



**MEETING AGENDA**  
**City Council**  
**REGULAR SESSION CITY COUNCIL**  
**April 26, 2022**

**HAL BALDWIN MUNICIPAL COMPLEX COUNCIL CHAMBERS**  
**1400 SCHERTZ PARKWAY BUILDING #4**  
**SCHERTZ, TEXAS 78154**

**CITY OF SCHERTZ CORE VALUES**

**Do the right thing**

**Do the best you can**

**Treat others the way you want to be treated**

**Work cooperatively as a team**

**AGENDA**

**TUESDAY, APRIL 26, 2022 at 6:00 p.m.**

**City Council will hold its regularly scheduled meeting at 6:00 p.m., Tuesday, April 26, 2022, 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.**

**Call to Order**

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

**Presentations**

- Proclamation recognizing National Administrative Professionals Day (April 27th).

**City Events and Announcements**

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

**Hearing of Residents**

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

***All remarks shall be addressed to the Council as a body, and not to any individual member thereof.***

***Any person making personal, impertinent, or slanderous remarks while addressing the Council may be requested to leave the meeting.***

*Discussion by the Council of any item not on the agenda shall be limited to statements of specific factual information given in response to any inquiry, a recitation of existing policy in response to an inquiry, and/or a proposal to place the item on a future agenda. The presiding officer, during the Hearing of Residents portion of the agenda, will call on those persons who have signed up to speak in the order they have registered.*

## **Consent Agenda Items**

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

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the meeting of April 12, 2022. (B. Dennis)
2. **Resignations and Appointments to Boards/Commissions/Committees** - Consideration and/or action regarding the resignations and appointments to various Boards/Commissions/Committees (Council/B. Dennis)
  - Resignation of Mr. John Sullivan from the Transportation Safety Advisory Commission
3. **Resolution No. 22-R-16** - Consideration and/or action adopting an amended resolution nominating Sysco USA I, Inc. as an Enterprise Zone Project under the provisions established in State Law and Chapter 21 of the Code of the City of Schertz. (M. Browne/A. Perez)
4. **Ordinance No. 22-S-18** - Consideration and/or action on amendments to Part III, Schertz Code of Ordinances, Unified Development Code (UDC), to Article 9 - Site Design Standards, Section 21.9.9 Tree Preservation and Mitigation, to cap the maximum required tree mitigation. ***Final Reading*** (B. James/M. Browne)

## **Discussion and Action Items**

5. **Ordinance No. 22-S-19** - Consideration and/or action on amendments to Part III, Schertz Code of Ordinances, Unified Development Code (UDC), to Article 4 subsection 21.4.5 Post Decision Procedures, Article 5 subsection 21.5.2 Zoning Districts Established and 21.5.5 Statement of Purpose and Intent for Residential Districts, Article 8 subsection 21.8.9 Outdoor Display and Storage, Article 9 subsection 21.9.10 Park and Open Space Dedication Requirements and Article 10 subsection 21.10.2 Parking Standards General Provisions and 21.10.4 Parking Standards Schedule of Offstreet Parking. ***Final Reading*** (B. James/M. Browne)

## **Roll Call Vote Confirmation**

## **Closed Session**

6. City Council will meet in closed session under Section 551.087 of the Texas Government Code, Deliberation Regarding Economic Development Negotiations; Closed Meeting. The governmental body is not required to conduct an open meeting (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect.
  - Project E-081
7. The City Council will meet in closed session in accordance with Section 551.074 of the Texas Government Code to discuss the direction to fill the City Manager vacancy.
8. The City Council will meet in closed session in accordance with Section 551.074 of the Texas Government Code to discuss the status of the Police Chief Selection.

## **Reconvene into Regular Session**

9. Take any action based on discussions held in Closed Session under Agenda Item 6.
10. Take any action based on discussions held in Closed Session under Agenda Item 7.
11. Take any action based on discussions held in Closed Session under Agenda Item 8.

## **Roll Call Vote Confirmation**

## **Requests and Announcements**

- Announcements by the City Manager.
- Requests by Mayor and Councilmembers for updates or information from staff.
- Requests by Mayor and Councilmembers that items or presentations be placed on a future City Council agenda.
- Announcements by Mayor and Councilmembers
  - City and community events attended and to be attended
  - City Council Committee and Liaison Assignments (see assignments below)
  - Continuing education events attended and to be attended
  - Recognition of actions by City employees
  - Recognition of actions by community volunteers

## Adjournment

### CERTIFICATION

I, BRENDA DENNIS, CITY SECRETARY OF THE CITY OF SCHERTZ, TEXAS, DO HEREBY CERTIFY THAT THE ABOVE AGENDA WAS PREPARED AND POSTED ON THE OFFICIAL BULLETIN BOARDS ON THIS THE 22<sup>nd</sup> DAY OF APRIL 2022 AT 3:30 P.M., WHICH IS A PLACE READILY ACCESSIBLE TO THE PUBLIC AT ALL TIMES AND THAT SAID NOTICE WAS POSTED IN ACCORDANCE WITH CHAPTER 551, TEXAS GOVERNMENT CODE.

BRENDA DENNIS

**I CERTIFY THAT THE ATTACHED NOTICE AND AGENDA OF ITEMS TO BE CONSIDERED BY THE CITY COUNCIL WAS REMOVED BY ME FROM THE OFFICIAL BULLETIN BOARD ON \_\_\_\_ DAY OF \_\_\_\_\_, 2022. TITLE: \_\_\_\_\_**

*This facility is accessible in accordance with the Americans with Disabilities Act. Handicapped parking spaces are available. If you require special assistance or have a request for sign interpretative services or other services, please call 210-619-1030.*

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

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

## COUNCIL COMMITTEE AND LIAISON ASSIGNMENTS

<b>Mayor Gutierrez</b> Audit Committee Investment Advisory Committee Main Street Committee	<b>Councilmember Scagliola – Place 5</b> Animal Advisory Commission - Alternate Cibolo Valley Local Government Corporation - Alternate Hal Baldwin Scholarship Committee Interview Committee for Boards and Commissions - Alternate Schertz-Seguin Local Government Corporation
<b>Councilmember Davis– Place 1</b> Interview Committee for Boards and Commissions Main Street Committee - Chair Schertz Housing Authority Board TIRZ II Board	<b>Councilmember – Place 2 (VACANT)</b>
<b>Councilmember Whittaker – Place 3</b> Audit Committee Interview Committee for Boards and Commissions TIRZ II Board	<b>Councilmember Dahle – Place 4</b> Cibolo Valley Local Government Corporation Interview Committee for Boards and Commissions TIRZ II Board
<b>Councilmember Heyward – Place 6</b> Animal Advisory Commission Audit Committee Investment Advisory Committee Main Street Committee	<b>Councilmember Brown – Place 7</b> Main Street Committee Schertz-Seguin Local Government Corporation - Alternate

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** April 26, 2022  
**Department:** City Secretary  
**Subject:** Minutes – Consideration and/or action regarding the approval of the minutes of the meeting of April 12, 2022. (B. Dennis)

---

**BACKGROUND**

The City Council held a Regular City Council meeting on April 12, 2022.

**RECOMMENDATION**

Recommend Approval.

---

**Attachments**

04-12-2022 draft min

---

# DRAFT

## MINUTES REGULAR MEETING April 12, 2022

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on April 12, 2022, at 6:00 p.m. in the Hal Baldwin Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas. The following members present to-wit:

Present: Mayor Ralph Gutierrez; Mayor Pro-Tem David Scagliola; Councilmember Mark Davis; City Council Place 2 - Vacant; Councilmember Jill Whittaker; Councilmember Michael Dahle; Councilmember Allison Heyward; Councilmember Tim Brown

City      City Manager Dr. Mark Browne; Assistant City Manager Brian James; Assistant City  
Staff:    Manager Charles Kelm; City Attorney Daniel Santee; City Secretary Brenda Dennis;  
            Assistant to the City Manager Sarah Gonzalez

### **Call to Order**

Mayor Gutierrez called the meeting to order at 6:00 p.m. Mayor Gutierrez reminded the Students who were participating in the Hall Baldwin Scholarship Program, to make sure that they sign the sheet in the back. Mayor Gutierrez also stated that those who are watching on-line to please make sure that they contact Sarah Gonzalez at 210-619-1015 to receive credit.

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

Councilmember Heyward provided the opening prayer followed by the Pledges of Allegiance to the Flags of the United States and State of Texas.

### **Presentations**

- Special Accommodation to Monica Kuehn for baby deliveries over 911 Phone. (C. Kelm/M. Bane/N. Kuhlmann)

Mayor Gutierrez recognized Nichole Kuhlmann who came forward recognizing Monica Kuehn for her assistance in delivering two babies over the phone. Ms. Kuhlmann commended Monica for such a great job. One of the babies was present this evening.

## Proclamations

- Proclamation recognizing National Public Safety Telecommunications Week. (Mayor Gutierrez/N. Kuhleman)

Mayor Gutierrez recognized all the Schertz Telecommunicators, read and presented the proclamation recognizing National Public Safety Telecommunications week. Ms. Kuhleman provided a brief description of the job duties.

- Proclamation recognizing National Animal Care and Control Appreciation Week. (Mayor Gutierrez/M. Bane/M. Lagunas)

Mayor Gutierrez recognized all the Animal Services Staff, read and presented the proclamation recognizing National Animal Care and Control Appreciation Week.

## City Events and Announcements

- Announcements of upcoming City Events (B. James/C. Kelm/S. Gonzalez)

Mayor Gutierrez recognized Assistant to the City Manager Sarah Gonzalez who provided the following information:

### **Now thru Sunday, April 24th**

#### **Kickball League Sign-Up**

Games will be played every Sunday evening from 6:00-10:00 PM at Thulemeyer Park.

### **Thursday, April 14th**

#### **Northeast Partnership meeting**

11:30 AM – 1:00 PM

Olympia Hills Golf & Conference Center, Universal City

RSVP to the City Secretary

### **Monday, April 18th**

#### **SSLGC Joint Meeting with Council**

6:00 PM – 7:00 PM

3027 N, Austin Street Utilities Operation Center Training Room

### **Saturday, April 23rd and Sunday, April 24th**

JBSA Great Texas Air Show

Randolph AFB

### **Tuesday, April 26th**

Next regular scheduled Council meeting, 6:00 PM, Council Chambers

- Announcements and recognitions by the City Manager (M. Browne)

City Manager Dr. Mark Browne recognized and thanked all the Schertz Dispatch Officers, our Telecommunicators for the fantastic job they do every day for the Community, the same for our Animal Care Officers. Megan has done a great job



leading that organization. They are back in their facility as the air conditioning is working, we will be having a reopening event on April 30th. More information to come.

- Announcements and recognitions by the Mayor (R. Gutierrez)

Mayor Gutierrez thanked all those that volunteered for the Love Where you Live Clean up this past weekend, what great community involvement. Dr. Browne thanked Mr. Fowler for making this happen.

## **Hearing of Residents**

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

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

*Discussion by the Council of any item not on the agenda shall be limited to statements of specific factual information given in response to any inquiry, a recitation of existing policy in response to an inquiry, and/or a proposal to place the item on a future agenda. The presiding officer, during the Hearing of Residents portion of the agenda, will call on those persons who have signed up to speak in the order they have registered.*

### ***Mayor Gutierrez recognized the following who spoke:***

- Daniel Jameson 1048 Richmond Drive, who spoke on the recent Love Where you Live Clean up day and all the volunteers who came out to support the event.
- Maggie Titterington, 1730 Schertz Parkway, who provided the following Chamber updates:

Next week our luncheon at Bella on the Vine. We are sold out, but we have a waiting list. It is our nonprofit focus as well and we have a presentation from shred day that benefits the Guadalupe County Children's Advocacy Center.

Speaking of shred day so, we want to give a shout out of thanks to the Schertz Police, Suzanne and her team at Public Works and Charles Kelm for helping us coordinate.

April 21st we have two events. A ribbon cutting at the Sharks Offices to welcome real estate with Jill at 10:30 a.m. and our quarterly Three Business Mixer at Santikos from 5:30 to 7:00 p.m.

We finished our Taste event and want to thank all the community participants. Winners of the best of are: Best Entrée - Abel's Diner, Best Beverage - Tropical Smoothie Cafe, Best Appetizer - Willie's Ice House and Best Dessert - Nothing Bundt Cakes.

Last Leadership Core went to Austin today and I brought up the question about next year's legislation having some type of small business granting or funding as incentives. I was told by Senator Campbell office that there are funds set aside from ARPA of approximately 40 million that there will be discussions about that possibility.

- Dana Eldgridge, 2628 Gallant Fox Drive, who spoke regarding agenda item 9 stating that last week he mentioned the power lines with regard to QT going in on 35 and Cibolo Valley, he failed to recognize that it's going to be Cibolo Valley Drive/Hal Baldwin Avenue. He indicated that he has lived in Schertz for several years and that has been Wiederstein Road until the last couple of years when it was changed to Cibolo Valley. Never been an indication that it was Hal Baldwin Drive - going over 35. His question was where did this come up, how much is it going to cost the City to rename it and redo all the signs? He indicated that if the road name was going to change it should have been Cibolo Valley/Wiederstein Road.
- Christina Kazmierczak, 2785 Valencia, Miss Amazing Texas, who spoke regarding inclusion of more people with disabilities, promote more job opportunities for those with disabilities. People with disabilities have so much to offer to their community. Open the door for them to be a valued member of the community.
- Pastor Zek White, 9360 Corporate Drive, who thanked Mr. James and his staff for working on the ordinances that will be discussed this evening.

## Consent Agenda Items

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

Mayor Gutierrez read Agenda Items 1-4 into record and Mayor Pro-Tem Scagliola read Agenda Items 5-9.

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the meeting of Special Pre-Budget Retreat Meeting of March 25, 2022, and minutes of the Regular Meeting of April 5, 2022. (B. Dennis)
2. **Ordinance No. 22-T-12** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas, amending Chapter 78, Article VII, Roadway Capital Recovery Fees incorporating amended land use assumptions and amended Capital Improvements Plans for such facilities providing for collection of impact fees. *Final Reading* (M. Browne/B. James)
3. **Ordinance No. 22-S-13** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas, amending the Master Thoroughfare Plan. *Final Reading* (M. Browne/B. James)

4. **Resolution No. 22-R-41** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas approving requests for Schertz Main Street Local Flavor Economic Development Grants for 539 and 820 Main Street. (B. James)
5. **Resolution No. 22-R-42** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing a Subdivision Improvement Agreement with Crossvine Module 2, Unit 1. (M. Browne/B. James)
6. **Resolution No. 22-R-30** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing the acceptance of a warranty deed from Schertz 1518, Ltd. for Lot 1, Block 1 of the Schertz Forest Unit 1 Addition. (M. Browne/B. James)
7. **Resolution No. 22-R-39** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, authorizing a second round of hazard pay for employees that continued to provide services during the COVID-19 Pandemic Emergency Declaration period. (M. Browne/J. Walters)
8. **Resolution No. 22-R-40** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing use of American Rescue Plan Act funds for the purchase of a new ambulance. (M. Browne/J. Walters)
9. **Ordinance No. 22-S-15** - Consideration and/or action on a request for a Specific Use Permit to allow a convenience store with gas pumps on approximately 2.7 acres of land, more specifically described as the northwest corner of IH-35 and Cibolo Valley Drive, also known as Guadalupe County Property Identification Number 62840, City of Schertz, Guadalupe County, Texas. ***Final Reading*** (B. James/L. Wood/M. Harrison)

Mayor Gutierrez asked Council if there were any items they wished removed. Mayor Pro-Tem Scagliola requested Agenda Item 9 be removed for separate agenda. Mayor Gutierrez called for a motion to approve Agenda Items 1 through 8 on the Consent Agenda.

Moved by Councilmember Allison Heyward, seconded by Mayor Pro-Tem David Scagliola to approve consent agendas 1 through 8.

AYE: Mayor Pro-Tem David Scagliola, Councilmember Mark Davis,  
Councilmember Jill Whittaker, Councilmember Michael Dahle,  
Councilmember Allison Heyward, Councilmember Tim Brown

Passed

## Discussion and Action Items

**9. Ordinance No. 22-S-15** - Consideration and/or action on a request for a Specific Use Permit to allow a convenience store with gas pumps on approximately 2.7 acres of land, more specifically described as the northwest corner of IH-35 and Cibolo Valley Drive, also known as Guadalupe County Property Identification Number 62840, City of Schertz, Guadalupe County, Texas. ***Final Reading*** (B. James/L. Wood/M. Harrison)

Mayor Gutierrez recognized Mayor Pro-Tem Scagliola stated he is not against the special use permit, his concern was with the naming of streets without prior discussion. Assistant City Manager Brian James provided the explanation of how the street was named.

Mayor Gutierrez recognized Councilmember Heyward who also had concerns on the naming of the street. She indicated that she would like a workshop discussion item regarding the naming of roads.

Moved by Mayor Pro-Tem David Scagliola, seconded by Councilmember Allison Heyward to approve Ordinance No. 22-S-15 on final reading.

AYE: Mayor Pro-Tem David Scagliola, Councilmember Mark Davis,  
Councilmember Jill Whittaker, Councilmember Michael Dahle,  
Councilmember Allison Heyward, Councilmember Tim Brown

Passed

## **Public Hearings**

- 10. Ordinance No. 22-S-18** - Conduct a public hearing, and consideration and/or action on amendments to Part III, Schertz Code of Ordinances, Unified Development Code (UDC), to Article 9 - Site Design Standards, Section 21.9.9 Tree Preservation and Mitigation, to cap the maximum required tree mitigation. ***First Reading*** (B. James/M. Browne)

Mayor Gutierrez read the following item into record:

### **ORDINANCE. 22-S-18**

**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 9, SECTION 21.9.9 TREE PRESERVATION AND MITIGATION, TO CAP THE MAXIMUM REQUIRED TREE MITIGATION REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. FIRST READING**

Mayor Gutierrez recognized Assistant City Manager Brian James who provided an overview of the changes by updating the City's UDC to better support the goals and objectives of the City's Comprehensive Plan. He stated that this ordinance would

reduce the amount of mitigation required on heavily wooded lots and is anticipated to reduce the amount of tree mitigation the City receives.

Mayor Gutierrez opened the public hearing and recognized the following who spoke:

- Maggie Titterington, The Chamber who supports the changes and thanked Brian and the group for meeting to resolve the issues and asks for Council's support. Lastly on behalf of David Gleeson, Managing Partner with Brytar DG Schertz, LLC, Ms. Titterington read a letter with his supportive comments regarding the changes to the site design standards regarding sites that have an unusually dense tree coverage. He supports the changes.

As no one else spoke; Mayor Gutierrez closed the public hearing for Council comments. Members of Council provided their support for the changes and well as thanked Mr. James and the Subcommittee for all their work. Mayor Gutierrez also thanked the Subcommittee and Staff.

Mayor Gutierrez called for a motion to approve.

Moved by Councilmember Michael Dahle, seconded by Councilmember Mark Davis to approve Ordinance No. 22-S-18 on first reading.

AYE: Mayor Pro-Tem David Scagliola, Councilmember Mark Davis, Councilmember Jill Whittaker, Councilmember Michael Dahle, Councilmember Allison Heyward, Councilmember Tim Brown

Passed

- 11. Ordinance No. 22-S-19** - Conduct a public hearing, and consideration and/or action on amendments to Part III, Schertz Code of Ordinances, Unified Development Code (UDC), to Article 4 subsection 21.4.5 Post Decision Procedures, Article 5 subsection 21.5.2 Zoning Districts Established and 21.5.5 Statement of Purpose and Intent for Residential Districts, Article 8 subsection 21.8.9 Outdoor Display and Storage, Article 9 subsection 21.9.10 Park and Open Space Dedication Requirements and Article 10 subsection 21.10.2 Parking Standards General Provisions and 21.10.4 Parking Standards Schedule of Off-street Parking. ***First Reading*** (B. James/M. Browne)

Mayor Gutierrez read the following into record:

#### **ORDINANCE NO. 22-S-19**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS TO AMENDING PART III, SCHERTZ CODE OF ORDINANCES, THE UNIFIED DEVELOPMENT CODE (UDC) ARTICLE 4, SUBSECTION 21.4.S POST DECISION PROCEDURES, ARTICLE 5 SUBSECTIONS 21.5.2 ZONING DISTRICTS ESTABLISHED AND 21.5.5 STATEMENT OF PURPOSE AND INTENT FOR RESIDENTIAL DISTRICTS, ARTICLE 8**

**SUBSECTION 21.8.9 OUTDOOR DISPLAY AND STORAGE, ARTICLE 9  
SUBSECTION 21.9.10 PARK AND OPEN SPACE DEDICATION  
REQUIREMENTS AND ARTICLE 10 SUBSECTIONS 21.10.2 PARKING  
STANDARDS GENERAL PROVISIONS AND 21.10.4 PARKING  
STANDARDS SCHEDULE OF OFF-STREET PARKING  
REQUIREMENTS; REPEALING ALL ORDINANCES OR PARTS OF  
ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A  
SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE  
(First Reading)**

Mayor Gutierrez recognized Assistant City Manager Brian James who stated staff is proposing to make a variety of amendments to the UDC. Some of these are coming from the Subcommittee of P&Z and City Council that discussed single family residential development, others from problems the City has been experiencing on Main Street while others have been pending for some time.

Staff is proposing to amend Section 21.4.5 Post- Decision procedures, section B. The section currently limits the ability of applicants to resubmit an application that has been denied to no sooner than six months after the date of denial. The amendment stipulates that limitation does not apply if the full board or commission that was seated was not present. This change was prompted by some recent denials at BOA where a lack of board members created a situation where a unanimous recommendation for approval was needed, This seems unfair to the applicants and as such a change was proposed.

As a result of the work of the Subcommittee on residential development staff is proposing to make amendments to various sections to remove the prohibition on new zoning of R-6 and R-7 as well as to add the design criteria that was discussed. To allow R-6 and R-7 zoning to be granted, staff is proposing amendments to Section 21.5.5 Statement and Purpose of Residential Districts Sections F and G to remove the references to Ordinance No. 10-S-29 that restricted the ability to grant them. It also amends Section 21.5.2 Zoning Districts Established, limitations on R-6 and R-7 to eliminate the references to the limitations imposed by Ordinance No. 10-S-29. The changes add a cap of 30 acres for R-7 and 40 acres for R-6. As part of the design standards the parking section is being amended to require two parking spaces per mailbox kiosk which must be covered, but these can be provided in the right-of-way as long as additional paving is provided so as not to be in the lane of traffic. Staff is amending the parkland dedication section to stipulate the requirements for private open space in residential subdivisions if a City park is not being provided. The curvilinear street requirement is being added to the public works design manual.

In an effort to deal with the parking problem on Main Street that is occurring as a result of vehicles being parked on unpaved areas due to some temporary or short term issue and to deal with the excessive cars associated with auto repair uses being parked on the street, staff is proposing two related changes. The first is to allow temporary parking, of up to six months on an unpaved area. This would not push vehicles and trailers onto the street during construction on a site or in unique

situations created by the pandemic, such as shortages of vehicle parts. The second change is to not allow parking associated with an auto repair and service business that is located on Main Street to occur in the street. Businesses need to appropriately size their business - property, buildings, staffing to handle the volume of business they anticipate and not rely on the public right-of-way for vehicle storage as this creates a safety issue and negatively impacts other properties. Staff is recommending amending Section 21.10.2 General Provisions to add a subsection L that stipulates that parking and storage of vehicles associated with automobile repair and services businesses on Main Street cannot occur in the street. Staff is also recommending that section 21.8.9 Outdoor Display and Storage, subsection 4 be amended to add an additional subsection D to allow staff to issue permit for businesses to park vehicles on an unpaved area for up to six months.

Mayor Gutierrez opened the public hearing, and as no one spoke; closed the public hearing for Council comments.

Assistant City Manager Brian James addressed the following questions from Members of Council:

- Street parking, enforcement, need dialogue to occur with business owners, and work with the business owners - specifically Main Street.
- Discussion regarding the possibility of issuing permits for businesses to park vehicles on an unpaved area for six-months.
- Discussion about the changes to the residential zoning districts to allow R-6 and R-7 zoning and the density and lot size mix of in Planned Development Districts that utilize these districts
- Post-Decision procedures
- Clarification 60 foot minimum lot size - 50/55 foot lots not acceptable
- Clarification of the PDD"s
- Parking design standards

In conclusion, Mr. James stated that you can recommend approval of the other sections, not the residential, staff will then look at this and pull it together and see what we have. Depending upon the record, and worst case scenario we can run this through Planning and Zoning, but he believes it makes sense if we are going to make adjustments, that we run it back through Planning and Zoning. Staff is find if Council recommends approval except the section having to do with the residential development. We will pull that out and have a clean ordinance at the next meeting.

Moved by Mayor Pro-Tem David Scagliola, seconded by Councilmember Allison Heyward to approve Ordinance No. 22-S-19 except Article 5 Subsection 21.5.2 and 21.5.5 with regard to the intent of residential district.

AYE: Mayor Pro-Tem David Scagliola, Councilmember Mark Davis,  
Councilmember Jill Whittaker, Councilmember Michael Dahle,  
Councilmember Allison Heyward, Councilmember Tim Brown

Passed

## **Roll Call Vote Confirmation**

Mayor Gutierrez recognized City Secretary Brenda Dennis who provided the Roll Call Vote Confirmation for Agenda Items 1 through 11.

## **Workshop**

12. Workshop discussion on the planned road repairs on Old Wiederstein Road (C.Kelm/S. Williams)

Mayor Gutierrez recognized Assistant Public Works Director Scott McClelland who provided a PowerPoint presentation regarding the planned Old Wiederstein Road repairs addressing questions from Council. A copy of the PowerPoint can be found in the City Secretary's office.

## **Closed Session**

Mayor Gutierrez read the following closed session items into record:

13. The City Council will meet in closed session Pursuant to Texas Government Code Sec. 551.071 to consult with its attorney to seek advice about a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act; to wit: discussion about the various Legal Issues involved in the development, review, adoption and amendment of Collection Development Policies for Public Libraries.

Mayor Gutierrez recessed the meeting into Closed Session at 7:31 p.m.

## **Reconvene into Regular Session**

Mayor Gutierrez reconvened back into regular session at 8:44 p.m.

14. Take any action based on discussions held in Closed Session under Agenda Item 13.

## **Roll Call Vote Confirmation**

No roll Call Vote Confirmation as no action was taken.



## **Information available in City Council Packets - NO DISCUSSION TO OCCUR**

Mayor Gutierrez stated that Agenda Item 15 is an informational item only and can be found in the Council packets as well as can be found on-line.

### **15. Monthly Update on Major Projects in progress/CIP. (B. James/K. Woodlee)**

#### **Requests and Announcements**

- Announcements by the City Manager.

Mayor Gutierrez recognized City Manager Dr. Browne who stated that he attended the Randolph Metrocom Rotary meeting and was able to give a presentation on the State of the City. Great session.

- Requests by Mayor and Councilmembers for updates or information from staff.

Mayor Gutierrez recognized Councilmember Heyward who requested information regarding the street naming process, particular to the Hal Baldwin Parkway and Cibolo Valley as well as street naming in general.

Mayor Gutierrez recognized Councilmember Davis who requested information regarding our billing process, specifically with bills that are sent out and the city policy when the pay-by-date is on a weekend and the policy on grace periods/penalty fees.

- Requests by Mayor and Councilmembers that items or presentations be placed on a future City Council agenda.

- Announcements by Mayor and Councilmembers

Mayor Pro-Tem Scagliola attended Shred Day at the Chamber and the First Responder Recognition Event at Retama Park

Councilmember Whittaker participated in the Employee Appreciation Fiesta Luncheon, attended Love Where You Live, Ribbon-cutting in Cibolo, TIRZ Meeting

Councilmember Dahle attended the First Responder Recognition Event at Retama Park, TIRZ Meeting

Councilmember Heyward attended a TML 3-Day Leadership Academy

Councilmember Brown thanked the Neighborhood Services Department for the presentation they gave at his HOA

#### **Adjournment**

Mayor Gutierrez adjourned the meeting at 8:50 pm.

---

Ralph Gutierrez, Mayor

ATTEST:

---

Brenda Dennis, City Secretary

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** April 26, 2022

**Department:** City Secretary

**Subject:** Resignations and Appointments to Boards/Commissions/Committees - Consideration and/or action regarding the resignations and appointments to various Boards/Commissions/Committees (Council/B. Dennis)

- Resignation of Mr. John Sullivan from the Transportation Safety Advisory Commission

---

**BACKGROUND**

City Secretary's office received a resignation from Mr. John Sullivan who has resigned from the Transportation Safety Advisory Commission.

Staff recommends Council approve his resignation.

---

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** April 26, 2022  
**Department:** Economic Development Corporation  
**Subject:** Resolution No. 22-R-16 - Consideration and/or action adopting an amended resolution nominating Sysco USA I, Inc. as an Enterprise Zone Project under the provisions established in State Law and Chapter 21 of the Code of the City of Schertz. (M. Browne/A. Perez)

---

**BACKGROUND**

On February 8, 2022, City Council conducted a Public hearing and consideration and/or action adopting a resolution nominating Sysco USA I, Inc. as an Enterprise Zone Project under the provisions established in State Law and Chapter 21 of the Code of the City of Schertz.

The project passed unanimously and was submitted to the State of Texas on behalf of the company by the project consultant Deloitte on March 1, 2022.

On Friday, April 15, 2022, the State of Texas Office of Economic Development and Tourism informed the Schertz Economic Development Corporation (SEDC) that the nominating resolution required a termination date to be explicitly included in the Resolution language.

If this action is not approved, it will cause the Enterprise Project application submitted by Sysco to be rejected and a new application will have to be submitted on behalf of the company.

The following is the Background of the February 8 adoption:

Sysco is the global leader in selling, marketing and distributing food products to restaurants, healthcare and educational facilities, lodging establishments and other customers who prepare meals away from home. Its family of products also includes equipment and supplies for the foodservice and hospitality industries. With more than 58,000 associates, the company operates 343 distribution facilities worldwide and serves more than 650,000 customer locations. For fiscal year 2021 that ended July 3, 2021, the company generated sales of more than \$51 billion. In 2012, Sysco established Sysco Central Texas at 1260 Schwab Rd, in Schertz serving much of South Texas. The current operation currently employs approximately 450 team members with an operation that has resulted in over \$100,000,000 in real and personal property investment per the Comal County Appraisal District as of 2021. Sysco is a model corporate partner and has consistently participated in workforce development events such as Job Shadow Day and other community events. To meet increasing demand in the South Texas market Sysco is seeking to expand its Schertz facility. Approval of Resolution 22-R-16 nominates Sysco USA I, Inc., a wholly-owned subsidiary of Sysco Corporation, for a State Enterprise project designation through the Texas Enterprise Zone Program. The Texas Enterprise Zone Program is a state sales and use tax refund program designed to encourage private investment and job creation in economically distressed areas of the state. Texas communities must nominate companies in their jurisdiction to receive an Enterprise Zone designation and thus be eligible to receive state sales and use tax refunds on qualified expenditures. Companies must meet minimum capital investment thresholds and create and/or retain jobs that employ a certain percentage of economically disadvantaged individuals, enterprise zone residents, or veterans. A community with less than 250,000 in population, may have up to six enterprise project nominations in a single biennium.

## **GOAL**

The Goal of the February 8th action was to grow the Schertz economy through Projects that focus on the creation/retention of Primary Jobs. Projects include partnerships with local industrial Fortune 500 companies to lower cost of expansion, making Schertz a community of choice for new investment and job creation. Adoption this administrative correction to 22-R-16 ensures successful consideration of the Sysco USA I, Inc. State Enterprise Zone Project nomination.

## **COMMUNITY BENEFIT**

This benefit of the February 8th action helps to secure additional jobs, investment, and expansion prospects for the community through a partnership with Sysco Corporation. Securing and maintaining working relationships with local Fortune 500 companies helps to ensure Schertz is a community of choice for future expansions and/or follow-on investment and job creation. In addition, entering into partnerships to lower expansion costs continues to be an essential tool for communities to remain competitive as corporations respond to the post-COVID market with expansions and consolidation activity. This amendment ensures the project is considered by the State of Texas.

## **SUMMARY OF RECOMMENDED ACTION**

Provides for an administrative amendment to Resolution 22-R-16 passed by the City Council on February 8, 2022, which nominated Sysco USA I, Inc. as an Enterprise Zone Project and addresses a deficiency letter received by the Governor's Office of Economic Development and Tourism on April 15, 2022.

## **FISCAL IMPACT**

There is no fiscal impact to the City of Schertz as this amendment completes the nomination process for a project designation that may result in State of Texas sales tax refund. No local funding is used to fund this incentive.

## **RECOMMENDATION**

Staff recommends approval of Resolution No. 22-R-16, as amended, nominating Sysco USA I, Inc. as an Enterprise Zone Project

---

### **Attachments**

Resolution 22-R-16 - Original

Resolution 22-R-16 - amended

---

## **RESOLUTION NO. 22-R-16**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS NOMINATING AN ENTERPRISE ZONE PROJECT UNDER THE PROVISIONS ESTABLISHED IN STATE LAW AND CHAPTER 21 OF THE CODE OF THE CITY OF SCHERTZ; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Schertz, Texas (the "City") has previously adopted guidelines and regulations for community development and established the Schertz Economic Development Corporation to accomplish said public purpose; and,

**WHEREAS**, the City has previously passed Ordinance No. 22-M-06 electing to participate in the Texas Enterprise Zone Program, and the local incentives offered under this resolution are the same on this date as were outlined in Ordinance No. 22-M-06;

**WHEREAS**, the Office of the Governor Economic Development and Tourism (EDC) through the Economic Development Bank (Bank) will consider Sysco USA I, Inc. (Sysco) as an enterprise project pursuant to a nomination and an application made by the City;

**WHEREAS**, the City desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the City and to provide employment to residents of enterprise zones and to other economically disadvantaged individuals;

**WHEREAS**, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code (the "Act"), Sysco has applied to the City for designation as an enterprise project;

**WHEREAS**, before nominating a project or activity of a qualified business in Schertz for designation as an enterprise project, the City Council of the City of Schertz must hold a public hearing and, by resolution, must identify and summarize briefly any local incentives available; and,

**WHEREAS**, the City Council held a public hearing on February 8, 2022 at which interested persons were allowed to speak and present evidence for or against the City's participation in the program and the nomination of Sysco as an enterprise project; and

**WHEREAS**, the City Council hereby finds that the nomination and support of Sysco as an enterprise project is in the best interest of the community and would enhance and further the community development of Schertz, and further finds that Sysco meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act for the reasons set forth below.

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

**Section 1.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

**Section 2.** The City finds that Sysco meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

- a. Sysco is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site located in an enterprise zone and at least twenty-five percent (25.0%) of the business' new employees will be residents of an enterprise zone, economically disadvantaged individuals, or veterans; and
- b. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and
- c. The designation of Sysco as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

**Section 3.** The City finds that Sysco meets the criteria for tax relief and other incentives adopted by the City and nominates Sysco for enterprise project status on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability.

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

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

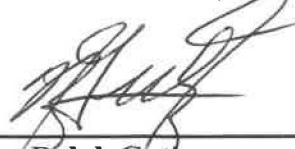
**Section 6.** If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares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

**Section 7.** It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

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

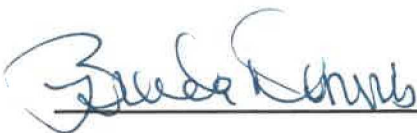
**PASSED AND ADOPTED** on this 8<sup>th</sup> day of February 2022.

**CITY OF SCHERTZ, TEXAS**



\_\_\_\_\_  
**Mayor Ralph Gutierrez**

**ATTEST:**



\_\_\_\_\_  
**City Secretary Brenda Dennis**



**RESOLUTION NO. 22-R-16**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS ADOPTING AN AMENDED RESOLUTION NOMINATING AN ENTERPRISE ZONE PROJECT UNDER THE PROVISIONS ESTABLISHED IN STATE LAW AND CHAPTER 21 OF THE CODE OF THE CITY OF SCHERTZ; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Schertz, Texas (the “City”) has previously adopted guidelines and regulations for community development and established the Schertz Economic Development Corporation to accomplish said public purpose; and,

**WHEREAS**, the City has previously passed Ordinance No. 22-M-06 electing to participate in the Texas Enterprise Zone Program, and the local incentives offered under this resolution are the same on this date as were outlined in Ordinance No. 22-M-06;

**WHEREAS**, the Office of the Governor Economic Development and Tourism (EDC) through the Economic Development Bank (Bank) will consider Sysco USA I, Inc. (Sysco) as an enterprise project pursuant to a nomination and an application made by the City;

**WHEREAS**, the City desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the City and to provide employment to residents of enterprise zones and to other economically disadvantaged individuals;

**WHEREAS**, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code (the "Act"), Sysco has applied to the City for designation as an enterprise project;

**WHEREAS**, before nominating a project or activity of a qualified business in Schertz for designation as an enterprise project, the City Council of the City of Schertz must hold a public hearing and, by resolution, must identify and summarize briefly any local incentives available; and,

**WHEREAS**, the City Council held a public hearing on February 8, 2022 at which interested persons were allowed to speak and present evidence for or against the City’s participation in the program and the nomination of Sysco as an enterprise project; and

**WHEREAS**, the City Council hereby finds that the nomination and support of Sysco as an enterprise project is in the best interest of the community and would enhance and further the community development of Schertz, and further finds that Sysco meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act for the reasons set forth below.

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

**Section 1.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.



**Section 2.** The City finds that Sysco meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

- a. Sysco is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site located in an enterprise zone and at least twenty-five percent (25.0%) of the business' new employees will be residents of an enterprise zone, economically disadvantaged individuals, or veterans; and
- b. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and
- c. The designation of Sysco as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.
- d. The enterprise project shall take effect on the date of designation of the enterprise project by the agency and terminate on March 1st, 2027.

**Section 3.** The City finds that Sysco meets the criteria for tax relief and other incentives adopted by the City and nominates Sysco for enterprise project status on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability.

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

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

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

**Section 7.** It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

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

**PASSED AND ADOPTED** on this 8<sup>th</sup> day of February 2022.

**AMENDED, PASSED AND APPROVED WITH REVISION** on this 26<sup>th</sup> day of April 2022.

**CITY OF SCHERTZ, TEXAS**

---

**Mayor Ralph Gutierrez**

**ATTEST:**

---

**City Secretary Brenda Dennis**

## CITY COUNCIL MEMORANDUM

**City Council Meeting:** April 26, 2022  
**Department:** Planning & Community Development  
**Subject:** Ordinance No. 22-S-18 - Consideration and/or action on amendments to Part III, Schertz Code of Ordinances, Unified Development Code (UDC), to Article 9 - Site Design Standards, Section 21.9.9 Tree Preservation and Mitigation, to cap the maximum required tree mitigation. *Final Reading* (B. James/M. Browne)

---

### BACKGROUND

As stated in the UDC, City Council from time to time, on its own motion or at the recommendation of staff, may consider amendments to the UDC to maintain stable and desirable development. As part of the charge of the joint City Council and Planning and Zoning Commission Subcommittee to review single family development standards, the Subcommittee also considered a few other matters. One of these is the question of whether to cap the maximum amount of tree mitigation.

Staff is proposing to add a section that caps the maximum amount of mitigation per acre at 100 inches or \$10,000. As was discussed at the Subcommittee, the current ordinance regarding tree mitigation generally works well to accomplish the purpose and intent as outlined in that section, except in the situations of heavily wooded lots. In these cases, despite the best efforts of the developer to save trees, they often have to remove a significant number of trees. The mitigation can amount to more than \$50,000 per acre. As such, staff is proposing to cap the amount of mitigation per acre.

The amount of tree mitigation per acre is capped at 100 inches per acre. For properties where the trees are generally clustered, staff has the discretion to define the acreage of the property as an area extending 20' beyond the tree canopy of the cluster in determining the acreage.

Council approved this item on first reading at their meeting of April 12, 2022.

### GOAL

Update the City's UDC to better support the goals and objectives of the City's Comprehensive Plan.

### COMMUNITY BENEFIT

Provides for high quality development meeting the goals of the City's Comprehensive Plan.

### SUMMARY OF RECOMMENDED ACTION

Approval of Ordinance 22-S-18 Amending the UDC to cap the maximum amount of tree mitigation. At the March 9, 2022 Planning and Zoning Commission meeting, the Commission voted 5 to 1 in favor the amendment.

### FISCAL IMPACT

This ordinance would reduce the amount of mitigation required on heavily wooded lots and is anticipated to reduce the amount of tree mitigation the City receives.

### RECOMMENDATION

Approval of Ordinance 22-S-18 on final reading.

---

---

**Attachments**

Ord 22 S 18 Tree Mitigation

Redline Ordinance Change

---

---

**ORDINANCE NO. 22-S-18**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS TO AMENDING PART III, SCHERTZ CODE OF ORDINANCES, THE UNIFIED DEVELOPMENT CODE (UDC) ARTICLE 9, SECTION 21.9.9 TREE PRESERVATION AND MITIGATION, TO CAP THE MAXIMUM REQUIRED TREE MITIGATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, pursuant to Ordinance No. 10-S-06, the City of Schertz, Texas (the "City") adopted as 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 March 9, 2022, the Planning and Zoning Commission conducted a public hearing and thereafter recommended approval; and

**WHEREAS**, on April 12, 2022 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 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. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 7. 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 8. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

Approved on first reading the 12<sup>th</sup> day of April, 2022.

PASSED, APPROVED AND ADOPTED on final reading the 26th day of April, 2022.

\_\_\_\_\_  
Ralph Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
Brenda, Dennis, City Secretary  
(CITY SEAL)

# Exhibit A

---

## **Sec. 21.9.9. Tree Preservation and Mitigation.**

### **A. *Purpose and Intent.***

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

### **B. *Applicability and Exemptions.***

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



- a. Protected Class Trees located within the area of a proposed on-site sewage facility (OSSF) (A waiver to mitigation for Heritage Class trees may be requested) ;
- b. Protected Class and Heritage Class Trees located within a right-of-way to be dedicated to and maintained by the City and shown on the City's Master Thoroughfare Plan;
- c. Protected Class Trees located within any utility easement, Heritage Class Trees located within any utility easement are exempt from preservation requirements only (A waiver to mitigation for Heritage Class trees may be requested);
- d. Protected Class and Heritage Class trees damaged or destroyed by floods, fire, wind or other natural causes;
- e. Dangerous, diseased, damaged, dead or dying Protected Class or Heritage Class trees as determined by a tree survey and a letter from a certified Texas Arborist; provided, notwithstanding the title of this section; and
- f. Protected Class trees from the Undesirable Trees list in UDC Table 21.9.7F. (A waiver to mitigation for Heritage Class trees may be requested)
- g. Protected Class and Heritage Class trees located on property that has an existing one family or two-family dwelling that is occupied.
- h. Protected Class and Heritage Class trees of the following exempted tree species:

Table 21.9.9 Exempted Trees	
Common Name	Scientific Name
Hackberry	Celtis occidentalis
Eastern Red Cedar	Juniperus virginiana
Common Ashe Juniper	Juniperis ashei
Chinaberry	Melia azedarach
Mesquite	Prosopis spp.
Ligustrum	Ligustrum spp.

- C. *Tree Preservation.* The existing natural landscape character, especially native oaks, elms, and pecan trees, shall be preserved to the maximum extent reasonable and feasible. Except as otherwise exempted in section 21.9.9.B.3. above, a tree removal permit is required for the removal of any tree with a DBH greater than eight inches.
- 1. *Protected Trees.* Any Protected Trees not exempt from preservation in section B.3. above may be removed upon approval of a Tree Removal Permit by the Director of Parks, Recreation and Community Services Any decision of the Director of Parks, Recreation and Community Services regarding a tree removal permit may be appealed to the Planning and Zoning Commission in accordance with section 21.4.14 of this UDC.
  - 2. *Heritage Trees.* Any Heritage Trees to be removed may be removed upon approval of a Tree Removal Permit by the Director of Parks, Recreation and Community Services. Any decision by the Director of Parks, Recreation and Community Services regarding a tree removal permit may be appealed to the Planning and Zoning Commission in accordance with section 21.4.14 of this UDC. All Heritage Trees shall be required to meet the mitigation requirements of this section.
  - 3. *Minimum Preservation.* In the development of any site, at least twenty-five percent (25%) of all mitigatable Protected Class and Heritage Class trees must be preserved. (A waiver to the 25% preservation requirement may be requested)

---

D. *Tree Mitigation.* Any trees that are removed or damaged as a result of the approval of a Tree Removal Permit shall be mitigated for on the same site as the proposed development. The species of trees planted for mitigation purposes may not include those listed as exempt in subsection 21.9.9.B.3. above nor any of the undesirable trees identified in table 21.9.7F. All trees planted for mitigation purposes must be a species of shade tree identified in table 21.9.7.A. In the event that mitigation is not feasible on the same site as the proposed development, an applicant may request to donate trees, meeting the mitigation requirements of this section, to be planted at public parks, schools, or other approved public facilities throughout the City or provide a fee-in-lieu of payment which will be used to place trees at public parks, schools, or other approved public facilities throughout the City. Tree mitigation funds may also be utilized to install irrigation, to repair or remove damaged or destroyed trees, to preserve and protect existing Protected Class and Heritage Class trees and to purchase equipment for the preservation or protection of existing trees. Mitigation requirements are:

1. *Protected Class Trees.* Protected trees shall be mitigated at a one-to-one (1:1) DBH inch ratio for every tree removed. Replacement trees shall have a minimum DBH of two and one half inches (2.5").
2. *Heritage Class Trees.* Heritage Class trees shall be mitigated at a three-to-one (3:1) DBH inch ratio for every tree removed. Replacement trees shall have a minimum DBH of two and one half inches (2.5").
3. *Damaged Trees.* Any trees that are designated for preservation and are damaged during the construction process or that die within two (2) years of issuance of a certificate of occupancy shall be mitigated for in accordance with subsection 21.9.9.D.1. and D.2. above.
4. *Mitigated Trees.* Trees planted and counted towards the necessary mitigation requirements that are damaged after planting or that die within two (2) years of issuance of a certificate of occupancy shall be mitigated for at a one-to-one (1:1) DBH inch ratio for every tree damaged or that dies.
5. The amount of tree mitigation per acre is capped at 100 inches per acre. For properties where the trees are generally clustered, staff has the discretion to define the acreage of the property as an area extending 20' beyond the tree canopy of the cluster in determining the acreage.

E. *Tree Protection Standards.*

1. All trees to be preserved on site shall be protected from damage caused by site excavation or construction in accordance with the following:
  - a. All trees shall be protected by a fence, frame or box constructed around the drip line of the preserved tree. Protection measures may not be removed until construction is complete.
  - b. A minimum of three inches (3") of mulch or compost shall be spread beneath the drip line of the preserved tree.
  - c. No person shall excavate any ditches, tunnels, or trenches, place any paving material or place any drive or parking area within the drip line of any Protected Class or Heritage Class Tree without prior written approval of the City Manager or his/her designee at the time of Site Plan approval.
  - d. No person shall attach any rope, wire, nails, advertising posters or other contrivance to any Protected Class or Heritage Class Tree.
2. It is the intent of the City to control and prevent the spread of Oak Wilt.
  - a. If any oak tree is wounded by intentional damage or pruning or as a result of natural causes, the damaged area shall be immediately treated with tree wound dressing.
  - b. All necessary and reasonable efforts shall be given during the permitted removal of any trees to utilize best known practices to prevent the spread of Oak Wilt disease to any other surrounding trees.

- 
- F. *Tree Preservation Credits—Nonresidential and Multifamily Developments.* To encourage the preservation of existing Protected Class or Heritage Class Trees contained within a proposed development, tree preservation credits may be requested to reduce the amount of new trees required on nonresidential and multifamily sites. Tree preservation credits can be issued for landscape buffer requirements when the tree being preserved is located within the buffer. Tree preservation credits can be issued to satisfy total trees per acre requirements of UDC Sec.21.9.7.E.2. The following minimum tree preservation credits may be requested:
1. Protected Class Trees shall receive a credit against the minimum required landscaping or mitigation standards at a one-to-one (1:1) caliper inch ratio;
  2. Heritage Class Trees shall receive a credit against the minimum required landscaping or mitigation standards at a three-to-one (3:1) caliper inch ratio;
- G. *Tree Survey Required.* Every application for a final plat for residential development or Site Plan for nonresidential and multifamily development shall be accompanied by a tree survey that includes the following information:
1. total number of DBH caliper inches of Protected Class and Heritage Class on the site;
  2. total number of DBH caliper inches of Protected Class and Heritage Class to be removed; and
  3. total number of DBH caliper inches of Protected Class and Heritage Class to be preserved.
- H. *Tree Removal Permit.* A tree removal permit is required for the removal of any Protected Class or Heritage Class trees not exempt in section 21.9.9.B.2. above. The permit must be accompanied by an appropriate application and shall contain a tree preservation plan showing the following:
1. existing/proposed topography;
  2. location of property lines, easement, rights-of-ways, setbacks, parking areas and sidewalks;
  3. location, species and size (in DBH) of each Protected Class and Heritage Class Tree, except those trees exempted by section 21.9.9.B.2.f. above;
  4. a tree inventory that summarizes the following:
    - a. total number of DBH caliper inches on the site;
    - b. total number of DBH caliper inches to be removed;
    - c. total number of DBH caliper inches to be preserved;
    - d. location of any proposed tree mitigation;
    - e. any proposed tree preservation credits; and
  5. a summary of the tree protection methods to be utilized.
- I. *Waiver.*
1. *General.* The City Manager or his/her designee may authorize waivers from the provisions of this Article when, in their opinion, undue hardship will result from requiring strict compliance. Waivers may be granted only to items specifically stated in this section. Waivers must meet one of the following eligibility requirements:
    - a. The tree is proposed for removal in order for the property to achieve compliance with other applicable City requirements and standards (i.e. site design or storm water management); or
    - b. The tree is proposed for removal because it is within a future public utility location.
  2. *Criteria for approval.* Waivers shall be evaluated using the following criteria:

- 
- a. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees or windbreaks;
  - b. The requested waiver does not violate the intent of this section or the UDC;
  - c. Strict interpretation of the provisions of the section would deprive the applicant of rights commonly enjoyed by other nearby properties in the same zoning district or with the same land use that would comply with the same provisions;
  - d. A reasonable effort to preserve the tree has been made and reasonable alternatives have been evaluated and determined to not be feasible.
3. Any decision of the City Manager or his/her designee regarding waivers to the provisions of this section may be appealed to the Planning and Zoning Commission. When considering an appeal, the Planning and Zoning Commission shall consider the same standards as the City Manager or his/her designee as outlined above.

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

---

## Sec. 21.9.9. Tree Preservation and Mitigation.

### A. *Purpose and Intent.*

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

### B. *Applicability and Exemptions.*

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

- a. Protected Class Trees located within the area of a proposed on-site sewage facility (OSSF) (A waiver to mitigation for Heritage Class trees may be requested) ;
- b. Protected Class and Heritage Class Trees located within a right-of-way to be dedicated to and maintained by the City and shown on the City's Master Thoroughfare Plan;
- c. Protected Class Trees located within any utility easement, Heritage Class Trees located within any utility easement are exempt from preservation requirements only (A waiver to mitigation for Heritage Class trees may be requested);
- d. Protected Class and Heritage Class trees damaged or destroyed by floods, fire, wind or other natural causes;
- e. Dangerous, diseased, damaged, dead or dying Protected Class or Heritage Class trees as determined by a tree survey and a letter from a certified Texas Arborist; provided, notwithstanding the title of this section; and
- f. Protected Class trees from the Undesirable Trees list in UDC Table 21.9.7F. (A waiver to mitigation for Heritage Class trees may be requested)
- g. Protected Class and Heritage Class trees located on property that has an existing one family or two-family dwelling that is occupied.
- h. Protected Class and Heritage Class trees of the following exempted tree species:

Table 21.9.9 Exempted Trees	
Common Name	Scientific Name
Hackberry	Celtis occidentalis
Eastern Red Cedar	Juniperus virginiana
Common Ashe Juniper	Juniperis ashei
Chinaberry	Melia azedarach
Mesquite	Prosopis spp.
Ligustrum	Ligustrum spp.

- C. *Tree Preservation.* The existing natural landscape character, especially native oaks, elms, and pecan trees, shall be preserved to the maximum extent reasonable and feasible. Except as otherwise exempted in section 21.9.9.B.3. above, a tree removal permit is required for the removal of any tree with a DBH greater than eight inches.
  1. *Protected Trees.* Any Protected Trees not exempt from preservation in section B.3. above may be removed upon approval of a Tree Removal Permit by the Director of Parks, Recreation and Community Services Any decision of the Director of Parks, Recreation and Community Services regarding a tree removal permit may be appealed to the Planning and Zoning Commission in accordance with section 21.4.14 of this UDC.
  2. *Heritage Trees.* Any Heritage Trees to be removed may be removed upon approval of a Tree Removal Permit by the Director of Parks, Recreation and Community Services. Any decision by the Director of Parks, Recreation and Community Services regarding a tree removal permit may be appealed to the Planning and Zoning Commission in accordance with section 21.4.14 of this UDC. All Heritage Trees shall be required to meet the mitigation requirements of this section.
  3. *Minimum Preservation.* In the development of any site, at least twenty-five percent (25%) of all mitigatable Protected Class and Heritage Class trees must be preserved. (A waiver to the 25% preservation requirement may be requested)

---

D. *Tree Mitigation.* Any trees that are removed or damaged as a result of the approval of a Tree Removal Permit shall be mitigated for on the same site as the proposed development. The species of trees planted for mitigation purposes may not include those listed as exempt in subsection 21.9.9.B.3. above nor any of the undesirable trees identified in table 21.9.7F. All trees planted for mitigation purposes must be a species of shade tree identified in table 21.9.7.A. In the event that mitigation is not feasible on the same site as the proposed development, an applicant may request to donate trees, meeting the mitigation requirements of this section, to be planted at public parks, schools, or other approved public facilities throughout the City or provide a fee-in-lieu of payment which will be used to place trees at public parks, schools, or other approved public facilities throughout the City. Tree mitigation funds may also be utilized to install irrigation, to repair or remove damaged or destroyed trees, to preserve and protect existing Protected Class and Heritage Class trees and to purchase equipment for the preservation or protection of existing trees. Mitigation requirements are:

1. *Protected Class Trees.* Protected trees shall be mitigated at a one-to-one (1:1) DBH inch ratio for every tree removed. Replacement trees shall have a minimum DBH of two and one half inches (2.5").
2. *Heritage Class Trees.* Heritage Class trees shall be mitigated at a three-to-one (3:1) DBH inch ratio for every tree removed. Replacement trees shall have a minimum DBH of two and one half inches (2.5").
3. *Damaged Trees.* Any trees that are designated for preservation and are damaged during the construction process or that die within two (2) years of issuance of a certificate of occupancy shall be mitigated for in accordance with subsection 21.9.9.D.1. and D.2. above.
4. *Mitigated Trees.* Trees planted and counted towards the necessary mitigation requirements that are damaged after planting or that die within two (2) years of issuance of a certificate of occupancy shall be mitigated for at a one-to-one (1:1) DBH inch ratio for every tree damaged or that dies.

5. The amount of tree mitigation per acre is capped at 100 inches per acre. For properties where the trees are generally clustered, staff has the discretion to define the acreage of the property as an area extending 20' beyond the tree canopy of the cluster in determining the acreage.

E. *Tree Protection Standards.*

1. All trees to be preserved on site shall be protected from damage caused by site excavation or construction in accordance with the following:
  - a. All trees shall be protected by a fence, frame or box constructed around the drip line of the preserved tree. Protection measures may not be removed until construction is complete.
  - b. A minimum of three inches (3") of mulch or compost shall be spread beneath the drip line of the preserved tree.
  - c. No person shall excavate any ditches, tunnels, or trenches, place any paving material or place any drive or parking area within the drip line of any Protected Class or Heritage Class Tree without prior written approval of the City Manager or his/her designee at the time of Site Plan approval.
  - d. No person shall attach any rope, wire, nails, advertising posters or other contrivance to any Protected Class or Heritage Class Tree.
2. It is the intent of the City to control and prevent the spread of Oak Wilt.
  - a. If any oak tree is wounded by intentional damage or pruning or as a result of natural causes, the damaged area shall be immediately treated with tree wound dressing.
  - b. All necessary and reasonable efforts shall be given during the permitted removal of any trees to utilize best known practices to prevent the spread of Oak Wilt disease to any other surrounding trees.

- 
- F. *Tree Preservation Credits—Nonresidential and Multifamily Developments.* To encourage the preservation of existing Protected Class or Heritage Class Trees contained within a proposed development, tree preservation credits may be requested to reduce the amount of new trees required on nonresidential and multifamily sites. Tree preservation credits can be issued for landscape buffer requirements when the tree being preserved is located within the buffer. Tree preservation credits can be issued to satisfy total trees per acre requirements of UDC Sec.21.9.7.E.2. The following minimum tree preservation credits may be requested:
1. Protected Class Trees shall receive a credit against the minimum required landscaping or mitigation standards at a one-to-one (1:1) caliper inch ratio;
  2. Heritage Class Trees shall receive a credit against the minimum required landscaping or mitigation standards at a three-to-one (3:1) caliper inch ratio;
- G. *Tree Survey Required.* Every application for a final plat for residential development or Site Plan for nonresidential and multifamily development shall be accompanied by a tree survey that includes the following information:
1. total number of DBH caliper inches of Protected Class and Heritage Class on the site;
  2. total number of DBH caliper inches of Protected Class and Heritage Class to be removed; and
  3. total number of DBH caliper inches of Protected Class and Heritage Class to be preserved.
- H. *Tree Removal Permit.* A tree removal permit is required for the removal of any Protected Class or Heritage Class trees not exempt in section 21.9.9.B.2. above. The permit must be accompanied by an appropriate application and shall contain a tree preservation plan showing the following:
1. existing/proposed topography;
  2. location of property lines, easement, rights-of-ways, setbacks, parking areas and sidewalks;
  3. location, species and size (in DBH) of each Protected Class and Heritage Class Tree, except those trees exempted by section 21.9.9.B.2.f. above;
  4. a tree inventory that summarizes the following:
    - a. total number of DBH caliper inches on the site;
    - b. total number of DBH caliper inches to be removed;
    - c. total number of DBH caliper inches to be preserved;
    - d. location of any proposed tree mitigation;
    - e. any proposed tree preservation credits; and
  5. a summary of the tree protection methods to be utilized.
- I. *Waiver.*
1. *General.* The City Manager or his/her designee may authorize waivers from the provisions of this Article when, in their opinion, undue hardship will result from requiring strict compliance. Waivers may be granted only to items specifically stated in this section. Waivers must meet one of the following eligibility requirements:
    - a. The tree is proposed for removal in order for the property to achieve compliance with other applicable City requirements and standards (i.e. site design or storm water management); or
    - b. The tree is proposed for removal because it is within a future public utility location.
  2. *Criteria for approval.* Waivers shall be evaluated using the following criteria:



- 
- a. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees or windbreaks;
  - b. The requested waiver does not violate the intent of this section or the UDC;
  - c. Strict interpretation of the provisions of the section would deprive the applicant of rights commonly enjoyed by other nearby properties in the same zoning district or with the same land use that would comply with the same provisions;
  - d. A reasonable effort to preserve the tree has been made and reasonable alternatives have been evaluated and determined to not be feasible.
3. Any decision of the City Manager or his/her designee regarding waivers to the provisions of this section may be appealed to the Planning and Zoning Commission. When considering an appeal, the Planning and Zoning Commission shall consider the same standards as the City Manager or his/her designee as outlined above.

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

CITY COUNCIL MEMORANDUM

**City Council Meeting:** April 26, 2022  
**Department:** Executive Team  
**Subject:** Ordinance No. 22-S-19 - Consideration and/or action on amendments to Part III, Schertz Code of Ordinances, Unified Development Code (UDC), to Article 4 subsection 21.4.5 Post Decision Procedures, Article 5 subsection 21.5.2 Zoning Districts Established and 21.5.5 Statement of Purpose and Intent for Residential Districts, Article 8 subsection 21.8.9 Outdoor Display and Storage, Article 9 subsection 21.9.10 Park and Open Space Dedication Requirements and Article 10 subsection 21.10.2 Parking Standards General Provisions and 21.10.4 Parking Standards Schedule of Offstreet Parking. *Final Reading* (B. James/M. Browne)

---

**BACKGROUND**

At the April 12, 2022 City Council meeting, there was discussion about the changes to the residential zoning districts to allow R-6 and R-7 zoning and the density and lot size mix of in Planned Development Districts that utilize these districts. Based on the Council recommendation, Staff has removed the proposed amendments to Article 5 from the draft ordinance. As such, Staff is recommending only changing the following sections:

Staff is proposing to amend Section 21.4.5 Post- Decision procedures, section B. The section currently limits the ability of applicants to resubmit an application that has been denied to no sooner than six months after the date of denial. The amendment stipulates that limitation does not apply if the full board or commission that was seated was not present. This change was prompted by some recent denials at BOA where a lack of board members created a situation where a unanimous recommendation for approval was needed. This seems unfair to the applicants and as such a change was proposed.

As part of the design standards for residential development the parking section is being amended to require two parking spaces per mailbox kiosk which must be covered, but these can be provided in the right-of-way as long as additional paving is provided so as not to be in the lane of traffic. Staff is amending the parkland dedication section to stipulate the requirements for private open space in residential subdivisions if a City park is not being provided. The curvilinear street requirement is being added to the public works design manual.

In an effort to deal with the parking problem on Main Street that is occurring as a result of vehicles being parked on unpaved areas due to some temporary or short term issue and to deal with the excessive cars associated with auto repair uses being parked on the street, staff is proposing two related changes. The first is to allow temporary parking, of up to six months on an unpaved area. This would not push vehicles and trailers onto the street during construction on a site or in unique situations created by the pandemic, such as shortages of vehicle parts. The second change is to not allow parking associated with an auto repair and service business that is located on Main Street to occur in the street. Businesses need to appropriately size their business - property, buildings, staffing to handle the volume of business they anticipate and not rely on the public right-of-way for vehicle storage as this creates a safety issue and negatively impacts other properties. Staff is recommending amending Section 21.10.2 General Provisions to add a subsection L that stipulates that parking and storage of vehicles associated with

automobile repair and services businesses on Main Street cannot occur in the street. Staff is also recommending that section 21.8.9 Outdoor Display and Storage, subsection 4 be amended to add an additional subsection D to allow staff to issue permits for businesses to park vehicles on an unpaved area for up to six months.  
Staff will revisit the residential changes.

**GOAL**

Update the City's UDC to better support the goals and objectives of the City's Comprehensive Plan.

**COMMUNITY BENEFIT**

Provides for high quality development meeting the goals of the City's Comprehensive Plan.

**SUMMARY OF RECOMMENDED ACTION**

Approval of Ordinance 22-S-19 Amending the UDC.

At the March 23, 2022 meeting, the Planning and Zoning Commission voted 7 to 0 to recommend approval of these amendments. At the April 12, 2022 Council meeting, Council recommended approval of proposed ordinance except Article 5.

**FISCAL IMPACT**

None

**RECOMMENDATION**

Approval of Ordinance 22-S-19.

---

---

**Attachments**

Parking Redline

Post Decision Procedures Redline

Outdoor Display and Storage Redline

Park and Open Space Redline

Ord 22 S 19

---

---

## ARTICLE 10. PARKING STANDARDS

### Sec. 21.10.1. Purpose.

The purpose of this Article is to establish the number of required off-street vehicular parking spaces so as to provide for the needs of occupants, customers, visitors or others involved in the use or occupancy of any building or structure, to eliminate the undue use of the surface street system for parking purposes, to require allocation of sufficient off-street/on-site loading facilities by business and industry which ensures that the loading and unloading of vehicles will not interfere with traffic flow or block roadways and/or fire lanes, to promote and protect the public health, safety, comfort, convenience and general welfare, and to grant and define the administrative powers and duties necessary to enforce this Article.

### Sec. 21.10.2. General provisions.

- A. Required off-street parking in residential districts shall be provided on the same site, lot or tract as the main use for which the parking is provided.
- B. Required off-street parking in nonresidential districts may be located on the same site, lot or tract as the main use for which the parking is provided or on a site, lot or tract located within the same zoning district and within 150 feet of the main use.
- C. If specific requirements for off-street parking result in a fraction of a parking space, the next larger whole number of spaces is required.
- D. Whenever a building or use constructed or established after the effective date of this UDC is changed or enlarged in floor area, number of dwelling units, seating capacity or otherwise, to create a need for an increase in the minimum number of required parking spaces, such spaces shall be provided to accommodate the enlargement or change.
- E. All driveways and all required off-street parking spaces shall be on a paved concrete or asphalt surface. All drive approaches shall be of paved concrete.
- F. Parking spaces provided within a public right-of-way shall not be counted as meeting the minimum requirements of this Article.
- G. In the event of the construction of a phased development, the minimum number of parking spaces provided shall apply to each phase as it is developed.
- H. In computing the parking requirements for any building or development with multiple uses, the total parking requirements shall be the sum of the specific parking requirements for each individual use included in the building or development.
- I. *Residential curb cuts.*
  - 1. *Straight driveways.* Curb cuts for residential driveway aprons shall be not less than ten feet (10') in width, and not more than twelve feet (12') in width for a single driveway apron nor more than twenty-four feet (24') in width for a double driveway apron. Curb cuts will be permitted only for driveway aprons providing access to a garage, carport or hardstand. Not more than one curb cut will be permitted for each residential parcel of land except as follows for circular driveways.

2. *Circular driveways.* Circular driveways are allowed for lots with a minimum of one hundred feet (100') of frontage. Circular driveways shall have a maximum of two sixteen-foot curb cuts with a minimum of thirty feet (30') between each cut.
- J. Detached accessory, ancillary or storage structures in commercial and manufacturing districts shall not be located in a manner that decreases the minimum number of parking spaces required.
- K. Areas intended for outdoor displays and general outdoor storage shall not be allowed in designated off-street parking areas or fire lanes and shall not be located in a manner that decreases the minimum number of parking spaces required.
- L. *Parking and storage, including vehicles awaiting repair, employee, customers and vendors, for automobile repairs and service located on Main Street, cannot occur in the public right-of-way.*

### Sec. 21.10.3. Size of space.

- A. Each standard off-street surface parking space shall measure not less than ten feet by 20 feet, exclusive of access drives and aisles, and shall be of usable shape and condition.
- B. *Wheel stops.* Wheel stops shall be required for all areas of head-in parking adjacent to a landscaped area required in section 21.9.7. Wheel stops shall be designed so that the overhang of vehicles is contained totally within the parking space. If wheel stops are not provided at locations where vehicles extend over the sidewalk areas, a minimum of five feet (5') of free walking area, exclusive of vehicle over hang, width must be provided.
- C. Each parking space designed for parallel parking shall have a minimum dimension of eight feet by twenty-two feet (8' x 22').
- D. Each standard parking space located in a parking garage shall measure not less than ten feet by eighteen feet (10' x 18'), exclusive of access drives or aisles.
- E. *Handicap accessible parking.*
  1. The number and size of the handicap parking spaces required must follow the Federal Americans with Disabilities Act and Texas Accessibility Standards. The number of handicap parking spaces required is based on the total number of spaces provided. Accessible spaces for cars must have at least a sixty inch (60") wide access aisle located adjacent to the designated parking space. Van parking spaces need to have a wider access aisle of ninety-six inches (96") to accommodate a wheelchair lift and vertical clearance to accommodate van height.

<b>Table 21.10.3 Minimum Number of Handicap Accessible Parking Spaces</b>	
Total number of parking spaces provided (per lot)	Total minimum number of accessible parking spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total parking provided in lot
1,001 and over	20 plus 1 for each 100 over 1,000

2. *Location.*

- a. Accessible parking spaces must be located on the shortest accessible route of travel to an accessible facility entrance. Where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces must be dispersed and located closest to the accessible entrances and at the most level ground close to the accessible entrance.
  - b. An accessible route must always be provided from the accessible parking to the accessible entrance. An accessible route never has curbs or stairs, must be at least three feet (3') wide, and has a firm, stable, slip-resistant surface. The slope along the accessible route should not be greater than 1:12 in the direction of travel.
  - c. Accessible parking spaces may be clustered in one or more lots if equivalent or greater accessibility is provided in terms of distance from the accessible entrance, parking fees, and convenience. Van-accessible parking spaces located in parking garages may be clustered on one floor (to accommodate the ninety-eight inch (98") minimum vertical height requirement).
3. *Signage.* A sign with the international symbol of accessibility must be mounted in accordance with applicable state and federal laws to see marking each disabled parking space. Van accessible spaces must have a sign with "van accessible" on it in addition to the international symbol of accessibility.

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

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

<b>Table 21.10.4 Schedule of Off-Street Parking Requirements</b>	
Use Type	Parking Requirement
Amusement, Commercial (Indoor)	1 space for each 200 square feet of gross floor area
Amusement, Commercial (Outdoor)	1 space per 500 square feet of outdoor site area plus 1 space per each 4 fixed spectator seats
Assisted Care, Living Facility, Care Facility	1 parking space for each 2 beds
Bank, Savings And Loan, Or Other Financial Institution	1 space for each 250 square feet of gross floor area
Bar Or Night Club	1 space for each 50 square feet of gross floor area
Bed And Breakfast	1 space for each guest room plus 1 space per employee
Bowling Alley	5 parking spaces for each lane
Car Wash	1 space for each 200 Square feet of floor area
Day Care Center	1 space per 250 square feet of gross floor area
Fitness Center/Gym	1 space for each 250 square feet of gross floor area
Convenience Store/Gas Station	1 space for each 250 square feet of gross floor area. Spaces provided for fueling at the pump stations shall not be considered parking spaces.
Group Home	4 spaces
Hospital	1 parking space for each bed
Hotel Or Motel	1 space for each sleeping room or suite plus 1 space for every 200 square feet of common area not designated as sleeping rooms
Lodging Houses And Boarding Houses	1 parking space for each bedroom

Manufacturing, Processing Or Repairing	1 space for each 2 employees or 1 space for each 1,000 square feet of total floor area, whichever is greater
Medical Or Dental Clinic	1 space for each 200 square feet of total floor area
Mini-warehouse/Public Storage	1 space for each 300 square feet of office floor area plus 1 space for each 3,000 square feet of storage area
Mortuary/Funeral Home	1 parking space for each 50 square feet of floor space in service rooms or 1 space for each 3 seats, whichever is less based on maximum design capacity)
Multifamily, Duplex, Two-Family, Condominium Or Other Similar Use	1.5 spaces per 1 bedroom unit 2 spaces per 2 bedroom unit 2.5 spaces per 3+ bedroom unit Plus additional guest parking provided at a ratio of 5% of required spaces
Nursery	1 space per 300 square feet of total sales area Wholesale nursery: 1 parking space per employee of the largest work shift, plus 1 space per 10,000 square feet of display area and 1 space per acre of growing areas
Offices	1 space for each 250 square feet of gross floor area
Outdoor Facilities (Outdoor Recreational Fields i.e. Football, Soccer, etc.)	20 spaces per designated field or 1 per 4 person design capacity
Public Use	Parking shall be provided at a ratio approved by City staff based on a parking study provided by the applicant
Residence Halls, Fraternity Buildings And Sorority Buildings	1 space per person capacity of permanent sleeping facilities
<u>Residential Subdivision Mailbox Kiosk</u>	<u>2 spaces – these may be in the right-of-way but not in the traffic lane – an expansion of the road surface is required and the kiosk must be covered to provide shelter for people using the kiosk.</u>
Restaurants	1 parking space for each 100 square feet of gross floor area, or 1 space for each 4 seats, whichever is less (based on maximum design capacity)
Retail Sales And Service	1 space for each 250 square feet of gross floor area
School, High School, Vocational, All Other Schools	Parking shall be provided at a ratio approved by City staff based on a parking study provided by the applicant that shall include vehicle stacking requirements
Single Family Attached And Detached Dwelling Units	2 parking spaces per dwelling unit
Theaters, Auditoriums, Churches, Assembly Halls, Sports Arenas, Stadiums, Conference Center, Convention Center, Dance Hall, Exhibition Halls, Or Other Place Of Public Assembly	1 space for each 4 seats or 1 space for every 100 square feet of gross floor area, whichever is less (based on maximum design capacity)
Automobile Sales Or Rental	1 space for each 3,000 square feet of sales area (open and enclosed) devoted to the sale, display or rental of vehicles
Automobile Service, Repair, Garage	1 space for each 200 square feet of total floor area
Warehouse	1 space for each 1,000 square feet of total floor area

Created: 2021-11-05 10:19:10 [EST]

---

B. *New and Unlisted Uses.* When a proposed land use is not classified in this section or a single use which have varying parking needs depending on the function of that specific single use, an applicant may submit a parking ratio based on best/current planning and transportation practices.

1. A best/current parking ratio application should include the following:

- a. An application shall fully cite the sources used to derive the applicant-submitted parking ratio, possible resources include parking standards material from the Institute of Transportation Engineers (ITE) or the American Planning Association (APA).
- b. The City Manager or his/her designee shall review the applicant submitted parking ratio to confirm best/current planning practices for a use.
- c. The City Manager or his/her designee shall approve, modify, or deny the applicant submitted parking ratio.

2. Parking ratio determination where no application is submitted

- a. If the applicant does not submit a parking ratio, then the City Manager or his/her designee shall determine the parking ratio based on the best/current planning and transportation practices.

C. *Mixed uses.* In the event that several users occupy a single structure, or parcels of land, the total requirements for off street parking shall be the sum of the requirements for the several uses computed separately unless it can be shown that the peak parking demands are offset, for example with retail and residential, or theater and office uses. In such case the City Manager or his/her designee may reduce the total requirements accordingly, but not more than twenty-five percent (25%).

D. *Joint use of facilities.* Required parking facilities of two (2) or more uses, structures, or parcels of land may be satisfied by the same parking facility used jointly, to the extent that it can be shown by the owners or operators that the need for the facilities does not materially overlap and provided that such right of joint use is evidenced by a deed, lease, contract, or similar written instrument establishing the joint use.

E. *Properties zoned main street mixed-use.* Properties zoned Main Street Mixed-Use shall only be required to provide two (2) on-site parking spaces but must still provide the minimum required number of handicapped spaces on site.

(Ord. No. 14-S-47 , § 5, 11-18-2014; Ord. No. 16-S-27 , § 7, 8-30-2016; Ord. No. 18-S-03 , § 1(Exh. A), 1-23-2018)

#### **Sec. 21.10.5. Striping.**

- A. All parking lots shall be striped in a manner that will clearly delineate parking spaces, fire lanes and pedestrian crosswalks.
- B. Directional arrows shall be provided in all drive lanes and driveways.

#### **Sec. 21.10.6. Shared access and cross lot access easements.**

Notwithstanding any other provisions of this UDC, unless otherwise approved by the City, to reduce the number of curb cuts and access driveways, the dedication of joint-use, private access driveway easements and cross lot access easements shall be required for all commercial development.



---

**Sec. 21.10.7. Stacking requirement for drive-through facilities.**

- A. A stacking space shall be an area on a site measuring eight feet by twenty feet (8' x 20') with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area.
- B. All stacking spaces shall be located entirely within the lot and shall be outside of any right-of-way, fire lane or similar access.
- C. For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five stacking spaces.
- D. For each service window of a drive-through restaurant, a minimum of seven stacking spaces shall be provided.
- E. For kiosks, a minimum of three (3) stacking spaces for each service window shall be provided.

**Sec. 21.10.8. Off-Street loading/unloading requirements.**

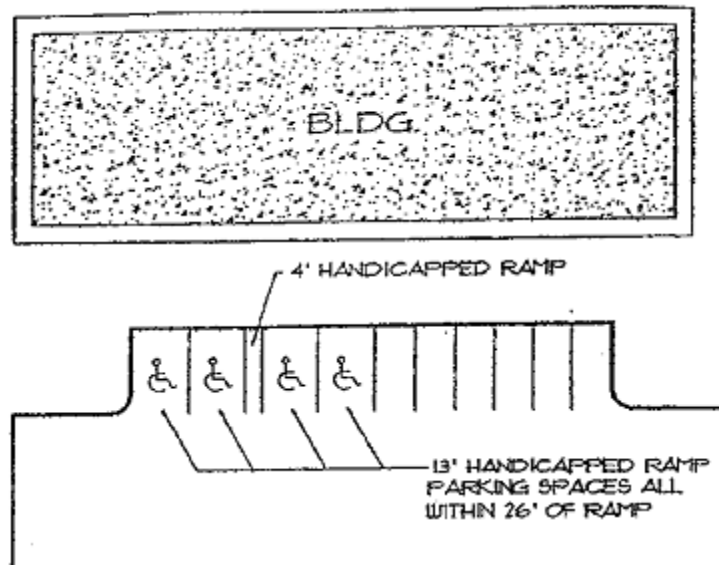
All retail, commercial, industrial and service structures shall provide and maintain off-street facilities for receiving and loading merchandise, supplies and materials within a building or on the lot or tract. All public schools shall provide adequate stacking for vehicles based on a parking study approved by City Staff. Such off-street loading space may be adjacent to a public alley or private service drive or may consist of a truck berth within the structure. Such off-street loading space or truck berth shall consist of a minimum area of ten feet (10') by forty feet (40') and the spaces or berths shall be provided in accordance with the following schedule:

<b>Table 21.10.8 Off-Street Loading Requirements</b>	
Square Feet of Gross Floor Area in Structure	Minimum Required Spaces or Berths
0—5,000	None
5,000—15,000	1
15,000—50,000	2
50,000—100,000	3
100,000—150,000	4
Each Additional 50,000 over 150,000	1

(Ord. No. 16-S-27 , § 8, 8-30-2016)

**Sec. 21.10.9. Additional regulations and illustrations.**

- A. *Handicapped ramps.*

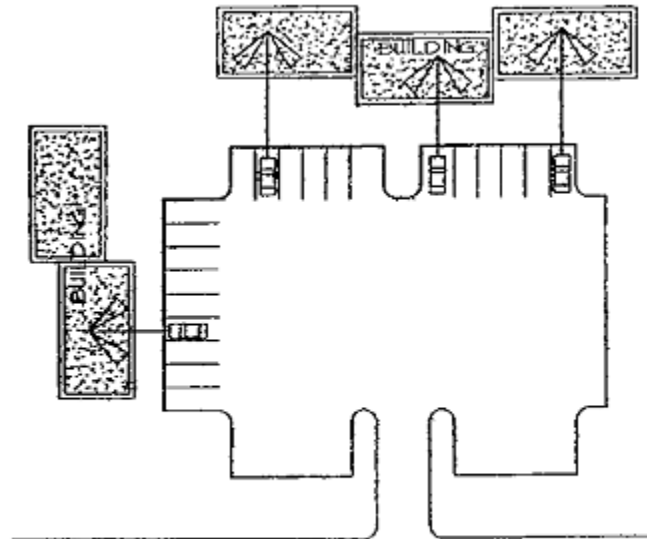


### HANDICAPPED RAMPS: within 26' of Parking Spaces

The location of handicapped parking spaces should be:

1. as close as possible to principal handicapped accessible entrance(s);
2. Dispersed in a multi-building development or shopping center to ensure easy access and to minimize the travel distance for the handicapped.

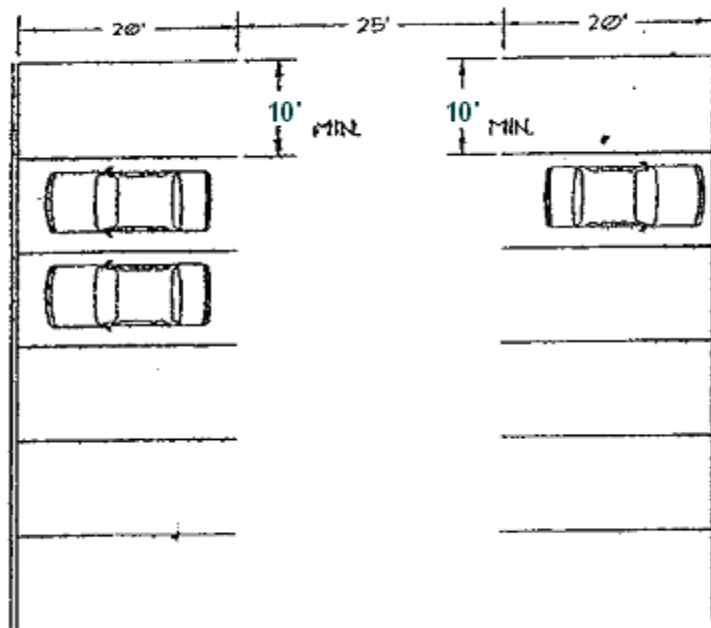
#### B. *Handicapped parking space dispersal.*



### HANDICAPPED PARKING SPACE DISPERSAL

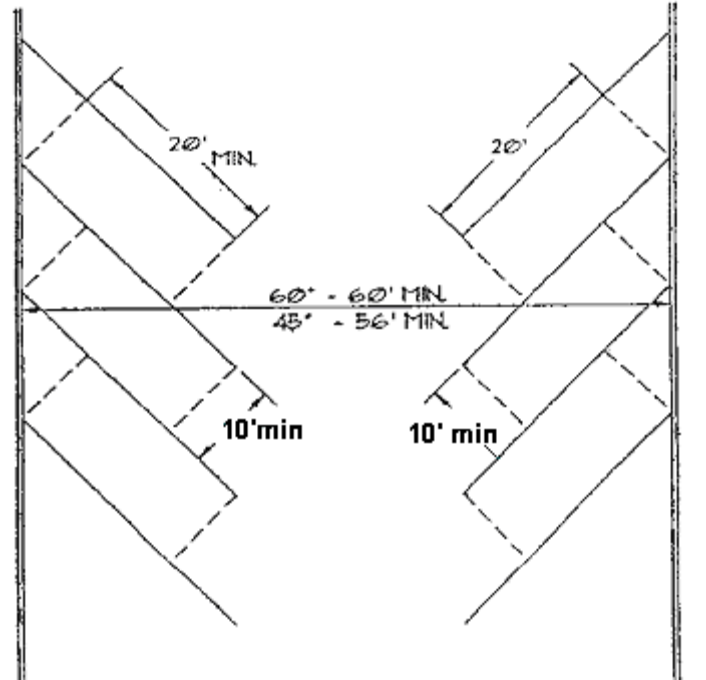
#### C. *90° parking dimensions.*

## 90° PARKING DIMENSIONS

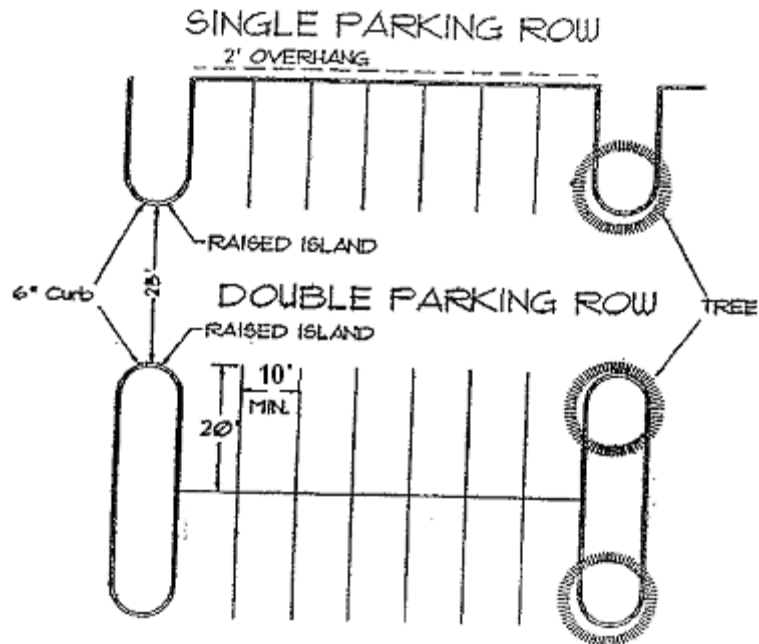


D. Angle parking dimensions.

## ANGLE PARKING DIMENSIONS

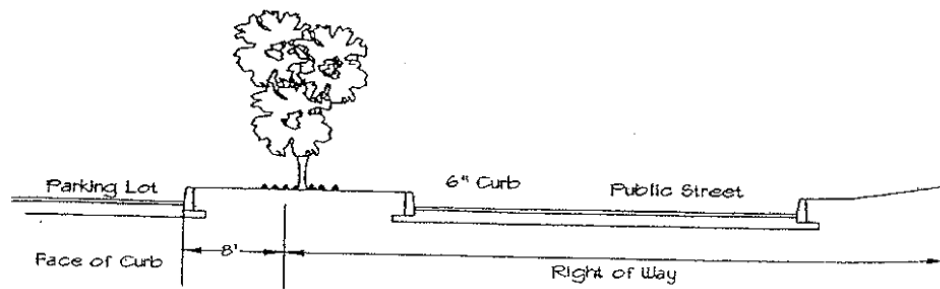


E. Drive aisle dimensions.

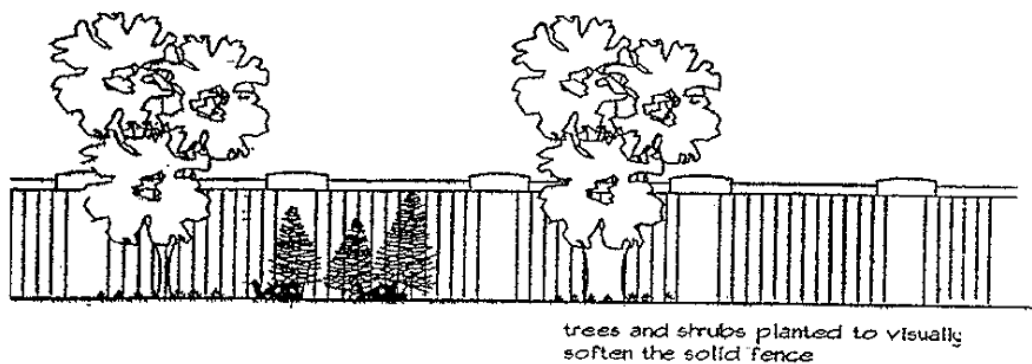


NOTES: Maximum of 20 spaces between islands on peripheral row  
Maximum of 15 spaces between islands on interior row

F. Separation of right-of way and parking areas.



G. Landscaping and fencing.



---

#### **Sec. 21.4.5. Post-Decision Procedures.**

- A. *Notification Required.* Within ten (10) business days following final action on any Development Application, the appropriate City department shall provide written notification to the applicant of the decision of the Board, Commission, Committee or the City Council considering the request. If an application has been denied, the notification should include the reasons for denial as well as any information relating to reapplication procedures for the appropriate application.
- B. *Reapplication Following Denial.* Whenever any Development Application, with the exception of any plat application, is denied, a Development Application for all or a part of the same property shall not be accepted for filing for a period of six (6) months after the date of denial unless the subsequent application involves a proposal that is substantially different from the previously denied proposal or if the initial denial was considered by less than 100% of the members who could have been seated. For the purpose of this section, a request may be considered substantially different if the change is to a different zoning classification, there is a change in conditions relating to zoning principles of the property or surrounding properties or there is a change in the nature of the development of the property or surrounding properties. The City Manager or his/her designee shall resolve any questions concerning the similarity of the reapplication. The final decision-maker may, at its option, waive the six (6) month waiting period if, after due consideration of the matter at a scheduled and posted meeting, it is determined that denial of the request was based upon erroneous or omitted information, or if substantial new information pertaining to the request is discovered.
- C. *Amendments and Revisions to Approved Application.* Unless otherwise expressly provided by this UDC, any request to amend or revise an approved Development Application shall be considered a new application, which must be decided in accordance with the procedures governing the original application and the standards in effect at the time such new application is filed with the City.
- D. *Amendments Required.* Whenever a subsequent Development Application differs substantially from a previously approved Development Application to which the subsequent application must conform, the applicant shall submit an amended Development Application for the initial Development Application, which shall be decided prior to the subsequent application. The applicant's failure to comply with this section shall result in denial of the subsequent application

---

### Sec. 21.8.9. Outdoor Display and Storage.

- A. Outdoor display and temporary outdoor storage shall be allowed in Non-residential Districts in accordance with this section. Any merchandise, material or equipment situated outdoors in Non-residential Districts shall be subject to the requirements of this section. For the purpose of this section, outdoor storage and display shall be classified into two (2) categories enumerated as shown below.

Table 21.8.9 Permitted Outdoor Display and Storage				
Category	OP	NS	GB and PUB	GB-2, M-1 and M-2
Outdoor Display and Temporary Outdoor Storage	-	P	P	P
General Outdoor Storage	-	-	-	P

(P) = Use is permitted in district indicated

(-) = Use is prohibited in district indicated

B. *Categories of outdoor storage and display.*

1. *Outdoor Display and Temporary Outdoor Storage.* Outdoor display and temporary outdoor storage are displays of items actively for sale or lease that are lightweight and that individually can be easily moved without a mechanical lifting device.
  - a. Outdoor display and temporary outdoor storage of goods in individual packaging and not in storage containers which are associated with the primary business on the site may be allowed adjacent to a front principal building wall and may not extend into the public right-of-way. Such storage shall not be permitted to block windows, entrances or exits, and shall not impair the ability of pedestrians to use the building.
  - b. Areas intended for outdoor display must be paved and painted to distinguish them from required off-street parking areas. No outdoor displays shall be allowed in off-street parking areas or fire lanes.
2. *General Outdoor Storage.*
  - a. General outdoor storage consists of all remaining forms of outdoor storage not classified as outdoor display including items of a large size, mass or volume and that are not easily moved or carried such as used tires, railroad ties, discarded inventory, storage pallets, shipping containers, temporary portable storage facilities/containers and semi trailers not attached to a truck.
  - b. General outdoor storage is prohibited within the public right-of-way or fire lane.
  - c. General outdoor storage shall not be allowed in off-street parking spaces.
  - d. General outdoor storage items shall not exceed a maximum of 20 feet (20') in height.
  - e. General outdoor storage items shall be completely enclosed or shall be moved to the rear of the structure, but in no event shall general outdoor storage items be visible from public right-of-way.
3. *Outdoor Display and Storage Requirements.*
  - a. All outdoor display and storage areas must be clearly shown on the Site Plan submitted for the property.

- 
- b. Unless specifically authorized elsewhere in the City's ordinances, all outdoor display and storage areas shall be located outside the public right-of-way.

4. *Exceptions.*

- a. Vehicles for sale as part of a properly permitted vehicle sales use (including boats and manufactured housing) shall not be considered merchandise, material or equipment subject to the restrictions of this section.
- b. Such vehicles must be located and displayed on a paved vehicle use area and clearly indicated on the Site Plan.
- c. Flea markets, open air markets, farmer's markets with a permanent Certificate of Occupancy for such use are not subject to the restrictions of this section.
- d. Vehicles awaiting repair, food trucks and trailers associated with a business may apply for a permit to allow parking on an unpaved area for a period not to exceed six months during construction or unique circumstances.
  - 1) The City Manager or his/her designee shall receive applications, documentation and issue permits for the temporary parking on an unpaved areas during construction or other unique circumstances such as parts shortages as the result of a pandemic.

C. *Effective Dates.*

1. *Temporary Limited Non-Conforming Use.* Outdoor displays or outdoor storage (temporary or general) described in subsection 21.8.9.B. located on a site on April 30, 2010; in compliance with the provisions of this UDC as in effect on April 12, 2010; and in good working order and actively being used for its intended display or storage purpose on April 30, 2010 may remain in the same location on such site, notwithstanding the provisions of subsection 21.8.9.B. until the earliest to occur of the following:
  - a. the removal of such display or storage from its precise location on April 30, 2010; or
  - b. the failure of the property owner or lessee or the owner of such display or storage to operate or use such display or storage in the manner intended and in effect on April 30, 2010 for a period of three (3) consecutive business days; or
  - c. the reduction in height of any such display or storage that would be governed by subsection 21.8.9.B.2.d. to less than 20 feet (20'); or
  - d. the destruction or damage of such display or storage to the extent of twenty-five (25%) or more of its area or value; or
  - e. *December 31, 2013.* During such period, the property owner or lessee or the owner of such display or storage may perform minor repair or maintenance of such display or storage and may replace any unit of such display offered for sale or lease that is sold or leased with a like unit offered for sale or lease but shall not substitute other types of items for sale or lease in such display, and shall not replace, enlarge or substitute storage facilities or storage areas that do not comply with subsection 21.8.9.B. In all events, none of such displays or storage shall be in a condition of disrepair or non-operation.
2. *Other Outdoor Displays or Outdoor Storage.* Outdoor displays and outdoor storage not described in subsection 21.8.9.C.1. shall be in compliance with the provisions of subsection 21.8.9.B. on and after May 1, 2010. Outdoor displays and outdoor storage described in subsection 21.8.9.C.1. shall be discontinued within thirty (30) days after the earliest to occur of the condition described in subsections 21.8.9.C.1.a.—e.

Sec. 21.9.10. - Park and Open Space Dedication Requirements.

A. *Purpose.*

1. The purpose of this section is to provide for the adequate provision of parkland and open space to meet the needs of a growing City population; for improvements to existing parkland; for establishment, maintenance and operation of a Parkland Dedication Fund; establish requirements and procedures for governing required dedications of parkland or improvements to existing parkland by subdividers of land; and for cash payments-in-lieu of land by subdividers of land in certain cases.
2. It is hereby declared by the City Council that recreational areas in the form of parks and open spaces are necessary and for the public welfare and that the only adequate procedure to provide for parkland and park improvements is by integrating such a requirement into the procedure for planning and developing property or subdivisions in the City, whether such development consists of new residential construction on vacant land or the addition of new dwelling units on existing residential land. It is the policy of the City to require subdividers of residential subdivisions and lots to provide for parkland and park facilities at the time of development approval in proportion to the need for such improvements created by the developments and in proportion to the benefits received from contribution of such facilities.

B. *Applicability.* The parkland dedication and park development requirements of this section shall be applicable to every residential subdivision developed under the provisions of this UDC, whether such subdivision consists of new residential construction on vacant land or the addition of new dwelling units on existing residential land, within the City limits or the City's ETJ.

C. *Submittal Requirements.*

1. Prior to Submittal of a Subdivision Master Plan or Preliminary Plat, a General Parks Plan shall be submitted and shall contain, at a minimum, the following information:
  - a. location and size of any proposed parks to be dedicated to the public or to be retained as private parkland;
  - b. a statement of the suitability of the parkland in meeting the criteria in subsection H. of this section;
  - c. a general park development plan including any proposed improvements; and
  - d. a phasing plan.
2. Prior to submittal of a Final Plat, a Detailed Parks Plan shall be submitted and shall contain, at a minimum, the following information:
  - a. location and size of the proposed park;
  - b. a statement of the suitability of the parkland in meeting the criteria in subsection H. of this section; and
  - c. a detailed plan of any proposed improvements, including cost.
3. The Director of Parks, Recreation and Community Services shall review the General Parks Plan and make a recommendation to the Planning and Zoning Commission prior to approval of a Subdivision Master Plan or Preliminary Plat. Recommendations should be based upon the Comprehensive Land Plan and/or the Parks and Open Space Master Plan as adopted by the City, and the standards and provisions contained herein regarding the amount and location of park land and fees-in-lieu of park land dedication.
4. All parkland to be dedicated to the City shall meet the suitability requirements of section 21.9.10.H.

D. *Parkland Dedication Requirements.*

1. *Land Dedication.* A final plat establishing a residential (including multifamily) subdivision or commercial or manufacturing district either within the City or within the ETJ of the City shall



contain the dedication of an area of land for park purposes meeting the requirements set out in this section, or a notation signed by the Director of Parks, Recreation and Community Services of receipt of an approved cash payment-in-lieu of land. The subdivider of a residential (including multifamily) subdivision or commercial or manufacturing district shall dedicate to the City developed parkland in the amount as established within the fee schedule adopted by the City Council. A proposed plat submitted for approval must:

- a. show the location and dimensions of the area proposed to be dedicated for parkland;
  - b. show the number of dwelling units to be located within the proposed residential subdivision (whether single or multi-family units) or LUEs in a commercial or manufacturing district;
  - c. tell whether all or any part of the property to be dedicated as a park is located in a special flood hazard area, as such areas are defined in this UDC; and
  - d. show the proposed streets and utilities to serve the parcel to be dedicated as parkland.
2. *Development of Areas Smaller Than Five (5) Acres.* The development of park areas smaller than five (5) acres for public park purposes is deemed to be impractical. If fewer than five (5) acres are proposed to be created by a plat, then prior to filing the plat, the subdivider shall be required to pay to the City the applicable cash payment-in-lieu of land. No plat showing a dedication of less than five (5) acres for a public park shall be approved by the Planning and Zoning Commission. While dedication of parkland to the City in an amount less than five (5) acres is deemed impractical, it is the City's policy to encourage the development of private parkland in accordance with subsection I below and provide credit for development of these private parklands accordingly.
  3. *Dedication Procedures.* The owner of property for a residential subdivision shall be required at final plat approval to dedicate parkland. Dedication of parkland shall be evidenced by a formal dedication on the plat to be recorded. The land so dedicated and conveyed shall not be subject to any reservations of record, encumbrances of any kind, or easements, which in the opinion of the City will interfere with or materially increase the cost of making such land available for parks or recreational purposes.
  4. *Development of Subdivision in Phases.* If a subdivision is to be developed in phases and the final platting of the park area to be dedicated is to be included in a future phase, then the subdivider shall be required to provide a notation on the plat which acknowledges that dedication of parkland to serve said subdivision will occur with the platting of future phases.
  5. *Right to Accept/Reject Land.* If the City determines that sufficient park area is already in the public domain within proximity of the proposed development, or if the recreation needs for the area would be better served by expanding or improving existing parks, the City has the right to accept the dedication or to refuse same and require a cash payment-in-lieu of land.
  6. *Compliance with Parks and Open Space Master Plan.* The City has adopted a Parks and Open Space Master Plan which outlines the necessity for parkland dedication and the types of improvements deemed appropriate for the City. The dedication and development of any parkland and the expenditure of any fees-in-lieu of dedication or development shall be in accordance with the Parks and Open Space Master Plan of the City.

E. *Fee-in-Lieu of Land Dedication Requirements.*

1. *Right to Request Waiver of Dedication Requirements.* A subdivider obligated to make a dedication of land may request the City waive the required dedication of land, in whole or in part, and to accept a cash payment-in-lieu of land dedication. Any request for a waiver to the land dedication requirements shall be subject to review and recommendation by the Parks and Recreation Advisory Board and final approval by the Planning and Zoning Commission.
2. *Required Fee-in-Lieu of Land Dedication.* Any subdivider who is required to make a cash payment-in-lieu of land dedication or who is granted a waiver in accordance with section 21.9.10.1. above, shall make a cash payment-in-lieu of land in accordance with this section. The amount of such cash payment-in-lieu of land shall be calculated by multiplying the number of dwelling units proposed to be established by the plat times the amount per dwelling unit as

established in the fee schedule set from time to time by the City Council. A cash payment-in-lieu of land shall be made prior to the recordation of the final plat.

- F. *Parkland Improvement Agreement.* The property owner or applicant may request to defer the obligation to dedicate parklands and/or develop parklands until after a final plat recordation. The request shall be submitted in writing and specify what is requested for deferral. Deferral of the obligation to dedicate parkland and/or develop parklands shall be conditioned on execution of an Improvement Agreement and provision of sufficient security, pursuant to Section 21.4.15.F, Improvement Agreements. The City Manager or his/her designee may approve or deny the request to defer obligations to dedicate parkland dedication and/or develop parklands.

G. *Park Development.*

1. A subdivider who elects to dedicate parkland in accordance with section 21.9.10.D. above shall improve all dedicated public parkland with improvements approved by the Parks and Recreation Advisory Board and the City Parks and Recreation Department. Design, specification, and construction of the improvements shall be subject to review and approval by the City. Construction of the improvements must be completed within one (1) year of the approval of the final plat of the subdivision. No final plat shall be recorded for any subdivision in which completion of the required improvements has not been accepted by the City; however, in the event that a subdivider requests that a final plat be approved prior to completion of the required improvements, surety for construction of improvements may be provided in the same manner as required of other subdivision- and site-related construction.
2. In-lieu of constructing the improvements required in section 21.9.10.F.1. above, the subdivider may elect to make a cash payment-in-lieu of construction to the City to meet the City's current or future recreational needs. If a developer who has dedicated land in accordance with section 21.9.10.D. above elects to make a fee-in-lieu of payment for park development, the City shall utilize those funds for improvement of parkland within the subdivision in which the funds are collected. In the event there are remaining funds after development of said parkland, the City may utilize the remaining funds to complete improvements in any public park within the City.
3. If the subdivider elects to pay fees-in-lieu of parkland dedication in accordance with section 21.9.10.E. above, then the subdivider shall make a cash payment-in-lieu of construction to the City for the required improvements in addition to the fees paid-in-lieu of dedication. Cash payments made in accordance with this paragraph may be utilized to complete improvements in any public park within the City.
4. Cash payments-in-lieu of required improvements shall be calculated by multiplying the number of dwelling units times the price per dwelling unit as established in the fee schedule set from time to time by the City Council.

H. *Parkland Dedication Fund.*

1. *Special Fund.* The City shall reserve all fee-in-lieu of payments and any accrued interest from the fee-in-lieu of parkland dedication or fee-in-lieu of parkland development in a separate account from the general funds of the City. This fund shall be known as the Parkland Dedication Fund.
2. *Deposit/Expenditure of Parkland Dedication Fund.* The City shall deposit sums collected as cash payments-in-lieu of land and cash payments-in-lieu of improvements in the Parkland Dedication Fund. The City shall expend such funds collected for the acquisition of land or for the improvement of existing parks on a first in, first out basis.
3. *Records and Method of Expenditure.* The City shall maintain records detailing the receipts and expenditures for the Parkland Dedication Fund. All funds deposited as credit for fee-in-lieu of parkland dedication may be utilized for the acquisition and/or development of parkland within the City. All funds collected as fee-in-lieu of parkland development shall be utilized for the development of parkland in accordance with section 21.9.10.F. above.

I. *Parkland Design Criteria.*

1. *Location.* Any land to be dedicated to meet the requirements of this section shall be reasonably located and adaptable for use as parkland and/or recreation facility, consistent with the most recent edition of the Comprehensive Land Plan and/or Parks and Open Space Master Plan as adopted by the City Council.
2. *Land Suitability.* The Parks and Recreation Advisory Board shall make recommendations to the Planning and Zoning Commission regarding the suitability of proposed park land. The location, access, size, shape, topography, natural drainage, utilities, parking facilities, and wooded areas and other vegetative cover of the parcel or tract of land to be dedicated shall be appropriate for public parks and recreation purposes. All such park land shall be designated and located so as to satisfy the requirements of this section.
3. *Usable Land.* At least fifty percent (50%) of proposed parkland dedication site shall be level, well drained and suitable for open play. Such land shall be located outside of any one hundred (100) year floodplain or any other special flood zone identified on the most recently approve FEMA FIRM map and shall not exceed five percent (5%) slope.
4. *Access.* Access to parkland designated on a subdivision plat shall be provided by the dedication of at least 200 feet of street frontage in a manner satisfactory to the City, preferably at the corner of two (2) intersecting streets. When the land abutting the designated parkland is developed, the subdivider of such abutting land shall furnish and pay for all paving of all abutting street frontage.
5. *Utilities.* Potable water and wastewater connections shall be readily available at the park site with water and wastewater lines located along the street frontage. The applicant must demonstrate to the satisfaction of the City that sufficient living unit equivalents that are not otherwise committed to other property are available to serve the park within these water and wastewater lines.
6. *Drainage Improvements.* Any detention ponds and/or other drainage facilities to be constructed in areas that are to be dedicated as parkland must be designed and constructed to also allow for recreational use. The subdivider may be required to demonstrate that the design, placement and construction of such ponds meet the requirements of the City.
7. *Floodplain.* The following standards shall apply to all land proposed for dedication or parkland which is located in a FEMA designated floodplain or other special flood hazard area.
  - a. *Amount of Credit.* Every acre of proposed dedicated parkland located within the floodplain or other special flood hazard area shall count as one-half ( $\frac{1}{2}$ ) acre of land towards the total parkland dedication requirement.
  - b. *Criteria for Parkland.* Floodplain areas will be considered for eligibility as land to be dedicated based on the following criteria:
    - i. The floodplain area is easily accessible and has adequate street frontage.
    - ii. There has been minimal alteration of the natural character of the waterway and the floodplain area. Some improvements are necessary for City access and maintenance.
    - iii. In no case will floodplain areas be accepted which are less than one hundred feet (100') in width.
    - iv. The area's configuration and topography is suitable for the placement of low impact facilities such as playgrounds, picnic facilities and open play fields.
8. *Disturbed Area.* Any disturbed parkland shall be restored and the soil stabilized by a vegetative cover by the subdivider.
9. *Disclosures.* Prior to dedication of parkland, the subdivider shall make full disclosure of the presence of any hazardous substances and/or underground storage tanks (USTs) of which the subdivider has knowledge. The City, at its discretion, may proceed to conduct such initial environmental tests and surveys on the land as it may deem appropriate, and the subdivider shall grant to the City and its agents and employees such reasonable access to the land as is necessary to conduct such surveys and tests. If the results of such surveys and tests indicate a reasonable possibility of environmental contamination or the presence of USTs, the City may

require further survey and tests to be performed at the subdivider's expense as the City may deem necessary prior to its acceptance of the dedication, or in the alternative, the subdivider may be required to identify alternative property or pay the fees-in-lieu of such parkland dedication.

10. *Trash and Debris.* The park site shall be free of trash and debris. If the condition of the dedicated parkland is disturbed during construction of subdivision improvements then the subdivider shall be responsible for returning the dedicated land to its previous condition prior to or at the time of final plat filing. The public improvements to be constructed per the applicable subdivision plat will not be accepted by the City until such time that the above conditions have been met.
11. *Areas not Meeting the Minimum Requirements.* In the event that areas proposed for dedication do not meet the grade, slope, or other requirements for parkland dedication found in this section, but are known to contain sensitive environmental features, the City may, at its discretion and after review by the Parks and Recreation Advisory Board, modify the standards of this section subject to the following limitations:
  - a. that such areas shall provide recreational or educational opportunities for the surrounding community in-lieu of parkland dedication;
  - b. that such areas shall be given a partial credit against the requirement of land dedication and/or payment of fees; and
  - c. that such areas shall meet any additional standards deemed necessary by the Planning and Zoning Commission after a recommendation by the Parks and Recreation Advisory Board, pertaining to the dedication of land containing sensitive environmental features.

J. *Private Parks.*

1. *Private Parkland Required.* It is the intent of the City to provide for adequate areas of parkland within every subdivision as deemed practical by the City. All residential subdivisions developed after the effective date of this UDC that do not dedicate land in accordance with Paragraph D above, shall be required to dedicate an area as private parkland or open space. The amount of parkland dedicated and amenities provided shall be approved by the Parks and Recreation Advisory Board, but shall generally be as follows:
  - a. 435.6 square feet of private open space (which equates to one acre per 100 lots) for the first 200 single family residential lots
  - b. 217.8 square feet of private open space (which equates to one-half acre per lot) for every additional single family residential lot over 200 lot.
  - c. Private open space shall not be significantly encumbered by utility easements and may not be located within drainage easements.
  - d. open space being provided must generally be at least one-half acre in size.
  - e. open space shall be located so as to be easily accessible by lots within the subdivision.
2. *Credit for Private Parkland.* Up to fifty percent (50%) in area of a subdivision's total parkland dedication requirement may be satisfied through the dedication of a private park within the subdivision. Up to fifty percent (50%) of the parkland development fee may be satisfied through the development of a private park within the subdivision.
3. *Maintenance of Private Parks.* The subdivider must submit a condominium declaration, homeowner's agreement or similar document which establishes the private ownership and maintenance responsibility of any private park areas together with a mechanism for funding the maintenance of the park established to meet the requirements of this section. In addition, a plat note must be included on the preliminary plat and final plat stating the ownership and maintenance responsibility of all private park areas.
4. *Requirement of Continued Use.* A restrictive covenant shall be recorded at the time of the recording of the plat, which covenant shall run with the land subdivided. The covenant shall

restrict use of private parks and facilities to park and recreational purposes and must be submitted for approval by the City prior to final plat acceptance.

5. *Security for Performance.* The City may require financial assurances from the subdivider that the private park will be developed and completed, with assurances that a failure by the subdivider to timely complete the improvements to the park shall result in dedication of the private park to the City and the proceeds of the financial assurances as offered become the property of the City for use in completing the park.

(Ord. No. [17-S-41](#), § 1(Exh. A), 10-24-2017)

## **ORDINANCE NO. 22-S-19**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS TO AMENDING PART III, SCHERTZ CODE OF ORDINANCES, THE UNIFIED DEVELOPMENT CODE (UDC) ARTICLE 4, SUBSECTION 21.4.5 POST DECISION PROCEDURES, ARTICLE 8 SUBSECTION 21.8.9 OUTDOOR DISPLAY AND STORAGE, ARTICLE 9 SUBSECTION 21.9.10 PARK AND OPEN SPACE DEDICATION REQUIREMENTS AND ARTICLE 10 SUBSECTIONS 21.10.2 PARKING STANDARDS GENERAL PROVISIONS AND 21.10.4 PARKING STANDARDS SCHEDULE OF OFFSTREET PARKING REQUIREMENTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, pursuant to Ordinance No. 10-S-06, the City of Schertz, Texas (the "City") adopted as 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 update to, and reorganization of, the current UDC;

**WHEREAS**, on March 23, 2022, the Planning and Zoning Commission conducted a public hearing and thereafter recommended approval;and

**WHEREAS**, on April 12, 2022 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 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. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 7. 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 8. This Ordinance shall be effective upon the date official adoption hereof and any publication required by law.

Approved on first reading the 12<sup>th</sup> day of April, 2022.

PASSED, APPROVED AND ADOPTED on final reading the 26th day of April, 2022.

---

Ralph Gutierrez, Mayor

ATTEST:

---

Brenda, Dennis, City Secretary  
(CITY SEAL)

# Exhibit A



---

#### **Sec. 21.4.5. Post-Decision Procedures.**

- A. ***Notification Required.*** Within ten (10) business days following final action on any Development Application, the appropriate City department shall provide written notification to the applicant of the decision of the Board, Commission, Committee or the City Council considering the request. If an application has been denied, the notification should include the reasons for denial as well as any information relating to reapplication procedures for the appropriate application.
- B. ***Reapplication Following Denial.*** Whenever any Development Application, with the exception of any plat application, is denied, a Development Application for all or a part of the same property shall not be accepted for filing for a period of six (6) months after the date of denial unless the subsequent application involves a proposal that is substantially different from the previously denied proposal or if the initial denial was considered by less than 100% of the members who could have been seated. For the purpose of this section, a request may be considered substantially different if the change is to a different zoning classification, there is a change in conditions relating to zoning principles of the property or surrounding properties or there is a change in the nature of the development of the property or surrounding properties. The City Manager or his/her designee shall resolve any questions concerning the similarity of the reapplication. The final decision-maker may, at its option, waive the six (6) month waiting period if, after due consideration of the matter at a scheduled and posted meeting, it is determined that denial of the request was based upon erroneous or omitted information, or if substantial new information pertaining to the request is discovered.
- C. ***Amendments and Revisions to Approved Application.*** Unless otherwise expressly provided by this UDC, any request to amend or revise an approved Development Application shall be considered a new application, which must be decided in accordance with the procedures governing the original application and the standards in effect at the time such new application is filed with the City.
- D. ***Amendments Required.*** Whenever a subsequent Development Application differs substantially from a previously approved Development Application to which the subsequent application must conform, the applicant shall submit an amended Development Application for the initial Development Application, which shall be decided prior to the subsequent application. The applicant's failure to comply with this section shall result in denial of the subsequent application

### Sec. 21.8.9. Outdoor Display and Storage.

- A. Outdoor display and temporary outdoor storage shall be allowed in Non-residential Districts in accordance with this section. Any merchandise, material or equipment situated outdoors in Non-residential Districts shall be subject to the requirements of this section. For the purpose of this section, outdoor storage and display shall be classified into two (2) categories enumerated as shown below.

Table 21.8.9 Permitted Outdoor Display and Storage				
Category	OP	NS	GB and PUB	GB-2, M-1 and M-2
Outdoor Display and Temporary Outdoor Storage	-	P	P	P
General Outdoor Storage	-	-	-	P

(P) = Use is permitted in district indicated

(-) = Use is prohibited in district indicated

B. *Categories of outdoor storage and display.*

1. *Outdoor Display and Temporary Outdoor Storage.* Outdoor display and temporary outdoor storage are displays of items actively for sale or lease that are lightweight and that individually can be easily moved without a mechanical lifting device.
  - a. Outdoor display and temporary outdoor storage of goods in individual packaging and not in storage containers which are associated with the primary business on the site may be allowed adjacent to a front principal building wall and may not extend into the public right-of-way. Such storage shall not be permitted to block windows, entrances or exits, and shall not impair the ability of pedestrians to use the building.
  - b. Areas intended for outdoor display must be paved and painted to distinguish them from required off-street parking areas. No outdoor displays shall be allowed in off-street parking areas or fire lanes.
2. *General Outdoor Storage.*
  - a. General outdoor storage consists of all remaining forms of outdoor storage not classified as outdoor display including items of a large size, mass or volume and that are not easily moved or carried such as used tires, railroad ties, discarded inventory, storage pallets, shipping containers, temporary portable storage facilities/containers and semi trailers not attached to a truck.
  - b. General outdoor storage is prohibited within the public right-of-way or fire lane.
  - c. General outdoor storage shall not be allowed in off-street parking spaces.
  - d. General outdoor storage items shall not exceed a maximum of 20 feet (20') in height.
  - e. General outdoor storage items shall be completely enclosed or shall be moved to the rear of the structure, but in no event shall general outdoor storage items be visible from public right-of-way.
3. *Outdoor Display and Storage Requirements.*
  - a. All outdoor display and storage areas must be clearly shown on the Site Plan submitted for the property.

- 
- b. Unless specifically authorized elsewhere in the City's ordinances, all outdoor display and storage areas shall be located outside the public right-of-way.

4. *Exceptions.*

- a. Vehicles for sale as part of a properly permitted vehicle sales use (including boats and manufactured housing) shall not be considered merchandise, material or equipment subject to the restrictions of this section.
- b. Such vehicles must be located and displayed on a paved vehicle use area and clearly indicated on the Site Plan.
- c. Flea markets, open air markets, farmer's markets with a permanent Certificate of Occupancy for such use are not subject to the restrictions of this section.
- d. Vehicles awaiting repair, food trucks and trailers associated with a business may apply for a permit to allow parking on an unpaved area for a period not to exceed six months during construction or unique circumstances.
  - 1) The City Manager or his/her designee shall receive applications, documentation and issue permits for the temporary parking on an unpaved areas during construction or other unique circumstances such as parts shortages as the result of a pandemic.

C. *Effective Dates.*

1. *Temporary Limited Non-Conforming Use.* Outdoor displays or outdoor storage (temporary or general) described in subsection 21.8.9.B. located on a site on April 30, 2010; in compliance with the provisions of this UDC as in effect on April 12, 2010; and in good working order and actively being used for its intended display or storage purpose on April 30, 2010 may remain in the same location on such site, notwithstanding the provisions of subsection 21.8.9.B. until the earliest to occur of the following:
  - a. the removal of such display or storage from its precise location on April 30, 2010; or
  - b. the failure of the property owner or lessee or the owner of such display or storage to operate or use such display or storage in the manner intended and in effect on April 30, 2010 for a period of three (3) consecutive business days; or
  - c. the reduction in height of any such display or storage that would be governed by subsection 21.8.9.B.2.d. to less than 20 feet (20'); or
  - d. the destruction or damage of such display or storage to the extent of twenty-five (25%) or more of its area or value; or
  - e. *December 31, 2013.* During such period, the property owner or lessee or the owner of such display or storage may perform minor repair or maintenance of such display or storage and may replace any unit of such display offered for sale or lease that is sold or leased with a like unit offered for sale or lease but shall not substitute other types of items for sale or lease in such display, and shall not replace, enlarge or substitute storage facilities or storage areas that do not comply with subsection 21.8.9.B. In all events, none of such displays or storage shall be in a condition of disrepair or non-operation.
2. *Other Outdoor Displays or Outdoor Storage.* Outdoor displays and outdoor storage not described in subsection 21.8.9.C.1. shall be in compliance with the provisions of subsection 21.8.9.B. on and after May 1, 2010. Outdoor displays and outdoor storage described in subsection 21.8.9.C.1. shall be discontinued within thirty (30) days after the earliest to occur of the condition described in subsections 21.8.9.C.1.a.—e.

Sec. 21.9.10. - Park and Open Space Dedication Requirements.

A. *Purpose.*

1. The purpose of this section is to provide for the adequate provision of parkland and open space to meet the needs of a growing City population; for improvements to existing parkland; for establishment, maintenance and operation of a Parkland Dedication Fund; establish requirements and procedures for governing required dedications of parkland or improvements to existing parkland by subdividers of land; and for cash payments-in-lieu of land by subdividers of land in certain cases.
2. It is hereby declared by the City Council that recreational areas in the form of parks and open spaces are necessary and for the public welfare and that the only adequate procedure to provide for parkland and park improvements is by integrating such a requirement into the procedure for planning and developing property or subdivisions in the City, whether such development consists of new residential construction on vacant land or the addition of new dwelling units on existing residential land. It is the policy of the City to require subdividers of residential subdivisions and lots to provide for parkland and park facilities at the time of development approval in proportion to the need for such improvements created by the developments and in proportion to the benefits received from contribution of such facilities.

B. *Applicability.* The parkland dedication and park development requirements of this section shall be applicable to every residential subdivision developed under the provisions of this UDC, whether such subdivision consists of new residential construction on vacant land or the addition of new dwelling units on existing residential land, within the City limits or the City's ETJ.

C. *Submittal Requirements.*

1. Prior to Submittal of a Subdivision Master Plan or Preliminary Plat, a General Parks Plan shall be submitted and shall contain, at a minimum, the following information:
  - a. location and size of any proposed parks to be dedicated to the public or to be retained as private parkland;
  - b. a statement of the suitability of the parkland in meeting the criteria in subsection H. of this section;
  - c. a general park development plan including any proposed improvements; and
  - d. a phasing plan.
2. Prior to submittal of a Final Plat, a Detailed Parks Plan shall be submitted and shall contain, at a minimum, the following information:
  - a. location and size of the proposed park;
  - b. a statement of the suitability of the parkland in meeting the criteria in subsection H. of this section; and
  - c. a detailed plan of any proposed improvements, including cost.
3. The Director of Parks, Recreation and Community Services shall review the General Parks Plan and make a recommendation to the Planning and Zoning Commission prior to approval of a Subdivision Master Plan or Preliminary Plat. Recommendations should be based upon the Comprehensive Land Plan and/or the Parks and Open Space Master Plan as adopted by the City, and the standards and provisions contained herein regarding the amount and location of park land and fees-in-lieu of park land dedication.
4. All parkland to be dedicated to the City shall meet the suitability requirements of section 21.9.10.H.

D. *Parkland Dedication Requirements.*

1. *Land Dedication.* A final plat establishing a residential (including multifamily) subdivision or commercial or manufacturing district either within the City or within the ETJ of the City shall

contain the dedication of an area of land for park purposes meeting the requirements set out in this section, or a notation signed by the Director of Parks, Recreation and Community Services of receipt of an approved cash payment-in-lieu of land. The subdivider of a residential (including multifamily) subdivision or commercial or manufacturing district shall dedicate to the City developed parkland in the amount as established within the fee schedule adopted by the City Council. A proposed plat submitted for approval must:

- a. show the location and dimensions of the area proposed to be dedicated for parkland;
  - b. show the number of dwelling units to be located within the proposed residential subdivision (whether single or multi-family units) or LUEs in a commercial or manufacturing district;
  - c. tell whether all or any part of the property to be dedicated as a park is located in a special flood hazard area, as such areas are defined in this UDC; and
  - d. show the proposed streets and utilities to serve the parcel to be dedicated as parkland.
2. *Development of Areas Smaller Than Five (5) Acres.* The development of park areas smaller than five (5) acres for public park purposes is deemed to be impractical. If fewer than five (5) acres are proposed to be created by a plat, then prior to filing the plat, the subdivider shall be required to pay to the City the applicable cash payment-in-lieu of land. No plat showing a dedication of less than five (5) acres for a public park shall be approved by the Planning and Zoning Commission. While dedication of parkland to the City in an amount less than five (5) acres is deemed impractical, it is the City's policy to encourage the development of private parkland in accordance with subsection 1 below and provide credit for development of these private parklands accordingly.
  3. *Dedication Procedures.* The owner of property for a residential subdivision shall be required at final plat approval to dedicate parkland. Dedication of parkland shall be evidenced by a formal dedication on the plat to be recorded. The land so dedicated and conveyed shall not be subject to any reservations of record, encumbrances of any kind, or easements, which in the opinion of the City will interfere with or materially increase the cost of making such land available for parks or recreational purposes.
  4. *Development of Subdivision in Phases.* If a subdivision is to be developed in phases and the final platting of the park area to be dedicated is to be included in a future phase, then the subdivider shall be required to provide a notation on the plat which acknowledges that dedication of parkland to serve said subdivision will occur with the platting of future phases.
  5. *Right to Accept/Reject Land.* If the City determines that sufficient park area is already in the public domain within proximity of the proposed development, or if the recreation needs for the area would be better served by expanding or improving existing parks, the City has the right to accept the dedication or to refuse same and require a cash payment-in-lieu of land.
  6. *Compliance with Parks and Open Space Master Plan.* The City has adopted a Parks and Open Space Master Plan which outlines the necessity for parkland dedication and the types of improvements deemed appropriate for the City. The dedication and development of any parkland and the expenditure of any fees-in-lieu of dedication or development shall be in accordance with the Parks and Open Space Master Plan of the City.
- E. *Fee-in-Lieu of Land Dedication Requirements.*
1. *Right to Request Waiver of Dedication Requirements.* A subdivider obligated to make a dedication of land may request the City waive the required dedication of land, in whole or in part, and to accept a cash payment-in-lieu of land dedication. Any request for a waiver to the land dedication requirements shall be subject to review and recommendation by the Parks and Recreation Advisory Board and final approval by the Planning and Zoning Commission.
  2. *Required Fee-in-Lieu of Land Dedication.* Any subdivider who is required to make a cash payment-in-lieu of land dedication or who is granted a waiver in accordance with section 21.9.10.1. above, shall make a cash payment-in-lieu of land in accordance with this section. The amount of such cash payment-in-lieu of land shall be calculated by multiplying the number of dwelling units proposed to be established by the plat times the amount per dwelling unit as

established in the fee schedule set from time to time by the City Council. A cash payment-in-lieu of land shall be made prior to the recordation of the final plat.

F. *Parkland Improvement Agreement.* The property owner or applicant may request to defer the obligation to dedicate parklands and/or develop parklands until after a final plat recordation. The request shall be submitted in writing and specify what is requested for deferral. Deferral of the obligation to dedicate parkland and/or develop parklands shall be conditioned on execution of an Improvement Agreement and provision of sufficient security, pursuant to Section 21.4.15.F, Improvement Agreements. The City Manager or his/her designee may approve or deny the request to defer obligations to dedicate parkland dedication and/or develop parklands.

G. *Park Development.*

1. A subdivider who elects to dedicate parkland in accordance with section 21.9.10.D. above shall improve all dedicated public parkland with improvements approved by the Parks and Recreation Advisory Board and the City Parks and Recreation Department. Design, specification, and construction of the improvements shall be subject to review and approval by the City. Construction of the improvements must be completed within one (1) year of the approval of the final plat of the subdivision. No final plat shall be recorded for any subdivision in which completion of the required improvements has not been accepted by the City; however, in the event that a subdivider requests that a final plat be approved prior to completion of the required improvements, surety for construction of improvements may be provided in the same manner as required of other subdivision- and site-related construction.
2. In-lieu of constructing the improvements required in section 21.9.10.F.1. above, the subdivider may elect to make a cash payment-in-lieu of construction to the City to meet the City's current or future recreational needs. If a developer who has dedicated land in accordance with section 21.9.10.D. above elects to make a fee-in-lieu of payment for park development, the City shall utilize those funds for improvement of parkland within the subdivision in which the funds are collected. In the event there are remaining funds after development of said parkland, the City may utilize the remaining funds to complete improvements in any public park within the City.
3. If the subdivider elects to pay fees-in-lieu of parkland dedication in accordance with section 21.9.10.E. above, then the subdivider shall make a cash payment-in-lieu of construction to the City for the required improvements in addition to the fees paid-in-lieu of dedication. Cash payments made in accordance with this paragraph may be utilized to complete improvements in any public park within the City.
4. Cash payments-in-lieu of required improvements shall be calculated by multiplying the number of dwelling units times the price per dwelling unit as established in the fee schedule set from time to time by the City Council.

H. *Parkland Dedication Fund.*

1. *Special Fund.* The City shall reserve all fee-in-lieu of payments and any accrued interest from the fee-in-lieu of parkland dedication or fee-in-lieu of parkland development in a separate account from the general funds of the City. This fund shall be known as the Parkland Dedication Fund.
2. *Deposit/Expenditure of Parkland Dedication Fund.* The City shall deposit sums collected as cash payments-in-lieu of land and cash payments-in-lieu of improvements in the Parkland Dedication Fund. The City shall expend such funds collected for the acquisition of land or for the improvement of existing parks on a first in, first out basis.
3. *Records and Method of Expenditure.* The City shall maintain records detailing the receipts and expenditures for the Parkland Dedication Fund. All funds deposited as credit for fee-in-lieu of parkland dedication may be utilized for the acquisition and/or development of parkland within the City. All funds collected as fee-in-lieu of parkland development shall be utilized for the development of parkland in accordance with section 21.9.10.F. above.

I. *Parkland Design Criteria.*

1. *Location.* Any land to be dedicated to meet the requirements of this section shall be reasonably located and adaptable for use as parkland and/or recreation facility, consistent with the most recent edition of the Comprehensive Land Plan and/or Parks and Open Space Master Plan as adopted by the City Council.
2. *Land Suitability.* The Parks and Recreation Advisory Board shall make recommendations to the Planning and Zoning Commission regarding the suitability of proposed park land. The location, access, size, shape, topography, natural drainage, utilities, parking facilities, and wooded areas and other vegetative cover of the parcel or tract of land to be dedicated shall be appropriate for public parks and recreation purposes. All such park land shall be designated and located so as to satisfy the requirements of this section.
3. *Usable Land.* At least fifty percent (50%) of proposed parkland dedication site shall be level, well drained and suitable for open play. Such land shall be located outside of any one hundred (100) year floodplain or any other special flood zone identified on the most recently approved FEMA FIRM map and shall not exceed five percent (5%) slope.
4. *Access.* Access to parkland designated on a subdivision plat shall be provided by the dedication of at least 200 feet of street frontage in a manner satisfactory to the City, preferably at the corner of two (2) intersecting streets. When the land abutting the designated parkland is developed, the subdivider of such abutting land shall furnish and pay for all paving of all abutting street frontage.
5. *Utilities.* Potable water and wastewater connections shall be readily available at the park site with water and wastewater lines located along the street frontage. The applicant must demonstrate to the satisfaction of the City that sufficient living unit equivalents that are not otherwise committed to other property are available to serve the park within these water and wastewater lines.
6. *Drainage Improvements.* Any detention ponds and/or other drainage facilities to be constructed in areas that are to be dedicated as parkland must be designed and constructed to also allow for recreational use. The subdivider may be required to demonstrate that the design, placement and construction of such ponds meet the requirements of the City.
7. *Floodplain.* The following standards shall apply to all land proposed for dedication or parkland which is located in a FEMA designated floodplain or other special flood hazard area.
  - a. *Amount of Credit.* Every acre of proposed dedicated parkland located within the floodplain or other special flood hazard area shall count as one-half ( $\frac{1}{2}$ ) acre of land towards the total parkland dedication requirement.
  - b. *Criteria for Parkland.* Floodplain areas will be considered for eligibility as land to be dedicated based on the following criteria:
    - i. The floodplain area is easily accessible and has adequate street frontage.
    - ii. There has been minimal alteration of the natural character of the waterway and the floodplain area. Some improvements are necessary for City access and maintenance.
    - iii. In no case will floodplain areas be accepted which are less than one hundred feet (100') in width.
    - iv. The area's configuration and topography is suitable for the placement of low impact facilities such as playgrounds, picnic facilities and open play fields.
8. *Disturbed Area.* Any disturbed parkland shall be restored and the soil stabilized by a vegetative cover by the subdivider.
9. *Disclosures.* Prior to dedication of parkland, the subdivider shall make full disclosure of the presence of any hazardous substances and/or underground storage tanks (USTs) of which the subdivider has knowledge. The City, at its discretion, may proceed to conduct such initial environmental tests and surveys on the land as it may deem appropriate, and the subdivider shall grant to the City and its agents and employees such reasonable access to the land as is necessary to conduct such surveys and tests. If the results of such surveys and tests indicate a reasonable possibility of environmental contamination or the presence of USTs, the City may

require further survey and tests to be performed at the subdivider's expense as the City may deem necessary prior to its acceptance of the dedication, or in the alternative, the subdivider may be required to identify alternative property or pay the fees-in-lieu of such parkland dedication.

10. *Trash and Debris.* The park site shall be free of trash and debris. If the condition of the dedicated parkland is disturbed during construction of subdivision improvements then the subdivider shall be responsible for returning the dedicated land to its previous condition prior to or at the time of final plat filing. The public improvements to be constructed per the applicable subdivision plat will not be accepted by the City until such time that the above conditions have been met.
11. *Areas not Meeting the Minimum Requirements.* In the event that areas proposed for dedication do not meet the grade, slope, or other requirements for parkland dedication found in this section, but are known to contain sensitive environmental features, the City may, at its discretion and after review by the Parks and Recreation Advisory Board, modify the standards of this section subject to the following limitations:
  - a. that such areas shall provide recreational or educational opportunities for the surrounding community in-lieu of parkland dedication;
  - b. that such areas shall be given a partial credit against the requirement of land dedication and/or payment of fees; and
  - c. that such areas shall meet any additional standards deemed necessary by the Planning and Zoning Commission after a recommendation by the Parks and Recreation Advisory Board, pertaining to the dedication of land containing sensitive environmental features.

J. *Private Parks.*

1. *Private Parkland Required.* It is the intent of the City to provide for adequate areas of parkland within every subdivision as deemed practical by the City. All residential subdivisions developed after the effective date of this UDC that do not dedicate land in accordance with Paragraph D above, shall be required to dedicate an area as private parkland or open space. The amount of parkland dedicated and amenities provided shall be approved by the Parks and Recreation Advisory Board, but shall generally be as follows:
  - a. 435.6 square feet of private open space (which equates to one acre per 100 lots) for the first 200 single family residential lots
  - b. 217.8 square feet of private open space (which equates to one-half acre per lot) for every additional single family residential lot over 200 lot.
  - c. Private open space shall not be significantly encumbered by utility easements and may not be located within drainage easements.
  - d. open space being provided must generally be at least one-half acre in size.
  - e. open space shall be located so as to be easily accessible by lots within the subdivision.
2. *Credit for Private Parkland.* Up to fifty percent (50%) in area of a subdivision's total parkland dedication requirement may be satisfied through the dedication of a private park within the subdivision. Up to fifty percent (50%) of the parkland development fee may be satisfied through the development of a private park within the subdivision.
3. *Maintenance of Private Parks.* The subdivider must submit a condominium declaration, homeowner's agreement or similar document which establishes the private ownership and maintenance responsibility of any private park areas together with a mechanism for funding the maintenance of the park established to meet the requirements of this section. In addition, a plat note must be included on the preliminary plat and final plat stating the ownership and maintenance responsibility of all private park areas.
4. *Requirement of Continued Use.* A restrictive covenant shall be recorded at the time of the recording of the plat, which covenant shall run with the land subdivided. The covenant shall



restrict use of private parks and facilities to park and recreational purposes and must be submitted for approval by the City prior to final plat acceptance.

5. ***Security for Performance.*** The City may require financial assurances from the subdivider that the private park will be developed and completed, with assurances that a failure by the subdivider to timely complete the improvements to the park shall result in dedication of the private park to the City and the proceeds of the financial assurances as offered become the property of the City for use in completing the park.

(Ord. No. [17-S-41](#), § 1(Exh. A), 10-24-2017)

## ARTICLE 10. PARKING STANDARDS

### Sec. 21.10.1. Purpose.

The purpose of this Article is to establish the number of required off-street vehicular parking spaces so as to provide for the needs of occupants, customers, visitors or others involved in the use or occupancy of any building or structure, to eliminate the undue use of the surface street system for parking purposes, to require allocation of sufficient off-street/on-site loading facilities by business and industry which ensures that the loading and unloading of vehicles will not interfere with traffic flow or block roadways and/or fire lanes, to promote and protect the public health, safety, comfort, convenience and general welfare, and to grant and define the administrative powers and duties necessary to enforce this Article.

### Sec. 21.10.2. General provisions.

- A. Required off-street parking in residential districts shall be provided on the same site, lot or tract as the main use for which the parking is provided.
- B. Required off-street parking in nonresidential districts may be located on the same site, lot or tract as the main use for which the parking is provided or on a site, lot or tract located within the same zoning district and within 150 feet of the main use.
- C. If specific requirements for off-street parking result in a fraction of a parking space, the next larger whole number of spaces is required.
- D. Whenever a building or use constructed or established after the effective date of this UDC is changed or enlarged in floor area, number of dwelling units, seating capacity or otherwise, to create a need for an increase in the minimum number of required parking spaces, such spaces shall be provided to accommodate the enlargement or change.
- E. All driveways and all required off-street parking spaces shall be on a paved concrete or asphalt surface. All drive approaches shall be of paved concrete.
- F. Parking spaces provided within a public right-of-way shall not be counted as meeting the minimum requirements of this Article.
- G. In the event of the construction of a phased development, the minimum number of parking spaces provided shall apply to each phase as it is developed.
- H. In computing the parking requirements for any building or development with multiple uses, the total parking requirements shall be the sum of the specific parking requirements for each individual use included in the building or development.
- I. *Residential curb cuts.*
  - 1. *Straight driveways.* Curb cuts for residential driveway aprons shall be not less than ten feet (10') in width, and not more than twelve feet (12') in width for a single driveway apron nor more than twenty-four feet (24') in width for a double driveway apron. Curb cuts will be permitted only for driveway aprons providing access to a garage, carport or hardstand. Not more than one curb cut will be permitted for each residential parcel of land except as follows for circular driveways.

2. *Circular driveways.* Circular driveways are allowed for lots with a minimum of one hundred feet (100') of frontage. Circular driveways shall have a maximum of two sixteen-foot curb cuts with a minimum of thirty feet (30') between each cut.
- J. Detached accessory, ancillary or storage structures in commercial and manufacturing districts shall not be located in a manner that decreases the minimum number of parking spaces required.
- K. Areas intended for outdoor displays and general outdoor storage shall not be allowed in designated off-street parking areas or fire lanes and shall not be located in a manner that decreases the minimum number of parking spaces required.
- L. Parking and storage, including vehicles awaiting repair, employee, customers and vendors, for automobile repairs and service located on Main Street, cannot occur in the public right-of-way.

### **Sec. 21.10.3. Size of space.**

- A. Each standard off-street surface parking space shall measure not less than ten feet by 20 feet, exclusive of access drives and aisles, and shall be of usable shape and condition.
- B. *Wheel stops.* Wheel stops shall be required for all areas of head-in parking adjacent to a landscaped area required in section 21.9.7. Wheel stops shall be designed so that the overhang of vehicles is contained totally within the parking space. If wheel stops are not provided at locations where vehicles extend over the sidewalk areas, a minimum of five feet (5') of free walking area, exclusive of vehicle over hang, width must be provided.
- C. Each parking space designed for parallel parking shall have a minimum dimension of eight feet by twenty-two feet (8' x 22').
- D. Each standard parking space located in a parking garage shall measure not less than ten feet by eighteen feet (10' x 18'), exclusive of access drives or aisles.
- E. *Handicap accessible parking.*
  1. The number and size of the handicap parking spaces required must follow the Federal Americans with Disabilities Act and Texas Accessibility Standards. The number of handicap parking spaces required is based on the total number of spaces provided. Accessible spaces for cars must have at least a sixty inch (60") wide access aisle located adjacent to the designated parking space. Van parking spaces need to have a wider access aisle of ninety-six inches (96") to accommodate a wheelchair lift and vertical clearance to accommodate van height.

<b>Table 21.10.3 Minimum Number of Handicap Accessible Parking Spaces</b>	
<b>Total number of parking spaces provided (per lot)</b>	<b>Total minimum number of accessible parking spaces</b>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total parking provided in lot
1,001 and over	20 plus 1 for each 100 over 1,000

Created: 2021-11-05 10:19:09 [EST]

2. *Location.*

- a. Accessible parking spaces must be located on the shortest accessible route of travel to an accessible facility entrance. Where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces must be dispersed and located closest to the accessible entrances and at the most level ground close to the accessible entrance.
  - b. An accessible route must always be provided from the accessible parking to the accessible entrance. An accessible route never has curbs or stairs, must be at least three feet (3') wide, and has a firm, stable, slip-resistant surface. The slope along the accessible route should not be greater than 1:12 in the direction of travel.
  - c. Accessible parking spaces may be clustered in one or more lots if equivalent or greater accessibility is provided in terms of distance from the accessible entrance, parking fees, and convenience. Van-accessible parking spaces located in parking garages may be clustered on one floor (to accommodate the ninety-eight inch (98") minimum vertical height requirement).
3. *Signage.* A sign with the international symbol of accessibility must be mounted in accordance with applicable state and federal laws to see marking each disabled parking space. Van accessible spaces must have a sign with "van accessible" on it in addition to the international symbol of accessibility.

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

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

<b>Table 21.10.4 Schedule of Off-Street Parking Requirements</b>	
<b>Use Type</b>	<b>Parking Requirement</b>
Amusement, Commercial (Indoor)	1 space for each 200 square feet of gross floor area
Amusement, Commercial (Outdoor)	1 space per 500 square feet of outdoor site area plus 1 space per each 4 fixed spectator seats
Assisted Care, Living Facility, Care Facility	1 parking space for each 2 beds
Bank, Savings And Loan, Or Other Financial Institution	1 space for each 250 square feet of gross floor area
Bar Or Night Club	1 space for each 50 square feet of gross floor area
Bed And Breakfast	1 space for each guest room plus 1 space per employee
Bowling Alley	5 parking spaces for each lane
Car Wash	1 space for each 200 Square feet of floor area
Day Care Center	1 space per 250 square feet of gross floor area
Fitness Center/Gym	1 space for each 250 square feet of gross floor area
Convenience Store/Gas Station	1 space for each 250 square feet of gross floor area. Spaces provided for fueling at the pump stations shall not be considered parking spaces.
Group Home	4 spaces
Hospital	1 parking space for each bed
Hotel Or Motel	1 space for each sleeping room or suite plus 1 space for every 200 square feet of common area not designated as sleeping rooms
Lodging Houses And Boarding Houses	1 parking space for each bedroom

Created: 2021-11-05 10:19:10 [EST]

Manufacturing, Processing Or Repairing	1 space for each 2 employees or 1 space for each 1,000 square feet of total floor area, whichever is greater
Medical Or Dental Clinic	1 space for each 200 square feet of total floor area
Mini-warehouse/Public Storage	1 space for each 300 square feet of office floor area plus 1 space for each 3,000 square feet of storage area
Mortuary/Funeral Home	1 parking space for each 50 square feet of floor space in service rooms or 1 space for each 3 seats, whichever is less based on maximum design capacity)
Multifamily, Duplex, Two-Family, Condominium Or Other Similar Use	1.5 spaces per 1 bedroom unit 2 spaces per 2 bedroom unit 2.5 spaces per 3+ bedroom unit Plus additional guest parking provided at a ratio of 5% of required spaces
Nursery	1 space per 300 square feet of total sales area Wholesale nursery: 1 parking space per employee of the largest work shift, plus 1 space per 10,000 square feet of display area and 1 space per acre of growing areas
Offices	1 space for each 250 square feet of gross floor area
Outdoor Facilities (Outdoor Recreational Fields i.e. Football, Soccer, etc.)	20 spaces per designated field or 1 per 4 person design capacity
Public Use	Parking shall be provided at a ratio approved by City staff based on a parking study provided by the applicant
Residence Halls, Fraternity Buildings And Sorority Buildings	1 space per person capacity of permanent sleeping facilities
Residential Subdivision Mailbox Kiosk	2 spaces – these may be in the right-of-way but not in the traffic lane – an expansion of the road surface is required and the kiosk must be covered to provide shelter for people using the kiosk,
Restaurants	1 parking space for each 100 square feet of gross floor area, or 1 space for each 4 seats, whichever is less (based on maximum design capacity)
Retail Sales And Service	1 space for each 250 square feet of gross floor area
School, High School, Vocational, All Other Schools	Parking shall be provided at a ratio approved by City staff based on a parking study provided by the applicant that shall include vehicle stacking requirements
Single Family Attached And Detached Dwelling Units	2 parking spaces per dwelling unit
Theaters, Auditoriums, Churches, Assembly Halls, Sports Arenas, Stadiums, Conference Center, Convention Center, Dance Hall, Exhibition Halls, Or Other Place Of Public Assembly	1 space for each 4 seats or 1 space for every 100 square feet of gross floor area, whichever is less (based on maximum design capacity)
Automobile Sales Or Rental	1 space for each 3,000 square feet of sales area (open and enclosed) devoted to the sale, display or rental of vehicles
Automobile Service, Repair, Garage	1 space for each 200 square feet of total floor area
Warehouse	1 space for each 1,000 square feet of total floor area

Created: 2021-11-05 10:19:10 [EST]

---

B. *New and Unlisted Uses.* When a proposed land use is not classified in this section or a single use which have varying parking needs depending on the function of that specific single use, an applicant may submit a parking ratio based on best/current planning and transportation practices.

1. A best/current parking ratio application should include the following:

- a. An application shall fully cite the sources used to derive the applicant-submitted parking ratio, possible resources include parking standards material from the Institute of Transportation Engineers (ITE) or the American Planning Association (APA).
- b. The City Manager or his/her designee shall review the applicant submitted parking ratio to confirm best/current planning practices for a use.
- c. The City Manager or his/her designee shall approve, modify, or deny the applicant submitted parking ratio.

2. Parking ratio determination where no application is submitted

- a. If the applicant does not submit a parking ratio, then the City Manager or his/her designee shall determine the parking ratio based on the best/current planning and transportation practices.

C. *Mixed uses.* In the event that several users occupy a single structure, or parcels of land, the total requirements for off street parking shall be the sum of the requirements for the several uses computed separately unless it can be shown that the peak parking demands are offset, for example with retail and residential, or theater and office uses. In such case the City Manager or his/her designee may reduce the total requirements accordingly, but not more than twenty-five percent (25%).

D. *Joint use of facilities.* Required parking facilities of two (2) or more uses, structures, or parcels of land may be satisfied by the same parking facility used jointly, to the extent that it can be shown by the owners or operators that the need for the facilities does not materially overlap and provided that such right of joint use is evidenced by a deed, lease, contract, or similar written instrument establishing the joint use.

E. *Properties zoned main street mixed-use.* Properties zoned Main Street Mixed-Use shall only be required to provide two (2) on-site parking spaces but must still provide the minimum required number of handicapped spaces on site.

(Ord. No. 14-S-47 , § 5, 11-18-2014; Ord. No. 16-S-27 , § 7, 8-30-2016; Ord. No. 18-S-03 , § 1(Exh. A), 1-23-2018)

#### **Sec. 21.10.5. Striping.**

- A. All parking lots shall be striped in a manner that will clearly delineate parking spaces, fire lanes and pedestrian crosswalks.
- B. Directional arrows shall be provided in all drive lanes and driveways.

#### **Sec. 21.10.6. Shared access and cross lot access easements.**

Notwithstanding any other provisions of this UDC, unless otherwise approved by the City, to reduce the number of curb cuts and access driveways, the dedication of joint-use, private access driveway easements and cross lot access easements shall be required for all commercial development.

---

**Sec. 21.10.7. Stacking requirement for drive-through facilities.**

- A. A stacking space shall be an area on a site measuring eight feet by twenty feet (8' x 20') with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area.
- B. All stacking spaces shall be located entirely within the lot and shall be outside of any right-of-way, fire lane or similar access.
- C. For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five stacking spaces.
- D. For each service window of a drive-through restaurant, a minimum of seven stacking spaces shall be provided.
- E. For kiosks, a minimum of three (3) stacking spaces for each service window shall be provided.

**Sec. 21.10.8. Off-Street loading/unloading requirements.**

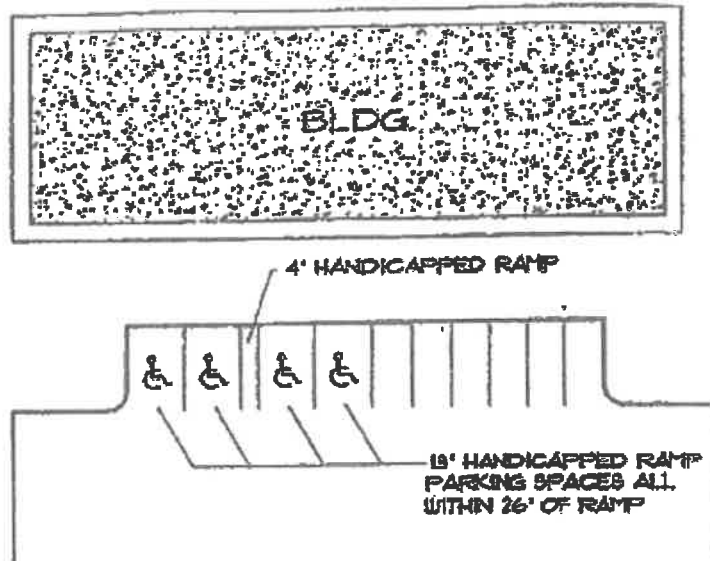
All retail, commercial, industrial and service structures shall provide and maintain off-street facilities for receiving and loading merchandise, supplies and materials within a building or on the lot or tract. All public schools shall provide adequate stacking for vehicles based on a parking study approved by City Staff. Such off-street loading space may be adjacent to a public alley or private service drive or may consist of a truck berth within the structure. Such off-street loading space or truck berth shall consist of a minimum area of ten feet (10') by forty feet (40') and the spaces or berths shall be provided in accordance with the following schedule:

<b>Table 21.10.8 Off-Street Loading Requirements</b>	
<b>Square Feet of Gross Floor Area in Structure</b>	<b>Minimum Required Spaces or Berths</b>
0—5,000	None
5,000—15,000	1
15,000—50,000	2
50,000—100,000	3
100,000—150,000	4
Each Additional 50,000 over 150,000	1

(Ord. No. 16-S-27 , § 8, 8-30-2016)

**Sec. 21.10.9. Additional regulations and illustrations.**

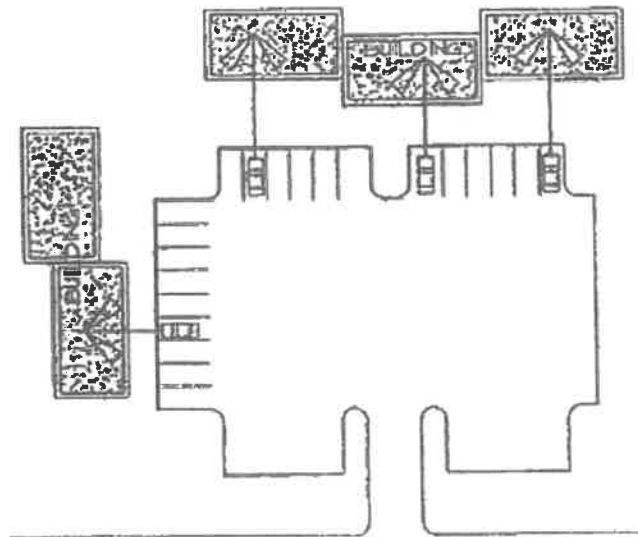
- A. *Handicapped ramps.*



### HANDICAPPED RAMPS: within 26' of Parking Spaces

The location of handicapped parking spaces should be:  
 1. as close as possible to principal handicapped accessible entrances;  
 2. Dispersed in a multi-building development or shopping center to ensure easy access and to minimize the travel distance for the handicapped.

#### B. *Handicapped parking space dispersal.*

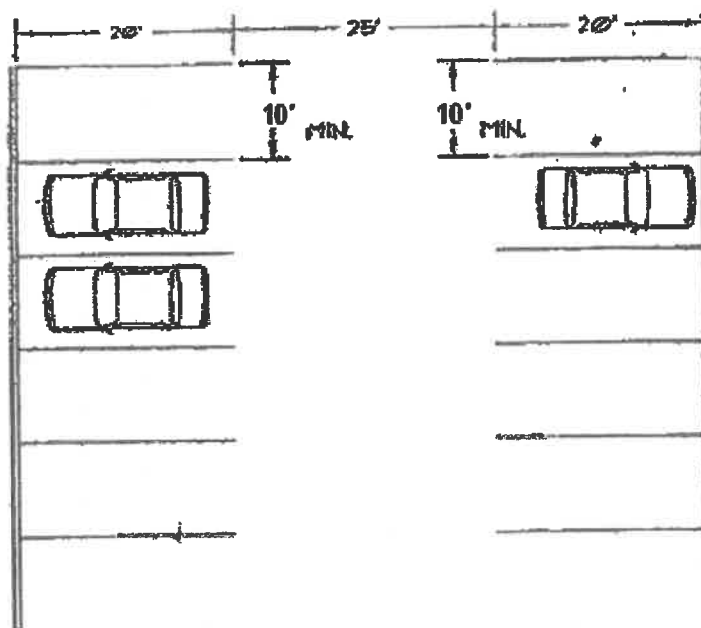


### HANDICAPPED PARKING SPACE DISPERSAL

#### C. *90° parking dimensions.*

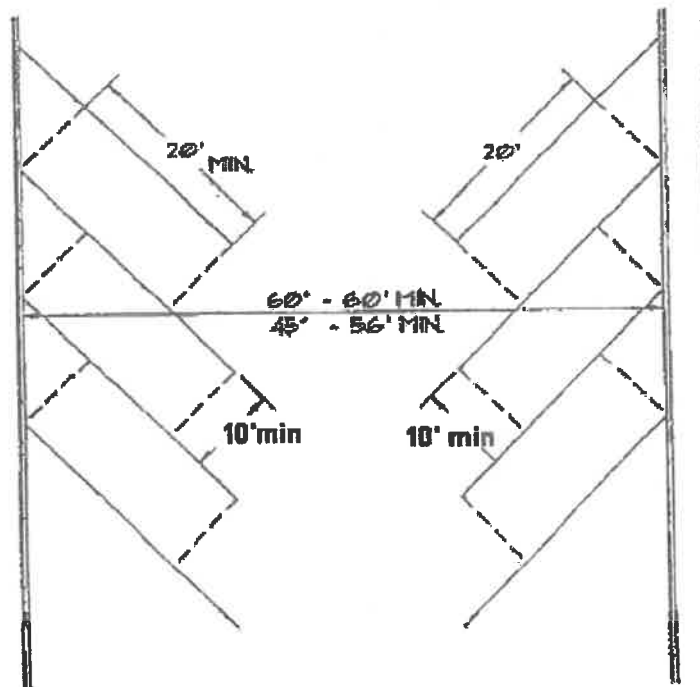


## 90° PARKING DIMENSIONS.

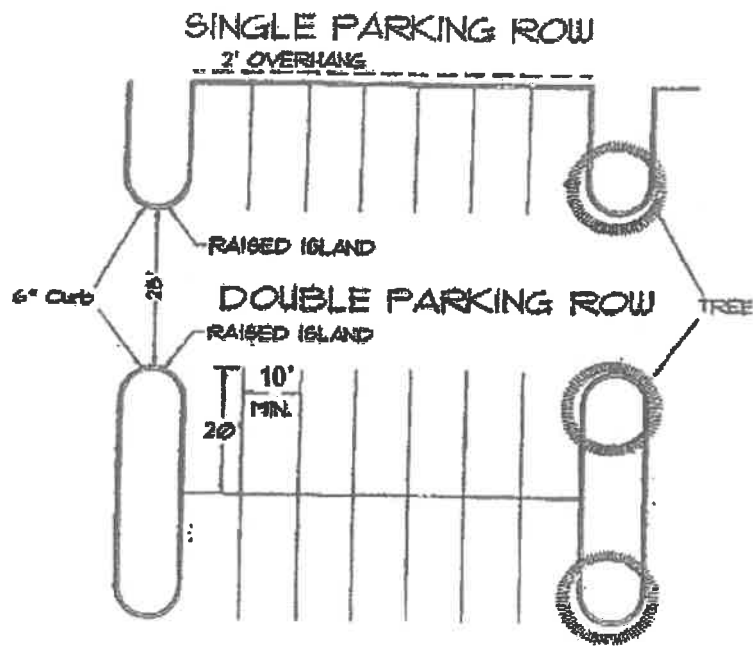


D. Angle parking dimensions.

## ANGLE PARKING DIMENSIONS

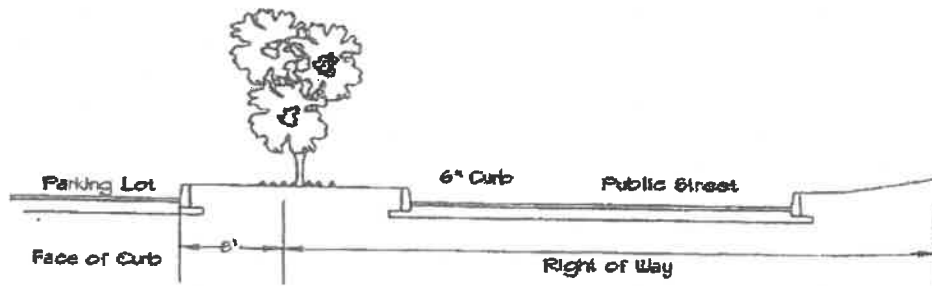


E. Drive aisle dimensions.



NOTES: Maximum of 20 spaces between islands on peripheral row  
Maximum of 15 spaces between islands on interior row

F. Separation of right-of way and parking areas.



G. Landscaping and fencing.

