

## **ORDINANCE NO. 18-S-04**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING PART III, SCHERTZ CODE OF ORDINANCES, THE UNIFIED DEVELOPMENT CODE (UDC), UPDATE "DIRECTOR OF DEVELOPMENT SERVICES" AND TO REMOVE "DEVELOPMENT SERVICES DEPARTMENT"; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

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

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

**WHEREAS**, on December 13, 2017 the Planning and Zoning Commission conducted a public hearing and thereafter recommended approval; and

**WHEREAS**, on January 9, 2018 the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the proposed amendments are appropriate and in the interest of the public safety, health and welfare;

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

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

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

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and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

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

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

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

Section 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter

of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

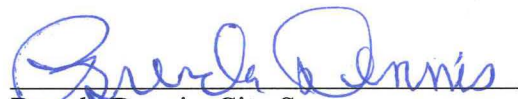
Section 8. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

Approved on first reading the 9<sup>th</sup> day of January, 2018.

PASSED, APPROVED AND ADOPTED on final reading the 23<sup>rd</sup> day of January, 2018.

  
\_\_\_\_\_  
Michael R. Carpenter, Mayor

ATTEST:



Brenda Dennis, City Secretary  
(SEAL OF THE CITY)

Exhibit A

Unified Development Code  
Update "Director of Development Services"  
And  
Remove "Development Services Department".

See Attached

Sec. 21.4.16.B

Application Requirements.

Any request for a building permit shall be accompanied by an application prepared in accordance with requirements of the building inspections division. The ~~Director of Development Services~~ City Manager or his/her designee shall be responsible for determining the form and content of the building permit application.

Sec. 21.4.16.C.1

Submittal

An application for a building permit shall be submitted to the Building Inspections Division. The ~~Director of Development Services~~ City Manager or his/her designee shall review the application for completeness in accordance with section 21.4.2. The ~~Director of Development Services~~ City Manager or his/her designee shall review the permit for compliance with all adopted building codes and regulations and shall provide written notification of any items requiring correction or attention within forty-five (45) days after submittal of a complete application.

Sec. 21.4.16.C.2

Decision by the ~~Director of Development Services~~ City Manager.

The ~~Director of Development Services~~ City Manager or his/her designee may approve, approve with conditions, or deny the building permit.

Sec. 21.4.16.D

Criteria for Approval.

The ~~Director of Development Services~~ City Manager or his/her designee shall apply the following criteria in deciding the application for a building permit:

Sec. 21.8.3.A.6

Carports shall be structurally sound, as determined by the ~~Director of Development Services~~ City Manager or his/her designee.

Sec. 21.8.3.B.5

The carport shall be structurally sound as determined by the ~~Director of Development Services~~ City Manager or his/her designee.

Sec. 21.8.4.C.3.a

Applicant shall apply to the ~~City's Director of Development Services~~ City Manager or his/her designee for a home occupation permit.

Sec. 21.8.4.C.3.b

The ~~Director of Development Services~~ City Manager or his/her designee may issue the permit if the home occupation meets all the requirements established in Paragraph B.

Sec. 21.8.4.C.3.f.iii

Inspection.

The ~~Director of Development Services~~ City Manager or his/her designee is authorized to periodically enter the premises to ensure full compliance with these requirements.

#### Sec. 21.8.6.C.9

##### Building Codes, Zoning and Safety Standards.

To ensure the structural integrity of Antenna Facilities, the owner of an Antenna Facility must ensure that it is maintained in compliance with all provisions of the City's building code and zoning regulations. If, upon inspection by the City Engineer or his designee, the City concludes that an Antenna Facility fails to comply with such codes and regulations and/or constitutes a danger to persons or property, then upon written notice to the owner of the Antenna Facility, the owner shall have thirty (30) days to bring such tower into compliance with applicable standards. Failure to bring such tower into compliance shall constitute grounds for the removal of the Antenna Facility by the owner and at the owner's expense. This notice requirement shall not preclude immediate action by the ~~Director of Development Services~~ City Manager or his/her designee as allowed by law if public safety requires such action.

#### Sec. 21.8.7.A

A temporary structure may not be brought on-site until a building permit for the construction or refurbishing of the permanent structure has been issued by the ~~Director of Development Services~~ City Manager or his/her designee. All temporary manufactured structures shall be required to comply with the following.

#### Sec. 21.8.7.B

Temporary Construction Buildings: Temporary building and material storage areas to be used for construction purposes may be permitted for a specified period of time in accordance with a permit issued by the ~~Director of Development Services~~ City Manager or his/her designee for cause shown. Upon completion or abandonment of construction or expiration of permit, such field offices and buildings shall be removed at the direction of the ~~Director of Development Services~~ City Manager or his/her designee.

#### Sec. 21.9.7.C.9

Vegetation other than approved grasses or ground cover under six inches (6") in height is prohibited in any City right-of-way unless specifically authorized in writing by the ~~Director of Development Services~~ City Manager or his/her designee, after consultation with the Director of Public Works or his/her designee.

#### Article 16 Definitions

~~Director of Development Services: The officer so designated by the City Manager.~~

#### Sec. 21.4.8.B.1

##### Application Required.

A request for annexation shall be accompanied by an application prepared in accordance with the ~~Development Services Department~~ Development Manual.

#### Sec. 21.4.10.B.1

##### Application Required.

Any application for a Development Agreement shall be accompanied by an application prepared in accordance with the ~~Development Services Department~~ Development Manual.

Sec. 21.4.12.B

Application Requirements.

Any request for a variance shall be accompanied by an application prepared in accordance with the ~~Development Services Department~~ Development Manual.

Sec. 21.5.4.B.1

Application Required.

Any request for a zoning change or zoning map amendment shall be accompanied by an application and zoning exhibit prepared in accordance with the ~~Development Services Department~~ Development Manual.

Sec. 21.5.10.B.1

Application Required.

Any request for a PDD shall be accompanied by an application prepared in accordance with the ~~Development Services Department~~ Development Manual.

Sec. 21.5.11.B.1

Application Required.

Any request for a Specific Use Permit (SUP) shall be accompanied by an application and SUP exhibit prepared in accordance with the ~~Development Services Department~~ Development Manual.

Sec. 21.5.12.C.1

Application Required.

Any request for an AC District shall be accompanied by an application prepared in accordance with the ~~Development Services Department~~ Development Manual.

Sec. 21.5.13.C.1

Application Required.

Any request for an EN District shall be accompanied by an application prepared in accordance with the ~~Development Services Department~~ Development Manual.

Sec. 21.9.12.B

Application Requirements.

Any request for Site Plan approval shall be accompanied by an application prepared in accordance with the ~~Development Services Department~~ Development Manual.

Sec. 21.9.12.D

Contents of a Site Plan.

An application for a Site Plan shall include the information required by the ~~Development Services Department~~ Development Manual.

Sec. 21.12.6.B.1

Application Required.

Any request for a Subdivision Master Plan shall be accompanied by an application prepared in accordance with the ~~Development Services Department~~ Development Manual.

Sec. 21.12.7.B

Submittal Requirements for Preliminary Plat

An application for a preliminary plat shall include the information required by the ~~Development Services Department~~ Development Manual.

Sec. 21.12.8.B.1

Application Required.

Any request for a Preliminary Plat shall be accompanied by an application prepared in accordance with the ~~Development Services Department~~ Development Manual.

Sec. 21.12.9.B

Submittal Requirements for Final Plat.

An application for a final plat shall include the information required by the ~~Development Services Department~~ Development Manual.

Sec. 21.12.10.B.1

Application Required.

Any request for a Final Plat shall be accompanied by an application prepared in accordance with the ~~Development Services Department~~ Development Manual.

Sec. 21.12.11.B

Application Requirements.

Any request for a minor plat shall be accompanied by an application prepared in accordance with the ~~Development Services Department~~ Development Manual.

Sec. 21.12.12.B

Application Requirements.

Any request for an amending plat shall be accompanied by an application prepared in accordance with the ~~Development Services Department~~ Development Manual.

Sec. 21.12.13.B

Application Requirements

Any request for a replat shall be accompanied by an application prepared in accordance with the ~~Development Services Department~~ Development Manual.

Sec. 21.14.7.A

Application Requirements.

Every application for development within the City or its ETJ shall be accompanied by a Traffic Impact Analysis (TIA) Determination Form provided in the ~~Development Services Department~~ Development Manual. The TIA Determination Form shall be utilized to determine if a TIA is required