

ORDINANCE NO. 18-S-24

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING PART III, SCHERTZ CODE OF ORDINANCES, THE UNIFIED DEVELOPMENT CODE (UDC) ARTICLES 9 AND 16 TO AMEND CERTAIN SITE DESIGN STANDARDS FOR PUBLIC WATER AND WASTEWATER FACILITIES; 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 has reviewed the Current UDC and have recommended certain revisions and updates to, and reorganization of, the Current UDC;

WHEREAS, on June 27, 2018 the Planning and Zoning Commission conducted a public hearing and thereafter recommended approval; and

WHEREAS, on July 24, 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and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.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.

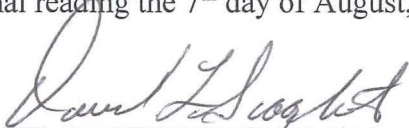
Section 6. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

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.

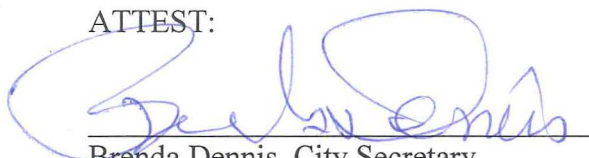
Approved on first reading the 24th day of July, 2018.

PASSED, APPROVED AND ADOPTED on final reading the 7th day of August, 2018.



Michael R. Carpenter, Mayor *pro tem*

ATTEST:



Brenda Dennis, City Secretary
(SEAL OF THE CITY)

Exhibit A

Unified Development Code
Article 9 and 16 Amendments

See Attached

Addition of language to Sec. 21.9.5.B.1. (Exterior construction and design standards)

1. All new buildings within the corporate limits of the City except public schools and public water and wastewater facilities; and

Addition of a subsection with language to Sec. 21.9.7.E. (Landscape Installation Required)

E. *Landscape Installation Required.*

1. Applicability. The provisions of this section shall apply to all development except public water and wastewater facilities.
2. A minimum of twenty percent (20%) of the total land area of any proposed multifamily or nonresidential development shall be landscaped and shall be comprised of trees, shrubs, sod or other ground cover. In the event of the construction of a phased development, the minimum twenty percent (20%) requirement shall apply to each phase as it is developed.
3. All properties shall provide shade trees at a ratio of nine (9) trees per acre (43,560 square feet) of gross lot area. Industrial property shall provide shade trees at a ratio of nine (9) trees per acre, calculated at sixty percent (60%) of the gross lot area or by exclusion of the main enclosure structure ground floor area from the gross lot area, whichever is less. Public schools shall provide shade trees at a ratio of at least four (4) trees per acre. Existing trees may be counted toward meeting the requirements of this section.
 - a. Every single family residential lot shall provide a minimum of three (3) shade trees which shall include a minimum of one (1) tree in the front yard and one (1) tree in the rear yard.
 - b. Any property that is unable to satisfy the tree requirements of this section shall be required to pay tree mitigation fees in accordance with section 21.9.9 of this UDC.
3. The use of native and adapted, drought tolerant plants is encouraged to meet the requirements of this section.
4. Artificial plants or turf shall not be counted towards meeting the requirements of this section.

Addition of subsection with language to Sec. 21.9.7.G (Nonresidential and Multifamily Landscape Buffer Requirements)

G. *Nonresidential and Multifamily Landscape Buffer Requirements.*

1. In addition to any screening requirements of section 21.9.8, a nonresidential or multifamily use adjacent to a residential use or residentially zoned property shall provide a minimum twenty foot (20') landscape buffer adjacent to the property line of the residential use or residentially zoned property. A minimum of one (1) shade tree shall be planted for each thirty linear feet (30') of landscape buffer. A minimum of ten (10) shrubs shall be planted for each fifty linear feet (50') of landscape buffer. All other areas within the landscape buffer shall be covered with grass or another solid vegetative cover approved at the time of Site Plan approval.

2. The landscape buffer and planting requirements do not apply to public water and wastewater facilities if an eight feet (8') masonry fence is provided at or near the property boundary.

Addition of language to Sec. 21.9.7.H.1 (Interior Landscaping)

1. *Interior Landscaping.* A minimum of ten percent (10%) of the gross parking areas shall be devoted to living landscaping which includes grass, ground covers, plants, shrubs and trees. Gross parking area is to be measured from the edge of the parking and/or driveway and sidewalks. The following additional criteria shall apply to the interior of parking lots. Interior landscaping requirements do not apply to public water and wastewater facilities if an eight feet (8') masonry fence is provide at or near the property boundary.
 - a. Interior landscape areas shall be protected from vehicular encroachment of overhang through appropriate wheel stops or curbs.
 - b. There shall be a minimum of one (1) shade tree planted for each 400 square feet or fraction thereof of required interior landscape area.
 - c. Interior areas of parking lots shall contain planting islands located so as to best relieve the expanse of paving. Planter islands must be located no further apart than every twelve (12) parking spaces and at the terminus of all rows of parking. Such islands shall be a minimum of 200 square feet or ten feet (10') by twenty feet (20') in size.
 - d. Planter islands shall contain a combination of trees, shrubs, lawn, ground cover and other appropriate materials provided such landscaping does not cause visual interference within the parking area.

Addition of language to Sec. 21.9.7.H.2.b (Perimeter Landscaping)

- b. Whenever an off-street parking or vehicular use area abuts an adjacent residential property line, a perimeter landscape area of at least ten feet (10') in width shall be maintained between the edge of the parking area and the adjacent property line. Access ways between lots may be permitted through all perimeter landscape areas. Landscaping shall be designed to visually screen the parking area. Whenever such property is zoned or used for single family residential purposes, a landscape buffer shall include a masonry wall and hedge, or berm which shall be a minimum of three feet (3') in height and a maximum of eight feet (8') in height. The requirements of this subsection do not apply to public water and wastewater facilities if an eight feet (8') masonry fence is provide at or near the property boundary.

Addition of language to Sec. 21.9.8.B.1 (Fences in Nonresidential and Multifamily Areas)

1. *Height.* No fence, screen, or wall shall exceed eight feet (8') in height. No fence, screen, or wall within a required front yard shall exceed eight feet (8') in height. Fences constructed in the front yard shall be non-opaque and shall not interfere with the sight visibility triangle as required by this UDC or any other applicable City ordinances, codes and regulations. All fences for public water and wastewater facilities are allowed to be opaque.

Addition of language to Sec. 21.9.8.B.2.b. (Fence Materials)

- b. *Prohibited Materials.* Above-ground electrical fencing, wire mesh (such as hog wire or chicken wire), and barbed wire are prohibited except on parcels or lots one acre or greater in size in conjunction with the containment of livestock or farm animals. Three strand barbed wire on top of chain link fencing is permitted when associated with public water and wastewater facilities and when not visible from public rights-of-way or adjacent properties.

Change in language to Sec. 21.9.9.C.1 Tree Preservation and Mitigation.

1. Protected Trees. Any Protected Trees not exempt from preservation in section B.3. above may be removed upon approval of a Tree Removal Permit by the Director of Parks, Recreation and Community Services Any decision of the Director of Parks, Recreation and Community Services regarding a tree removal permit may be appealed to the Planning and Zoning Commission in accordance with section 21.4.14 of this UDC.

Change in language to Sec. 21.9.9.C.2 Tree Preservation and Mitigation.

2. *Heritage Trees.* Any Heritage Trees to be removed may be removed upon approval of a Tree Removal Permit by the Director of Parks, Recreation and Community Services. Any decision by the Director of Parks, Recreation and Community Services regarding a tree removal permit may be appealed to the Planning and Zoning Commission in accordance with section 21.4.14 of this UDC. All Heritage Trees shall be required to meet the mitigation requirements of this section.

Addition of a definition to Article 16 Definitions to include:

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.
