

ACTION MINUTES

The Planning and Zoning Commission and Board of Adjustment of the City of Sherman will hold a regular meeting Tuesday, March 19, 2024, at 5:00 P.M. in the City Council Chambers at 220 W. Mulberry to consider the following:

All requests are subject to the Zoning Ordinance/Code of Ordinance Chapter 14, unless otherwise stated.

The Planning and Zoning Commission and Board of Adjustment meetings are Video and Audio recorded and can be viewed at: <https://www.ci.sherman.tx.us/701/Agendas-and-Minutes>

Member Absent: Chairman Mahone

1. CALL TO ORDER

Bookmarked at 08:36

Vice Chairman Downtain called the meeting to order at 5:00 p.m.

2. APPROVE ACTION MINUTES OF THE REGULAR FEBRUARY 20, 2024 PLANNING AND ZONING COMMISSION AND BOARD OF ADJUSTMENT MEETING.

Bookmarked at 11:06

The Planning and Zoning Commission reviewed the minutes of the February 20, 2024, Regular Meeting. Motion by Commission Member Manley to approve the Minutes as written. Second by Commission Member Whitaker. All present voted AYE.

3. ANNOUNCEMENTS

Bookmarked at 12:20

4. CITIZEN COMMENTS

Bookmarked at 12:27

Open Public Hearing

5. CONSENT AGENDA (ITEMS 6, 7 AND 8)

Asterisked (*) items are considered to be routine and non-controversial items. These items will be enacted in one motion without discussion unless a Commission Member or a member of the audience requests a specific item be discussed and voted on separately prior to a motion and vote.

Bookmarked at 13:08

The Commission reviewed the Consent Agenda. Commission Member Sims moved to approve Items 6, 7 and 8 on the Consent Agenda as presented subject to the Staff Review Letter. Second by Commission Member Manley.

VOTING AYE: DOWNTAIN, BLAGG, RAMIREZ, MANLEY, SIMS AND WHITAKER

VOTING NAY: NONE.

THE COMMISSION FOUND THE REQUEST CONFORMS TO THE INTENT OF THE ORDINANCE.

6. * 1000-1100 EAST PEYTON STREET (Project No. 24-000512)

The request of BAT Properties, LLC (Owner), Jonathan Hake, Cross Engineering Consultants, Inc. (Representative) and Ringley & Associates, Inc. (Surveyor) for the property at 1000-1100 East Peyton Street consisting of 15.229 acres, being in the Smith McGlothlin Survey, Abstract No. 808, J.B. McAnair Survey, Abstract No. 763 and the Reuban Hendrix Survey, Abstract No. 504, and currently zoned MF-30 (Multi Family Residential) District, as follows:

Planning and Zoning Commission

Site Plan for The Manning Sherman

7. * 3390 OLD DORCHESTER ROAD (Project No. 24-000757)

The request of PIVO Realty, LLC (Owner) and Copley Land Surveying (Surveyor) concerning the property located at 3390 Old Dorchester Road, consisting of 2.000 acres being in the J.F. Rosborough Survey, Abstract No. 1019 and located in the ETJ (Extra Territorial Jurisdiction), as follows:

Planning and Zoning Commission

Final Plat of SDA Addition.

8. * **612-614 SOUTH RUSK STREET AND 635 SOUTH AUSTIN STREET (Project No. 24-001019)**

The request of Evolution Realty, LLC and the City of Sherman (Owner) and Copley Land Surveying (Surveyor) concerning the property located at 612-614 South Rusk Street and 635 South Austin Street, consisting of 1.113 acres being in the Samuel Blagg Survey, Abstract No. 56, and being all of Lots 9-13 and part of Lots 7, 8, and 14, Block 1, Post Oak Addition, as follows:

Planning and Zoning Commission

Final Plat of Austin Street Cemetery Addition

9. **3000 BLOCK TEXOMA PARKWAY AND 3012 TEXOMA PARKWAY (Project No. 24-000505)**

AN EMAIL WAS RECEIVED BY KOHINOOR RAHMAN ON WEDNESDAY MARCH 13, 2024 AT 3:46 P.M. REQUESTING TO TABLE THIS ITEM.

The request of Prem Shahi, Avant Capital, LLC and AG Holdings Sherman, LLC (Owner), Kohinoor Rahman (Representative) and Helvey-Wagner Surveying, Inc. (Surveyor) for the property at 3000 Block Texoma Parkway and 3012 Texoma Parkway consisting of 6.558 acres, being Lot 2, Block 1, Aaron's Addition, and currently zoned C-2 (General Commercial) District and MF-30 (Multi Family Residential) District, as follows:

Planning and Zoning Commission

- A. Site Plan for Villas at Texoma Multi-Family Development
- B. Site Plan for Retail Development

Bookmarked at 14:57

Planning and Zoning Commission

Motion by Commission Member Sims to table the Site Plan located at 3000 Block Texoma Parkway and 3012 Texoma Parkway. Second by Commission Member Manley.

VOTING AYE: DOWNTAIN, BLAGG, RAMIREZ, MANLEY, SIMS AND WHITAKER

VOTING NAY: NONE.

This item was tabled by the Commission.

10. **301-401 BLOCKS EAST SHEPHERD ROAD AND 7001-7201 BLOCK SOUTH HIGHWAY 75 (Project No. 24-000749)**

AN EMAIL WAS RECEIVED BY DEAN CARDWELL ON TUESDAY MARCH 12, 2024 AT 12:22 P.M. REQUESTING TO TABLE THIS ITEM.

The request of Merrill Kaliser and Dosti Partners (Owners) and BOHLER (Consulting Engineers & Surveyors) concerning the property located in the 301-401 Blocks East Shepherd Road and 7001-7201 Block South Highway 75, consisting of 105.837 acres, being a part of the Benjamin Lindsey Survey, Abstract No. 733, as follows:

Planning and Zoning Commission

Final Plat of Sherman Gateway Addition, Lots 1-6, Block 1

Bookmarked at 17:05

Planning and Zoning Commission

Motion by Commission Member Sims to table the Final Plat located in the 301-401 Blocks East Shepherd Road and 7001-7201 Block South Highway 75. Second by Commission Member Manley.

VOTING AYE: DOWNTAIN, BLAGG, RAMIREZ, MANLEY, SIMS AND WHITAKER

VOTING NAY: NONE.

This item was tabled by the Commission.

11. **310 EAST BROCKETT STREET (Project No. 24-000105)**

TABLED FROM FEBRUARY 20, 2024

The request of Zach Adlof (Owner), Rodney Martinez, Centro Resources, LLC (Representative) and Burns Surveying (Surveyor) concerning the property located at 310 East Brockett Street, consisting of 0.103 acres being in the J.B. McAnair Survey, Abstract No. 763 being part of Lot 1, Block 6 Bond's Second Addition, as follows:

Planning and Zoning Commission

Public Hearing and Zone Change from R-6 (Single Family Residential) District to R-4 (Single Family Residential) District.

Bookmarked at 18:38

Planning and Zoning Commission

Motion by Commission Member Manley to untable the Zone Change located at 310 East Brockett Street. Second by Commission Member Whitaker.

VOTING AYE: DOWNTAIN, BLAGG, RAMIREZ, MANLEY, SIMS AND WHITAKER
VOTING NAY: NONE.

This item was untabled by the Commission.

Planning and Zoning Commission

Motion by Commission Member Manley to approve the Zone Change located at 310 East Brockett Street.
Second by Commission Member Whitaker.

VOTING AYE: DOWNTAIN, BLAGG, RAMIREZ, MANLEY, SIMS AND WHITAKER

VOTING NAY: NONE.

MOTION CARRIED.

THE COMMISSION FOUND THE REQUEST CONFORMS TO THE INTENT OF THE ORDINANCE.

12. 3620 TEXOMA PARKWAY (Project No. 24-000509)

The request of Chris McCulloch (Owner), Phillip Lewis Engineering (Representative) and CBG Surveying Texas, LLC (Surveyor) for the property at 3620 Texoma Parkway consisting of 1.00 acre being Lot 4, Block 1 of Redick Addition, and currently zoned C-2 (General Commercial) District, as follows:

Board of Adjustment

A. Public Hearing and Variance under Section 14.02.017 to allow a side yard setback of 4.2' in lieu of the required 15' for the existing structure.

B. Public Hearing and Variance under Section 14.02.017 to allow a side yard setback of 5.15' in lieu of the required 15' for the new structure.

Planning and Zoning Commission

C. Site Plan for Wholesale Electric Supply

Bookmarked at 23:50

Board of Adjustment

Motion by Commission Member Manley to approve the Variances located at 3620 Texoma Parkway. Second by Commission Member Whitaker.

VOTING AYE: DOWNTAIN, MANLEY, BLAGG, SIMS AND WHITAKER

VOTING NAY: NONE.

MOTION CARRIED.

Planning and Zoning Commission

Motion by Commission Member Manley to approve the Site Plan located at 3620 Texoma Parkway. Second by Commission Member Sims.

VOTING AYE: DOWNTAIN, BLAGG, RAMIREZ, MANLEY, SIMS AND WHITAKER

VOTING NAY: NONE.

MOTION CARRIED.

THE COMMISSION FOUND THE REQUEST CONFORMS TO THE INTENT OF THE ORDINANCE.

13. 1512 INTERURBAN PARKWAY (Project No. 24-000498)

AN EMAIL WAS RECEIVED BY DAN DITTO ON FRIDAY MARCH 15, 2024 AT 10:48 A.M. REQUESTING TO WITHDRAW THIS ITEM.

The request of Cedar Ridge Development (Owner), Carolyn O'Brien, Black Mountain Energy Storage (Representative) and Underwood Drafting & Surveying (Surveyor) concerning the property located at 1512 Interurban Parkway consisting of 45.107 acres, being a part of Elizabeth Jones Survey, Abstract No. 625, and being part of that 48.178 acre tract, as follows:

Planning and Zoning Commission

Public Hearing, Site Plan and Specific Use Permit approval under Section 14.06.009 allow Electric power substation or generating including ground-mounted solar and wind in a R-6 (Single Family Residential) District.

Bookmarked at 30:44

This item was withdrawn.

14. 2700 BLOCK BLUE FLAME ROAD AND 5100 BLOCK FALLON DRIVE (Project No. 24-000508)

The request of Pilot Point Land Partners, LLC (Owner), Nathan Parrott, Pape-Dawson Engineers (Representative) and Pape-Dawson Engineers (Engineer/Surveyor) concerning the property located in the 2700 Block Blue Flame Road and 5100 Block Fallon Drive, consisting of 86.742 acres being a part of the S.C. Inman Survey, Abstract No. 621 and the T. Shannon Survey, Abstract No. 1136, as follows:

Planning and Zoning Commission

Tract 1, consisting of 42.205 acres in the S.C. Inman Survey, Abstract 621 and the T. Shannon Survey, Abstract No. 1136 - Public Hearing and Zone Change from R-6 (Single Family Residential) District to R-TH (Townhome Residential) District.

Bookmarked at 31:12

Planning and Zoning Commission

Motion by Commission Member Blagg to approve the Zone Change located in the 2700 Block Blue Flame Road and 5100 Block Fallon Drive. Second by Commission Member Whitaker.

VOTING AYE: DOWNTAIN, BLAGG, RAMIREZ, MANLEY, SIMS AND WHITAKER

VOTING NAY: NONE.

MOTION CARRIED.

THE COMMISSION FOUND THE REQUEST CONFORMS TO THE INTENT OF THE ORDINANCE.

15. 5751 NORTH HIGHWAY 75 (Project No. 24-000516)

The request of Sherman Hwy 75, LLC (Owner), Brett Clark, SEMA Construction (Representative) and Sartin & Associates, Inc. (Surveyor) concerning the property located at 5751 North Highway 75, being in the A.C. Smith Survey, Abstract No. 1561, as follows:

Planning and Zoning Commission

Public Hearing and Temporary Use Permit under Section 14.06.008 to allow a concrete batch plant in an MF-30 (Multi Family Residential) District.

Bookmarked at 38:30

Planning and Zoning Commission

Motion by Commission Member Manley to approve the Temporary Use Permit located at 5751 North Highway 75 with a time period of two years and subject to the Staff Review Letter. Second by Commission Member Sims.

VOTING AYE: DOWNTAIN, BLAGG, RAMIREZ, MANLEY, SIMS AND WHITAKER

VOTING NAY: NONE.

MOTION CARRIED.

THE COMMISSION FOUND THE REQUEST CONFORMS TO THE INTENT OF THE ORDINANCE.

16. OTHER BUSINESS

An Ordinance Of The City Council Of The City Of Sherman, Texas, Amending The Code Of Ordinances Of The City Of Sherman, Texas, Chapter 14 (Zoning Ordinance), Section 14.02.010 (R-TH Townhome Residential District), Section, 14.02.012 (MF-30 Multifamily Residential District), Article 14.07 (Signs), Article 14.10 (Use Chart); Modifying Certain Existing Regulations And Prescribing New Regulations Relating To Townhome And Multifamily Building Separation, Multifamily and Single-Family Sign Regulations, And Changes to the Use Chart Regarding RV Parks and Household Care Facilities; Providing A Penalty Clause With A Maximum Fine Of \$2,000, Savings/Repealing Clause, Severability Clause And An Effective Date; Providing For The Publication Of The Caption Hereof; Finding And Determining That The Meeting At Which This Ordinance Is Passed Was Noticed And Is Open To The Public As Required By Law

Bookmarked at 49:30

Planning and Zoning Commission

Motion by Commission Member Manley to approve the version in front of the Commission. Second by Commission Member Whitaker.

VOTING AYE: DOWNTAIN, BLAGG, RAMIREZ, MANLEY, SIMS AND WHITAKER

VOTING NAY: NONE.

MOTION CARRIED.

THE COMMISSION FOUND THE REQUEST CONFORMS TO THE INTENT OF THE ORDINANCE.

Close Public Hearing

17. ADJOURNMENT

Bookmarked at 01:07:01

Vice Chairman Downtain adjourned the meeting at 5:58 p.m.



CHAIRMAN



ACTING SECRETARY

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF SHERMAN, TEXAS, CHAPTER 14 (ZONING ORDINANCE), SECTION 14.02.010 (R-TH TOWNHOME RESIDENTIAL DISTRICT), SECTION 14.02.012 (MF-30 MULTIFAMILY RESIDENTIAL DISTRICT), ARTICLE 14.07 (SIGNS), ARTICLE 14.10 (USE CHART); MODIFYING CERTAIN EXISTING REGULATIONS AND PRESCRIBING NEW REGULATIONS RELATING TO TOWNHOME AND MULTIFAMILY BUILDING SEPARATION, MULTIFAMILY AND SINGLE-FAMILY SIGN REGULATIONS, AND CHANGES TO THE USE CHART REGARDING BILLBOARDS AND TRAVEL TRAILER PARKS; PROVIDING A PENALTY CLAUSE WITH A MAXIMUM FINE OF \$2,000, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW

WHEREAS, the City Council of the City of Sherman, Texas (“City Council”) finds that it is necessary to amend Chapter 14 (Zoning Ordinance) of the Code of Ordinances, City of Sherman, Texas (“Code of Ordinance”) for the purpose of prescribing regulations relating to Townhome And Multifamily Building Separation, Multifamily and Single-Family Sign Regulations, And Changes to the Use Chart Regarding Billboards and Travel Trailer Parks (“City” or “Sherman”); and

WHEREAS, Sherman has complied with all legal notices and public hearings as required by law; and

WHEREAS, the City Council finds that adopting this Ordinance promotes the health, safety and morals of Sherman and is in the best interest of the citizens of Sherman.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to the Code of Ordinances, Chapter 14 (Zoning Ordinance). Section 14.02.010 (R-TH Townhome Residential District), Section, 14.02.012 (MF-30 Multifamily Residential District), Article 14.07 (Signs), Article 14.10 (Use Chart) of the Code of Ordinances are amended as follows¹:

“ARTICLE 14.02 ZONING DISTRICTS

Sec. 14.02.010

R-TH (Townhome Residential) District

...

- (1) Minimum requirements for lot area, width and setback.

¹ Deletions are evidenced by ~~strikethrough~~; additions are *italicized*.

...
Interior Side Setback: 6' 15'

...
Sec. 14.02.012 MF-30 (Multifamily Residential) District
...

(4) Other regulations.

- ...
(I) Minimum building separation. A minimum building separation between all buildings on the lot shall be ~~ten~~ fifteen (15) feet.
...

...
ARTICLE 14.07 SIGNS
...

Sec. 14.07.007 Single-Family Residential Signs

The following signs shall be permitted in Single-Family Residential Zoning Districts:

- (a) One (1) sign not exceeding one and one-half (1½) square feet in area, indicating only the name and address of the occupant, for each residential unit.
- (b) *Temporary Signs.* ~~One (1) unlighted sign not exceeding sixteen (16) square feet in area on each development lot pertaining to the prospective sale or rental of the property on which it is located.~~
 - (1) *A property owner or lessee may place one non-illuminated temporary sign with a sign face no larger than six (6) square feet and said sign may be located on property with owner consent when the property is for sale or lease or if an individual unit or units is for sale or lease.*
 - (2) *Undeveloped Real Estate Signs.* *A property owner or lessee may place one non-illuminated temporary sign per right-of-way frontage with a sign face no larger than 32 square feet and said sign may be located on property with owner consent when the property is for sale or lease or if an individual unit or units is for sale or lease.*
 - (3) *Such signs shall not require a sign permit.*
- ~~(3) Conditional uses. Sign requirements for all conditional uses shall be set by the Board of Adjustment, and in no case shall the requirements exceed the requirements for that use or similar type uses in the district in which the use is ordinarily permitted.~~
- (c) *Subdivision Development Entrance Signs.*
 - (1) *Subdivision development signs are permitted at the entrance of the development that are bisected by one or more publicly dedicated streets. They may be freestanding or constructed on a masonry perimeter fence.*
 - (2) *The maximum sign area shall be 32 square feet per side. The calculation of the sign area shall only include the area with characters, letters, and illustrations.*
 - (3) *The maximum height of the sign structure shall not exceed six (6) feet. Architectural columns shall not exceed eight (8) feet in height and not to exceed ten (10) percent of the length of the sign structure.*
 - (4) *Signs may be located on a platted lot at each corner of the intersection of an entrance street or within the median of an entrance street. Signs located within the median shall be reviewed and approved by the City Engineer prior to permit issuance and construction.*

- (5) *Subdivision Development Entrance Signs shall be constructed of a landscaped, stone-base feature.*
- (6) *Development entrance signs shall not obstruct the view of turning traffic.*
- (7) *A sign encroachment easement is required before a development entrance sign may be constructed within any easements. Only signs with a slab foundation will be permitted within a utility easement. Signs requiring piers will not be permitted within a utility easement.*
- (8) *Signs may be back lighted, indirect lighted, internal lighted or lighted by spots. No digital/LED signs are permitted.*
- (9) *Such signs shall require a sign permit.*
- (d) *Educational and Institutional Signs in Single-Family Residential Zoning Districts.*
 - (1) *Institutional and educational uses permitted in single-family zoning districts are allowed one freestanding sign per right-of-way frontage.*
 - (2) *The maximum sign area shall be 32 square feet per side and shall not exceed eight (8) feet in height.*
 - (3) *Wall signs are permitted subject to Sec. 14.07.009(a).*
 - (4) *Minimum setback for signs shall be five (5) feet from the property line. Signs shall not obstruct the view of turning traffic. Variances to the sight distance requirements may be approved by the City Engineer, subject to specific engineering criteria such as design speed, traffic control, and other site conditions.*
 - (5) *A sign encroachment easement is required before a sign may be constructed within any easements. Only signs with a slab foundation will be permitted within a utility easement. Signs requiring piers will not be permitted within a utility easement.*
 - (6) *Such signs shall require a sign permit.*

Sec. 14.07.008

Multi-Family Residential Signs

The following signs shall be permitted in the Multi-Family Residential Zoning Districts:

- (a) ~~Wall Signs. Primary identification signs, each having an area not exceeding ten (10) percent of the area of one (1) wall or five (5) percent of the area of two (2) walls, where applicable, or fifty (50) square feet, whichever is less.~~
 - (1) *The maximum area of any wall sign shall be 150 square feet. In no case shall a wall sign exceed 10% of any single wall.*
 - (2) *Informational type signs, each not exceeding ten (10) square feet in area per building.*
 - (3) *All signs shall be placed flat against the wall of a building and shall not project above the parapet wall or side wall of the building.*
 - (4) *All signs, except for the informational signs, shall identify the development by name and address only. Signs may be back lighted, indirect lighted, internal lighted or lighted by spots.*
 - (5) *A sign permit is required for wall signs exceeding 32 square feet in sign area.*
- (b) *Temporary Signs.*
 - (1) *A property owner or lessee may place one non-illuminated temporary sign with a sign face no larger than six (6) square feet and said sign may be located on property with owner consent when the property is for sale or lease or if an individual unit or units is for sale or lease.*
 - (2) *Undeveloped Real Estate Signs. A property owner or lessee may place one non-illuminated temporary sign per right-of-way frontage with a sign face no larger than 32 square feet and said sign may be located on property with owner consent when the property is for sale or lease or if an individual unit or units is for sale or lease.*
 - (3) *Such signs shall not require a sign permit.*
- (c) *Multi-family Development Entrance Signs.*
 - (1) *Multi-family development signs are permitted at ~~each~~ the entrance of the development. They may be freestanding or constructed on a masonry perimeter fence.*

- (2) The maximum size area shall be 32 square feet per side. The calculation of the sign area shall only include the area with characters, letters, and illustrations.
 - (3) The maximum height of the sign structure shall not exceed six (6) feet.
 - (4) Freestanding signs shall be setback **a minimum of five (5) feet** from the property line.
 - (5) Multi-family Development Entrance Signs shall be constructed of a landscaped, stone-base feature, **or compatible with the design materials and colors of the building(s) on the site as approved by the Development Services Director.**
 - (6) Development entrance signs shall not obstruct the view of turning traffic.
 - (7) A sign encroachment easement is required before a development entrance sign may be constructed within any easements. Only signs with a slab foundation will be permitted within a utility easement. Signs requiring piers will not be permitted within a utility easement.
 - (8) **Signs may be back lighted, indirect lighted, internal lighted or lighted by spots. No digital/LED signs are permitted.**
 - (9) **Such signs shall require a sign permit.**
- (d) Educational and Institutional Signs in Multi-family Residential Zoning Districts.
- (1) Institutional and educational uses permitted in multi-family zoning districts are allowed one freestanding sign per right-of-way frontage.
 - (2) The maximum sign area shall be 32 square feet per side and shall not exceed eight (8) feet in height.
 - (3) Wall signs are permitted subject to the regulations Sec. 14.07.009(a).
 - (4) **Minimum setback for signs shall be five (5) feet from the property line. Signs shall not obstruct the view of turning traffic. Variances to the sight distance requirements may be approved by the City Engineer, subject to specific engineering criteria such as design speed, traffic control, and other site conditions.**
 - (5) **A sign encroachment easement is required before a sign may be constructed within any easements. Only signs with a slab foundation will be permitted within a utility easement. Signs requiring piers will not be permitted within a utility easement.**
 - (6) **Such signs shall require a sign permit.**

Sec. 14.07.009

Non-Residential Freestanding Signs

The following signs shall be permitted in the Non-Residential Zoning Districts:

- (a) ~~Wall Signs. One (1) freestanding sign for each freestanding building, not to exceed one (1) freestanding sign per development lot, except as indicated below.~~
 - (1) The maximum area of any wall sign shall be three hundred (300) square feet. In no case shall a wall sign exceed 20% of any single wall.
 - (2) A sign permit is required for all wall signs.
- (b) Temporary Signs.
 - (1) A property owner or lessee may place one non-illuminated temporary sign with a sign face no larger than six (6) square feet and said sign may be located on property with owner consent when the property is for sale or lease or if an individual unit or units is for sale or lease.
 - (2) Undeveloped Real Estate Signs. A property owner or lessee may place one non-illuminated temporary sign per right-of-way frontage with a sign face no larger than 32 square feet and said sign may be located on property with owner consent when the property is for sale or lease or if an individual unit or units is for sale or lease.
 - (3) Such signs shall not require a sign permit.
- ~~(b) C-N, C-O, C-1, C-2, M-1, M-1.5, and M-2 Districts with frontage on a thoroughfare.~~
- (c) Freestanding Signs. Only one freestanding sign is permitted per platted lot, with the exception of corner lots. Corner lots are permitted to have no more than two signs. The two permitted signs shall not be located on the same lot line. ~~Area. The area of a freestanding sign shall not exceed three hundred (300)~~

square feet.

(1) *Pole or pylon signs.*

(A) *Only one pole or pylon sign is permitted per platted lot only at locations fronting a highway or a major arterial as designated on the Thoroughfare Plan Map.*

(B)(d) Height. *Sign height shall not exceed fifty (50) feet. ~~above the centerline of the thoroughfare, access road or facing street.~~ Height is measured from the grade of the fronting street.*

(C) Area. *The area of a sign shall not exceed 300 square feet.*

(D) Minimum Setback. *The setback of the sign shall be 25 feet measured from the closest edge of the sign to the property line.*

(2) *Monument signs.*

(A) *Only one monument sign is permitted per platted lot on any non-residential zoned property, with the exception of corner lots. Corner lots are permitted to have two signs. The two permitted signs shall not be located on the same lot line.*

(B) *Monument signs shall include a landscaped, stone-based feature. All monument sign bases shall be constructed of the same material as the front building façade on the same site.*

(C) *Signs may have a maximum 65 square foot sign area and shall not exceed ten (10) feet in height. Height is measured from the grade of the fronting street.*

(D) *Minimum setback for signs shall be ten (10) feet from the property line. Monument signs shall not obstruct the view of turning traffic. Variances to the sight distance requirements may be approved by the City Engineer, subject to specific engineering criteria such as design speed, traffic control, and other site conditions.*

(E) *A sign encroachment easement is required before a freestanding sign may be constructed within any easements. Only signs with a slab or approved spread footing foundation will be permitted within a utility easement. Signs requiring piers will not be permitted within a utility easement.*

~~(e) Signs at commercial locations that are not on a highway or major thoroughfare may have a maximum height of twelve (12) feet and a maximum face area of thirty two (32) square feet.~~

(d)(f) Nonconforming signs. *Where a lawful sign exists at the effective date of adoption or amendment of this article that could not be erected under the terms of this ordinance, as amended, such sign may be continued so long as it remains otherwise lawful, subject to the following provisions:*

(1) *No such sign may be enlarged or altered in any way which increases its nonconformity; and*

(2) *Should such sign be moved for any reason for any distance whatever, it shall thereafter conform to the regulations as set forth in Subsection 14.07.009 (a) (1) through (c) (5) above.*

~~(g) Temporary banners may be placed on existing conforming freestanding signs. Total face area of the existing sign and the banner combined shall not exceed three hundred (300) square feet. Banners shall be securely fastened at all times to the structure.~~

(e) *Non-residential Development Entrance Signs.*

(1) *Non-residential development signs are freestanding signs that are permitted at the entrance of the development that are bisected by one or more publicly dedicated streets.*

(2) *The maximum size shall be 32 square feet per sign with a maximum height of six (6) feet.*

(3) *Signs may be located on a platted lot at each corner of the intersection of an entrance street or within the median of an entrance street. Signs located within the median shall be reviewed and approved by the City Engineer prior to permit issuance and construction.*

(4) *Non-residential development signs shall be constructed of a landscaped, stone-base feature.*

(5) *Development entrance signs shall not obstruct the view of turning traffic.*

(6) *A sign encroachment easement is required before a development entrance sign may be constructed within any easements. Only signs with a slab foundation will be permitted within a utility easement. Signs requiring piers will not be permitted within a utility easement.*

- (7) Signs may be back lighted, indirect lighted, internal lighted or lighted by spots. No digital/LED signs are permitted.
- (8) Such signs shall require a sign permit.

Sec. 14.07.010 **Governmental Signs**

Governmental signs not exceeding thirty-two (32) square feet in area and not exceeding *eight (8)* ~~ten (10)~~-feet in height, shall be permitted. Such standards shall not apply where state or federal regulations are in conflict with these standards.

...

Sec. 14.07.013 ~~*Reserved Wall Signs*~~

- ~~(1) The maximum area of any wall sign shall be three hundred (300) square feet. In no case shall a wall sign exceed 20% of any single wall.~~
- ~~(2) Temporary banners may be placed on existing buildings. Total area of the banner and existing sign shall not exceed three hundred (300) square feet. Banners shall be securely fastened at all times flat against the structure.~~

...

ARTICLE 14.10 USE CHART

Sec. 14.10.001 **Use Chart.**

• • •

- (d) Use chart.

[The remainder of this page intentionally left blank.]

Use Type	R-A	R-E	R-12	R-6	R-5	R-4	R-TH	R-2F	MF-15	M-F-30	MH	C-N	C-O	C-1	C-2	M-1	M-1.5	M-2
...																		
Commercial, Retail, and Service Uses																		
...																		
<i>Billboard</i>														<i>SUP</i>	<i>SUP</i>	<i>SUP</i>	<i>SUP</i>	<i>SUP</i>
...																		
<i>Travel Trailer Park</i>											<i>SUP</i>			<i>SUP</i>	<i>SUP</i>			
...																		

[The remainder of this page intentionally left blank.]

...”

SECTION 3: Penalty. Any person, firm, corporation or entity violating any provision of this Ordinance, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs. The penal provisions imposed under this Ordinance shall not preclude Sherman from filing suit to enjoin the violation. Sherman retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 4: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 5: Repealing/Savings. The Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 4: Open Meeting. The meeting at which this Ordinance was introduced and passed was open to the public and that public notice of the time, place and purpose of said meeting was given all as required by law.

SECTION 5: Effective Date; Publication. This Ordinance shall become effective from and after its adoption and publication as required by law. The City Clerk is directed to publish the caption of this Ordinance as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS on this ____ day of _____, 2024.

DAVID PLYLER, MAYOR

ATTEST:

LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM:
ABERNATHY, ROEDER,
BOYD & HULLETT, P.C.**

RYAN D. PITTMAN, CITY ATTORNEY