

**ORDINANCE NO. 24-S-04**

**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 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 February 7, 2024, the Planning and Zoning Commission conducted public hearings and, thereafter recommended approval; and

**WHEREAS**, on March 5, 2024, 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and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.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 \_\_\_\_\_ 2024.

PASSED, APPROVED and ADOPTED ON SECOND READING, the \_\_\_\_ day of \_\_\_\_\_, 2024.

CITY OF SCHERTZ, TEXAS

\_\_\_\_\_  
Ralph Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
Sheila Edmondson, City Secretary

(city seal)

Exhibit "A"

Proposed Unified Development Code (UDC) Amendments

Article 16 – Definitions

## ARTICLE 16. DEFINITIONS

For the purposes of this UDC, the following terms, phrases, words and their derivations shall have the meaning given in this section. When not inconsistent with the context, words used in the present tense include the future; words used in the singular number include the plural number; and words in the plural number include the singular number. The words "shall" and "will" are always mandatory, while the word "may" is merely discretionary.

Any term not expressly defined in this Article shall be defined by a common planning definition from the American Planning Association's, A Planners Dictionary. The City Manager, upon the recommendation of the City Manager or his/her designee, shall determine the appropriateness of a definition.

*"A" Frame Sign:* A temporary sign constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top with each angular face held at an appropriate distance so as to be adequately secured by a supporting member. These signs may also be referred to as sandwich board signs.

*Abandoned or Obsolete Sign:* A sign that no longer serves to direct attention to an event, person, product, good, service, or activity, which is no longer conducted.

*Accessory Buildings, Uses or Structures:* One which:

- a. is subordinate to and serves a principal structure, building or use;
- b. is subordinate in area, extent or purpose to the principal structure building or use served;
- c. contributes to the comfort, convenience and necessity of occupants of the principal structure, building or use served;
- d. is located on the same building lot as the principal structure, building or use served; or
- e. may be part of the principal building.

*Accessory Dwelling Unit:* A residential dwelling unit, but not a mobile home, located on the same lot as a single-family dwelling unit, either within the same building as the single family dwelling unit or in a detached unit or in a detached building.

*Adult Media:* Books, magazines, and other periodicals, or photographs, drawings, slides, films, and novelty items which are distinguished or relating to specified sexual activities or specified anatomical areas.

*Advertising:* To convey information, to seek the attraction of or to direct the attention of the public to any location, event, person, product, good, service, activity, institution or business.

*Advertising Vehicle:* Any vehicle which has as its primary purpose the advertisement of an event, person, product, good, service, activity, institution or business, whether located on-premises or off-premises.

*Agriculture:* The use of land for the production and primary processing of food and fibers for sale, including cultivating, dairying, horticulture, pasturing, floriculture, silviculture, viticulture, animal and poultry husbandry, and such incidental accessory facilities as greenhouses and nurseries, provided that the operation of such accessory facilities shall be clearly secondary to normal agricultural activities. Agriculture includes, but is not limited to, the related activities of tillage, fertilization, pest control, harvesting, and marketing. It also includes, but is not limited to, the activities of feeding, housing, and maintaining of animals such as cattle, dairy cows, sheep, goats, hogs, horses, and poultry and handling their by-products.

*Airport, Heliport or Landing Field:* A place where aircraft and/or helicopters can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.

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*Alcohol Package Sales:* An establishment engaged in the selling of alcoholic beverages to the general public for off-site personal or household consumption.

*Alley:* A means of vehicular access to abutting property and which is used primarily for vehicular traffic to the rear or side of properties which otherwise abut on a street..

*Alluvial Fan Flooding:* Flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

*Alternative Tower Structure:* Clock towers, steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. See also the definition of "stealth facility".

*Amateur Radio Antenna:* A radio communication antenna used by a person holding an amateur radio station license from the Federal Communications Commission.

*Annexation:* The act of incorporating an area into the domain of the City.

*Antenna:* A device used in communications, which transmits or receives radio signals, television signals, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

*Antenna and/or Antenna Support Structure, commercial:* An antenna and its support structure used for commercial broadcasting or telecommunication purposes and the transmission, retransmission, and/or reception of electromagnetic radio, television, or microwave signals. All radiating equipment must comply with Federal Communications Commission (FCC), Environmental Protection Agency (EPA), Occupational Health and Safety Administration (OSHA), and all other applicable State and Federal regulatory agency requirements and guidelines for human safety, as they exist or may be amended. The antenna may be a tower, mast, pole, tripod or box frame. Preferably the antenna may be in stealth form designed to be non-obtrusive, or virtually transparent or invisible to the surrounding neighborhood. Stealth antennas include, but are not limited to:

- a. antennas within a building's attic space;
- b. on the roof of a minimum three story building and not visible from the property line of the lot in which the antenna is located;
- c. a public utility structure, such as a water tower or high transmission support tower;
- d. a flagpole;
- e. a church steeple;
- f. a clock tower; or
- g. an athletic field light pole.

*Antenna, Building Attached:* An antenna attached to an existing structure in two (2) general forms: (1) roof-mounted, in which antennas are placed on the roofs of buildings, or (2) building-mounted, in which antennas are placed on the sides of buildings. These antennas can also be mounted on structures such as water tanks, billboards, church steeples, electrical transmission towers, etc.

*Antenna Facility:* The mast, pole, structure, tower, building, equipment and other supporting material used to mount the antenna and equipment, equipment storage buildings and equipment concealing or screening structures needed to operate an antenna.

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*Antique Shop:* A retail establishment engaged in the selling of works of art, furniture, or other artifacts of an earlier period, with all sales and storage occurring inside a building.

*Apartment:* A dwelling unit in an apartment building.

*Apartment Building:* A building or portion thereof housing three (3) or more dwelling units.

*Apex:* A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

*Appliance, Furniture and Home Furnishings Store:* Retail establishments selling goods used for furnishing the home, including, but not limited to, furniture, floor coverings, draperies, domestic stoves, refrigerators, and other household electrical and gas appliances.

*Approved Plat:* The plat of a subdivision which has been approved in accordance with the requirements of this UDC and which has been filed for record with the county clerk in which the land lies.

*Area of Shallow Flooding:* A designated AO, AH, or VO zone on the Flood Insurance Rate Map (FIRM) for the City and its ETJ with a one percent (1%) or greater chance of flooding in any given year to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

*Area of Special Flood Hazard:* The land in the floodplain within the City and its ETJ subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A or AE on the FIRM.

*Art Gallery/Library/Museum:* A building serving as a repository for a collection of natural, scientific, artistic, or literary objects of interest, and designed to be used for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods.

*Assisted Care or Living Facility:* A facility which provides residence and care to ten (10) or more persons regardless of legal relationship who are:

- a. elderly;
- b. disabled;
- c. orphaned;
- d. abandoned;
- e. abused, or neglected children;
- f. victims of domestic violence;
- g. convalescing from illness;
- h. terminally ill; or
- i. temporarily homeless due to fire, natural disaster, or financial setback together with supervisory personnel.

This definition shall also include a facility providing health care or rehabilitative services over a long period of time to persons chronically ill, aged, or disabled due to injury or disease.

*Automobile Parking Structure/Garage:* An area or structure where the parking of motor vehicles serves as the primary use of the lot whether or not a fee is charged. This use does not include the storage of gasoline.

*Automobile Parts Sales:* The use of any building for the display and sale of new or used parts, including tires.

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*Automobile Repair, Major:* General repairs or reconditioning of engines, air-conditioning systems, and transmissions for motor vehicles; wrecker or towing service with on-site storage of vehicles; collision services including body, frame, or fender straightening or repair; customizing; painting; vehicle steam cleaning; tire retreading; muffler services; upholstery shop; insurance estimations with on-site storage; undercoating and rust proofing, and other similar uses.

*Automobile Repair, Minor:* An establishment used for the dispensing or sales of automobile fuels, lubricants, and automobile accessories; the minor repair or replacement of parts and performing State inspections and making minor repairs necessary to pass said inspection; automobile detailing; window tinting; and the sales and installation of automobile radios. Uses listed under "Automobile Repair, Major" or any other similar uses are not included.

*Automobile Sales New or Used:* Sales, rental, and/or lease of new or used automobiles or light load vehicles, including as an accessory use: Automobile Repair, Major.

*Balloon Sign:* One or more inflatable devices filled with lighter-than-air gas used as a temporary sign for the purpose of directing attention to any location, event, person, product, good, service, activity, institution or business.

*Bakery:* A retail establishment for preparing, cooking, baking, and selling products on the premises.

*Bandit Sign:* Any temporary ground sign announcing a subdivision, new development or builder.

*Bank, Saving and Loan, Credit Union:* An establishment for the custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds, including automated teller machines.

*Banner Sign:* A temporary sign constructed of a natural or man-made flexible material including, but not limited to, cloth, canvas, vinyl, or fabric which can be easily folded or rolled that is mounted with or without an enclosing framework that is attached or tethered to the building or structures.

*Base Flood:* The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

*Basement:* A story (or portion of a story) wholly or partly below curb level with at least one-half of its height (measured from floor to ceiling) below the curb level. The curb level nearest to a story (or portion of a story) shall be used to determine whether such story (or portion of a story) is a basement.

*Beauty Salon/Barber Shop:* An establishment primarily engaged in providing services generally involved in the care of the person or his/her appearance including, but not limited to, barber and beauty shops, nail and pedicure salons, tanning salons, ear piercing shops, cosmetic tattooing shops, and reducing salons.

*Bed and Breakfast Inn:* An owner (or operator) occupied residence with up to five (5) bedrooms available for overnight guests. A Bed and Breakfast Inn may provide for guest stays up to 14 consecutive days; however, it shall not offer weekly rental rates. Kitchen and dining facilities may be included to provide meals for guests only; however, no food preparation shall be permitted in guest bedrooms. A Bed and Breakfast Inn shall not include restaurants, banquet facilities, or similar services.

*Billboard:* Any sign erected and used for, or designed to be used for, the display of advertising material for the purpose of advertising a location, event, person, product, good, service, activity, institution or business not located on the same premises as the billboard. Mobile advertising and hand-carried signs shall not be considered as billboards.

*Block:* A tract of land bounded by streets or a combination of streets and public parks, or corporate boundaries of the City.

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**Board of Adjustment (BOA):** The Board established by City Council under the City Charter the Texas Local Government Code that reviews and acts upon requests for variances or appeals and whose duties and responsibilities are specifically provided for in section 21.3.4 of this UDC.

**Book Store:** A retail establishment that, as a primary business, engages in the sale, rental, or other charge-for-use books, magazines, newspapers, greeting cards, postcards, videotapes, computer software, or any other printed or electronically conveyed information or media, excluding any adult media.

**Bottling Works:** A manufacturing facility designed to place a beverage into a bottle or can for distribution.

**Boundary Street:** A public street which is adjacent to and abutting one (1) or more sides of the proposed site.

**Buffer Zone:** A strip of land created to separate and protect one type of land use from another.

**Building:** Any structure which:

- a. is permanently affixed to the land;
- b. has one or more floors and a roof; and
- c. is bounded by either open area or lot lines.

A building shall not include such structures as billboards, fences or radio towers, or structures with interior surfaces not normally accessible for human use, such as tanks, smoke stacks, grain elevators, oil cracking towers or similar structures.

**Building Area:** The total square footage on a lot covered by a building measured on a horizontal plane at mean grade level.

**Building, Detached:** A building which is surrounded by yards or open space on its own building lot.

**Building Envelope:** The net cubic space that remains for placing a structure on a site after building line, setback, side yard, height and bulk regulations are observed.

**Building Height:** The vertical distance between the average natural grade of the ground under the footprint of a building and the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between the eaves and ridge for a gable, hip or gambrel roof. A chimney, cupola or dormer (four feet or less in height), flagpole or residential television antenna shall be exempt from the above requirements.

**Building Materials And Hardware Store:** An establishment for the sale of materials customarily used in the construction of buildings and other structures.

**Building Mounted Sign:** A sign attached to, or supported by any part of the building that encloses or covers usable space and is related to the business within, including but not limited to wall signs, signage on awnings, canopies, or marquees, and projecting signs.

**Building Setback Line:** A building limit fixed at a specific distance from the front, rear or side boundaries of a lot beyond which a building cannot lawfully extend.

**Building Sign:** Any sign identifying the name or title of a specific building.

**Cabinet/Upholstery Shop:** An establishment for the production, display, and sale of cabinets, furniture, and soft coverings for furniture.

**Camping Trailer:** A folding structure, mounted on wheels and designed for travel, recreation, and vacation and which can be readily towed over the road by a motor vehicle.

**Canopy:** A roof like cover including an awning that projects from the wall of a building over a door, entrance or window; a free standing or projecting cover above an outdoor service area such as a gasoline service station.

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*Carport*: A roofed structure for use as an automobile shelter, open on at least two sides with inside dimensions not less than 10' by 20'.

*Car Wash, Automated*: A facility where a customer can have a motorcycle, automobile and light load vehicle washed in exchange for financial consideration.

*Car Wash, Self Serve*: A facility, typically coin operated, used by the customer to wash motorcycles, automobiles and light load vehicles.

*Cemetery or Mausoleum*: Property used for the interring of the dead.

*Church, Temple, Place of Worship*: A building designed and used primarily for religious assembly and worship and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns or rabbis in a detached residential facility on the same premises, that is exempt from ad valorem taxes as permitted by State law. For the purposes of this definition, bible study and other similar activities which occur in a person's primary residence shall not be considered as a church, temple or place of worship.

*City*: The City of Schertz, Texas

*City Council*: The City Council of the City of Schertz, Texas.

*City Engineer*: A registered professional engineer employed or designated by the City to provide professional engineering services for and on behalf of the City.

*Civic/Convention Center*: A building or complex of buildings used for cultural, recreational, athletic, convention, or entertainment purposes.

*Clinic*: An establishment of offices in which a group of physicians, dentists or other practitioners of the healing arts and allied professional assistants are associated for the purpose of diagnosing and treating ill or injured persons. A clinic may include a medical or dental laboratory, but may not include facilities for providing room or board for patients, nor may a clinic include offices or facilities for veterinarians.

*Club or Lodge*: An association of persons for the promotion of some nonprofit common objective such as literature, science, politics, good fellowship and similar objectives which meets periodically and which is limited to members.

*Co-location*: The act of locating wireless communications equipment for more than one (1) telecommunications carrier on a single Antenna Facility.

*College, University, or Trade School*: An institution established for educational purposes offering courses for study beyond the secondary education level, including trade schools and commercial schools offering training or instruction in a trade, art, or occupation.

*Commercial Amusement, Indoor*: An enterprise providing for indoor recreational activities, services, amusements, and instruction for an admission fee. Uses include, but are not limited to, bowling alleys, ice or roller skating rinks, bingo parlors, amusement arcades, and/or practice areas.

*Commercial Amusement, Outdoor*: An enterprise providing for outdoor recreational activities, services, amusements, and instruction for an admission fee, including, but not limited to, batting cages, miniature golf, go-kart tracts, and carnivals.

*Commercial Farm Ranch*: A tract of unplatted land which is used for agricultural activities such as production of cash crops or raising of livestock for the purpose of obtaining a profit in money. Includes agricultural dwelling and accessory buildings and structures necessary to the operation of the farm/ranch.

*Common Area*: An area within a subdivision not used for development which is usually owned and maintained by subdivision homeowners associations.

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*Community Center:* A building or portion of a building owned and/or operated by a government entity or not-for-profit agency in which facilities are provided for civic, educational, political, or social purposes.

*Community Service Sign:* Any sign that solicits support for or advertises a non-profit community location, event, person, product, good, service, institution or business, a public activity, location, event, person, product, good, service institution or business.

*Comprehensive Land Plan:* The Comprehensive Land Plan of the City, as approved by the City Council and including any unit or part of such plan separately adopted and any amendments to such plan or parts thereof.

*Concrete/Asphalt Batching Plant:* A permanent manufacturing facility for the production of concrete or asphalt.

*Convenience Store with Gas Pumps:* A retail establishment that sells food and other consumable and non-consumable products for off-premise use or consumption. This definition shall also include the dispensing or sale of motor vehicle fuels, lubricants, and accessories, but shall not include automotive repair or the sale of replacement parts.

*Court:* An open, unoccupied space bounded on more than two (2) sides by walls. An inner court is entirely surrounded by the exterior walls of a building. An outer court has one (1) side open to a street, alley, yard or other permanent open space.

*Critical Feature:* An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

*Cul-de-sac:* A street having but one (1) outlet to another street, and terminated on the opposite end by a vehicular turn around.

*Damaged Sign:*

- a. any sign where any portion of the finished material, surface or message area of the sign is visibly faded, flaked, broken off, missing, cracked, splintered, defective or is otherwise deteriorated or in a state of disrepair so as not to substantially appear as it was intended or designed to appear when originally constructed; or
- b. any sign whose elements or the structural support or frame members are visibly bent, broken, dented, torn, twisted, leaning or at angles other than those at which it was originally erected.

*Dance Hall/Night Club:* An establishment open to the general public for entertainment; in particular, dancing.

*Day Care Center:* A commercial institution or place designed for the care of children or adults and is subject to registration with the Texas Department of Protective and Regulatory Services. This use shall not include overnight lodging, medical treatment, counseling, or rehabilitative services and does not apply to any school.

*Dead End Street:* A roadway, other than cul-de-sac, with only one (1) outlet.

*Density:* The number of units per acre that may be placed on a tract in a particular zoning district under specified development conditions.

*Department Store:* A business conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed, enclosed, and are exhibited and sold directly to the customer for whom the goods and services are furnished.

*Development:* Any manmade change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment.

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*Development Permit:* Any permit, license, authority, order, approval, certificate, endorsement, or permission, required from the City prior to the commencement or completion of any phase of development.

*Development Sign:* A temporary freestanding sign which, by means of symbol or name, identifies a shopping center, commercial or industrial park, residential subdivision or other development that may contain a mixture of residential, commercial, or industrial uses.

*Directional Sign:* Any sign designed to provide direction to pedestrian and/or vehicular traffic.

*Distribution Center:* A warehouse or storage facility where the emphasis is on processing and moving goods on to wholesalers, retailers, or consumers rather than on storage.

*Dormitory:* Any structure specifically designed to house student tenants associated with a university, college or school.

*Dry Cleaning, Major:* An industrial facility where fabrics are cleaned with substantially non-aqueous organic solvents on a commercial or wholesale basis.

*Dry Cleaning, Minor:* A custom cleaning shop or pick-up station not exceeding six thousand (6,000) square feet of floor area, including, but not limited to, dry cleaning plants having no more than one thousand five hundred (1,500) square feet of floor area for dry cleaning equipment.

*Dwelling:* Any building or portion thereof which is designed for or used for residential purposes.

*Dwelling, Duplex:* A building designed for or occupied exclusively, but separately, by two (2) families.

*Dwelling, Multifamily:* A building or portion thereof containing three (3) or more dwelling units.

*Dwelling, Single-Family:* A building designed for or occupied exclusively by one (1) family.

*Dwelling Unit:* A room, or suite of two (2) or more rooms, designed or intended for use by an individual or family in which culinary and sanitary convenience are provided for the exclusive use of such individual or family.

*Easement:* An acquired privilege or right-of-way use which one (1) person, business, entity and/or public agency has across, over or under land of another person, business, entity and/or public agency.

*Electronic Sign:* A variable message sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, or LCDs.

*Elevated Building:* A non-basement building (i) built, in the case of the building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or the case of the building in Zones V1-30, VE, or V, to have the bottom level of the lowest horizontal structure member of the pilings, columns (posts and pliers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VI, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by standards of section 60.3 (e)(5) of the National Flood Insurance Program regulations.

*Extraterritorial Jurisdiction (ETJ):* The ETJ of the City is the portion of the unincorporated area that is contiguous to the corporate boundaries of the City and not already in the incorporated area or ETJ of another City as set out in Section 42.021 of the Texas Local Government Code.

*Family:* Two or more persons occupying a single dwelling unit where all members are related by blood, marriage or adoption. No single dwelling unit shall have more than four unrelated individuals residing therein, nor shall any "family" have, additionally, more than four unrelated individuals residing with such family. The term

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"family" does not include any organization or institutional group that receives federal or State funding for the care of the individual.

*Family Home:* A community-based residential home operated by either the State of Texas, a nonprofit corporation, a community center organized pursuant to State statute, or an entity which is certified by the State as a provider for a program for the mentally retarded. Family homes provide care for persons who have mental and/or physical impairments that substantially limit one (1) or more major life activities. To qualify as a family home, a home must meet all of the following requirements:

- a. not more than six (6) disabled persons and two (2) supervisory personnel may reside in a family home at the same time;
- b. the home must provide food and shelter, personal guidance, care, rehabilitation services, or supervision; and
- c. all applicable licensing requirements must be met.

*Farmers Market:* An area containing individual vendors who offer fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers, and honey for sale.

*FEMA:* Federal Emergency Management Agency.

*Fire Lane:* A concrete or asphalt driving surface identified for use by fire, EMS and other emergency vehicles within and maintained by the owners of a manufactured home park, recreational vehicle park, apartment complex, malls/shopping center, commercial or business area.

*Flag:* A piece of cloth, varying in size, shape, color, and design, usually attached at one edge to a staff or cord, and used as the symbol of a nation, state, or organization, or as a means of signaling.

*Flea Market, Inside:* A building or structure wherein space is rented to vendors on a short-term basis for the sale of merchandise. The principal sales shall include new and used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or equipment in small quantities. The term flea market shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal services establishments, food services establishments, retail sales establishments, and auction establishments.

*Flea Market, Outside:* An outdoor site where space is rented to vendors on a short-term basis for the sale of merchandise. The principal sales shall include new and used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or equipment in small quantities. The term flea market shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal services establishments, food services establishments, retail sales establishments, and auction establishments.

*Flood or Flooding:* A general and temporary condition of partial or complete inundation of areas not ordinarily covered by water due to:

- a. the overflow of inland or tidal waters; or
- b. the usual and rapid accumulation or runoff of surface waters from any source.

*Flood Insurance Rate Map (FIRM):* The official maps of the City and its ETJ on which the FEMA has delineated both the areas of special flood hazards and the risk premium zones applicable to the areas mapped.

*Flood Insurance Study:* The official report provided by the FEMA. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

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*Flood Management:* The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

*Flood Management Regulations:* Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as the floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

*Flood Protection System:* Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within the City and its ETJ subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

*Flood Proofing:* Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

*Floodplain:* Any land area susceptible to being inundated by water from any source.

*Floodway:* The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

*Florist:* Retail business whose principal activity is the selling of plants which are not grown on the site and conducting business within an enclosed building.

*Fraternity, Sorority, Civic Club or Lodge:* An organized group having a restricted membership and specific purpose related to the welfare of the members including, but not limited to, Elks, Masons, Knights of Columbus, Rotary International, Shriners, or a labor union.

*Fraternity, Sorority or Group Student House:* A building occupied by and maintained exclusively for students affiliated with an academic or vocational institution.

*Freestanding Sign:* A sign that is not attached to a building and which is self supporting by use of a pole, mast, pylon or other similar vertical support structure and has a minimum of thirty-six (36) inches of ground clearance.

*Frontage:* All the property on one (1) side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all the property abutting on one (1) side between an intersecting street and the dead end of the street.

*Furniture Sales:* Retail business whose principal activity is the selling of finished furniture products and conducting business within an enclosed building.

*Garage, Private:* A building designed or used for the storage of personally owned motor-driven vehicles used by the occupants of the building.

*Garage, Public:* A structure or building, other than a private garage, which is available to the general public used primarily for the parking and storage of vehicles.

*Garage Sale Sign:* Any sign utilized to direct interested persons to the location of a garage sale in accordance with Chapter 50 of the City's Code of Ordinances.

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*Garden Home:* An individually owned single-family home, separated from its neighbor by a minimum of ten (10') feet on a lot having a minimum of five thousand (5,000) square feet.

*Gasoline Station/Fuel Pumps:* A facility, equipment, or fixture used for retail dispensing of motor vehicle fuels.

*Gated Community:* Residential areas that restrict access to normally public spaces. The type of gates can range from elaborate guard houses to similar electronic arms. Residents may enter by electronic cards, identification stickers, codes, or remote-control devices. Visitors must stop to be verified for entry.

*General Manufacturing/Industrial Uses:* Manufacturing of finished products and component products or parts through the processing of materials or substances, including basic industrial processing. Such operations shall be determined by Health, Fire, and building officials not to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation.

*Golf Course and/or Country Club:* A land area and buildings used for golf, including fairways, greens, tee boxes, driving range, putting green, and associated maintenance and retail facilities. This definition shall also include clubhouses, dining rooms, swimming pools, tennis courts, and similar recreational or service uses available only to members and their guests.

*Government Facilities:* A building or structure owned, operated, or occupied by governmental agency to provide a governmental service to the public.

*Governmental Sign:* Any sign indicating public facilities, public work projects, public services, or other places, events, persons, products, goods, programs, activities or institutions conducted by the Federal, State or any local government.

*Group Home:* A specialized lodging house and boarding house which provides long term supervised housing in a conventional residential setting for no more than three (3) persons who are physically or mentally handicapped, developmentally disabled or are victims of crime, and having no more than two (2) supervisory personnel in residence at the same time.

*Gymnastics/Dance Studio:* A building or portion of a building used as a place of work for a gymnast, dancer, or martial artist or for instructional classes in gymnastics, dance, or martial arts.

*Hazardous Material:* Any substance that because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment. This term includes but is not limited to hazardous wastes.

*Hazardous Waste:* Any refuse or discarded material or combinations of refuse or discarded materials in solid, semisolid, liquid, or gaseous form which cannot be handled by routine waste management techniques because they pose a substantial present or potential hazard to human health or other living organisms because of their chemical, biological, or physical properties. Categories of hazardous waste include but are not limited to explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include sewage sludge and source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

*Health/Fitness Center:* A public or private facility operated to promote physical health and fitness. Activities may include exercise, physical therapy, training, and education pertaining to health and fitness. Uses or combination of uses or facilities typically include, but are not limited to, game courts, weight lifting and exercise equipment, aerobics, swimming pools and spas, and running or jogging tracts.

*Heavy Equipment Service and Sales, or Rental:* An establishment providing Sales, Service, or Rental of movable or transportable vehicles or other apparatus commonly used in commercial, industrial, or construction enterprises, such as but not limited to trucks, trailers, bulldozers, cranes, backhoes, rollers, loaders, lifts.

*Highest Adjacent Grade:* The highest natural elevation of the ground surface prior to construction next to the proposed walls of structure.

*Historic Structure:* Any structure that is:

- a. listed individually in the Natural Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing in the National Register;
- b. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. individually listed on the State inventory of historic places with historic preservation programs that have been approved by the Secretary of the Interior; or
- d. individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
  1. By any approved state program as determined by the Secretary of the Interior; or
  2. Directly by the Secretary of the Interior in states with approved programs.

*Home Improvement Center:* An establishment providing the sale or rental of building supplies, construction equipment, or home decorating fixtures and accessories. This term includes a lumber yard or a contractors' building supply business and may include outdoor storage or tool and equipment sales or rental. This term does not include an establishment devoted exclusively to the retail sale of paint, wallpaper, or hardware or activities classified under vehicle/equipment sales and services, including vehicle towing services.

*Home Occupation:* Any occupation or activity carried on by a member of the immediate family, residing on the premises, which there is no sign used relating to the business or no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling, and there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used except of a type that is similar in character to that normally used for purely domestic or household purposes.

*Homeowners Association:* An organization formed for the maintenance and operation of the common areas of the development. The membership in the association must be automatic with the purchase of a dwelling unit or other property in the development.

*Hospital, Sanitarium, Nursing or Convalescent home:* A building or portion thereof used or designed for the housing or treatment of the sick, aged, mentally ill, injured, convalescent or infirm persons; provided that this definition shall not include rooms in any residential dwelling, hotel, apartment hotel not ordinarily intended to be occupied by said persons.

*Hotel:* A building used or intended to be used as living quarters for transient guests, but not excluding permanent guests, and may include a cafe, drugstore, clothes pressing shop, barbershop or other service facilities for the guests for compensation. This definition does not include bed and breakfast and boarding houses.

*Household Appliance Service and Repair:* The maintenance and rehabilitation of appliances customarily used in the home, including, but not limited to, washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, countertop kitchen appliances, and vacuum cleaners.

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*Identification Sign:* A sign whose purpose is to identify:

- a. **Street Address Sign/Markers:** Address signs are composed of a numeric address and street or complex name. Street markers are signs adjacent to streets required by local government.
- b. **On-Premise Business Signs:** Any sign which relates to the premises on which it is located, referring exclusively to the location, event, person, product, good, service, or activity of those premises, or the sale, lease or construction of those premises.
- c. **Personal or Professional Signs and Nameplates:** Any sign that lists exclusively a name or names (including family/farm name signs).

*Illegal Sign:* A sign erected without a required permit, without the property owner's permission, or any sign not meeting the requirements established in this UDC.

*Impervious Coverage:* Impervious cover means impermeable surfaces which prevent the infiltration of water into the underlying soil and bedrock (such as pavement, concrete or rooftops).

*In-Home Day Care:* A home occupation that provides care for less than twenty-four (24) hours a day to no more than six (6) children under the age of fourteen (14), plus no more than six (6) additional elementary school-age children (age five (5) to thirteen (13)). The total number of children, including the caretaker's own children, is no more than twelve (12) at any time. This use is subject to registration with the Texas Department of Protective and Regulatory Services.

*Kindergarten:* Any school, private or parochial, operating for profit or not, attended by four (4) or more children at any one (1) time during part of a twenty-four (24) hour day, which provides a program of instruction for children below the first grade level in which constructive endeavors, object lessons and helpful games are prominent features of the curriculum.

*Landfill:* A tract of land used for the burial of farm, residential, institutional, industrial, or commercial waste that is not hazardous, medical, or radioactive.

*Landscape:* Covering, adorning, or improving property with living plants (such as trees, shrubs, vines, grass or flowers), loose natural materials (such as rock, wood chips or shavings), decorative manmade material (such as patterned paving materials, fences, walls, fountains, or pools), or land contouring. "Landscape" does not include improving property with artificial trees, shrubs, turf or other artificial plants.

*Laundromat:* A facility where patrons wash, dry, or dry-clean clothing and other fabrics in machines operated by the patron.

*Levee:* A manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

*Levee System:* A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

*Limited Access Highways:* Interstate Highway 35 and Interstate Highway 10.

*Livestock:* Domestic animals used, raised or bred on a farm, especially those kept for a profit, including, but not limited to, horses, ponies, mules, donkeys, cattle, goats, rabbits, sheep, or fowl, regardless of age, sex or breed. Persons who possess, own or otherwise keep livestock within the City in a residential zoned district where livestock is being kept, shall follow these restrictions:

- a. Livestock shall be kept on a parcel of land that is at least one (1) acre in size.

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- b. Livestock shall be kept in a stable, shed, pen or other enclosure wherever located within the City, which shall be distance of at least one hundred feet (100') for every building/structure (other than the owner of such livestock) used for sleeping, dining and living, and shall be kept in such a manner as will be reasonably calculated not be offensive to neighbors or to the public.
- c. Swine are prohibited.
- d. The Code of Ordinances may include further restrictions.

*Loading Dock Space:* A space within the main building, or on the same lot therewith, providing for the standing, loading or unloading of trucks and having a minimum dimension of twelve by thirty-five feet (12' x 35') and a vertical clearance of at least fourteen feet (14').

*Locksmith/Security System Company:* Establishments primarily engaged in providing, installing, repairing, and/or monitoring locks and electronic security systems.

*Lot:* A physically undivided tract or parcel of land having frontage on a public street or other approved access and which is, or in the future may be, offered for sale, conveyance, transfer or improvements; which is designated as a distinct and separate tract; and/or, which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly recorded.

*Lot Depth:* The distance of a line connecting the midpoints of the front and rear lot lines, which line shall be at right angle to the front lot or radial to a curved lot line.

*Lot Width:* The distance of a line (drawn perpendicular to the lot depth line) connecting the side lot lines at the building setback line or at a point no farther than thirty-five (35') feet from the front lot line.

*Lot Area:* The area of a lot between lot lines, including any portion of an easement which may exist within such lot lines.

*Lot, Corner:* A lot which has an interior angle of less than 135 degrees at the intersection of two (2) street lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents of the curve at the points of the intersection of the side lot lines intersect at an interior angle of less than 135 degrees.

*Lot, Double Frontage:* A lot having a frontage on two (2) nonintersecting streets as distinguished from a corner lot.

*Lot, Interior:* A building lot other than a corner lot.

*Lot of record:* A lot which is part of a subdivision, the plat having been duly approved by the appropriate authority and recorded in the office of the County recorder of deeds and records.

*Lowest floor:* The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as render the structure in violation of the applicable nonelevation design requirement of section 60.3 of the National Flood Insurance Program regulations.

*Manufactured Home, HUD Code:* A structure constructed after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one (1) or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent foundation designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems and bears a seal issued in accordance with state law. All references in this UDC to manufactured housing or manufactured home(s) shall be references to HUD Code Manufactured Housing, unless otherwise specified.

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*Manufactured Home Park:* A contiguous parcel or lot which is owned by an individual, firm, trust, partnership, public or private association or corporation and on which individual portions are leased for the placement of manufactured homes as a primary residence.

*Manufactured Home Subdivision:* A subdivision of land planned and improved for the placement of manufactured homes for residential use on single lots with each lot individually owned and meeting all requirements of this UDC.

*Mean Sea Level:* For the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

*Medical, Dental or Professional Office/Clinic:* A building used for the provision of executive, management, or administrative services. Typical uses include, but are not limited to, administrative offices and services including real estate, property management, investment, insurance, medical, dental, legal, architect, engineer, travel, secretarial, accounting, auditing and bookkeeping organizations and associations, and vehicle rental office without on-site storage of fleet vehicles.

*Menu Board Sign:* A permanent freestanding sign displaying the type and price of food, beverages or other products sold in connection with permitted outdoor dining or in connection with a restaurant with drive-through service.

*Microbrewery/Brewpub:* A facility authorized to manufacture, brew, bottle, can, package, and label beer; and sell or offer without charge, on the premise of the brew pub, beer produced by the holder, in or from lawful containers to the extent the sales or offers are allowed under the holder's primary Texas Alcoholic Beverage Commission license. The development may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district.

*Mini-Warehouse/Public Storage:* A building(s) containing separate, individual self-storage units for rent or lease. The conduct of sales, business, or any activity other than storage shall be prohibited within any individual storage unit.

*Miscellaneous Hazardous Industrial Use:* Any industrial use not specifically defined in this section that is determined by Health, Fire or building officials to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation.

*Mobile Home:* A structure that was constructed before June 15, 1976, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems.

*Modular Home:* A dwelling that is manufactured in two (2) or more modules at a location other than the home site and which is designed to be used as a residence when the modules are transported to the home site and joined together and installed on a permanent foundation system in accordance with the appropriate Building Codes of the City including plumbing, heating/air conditioning and electrical systems to be contained in the structure. The term modular home shall not mean nor apply to a mobile home as defined in the Texas Manufactured Housing Standards Act, nor is it to include building modules incorporating concrete or masonry as a primary component.

*Monopole Tower:* A self-supporting tower facility composed of a single spire used to support telecommunication antennas. Monopole towers cannot have guy wires or bracing.

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*Monument Sign:* A permanent freestanding ground sign whose base is directly on the ground or has a maximum of twelve inches (12") of clearance from the adjacent grade.

*Mortuary/Funeral Parlor:* A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

*Motel or Motor Hotel:* A building or group of buildings including either separate units or a row of units used or intended to be used as living quarters for transient guests, and provide off-street parking space on the same building lot for use of its occupants.

*Multi-Tenant Sign:* A sign that identifies the names and locations of tenants in a multi-tenant building or in a development made up of a group of buildings.

*Municipal Uses Operated by the City:* Any area, land, building, structure, and/or facility owned, used, leased, or operated by the City including, but not limited to, administrative office, maintenance facility, fire station, library, sewage treatment plan, police station, water tower, service center, and park.

*Museum:* An Institution devoted to the procurement, care, study, and display of objects of lasting value or interest.

*Neon Sign:* Any sign containing exposed transparent or translucent tubing illuminated by neon, argon or a similar gas on or near the exterior of a building or window. This shall not include those signs lighted by an internal light source and designed so that the rays go through the face of the sign.

*Non-access Easement:* The limitation of public access rights to and from properties abutting a highway or street, by restricting curb cuts and access to rear or side of property or to an area abutting a developed area that may have a deprecating and/or potentially dangerous effect on the developed properties.

- a. One-foot non-access easement: The limitation of public access rights to and from properties abutting a highway or street by restricting curb cuts and access to rear or side of property when the property has another dedicated access to a public right-of-way.
- b. One-foot partial access easement: The limitation of public access rights to and from properties abutting a highway or street only by use of portable ramps, and restricting curb cuts when the property has another dedicated access to public right-of-way.
- c. Non-access easement: A designated area abutting a development which may be considered to have a deprecating and/or potentially dangerous effect to the property because it backs up to a railroad right-of-way, gas line, etc.

*Noncommercial Farm or Hobby Farm:* An agricultural operation whose income is incidental to the total household income of the occupants who are usually commuter suburbanites. Products produced are for the consumption by owner or provide insignificant income.

*Non-Conforming Sign:* A sign that was legally installed or modified in accordance with local laws, codes, ordinances and approvals in effect at the time of installation or last significant modification, but which does not comply to laws, ordinances, codes or other regulations enacted subsequent to that time.

*Nonconforming use, structure or lot:* The use of land or a building, or a portion thereof, which use does not conform with the regulations of the zoning district in which it is situated and which was in existence prior to the effective date of this UDC and/or prior to being annexed into the City.

*Nursery, Major:* An establishment for the cultivation and propagation, display, storage, and sale (retail and wholesale) of large plants, shrubs, trees, and other materials used in indoor and outdoor plantings; and the

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contracting for installation and/or maintenance of landscape material as an accessory use. Outdoor display and storage is permitted.

*Nursery, Minor:* A retail business for the display and/or sale of small trees, shrubs, flowers, ornamental plants, seeds, garden and lawn supplies, and other materials used in indoor and outdoor planting, without outside storage or display.

*Off-Premise Sign:* Any sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

*Office Showroom:* A building that primarily consists of sales offices and sample display areas for products and/or services delivered or performed off-premises. Catalog and telephone sales facilities are appropriate. Incidental retail sales of products associated with the primary products and/or services are permitted.

*Office-Warehouse:* A building primarily devoted to the storage, warehousing, and distribution of goods, merchandise, supplies, and equipment. Accessory uses may include retail and wholesale sales areas, sales offices, and display area for products sold and distributed from the storage and warehousing areas.

*On-Premise Sign:* Any sign relating to the premises on which it is located referring to events, persons, products, goods, services, activities, institutions or businesses on or offered on such premises, or the sale, lease, or construction of such premises.

*Open Space:* The part of the countryside which has not been developed and which is desirable for preservation in its natural state for ecological, historical or recreational purposes, or in its cultivated state to preserve agricultural, forest or urban greenbelt areas.

*Packaging/Mailing Store:* An establishment where services are provided for the mailing and packaging of parcels. These services may include U.S. mail, UPS, FedEx and other similar services. Incidental uses may also include, but not limited to, copy services, printing, and stationary supplies.

*Parking Spaces:* A surfaced area, enclosed or unenclosed, sufficient in size to store one (1) motor vehicle, with a surfaced driveway connecting the parking space with the street or alley and permitting ingress and egress of a motor vehicle.

*Pavement Width:* The portion of a street available for vehicular traffic between the face of curbs and gutters.

*Pawn Shop:* An establishment where money is loaned on the security of personal property pledged and retained by the owners (pawnbroker).

*Peak Hour Trips (PHT):* The number of traffic units generated by and attracted to the proposed development during its heaviest hour of use, dependent on type of use.

*Pennant:* Any long, narrow, usually triangular flag composed primarily of cloth, paper, fabric or other similar non-rigid material which may be used as a temporary sign to announce grand openings and/or special events.

*Permit:* An official document or certificate issued by the authority having jurisdiction authorizing performance of a specified activity.

*Person:* Any individual, association, firm, corporation, governmental agency or political subdivision.

*Pervious Concrete:* Concrete that is permeable as supported by an engineered drainage study.

*Pet Store:* A retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding farm animals such as horses, goats, sheep, and poultry.

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*Pharmacy:* A business substantially devoted only to the sale of pharmaceutical items, supplies, and equipment such as prescription.

*Planning and Zoning Commission:* The body established by City Council under the City Charter and the LGC whose duties and responsibilities are specifically provided for in section 21.3.3 of this UDC.

*Plat:* The map, drawing or chart on which a subdivider's plan of a subdivision is presented and submitted for approval.

*Political Sign:* A sign pertaining to any national, state, county or local election, or issue and erected for the purpose of announcing a political candidate, political party or ballot measure, or a position on a political issue.

*Portable Building Sales:* An establishment which factory-manufactured portable buildings, such as manufactured homes and jobsite offices, are displayed and offered for sale, lease, or order to the general public.

*Post Office:* A facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

*Portable or Mobile Sign:* Any sign designed or constructed to be easily moved from one location to another or designed to be mounted upon a trailer, wheeled carrier, or other non-motorized mobile structure. A portable or mobile sign which has its wheels removed shall still be considered a portable or mobile sign under this UDC.

*Porte-cochere:* A structure attached to a residence and erected over a driveway, not exceeding one story in height, and open on two or more sides.

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

*Preexisting Towers and Preexisting Antennas:* Any Tower or Antenna for which a building permit or variance has been properly issued prior to the effective date of this UDC, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

*Print Shop, Major:* An establishment specializing in long-run printing operations including, but not limited to, book, magazine, and newspaper publishing using engraving, die cutting, lithography, and thermography processes.

*Print Shop, Minor:* An establishment specializing in short-run operations to produce newsletters, flyers, resumes, maps, construction documents and plans, and similar materials using photocopying, duplicating, and blue printing processes. This definition shall include mailing and shipping services.

*Private Club:* An establishment providing social and dining facilities, as well as alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, State law, as the same may be hereafter amended, and as it pertains to the operation of private clubs.

*Prohibited Sign:* Any sign that does not meet the requirements established in Article 11, any sign specifically prohibited in this UDC or any type of sign not specifically identified as permitted in this UDC.

*Projected Traffic:* The traffic which is projected to exist on an existing or proposed street during the proposed development's peak hour of use.

*Public Infrastructure:* Infrastructure that is generally for public use to include but not be limited to improvements of the following: water system (including water distribution lines, fire hydrants, valves and associated devices), wastewater (including lines, manholes, and lift stations), drainage system (including drainage easements, channels, storm sewer lines and inlets and associated landscaping), sidewalks, and roadways.

*Public Schools:* include elementary, intermediate, middle, junior high, high and alternate schools operated by a public school district but does not include administrative and support facilities and buildings not located on a school campus or do not solely support one campus.

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*Public Water and Wastewater Facility:* Any reservoirs, towers, tanks, pump stations or other related appurtenances used for the purpose of providing potable water or wastewater utility service. Occupiable space is not considered a part of the public water and/or wastewater facility.

*Public Works Specification Manual:* The Public Works Specification Manual includes the Public Works Design and Construction Standards Guide, Lift Station Design Guide, Standard Construction Details, and Public Works Technical Specifications.

*Railroad/Bus Station Terminal:* A facility for the boarding of bus and/or railroad passengers and related ticketing sales and offices.*Real Estate Sign:* A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

*Recreational Vehicle:* A bus conversion, Class A camper, Class C camper, travel trailer, fifth wheel trailer, or pop-up camper.

*Recreational Vehicle Park:* Any premise where recreational vehicles are parked for living and sleeping purposes, which includes any buildings, structures, vehicles, or enclosure used or intended for use as a part of the equipment of such park.

*Recreational Vehicle Sales and Service:* An establishment dedicated to the sales, service, and displaying of recreational vehicles.

*Recycling Collection Center:* A building and/or site in which source separated recoverable materials, such as newspapers, glassware, and metal cans are collected, stored, flattened, crushed, or bundled prior to shipment to others who will use those materials to manufacture new products. The materials are stored on-site in bins or trailers for shipment to market.

*Recycling Collection Point:* An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items is allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public areas such as in churches and schools.

*Recycling Facility:* A building or site that is not a salvage yard and in which recoverable resources, such as newspapers, magazines, books, and other paper products, glass, metal cans, and other products are collected, stored and recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

*Regulatory Flood Protection Elevation:* The elevation of the regulatory flood plus one (1') foot of freeboard to provide a safety factor.

*Rehabilitation Care Facility:* A facility which provides residence and care to persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct.

*Restaurant or Cafeteria:* An establishment where food and drink are prepared and consumed primarily on the premises. Drive-up windows are permitted.

*Restaurant, Drive-In:* An eating establishment where food or drink is served to customers in motor vehicles or where facilities are provided on the premise which encourage the serving and consumption of food in automobiles on or near the restaurant premises.

*Retail Stores and Shops:* An establishment engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

*Right-of-Way:* The right of passage acquired for or by the public through dedication, purchase or condemnation and intended to provide pedestrian and vehicular access to abutting lots, tracts or areas which may also be used for utilities and to provide for drainage ways.

*Road:* See the definition of "Street".

*Roof Sign:* Any sign wholly erected on, affixed to or supported by a roof of a building.

*Safety Lanes:* Paved easements granted to the City, to the public generally, emergency vehicles and/or to a private utility corporation, for installing or maintaining utilities across, over or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities. These easements may at times be referred to as fire lanes. Safety lanes may also be used as ingress and egress to the property.

*Sandwich Board Sign:* See "A" Frame Sign.

*Satellite Antenna:* An antenna, greater than one (1) meter in diameter, which enables the transmission of signals directly to and from satellites. Such antennas are commonly known as a satellite dish, dish antenna, parabolic antenna, or satellite earth station antenna.

*Satellite Receive-Only Antenna:* An antenna, one (1) meter or less in diameter that enables the receipt of television signals transmitted directly from satellites to be viewed on a television monitor. Such antennas are commonly known as a satellite dish, television receive-only antenna, dish antenna, parabolic antenna, or satellite earth station antenna.

*School, Private:* A school operated by a private or religious agency or corporation other than an independent school district, having a curriculum generally equivalent to a public elementary or secondary school.

*School, Public:* A school operated by an independent school district or charter school and providing elementary or secondary curriculum.

*Secured (Gated) Community:* A residential area surrounded by a masonry or wrought iron fence with at least two (2) entrances, electrically or manually controlled gates and administered by a Homeowners Association.

*Setback:* The minimum distance specified by this UDC from the front, rear, and side lot lines, and extending across the full width of the lot, on which no building or structure may be erected.

*Sexually Oriented Business:* A business described as such in, and regulated by, Chapter 74 of the Code of Ordinances, as amended from time to time

*Shopping Center:* A development containing a grouping of retail, service, and/or other commercial establishments in one (1) or more buildings on one (1) or more legally platted lots and constructed and designed to utilize shared parking and access.

*Sign:* A name, identification, description, display, or illustration which is affixed directly or indirectly upon the exterior of a building or structure or upon a piece of land which directs attention to an object, location, event, person, product, good, service, activity, institution, or business.

*Sign Area:* The area of any sign shall be the sum of the area enclosed by the minimum imaginary rectangles, triangles, or circles which fully contain all extremities of the sign, including the frame, all words, numbers, figures, devices, designs, or trademarks by which anything is made known, but excluding any supports. To compute the allowable square footage of sign area, only one (1) side of a double-face sign shall be considered.

*Sign Height:* The vertical distance between the highest part of a sign or its supporting structure, whichever is higher, and the average established ground level beneath the sign.

*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.

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*Subdivision or Neighborhood Sign:* Any sign used to mark the entrance to a specific subdivision or neighborhood. Usually a low profile monument sign designed in such a way as to indicate the name of the specific community and placed at the main entry to such community.

*Site Plan:* A development plan, drawn to scale, showing uses and structures proposed for a parcel of land required by this UDC. This includes, but is not limited to, existing and proposed conditions of the lot and major landscaping figures, the location of all existing and proposed buildings, lot lines, streets, driveways, parking spaces, walkways, means of ingress and egress, drainage facilities, utility service, landscaping, structures and signs, lighting, screening devices and other information that may be reasonably required in order to make an informed determination as opposed to a subdivision plan which relates to the layout of lots and parcels, platting of lots and parcels and the provision of public facilities necessary to build a subdivision.

*Stable, Commercial:* A stable used for the rental of stall space or for the sale or rental of horses or mules.

*Start of Construction (includes substantial improvements):* The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction or a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets, and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*State:* The State of Texas.

*Stealth Facility:* "Stealth" is a generic term describing a method that would hide or conceal an antenna, supporting electrical or mechanical equipment, or any other support structure that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible to the surrounding neighborhood. Stealth facilities may include totally enclosed antennas, wireless facilities that replicate or duplicate the construction of common structures such as flagpoles, alternative tower structures, and camouflaged wireless facilities that are constructed to blend into the surrounding environment.

*Storage or Wholesale Warehouse:* A building used primarily for the storage of goods and materials.

*Story:* That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

*Street:* A strip of land comprising the entire paved area between the face of curbs and gutters and within the right-of-way, intended for use as a means of vehicular and pedestrian circulation to provide access to more than one (1) lot.

*Street, Collector:* A roadway which collects traffic from local streets and connects within major/minor arterial streets.

*Street Line:* A dividing line between a lot, tract, or parcel of land and a contiguous street.

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*Street, Major/Minor Arterial:* A designated principal traffic thoroughfare more or less continuous across the City, which is intended to connect remote parts of the City or areas adjacent thereto, and act as principal connecting street with State and Federal highways.

*Street, Private:* Any street right-of-way not dedicated to public use.

*Street, Public:* Any roadway for use of vehicular traffic dedicated to public use and/or owned, controlled and maintained by the City, a County, or the State.

*Street Width:* The shortest horizontal distance between the lines which delineate the street.

*Structural Alterations:* Any change of a supporting member of a structure such as bearing walls, columns, beams or girders.

*Structure:* Anything constructed or built, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

*Studio, Tattoo or Body Piercing:* A building or portion of a building used for selling or applying tattoos by injecting dyes/inks into the skin, and/or to pierce the skin with needles, jewelry or other paraphernalia, primarily for the purpose of ornamentation of the human body.

*Substantial Damage:* Damage of any origin sustained by a structure whereby the cost of restoring the structure to its prior condition would equal or exceed fifty percent (50%) of the market value of the structure before damage occurred.

*Substantial Improvement:* Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- a. a project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or
- b. any alteration of an "historic structure" provided that the alteration will not preclude the structure's continued designation as an "historic structure".

*Subdivider or Developer:* Are synonymous and include any person, partnership, firm, association, corporation (or combination thereof), or any officer, agent, employee, servant, or trustee thereof, who performs, or participates in the performance of, any act toward the subdivision of land within the intent, scope and purview of this UDC.

*Subdivision:* The division of any lot, tract or parcel of land into two (2) or more lots, tracts or parcels of land for the purpose, whether immediate or future, of sale or rebuilding development, situated within the City's corporate limits or within the ETJ. It also includes vacation and resubdivision of land or lots.

*Surveyor:* A State licensed land surveyor or registered public surveyor, as authorized by the state statutes, to practice the profession of surveying.

*Tavern:* An establishment primarily in the business of serving alcoholic beverages to the general public which may also include the sale of food.

*Tax Certificate:* A certificate from the applicable tax assessor's office confirming that all City ad valorem taxes levied on a property that are due have been paid or that the property owner is lawfully contesting such taxes. If such taxes are being contested, the property owner must establish, to the satisfaction of the City Manager, in his/her sole discretion, that such contest is being conducted by the property owner with reasonable speed.

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*Taxidermist:* An establishment whose principle business is the practice of preparing, stuffing, and mounting the skins of dead animals for exhibition in a lifelike state. *Telecommunications Equipment Storage Building:* An unmanned, single story equipment building or structure used to house telecommunications equipment necessary to operate a telecommunications network.

*Telecommunications Tower:* Any structure that is designed and constructed for the purpose of supporting one (1) or more antennae used for the provision of commercial wireless telecommunications services. This definition includes monopole towers, alternative mounting structures or any other vertical support used for wireless telecommunications antennae. This definition does not include commercial radio or television towers; nor does it include such things as Satellite Receive Only Antenna or Amateur Radio Antennas.

*Telecommunications Tower Facility:* A facility that contains a telecommunications tower and equipment storage building or structure.

*Temporary Sign:* Any sign identified by this UDC which is intended to be displayed for seasonal or brief activities including, but not limited to, sales, specials, promotions, holidays, auctions, and/or business grand openings.

*Temporary Structure:* A structure that is manufactured off-site and brought to the site. It is to be temporary in nature and used only until a permanent structure can be constructed or refurbished.

*Theater, Drive-In/Outdoor:* An open lot devoted to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.

*Theater, Indoor:* A building or part of a building devoted to the showing of motion pictures or for dramatic, musical, or live performances.

*Tool Rental:* An establishment or business in which tools and accessories are offered or kept for rent, lease or hire under agreement for compensation.

*Townhouse:* A single-family dwelling unit in a row of such structures and attached by one or more common walls.

*Travel Trailer:* A structure designed for temporary dwelling for travel, recreation and vacation, and which can be readily towed over the road by a motor vehicle.

*Truck Sales, Heavy Equipment:* The display, storage, sale, leasing, or rental of new or used panel trucks, vans, trailers, recreational vehicles, or buses in operable condition.

*Truck Terminal:* The premises used for loading or unloading of trucks upon which storage of cargo is incidental to the primary function of motor freight shipment or shipment point and which is designed to accommodate simultaneous loading or unloading. Such premises may include retail stores, facilities engaged in fueling, servicing, repairing, washing, and/or parking of trucks, tractor trailers, or other heavy commercial vehicles.

*TV Antenna:* An antenna that enables the receipt of television signals transmitted from broadcast stations.

*Unlimited Access Highways:* State Farm to Market Roads 78, 482, 1103, 1518, 2252, and 3009 and Schertz Parkway.

*Use:* The purpose or activity for which the land or building thereby is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner of performance of such activity with respect to the performance standards of this UDC.

*Utility Easement:* An interest in land granted to the City, to the public generally, and/or to a private utility corporation, for installing utilities across, on, over, upon or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.

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*Variance:* Permission to depart from this UDC when, because of special circumstances applicable to the property, strict application of the provisions of this UDC deprives such property of privileges commonly enjoyed by other properties in the same vicinity.

*Veterinarian Clinic and/or Kennel, Indoor:* An establishment, with no outside pens, where animals and pets are admitted for examination and medical treatment, or where domesticated animals are housed, groomed, bred, boarded, trained, or sold for commercial purposes.

*Veterinarian Clinic and/or Kennel, Outdoor:* An establishment with outside pens, where animals and pets are admitted for examination and medical treatment, or where domesticated animals are housed, groomed, bred, boarded, trained, or sold for commercial purposes.

*Visibility Triangle:* The triangular sight area from the corner of converging streets to a distance of 25 feet along each street with the triangle completed by drawing a line through the property from both 25 foot points on the converging streets.

*Wall Sign:* Any sign painted on, attached to or projected from the wall surface of a building, including window signs and signs on awnings and/or marquees.

*Water Surface Elevation:* The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

*Welding/Machine Shop:* A workshop where metal fabrication tools, including, but not limited to, welders, lathes, presses, and mills are used for making, finishing, or repairing machines or machine parts.

*Wind Sign:* Any display or series of displays, banners, flags, pennants or other such objects designed and fashioned in such a manner as to move when subjected to wind pressure. Wind signs shall only be permitted as temporary signs.

*Wrecking or Salvage Yard:* An open air place where waste, discarded or salvage materials are bought, sold, exchanged, baled, packed, disassembled or handled. This definition includes automobile wrecking yards, house wrecking yards, used lumber yards, and places for storage of salvaged materials of house wrecking, automobile scrap metal, and structural steel materials and equipment.

*Xeriscape:* Environmental design of residential and park land using various methods for minimizing the need for water use.

*Yard, Front Setback:* A yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the street right-of-way line and the main building or any projections of the usual uncovered steps, uncovered balconies, or uncovered porch. On corner lots the front yard shall be considered a parallel to the street upon which the lot has its least dimension.

*Yard, Rear Setback:* A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof, other than the projections of uncovered steps, unenclosed balconies, or unenclosed porches.

*Yard, Setback:* An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

*Yard, Side:* A yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the building.

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*Zoning District:* Any area of the City for which the zoning regulations governing the use of land and buildings, the height of buildings, the size of lots and the intensity of use are uniform pursuant to this UDC.

(Ord. No. 13-S-22 , § 9, 7-16-2013; Ord. No. 14-S-11 , § 1, 3-11-2014; Ord. No. 16-S-27 , § 10, 8-30-2016; Ord. No. 17-S-41 , § 1(Exh. A), 10-24-2017; Ord. No. 18-S-04 , § 1(Exh. A), 1-23-2018; Ord. No. 18-S-24 , § 1(Exh. A), 8-7-2018)