

ORDINANCE NO. 24-S-17

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

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 March 6, 2024, the Planning and Zoning Commission conducted a public hearing and, thereafter recommended approval; and

WHEREAS, on April 2, 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and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.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 5 – Zoning Districts

Sec. 21.5.8. Permitted Use Table.

- A. *Use of Land and Buildings.* Structures, land or premises shall be used only in accordance with the use permitted in the following use table subject to compliance with the dimensional and development standards for the applicable zoning district and all other applicable requirements of this UDC.
- B. *Permitted Principal Uses.* No principal use shall be permitted in any district unless it appears in the following permitted use table.

[Permitted Use Table Here]

C. *New and Unlisted Uses.*

1. It is recognized that new or unlisted types of land use may seek to locate in the City. In order to provide for such contingencies, a determination of any new or unlisted form of land use shall be made in accordance with this section.
2. For uses in which an applicant requests a Specific Use Permit, the City Manager or his/her designee shall follow the procedures for granting an SUP in accordance with section 21.5.11 of this UDC.
3. It is recognized that the permitted use chart may require amendment, from time to time, to allow for uses that were otherwise not permitted. In the event an amendment to the permitted use chart is required, the procedure for the amendment shall be the same as required for an amendment to the text of the UDC in accordance with section 21.4.7 of this UDC.

D. *Limited Uses.*

1. Tattoo Parlors/Studios in the Main Street Mixed Use District and the Main Street Mixed Use – New Development District shall have the following limited uses:
 - a. No tattoo studio shall be within 900 feet of another tattoo studio (property line to property line).
2. Automobile Sales within the City of Schertz shall have the following limited uses:
 - a. No Automobile Sales shall be within three (3) miles of another Automobile Sales (property line to property line).
 - b. No Automobile Sales shall be within 250 feet of any single-family residential zoning or use.
 - c. Automobile Sales uses are required to have Automobile Repair, Major as an accessory use.

(Ord. No. 13-S-22 , § 4, 7-16-2013; Ord. No. 14-S-47 , § 4, 11-18-2014; Ord. No. 20-S-29, § 1(Exh. A), 10-27-2020; Ord. No. 21-S-26 , § 1(Exh. A), 7-6-2021; Ord. No. 21-S-44 , § 1(Exh. A), 10-26-2021)

Proposed UDC Amendment

Article 5 – Permitted Use Table

Proposed changes to Article 5 – Permitted Use Table to add Automobile Sales

Zoning District	P=Permitted/ S= Specific Use Permit	Permitted Uses
General Business – 2 District (GB -2)	P	Automobile Sales
General Business District (GB)	S	Automobile Sales

No other changes are proposed.