

ORDINANCE NO. 23-S-13

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS TO AMEND PART III, SCHERTZ CODE OF ORDINANCES, THE UNIFIED DEVELOPMENT CODE (UDC) ARTICLE 5 ZONING DISTRICTS, SUBSECTION 21.5.8 PERMITTED USE TABLE AND ARTICLE 16 DEFINITIONS.

WHEREAS, pursuant to Ordinance No. 10-S-06, the City of Schertz (the “**City**”) adopted and 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 24, 2023, the Planning and Zoning Commission conducted public hearings and, thereafter recommended approval; and

WHEREAS, on July 11, 2023, 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and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.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. 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 7. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

PASSED ON FIRST READING, the ____ day of _____ 2023.

PASSED, APPROVED and ADOPTED ON SECOND READING, the ____ day of _____, 2023.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

(city seal)

Exhibit “A”

Proposed Unified Development Code (UDC) Amendments

Article 5 Section 21.5.8 – Permitted Use Table

&

Article 16 Definitions

Proposed UDC Amendment

Article 5 – Permitted Use Table

Proposed changes to Article 5 – Permitted Use Table to add Solar/Photovoltaic Facilities and Power Storage System

Zoning District	P=Permitted/ S= Specific Use Permit	Permitted Uses
Manufacturing – Light District (M-1)	S	Solar/Photovoltaic Facilities
Manufacturing – Heavy District (M-2)	S	Solar/Photovoltaic Facilities
Public Use District (PUB)	S	Solar/Photovoltaic Facilities
Manufacturing – Light District (M-1)	P	Power Storage System
Manufacturing – Heavy District (M-2)	P	Power Storage System
Public Use District (PUB)	S	Power Storage System

No other changes are proposed.

Proposed UDC Amendment

Article 16 - Definitions

Proposed changes to Article 16 - Definitions to add Solar Energy and Solar/Photovoltaic Facility.

Power Storage System: A facility or installation whose primary function is to store produced electrical energy, regardless of source.

Solar Energy: Radiant energy (direct, diffuse, and reflected) received from the sun.

Solar/Photovoltaic Facility: A structure, assembly, equipment, or any combination thereof relating to the generation, transportation, and storage of solar energy. Pertains to standalone facilities and not solar equipment that is added to residential structures.

No other changes are proposed.