

ORDINANCE NO. 19-S-22

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING PART III, SCHERTZ CODE OF ORDINANCES, THE UNIFIED DEVELOPMENT CODE (UDC) INCLUDING ARTICLE 3 BOARDS, COMMISSIONS, AND COMMITTEES, ARTICLE 4 PROCEDURES AND APPLICATIONS, ARTICLE 8 SPECIAL USES AND GENERAL REGULATIONS, ARTICLE 9 SITE DESIGN STANDARDS, AND ARTICLE 12 SUBDIVISIONS AND SCHERTZ CODE OF ORDINANCES CHAPTER 18 BUILDING AND BUILDING REGULATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY

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

WHEREAS, City Staff and has reviewed Chapter 18 Building and Building Regulations and have recommended certain revision and updates to, and reorganization of, Chapter 18;

WHEREAS, on August 28, 2019 the Planning and Zoning Commission conducted a public hearing and thereafter recommended approval; and

WHEREAS, on September 3, 2019, 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;

WHEREAS, pursuant to Section 4.09(e) of the City Charter, if the City Council, by a vote of not less than two-thirds of the members present at the meeting at which an ordinance is first introduced, determines that an emergency exists requiring immediate action, such ordinance may then be voted upon and rejected or passed at that meeting; and

WHEREAS, several development related legislative amendments effective September 1, 2019 have necessitated the recommended amendments contemplated by this Ordinance and it is hereby found to be in the public interest that said local amendments be effective as soon as possible.

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

Section 1. The current UDC and Code of Ordinances Chapter 18 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. Pursuant to Section 4.09(e) of the City Charter, by vote of not less than two-thirds of the members of the City Council present at the meeting at which this Ordinance was first considered, the City Council has determined that an emergency exists which requires immediate action, and City Council has determined that an emergency exists due to Legislative House Bills effective September 1, 2019, which requires immediate action and that this Ordinance be adopted on a single reading.

Section 9. This Ordinance shall be effective upon the date hereof and any publication required by law.

PASSED, APPROVED AND ADOPTED ON FIRST AND FINAL READING, the 3rd day of September, 2019.

Michael R. Carpenter, Mayor

ATTEST:

Brenda Dennis, City Secretary
(SEAL OF THE CITY)