

ORDINANCE NO. 26-S-006

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING PART III SCHERTZ CODE OF ORDINANCES, THE UNIFIED DEVELOPMENT CODE (UDC), ARTICLE 8, SECTION 21.8.4-HOME OCCUPATIONS AND ARTICLE 16- DEFINITIONS.

WHEREAS, Pursuant to Ordinance 10-S-26, the City of Schertz (the “City”) adopted and Amended and Restated the Unified Development Code on April 16, 2010, as further amended (the “Current UDC”); and

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

WHEREAS, on February 4, 2026, the Planning and Zoning Commission conducted a public hearing and, after considering the Criteria, made a recommendation to City Council of approval with amendments; and

WHEREAS, on March 3, 2026, 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 are in the best interest of the public safety, health, and welfare.

NOW THEREFORE, BE IT RESOLVED 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and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.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.

Section 8. This Ordinance shall be cumulative of all other ordinances of the City of Schertz, and this Ordinance shall not operate to repeal or affect any other ordinances of the City of Schertz except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed.

PASSED, APPROVED and ADOPTED on this ___ day of _____, 2026.

CITY OF SCHERTZ, TEXAS

Ralph Rodriguez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

(city seal)

Exhibit "A"
Proposed Unified Development Code (UDC) Amendments

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Sec. 21.8.4. Home Occupations.

A. *Purpose and Intent.*

1. Home Occupations are also known as a Home-Based Business or a No-Impact Home-Based Business per Texas Local Government Code (LGC) Section 229.902.0
2. Protect residential areas from adverse impact of activities associated with home occupations.
3. Permit residents of the community a reasonable choice in the use of their homes as a place of livelihood and the production or supplementing of personal and family income.
4. Establish criteria and development standards for home occupations conducted in dwelling units.

B. *Home Occupations—Required Conditions.* Home occupations shall be allowed as an accessory use in all residential zoning districts provided they comply with the restrictions herein as defined and permitted by Texas LGC Section 229.902.

1. A home occupation shall be incidental and secondary to the use of the premises for residential purposes.
2. A home occupation shall be operated by the owner or tenant of the property.
3. Performance of home occupation activities shall not be visible from the street.
4. A home occupation shall not generate on-street parking or a substantial increase in traffic.
5. A home occupation shall not substantially increase noise in the area or violate the City of Schertz noise ordinance, regulations, or rules.
6. A home occupation operating a sexually oriented business or conducting the sales of alcohol or illegal substances shall be prohibited.
7. All home occupations shall comply with all federal, state, and municipal law related to all fire and, building code requirements, health and sanitation requirements, transportation and traffic requirements, solid and hazardous waste requirements, and pollution and noise control.
8. All home occupations shall be subject to inspection by city staff for compliance with the mandates of this section herein.

Exhibit "A" Proposed Unified Development Code (UDC) Amendments

Article 16: Definitions

Home Occupation: Also known as a Home-Based Business which is located on a residential property, operated by the owner or tenant of the property and is for the purpose of manufacturing, providing, or selling a lawful good, or providing a lawful service as a secondary use to the primary residential use of the property. Home Occupations / Home- Based Businesses must comply with regulations as defined in Article 8 Section 21.8.4.