe only conditions that it deems necessary or desirable to the public interest.
- B. In making their findings, the Planning and Zoning Commission shall take into account the following:
 - a. The nature of the proposed use of the land involved.
 - b. The location of the property in relation to roadway classification.

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- c. The existing uses of land in the vicinity.
 - C. Waivers shall not be granted unless the Planning and Zoning Commission finds:
 - 1. That the granting of the waiver will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area; and
 - 2. Strict interpretation of the provisions of the section would deprive the applicant of rights commonly enjoyed by other nearby properties with the same land use that would comply with the same provisions.
 - D. The Planning and Zoning Commission may establish a time period for execution of each granted waiver.
 - E. Such findings together with the specific facts on which such findings are based shall be incorporated into the official minutes of the Planning and Zoning Commission meeting at which such exception is granted.
 - F. Planning and Zoning Commission shall not authorize a waiver that would constitute a violation of a valid law, ordinance, code or regulation of the City.
 - G. Any decision of the Planning and Zoning Commission regarding waivers to the provisions of this Article may be appealed to the City Council. When considering an appeal, the City Council shall consider the same standards as the Planning and Zoning Commission as outlined above.

Sec. 21.11.16. Violations.

- A. *Unlawful Acts.* It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, or demolish a sign regulated by this Article, or cause the same to be done in conflict with or in violation of any of the provisions of this Article.
- B. *Notice of Violation.* The City Manager or his/her designee is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removing or demolition of a sign in violation of the provisions of this Article or in violation of a permit issued under the provisions of this Article. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Exhibit “D”

Proposed Unified Development Code (UDC) Amendments

Article 16 – Definitions

Exhibit "D"

Proposed UDC Amendment

Article 16 - Definitions

Proposed changes to Article 16 - Definitions to add:

Façade: The portion of any exterior elevation of the building extending from grade to the top of the roof or parapet. Does not include structural or nonstructural elements which extend beyond roof or parapet.

Murals. A graphic displayed on the exterior of a building for decoration or artistic expression. Shall not include text, logos, or images advertising or indicating a service or product.

Subdivision Entry Signs: entry signs identifying a residential or mixed-use development.

Proposed changes to Article 16 - Definitions to replace/edit:

Balloon/Inflatable Signs: One or more inflatable devices filled with lighter-than-air gas used as a temporary sign for the purpose of directing attention to any location, event, person, product, good, service, activity, institution or business.

Bandit Sign: An illegally placed sign often used for advertising a service, business, or product.

Directional Signs: Any on-premise sign that directs the movement of traffic on private property within developments. Directional signs shall be located in a manner where they will not interfere with the safe movement of vehicles or pedestrians and shall not be located within any visibility triangle. Cannot be greater than twelve (12) square feet in area

Freestanding Sign: A sign that is not attached to a building and which is self-supported.

Temporary Signs: A sign constructed of a natural or man-made flexible material including, but not limited to, cloth, canvas, vinyl, engineered wood products not rated for outside use, or fabric which can be easily folded or rolled that is mounted with or without an enclosing framework that is attached or tethered to the building or structures. These signs are intended to be displayed for a limited period of time.

Wall Sign: Any sign attached to or projected from the exterior wall surface or facade of a building

Wind Sign: Any display or series of displays, banners, flags, pennants or other such objects designed and fashioned in such a manner as to move when subjected to wind pressure. Wind signs shall only be permitted as temporary signs. Feather Flags are the only type of wind driven signs allowed.

No other changes are proposed.

SUBJECT

Current Projects and City Council Status Update

DEVELOPMENT INFORMATION

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

NEW SITE PLAN APPLICATIONS: The following Site Plan Applications were submitted from January 28, 2026, to March 25, 2026.

- 152 Windy Meadows: A proposed parking lot expansion on an approximately 1-acre tract, located at 152 Windy Meadows, also known as Windy Meadows Subdivision Lot 17, Block 2, zoned General Business District-II (GB-2).

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

- **Ordinance 26-S-004** - Conduct a public hearing and consider a request for a Specific Use Permit to allow a convenience store with gas pumps on approximately 7.8 acres of land, located approximately 51-feet west from the intersection of IH-35 N Access Road and FM 2252, also known as 18920 IH 35 N, more specifically known as Guadalupe County Property Identification Number 114083 and Comal County Property Identification Number 119021, City of Schertz, Comal and Guadalupe County, Texas.
 - Approved as proposed by Staff, at the March 3, 2026, City Council Meeting.
- **Ordinance 26-S-005** - Conduct a public hearing and consider a request for a Specific Use Permit to allow a Truck Terminal on approximately 4.1 acres of land, located approximately 600-feet west of the intersection of Baugh Lane and Schwab Road, also known as 23870 Baugh Lane, more specifically known as Comal County Parcel Identification Number 464879, City of Schertz, Comal County, Texas.
 - Approved as proposed by Staff, at the March 3, 2026, City Council Meeting.
- **Ordinance 26-S-006** - Conduct a public hearing and consider amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC), to Article 8 Section 21.8.4 - Home Occupations and Article 16- Definitions.
 - Approved as proposed by Staff, at the March 3, 2026, City Council Meeting.
- **Ordinance 26-S-007** - Conduct a public hearing and consider amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC), to Article 4 Section 21.4.3- Notice Requirements.
 - Approved as proposed by Staff, at the March 3, 2026, City Council Meeting.
- **Ordinance 26-S-008** - Conduct a public hearing and consider amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC) to Article 5, Section 21.5.7- Dimensional and Development Standards, and Article 16 Definitions.
 - Approved as proposed by Staff, at the March 3, 2026, City Council Meeting.

ADMINISTRATIVELY APPROVED PROJECTS: Administratively approved applications from January 28, 2026, to March 25, 2026.

- Cal Stone Subdivision Lot 2, Block 1: An administratively approved site plan for a proposed parking area, located at 3517 Roy Richard Dr, Cal Stone Subdivision Lot 2, Block 1, zoned Neighborhood Services District (NS).
- Cal Stone Subdivision Lot 3, Block 1: An administratively approved site plan for a proposed 20,012 square

- foot medical building, located at 3581 Roy Richard Dr, part of the Kellum Development, Cal Stone Subdivision Lot 3, Block 1, zoned Neighborhood Services District (NS).
- HDS Schertz Subdivision U1: An administratively approved site plan to amend the parking lot configuration and driveway of the HDS Schertz Unit 1 Subdivision Lot 1, Block 1, zoned Neighborhood Services District (NS).
 - HGV Investments: An administratively approved site plan for a proposed expansion of Tiger Landscape Supply located at 21799 FM 2252, on approximately 8 acres of land zoned Manufacturing District-Light (M-1).
 - Amending Plat of Schertz Station Subdivision Lots 2-4: An administratively approved amending plat of the Schertz Station Subdivision Lots 2-4, to amend the property lines for Lots 2,3 and 4, Block 1, approximately 6 acres of land zoned PDD, part of the Schertz Station PDD.
 - Brundage 3009: An administratively approved preliminary plat to establish Brundage 3009 Subdivision, Lot 1,2, Block 1; Lot 1, Block 2; Lot 1, Block 3; Lot 1, Block 4, a 150-acre lot, zoned General Business District (GB) and Single-Family Residential District (R-1).
 - HGV Replat: An administratively approved replat of HGV Investments Subdivision Unit 2, to combine Lots 1 and 2, Block 1 to establish Lot 3, Block 1, a 19.75 acre lot zoned Manufacturing District-Light (M-1).
 - Royal Manufacturing Phase II: An administratively approved final plat of the Royal Manufacturing Phase II Subdivision to establish Lot 6, Block 1, located at 17039 Tejas Way, zoned Manufacturing District (Light) (M-1).
 - Monterey Meadows: An administratively approved preliminary plat for a proposed 174 single-family residential subdivision zoned Single-Family Residential District (R-2) and Single-Family Residential District (R-6), to be built in two phases, located along Lower Seguin Road.
 - Sedona Unit 1: An administratively approved replat of Sedona Unit 1 Lots 56 and 58 of Block 1 and Lot 1 of Block 11 to establish Lots 61 Block 1, and Lots 2 and 3 Block 11, one buildable lot and two landscape median lots, zoned PDD, part of the Crossvine PDD.
 - Schertz Station Lot 3: An administratively approved site plan for a proposed multi-tenant building, for Lot 3 of the Schertz Station Subdivision, part of the Schertz Station PDD.
 - Schertz Storage: An administratively approved site plan for a proposed retail center and storage facility located at 19433 IH 35 N, Schertz Storage Center Subdivision Lot 1, Block 1, zoned General Business District-II (GB-2) and General Business District (GB).
 - Star Athletics Training Facility: An administratively approved preliminary plat establishing the Hubertus Commercial Subdivision Lot 1, Block 1, an approximately 2.9-acre tract located at 21901 IH 35 N, zoned General Business District-II (GB-2).
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