

ORDINANCE NO. 21-S-26

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING PART III, SCHERTZ CODE OF ORDINANCES, THE UNIFIED DEVELOPMENT CODE (UDC) SUBSECTIONS WITHIN ARTICLE 5, ARTICLE 9, AND ARTICLE 14; SPECIFICALLY FOR THE CREATION OF THE MAIN STREET MIXED USE- NEW DEVELOPMENT (MSMU-ND) ZONING DISTRICT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

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

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

WHEREAS, on May 26, 2021 the Planning and Zoning Commission conducted a public hearing and thereafter recommended approval; and

WHEREAS, on June 22, 2021 the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the proposed amendments are appropriate and in the interest of the public safety, health and welfare;

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

Section 1. The current UDC is hereby amended as set forth on Exhibit A hereto.

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

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and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

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

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

Section 6. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

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

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

Approved on first reading the 22nd day of June, 2021.

PASSED, APPROVED AND ADOPTED on final reading the 6th day of July, 2021.

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary
(SEAL OF THE CITY)

Exhibit A

Unified Development Code
Amendments to Subsections within Articles 5, 9, and 14

See Attached-
Red Text Identifies New UDC Language

Sec. 21.5.5. - Statement of Purpose and Intent for Residential Districts.

- O. *Main Street Mixed- Use New Development District (MSMU-ND)*. Intended to provide a base zoning district in the area along Main Street, specifically for new development of existing properties. This district is intended to mirror The Main Street Mixed-Use District (MSMU), allowing for both single-family residential uses and low intensity commercial uses. Reduced setbacks, parking requirements, along with reduced landscape buffers are provided as part of this district due to physical restraints of the existing properties.

Sec. 21.5.7. - Dimensional and Developmental Standards.

A. *General.* All projects or developments shall comply with all of the applicable dimensional and development standards of this Article. Additional requirements may also apply as required in other sections of this UDC. All area requirements and lot sizes shall be calculated based on gross acres.

Table 21.5.7.A DIMENSIONAL REQUIREMENTS RESIDENTIAL ZONING DISTRICTS											
		Minimum Lot Size And Dimensions			Minimum Yard Setback (Ft)				Miscellaneous Lot Requirements		
Code	Zoning District	Area Sq. Ft.	Width Ft.	Depth Ft.	Front Ft.	Side Ft.	Rear Ft.	Minimum Off-Street Parking Spaces	Max Heigh t Ft.	Max Imperv Cover	Key
MSM U- ND	Main Street Mixed Use- New Development	5,000	50	100	10	5	10	Parking Spaces are determined based on the square footage of the structure. 0 sqft – 1,500 sqft requires 2 parking spaces. 1,501 sqft - 5,000 sqft, requires 5 parking spaces; unless the proposed land use would require less. 5,001 sqft - 10,000 sqft, requires 10 parking spaces; unless the proposed land use	35	80%	j,k,m

								would require less.			
								Over 10,000sqft requires 20 parking spaces; unless the proposed land use would require less.			

Key:

a.	Add 1,800 square feet of area for each unit after the first 3 units. Maximum density shall not exceed 24 units per acre.
b.	1.5 parking spaces per bedroom.
c.	Zero lot line Garden Homes.
d.	20-foot paved alley for ingress/egress to all rear garages.
e.	5-foot shall be designated maintenance easement.
f.	Corner lot shall have 10-foot side yard setback from street right-of-way.
g.	25-foot set back to property line adjoining public street.
h.	Corner lot shall have minimum 15-foot side yard setback from street right-of-way.
i.	Minimum lot area for each unit.
j.	Site Plan approval required.
k.	Swimming pools count toward the maximum impervious cover limitations, unless the swimming pool is equipped with a water overflow device appropriate for such pool, and only if it drains into any pervious surface, in which case the water surface shall be excluded.
l.	No variances may be permitted to exceed the maximum impervious cover limitations
m.	Refer to Article 14, section 21.14.3 for additional design requirements
n.	All single family residential dwelling units constructed within this district shall be constructed with an enclosed garage.
o.	Side yard setback of 7.5 ft. for R-1, R-2, R-3, R-6, R-7, and MHS continues in effect for all subdivisions vested on the date of adoption of Ordinance No. 11-S-15.

Article 5, Section 21.5.8- Permitted Use Table:

MSMU-ND	PERMITTED USES
P	Accessory Building, Residential
	Agricultural/Field Crops
	Airport, Heliport or Landing Field
	Alcohol Package Sales
	Antenna and/or Antenna Support Structure, Commercial
P	Antique Shop
	Appliances, Furniture and Home Furnishings Store
P	Art Gallery/Library/Museum
	Assisted Care or Living Facility
	Athletic Stadium, Private
	Athletic Stadium, Public
	Automobile Parking Structure/Garage
	Automobile Parts Sales
	Automobile Repairs & Service, Major
	Automobile Repairs & Service, Minor
	Automobile Sales
P	Bakery
P	Bank, Saving and Loan, Credit Union
P	Beauty Salon/Barber Shop
P	Bed and Breakfast Inn
P	Book Store
	Bottling Works
	Building Material and Hardware Sales
	Cabinet or Upholstery Shop
	Car Wash, Automated
	Car Wash, Self Serve
	Cemetery or Mausoleum
S	Church, Temple, Synagogue, Mosque, or Other Place of Worship
	Civic/Convention Center

	College, University, Trade, or Private Boarding School
	Commercial Amusement, Indoor
	Commercial Amusement, Outdoor
	Community Center
	Concrete/Asphalt Batching Plant
	Convenience Store w/o Gas Pumps
	Convenience Store w/ Gas Pumps
S	Dance Hall/Night Club
P	Day Care Center
	Department Store
	Dry Cleaning, Major
P	Dry Cleaning, Minor
	Family or Group Home
P	Farmers Market
	Flea Market, Inside
	Flea Market, Outside
P	Florist
	Fraternity, Sorority, Civic Club or Lodge
P	Furniture Sales
	Gasoline Station/Fuel Pumps
	Gated Community
	General Manufacturing/Industrial Use
	Golf Course and/or Country Club
P	Governmental Facilities
P	Gymnastics/Dance Studio
	Hazardous Waste
P	Health/Fitness Center
	Heavy Equipment Sales, Service or Rental
	Home Improvement Center
	Hospital
	Hotel/Motel
	Household Appliance Service and Repair
S	In-Home Day Care
	Landfill
	Laundromat
	Livestock
P	Locksmith/Security System Company

P	Medical, Dental or Professional Office/Clinic
	Mini-Warehouse/Public Storage
	Manufactured/Mobile Homes
	Manufacturing
	Mortuary/Funeral Home
	Multi-Family Apartment Dwelling
	Municipal Uses Operated by the City of Schertz
P	Museum
	Nursery, Major
	Nursery, Minor
	Office Showroom
	Office-Warehouse/Distribution Center
	One-Family Dwelling Attached
P	One-Family Dwelling Detached
P	Packaging/Mailing Store
P	Park/Playground/Similar Public Site
	Pawn Shop
P	Pet Store
P	Pharmacy
	Portable Building Sales
P	Post Office
	Print Shop, Major
P	Print Shop, Minor
	Private Club
	Railroad/Bus Passenger Station
	Recreational Vehicle Park
	Recreational Vehicle Sales and Service
	Recycling Collection Center
	Recycling Collection Point
	Recycling Facility
	Rehabilitation Care Facility
	Restaurant, Drive-In
P	Restaurant or Cafeteria
P	Retail Stores and Shops
P	School, Public or Private
	Sexually Oriented Business (See Ordinance No. 02-L-16)
	Stable, Commercial

	Storage or Wholesale Warehouse
	Tattoo Parlors/Studios
P	Tavern
	Taxidermist
	Theater, Outdoor
	Theater, Indoor
	Tool Rental
	Trailer/Manufactured Homes Sales
	Truck Sales, Heavy Equipment
	Truck Terminal
	Two-Family Dwelling
	Veterinarian Clinic/Kennel, Indoor
	Veterinarian Clinic/Kennel, Outdoor
	Welding/Machine Shop
	Wrecking or Salvage Yard
S	New and Unlisted Uses

Sec. 21.9.7. - Landscaping.

G. *Nonresidential and Multifamily Landscape Buffer Requirements.*

1. In addition to any screening requirements of section 21.9.8, a nonresidential or multifamily use adjacent to a residential use or residentially zoned property shall provide a minimum twenty foot (20') landscape buffer adjacent to the property line of the residential use or residentially zoned property. A minimum of one (1) shade tree shall be planted for each thirty linear feet (30') of landscape buffer. A minimum of ten (10) shrubs shall be planted for each fifty linear feet (50') of landscape buffer. All other areas within the landscape buffer shall be covered with grass or another solid vegetative cover approved at the time of Site Plan approval.
2. The landscape buffer and planting requirements do not apply to public water and wastewater facilities if an eight feet (8') masonry fence is provided at or near the property boundary.
3. Due to the flexibility in residential / nonresidential for the Main Street Mixed-Use (MSMU) and Main Street Mixed-Use - New Development (MSMU-ND) zoning districts, the twenty-foot (20') landscape buffer requirement is not applicable.

H. *Parking Area Landscaping.* Parking lots, vehicular use areas and parked vehicles are to be effectively screened from the public view and adjacent property. Both the interior and perimeter of such areas shall be landscaped in accordance with the following criteria. Areas used for parking or vehicle storage that are under, on or within buildings are exempt from these standards. Section H does not apply to public schools.

1. *Interior Landscaping.* A minimum of ten percent (10%) of the gross parking areas shall be devoted to living landscaping which includes grass, ground covers, plants, shrubs and trees. Gross parking area is to be measured from the edge of the parking and/or driveway and sidewalks. The following additional criteria shall apply to the interior of parking lots. Interior landscaping requirements do not apply to public water and wastewater facilities if an eight feet (8') masonry fence is provide at or near the property boundary.
 - a. Interior landscape areas shall be protected from vehicular encroachment of overhang through appropriate wheel stops or curbs.
 - b. There shall be a minimum of one (1) shade tree planted for each 400 square feet or fraction thereof of required interior landscape area.
 - c. Interior areas of parking lots shall contain planting islands located so as to best relieve the expanse of paving. Planter islands must be located no further apart than every twelve (12) parking spaces and at the terminus of all rows of parking. Such islands shall be a minimum of 200 square feet or ten feet (10') by twenty feet (20') in size.
 - d. Planter islands shall contain a combination of trees, shrubs, lawn, ground cover and other appropriate materials provided such landscaping does not cause visual interference within the parking area.
2. *Perimeter Landscaping.* All parking lots and vehicular use areas shall be screened from all abutting properties with a wall, fence, hedge, berm or other durable landscape barrier. All parking lots and vehicular use areas shall be screened from all abutting public rights-of-way with a wall, berm or combination of hedge and berm. Any living barrier shall be established in a minimum five foot (5') planting strip. Plants and materials used in living barriers shall be at least thirty inches (30") high at the time of planting and shall be of a type and species that will attain a minimum height of three feet (3') one (1) year after planting. Any landscape barrier not containing live plants or trees shall be a minimum of three feet (3') high at time of installation. Perimeter landscaping shall be designed to screen off-street parking lots and other vehicular use areas from public rights-of-way and adjacent residential properties.
 - a. Whenever an off-street parking or vehicular use area abuts a public right-of-way, except a public alley, a perimeter landscape area of at least fifteen feet (15') in depth shall be maintained between the abutting right-of-way and the off-street parking or vehicular area. An appropriate landscape screen or barrier shall be installed in this area and the remaining

area shall be landscaped with at least grass or other ground cover. Necessary access ways from the public right-of-way shall be permitted through all such landscaping. The requirements of this subsection do not apply to properties zoned Main Street Mixed Use (MSMU) and Main Street Mixed-Use - New Development (MSMU-ND). Properties under these zoning districts shall provide a minimum landscape buffer of five (5) feet adjacent to a public right-of-way when off-street parking or vehicular use areas abut.

- b. Whenever an off-street parking or vehicular use area abuts an adjacent residential property line, a perimeter landscape area of at least ten feet (10') in width shall be maintained between the edge of the parking area and the adjacent property line. Access ways between lots may be permitted through all perimeter landscape areas. Landscaping shall be designed to visually screen the parking area. Whenever such property is zoned or used for single family residential purposes, a landscape buffer shall include a masonry wall and hedge, or berm which shall be a minimum of three feet (3') in height and a maximum of eight feet (8') in height. The requirements of this subsection do not apply to public water and wastewater facilities if an eight feet (8') masonry fence is provide at or near the property boundary.
- c. Perimeter landscape areas shall contain at least one (1) shade tree for each fifty linear feet (50'), or fraction thereof, of perimeter area.

Sec. 21.9.8. - Screening and Fencing.

B. *Fences in Nonresidential and Multifamily Areas.*

1. *Height.* No fence, screen, or wall shall exceed eight feet (8') in height. No fence, screen, or wall within a required front yard shall exceed eight feet (8') in height. Fences constructed in the front yard shall be non-opaque and shall not interfere with the sight visibility triangle as required by this UDC or any other applicable City ordinances, codes and regulations. All fences for public water and wastewater facilities are allowed to be opaque.
2. *Fence Materials.*
 - a. *Materials Permitted.* Fences may be constructed of pressure treated wood, decorative metal, chain link or similar woven wire mesh, stone, brick, above ground electrical fencing or other materials traditionally used in private fence construction.
 - b. *Prohibited Materials.* Hog wire or chicken wire, screening slats within chain link, and barbed wire are prohibited except on parcels or lots one acre or greater in size in conjunction with the containment of livestock or farm animals. Three strand barbed wire on top of chain link fencing is permitted when associated with public water and wastewater facilities and when not visible from public rights-of-way or adjacent properties.
3. *Fences Adjacent to Residential Property.* Where any nonresidential or multifamily use, lot or parcel except public schools is adjacent to or separated by only a local street or alley from a lot or parcel that is zoned for single family residential use, the nonresidential or multifamily use shall construct a masonry screening wall a minimum of eight feet (8') in height. The screen shall be located no closer to the street than the property line. Such screening wall shall be maintained in good condition. Any sections of this UDC or any other City ordinances, codes or regulations concerning sight obstructions of intersections shall be applicable to the screen where it is intersected by a right-of-way. Where any nonresidential or multifamily use, lot or parcel is located in such a manner so as to be at a higher elevation than an adjacent lot or parcel that is zoned for single family residential use, the required masonry screening wall shall be constructed on the higher elevation so as to mitigate the adjacent residential property from the impacts of the adjacent use. **Due to the flexibility in residential / nonresidential for the Main Street Mixed Use (MSMU) and Main Street Mixed-Use - New Development (MSMU-ND) zoning districts, the masonry wall requirement is not applicable.**
4. *Screening of Trash Receptacles.* All trash receptacles shall be screened from public view by a solid screening wall a minimum of eight feet (8') in height and constructed of a masonry material. Gates shall be of solid metal and shall be closed at all times except when loading and unloading.
5. *Fences within Public Easements.* Fences within a public easement shall have a gate or removable panel to allow for maintenance access to such easement. The City shall not be responsible for damage to any fence that may occur as a result of maintenance of any utility within the easement.
6. *Gates for Vehicular Access.* Gates designed for vehicular access shall be set back from the property line a

Sec. 21.14.3. - Additional Design Requirements.

A. *Purpose and Applicability.*

1. The purpose of this Section is to establish additional development standards applicable to certain streets within the City to ensure uniform and quality development resulting in an attractive environment compatible with businesses and residential dwellings which does the following:
 - a. provides an environment and living conditions favorable to the public;
 - b. provides a creative approach to land use and related physical development;
 - c. creates a pattern of development which preserves trees and outstanding natural topography and prevents soil erosion and pollution;
 - d. encourages mixed use development through innovative uses of modern development concepts; and
 - e. produces open space and recreation areas.
2. The requirements of this section shall be applicable to all roadways classified as Principal Arterials or Secondary Arterials in accordance with section 21.14.1 including, but not limited to, Schertz Parkway, FM 3009, Old Wiederstein Road, Country Club Blvd, FM 78, FM 1518, FM 482, and Wiederstein Road.

B. *Permitted Uses.* Buildings, structures and land shall be used in accordance with the uses permitted in the applicable zoning district and shall comply with the dimensional requirements of that district in accordance with Article 5 of this UDC.

C. *Landscape Buffer.* In addition to the requirements of section 21.9.7 of this UDC for landscaping, a minimum twenty foot (20') wide landscape buffer shall be provided adjacent to any public right-of-way. Trees shall be planted at an average density of one (1) tree per twenty linear feet (20') of street frontage except for public schools. The landscape buffer shall require an irrigation system and shall be maintained by the property owner. **The requirements of this section are not applicable to properties zoned Main Street Mixed-Use - New Development (MSMU-ND).**

D. *Off-Street Parking.* Off street parking is permitted adjacent to the landscape buffer along the right-of-way. Parking and vehicular use areas adjacent to the right-of-way shall have land berm walls or a vegetative hedge barrier to reduce vehicular reflections to the right-of-way. A waiver may be granted by the Planning and Zoning Commission which would allow a reduction in the minimum required landscape buffer when off-street parking is located entirely along the side or rear of the building or lot. **The requirements of this section are not applicable to properties zoned Main Street Mixed-Use - New Development (MSMU-ND).**

E. *Building Setback Line.* A minimum fifty foot (50') building setback shall be required adjacent to all rights-of-way. A waiver may be granted by the Planning and Zoning Commission which would allow for a reduction in the minimum required setback when an alternative site layout and design provides for additional open space or landscaping and off-street parking will be located entirely at the rear of the building or lot. In no case shall the minimum building setback be reduced less than the minimum required setback for the applicable zoning district in. **The requirements of this section are not applicable to properties zoned Main Street Mixed-Use - New Development (MSMU-ND).**

F. *Driveways and Access (Connectivity).* Access shall be limited to provide for safe traffic flow and the design shall provide interior drives to limit the number of accesses to the public right-of-way. Access easement should be utilized to limit the number of driveway accesses. Accesses should be planned to match existing driveways or street intersections on the opposite side of the street. All driveways shall have a minimum sight distance of 240 feet.

G. *Screening.* A masonry screening wall a minimum of eight foot (8') in height shall be provided where the rear yard of any residential or nonresidential lot abuts a Principal or Secondary Arterial. Any masonry screening wall constructed as part of a new residential subdivision shall be constructed of a like and similar material and color as screening walls in adjacent subdivisions to provide a consistent streetscape.