

ACTION MINUTES

The Planning and Zoning Commission and Board of Adjustment of the City of Sherman held a regular meeting Tuesday, May 21, 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>

1. CALL TO ORDER

Bookmarked at 05:11

Chairman Mahone called the meeting to order at 5:04 p.m.

2. APPROVE MINUTES OF THE REGULAR APRIL 16, 2024 PLANNING AND ZONING COMMISSION AND BOARD OF ADJUSTMENT MEETING.

Bookmarked at 06:37

The Planning and Zoning Commission reviewed the minutes of the April 16, 2024, Regular Meeting.

Motion by Vice Chairman Downtain to approve the Minutes as written. Second by Commission Member Sims. All present voted AYE.

3. ANNOUNCEMENTS

Bookmarked at 06:55

4. CITIZEN COMMENTS

Bookmarked at 07:03

Open Public Hearing

5. CONSENT AGENDA (ITEMS 6, 7, 8, 9, 10 AND 11)

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 08:02

The Commission reviewed the Consent Agenda. Vice Chairman Downtain moved to approve Items 6, 7, 8, 9, 10 AND 11 on the Consent Agenda as presented. Second by Commission Member Sims.

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

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

6. * 112 NORTH CROCKETT STREET (Project No. 24-001560)

The request of Mavis Southeast, LLC (Owner) and Diana Steelquist, WD Partners (Representative) for the property at 112 North Crockett Street being Lots 8 and 10, Block 1 of the Original Town Plat and currently zoned C-1 (Retail Business) District/Central Business District Overlay, as follows:

Planning and Zoning Commission

Site Plan for Mavis Tires & Brakes

7. * 2276 SOUTH FM 1417 (HERITAGE PARKWAY) (Project No. 24-001842)

The request of Inspire Academies (Owner), Michael Carlisle, P.E. (Applicant) and Kimley-Horn and Associates, Inc. (Engineer/Surveyor) concerning the property located at 2276 South FM 1417 (Heritage Parkway), consisting of 10.0030 acres in the E. Jones Survey, Abstract No. 625, as follows:

Planning and Zoning Commission

Final Plat of Sherman Inspire Academy Lot 1, Block A

8. * 910 EAST PECAN GROVE ROAD AND 1111 GALLAGHER DRIVE (Project No. 24-001843)

The request of Aspire II, LLC and Stewardship Investment Two, LLC (Owners) and Underwood Surveying & Drafting (Surveyor) concerning the property located at 910 East Pecan Grove Road and 1111 Gallagher Drive,

consisting of 11.604 acres being a part of J.B. McAnair Survey, Abstract No. 763 and being all of Lot 1 of the Jackson Walker Addition, as follows:

Planning and Zoning Commission

Final Plat of Jackson Walker Addition, Phase 2

9. * **2524 SOUTH FIRST STREET (Project No. 24-001844)**

The request of Maria Montoya (Owner) and Underwood Drafting & Surveying (Surveyor) concerning the property located at 2524 South First Street, consisting of 0.323 acres being a part of Richard Thompson Survey, Abstract No. 1200 and being a retracement survey of a called 0.3229 acre tract, as follows:

Planning and Zoning Commission

Final Plat of Maria Montoya Addition

10. * **310 EAST BROCKETT STREET (Project No. 24-001851)**

The request of Zach Adlof (Owner), Rodney Martinez, Centro Resources, LLC (Representative) and Centro Resources, LLC (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

Final Plat of G.W. Bond's Supplement No. 3 Lot 1R1, Block 6

11. * **800 BLOCK WEST PECAN STREET (Project No. 24-001848)**

The request of City of Sherman (Owner) and Weaver Consultants Group (Surveyor) concerning the property located in the 800 Block West Pecan Street, consisting of 1.708 acres in the J.B. McAnair Survey, Abstract No. 763 and being all of Lots 4-12, Parkview Addition and all of Lot 2, Replat of Lots 1, 2 and 3, Parkview Addition, as follows:

Planning and Zoning Commission

Final Plat of Kessler Addition.

12. **1915 AND 1921 WEST HOUSTON STREET (Project No. 24-000103)**

TABLED FROM APRIL 16, 2024

The request of Rick Arnold (Owner), Haleigh Arnold-Black (Representative) and Sartin & Associates, Inc. (Surveyor) concerning the property located at 1915 and 1921 West Houston Street being Lot 1, Block 1 of the Spavinaw Addition and currently zoned C-2 (General Commercial) District and R-6 (Single Family Residential) District, as follows:

Board of Adjustment

- A. Public Hearing and Variance under Section 14.02.017 to allow a 4.4' side setback in lieu of the required 15' for the existing structure.
- B. Public Hearing and Variance under Section 14.02.017 to allow a 14.2' side setback in lieu of the required 15' for the existing structure.

Planning and Zoning Commission

- C. Public Hearing, Site Plan and Specific Use Permit approval under Section 14.06.009 allow Schools; elementary, high, college and universities, public, private, or denominational in a C-2 (General Commercial) District and R-6 (Single Family Residential) District.

Bookmarked at 09:13

Planning and Zoning Commission

Motion by Commission Member Manley to untable the Site Plan and Specific Use Permit located at 1915 and 1921 West Houston Street. Second by Commission Member Sims.

**VOTING AYE: MAHONE, 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 table Items A, B and C located at 1915 and 1921 West Houston Street. Second by Commission Member Whitaker.

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

This item was tabled by the Commission.

13. **600 BLOCK NORTH SAM RAYBURN FREEWAY (Project No. 24-001006) ~~WITHDRAWN~~**
TABLED FROM APRIL 16, 2024

The request of Rhonda Corley (Owner), Primary Media (Representative) and Underwood Drafting & Surveying, Inc. (Surveyor) concerning the property located in the 600 Block North Sam Rayburn Freeway, consisting of 0.029 acres being a part of the J.B. McAnair Survey, Abstract 763 and being a part of that 0.607 acre tract of land, as follows:

Board of Adjustment

- A. Public Hearing and Variance under Section 14.02.016 to allow a 5' front and 5' side setback in lieu of the required 35' for a billboard.

Planning and Zoning Commission

- B. Public Hearing, Site Plan and Specific Use Permit approval under Section 14.06.009 allow a Billboard in a C-1 (Retail Business) District/Central Business District Overlay/Sam Rayburn Overlay District.

Bookmarked at 37:17

This item was withdrawn.

14. **401 SOUTH SAM RAYBURN FREEWAY (Project No. 24-001015)**
TABLED FROM APRIL 16, 2024

The request of Haresh Surti (Owner) and Sartin & Associates, Inc. (Surveyor) concerning the property located at 401 South Sam Rayburn Freeway, consisting of 2.11 acres being a part of the Samuel Blagg Survey, Abstract No. 56 and being Lot 2 in Block 1 of Travelers Inn Addition, as follows:

Planning and Zoning Commission

Public Hearing, Site Plan and Specific Use Permit approval under Section 14.06.009 allow a Hotel or motel in a C-1 (Retail Business) District/Sam Rayburn Overlay District.

Bookmarked at 37:40

Planning and Zoning Commission

Motion by Commission Member Manley to untable the Site Plan and Specific Use Permit located at 401 South Sam Rayburn Freeway. Second by Vice Chairman Downtain.

**VOTING AYE: MAHONE, 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 Site Plan and Specific Use Permit located at 401 South Sam Rayburn Freeway subject to the Staff Review Letter being tied to Haresh Surti for a time frame of one year. Second by Commission Member Whitaker.

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

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

15. **2400-2500 BLOCKS SOUTH EAST STREET (Project No. 24-001816)**

The request of Three Oaks Development Construction Company (Owner) and Underwood Drafting & Surveying (Surveyor) concerning the property located in the 2400-2500 Blocks South East Street, consisting of 6.68 acres being a part of The Preston Kitchens Survey, Abstract No. 667, as follows:

Planning and Zoning Commission

Public Hearing and Zone Change from an R-5 (Single Family Residential) District to an R-4 (Single Family Residential) District.

Bookmarked at 55:53

Planning and Zoning Commission

Motion by Vice Chairman Downtain to approve the Zone Change located in the 2400-2500 Blocks South East Street subject to the Staff Review Letter. Second by Commission Member Manley.

**VOTING AYE: MAHONE, 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. 510 PROGRESS DRIVE (Project No. 24-001549)

The request of Rayburn Energy Station (Owner), Wyatt French (Representative) and Underwood Drafting & Surveying, Inc. (Surveyor) concerning the property located at 510 Progress Drive, consisting of 103.124 acres being a part of the William Martin Survey, Abstract 765 and currently zoned M-1 (Light Manufacturing) District, as follows:

Board of Adjustment

- A. Public Hearing and Variance under Section 14.02.018 to allow a 180' height in lieu of the allowed 100' height for a communication tower.

Planning and Zoning Commission

- B. Site Plan for Rayburn Energy Communications Tower.

Bookmarked at 58:45

Board of Adjustment

Motion by Commission Member Manley to approve the Variance located at 510 Progress Drive. Second by Vice Chairman Downtain.

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

VOTING NAY: NONE.

MOTION CARRIED.

Planning and Zoning Commission

Motion by Commission Member Manley to approve the Site Plan located at 510 Progress Drive subject to the Staff Review Letter. Second by Vice Chairman Downtain.

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

VOTING NAY: NONE.

MOTION CARRIED.

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

17. 7000 BLOCK FM 691 AND 4000 BLOCK NORTH HIGHWAY 75 (Project No. 24-001013)

The request of Christopher LeUnes (Owner), Nathan McCartney, Waypoint Land and Capital, LLC (Representative) and Underwood Drafting & Surveying, Inc. (Surveyor) concerning the property located in the 7000 Block FM 691 and the 4000 Block North Highway 75, consisting of 40.728 acres in the W.S. Thurman Survey, Abstract No. 1265 and in A.C. Smith Survey, Abstract No. 1561 being the remaining portion of a called 71.5452 acre tract, as follows:

Planning and Zoning Commission

C-1 Tract, consisting of 27.101 acres in the W.S. Thurman Survey, Abstract No. 1265 and in A.C. Smith Survey, Abstract No. 1561 - Public Hearing and Zone Change from an R-6 (Single Family Residential) District to C-1 (Retail Business) District.

Bookmarked at 01:05:39

Planning and Zoning Commission

Motion by Commission Member Manley to approve the Zone Change located in the 7000 Block FM 691 and the 4000 Block North Highway 75. Second by Commission Member Blagg.

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

VOTING NAY: NONE.

MOTION CARRIED.

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

18. 530 VERNON HOLLAND DRIVE (Project No. 24-001553) ~~WITHDRAWN~~

The request of Antonio Alva (Owner), Luis Moran (Representative) and Copley Land Surveying (Surveyor) concerning the property located at 530 Vernon Holland Drive, consisting of 0.100 acres in the J.B. McAnair Survey, Abstract No. 763 and being the same 49'x87' Tract of land a part of Lots 1 and 2, Block 1 Veal and Alford's Addition, as follows:

Board of Adjustment

- A. Public Hearing and Variance under Section 14.02.008 to allow an 88' lot depth in lieu of the required 90' lot depth.

Planning and Zoning Commission

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

Bookmarked at 01:09:53

This item was withdrawn.

19. 516 BLOCK EAST PACIFIC STREET (Project No. 24-001555)

The request of Allen Sheehan (Owner), Sarah Sheehan (Representative) and Barry Rhodes, RPLS (Surveyor) concerning the property located in the 516 Block East Pacific Street, consisting of 0.172 acres being Lots 1, 2, 3, 4, 5 and 6, Block 9 of G.W. Bond's Second Addition, as follows:

Planning and Zoning Commission

Public Hearing and Zone Change from R-6 (Single Family Residential) District to R-5 (Single Family Residential) District.

Bookmarked at 01:10:08

Planning and Zoning Commission

Motion by Commission Member Manley to approve the Zone Change located in the 516 Block East Pacific Street. Second by Commission Member Sims.

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

VOTING NAY: NONE.

MOTION CARRIED.

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

20. 125 EAST WALL STREET (Project No. 24-001557)

The request of Madelyn Greenwood and Olga Kladova, Bold & Beauty, LLC (Owners), Tommy Juarez (Applicant) and Preston Trail Land Surveying (Surveyor) concerning the property located at 125 East Wall Street, consisting of 0.031 acres being in the J.B. McAnair Survey, Abstract No. 763 and being part of Lot 7 in Block D of the T.J. Shannon Supplement, as follows:

Planning and Zoning Commission

Public Hearing and Specific Use Permit approval under Section 14.06.009 to allow a Tattoo Studio in a C-2 (General Commercial) District/Central Business District Overlay.

Bookmarked at 01:12:35

Planning and Zoning Commission

Motion by Commission Member Manley to approve the Specific Use Permit located at 125 East Wall Street subject to the Staff Review Letter. Second by Commission Member Sims.

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

VOTING NAY: NONE.

MOTION CARRIED.

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

21. 303 WEST STEADMAN STREET (Project No. 24-001559)

The request of NRG Investments, LLC (Owner), Veronica Garcia (Representative) and Underwood Drafting & Surveying (Surveyor) concerning the property located at 303 West Steadman Street, consisting of 0.214 acres being a part of the Samuel Blagg Survey, Abstract No. 56 and being the East ½ of Lot 8, Block 7 of the B.H. Moore Heirs 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 01:18:03

Planning and Zoning Commission

Motion by Commission Member Manley to approve the Zone Change located at 303 West Steadman Street. Second by Commission Member Whitaker.

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

VOTING NAY: NONE.

MOTION CARRIED.

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

22. 1309 WEST HOUSTON STREET (Project No. 24-001565)

The request of Blake Andrews (Owner), S & G Auto Sales (Applicant) and Sartin & Associate, Inc. (Surveyor) concerning the property located at 1309 West Houston Street, being Lot Two (2) of the Replat of the South Ten Feet of Lot Three, and all of Lots Five, Seven, Nine and Eleven, Block Two, Green Mount Addition, as follows:

Board of Adjustment

- A. Public Hearing and Variance under Section 14.02.016 to allow a 0' rear setback in lieu of the required 25' for the existing structure.

Planning and Zoning Commission

- B. Public Hearing, Site Plan and Specific Use Permit approval under Section 14.06.009 to allow Automobile, motorcycle, boat, or trailer sales, new or used in a C-1 (Retail Business) District.

Bookmarked at 01:23:44

Board of Adjustment

Motion by Commission Member Whitaker to approve the Variance with a setback of 10.6' located at 1309 West Houston Street. Second by Commission Member Sims.

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

VOTING NAY: NONE.

MOTION CARRIED.

Planning and Zoning Commission

Motion by Vice Chairman Downtain to approve the Site Plan and Specific Use Permit located at 1309 West Houston Street subject to the Staff Review Letter removing Item 5, bringing the fence to compliance and being tied to S&G Auto Sales. Second by Commission Member Whitaker.

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

VOTING NAY: NONE.

MOTION CARRIED.

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

23. 601 NORTH HARRISON AVENUE (Project No. 24-001577)

The request of Palabra de Fe (Owner), Valentin Salinas (Representative) and Underwood Drafting & Surveying (Surveyor) concerning the property located at 601 North Harrison Avenue, consisting of 4.38 acres being Lot 2, Block 1 of the Palabra de Fe de Sherman Addition, as follows:

Planning and Zoning Commission

Public Hearing and Zone Change from MF-30 (Multi Family Residential) District to R-6 (Single Family Residential) District.

Bookmarked at 01:44:15

Planning and Zoning Commission

Motion by Commission Member Manley to approve the Zone Change located at 601 North Harrison Avenue. Second by Commission Member Sims.

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

VOTING NAY: NONE.

ABSENT: DOWNTAIN

MOTION CARRIED.

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

ADJOURNMENT

The meeting adjourned for a Recess at 6:43 p.m.

RECONVENE

The Recess closed, and the meeting reconvened at 6:52 p.m.

24. 3111 SOUTH TRAVIS STREET (Project No. 24-001566)

The request of Bryan Luckett (Owner), Gregory Carson (Applicant) and Andrews & Sartin Surveying Company (Surveyor) concerning the property located at 3111 South Travis Street, consisting of 0.47 acres being Lot 1, Block 1 of the Bryan Luckett Addition, as follows:

Planning and Zoning Commission

Public Hearing, Site Plan and Specific Use Permit approval under Section 14.06.009 to allow Automobile, motorcycle, boat, or trailer sales, new or used in a C-2 (General Commercial) District/Blalock Commercial Overlay District.

Bookmarked at 01:55:21

Planning and Zoning Commission

Motion by Commission Member Manley to approve the Site Plan and Specific Use Permit located at 3111 South Travis Street subject to the Staff Review Letter being tied to Gregory Carson for a time frame of one year. Second by Commission Member Sims.

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

VOTING NAY: NONE.

MOTION CARRIED.

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

25. 1005 EAST LAMAR STREET (Project No. 24-001567)

The request of Florencio Barajas and Maria Cisneros (Owners) and Burns Surveying (Surveyor) concerning the property located at 1005 East Lamar Street, consisting of 0.22 acres being a portion of Block 21 in Chaffin's Addition, as follows:

Planning and Zoning Commission

Public Hearing and Zone Change from R-6 (Single Family Residential) District to R-2F (Duplex Residential) District.

Bookmarked at 02:07:30

Planning and Zoning Commission

Motion by Vice Chairman Downtain to deny the Zone Change located at 1005 East Lamar Street. Second by Commission Member Manley.

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

VOTING NAY: BLAGG.

MOTION CARRIED.

This item was denied by the Commission.

26. 514 SOUTH BRANCH STREET (Project No. 24-001581)

The request of Salvador Rubel Lopez (Owner), Mario Tobar (Representative) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property located at 514 South Branch Street, consisting of 0.172 acres being a part of the Samuel Blagg Survey, Abstract No. 56 and being all of the 50 feet by 150 feet tract of land, as follows:

Planning and Zoning Commission

Public Hearing and Zone Change from an MF-30 (Multi Family Residential) District to R-5 (Single Family Residential) District.

Bookmarked at 02:19:17

Planning and Zoning Commission

Motion by Commission Member Sims to approve the Zone Change located at 514 South Branch Street. Second by Vice Chairman Downtain.

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

VOTING NAY: NONE.

MOTION CARRIED.

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

27. 710 SOUTH WILLOW STREET (Project No. 24-001583)

The request of NRG Investments (Owner), Veronica Garcia (Representative) and Underwood Drafting & Surveying (Surveyor) concerning the property located at 710 South Willow Street, being Lot 17R, Block 11 of the Replat of W. Elliott's Addition, Block 11, Lots 16R, 17R, 18R and 19R, as follows:

Planning and Zoning Commission

Public Hearing and Zone Change from an R-6 (Single Family Residential) District to an R-2F (Duplex Residential) District.

Bookmarked at 02:23:04

Item 27 and Item 28 were combined.

28. 716 SOUTH WILLOW STREET (Project No. 24-001584)

The request of NRG Investments (Owner), Veronica Garcia (Representative) and Underwood Drafting & Surveying (Surveyor) concerning the property located at 716 South Willow Street, being Lot 16R, Block 11 of the Replat of W. Elliott's Addition, Block 11, Lots 16R, 17R, 18R and 19R, as follows:

Planning and Zoning Commission

Public Hearing and Zone Change from an R-6 (Single Family Residential) District to an R-2F (Duplex Residential) District.

Bookmarked at 02:30:21

Planning and Zoning Commission

Motion by Vice Chairman Downtain to deny the Zone Change located at 710 and 716 South Willow Street. Second by Commission Member Sims.

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

VOTING NAY: BLAGG AND RAMIREZ.

MOTION CARRIED.

This item was denied by the Commission.

29. 710 WEST BIRGE STREET (Project No. 24-001586)

The request of Rafael Rodriguez Azevedo (Owner) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property located at 710 West Birge Street, consisting of 1.093 acres being a part of the J.B. McAnair Survey, Abstract No. 763 being all of Lots 1, 2, 3, 4 and 5, Block 2 of Birge's Addition, as follows:

Planning and Zoning Commission

Lot 3-R, consisting of 0.785 acres being a part of the J.B. McAnair Survey, Abstract No. 763 being all of Lots 3, 4 and 5 and a part of Block 2 of Birge's Addition - Public Hearing and Zone Change from R-6 (Single Family Residential) District to R-12 (Single Family Residential) District.

Bookmarked at 02:36:54

Planning and Zoning Commission

Motion by Vice Chairman Downtain to approve the Zone Change located at 710 West Birge Street. Second by Commission Member Sims.

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

VOTING NAY: NONE.

MOTION CARRIED.

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

0. 5225 WEST HOUSTON STREET (Project No. 24-001590) ~~WITHDRAWN~~

The request of Nicolas Diaz (Owner) and Sartin & Associates, Inc. (Surveyor) concerning the property located at 5225 West Houston Street, consisting of 2.65 acres being a part of the Jason Stamps Survey, Abstract No. 1115 and the Fielding Bacon Survey, Abstract No. 119, as follows:

Planning and Zoning Commission

Public Hearing and Zone Change from R-A (Residential Agricultural) District to M-1 (Light Manufacturing) District.

Bookmarked at 02:40:12

This item was withdrawn.

31. 3530 CROSSROADS BOULEVARD (Project No. 24-001595)

The request of Neighborhood Credit Union (Owner), Chandler Signs (Representative) and Quiddity (Surveyor) concerning the property located at 3530 Crossroads Boulevard, consisting of 1.00 acres in the Preston Kitchen Survey, Abstract No. 667 and currently zoned Blalock Industrial Park PD (Planned Development) District/Blalock Commercial Overlay District, as follows:

Board of Adjustment

Public Hearing and Variance under Section 14.03.007 to allow a 96.67 square foot sign area in lieu of the allowed 65 square foot sign area for a monument sign.

Bookmarked at 02:40:40

Board of Adjustment

Motion by Commission Member Sims to deny the Variance located at 1309 West Houston Street. Second by Commission Member Manley.

VOTING AYE: MAHONE, DOWNTAIN, MANLEY AND SIMS

VOTING NAY: WHITAKER.

MOTION CARRIED.

This item was denied by the Commission.

32. **1822 SOUTH MONTGOMERY STREET (Project No. 24-001597)**

The request of Giovanni Garcia (Owner) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property located at 1822 South Montgomery Street, being Lot 6, Block 19, Supplemental Plat of Block 19 South Sherman known as South Side Addition, as follows:

Planning and Zoning Commission

Public Hearing and Zone Change from a C-1 (Retail Business) District to an R-5 (Single Family Residential) District.

Bookmarked at 02:57:23

Planning and Zoning Commission

Motion by Vice Chairman Downtain to table the Zone Change located at 1822 South Montgomery Street. Second by Commission Member Whitaker.

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

VOTING NAY: NONE.

MOTION CARRIED.

This item was tabled by the Commission.

33. **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), Article 14.07 (Signs), Section 14.08.001 (Definitions), Article 14.10 (Use Chart); Modifying Certain Existing Regulations And Prescribing New Regulations Relating To Billboards And Off-Premise Signs In The City Of Sherman; 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 03:13:36

Planning and Zoning Commission

Motion by Commission Member Manley to approve the version in front of the Commission. Second by Vice Chairman Downtain.

VOTING AYE: MAHONE, 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

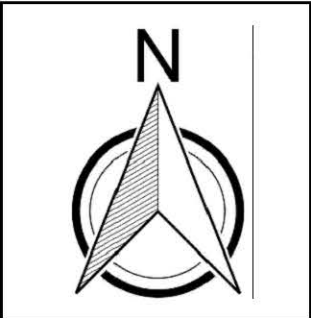
34. **ADJOURNMENT**

Bookmarked at 03:21:33

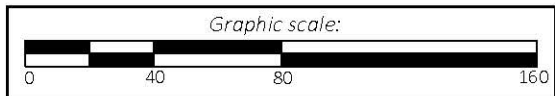
Chairman Mahone adjourned the meeting at 8:18 p.m.

CHAIRMAN

ACTING SECRETARY

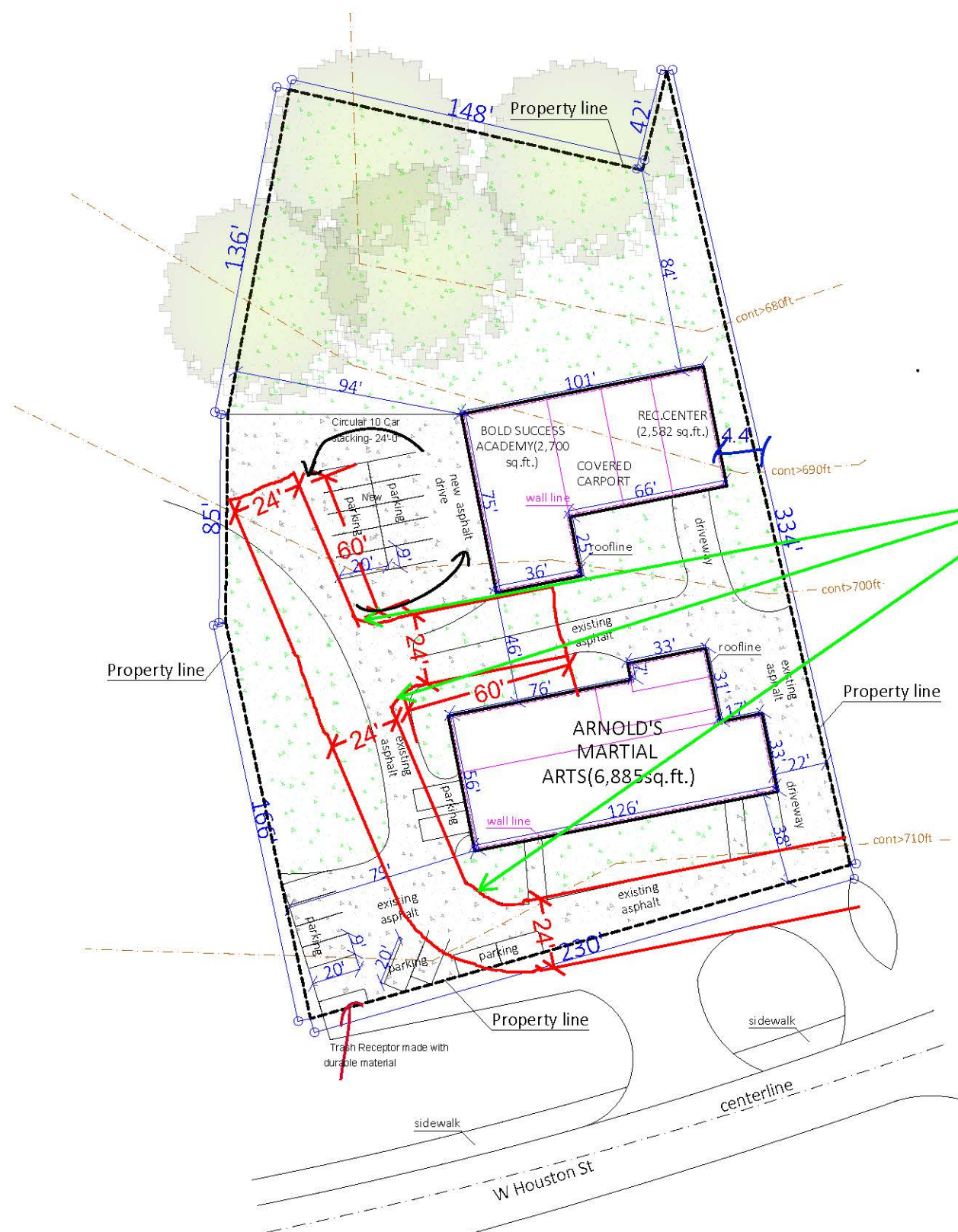


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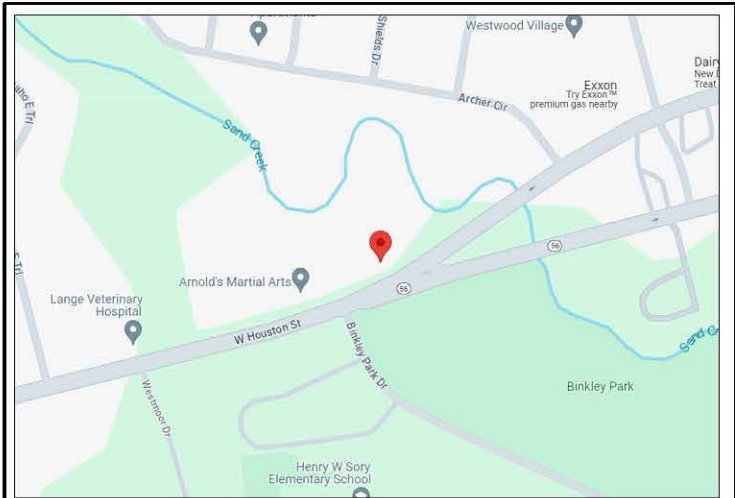


SITE PLAN
1915 W Houston
Sherman, TX 75090
Parcel ID: S036 2529001
Lot area: 1.64 Acres
Paper Size: 11"x17"

SF of Arnold's Martial Arts	6,885
SF of Recreation Center	2,582
Parking:	
Elementary/Middle Classrooms (2)	5 spaces needed
High School Classroom (1)	10 spaces needed
Total Parking Required	15 spaces
Total Parking Provided	21 spaces
C2 District	
Floor to Area Ratio (FAR)	.13



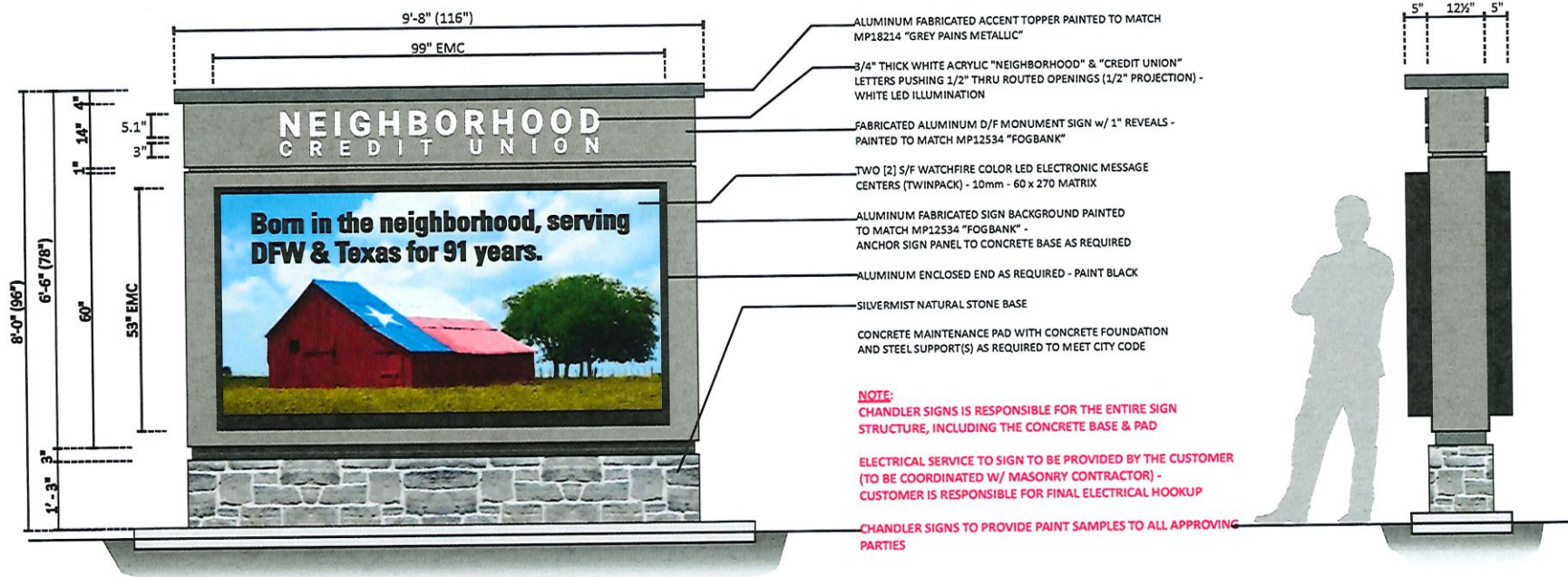
Min 25' Inside Turning Radius



VICINITY MAP

Calculating Building and Lot Coverage Percentages
Lot area: 71,438 sq.ft.
Total building coverage (gross floor area): 12,585 sq.ft.
Building Coverage Percentage: 12,585 sq.ft / 71,438 sq.ft = 0.17616 = 17.6%
Total Lot Coverage: 22,561 sq.ft.
Lot Coverage Percentage: 22,561 sq.ft / 71,438 sq.ft = 0.31581 = 31.58%
*Total landscape areas: 35,771 sq.ft / 71,438 sq.ft = 0.50072 = 50.1%





A D/F MONUMENT SIGN
ONE [1] REQ'D - MANUFACTURE & INSTALL

SCALE: 1/2" = 1'-0"
77.34 Sq. Ft.



Design #	0424900Ar3
Sheet	1 of 2
Client	NEIGHBORHOOD CU
Address	US 75-FM 3417 SHERMAN, TEXAS
Account Rep.	WLF/MIA
Designer	JMC
Date	4/2/24
Approval / Date	
Client	
Sales	
Estimating	
Art	
Engineering	
Landlord	
Revision / Date	

R1 RMS 4-8-24: chng site plan
R2 JMC 5/6/24: REVISED SIGN
R3 JMC 5/8/24: REVISED SIGN
A



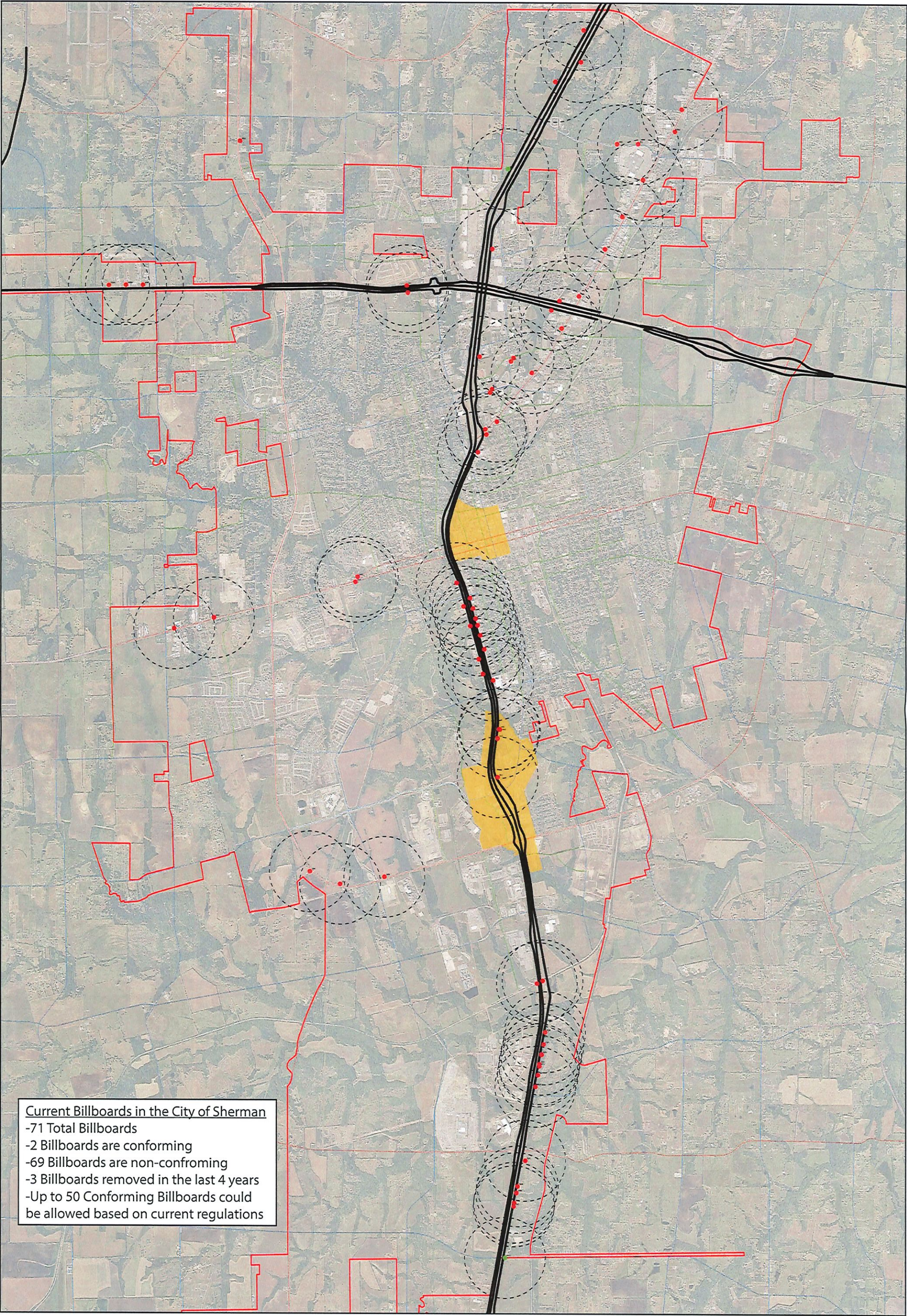
chandler signs.com

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Email: info@chandler-signs.com
Website: www.chandler-signs.com

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**FINAL ELECTRICAL
CONNECTION BY
CUSTOMER**

The sign is to be installed in accordance with the National Electrical Code (NEC) and all applicable local codes. The installer is responsible for obtaining all necessary permits and for ensuring that the sign is properly grounded and protected from lightning.



Current Billboards in the City of Sherman
-71 Total Billboards
-2 Billboards are conforming
-69 Billboards are non-conforming
-3 Billboards removed in the last 4 years
-Up to 50 Conforming Billboards could be allowed based on current regulations

CITY OF SHERMAN
Billboards Map

Legend

	City Limits		2,000' Billboard Buffer
	Special Districts		
	Conforming Billboards		
	Non-Conforming Billboards		

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), ARTICLE 14.07 (SIGNS), SECTION 14.08.001 (DEFINITIONS), ARTICLE 14.10 (USE CHART); MODIFYING CERTAIN EXISTING REGULATIONS AND PRESCRIBING NEW REGULATIONS RELATING TO SIGNS; PROHIBITING NEW BILLBOARD SIGNS; 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 Ordinances”) for the purpose of modifying certain regulations relating signs; and

WHEREAS, the City of Sherman (“City” or “Sherman”) has complied with all legal notices and public hearings as required by law; and

WHEREAS, the City Council finds that in order to protect the aesthetic value of the City and to protect public safety, health, safety and morals for Sherman and its citizens, it is in the best interest of Sherman and its citizens to adopt this Ordinance.

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). Article 14.07 (Signs), Section 14.08.001 (Definitions), Article 14.10 (Use Chart) of the Code of Ordinances are amended as follows¹:

“ARTICLE 14.07 SIGNS

...

Sec. 14.07.003

Prohibited signs.

Except as otherwise expressly allowed by this Chapter, the following signs and conditions are prohibited:

- (a) *The construction, placement, existence or use of signs of the following nature are prohibited:*
- (1) *“A” frame signs.*
 - (2) *Abandoned sign.*
 - (3) *Audible sign.*
 - (4) *Banner sign.*
 - (5) *Billboard.*
 - (6) *Cloud buster balloon and air devices.*

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

- (7) *Feather flag.*
- (8) *Merchandise display.*
- (9) *Moving sign.*
- (10) *Neglected sign.*
- (11) *Off-location or off-premises sign.*
- (12) *Outdoor advertising sign.*
- (13) *Pennant signs.*
- (14) *Prohibited signs:*
 - (A) *Any sign not referenced in or governed by this chapter;*
 - (B) *Any sign erected or installed without the issuance of a permit, either prior to or after the adoption of this chapter (if a permit was required);*
 - (C) *Any sign that emits odor or visible matter;*
 - (D) *Any changeable electronic variable message sign (CEVMS) or light emitting diode (LED) billboards located, relocated or upgraded along a regulated highway;*
 - (E) *Any sign erected or installed in or over a public right-of-way or access easement, unless permitted within this chapter, or as allowed in the Central Business District Overlay;*
 - (F) *Any sign placed in any location which by reason of their location will obstruct the view of any authorized traffic sign, signal, or other traffic control device by vehicular or pedestrian traffic. No sign shall be erected which, by reason of shape, color, size, design, or position, would be reasonably likely to create confusion with, to be confused as, or to interfere with any traffic signal or device which is authorized by the appropriate state or local governmental authorities. Further, no sign shall be placed in a location that will obstruct vision of a vehicle operator while entering, exiting, or traveling upon the public right-of-way.*
 - (G) *Any sign that does not comply with this or other applicable municipal ordinances, or those which do not comply with Federal or State laws;*
 - (H) *Any sign supported by a tree, rock, bridge, rails or public utility pole;*
 - (I) *Any sign supported by a fence, except for temporary construction fence signs governed by this chapter; or*
 - (J) *Any sign not allowed or defined by this chapter.*
- (15) *Revolving sign.*
- (16) *Roof sign*
- (17) *Searchlight.*
- (18) *Temporary nuisance signs.*
- (19) *Vacant building sign.*
- (20) *Wind driven signs.*

The following signs shall be prohibited in all districts:

- (1) ~~Any signs and supports, other than those signs and supports required by governmental authority, or for which a street use license has been issued, which are located on the public right-of-way, including on public streets, alleys, and parkways. This section shall not apply to signs on commercial vehicles or commercial trailers lawfully operated or parked in such areas, except that this exception shall not otherwise be used to legitimate the use of advertising vehicles and trailers prohibited in section 14.07.005.~~
- (2) ~~Any signs which resemble an official traffic sign or signal or which bear the words "stop," "go slow," "caution," "danger," "warning" or similar words.~~
- (3) ~~Signs which, by reason of their size, location, movement, content, coloring, or manner of illumination, may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign or signal or device.~~

- ~~(4) Any sign which emits sound, odor or visible matter which serves as a distraction to persons within the public right of way.~~
- ~~(5) Any sign, billboard or outdoor advertising, as those terms are defined in section 108.51 of the Texas Alcoholic Beverage Code, which advertises an alcoholic beverage or the manufacture, sale or distribution of an alcoholic beverage, except as allowed by state law.~~

...

Sec. 14.07.006

Nonconforming sign abatement.

Signs legally existing prior June 17, 2024 that were in compliance with the then-current ordinance and not in compliance herewith shall be regarded as nonconforming signs subject to the regulations in this section.

(a) Nonconforming signs.

(1) A nonconforming sign may not be:

- (A) Changed to another nonconforming sign;*
- (B) Structurally altered so as to prolong the life of the sign;*
- (C) Expanded to increase the size;*
- (D) Changed to use a different method or technology to convey a message;*
- (E) Re-established after its removal for a period of more than 30 calendar days;*
- (F) Moved in whole or in part to any other location on the same or any other premises unless every portion of such sign is made to conform to all of the regulations of this chapter;*
- (G) Re-established after damage or destruction if the estimated expense of reconstruction exceeds 50 percent of its fair market value prior to the time of destruction;*
- (H) Maintained if the sign has fallen to the ground; or*
- (I) Maintained if the sign leans such that the angle between the sign and the ground is 70 degrees or less.*

(b) Maintenance. A nonconforming sign may be maintained as follows:

(1) Maintenance operations may be performed on the sign. For purposes of this section, "maintenance operations" means the process of keeping a sign in good repair. Maintenance operations include:

- (A) Cleaning;*
- (B) Painting;*
- (C) Repair of parts with like materials in a manner that does not alter the basic design or structure of the sign, provided that the cost of all repairs performed during any consecutive 365 calendar day period is not more than 60 percent of the cost of erecting a new sign of the same type at the same location; and*
- (D) Replacement of parts with like materials in a manner that does not alter the basic design or structure of the sign, provided that the cost of all replacement of parts performed during any consecutive 365 calendar day period is not more than 60 percent of the cost of erecting a new sign of the same type at the same location. The 365 calendar day period limitation shall not apply to a sign that has been blown down or otherwise destroyed as described in subsection (a) above. Examples of actions that are not maintenance operations and are therefore prohibited include, without limitation:*
 - (i) Converting a sign from a multiple pole structure to a monopole structure;*
 - (ii) Replacing wooden components with metal components;*
 - (iii) Increasing the area or height of a sign;*
 - (iv) Adding illumination to a nonilluminated sign;*
 - (v) Adding additional display faces;*
 - (vi) Converting a sign to utilize animated display or moveable copy technology, including but not limited to signs featuring Tri-Vision technology; and*

- (vii) *Updating the technology in an already existing animated display or moveable copy signs. If a sign is dismantled for any purpose other than an alteration or maintenance operation permitted hereunder, the sign may not be altered, reconstructed, repaired or replaced, and the owner shall remove the sign or bring it into compliance with this chapter and all other applicable ordinances.*
 - (2) *Ordinary repairs and maintenance, including the removing and replacing of the outer panels are permitted, provided that the panels are replaced with identical panels and that no structural alterations or other work which extends the normal life of the nonconforming sign shall be permitted.*
 - (3) *Single panels on multi-panel monument signs for multi-tenant shopping centers may be changed to reflect tenant changes.*
 - (5) *Notwithstanding any other provision of this chapter, any sign that is a legally existing nonconforming sign hereunder may be relocated on the same lot or tract of land if the sign is required to be removed from its present location because the property on which the sign is located is acquired by any governmental agency or other entity which has or could have acquired the property through the exercise of its power of eminent domain or because such removal is necessary to accommodate a City capital improvement project, provided, however, such relocated sign shall be placed to comply with all setbacks and other locational requirements as set forth in this chapter.*
 - (6) *Change to a conforming sign. A nonconforming sign may be altered to become or be replaced with a conforming sign by right. Once a sign is altered to conform or is replaced with a conforming sign, the nonconforming rights for that sign are lost and a nonconforming sign may not be re-established.*
 - (7) *If there is no sign in place on a sign structure or building wall for six consecutive months, the nonconforming rights are lost and a nonconforming sign may not be re-established. If the sign structure is unused for less than six consecutive months, a nonconforming sign may be re-established.*
 - (c) *Nonconforming sign registration and amortization.*
 - (1) *Registration. The operator and/or owner of any nonconforming sign shall register such nonconforming sign and obtain from the City Manager a certificate of nonconforming rights within 12 months after the sign becomes nonconforming or 12 months after the date of publication of the June 17, 2024 version of this chapter, whichever occurs later. If a sign qualifies as a nonconforming sign and the operator and/or owner registers the sign with the City, the City Manager shall issue a certificate of nonconforming rights. Failure to obtain this certificate of nonconforming rights within the requisite time shall terminate the sign's status as a nonconforming sign and such sign shall be considered an illegal sign.*
 - (2) *Amortization. Any nonconforming sign may be amortized and removed by the City in accordance with applicable law.*
-
- ~~(a) The following signs and/or advertising items shall become nonconforming on the effective date of this chapter.~~
 - ~~(b) Any sign which is affixed to sign supports prohibited in section 14.07.002(f).~~
 - ~~(c) Banners, pennants, searchlights, sandwich or "A" frame signs, or wind driven signs.~~
 - ~~(d) Any signs which resemble an official traffic sign or signal or which bear the words "stop," "caution," "go slow," "danger," "warning" or similar words.~~
 - ~~(e) Signs which, by reason of their size, location, movement, content, coloring or manner of illumination may be confused with or construed as a traffic control sign, signal, or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign or signal or device.~~

- ~~(f) Any sign which emits sound, odor or visible matter or which serves as a distraction to persons within the public right-of-way.~~
- ~~(d)(g) Any signs and their supports in violation of Section 14.07.003(4) are hereby deemed to be in trespass on city rights-of-way, city easements, or other city-owned property public property and shall be immediately removed by the owner or his agent. If the owner fails to remove such signs, the owner shall be in violation of this chapter and may be cited as such. If the owner is not known, The City is entitled to have or administration shall cause the signs and supports to be removed.~~
- ~~(e)(h) The manner of notice where required by this chapter shall be by regular mail. Refusal of mail, which has been properly addressed and posted, shall not void the notice. Publication may be used when the addressee or his whereabouts are unknown and said publication shall be done in the same manner as prescribed in state law for service of process by publication. Notice by publication shall be deemed sufficient regardless of its effect as actual notice. With the exception of signs made of paper or cardboard and their supports which may be disposed of immediately, removed signs and supports shall be stored a period not to exceed fourteen (14) days beginning the first day of effective notice, whether actual or constructive. A storage charge of five dollars (\$5.00) per day will be levied beginning the fourth day of that fourteen (14) day period. Before the expiration of the storage period, the owner of the sign and supports may reclaim his property upon payment of any storage charges and the cost of removal. If said sign and support have not been reclaimed by the expiration of the storage period, they may be disposed of in the manner hereafter provided. If the sign and supports are not capable of being sold, they may be discarded, but if sold, the proceeds therefrom shall be first applied to the storage charge and removal charge, then to the general fund of the city.~~
- ~~(i) All signs which are in violation of the provisions of this chapter shall become nonconforming. Such signs may be maintained, repaired and may be continued so long as their nonconformity is not increased. Nonconforming signs shall not be enlarged in area or increased in height. No nonconforming sign shall be continued when abandoned. Abandonment means when a business vacates a premises. The new business's sign shall comply with this chapter as a new sign.~~

...

Sec. 14.07.012 Billboards.

All new billboard signs are prohibited. Billboards that were legally existing prior to June 17, 2024 may remain subject to Section 14.07.006.

~~Billboards consisting of off premises poster panels or bulletins, digital signs or painted or printed bulletins shall be permitted in the C-1, C-2, M-1, M-1.5, and M-2 districts with a specific use permit and subject to the following conditions:~~

- ~~(1) Billboards shall be constructed to meet the construction standards of the International Building Code. Billboards may have one sign face per side for a maximum of two sides. Only one side face may be visible from one direction of traffic. The back side of the billboard structure shall be boxed in to create a smooth finish. All framework and boxing shall be painted to blend with the surrounding area; ex: sky blue or light grey in open areas and brown or forest green in areas with trees.~~
- ~~(2) Billboards shall be a minimum of thirty-five (35) feet from any residentially zoned property line.~~
- ~~(3) The maximum area of any billboard sign face shall be three hundred (300) square feet. The maximum width of any billboard shall be thirty-five (35) feet.~~
- ~~(4) Billboards shall be within seventy-five (75) feet and on the inbound side of Highways 75 or 82 frontage. All billboards shall have one face visible to inbound traffic. The inbound traffic side of highways shall be defined as the side of the highway for traffic coming into the city beginning at the city limits and ending at North Travis Street for southbound Highway 75, at Highway 82 for northbound Highway 75, at North Travis for westbound Highway 82 and at Texoma Parkway (Hwy 91) for eastbound Highway 82.~~

- (5) ~~There shall be a minimum radial separation of two thousand (2,000) feet between all billboards.~~
- (6) ~~Billboards shall have a setback of not less than thirty five (35) feet. Setbacks from side lines shall be not less than thirty five (35) feet.~~
- (7) ~~Billboards shall have a maximum height of forty two and a half (42.5) feet above the center of the facing street, access road, or thoroughfare. Provided, however, no billboard sign shall be higher than fifty (50) feet measured from its base.~~
- (8) ~~All lighting of billboards shall be so shielded as not to produce intensive or excessive light or glare on adjacent property.~~
- (9) ~~Billboards shall not be permitted within the central business district as designated on the official zoning map.~~
- (10) ~~In addition to the above conditions, digital billboards shall have a maximum transition time between messages of two (2) seconds. The minimum duration of the message display shall be eight (8) seconds. Brightness shall be no more than 0.3 footcandles over ambient light. Automatic dimming is required. The brightness measurement shall be taken utilizing a footcandle meter at 200' measured perpendicular to the face of the digital billboard.~~

...

ARTICLE 14.08 DEFINITIONS

Sec. 14.08.001 Definitions.

...

Sign. Any structure or part thereof, or any device attached to, painted on or represented on a building or other structure, upon which is displayed or included any letter, word, model, banner, decoration, device, or representation used as, or which is in the nature of, an announcement, direction, advertisement, or other attention-directing device.

Sign, "A" frame. An advertising or business ground sign constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member.

Sign, abandoned. *A sign that had a permit, but the permit has been expired for 30 or more consecutive calendar days and/or is not maintained by a property owner, bona fide business, user or lessee. Abandoned signs are prohibited in the city and its extraterritorial jurisdiction.*

Sign, area of. The total exterior surface computed in square feet of a sign having but one exposed exterior surface; the aggregate exposed exterior surface computed in square feet of a sign having more than one such surface.

Sign, audible. *Any sign that emits music, talking, words, or other sound or amplification. Audible signs are prohibited in the city and its extraterritorial jurisdiction.*

Sign, banner. A sign with or without characters, letters, illustrations, or ornamentations applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing.

Sign, Billboard. ~~A sign which directs attention to a business, product, service, or entertainment conducted, sold, or offered at a location other than on the premises on which the sign is located. A sign that is freestanding or attached to or part of a building, and is an off-premises sign that is designed for a change in copy, so that the characters, letters, display or illustrations can be changed or rearranged within a fixed sign face.~~

Sign, cloud buster balloon. Any visible airtight or air-flow through, inflatable apparatus that exceeds one square foot in total area made of latex, mylar, or other similar material that extends higher than ten (10) feet into the sky by a cord, rope, string, wire, or other similar material. A cloud buster balloon or air device is commonly used to attract persons to a location having a promotion, sale, or other function. Cloud buster balloons, blimps, and other air devices are prohibited in the city and its extraterritorial jurisdiction.

Sign, Development Entrance. A permanent on-premises sign identifying a vehicular entrance to a residential subdivision, residential complex, or commercial development.

Sign, Educational and Institutional. A sign, which by symbol or name, identifies an educational or institutional use permitted within a residential zoning district and may also provide the announcement of services or activities to be held therein.

Sign, feather flag. A wind device that contains a harpoon-style pole or staff driven into the ground for support.

Sign, freestanding. Any sign which is not attached to a building or other structure, including portable signs.

Sign, monument. A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles. The calculation of the sign area consists of the entire monument sign structure.

Sign, moving. Any sign, sign appendages or apparatus designed or made to move freely in the wind or designed or made to move by an electrical or mechanical device. Moving signs, and/or any sign appendage that moves, are prohibited in the city and its extraterritorial jurisdiction.

Sign, neglected. A sign that has any missing panels, burned out lights, missing letters or characters, has rust, has loose parts, has damage, faded from its original color, supports or framework with missing sign or parts, or is not maintained. Neglected signs are prohibited in the city and its extraterritorial jurisdiction.

Sign, off-premise. Any sign that displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution or other commercial message which is generally conducted, sold, manufactured, produced, offered or occurs elsewhere than on the premises where the sign is located. For purposes of this definition, any portion of a lawfully permitted special event where public streets have been closed to traffic in accordance with this code shall be considered a single premises.

Sign, outdoor advertising. A sign that advertises goods, products or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located.

Sign, pennant. A sign, with or without a logo, made of flexible materials suspended from one or two corners, used in combination with other such signs to create the impression of a line.

Sign, Pole. A freestanding sign that is affixed, attached, or erected on a pole that is not itself an integral part of or attached to a building or structure.

Sign, projecting. A sign attached to a building or other structure and extending in whole or in part more than 14 inches beyond the building.

Sign, Pylon. A freestanding sign other than a pole sign, permanently affixed to the ground by supports, but not having the appearance of a solid base.

Sign, revolving. Any sign that turns, spins, or partially revolves or completely revolves 360 degrees on an

axis.

Sign, Roof. *A sign mounted on and supported by the roof portion of a building or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building or a sign that is painted directly to or applied on the roof or top of a building or structure. A sign that is mounted on mansard facade, pent eaves or architectural projections, such as canopies or the fascia (wall) of a building or structure, shall not be considered to be a roof sign.*

Sign, searchlight. Searchlights shall be considered signs that are used to announce, direct attention to, or advertise businesses.

Sign, temporary nuisance. *Any temporary sign placed in the public right-of-way and/or on public property that is not otherwise expressly allowed to be located within the public right-of-way and/or public property pursuant to this chapter.*

Sign, Undeveloped Real Estate. A temporary sign that relates to the sale, lease, or rental of undeveloped property on a site.

Sign, vacant building. *No sign shall be permitted to remain on any vacant building, except a sign pertaining to the lease or sale of the building to which it pertains, or a sign which is under lease from an owner or his/her authorized agent when such sign is maintained by a person operating under his/her own bond.*

Sign, wind-driven. ~~Any display or series of displays, banners, flags, balloons, or other objects designed and fashioned in such a manner as to move when subjected to wind pressure.~~ *Any pennant, streamer, spinner, balloon, cloud buster balloon, inflatable objects or similar devices made of cloth, canvas, plastic or any flexible material designed to float or designed to move, or moves freely in the wind, with or without a frame or other supporting structure, used for the purpose of advertising or drawing attention to a business, commodity, service, sale or product. Exception: Flags and balloons and/or balloon arrangements. Wind device(s) are prohibited in the city.*

...

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	MF-30	MH	C-N	C-O	C-1	C-2	M-1	M-1.5	M-2
...																		
Commercial, Retail, and Service Uses																		
...																		
Billboard														SUP	SUP	SUP	SUP	SUP
...																		

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...”

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