



**MEETING AGENDA**  
**City Council**  
**REGULAR SESSION CITY COUNCIL**  
**March 5, 2024**

**HAL BALDWIN MUNICIPAL COMPLEX COUNCIL CHAMBERS**  
**1400 SCHERTZ PARKWAY BUILDING #4**  
**SCHERTZ, TEXAS 78154**

**CITY OF SCHERTZ CORE VALUES**  
**Do the right thing**  
**Do the best you can**  
**Treat others the way you want to be treated**  
**Work cooperatively as a team**

**AGENDA**  
**TUESDAY, MARCH 5, 2024 at 6:00 p.m.**

**Call to Order**

**Opening Prayer and Pledges of Allegiance to the Flags of the United States and State of Texas.**  
**(Councilmember Davis)**

**Proclamations**

- Procurement Month-March 2024
- Girl Scouts of Southwest Texas Centennial Celebration Day - March 11, 2024

**Employee Introductions**

- Animal Services: Kennel Technician - Ashley Griego
- City Secretary: Records Management Coordinator - Michael McMurray
- EMS: EMTs Brent Metzger, Noah Kleinman, Christopher Lambert, and Brooklyn Youngblood;  
EMS Billing Specialist - Brooke Bush
- Library: Library Assistant - Michael Lazcano
- Police: Reserve Officer - Ryan McCosh; Police Cadets Frank Rosas and Richard Hernandez
- Public Works: Street Maintenance Worker I - Rosalio Ruiz; Water/Wastewater Worker I -  
Angel Alonzo; Drainage Worker I's Derek Jones and Robert Shawn

## City Events and Announcements

- Announcements of upcoming City Events (B. James/S. Gonzalez)
- Announcements and recognitions by the City Manager (S. Williams)
- Announcements and recognitions by the Mayor (R. Gutierrez)

## Hearing of Residents

*This time is set aside for any person who wishes to address the City Council. Each person should fill out the speaker's register prior to the meeting. Presentations should be limited to no more than 3 minutes.*

***All remarks shall be addressed to the Council as a body, and not to any individual member thereof. Any person making personal, impertinent, or slanderous remarks while addressing the Council may be requested to leave the meeting.***

*Discussion by the Council of any item not on the agenda shall be limited to statements of specific factual information given in response to any inquiry, a recitation of existing policy in response to an inquiry, and/or a proposal to place the item on a future agenda. The presiding officer, during the Hearing of Residents portion of the agenda, will call on those persons who have signed up to speak in the order they have registered.*

## Consent Agenda Items

The Consent Agenda is considered self-explanatory and will be enacted by the Council with one motion. There will be no separate discussion of these items unless they are removed from the Consent Agenda upon the request of the Mayor or a Councilmember.

1. **Minutes** - Consideration and/or action regarding the approval of the regular meeting minutes of February 20, 2024. (S.Edmondson/S.Courney)
2. **Resolution 24-R-25** - Authorizing expenditures with Silsbee Ford for the purchase of two police vehicles as part of the 2023-2024 Vehicle/Equipment Replacement/Acquisition program. (B.James/D.Hardin-Trussell/C.Hernandez)
3. **Resolution 24-R-27** - Authorizing expenditures not to exceed \$310,000.00 with Farrwest Specialty Vehicles for the purchase and installation of emergency equipment for patrol fleet vehicles. (S.Williams/J.Lowery/M.Casas/D.LaCour)
4. **Resolution 24-R-28** - Authorizing the City Manager to execute the application for Assistance to Firefighters Grant for Vehicle Exhaust Extraction Systems (S.Williams/G.Rodgers).

## Discussion and Action Items

5. **Resolution 24-R-29** - Approving Fire Station 4 Construction Manager at Risk (S.Williams/G.Rodgers)

## Public Hearings

6. **Ordinance 24-S-04** - Conduct a public hearing and consider amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC) to Article 16 - Definitions. *First Reading* (B.James/L.Wood/S.Haas)
7. **Ordinance 24-S-05** – Conduct a public hearing and consider a request to rezone approximately 26.11 acres of land from Single-Family Residential / Agricultural District (R-A) to General Business District (GB), a portion of 11209 E FM 1518 generally located 600ft northwest of the intersection of Lisa Meadows and FM 1518, City of Schertz Bexar County, Texas, also known as Bexar County Property Identification Number 308363. *First Reading*. (B.James/L.Wood/S.Haas).

## Workshop

8. **Schertz PD TCOLE 2023 Racial Profiling Report** (S.Williams/J.Lowery)

## Closed Session

9. The City Council will meet in closed session under Section 551.074 of the Texas Government Code, Personnel Matters, to conduct the annual evaluation of the City Manager, Mr. Steve Williams.

## Reconvene into Regular Session

10. Take any action based on discussion held in Closed Session under Agenda Item #9.

## Information available in City Council Packets - NO DISCUSSION TO OCCUR

## Requests and Announcements

- Requests by Mayor and Councilmembers for updates or information from Staff
- Requests by Mayor and Councilmembers that items or presentations be placed on a future City Council agenda
- City and Community Events attended and to be attended (Council)

## Adjournment

### CERTIFICATION

I, SHEREE COURNEY, DEPUTY CITY SECRETARY OF THE CITY OF SCHERTZ, TEXAS, DO HEREBY CERTIFY THAT THE ABOVE AGENDA WAS PREPARED AND POSTED ON THE OFFICIAL BULLETIN BOARDS ON THIS THE 29TH DAY OF FEBRUARY 2024 AT 5:30 P.M., WHICH IS A PLACE READILY ACCESSIBLE TO THE PUBLIC AT ALL TIMES AND THAT SAID NOTICE WAS POSTED IN ACCORDANCE WITH CHAPTER 551, TEXAS GOVERNMENT CODE.

SHEREE COURNEY

**I CERTIFY THAT THE ATTACHED NOTICE AND AGENDA OF ITEMS TO BE CONSIDERED BY THE CITY COUNCIL WAS REMOVED BY ME FROM THE OFFICIAL BULLETIN BOARD ON \_\_\_\_\_ DAY OF**

\_\_\_\_\_, 2024.

**TITLE:** \_\_\_\_\_

*This facility is accessible in accordance with the Americans with Disabilities Act. Handicapped parking spaces are available. If you require special assistance or have a request for sign interpretative services or other services, please call 210-619-1030.*

**The City Council for the City of Schertz reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Open Meetings Act.**

**Closed Sessions Authorized:** This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Closed Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

### COUNCIL COMMITTEE AND LIAISON ASSIGNMENTS

<b>Mayor Gutierrez</b> Member Audit Committee Investment Advisory Committee Main Street Committee  Liaison Board of Adjustments Senior Center Advisory Board - Alternate	<b>Councilmember Davis– Place 1</b> Member Interview Committee Main Street, Chair TIRZ II Board  Liaison Parks and Recreation Advisory Board Schertz Housing Authority Transportation Safety Advisory Board
<b>Councilmember Watson-Place 2</b> Member Audit Committee Interview Committee-Alternate  Liaison Library Advisory Board Senior Center Advisory Board Cibolo Valley Local Government Corporation-Alternate	<b>Councilmember Macaluso – Place 3</b> <b>Member</b> Member Interview Committee Animal Advisory Board-Alternate Hal Baldwin Scholarship Committee-Alternate  Liaison TIRZ II Board
<b>Councilmember Gibson – Place 4</b> Member Interview Committee Hal Baldwin Scholarship Committee  Liaison Investment Advisory Committee Schertz Historical Preservation Society	<b>Councilmember Westbrook – Place 5</b> Liaison Schertz-Seguin Local Government Corporation (SSLGC) - Liaison Cibolo Valley Local Government Corporation (CVLGC) – Alternate Planning and Zoning Commission Schertz Historical Preservation Society



<b>Councilmember Heyward – Place 6</b> Member Animal Advisory Board Audit Committee Interview Committee - Chair Investment Advisory Committee Main Street Committee  Liaison Economic Development Corporation – Alternate Senior Center Advisory Board Building and Standards Commission	<b>Councilmember Brown – Place 7</b> Member Main Street Committee Schertz-Seguin Local Government Corporation (SSLGC)  Liaison Economic Development Corporation
---	---

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** March 5, 2024  
**Department:** City Secretary  
**Subject:** Proclamations

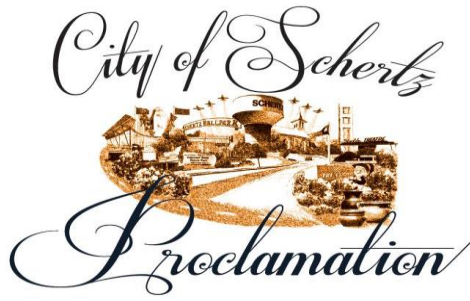
- **Procurement Month-March 2024**
- **Girl Scouts of Southwest Texas Centennial Celebration Day - March 11, 2024**

---

**Attachments**

Procurement Month 2024  
Girl Scout Centennial 2024

---



## National Procurement Month-March 2024

**WHEREAS**, professional public procurement is crucial for the efficient and effective operation of all governments across the great State of Texas including the City of Schertz; and

**WHEREAS**, public procurement requires specific knowledge and skills, and the City of Schertz Purchasing Department has a dedicated staff of procurement professionals with more 30 years combined experience; and

**WHEREAS**, these procurement professionals dedicate themselves to providing the best value for every taxpayer dollar by providing high-caliber strategic, logistical, and operational support for the City and dedicating themselves to expanding their knowledge, skills, and abilities for the public good; and

**WHEREAS**, in addition to the purchase of goods and services, public procurement adds value to the organization by performing such functions as executing, implementing, and administering contracts, developing strategic procurement strategies, cultivating working relationships with suppliers and other departments within the organization, and providing Safety and Risk Management Support to City Staff; and

**WHEREAS**, public procurement has tremendous influence on the economic conditions in the City of Schertz, the State of Texas, and indeed across the United States, with cumulative purchasing power running into the billions of dollars; and

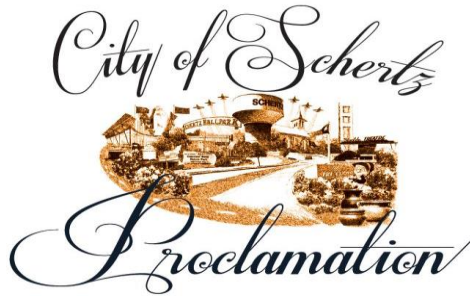
**WHEREAS**, the National Institute of Governmental Purchasing (NIGP) has designated the month of March as "Procurement Month" to further expand the awareness of the purchasing professional's role to governmental officials, the general public, business, and corporate leaders; and

**NOW, THEREFORE I, RALPH GUTIERREZ, MAYOR OF SCHERTZ, TEXAS**, do hereby recognize **March 2024 as Procurement Month**. I encourage all residents of the City of Schertz to recognize and honor the dedication and hard work that the City of Schertz Purchasing Department provides on a daily basis.

**IN TESTIMONY WHEREOF**, I have signed my name officially and caused the Seal of The City of Schertz to be affixed at Schertz on this the 5th day of March 2024.

---

Ralph Gutierrez, Mayor



## **Girl Scouts of Southwest Texas Centennial-March 11, 2024**

**WHEREAS**, Girl Scouts of Southwest Texas celebrates its centennial on Monday, March 11, 2024, marking a century of building girls of courage, confidence, and character; and

**WHEREAS**, Girl Scouts of Southwest Texas has a rich history built by generations of bold women and girls who took the lead and passed on their knowledge and skills to other generations;

**WHEREAS**, today's Girl Scouts stand on their shoulders, using their voices and actions more than ever to make a difference, at home and abroad. Girl Scouts create the world they want to live in and strive to make it better every single day; and

**WHEREAS**, Girl Scouts of Southwest Texas provides a space for these girls to dream big, be themselves, and find adventure, and they have made a difference in our community for many years; and

**WHEREAS**, every girl deserves the opportunity to thrive, and through its programming, Girl Scouts of Southwest Texas works to ensure girls in our communities know they can do anything their put their minds to doing and encourages them to feel empowered and embrace their unique strengths; and

**WHEREAS**, our city is better because of Girl Scouts of Southwest Texas.

**NOW, THEREFORE**, I, Ralph Gutierrez, Mayor do hereby proclaim March 11, 2024, to be

**“Girl Scouts of Southwest Texas Centennial Celebration Day”**

in the City of Schertz, Texas, and extend sincere appreciation to our local Girl Scouts for their efforts to make this community a better place, uphold the Girl Scout Promise and try to help people at all times.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Schertz, Texas, to be affixed this 5th day of March 2024.

---

Ralph Gutierrez, Mayor

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** March 5, 2024  
**Department:** City Secretary  
**Subject:** Minutes - Consideration and/or action regarding the approval of the regular meeting minutes of February 20, 2024. (S.Edmondson/S.Courney)

---

**Attachments**

02-20-2024 Draft minutes

---

# DRAFT

## MINUTES REGULAR MEETING February 20, 2024

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on February 20, 2024, at 6:00 p.m. in the Hal Baldwin Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas. The following members present to-wit:

Present: Mayor Ralph Gutierrez; Mayor Pro-Tem Paul Macaluso; Councilmember Mark Davis; Councilmember Michelle Watson; Councilmember Robert Westbrook; Councilmember Allison Heyward; Councilmember Tim Brown

Absent: Councilmember Tiffany Gibson

Staff present: City Manager Steve Williams; City Attorney Daniel Santee; Deputy City Manager Brian James; Assistant City Manager Sarah Gonzalez; City Secretary Sheila Edmondson; Deputy City Secretary Sheree Courney

### **Call to Order**

Mayor Gutierrez called the meeting to order at 6:00 p.m.

### **Opening Prayer and Pledges of Allegiance to the Flags of the United States and State of Texas. (Councilmember Brown)**

Mayor Gutierrez recognized Councilmember Brown who provided the opening prayer and led the Pledges of Allegiance to the Flags of the United States and the State of Texas.

### **Presentations**

**Presentation of the Code Enforcement Association of Texas – The Wes Castolenia Community Service Award to the City of Schertz Neighborhood Services.**  
(B.James/L.Wood)

Mayor Gutierrez recognized Neighborhood Services Manager Rebecca Vera who explained that the Wes Castolenia Community Service Award received by the Schertz Neighborhood Services Department recognizes collaborative community projects which make a positive impact. Last year's event was held on February 25, 2023, in the Cibolo Creek Watershed, where more than 100 community volunteers worked alongside City Departments, including Neighborhood Services, Public Works, and Parks and Recreation, and Community Partners, including Bexar County Commissioner Precinct 4 Tommy Calvert's Office, Bexar County Environmental Services, Bexar County Sheriff's Unit, Cibolo Creek Municipal Authority, Republic Services, and the San Antonio River Authority, for two days to remove 31,000 pounds of trash, debris, and discarded materials.

## **Proclamations**

### **Engineers Week February 18-24, 2024**

Mayor Gutierrez recognized Councilmember Heyward who presented the Engineers Week February 18 - 24, 2024 Proclamation to Engineer John Nowak, Administrative Assistant Tammy Lawrence, Engineering Inspector Sam Lopez, and Engineering Inspector Bryan Timmons.

### **George Washington Day - February 22, 2024**

Mayor Gutierrez recognized Mayor Pro-Tem Macaluso who presented the George Washington Day - February 22, 2024 Proclamation to Mr. Ed Blauvelt, President of the William Hightower Chapter of the Society of the Sons of the American Revolution.

### **Government Communicators Day - February 24, 2024**

Mayor Gutierrez recognized Councilmember Westbrook who presented the Government Communicators Day - February 24, 2024 Proclamation to Public Affairs Director Linda Klepper, Communications Manager Devan Christensen, and Marketing & Communications Specialist Jenna Kock.

### **National Employee Appreciation Day - March 1, 2024**

Mayor Gutierrez presented the National Employee Appreciation Day - March 1, 2024 Proclamation to Human Resources and Purchasing Director Jessica Kurz who accepted it on behalf of all City Staff.

## **City Events and Announcements**

- Announcements of upcoming City Events (B. James/S. Gonzalez)

Mayor Gutierrez recognized Assistant City Manager Sarah Gonzalez who provided the following:

### **Standing announcements**

**Thursday, February 29** (meets weekly through May 2, 2024)

Citizens Police Academy

6:00 p.m. - 9:00 p.m.

Registration is currently open online at [www.Schertz.com/cps](http://www.Schertz.com/cps). Applications are also available at the Schertz Police Department. Deadline to apply is Friday, February 23, 2024.

### **New announcements**

**Friday, February 23 and Saturday, February 24**

Read Before Bookstore Book Sale

Schertz Public Library

10:00 a.m. - 5:00 p.m.

**Saturday, February 24**

Selma/Schertz Salute to Service Members 5K  
Race Day Packet pick-up and on-site registration  
Blue Bonnet Place  
6:45 a.m. - 8:00 a.m.

Give Where You Live "Clean the Creek" Event  
Cutoff Park, 700 block of FM 1518  
8:30 a.m. - 11:30 a.m.

**Saturday, March 2**

Kick Cancer Pep Rally & 5K Run  
Pickrell Park  
8:00 a.m. check-in; 9:00 a.m. start  
More information can be found at [www.schertz.com](http://www.schertz.com)

**Tuesday, March 5**

Next Regular City Council Meeting  
Council Chambers  
6:00 p.m.

- Announcements and recognitions by the City Manager (S. Williams)  
Mayor Gutierrez recognized City Manager Steve Williams who provided the following:

**City Staff Promotions:**

William Lewis from Drainage Worker I to Water/Wastewater Worker I  
Tommy Perez from Utility Billing Specialist to Senior Utility Billing Specialist

**Congratulations and Kudos to:**

Congratulations to the Schertz Public Library on being awarded the Texas Municipal Library Directors Association 2023 Achievement of Excellence in Libraries Award. With this honor, The Schertz Public Library is now in the top 15% of all public libraries in the state.

Congratulations to Mercedes Gutierrez and Yolanda Valdez for obtaining their SHRM-CP credentials. SHRM (Society for Human Resources Management) is the largest and primary association for HR Professionals and their certification is recognized and valued by employers in all industries as the premier human resources certification.

Kudos to Linda Klepper, Devan Christensen, and Jenna Kock of the Public Affairs Department for their excellent work on the coordination and production of the 2024 State of the Cities Video. And, a big thank you to the "stars" of the video, City Engineer Kathy Woodlee, EDC Executive Director Scott Wayman, Parks and Recreation Director Lauren Shrum, and Assistant City Manager Sarah Gonzalez.

**Happening in the City**

The San Antonio Stock Show and Rodeo Annual Trail Rider Lunch was held February 8th at Pickrell Park welcoming trailriders to Schertz on their weeklong ride to the rodeo.



- Announcements and recognitions by the Mayor (R. Gutierrez)  
Mayor Gutierrez thanked the staff for their "State of the Cities" presentation at The Chamber luncheon on Tuesday, February 20, and encouraged residents to watch the video. He also attended the Police Banquet and Awards and thanked our law enforcement officers for their service to the residents of the City.

## Hearing of Residents

This time is set aside for any person who wishes to address the City Council. Each person should fill out the speaker's register prior to the meeting. Presentations should be limited to no more than **3** minutes.

**All remarks shall be addressed to the Council as a body, and not to any individual member thereof. Any person making personal, impertinent, or slanderous remarks while addressing the Council may be requested to leave the meeting.**

Mayor Pro-Tem Macaluso recognized the following resident:

**Daniel Jameson**, 1048 Richmond Dr., shared the sad news of the passing of his father, a 50-year resident of the City of Schertz. He thanked Schertz EMS paramedics for their timely and compassionate response. Mr. Jameson provided the following details for services: Visitation will be held at Colonial Funeral Home, 625 Kitty Hawk Rd., Universal City, on March 6 at 5:00 p.m. Funeral Services will be on Thursday, March 7, at 11:00 a.m. with interment at Ft. Sam Houston National Cemetery following.

## Consent Agenda Items

The Consent Agenda is considered self-explanatory and will be enacted by the Council with one motion. There will be no separate discussion of these items unless they are removed from the Consent Agenda upon the request of the Mayor or a Councilmember.

1. **Minutes** - Consideration and/or action regarding the approval of the regular meeting minutes of February 6, 2024. (S.Edmondson/S.Courney)
2. **Appointment/Reappointment For Boards/Commissions/Committees** (S.Edmondson)
  - Resignation of Dr. Miguel Vazquez from the Schertz Historical Preservation Committee
3. **Resolution 24-R-20** - Authorizing the City Manager to issue a purchase order for the purchase of a Fire Department vehicle as part of the 2023-2024 Vehicle/Equipment Replacement/Acquisition program. (B.James/D. Hardin-Trussell/C.Hernandez)

4. **Resolution 24-R-21** - Authorizing the City Manager to issue a purchase order for the purchase of multiple Police Department Vehicles(s) as part of the 2024-2025 Vehicle/Equipment Replacement/Acquisition program.  
(B.James/D.Hardin-Trussell/C.Hernandez)
5. **Resolution 24-R-16** - Authorizing the application for the Guadalupe Valley Electric Cooperative (GVEC) Power Up Grant (S.Williams/G.Rodgers)
6. **Resolution 24-R-17** - Authorizing an application to the State Homeland Security Grant Program (SHSP) (S.Williams/G.Rodgers)
7. **Resolution 24-R-15** - Authorizing an application to the Lower Colorado River Authority (LCRA) Community Development Partnership Program (CDPP) Grant.  
(S.Williams/G.Rodgers)
8. **Resolution 24-R-22** - Authorizing a Memo of Understanding between JB SA and the Schertz PD for law enforcement response assistance and information sharing for The Great Texas Airshow (USAF Thunderbirds). (S.Williams/J.Lowery)
9. **Resolution 24-R-18** - Authorizing a grant application for Bullet-Resistant Shields to be purchased to enhance law enforcement's all-hazard response capabilities.  
(S.Williams/J.Lowery/K.Kallies)
10. **Resolution 24-R-10** - Authorizing a Subdivision Improvement Agreement and Roadway Impact Fee Credit Agreement with Embry. (S.Williams/B.James)
11. **Resolution 24-R-14** - Authorizing a Pole Attachment License Agreement with Guadalupe Valley Electric Cooperative, Inc. (GVEC). (S.Williams/B.James)
12. **Resolution 24-R-13** - Authorizing a Memorandum of Understanding with the City of Cibolo and the Cibolo Creek Municipal Authority regarding the Southern Plant Wastewater Services and Funding Agreement. (S.Williams/B.James)

Mayor Gutierrez asked if any item needed to be removed from Consent for discussion. No items were removed. Mayor asked Council for a motion to approve Consent Agenda Items #1 - 12.

Moved by Councilmember Allison Heyward, seconded by Councilmember Michelle Watson

AYE: Mayor Pro-Tem Paul Macaluso, Councilmember Mark Davis,  
Councilmember Michelle Watson, Councilmember Robert Westbrook,  
Councilmember Allison Heyward, Councilmember Tim Brown

Other: Councilmember Tiffany Gibson (ABSENT)

Passed

## Discussion and Action Items

13. **Resolution 24-R-12** - Authorizing the City Manager to submit an Energy Efficiency and Conservation Block Grant application, and accept grant funds from the awarding agency to improve the energy efficiency for low to moderate-income single-family residents. (B.James/L.Wood/R.Vera/L.Locken)

Mayor Gutierrez recognized Neighborhood Services Specialist Lisa Locken who presented information on the EECBG, Energy Efficiency and Conservation Block Grant, a flexible funding opportunity through the Department of Energy (DOE) that offers local governments funding to invest in a variety of clean energy and energy efficiency projects. Schertz potential allocation of \$76,400. If awarded, Neighborhood Services would develop a 2-year program for eligible residents focusing on less energy consumption. Additionally, they would facilitate the installation of approved efficient electric appliances or highly rated insulation. Eligibility would be determined using AACOG guidelines.

Moved by Councilmember Michelle Watson, seconded by Councilmember Tim Brown

AYE: Mayor Pro-Tem Paul Macaluso, Councilmember Mark Davis,  
Councilmember Michelle Watson, Councilmember Robert Westbrook,  
Councilmember Allison Heyward, Councilmember Tim Brown

Other: Councilmember Tiffany Gibson (ABSENT)

Passed

14. **Ordinance 24-S-01** - Approving amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC) to Article 5 - Zoning Districts, Article 9 - Site Design Standards, and Article 14 - Transportation. ***Final Reading*** (B.James/L.Wood/S.Haas)

Mayor Gutierrez stated Ordinance 24-S-01 passed on the First Reading. Council declined to hear the presentation again. Mayor Gutierrez asked for a motion to approve Ordinance 24-S-01.

Moved by Councilmember Allison Heyward, seconded by Mayor Pro-Tem Paul Macaluso

AYE: Mayor Pro-Tem Paul Macaluso, Councilmember Mark Davis,  
Councilmember Michelle Watson, Councilmember Robert Westbrook,  
Councilmember Allison Heyward, Councilmember Tim Brown

Other: Councilmember Tiffany Gibson (ABSENT)

Passed

15. **Ordinance 24-S-02** - Approving a Specific Use Permit to allow Automobile Repairs & Service, Major on approximately 1.5 acres of land, located 250 feet east of the intersection of FM 3009 and Borgfeld Road, also known as Guadalupe County Property Identification Number 129949, also known as 1205 Borgfeld Road, City of Schertz, Guadalupe County, Texas. ***Final Reading*** (B.James/L.Wood/E.Delgado)

Mayor Gutierrez stated Ordinance 24-S-02 passed on the First Reading. Council declined to hear the presentation again. Mayor Gutierrez asked for a motion to approve Ordinance 24-S-02.

Moved by Councilmember Tim Brown, seconded by Councilmember Allison Heyward

AYE: Mayor Pro-Tem Paul Macaluso, Councilmember Mark Davis,  
Councilmember Michelle Watson, Councilmember Robert Westbrook,  
Councilmember Allison Heyward, Councilmember Tim Brown

Other: Councilmember Tiffany Gibson (ABSENT)

Passed

16. **Resolution 24-R-24** - Authorizing the Main Street Improvements Project.  
(B.James/K.Woodlee/J.Nowak)

Mayor Gutierrez recognized Deputy City Manager Brian James who was joined by Engineer John Nowak. They provided a brief recap of the project, followed by details related to the engineering and landscape design concepts. City staff have met with the Main Street Committee multiple times to gather input and develop the vision. 70% of the plans were completed in 2023. Staff are coordinating with all impacted utilities to relocate aerial to underground lines. They are working with Centerpoint to upgrade gas lines. Upgrades will also be done to sewer and water lines. There is ongoing coordination with TxDOT since some of the updates will occur on their property. The revitalization plans include required infrastructure improvements at an estimated cost of \$12 million. The total projected costs for the Main Street Project are \$24.4 million.

After brief discussion with Council, Mayor Gutierrez asked for a motion to approved Resolution 24-R-24.

Moved by Councilmember Allison Heyward, seconded by Councilmember Michelle Watson

AYE: Mayor Pro-Tem Paul Macaluso, Councilmember Mark Davis,  
Councilmember Michelle Watson, Councilmember Robert Westbrook,  
Councilmember Allison Heyward, Councilmember Tim Brown

Other: Councilmember Tiffany Gibson (ABSENT)

Passed

17. Authorizing the Mayor to sign a resolution from the Northeast Partnership Mayors (NEP) expressing the concerns regarding the public health, safety, and welfare of 185,000 citizens living in the Northeast San Antonio Metrocom related to the proposed expansion of the Heidelberg Sertex Rock Crushing Quarry.  
(S.Williams/B.James)

Mayor Gutierrez recognized Deputy City Manager Brian James, who explained Schertz was approached by the Mayor of Garden Ridge who asked members of the Northeast Partnership (NEP) to sign a resolution opposing the expansion of Heidelberg Sertex Rock Crushing Quarry. The Quarry was established in 1922 and has expanded over time. It is located in the Schertz ETJ, in an area designated by the City for industrial use. Heidelberg petitioned the City of Schertz in late January to remove an approximately 47 acre tract from Schertz's ETJ which is permitted by the recent change in state law and is something the City cannot prevent.

After a brief Council discussion, no motion was brought forward. Therefore, no action could be taken by Mayor Gutierrez.

## Public Hearings

18. **Ordinance 24-H-03** - Conduct a public hearing and consider amendments to the Code of Ordinances, Chapter 34 Health, Article I - General and Article II - Food Establishments. ***First Reading*** (B.James/L.Wood/A.Cantu)

Mayor Gutierrez recognized Sanitarian Amanda Cantu who presented Ordinance 24-H-03 addressing Municipal Code Chapter 34 updates. Proposed changes will align city ordinances with state law and provide language to define terminology.

Mayor Gutierrez opened the Public Hearing at 7:26 p.m.

No public came forward to speak.

Mayor Gutierrez closed the Public Hearing at 7:26 p.m. and opened the floor to Council for discussion.

Councilmember Westbrook asked about the Mobile Food Unit Reciprocity Program. Ms. Cantu explained how the program works and where vendors go to apply.

Mayor Gutierrez asked for a motion to approve Ordinance 24-H-03.

Moved by Councilmember Allison Heyward, seconded by Councilmember Michelle Watson

AYE: Mayor Pro-Tem Paul Macaluso, Councilmember Mark Davis,  
Councilmember Michelle Watson, Councilmember Robert Westbrook,  
Councilmember Allison Heyward, Councilmember Tim Brown

Other: Councilmember Tiffany Gibson (ABSENT)

Passed

- 19. Resolution 24-R-07** - Conduct a public hearing and consider a resolution accepting a petition for voluntary annexation of approximately 7-acres, a portion of Bexar County Property Identification Number 339286, also known as 8215 Trainer Hale Road, City of Schertz, Bexar County, Texas. (B.James/L.Wood/D.Marquez)

Mayor Gutierrez recognized Planner Daisy Marquez who provided the details associated with the petition to voluntarily annex 7.7 acres to the City of Schertz. She explained the subject property is behind Hallie's Cove subdivision. Approval of the resolution does not annex the subject property, it allows for the City to annex the property by ordinance in the future. The zoning application to accompany the annexation is tentatively scheduled for the March 6, 2024, Planning and Zoning Commission meeting. Annexation and zone change ordinances are tentatively scheduled to be heard at the April 2, 2024, City Council meeting.

Mayor Gutierrez opened the Public Hearing at 7:40 p.m.

No public came forward to speak.

Mayor Gutierrez closed the Public Hearing at 7:40 p.m. and opened the floor to Council for discussion.

No discussion occurred.

Moved by Councilmember Tim Brown, seconded by Councilmember Mark Davis

AYE: Mayor Pro-Tem Paul Macaluso, Councilmember Mark Davis,  
Councilmember Michelle Watson, Councilmember Robert Westbrook,  
Councilmember Allison Heyward, Councilmember Tim Brown

Other: Councilmember Tiffany Gibson (ABSENT)

Passed

## **Workshop**

- 20. Schertz PD TCOLE 2023 Racial Profiling Report** (S.Williams/J.Lowery)

The Schertz PD TCOLE 2023 Racial Profiling Report Workshop was moved to the March 5, 2024, City Council meeting.

Mayor Gutierrez recessed to Closed Session at 7:42 p.m.

## **Closed Session**

- 21.** The City Council will meet in closed session under Section 551.074 of the Texas Government Code, Personnel Matters, to discuss the process of the annual evaluation of the City Manager, Mr. Steve Williams.

Mayor Gutierrez called Closed Session item #21 to order at 7:47 p.m.

Mayor Gutierrez recessed Closed Session item #21 at 8:22 p.m.

22. The City Council will meet in closed session under Section 551.074 of the Texas Government Code, Personnel Matters, to discuss the process of the annual evaluation of the City Secretary, Ms. Sheila Edmondson.

Mayor Gutierrez called Closed Session item #22 to order at 8:23 p.m.

Mayor Gutierrez recessed Closed Session item #23 at 8:24 p.m.

### **Reconvene into Regular Session**

Mayor Gutierrez reconvened Regular Session at 8:30 p.m.

23. Take any action based on discussion held in Closed Session under Agenda Item #21.

No action was taken on Closed Session Item #21.

24. Take any action based on discussion held in Closed Session under Agenda Item #22.

No action was taken on Closed Session Item #22.

### **Information available in City Council Packets - NO DISCUSSION TO OCCUR**

25. **Monthly Update** - Major Projects In Progress/CIP (B.James/K.Woodlee)

26. **Council Pay Adjustment** (S.Gonzalez/J.Walters)

### **Requests and Announcements**

- Requests by Mayor and Councilmembers for updates or information from Staff  
No requests by Mayor or Councilmembers for updates or information from Staff.
- Requests by Mayor and Councilmembers that items or presentations be placed on a future City Council agenda  
No requests by Mayor or Councilmembers that items or presentations be placed on a future City Council agenda.
- City and Community Events attended and to be attended (Council)  
**Mayor Pro-Tem Macaluso** attended The Chamber Casino Night and The Chamber "State of the Cities" Luncheon.  
**Councilmember Westbrook** attended the Frost Cowboy Breakfast and The Chamber Casino Night.  
**Councilmember Heyward** attended the PD Annual Awards, TML Training in Austin, Park 35 Groundbreaking, and The Chamber "State of the Cities" Luncheon. She stated she would not be at the March 5, 2024, meeting as she will be attending the AGRIP Conference supporting TML Risk Pool Board in Nashville.

**Councilmember Brown** attended the Police Department Polar Plunge, and he offered kudos to Team Schertz for winning the Special Olympics Fundraiser.

**Mayor Gutierrez** thanked everyone who attended the Park 35 Groundbreaking event. He stated that it is an over \$200 million project and a great addition to the Industrial Park.

### **Adjournment**

Mayor Gutierrez adjourned the meeting at 8:33 p.m.

---

Ralph Gutierrez, Mayor

ATTEST:

---

Sheila Edmondson, City Secretary



**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** March 5, 2024  
**Department:** Facility & Fleet  
**Subject:** Resolution 24-R-25 - Authorizing expenditures with Silsbee Ford for the purchase of two police vehicles as part of the 2023-2024 Vehicle/Equipment Replacement/Acquisition program. (B.James/D.Hardin-Trussell/C.Hernandez)

---

**BACKGROUND**

The City Council previously approved the city's vehicle replacement budget in the amount of \$2,006,900 for FY 2023-24. The Police Department has been approved for 14 replacement vehicles and recently received 12 out of 14 vehicles. This resolution authorizes the purchase of the two additional Police Department vehicles, 2024 Police Explorers, from Silsbee Ford via group purchasing cooperatives. Each group purchasing cooperative contract was competitively bid by the awarding entity. In addition to the that level of competition, City staff also obtained multiple contract quotes to ensure the overall best value for the City was obtained.

**GOAL**

To authorize the City Manager to execute the purchase order for the purchase of the 2 Police Department vehicles located at Silsbee Ford.

**COMMUNITY BENEFIT**

Having a current and operational fleet will provide all departments with the necessary vehicles and equipment to perform their assigned duties within the City of Schertz and reduce the maintenance cost of an aging fleet.

**SUMMARY OF RECOMMENDED ACTION**

Approval of this resolution will allow the purchase of two 2024 Police Explorers for \$98,800.00 from Silsbee Ford.

**FISCAL IMPACT**

The purchase of the vehicles and equipment will be funded through the city's general fund. The fiscal impact of this project will be approximately \$98,800.00. These funds were approved in the FY 2023-2024 budget.

**RECOMMENDATION**

Approval of Resolution 24-R-25.

---

**Attachments**

Resolution 24-R-25 no attachments

---

## **RESOLUTION 24-R-25**

### **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING EXPENDITURES ASSOICATED WITH THE FY 2023-2024 VEHICLE/EQUIPMENT REPLACEMENT/ACQUISITION PROGRAM**

**WHEREAS**, the Schertz Fleet Department has a need to purchase a Police Department vehicle(s), as part of the Vehicle/Equipment Replacement/Acquisition Program; and

**WHEREAS**, the Schertz Fleet Department has done due diligence in researching what vehicle best fits the needs of the departments, to obtain the best pricing/availability, and to provide the best quality of vehicles/equipment; and

**WHEREAS**, the City of Schertz has chosen various Group Purchasing Cooperative Vendors, for the purchase the vehicles; and

**WHEREAS**, purchases under the cooperative programs meet the requirements under Subchapter C, Chapter 791.025 of the Texas Government Code, which states that a local government that purchases goods and services under this section satisfies the requirement of the local government to seek competitive bids for the purchase of the goods and services; and

**WHEREAS**, the City Council has determined that it is in the best interest of the City to authorize the City Manager to issue Purchase Orders to the awarded vendors.

### **NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:**

Section 1. The City Council hereby authorizes expenditures with Silsbee Ford for NINETY-EIGHT THOUSAND EIGHT-HUNDRED DOLLARS (\$98,800.00) with an amount not to exceed NINETY-EIGHT THOUSAND EIGHT-HUNDRED DOLLARS (\$98,800.00) for the 2023-2024 Fiscal Year

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 Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

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

Section 4. This Resolution 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 Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be

valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution 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 Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this \_\_\_\_ day of \_\_\_\_\_, 2024.

CITY OF SCHERTZ, TEXAS

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

ATTEST:

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

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** March 5, 2024  
**Department:** Police Department  
**Subject:** Resolution 24-R-27 - Authorizing expenditures not to exceed \$310,000.00 with Farrwest Specialty Vehicles for the purchase and installation of emergency equipment for patrol fleet vehicles. (S.Williams/J.Lowery/M.Casas/D.LaCour)

---

**BACKGROUND**

The Police Department is purchasing and installing emergency equipment for newly purchased fleet vehicles. The equipment purchased and installed includes emergency vehicle lighting, audio warning devices, prisoner partitions, consoles, optic cameras, rear vehicle storage, and other emergency vehicle equipment. When combined, the total cost of all individual pieces of equipment, labor, and additional future purchases for the 2023-2024 fiscal budget year will not exceed \$310,000.00 with Farrwest Specialty Vehicles. Farrwest is an approved vendor in accordance with the terms and conditions outlined in the BuyBoard Contract #703-23-718-23 & HGAC #EP11- 20.

This purchase will allow for the outfitting of 14 Police Department vehicles.

**GOAL**

To allow the purchase and installation of emergency vehicle equipment into new Police Department fleet vehicles.

**COMMUNITY BENEFIT**

Through Farrwest Specialty Vehicles, the emergency vehicle equipment and installation services allow the Police Department to outfit and put into service needed Police fleet vehicles.

**SUMMARY OF RECOMMENDED ACTION**

Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, to approve a request for expenditures not exceeding \$310,000.00 with Farrwest Specialty Vehicles for the purchase and installation of emergency equipment for Police Department fleet vehicles.

**FISCAL IMPACT**

Funding is available within the Schertz Police Department's approved 2023-2024 annual budget.

**RECOMMENDATION**

Approve Resolution 24-R-27.

Farrwest Estimate #2270

Resolution 24-R-27

---



# FARRWEST SPECIALTY VEHICLES

108 COMMERCIAL PLACE  
SUITE 206  
SCHERTZ, TX 78154  
(210)566-1857

## Estimate

Date	Estimate #
2/21/2024	2270

Name / Address	Ship To
SCHERTZ POLICE DEPARTMENT DANIEL MOLLEDA 1400 Schertz Parkway #6 Schertz, TX 78154 210-619-1200	

Requested By	P.O. No.	Terms	Project
CPL.. CEEKO		Net 30	

Item	Description	Qty	Rate	Total
UNIT#	BUY BOARD CONTRACT # 703-23 - 718-23 - HGAC CONTRACT # EP11-20 VIN # - UNIT # 2024 Ford PIU SCHERTZ PD TO SUPPLY VEHICLE, MDT, TICKET WRITER, VIDEO & RADIO		0.00	0.00
FSV-EB8SP3-48-X	WHELEN 48" LEGACY LIGHTBAR SMOKED LENSES & CENCOM CORE PACKAGE. EB8SP3, C399, CCTL6, C399K* SA315P & SAK OF CHOICE	9	3,701.94	33,317.46
C399-K	WHELEN CENCOM CORE WCX CONTROL CENTER. CONTROL HEAD SOLD SEPARATELY. CCTL*	9	0.00	0.00
CCTL6-K	WHELEN WECANX CENCOM CORE CONTROL HEAD ROTARY KNOB WITH SLIDE	9	0.00	0.00
C399K1	WHELEN OBDII CANPORT CABLE KIT 2016-2019 FPIU, 2020 FPIU WITH FACTORY OPTION 61B	9	0.00	0.00
SA315U	WHELEN 100 WATT SIREN SPEAKER, BLACK PLASTIC	9	0.00	0.00
MKAJ105	WHELEN ADJ LIGHTBAR MOUNT KIT #105 2020 FORD EXPLORER	9	0.00	0.00

PRICES VALID FOR 30 DAYS BUT ARE SUBJECT TO CHANGE DUE TO SUPPLY CHAIN CHALLENGES. VERIFY PRICING BEFORE ISSUING A PO. SURCHARGES MAY APPLY.  ***** DISCLAIMER *****  LABOR PRICING IS ONLY GOOD FOR ALL PRODUCTS AND SERVICES INCLUDED IN THIS QUOTE.	<b>Subtotal</b>
	<b>Sales Tax (0.0%)</b>
	<b>Total</b>



# FARRWEST SPECIALTY VEHICLES

108 COMMERCIAL PLACE  
SUITE 206  
SCHERTZ, TX 78154  
(210)566-1857

## Estimate

Date	Estimate #
2/21/2024	2270

Name / Address	Ship To
SCHERTZ POLICE DEPARTMENT DANIEL MOLLEDA 1400 Schertz Parkway #6 Schertz, TX 78154 210-619-1200	

Requested By	P.O. No.	Terms	Project
CPL.. CEEKO		Net 30	

Item	Description	Qty	Rate	Total
SAK67D	WHELEN SA315 MT KIT FORD UTILITY DRIVER	9	0.00	0.00
CHOWLER	WHELEN WCX LOW FREQUENCY SIREN SYSTEM	9	601.62	5,414.58
HWLRB29	WHELEN HOWLER MOUNTING BRACKET FOR 2020 + PIU	9	0.00	0.00
CV2V	WHELEN VEHICLE-TO-VEHICLE SYNC MODULE	9	231.81	2,086.29
CEM8	WHELEN WECANX 8 OUTPUT EXPANSION MODULE	9	132.35	1,191.15
CEM16	WHELEN WECANX 16 OUTPUT EXPANSION MODULE	18	165.00	2,970.00
DTA6A	WHELEN 6LAMP TIR3 LED TRAFFIC ADVISOR AMBER REAR HATCH HEADLINER	9	445.52	4,009.68

PRICES VALID FOR 30 DAYS BUT ARE SUBJECT TO CHANGE DUE TO SUPPLY CHAIN CHALLENGES. VERIFY PRICING BEFORE ISSUING A PO. SURCHARGES MAY APPLY.

\*\*\*\*\* DISCLAIMER \*\*\*\*\*

LABOR PRICING IS ONLY GOOD FOR ALL PRODUCTS AND SERVICES INCLUDED IN THIS QUOTE.

**Subtotal**

**Sales Tax (0.0%)**

**Total**



**FARRWEST**  
**SPECIALTY VEHICLES**

108 COMMERCIAL PLACE  
SUITE 206  
SCHERTZ, TX 78154  
(210)566-1857

# Estimate

Date	Estimate #
2/21/2024	2270

Name / Address	Ship To
SCHERTZ POLICE DEPARTMENT DANIEL MOLLEDA 1400 Schertz Parkway #6 Schertz, TX 78154 210-619-1200	

Requested By	P.O. No.	Terms	Project
CPL.. CEEKO		Net 30	

Item	Description	Qty	Rate	Total
TLI2J	WHELEN ION T-SERIES LINEAR DUO RED/BLUE (2) INTERIOR LIFT GATE REAR FACING WHEN OPEN ON MERCURY SWITCH WITH OVERRIDE (2) EXTERIOR LIFT GATE REAR FACING ON OEM TRIM BELOW REAR WINDOW AND ABOVE LICENSE PLATE (4) - (2) EACH SIDE CARGO WINDOW ON TIONBKT3	90	116.25	10,462.50
I3JC	(2) SIDE MIRRORS FSV-MB-90 WHELEN ION TRIO R/B/W (2) PUSH BUMPER LIGHT MASK (2) PUSH BUMPER UPRIGHTS SIDE FACING	54	150.00	8,100.00
TIONBKT3	WHELEN T ION BRACKET FOR 2 LIGHTS SIDE BY SIDE	18	15.00	270.00
3SRCCDCR	WHELEN COMPARTMENT LIGHT R/W 3IN (1) DRIVERS COMPARTMENT (1) CARGO COMPARTMENT ON SWITCH	18	60.21	1,083.78
FSV-MB-90	INNOVATIVE MIRROR LIGHT BRACKETS, UNIVERSAL FIT, PAIR 90 DEGREE	9	40.00	360.00

PRICES VALID FOR 30 DAYS BUT ARE SUBJECT TO CHANGE DUE TO SUPPLY CHAIN CHALLENGES. VERIFY PRICING BEFORE ISSUING A PO. SURCHARGES MAY APPLY.  ***** DISCLAIMER *****  LABOR PRICING IS ONLY GOOD FOR ALL PRODUCTS AND SERVICES INCLUDED IN THIS QUOTE.	<b>Subtotal</b>
	<b>Sales Tax (0.0%)</b>
	<b>Total</b>





# FARRWEST SPECIALTY VEHICLES

108 COMMERCIAL PLACE  
SUITE 206  
SCHERTZ, TX 78154  
(210)566-1857

## Estimate

Date	Estimate #
2/21/2024	2270

Name / Address	Ship To
SCHERTZ POLICE DEPARTMENT DANIEL MOLLEDA 1400 Schertz Parkway #6 Schertz, TX 78154 210-619-1200	

Requested By	P.O. No.	Terms	Project
CPL.. CEEKO		Net 30	

Item	Description	Qty	Rate	Total
5344-2L61	GO RHINO 2020 FORD PIU 5000 SERIES PUSH BUMPER 2 LIGHT READY WHELEN ION	9	552.48	4,972.32
CC-20-UV10-L8	TROY 2020 PI UTILITY 18" SLOPED CONSOLE, 10" SLOPE, 8" LEVEL (NO FLOOR PLATE NEEDED, MOUNTS DIRECTLY TO FLOOR)	9	389.45	3,505.05
AC-INBHG	TROY PRODUCTS INTERNAL TWO-PIECE DUAL BEVERAGE HOLDER 4" OF CONSOLE SPACE REQUIRED	9	43.20	388.80
FP-WCENCOM-JD	TROY 4IN PLATINUM REMOTE LIGHTS/SIREN CONTROLLER	9	0.00	0.00
FP-MAPX6500-07-R	TROY 3IN FACEPLATE MOTOROLA APX 6500 07 REMOTE HEAD	9	0.00	0.00
AC-MCM	TROY MIC CLIP PLATE ONLY	18	10.00	180.00
CM-SDMT-SL-LED	TROY CONSOLE SIDE HEIGHT ADJUSTABLE MOUNT WITH SLIDE ARM FOR DOCKING STATION	9	381.67	3,435.03
KIT-TP-SL6U-BB-SS	TROY PARTITION KIT 2020 + FPIU PARTITION - TP-E-SL6-US-SS..MOUNT KIT - SAB-20-FDUV-BB..KICK PANELS - KP-UV20-DAP-SS	9	835.27	7,517.43

PRICES VALID FOR 30 DAYS BUT ARE SUBJECT TO CHANGE DUE TO  
SUPPLY CHAIN CHALLENGES. VERIFY PRICING BEFORE ISSUING A PO.  
SURCHARGES MAY APPLY.

**Subtotal**

**Sales Tax (0.0%)**

\*\*\*\*\* DISCLAIMER \*\*\*\*\*  
LABOR PRICING IS ONLY GOOD FOR ALL PRODUCTS AND SERVICES  
INCLUDED IN THIS QUOTE.

**Total**

**FARRWEST**  
**SPECIALTY VEHICLES**

108 COMMERCIAL PLACE  
SUITE 206  
SCHERTZ, TX 78154  
(210)566-1857

**Estimate**

Date	Estimate #
2/21/2024	2270

Name / Address	Ship To
SCHERTZ POLICE DEPARTMENT DANIEL MOLLEDA 1400 Schertz Parkway #6 Schertz, TX 78154 210-619-1200	

Requested By	P.O. No.	Terms	Project
CPL.. CEEKO		Net 30	

Item	Description	Qty	Rate	Total
PS-20-UV-OS-R	TROY PLASTIC SEAT WITH OS BELTS, REAR PARTITION SQUARE-HOLE SIDE WALLS 2020 FPIU	9	1,423.70	12,813.30
WG-20-FDUV-SET	TROY 2020 PIU DRIVER & PASSENGER SIDE WINDOW BARS VERTICAL	9	222.26	2,000.34
DP-UV20-SET	TROY 2020 FORD POLICE INTERCEPTOR / CIVILIAN EXPLORER DRIVER & PASSENGER-SIDE DOOR PANELS	9	226.80	2,041.20
AC-20-UV-HATCH	TROY 2020+ PIU HATCH WINDOW SCREEN SQUARE HOLE	9	112.10	1,008.90
EM-20UV-CRGDCK-S...	TROY 2020+ PIU CARGO DECK WITH STOPSTICK STORAGE	9	1,944.00	17,496.00
SB-ECO422013-T	TROY ECO LINE ALUMINUM STORAGE BOX 42 X 20 X 14	9	754.27	6,788.43
PKG-DS-GTC-618-3	HAVIS CRADLE WITH TRIPLE PASS-THROUGH ANTENNA CONNECTIONS FOR GETAC'S S410 NOTEBOOK (NO DOCK) WITH POWER SUPPLY AND MOUNTING BRACKETS, AND HAVIS SCREEN SUPPORT	9	732.75	6,594.75
CG-X	HAVIS CHARGE GUARD-SELECT	9	75.00	675.00
WEI-004	WEISER GUN RACK DUAL HANDCUFF LOCK UNIVERSAL	9	478.80	4,309.20

PRICES VALID FOR 30 DAYS BUT ARE SUBJECT TO CHANGE DUE TO  
SUPPLY CHAIN CHALLENGES. VERIFY PRICING BEFORE ISSUING A PO.  
SURCHARGES MAY APPLY.

**Subtotal****Sales Tax (0.0%)**

\*\*\*\*\* **DISCLAIMER** \*\*\*\*\*  
**LABOR PRICING IS ONLY GOOD FOR ALL PRODUCTS AND SERVICES  
INCLUDED IN THIS QUOTE.**

**Total**



# FARRWEST SPECIALTY VEHICLES

108 COMMERCIAL PLACE  
SUITE 206  
SCHERTZ, TX 78154  
(210)566-1857

## Estimate

Date	Estimate #
2/21/2024	2270

Name / Address	Ship To
SCHERTZ POLICE DEPARTMENT DANIEL MOLLEDA 1400 Schertz Parkway #6 Schertz, TX 78154 210-619-1200	

Requested By	P.O. No.	Terms	Project
CPL.. CEEKO		Net 30	

Item	Description	Qty	Rate	Total
GRAPHICS	VEHICLE GRAPHICS Schertz PD Patrol new style	9	1,415.00	12,735.00
MMSU-1	MAGNETIC MIC SINGLE UNIT	18	40.00	720.00
STALKER DUAL SL	CONVERSION KIT			
	STALKER DUAL SL KA BAND RADAR SYSTEM	9	2,550.00	22,950.00
155-2211-00	STALKER DUAL SL KA BAND RADAR SYSTEM SEPERATION CABLE	9	105.69	951.21
TREMCO-FPIU-20	TREMCO ANIT THEFT 2020 Ford PIU	9	160.00	1,440.00
	*COLUMN SHIFT ONLY			
Freight In		9	300.00	2,700.00
INSTALLATION SUPP...	SHOP SUPPLIES- WIRE, LOOM, FUSE BLOCKS, ETC.	9	400.00	3,600.00
VEHICLE INSTALLAT...	Labor Hours	9	4,560.00	41,040.00
FSV-IEXD	WHELEN INNER EDGE DUO WECANX FST & RST SIREN & SPEAKER PROMOTION - PROMO CODE # IEXD1223 - DUO FST DUO RST C399 CCTL* C399K* SA315P SAK*	5	3,082.80	15,414.00
BSFW50Z	WHELEN INNER EDGE SOLO/DUO FST WCX 10-LIGHT UTILITY 2020 ***ADD ISS SOLO OR ISD DUO MODULES	5	0.00	0.00

PRICES VALID FOR 30 DAYS BUT ARE SUBJECT TO CHANGE DUE TO SUPPLY CHAIN CHALLENGES. VERIFY PRICING BEFORE ISSUING A PO. SURCHARGES MAY APPLY.  ***** DISCLAIMER *****  LABOR PRICING IS ONLY GOOD FOR ALL PRODUCTS AND SERVICES INCLUDED IN THIS QUOTE.	<b>Subtotal</b>
	<b>Sales Tax (0.0%)</b>
	<b>Total</b>

**FARRWEST**  
**SPECIALTY VEHICLES**

108 COMMERCIAL PLACE  
SUITE 206  
SCHERTZ, TX 78154  
(210)566-1857

**Estimate**

Date	Estimate #
2/21/2024	2270

Name / Address	Ship To
SCHERTZ POLICE DEPARTMENT DANIEL MOLLEDA 1400 Schertz Parkway #6 Schertz, TX 78154 210-619-1200	

Requested By	P.O. No.	Terms	Project
CPL.. CEEKO		Net 30	

Item	Description	Qty	Rate	Total
BSSP2ZJW	WHELEN 5/5 DUO D/E LTHD D/P PROMO PKG - 10 LIGHT 5 R/W DRIVER & 5 B/W PASSENGER	5	0.00	0.00
BS508	WHELEN INNER EDGE SOLO/DUO RST WCX 8-LIGHT UTILITY 2020 - ***ADD ISS SOLO OR ISD DUO MODULES	5	0.00	0.00
BSSP28JA	WHELEN 8 LIGHT 4 RED/AMBER DRIVER 4 BLUE/AMBER PASSENGER DUO	5	0.00	0.00
C399	WHELEN CENCOM CORE WCX CONTROL CENTER CONTROL HEAD SOLD SEPARATELY. CCTL*	5	0.00	0.00
CCTL6	WHELEN WECANX CENCOM CORE CONTROL HEAD ROTARY KNOB WITH SLIDE	5	0.00	0.00
C399K7	WHELEN OBD II CANPORT KIT 2020+ F-150 2020+ PIU	5	0.00	0.00
SAK66D	WHELEN FORD POLICE INTERCEPTOR UTILITY 2020 DRIVER SIDE GRILLE. SA315 100W SPEAKER MOUNT	5	0.00	0.00
CHOWLER	WHELEN WCX LOW FREQUENCY SIREN SYSTEM	5	601.62	3,008.10
HWLRB29	WHELEN HOWLER MOUNTING BRACKET FOR 2020 + PIU	5	0.00	0.00

PRICES VALID FOR 30 DAYS BUT ARE SUBJECT TO CHANGE DUE TO SUPPLY CHAIN CHALLENGES. VERIFY PRICING BEFORE ISSUING A PO. SURCHARGES MAY APPLY.  ***** DISCLAIMER *****  LABOR PRICING IS ONLY GOOD FOR ALL PRODUCTS AND SERVICES INCLUDED IN THIS QUOTE.	<b>Subtotal</b>
	<b>Sales Tax (0.0%)</b>
	<b>Total</b>





# FARRWEST

SPECIALTY VEHICLES

108 COMMERCIAL PLACE  
SUITE 206  
SCHERTZ, TX 78154  
(210)566-1857

## Estimate

Date	Estimate #
2/21/2024	2270

Name / Address	Ship To
SCHERTZ POLICE DEPARTMENT DANIEL MOLLEDA 1400 Schertz Parkway #6 Schertz, TX 78154 210-619-1200	

Requested By	P.O. No.	Terms	Project
CPL.. CEEKO		Net 30	

Item	Description	Qty	Rate	Total
TIONBKT5	WHELEN 2020 FORD PIU GRILL ARRAY FOR (6) TLI LIGHTHEADS	5	128.13	640.65
TLI2D	WHELEN ION T-SERIES LINEAR DUO R/W	15	116.25	1,743.75
TLI2E	WHELEN ION T-SERIES LINEAR DUO B/W	15	116.25	1,743.75
TLI2J	WHELEN ION T-SERIES LINEAR DUO R/B	50	116.25	5,812.50
	(4) Fender surface mount centered over wheel			
	TIONWEDG			
	(2) Side mirror mount FSV-MB-90			
	(4) RQG TIONBKT3			
TIONWEDG	WHELEN ION T SERIES WEDGE. INCLUDES ONE 15 DEGREE & ONE 5 DEGREE WEDGE	20	16.21	324.20
TIONBKT3	WHELEN T ION BRACKET FOR 2 LIGHTS SIDE BY SIDE	10	19.02	190.20
VTX609J	WHELEN VERTEX SUPER-LED R/B	10	89.18	891.80
	(2) Reverse			
CEM16	WHELEN WECANX 16 OUTPUT EXPANSION MODULE	10	167.50	1,675.00
3SRCCDCR	WHELEN COMPARTMENT LIGHT R/W 3IN	10	60.21	602.10
FSV-MB-90	INNOVATIVE MIRROR LIGHT BRACKETS, UNIVERSAL FIT, PAIR 90 DEGREE	10	40.00	400.00

PRICES VALID FOR 30 DAYS BUT ARE SUBJECT TO CHANGE DUE TO SUPPLY CHAIN CHALLENGES. VERIFY PRICING BEFORE ISSUING A PO. SURCHARGES MAY APPLY.

\*\*\*\*\* DISCLAIMER \*\*\*\*\*

LABOR PRICING IS ONLY GOOD FOR ALL PRODUCTS AND SERVICES INCLUDED IN THIS QUOTE.

**Subtotal**

**Sales Tax (0.0%)**

**Total**



# FARRWEST SPECIALTY VEHICLES

108 COMMERCIAL PLACE  
SUITE 206  
SCHERTZ, TX 78154  
(210)566-1857

## Estimate

Date	Estimate #
2/21/2024	2270

Name / Address	Ship To
SCHERTZ POLICE DEPARTMENT DANIEL MOLLEDA 1400 Schertz Parkway #6 Schertz, TX 78154 210-619-1200	

Requested By	P.O. No.	Terms	Project
CPL.. CEEKO		Net 30	

Item	Description	Qty	Rate	Total
CC-20-UV10-L8	TROY 2020 PI UTILITY 18IN SLOPED CONSOLE 10IN SLOPE 8IN LEVEL NO FLOOR PLATE NEEDED MOUNTS DIRECTLY TO FLOOR	5	389.45	1,947.25
AC-INBHG	TROY PRODUCTS 4IN INTERNAL 2 PIECE DUAL BEVERAGE HOLDER	5	41.47	207.35
AC-SIDEARM-9	TROY 9IN SIDE-MOUNT ARM REST	5	95.26	476.30
AC-TICK-2	TROY 3IN INTERNAL OPEN TOP SHALLOW TRAY	5	34.34	171.70
AC-MCM	TROY MIC CLIP PLATE ONLY	10	8.53	85.30
FP-WCENCOM-JD	TROY 4IN PLATINUM REMOTE LIGHTS/SIREN CONTROLLER	5	0.00	0.00
FP-MAPX6500-07-R	TROY 3IN FACEPLATE MOTOROLA APX 6500 07 REMOTE HEAD	5	0.00	0.00
FP-BLNK2	TROY 2IN FILLER PLATE	20	0.00	0.00
CM-SDMT-SL-LED	TROY CONSOLE SIDE HEIGHT ADJUSTABLE MOUNT WITH SLIDE ARM FOR DOCKING STATION	5	381.67	1,908.35
EM-20UV-CRGDCK-S...	TROY 2020+ PIU CARGO DECK WITH STOPSTICK STORAGE	5	1,944.00	9,720.00
SB-ECO422013-T	TROY ECO LINE ALUMINUM STORAGE BOX 42 X 20 X 14	5	754.27	3,771.35

PRICES VALID FOR 30 DAYS BUT ARE SUBJECT TO CHANGE DUE TO  
SUPPLY CHAIN CHALLENGES. VERIFY PRICING BEFORE ISSUING A PO.  
SURCHARGES MAY APPLY.

\*\*\*\*\* DISCLAIMER \*\*\*\*\*

LABOR PRICING IS ONLY GOOD FOR ALL PRODUCTS AND SERVICES  
INCLUDED IN THIS QUOTE.

**Subtotal**

**Sales Tax (0.0%)**

**Total**



# FARRWEST SPECIALTY VEHICLES

108 COMMERCIAL PLACE  
SUITE 206  
SCHERTZ, TX 78154  
(210)566-1857

## Estimate

Date	Estimate #
2/21/2024	2270

Name / Address	Ship To
SCHERTZ POLICE DEPARTMENT DANIEL MOLLEDA 1400 Schertz Parkway #6 Schertz, TX 78154 210-619-1200	

Requested By	P.O. No.	Terms	Project
CPL.. CEEKO		Net 30	

Item	Description	Qty	Rate	Total
MMSU-1	MAGNETIC MIC SINGLE UNIT CONVERSION KIT	10	40.00	400.00
TREMCO-FPIU-20	TREMCO ANIT THEFT 2020 Ford PIU *COLUMN SHIFT ONLY	5	160.00	800.00
RA1-1F-DC-2-B-5	VORTEX 3 POSITION SINGLE ROCKER SWITCH LIGHTED SPDT 20A 14V DC - HAVIS CHARGE GUARD SELECT	5	7.50	37.50
CG-X		5	83.46	417.30
SHIPPING/FRIEGHT		5	235.00	1,175.00
INSTALLATION SUPP...	SHOP SUPPLIES- WIRE, LOOM, FUSE BLOCKS, ETC.	5	400.00	2,000.00
VEHICLE INSTALLAT...	LABOR HOURS	5	4,200.00	21,000.00

PRICES VALID FOR 30 DAYS BUT ARE SUBJECT TO CHANGE DUE TO SUPPLY CHAIN CHALLENGES. VERIFY PRICING BEFORE ISSUING A PO. SURCHARGES MAY APPLY.	<b>Subtotal</b>	\$305,690.85
	<b>Sales Tax (0.0%)</b>	\$0.00
***** DISCLAIMER ***** LABOR PRICING IS ONLY GOOD FOR ALL PRODUCTS AND SERVICES INCLUDED IN THIS QUOTE.	<b>Total</b>	\$305,690.85

## **RESOLUTION NO. 24-R-27**

### **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING EXPENDITURES WITH FARRWEST SPECIALTY VEHICLES FOR THE PURCHASE AND INSTALLATION OF EMERGENCY VEHICLE EQUIPMENT NOT TO EXCEED THREE HUNDRED TEN THOUSAND DOLLARS DURING THE 2023-2024 FISCAL YEAR.**

**WHEREAS**, the Schertz Police Department is purchasing and installing emergency vehicle equipment for newly purchased patrol vehicles; and

**WHEREAS**, the City has determined that Farrwest, a cooperative vendor, provides the best-value to the City for essential emergency vehicle equipment; and

**WHEREAS**, the Schertz Police Department has chosen Farrwest, a BuyBoard National Purchasing Cooperative vendor, for the purchase and install of this equipment; and

**WHEREAS**, the BuyBoard National Purchasing Cooperative is a national online purchasing cooperative formed between the National School Boards Association and several state school boards associations, developed to comply with state laws which require government entities to make purchases through a competitive procurement process: and

**WHEREAS**, BuyBoard gives public entities the advantage of leveraging the cooperative's ability to obtain bulk discounts, combined with the ease of online, web-based shopping and ordering; and

**WHEREAS**, purchases under the cooperative programs meet the requirements under the Texas Local Government Purchasing Code rule for cooperative purchases as adopted by the City of Schertz Resolution 11-R-41 on August 30, 2011 amending the City's purchasing policy; and

**WHEREAS**, the City of Schertz will fund the purchase of Farrwest patrol vehicle equipment and install through the approved 2023-2024 annual police department budget.

### **NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:**

Section 1. The City Council hereby authorizes the expenditures with Farrwest Specialty Vehicles not to exceed \$310,000.00 for Fiscal Year 2023-2024.

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 Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the



provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution 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 Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution 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 Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this \_\_\_\_ day of \_\_\_\_\_ 2024.

CITY OF SCHERTZ, TEXAS

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

ATTEST:

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

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** March 5, 2024  
**Department:** Fire Department  
**Subject:** Resolution 24-R-28 - Authorizing the City Manager to execute the application for Assistance to Firefighters Grant for Vehicle Exhaust Extraction Systems (S.Williams/G.Rodgers).

---

**BACKGROUND**

The primary goal of the Assistance to Firefighters Grant (AFG) is to meet and improve the safety and cancer prevention efforts related to firefighting safety and emergency response needs of fire departments and non-affiliated emergency medical service organizations. Since 2001, the Assistance to Firefighters Grant has helped firefighters and other first responders to obtain critically needed equipment, protective gear, emergency vehicles, training and other resources necessary for protecting the public and emergency personnel from fire and related hazards.

The National Fire Protection Association (NFPA) published NFPA 1500: Standard on Fire Departments Occupational Safety, Health, and Wellness Program, which indicates "the fire department shall prevent exposure to firefighters and contamination of living and sleeping areas from exhaust emissions," making the issue a top priority.

To counteract the transmission of these hazards, emergency response architects and engineers started rethinking common practices and operating procedures for emergency services through improving building layouts and designs. The floor plan, materials and building systems all have a significant effect on mitigating cross-contamination and on providing protection from carcinogens. Our stations 3 and 4 have been or will be built with this in mind. Stations 1 and 2 were built as this standard was truly being developed and does not include the protection measures needed to be within compliance of the National Fire Protection Association (NFPA) standard 1500.

The National Institute for Occupational Safety and Health (NIOSH) indicates the dangers of cancer-causing diesel fumes. There are several types of vehicle exhaust (VEX) removal systems, each unique in its own way. As one would expect, each has pros and cons regarding the capture, treatment and/or filtration of the exhaust. The three primary VEX system options are (in no particular order):

- Hose-Based Direct Source Capture.
- Vehicle-Mounted Direct Source Capture.
- Building-Space Filtration.

Each fire station is unique and presents a different set of challenges. Station 3 is equipped with building-space filtration and vehicle mounted direct source capture. Station 4 will be equipped with the same equipment. Stations 1 and 2 are only equipped with vehicle-mounted direct source capture with no building-space filtration or hose-based direct source capture.

**GOAL**

Purchase emergency response vehicle hose-based direct source capture systems in stations 1 and 2 for every vehicle bringing Schertz Fire Department into compliance with National Fire Protection Association (NFPA) 1500: Standard on Fire Department Occupational Safety, Health, and Wellness Program.

**COMMUNITY BENEFIT**

This grant would improve our cancer prevention programs, keeping firefighters, other responders and visitors healthy, working, and able to respond to the needs of our community without having to be concerned about carcinogens in the work place.

**SUMMARY OF RECOMMENDED ACTION**

Recommend authorizing the City Manager to execute and deliver a grant application with the Department of Homeland Security - Assistance to Firefighters Grant (AFG) for vehicle exhaust extraction systems.

**FISCAL IMPACT**

The Assistance to Firefighters Grant (AFG) has a 10% cost share which the City would be responsible for providing. With the equipment purchase and installation costing no more than \$140,000 the City would be responsible for \$14,000 if awarded grant funds.

**RECOMMENDATION**

Recommend authorizing the City Manager to execute and deliver a grant application with the Department of Homeland Security - Assistance to Firefighters Grant (AFG) for vehicle exhaust extraction systems.

---

---

**Attachments**

Resolution 24-R-28

---

---

## **RESOLUTION NO. 24-R-28**

### **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, AUTHORIZING A GRANT APPLICATION TO THE DEPARTMENT OF HOMELAND SECURITY – ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM TO PURCHASE VEHICLE EXHAUST EXTRACTION SYSTEMS.**

**WHEREAS**, the Department of Homeland Security – Assistance to Firefighters Grant Program allows eligible entities to file grants funding projects that address harmful effects of diesel exhaust protecting personnel from this hazard demonstrating the greatest community benefit including high Benefit Cost Analysis (BCA) and verifiable population directly served or benefiting from the proposed projects.

**WHEREAS**, the requesting agency will pay a 10% required grant match based on the actual cost of the purchase; and

**WHEREAS**, the City staff of the City of Schertz (the “City”) has recommended that the City Council authorize the filing of a grant application with the Department of Homeland Security – Assistance to Firefighters Grant Program for vehicle exhaust extraction systems; and

**WHEREAS**, the City Council has determined that it is in the best interest of the City to apply to the Department of Homeland Security – Assistance to Firefighters Grant Program to purchase vehicle exhaust extraction systems.

#### **NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:**

Section 1. The City Council hereby authorizes the City Manager to execute and deliver a grant application with the Department of Homeland Security – Assistance to Firefighters Grant Program for vehicle exhaust extraction systems, provided acceptance of the grant and funding of the City’s share of the cost of the equipment shall not require further approval by the City Council.

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

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

Section 4. This resolution 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 resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this resolution 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 resolution, was given, all as required by Chapter 55}, Texas Government Code, as amended.

Section 7. This resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, This \_\_\_\_ day of \_\_\_\_\_, 2024.

CITY OF SCHERTZ, TEXAS

---

Ralph Gutierrez, Mayor

ATTEST:

---

Sheila Edmondson, City Secretary

## CITY COUNCIL MEMORANDUM

**City Council Meeting:** March 5, 2024  
**Department:** Fire Department  
**Subject:** Resolution 24-R-29 - Approving Fire Station 4 Construction Manager at Risk (S.Williams/G.Rodgers)

---

### BACKGROUND

Fire Station 4 has many areas of compliance in order to meet the AHJ building, construction, and fire codes but also to comply with all NFPA and OSHA standards for fire service safety. In constructing a facility with this type of complexity, a construction manager at risk being employed has proven to be an asset in additional review, value engineering, coordination, and limiting change orders to have the most efficient process we can.

A Request for Qualifications (RFQ) for Fire Station #4 using the two step selection process under Section 2269 et seq. of the Texas Government Code for a Construction Manager at Risk (CMAR) was issued by the City on November 29, 2023. Four responses to this RFQ were received on January 4, 2024. These responses were evaluated by a selection committee comprised of City employees and AG|CM, the City's Owner's Representative on this project. The responding firms were evaluated by the committee and ranked solely on the basis of their qualifications in the first step. The top three ranked firms were invited to participate in the second step of the process and submit a cost proposal, due February 1, 2024. The top three ranked firms were then interviewed by the selection committee on February 9, 2024.

After the interviews, Byrne Construction Services and Marksmen General Contractors were identified as the top two finalists. While Koehler has a positive reputation in the area, they are a much smaller firm and do not have the same level of experience as either Byrne or Marksmen with construction of fire stations. Byrne and Marksmen both have extensive experience building fire stations and had excellent references. Marksmen's proposal is approximately \$400,000 less than Byrne's. For this reason, Marksmen General Contractors is the proposed awardee.

The RFQ scoring is attached.

### GOAL

To provide the citizens, visitors, and our community with a new fire station in North Schertz that meets the needs of our growing community and provide the needed services for that region of our city.

An agreement for architectural services has already been secured and approved by Council. The design phase has begun with two renderings completed. The project is now at the stage to engage a CMAR as we move to cost estimates and through the completed drawing phase. It is best to include the CMR at this point in order to limit the number of potential mistakes and ultimately, change orders.

### COMMUNITY BENEFIT

The community will benefit by having better and more efficient response times to this area of the city as well as having a highly qualified construction management firm to oversee construction and build our Fire Station 4.

#### **SUMMARY OF RECOMMENDED ACTION**

Authorize the city manager to approve and execute a contract with Marksmen General Contractors for the construction manager at risk work associated with construction of Fire Station 4. This contract would be in accordance with the published RFQ that was issued by the City of Schertz.

The City of Schertz intends to execute AIA Documents A133 Standard Form of Agreement between Owner and Construction Manager as Constructor where the basis of payment is the Cost of the Work Plus a Fee with Guaranteed Maximum Price along with AIA A201-2007 General Conditions of the Contract for Construction.

#### **FISCAL IMPACT**

The proposal from Marksmen General Contractors will be incorporated into the negotiated contract as follows:

1. Construction Phase Fee - \$380,000 (4% of cost of work)
2. Preconstruction Services Fee - \$42,000 (All costs for preconstruction phase services including cost estimating, scheduling, building systems and material cost analysis are included in the Construction Phase Fee above. However, if the construction phase does not commence for any reason, this payment to the Construction Manager for preconstruction services would be necessary)
3. General Conditions Cost - 8.15% of construction costs on a reimbursable basis.

The funding for this contract is secured in the bond money for Fire Station 4.

#### **RECOMMENDATION**

Authorize the city manager to approve and execute a contract with Marksmen General Contractors for the construction manager at risk work associated with construction of Fire Station 4.

---

#### **Attachments**

CMR Contract Sample  
RFQ 2023-014 Scoring Matrix  
Resolution 24-R-29

---

PROJECT # 2023-014  
 Project Name: CM@R - Fire Station #4

EVALUATION SUMMARY

Date: 1/4/2024

**INSTRUCTIONS:** Enter a number 0 through 4 for each category for each proposer. You may use 0.25 increments if necessary.

0 = Not Compliant, 1 = Poor, 2 = Fair, 3 = Good, 4 = Excellent

**You may NOT enter a number higher than 4.0. An explanation is required for a score of 0**

Criteria	Points	BYRNE CONSTRUCTION SERVICES	D. WILSON CONSTRUCTION	KOEHLER COMPANY	MARKSMEN GENERAL CONTRACTORS
Firm's Experience and Staff as a CM@R	15	3.50	2.88	3.31	3.50
		<b>13.13</b>	<b>10.78</b>	<b>12.42</b>	<b>13.13</b>
Firm's Experience with Pre-Construction Estimating Accuracy	20	3.38	3.00	3.44	3.50
		<b>16.88</b>	<b>15.00</b>	<b>17.19</b>	<b>17.50</b>
Firm's Experience on Projects of Similar Size and Scope	40	3.75	2.75	3.69	3.19
		<b>37.50</b>	<b>27.50</b>	<b>36.88</b>	<b>31.88</b>
Project Personnel Experience and Experience with Municipalities	15	3.81	3.13	3.56	3.06
		<b>14.30</b>	<b>11.72</b>	<b>13.36</b>	<b>11.48</b>
Proposed Schedule	10	3.50	2.69	3.50	2.63
		<b>8.75</b>	<b>6.72</b>	<b>8.75</b>	<b>6.56</b>
<b>Average Total %</b>	<b>100</b>	53.05	44.22	51.72	48.67
<b>Rank</b>		1.00	4.00	2.00	3.00



## City of Schertz Bid/RFP Response Log

Project #	2023-014	Due Date	2/1/2024
Project Name	CONSTRUCTION MANAGER AT RISK SERVICES-SCHERTZ FIRE STATION #4	Due Time	11:00 AM

Name of Proposer	Date Received	Time Received	Bid Amount
Byrne Construction	2/1/24	8:46 am	CONSTRUCTION PHASE FEE \$304,000 3.2 % PRE-CON SERVICES NTE COST \$35,000 GENERAL CONDITIONS COST 9.06 % \$860,231
Markmen GC	2/1/24	10:04 am	CONSTRUCTION PHASE FEE \$380,000 4 % PRE-CON SERVICES NTE COST \$42,000 GENERAL CONDITIONS COST 8.15 %
Koehler	2/1/24	10:21 am	CONSTRUCTION PHASE FEE \$285,000 3 % PRE-CON SERVICES NTE COST \$15,000 GENERAL CONDITIONS COST 3.8 %

## **RESOLUTION NO. 24-R-29**

### **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR CONSTRUCTION MANAGER AT RISK SERVICES RELATED TO THE CONSTRUCTION OF FIRE STATION 4**

**WHEREAS**, the City of Schertz (the “City”) solicited Requests for Qualifications (RFQ) for professional Construction Manager at Risk services related to the design and construction of Fire Station #4, and

**WHEREAS**, after extensive analysis of the responses, City staff determined that Marksmen Construction is well qualified to provide the required services, and

**WHEREAS**, the City Council has determined that it is in the best interest of the City to enter into an agreement with Marksmen Construction.

### **NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:**

Section 1. The City Council hereby approves resolution 24-R-29 authorizing the City Manager to execute an agreement with Marksmen Construction for professional construction manager at risk services related to the design and construction of Fire Station #4. This contract would be in accordance with the published RFQ that was issued by the City of Schertz. The City of Schertz intends to execute AIA Documents A133 Standard Form of Agreement between Owner and Construction Manager as Constructor where the basis of payment is the Cost of the Work Plus a Fee with Guaranteed Maximum Price along with AIA A201-2007 General Conditions of the Contract for Construction.

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

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

Section 4. This resolution 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 resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this resolution 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 resolution, was given, all as required by Chapter 55j, Texas Government Code, as amended.

Section 7. This resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, This \_\_\_\_ day of \_\_\_\_\_, 2024.

CITY OF SCHERTZ, TEXAS

---

Ralph Gutierrez, Mayor

ATTEST:

---

Sheila Edmondson, City Secretary

## CITY COUNCIL MEMORANDUM

**City Council Meeting:** March 5, 2024

**Department:** Planning & Community Development

**Subject:** Ordinance 24-S-04 - Conduct a public hearing and consider amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC) to Article 16 - Definitions. *First Reading* (B.James/L.Wood/S.Haas)

**BACKGROUND**

As stated in the Unified Development Code (UDC), City Council from time to time, on its own motion, or at the recommendation of City staff amend, change, or modify text in any portion of the UDC to establish and maintain stable and desirable development. It is generally considered good practice to periodically review and update the development regulations due to changing conditions, community goals, and/or State and Federal regulations.

Article 16 of the Unified Development Code (UDC) is a 25-page section that gives meanings and definitions to a long list of terms, phrases, and words that are used throughout the UDC. One section of the UDC that relies heavily on Article 16 is the Permitted Use Table, which is in Article 5, Section 21.5.8. When a possible applicant proposes a project in the city, staff uses the Permitted Use Table with Article 16 to properly define an applicant's proposed development/use. Staff then determines which zoning districts permit the use. Over time, Article 5 has undergone numerous amendments to either add, and/or remove uses from the table. This has not consistently coincided with updates to Article 16 to properly define these uses. Similarly, when a use is removed from the Permitted Use Table there has not always been a corresponding removal from Article 16.

As a result, we have undefined uses that require a definition, and we have unused definitions that are cluttering Article 16. The purpose of Ordinance 24-S-04 is to clean up these unused definitions in Article 16, and to add definitions to certain uses that are found in the Permitted Use Table. Doing this will help Article 16 and Article 5 align better, and thus making the UDC more cohesive as a whole.

Additionally, two items are coming from the Engineering Department. One is a revision to the definition of "Alley", and the other is the addition and defining of the "Public Works Specification Manual". A document that was formally called the Public Works Design Guide. This new Public Works Specification Manual is proposed to be codified with a separate UDC amendment application, and will be referenced in the UDC with supplemental requirements for the development process.

**Proposed Amendments:**

Article 16 - Definitions	
Additions	Removals
<ul style="list-style-type: none"> <li>• Adult Media</li> <li>• Bakery</li> <li>• Book Store</li> <li>• Department Store</li> <li>• Florist</li> </ul>	<ul style="list-style-type: none"> <li>• Boarding House</li> <li>• Convalescent Home</li> <li>• Filling, Retail Service Station</li> <li>• Industrialized Home</li> </ul>

- Furniture Sales
- Gated Community
- Government Facilities
- Hazardous Material
- Hazardous Waste
- Heavy Equipment Service and Sales, or Rental
- Home Improvement Center
- Microbrewery/Brewpub
- Museum
- Pet Store - *The Planning and Zoning Commission recommended that this definition be reworded.*
- Pharmacy
- Portable Building Sales
- Post Office
- Public Works Specification Manual
- Railroad/Bus Station Terminal
- Recreational Vehicle Sales and Service
- Tool Rental
- Truck Terminal

- Insurance Office
- Retail Food Store
- Variety Store

#### Revisions

*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.*

#### GOAL

To amend the UDC to review and update the development regulations due to changing conditions and community goals in order to establish and maintain sound, stable and desirable development.

#### COMMUNITY BENEFIT

It is the City's desire to promote safe, orderly, efficient development and ensure compliance with the City's vision of future growth.

#### SUMMARY OF RECOMMENDED ACTION

When evaluating UDC amendments, staff uses the Criteria of Approval found in 21.4.7.D.

#### **1. The proposed amendment promotes the health, safety, or general welfare of the City and the safe, orderly, efficient and healthful development of the City.**

In order to promote orderly and efficient development, the UDC functions better when there is continuity throughout the code. Not properly defining uses in the Permitted Use Table (or the items from Engineering) opens the door for interpretation, and thus creates the potential for inconsistency. Moreover, having items exclusively in Article 16 and found nowhere else in the UDC creates clutter and even confusion for applicants and staff.

#### **2. An amendment to the text is consistent with other policies of this UDC and the City.**

The main purpose of these amendments is to make the UDC more consistent by making an effort to better align Article 5 and Article 16.

#### **3. Any proposed amendment is consistent with the goals and objectives of this UDC and the City.**

The City of Schertz Strategic Plan has clear stated goals for the Operational Values of the city. Among these is the goal to be proactive; "Proactive means initiating change by anticipating future situations in

order to make things happen". Within this framework, it is the responsibility of staff to be "continuously improving and evolving", "forward thinking", and have "the ability to forecast and meet needs even before the customer identifies them". These amendments would achieve these goals in the Strategic Plan.

**4. Other criteria which, at the discretion of the Planning and Zoning Commission and the City Council, are deemed relevant and important in the consideration of the amendment.**

The scheduled public hearing provides the opportunity for the City Council to determine this.

For these reasons, staff is recommending approval of Ordinance 24-S-04

The Planning and Zoning Commission met on February 7, 2024 and made a recommendation of approval with a condition that the "Pet Store" definition be changed with a 7-0 vote.

**RECOMMENDATION**

Approval of Ordinance 24-S-04

---

---

**Attachments**

Ord. 24-S-04 with Exhibits

Article 16 - Redlines

Article 16 - Clean

City Council Presentation Slides

---

---

## **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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

**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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.



- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

"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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

*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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

- 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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.



- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

**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

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.



- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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)

## 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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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 ~~public right of way which provides a secondary~~ 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. ~~Specifically authorized in garden home subdivisions for access to rear entrance garages.~~

*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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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 ~~L~~oan, 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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

~~*Boarding House:* A building other than hotel, motel, or an apartment hotel where, for compensation and prearrangement for a definite period, meals or lodging and meals are provided for three (3) or more persons, but not exceeding twenty (20) persons.~~

~~*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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

*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.



- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

*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.

~~*Convalescent Home:* Any structure used or occupied by three (3) or more persons recovering from illness or receiving geriatric care for compensation.~~

*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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

*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

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

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 "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.

~~*Filling, Retail Service Station:* An establishment where gasoline, oil and grease, or automobile accessories are sold, supplied or dispensed to the motor vehicle trade or where motor vehicles receive limited repair, are equipped for service, or where electric storage batteries are charged and cared for, or a place where any two (2) or more such activities are carried on or conducted as the principal use of the establishment.~~

*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.

*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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

*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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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 National 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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

*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).

~~*Industrialized Home:* See "Modular Home".~~

*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.

~~*Insurance Office:* A building or facility used for the sales, management, and administration of insurance services, including the estimation of automobile damages, but excluding on-site parking/storage of damaged vehicles.~~

*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.



- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.
- 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.



- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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 of 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 to 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.

*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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

*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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

- 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 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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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 exotic animals and farm animals such as horses, goats, sheep, and poultry.

*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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

*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

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

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 Food Store:* A retail establishment selling meats, fruits, vegetables, bakery products, dairy products, light hardware and other similar items which are purchased for use and/or consumption off the premises; may be a drive-in or supermarket type.~~

*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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

*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

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

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.

*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.



- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

**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.

**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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

*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.

~~*Variety Store:* A retail commercial establishment which supplies a variety of household goods, toys, light hardware items, candy, some clothing and other general merchandise.~~

*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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

*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)

## 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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

**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.



- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

"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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.



- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

- 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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.



- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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.

- SCHERTZ UNIFIED DEVELOPMENT CODE  
ARTICLE 16. DEFINITIONS

---

*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)



# Ord. 24-S-04

UDC Amendments to Article 16

Samuel Haas | SENIOR PLANNER

# Background

- **Uses in Article 5 with no definition**
- **Definitions in Article 16 that are found no where in UDC**
- **23 additions, 7 removals, 1 revision**

# Additions

- **Adult Media**
- **Bakery**
- **Book Store**
- **Department Store**
- **Florist**
- **Furniture Sales**
- **Gated Community**
- **Government Facilities**
- **Hazardous Material**
- **Hazardous Waste**
- **Heavy Equipment Service and Sales, or Rental**
- **Home Improvement Center**
- **Microbrewery/Brewpub**

# Additions Continued...

- **Museum**
- **Pet Store** – Planning and Zoning requested a change to the definition here.
- **Pharmacy**
- **Portable Building Sales**
- **Post Office**
- **Public Works Specification Manual**
- **Railroad/Bus Station Terminal**
- **Recreational Vehicle Sales and Service**
- **Tool Rental**
- **Truck Terminal**



# Removals

- Boarding House
- Convalescent Home
- Filling, Retail Service Station
- Industrialized Home
- Insurance Office
- Retail Food Store
- Variety Store

# Revisions

- **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.”*

# Criteria of Approval Sec. 21.4.7.D

**1. The proposed amendment promotes the health, safety, or general welfare of the City and the safe, orderly, efficient and healthful development of the City;**

- The UDC functions better when there is continuity throughout the code
- Not properly defining uses in the Permitted Use Table opens the door for interpretation, and thus creates the potential for inconsistency

**2. An amendment to the text is consistent with other policies of this UDC and the City**

- The main purpose of these amendments is to provide consistency.

# Criteria of Approval Sec. 21.4.7.D

## **3. Any proposed amendment is consistent with the goals and objectives of this UDC and the City.**

### **The City of Schertz Strategic Plan's Operational Values.**

- "Proactive means initiating change by anticipating future situations in order to make things happen"
- "continuously improving and evolving"
- "forward thinking"
- "the ability to forecast and meet needs even before the customer identifies them"

## **4. Other criteria which, at the discretion of the Planning and Zoning Commission and the City Council, are deemed relevant and important in the consideration of the amendment.**

Public hearing provides the opportunity for the Planning and Zoning commission to determine this.

# Staff Recommendation

- These amendments would provide consistency in the UDC particularly between Article 5 and Article 16.
- They would also help clarify the UDC and make it easier to use.
- Staff recommends approval of the amendments to the Unified Development Code (UDC) as proposed and discussed.
- The Planning and Zoning Commission met on February 7, 2024, and made a recommendation of approval with a condition that “Pet Store” be changed with a 7-0 vote.

# COMMENTS & QUESTIONS

CITY COUNCIL MEMORANDUM

City Council Meeting: March 5, 2024

Department: Planning & Community Development

Subject: Ordinance 24-S-05 – Conduct a public hearing and consider a request to rezone approximately 26.11 acres of land from Single-Family Residential / Agricultural District (R-A) to General Business District (GB), a portion of 11209 E FM 1518 generally located 600ft northwest of the intersection of Lisa Meadows and FM 1518, City of Schertz Bexar County, Texas, also known as Bexar County Property Identification Number 308363. *First Reading.* (B.James/L.Wood/S.Haas).

---

BACKGROUND

The applicant is proposing to rezone approximately 26.11 acres of land, a portion of 11209 E FM 1518 from Single-Family Residential / Agriculture District (R-A) to General Business District (GB). Currently, the subject property is utilized for residential / agricultural. The proposed zone change to General Business District (GB) per the letter of intent, is being requested in order to develop a Commercial Multi-Sport Complex.

On January 22, 2024 a total of five (5) Public Hearing Notices were sent out to the surrounding properties that are within the 200-foot notification buffer. At the time of this staff report, (0) responses in favor, (0) responses neutral, and (0) responses in opposition have been received. A public hearing notice was published in the San Antonio Express on February 14, 2024.

GOAL

The purpose of this request is to allow for the property to be rezoned from Single-Family Residential / Agricultural District (R-A) to General Business District (GB) to allow for the permitted use of Commercial Amusement Indoor in which the applicant is proposing a Commercial Multi-Sport Complex.

COMMUNITY BENEFIT

It is the City's desire to promote safe, orderly, efficient development and ensure compliance with the City's vision of future growth.

SUMMARY OF RECOMMENDED ACTION

When evaluating zone change requests, staff uses the criteria found in UDC Section 21.5.4.D

**1. Whether the proposed zoning change or zoning map amendment implements the policies of the adopted Comprehensive Land Plan, including the land use classification of the property on the Future Land Use Map.**

The subject property was designated as Air Installation Compatible as part of the 2013 Sector Plan Amendment, the City's Unified Development Code Sec. 21.5.9 A.1 states that Air Installation Compatibility is established to provide control on encroachment around the military air field. The 2013 Sector Plan is vague on the appropriate zoning and land uses for the Air Installation Compatibility zone. However, in the Framework Implementations Recommendation section, the Sector Plan recommends that staff analyze and make recommendations at the time of development applications for

the Air Installation Compatible Zone. Staff received a formal letter of approval from JBSA stating that the base has no objection to the rezone but does require the developer to maintain a 20' - 30' clear zone. As JBSA has approved the rezone staff concurs with JBSA and feels that the rezone is compatible with the 2013 Sector Plan and the Comprehensive Land Use Plan.

**2. Whether the proposed zoning change or zoning map amendment promotes the health, safety, or general welfare of the City and the safe, orderly, efficient and healthful development of the City.**

As part of promoting safe, orderly, efficient and healthful development, the City encourages the zoning be compatible with the surrounding uses to alleviate any negative impact. FM 1518 is classified in the Master Thoroughfare Plan as a Principal Arterial at this time TXDOT is beginning the process to widen it. The classification of a principal arterial is becoming realized and the trajectory of the FM 1518 corridor is one that will see significant commercial activity. As a result, the proposed General Business zoning aligns more closely with the direction that this corridor is heading.

**3. Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified.**

While the adjacent properties are zoned Single-Family Residential Agriculture, the wider area in this section of FM 1518 has established commercial districts. Given this, and the fulfillment of FM 1518 as a principal arterial, the proposed General Business zone change is consistent with the immediate area and the future development of the corridor.

**4. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers or other public services and utilities to the area .**

To the best of staff's knowledge, this zone change should have minimal impact on the public services, to include schools, fire, police, sanitation services, as well as existing water and wastewater systems. The subject property is directly adjacent to the FM 1518 Right-of-way. At this time, a TXDOT project to improve FM 1518 is underway. The project will widen FM 1518 into two travel lanes in each direction with a center median which will be able to accommodate any additional impact that this proposed zone change will create.

**5. Whether there have been environmental and/or economical changes which warrant the requested change.**

The current TXDOT project to improve and widen FM 1518, and the added traffic that this road will accommodate, will have an economic impact for the commercial uses in this area. Staff has determined that the potential benefit for businesses warrants this zone change.

**6. Whether there is an error in the original zoning of the property for which a change is requested.**

The was no error in the original zoning of this property.

**7. Whether all of the applicant's back taxed owed to the City have been paid in full (no application will receive final approval until all back taxes are paid in full).**

This does not impact consideration for the first reading from City Council.

**8. Whether other criteria are met, which, at the discretion of the Planning and Zoning Commission and the City Council, are deemed relevant and important in the consideration of the amendment.**

The upcoming public hearing will provide a format for which City Council can hear other potential issues and public opinion.



The proposed zone change meets each of the requirements set forth by the City's Unified Development Code, is consistent with the current Sector Plan, and is compatible with the surrounding zoning district and uses. The Planning and Engineering Department have reviewed the zone change with no objection and JBSA has no concerns regarding the proposed rezone to General Business District (GB). Therefore, Staff recommends approval of the proposed rezoning from Single-Family Residential / Agricultural District (R-A) to General Business District (GB).

The Planning and Zoning Commission met on February 7th, 2024 and made a recommendation of approval by a 7-0 vote.

#### **RECOMMENDATION**

Approval of Ordinance 24-S-05

---

#### **Attachments**

Ordinance 24-S-05 With Attachments

Aerial Exhibit

Public Hearing Notice Map

City Council Presentation Slides

---

## **ORDINANCE NO. 24-S-05**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 26 ACRES OF LAND FROM SINGLE-FAMILY RESIDENTIAL / AGRICULTURAL DISTRICT (R-A) TO GENERAL BUSINESS DISTRICT (GB) GENERALLY LOCATED 600 FEET NORTHWEST OF THE INTERSECTION OF LISA MEADOWS AND FM 1518, CITY OF SCHERTZ BEXAR COUNTY, TEXAS, ALSO KNOWN AS BEXAR COUNTY PROPERTY IDENTIFICATION NUMBER 308363.**

**WHEREAS**, an application to rezone approximately 26 acres of land from Single-Family Residential / Agricultural District (R-A) to General Business District (GB), a portion of 11209 E FM 1518 generally located 600 feet northwest of the intersection of Lisa Meadows and FM 1518, and more specifically described in the Exhibit A and Exhibit B attached herein (herein, the “Property”) has been filed with the City; and

**WHEREAS**, the City’s Unified Development Code Section 21.5.4.D. provides for certain criteria to be considered by the Planning and Zoning Commission in making recommendations to City Council and by City Council in considering final action on a requested zone change (the “Criteria”); and

**WHEREAS**, on February 7, 2024, the Planning and Zoning Commission conducted a public hearing and, after considering the Criteria, made a recommendation to City Council to approve the requested rezoning to General Business District (GB); 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 requested zoning be approved as provided for herein.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:**

Section 1. The Property as shown and more particularly described in the attached Exhibit A and Exhibit B, is hereby zoned to General Business District (GB)

Section 2. The Official Zoning Map of the City of Schertz, described and referred to in Article 2 of the Unified Development Code, shall be revised to reflect the above amendment.

Section 3. 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 4. 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 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 6. 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 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.

Section 9. 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 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

### Metes and Bounds

COUNTY OF BEXAR  
STATE OF TEXAS

26.090 ACRE TRACT  
ZONING DESCRIPTION

PROJ. 45328.00  
DEL TORO TRACT

**METES AND BOUNDS DESCRIPTION** of a 26.090 acre tract of land situated within the Genovera Malpaz Survey No. 67, Abstract No. 464, City of Schertz, Bexar County, Texas, being a portion of a called 36.89 acre tract described in deed to the Del Toro Family Partnership LTD, recorded in Volume 7500, Page 421, Bexar County Official Public Records; in all, said 26.090 acre tract of land being more particularly described as follows:

**BEGINNING** at a point on the southwest right-of-way line of Farm to Market Road 1518 at the northwest corner of the remainder of a called 20.00 acre tract described in deed to Hatchitt Estates Inc, coincident with the northeast corner of the remainder of said 36.89 acre tract, coincident with the south corner of a 0.7636 acre tract described in deed to the State of Texas, recorded in Document No. 20190129518, Bexar County Official Public records and the **POINT OF BEGINNING** of the herein described tract of land;

**THENCE**, along the northwest line of said 20.00 acre tract, coincident with the southeast line of said remainder of 36.89 acre tract and the herein described tract, South  $21^{\circ} 34' 37''$  West, a distance of 1839.74 feet to a point for angle;

**THENCE**, continuing along the aforementioned common line, South  $49^{\circ} 53' 15''$  West, a distance of 874.85 feet to a point on the northeast line of Randolph Air Force Base, for the west corner of said 20.00 acre tract coincident with the south corner of said 36.89 acre tract and the herein described tract of land;

**THENCE**, along said northeast line of said Randolph Air Force Base, North  $29^{\circ} 55' 36''$  West, a distance of 137.02 feet to a point for angle, and the most southerly west corner of said 36.89 acre tract and the herein described tract of land;

**THENCE**, continuing along said Randolph Air Force Base property North  $14^{\circ} 38' 22''$  East a distance of 892.76 feet to a point;

**THENCE**, over and across said 36.89 acre tract, the following courses:

1. South  $75^{\circ} 21' 38''$  East a distance of 89.48 feet to a point, and
2. North  $27^{\circ} 31' 07''$  East a distance of 1617.73 feet to a point on the southwest right-of-way line of said Farm to Market Road 1518 for the most northerly west corner of the herein described tract;

***THENCE, along said southwest right-of-way line, South 71°16'17" East a distance of 374.15 feet to the POINT OF BEGINNING.***

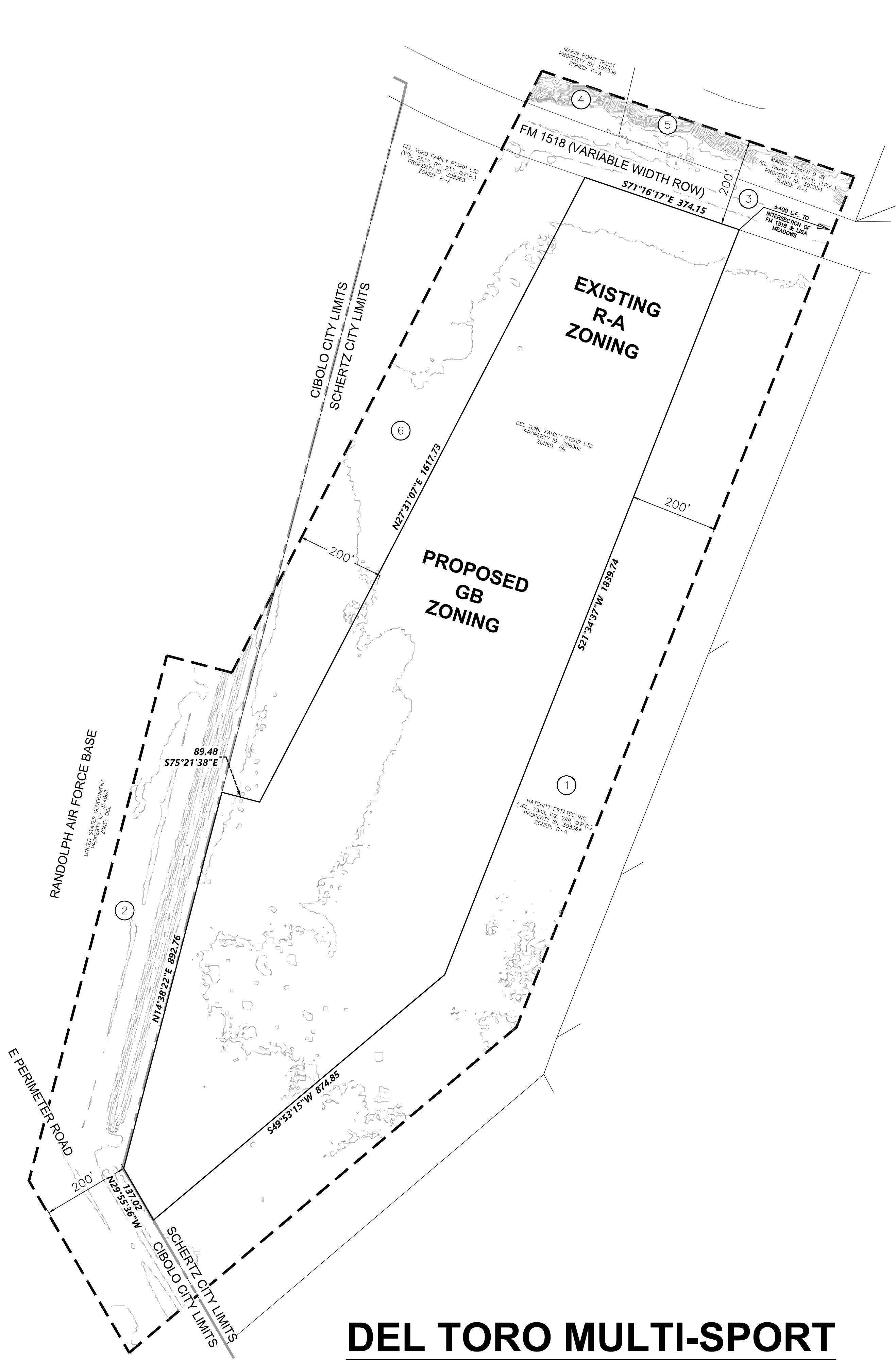
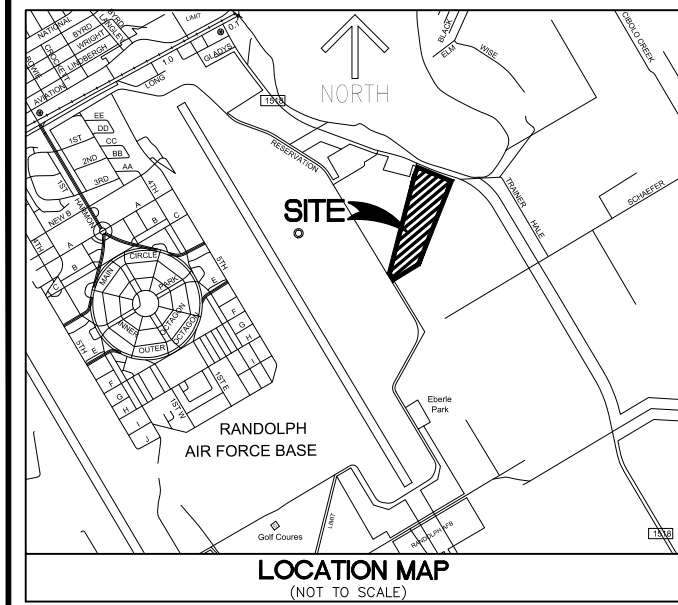
*Containing, in all, 26.090 acres or 1,136,488 square feet of land. Bearings are based on the Texas State Plane Coordinate System for the South Central Zone (4204), NAD83, 2011 Adjustment.*

*This document was prepared under 22 TAC §138.95, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.*



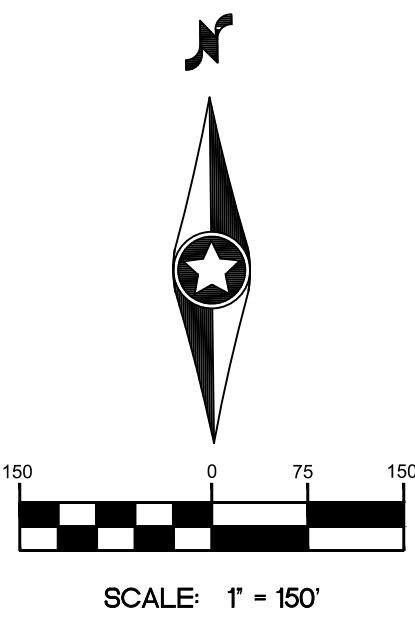
Exhibit B

Zoning Exhibit



# DEL TORO MULTI-SPORT

26.09 ACRES



LEGEND	
	PROJECT BOUNDARY
	200' NOTIFICATION BOUNDARY
	CITY LIMITS LINE
	EXISTING CONTOURS
	GENERAL BUSINESS
	SINGLE FAMILY RESIDENTIAL/AGRICULTURAL
	ADJACENT PROPERTY OWNERSHIP

## GENERAL NOTES

- THE THOROUGHFARE ALIGNMENTS SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DO NOT SET THE ALIGNMENT. ALIGNMENT IS DETERMINED AT TIME OF FINAL PLATTING.
- ALL OPEN SPACE, COMMON AREAS, GREENBELTS, LANDSCAPE, DRAINAGE EASEMENT OR OTHER AREAS IDENTIFIED AS PRIVATE SHALL BE THE RESPONSIBILITY OF THE OWNER OR OWNER'S SUCCESSORS AND/OR ASSIGNS.
- ACCORDING TO FLOOD INSURANCE RATE MAP, PANEL 48029C0295F DATED SEP. 29, 2010, SITE IS NOT WITHIN THE 100-YEAR FLOODPLAIN.

## ADJACENT PROPERTY OWNERSHIP

- HATCHITT ESTATES INC  
11207 E FM 1518 N, SCHERTZ, TX 78154  
PROPERTY ID: 308364  
VOL. 7343, PG. 799, O.P.R.  
ZONED: R-A  
LAND USE: SINGLE-FAMILY RESIDENTIAL/AGRICULTURAL
- UNITED STATES GOVERNMENT  
FM 78, CIBOLO, TX 78108  
PROPERTY ID: 354003  
ZONED: OCL
- TEXAS STATE HIGHWAY DEPARTMENT  
FM 1518, SELMA TO SCHERTZ, TX
- MARIN POINT TRUST  
11312 E FM 1518 N, SCHERTZ, TX 78154  
PROPERTY ID: 308358  
ZONED: R-A  
LAND USE: SINGLE-FAMILY RESIDENTIAL/AGRICULTURAL
- MARKS JOSEPH D JR.  
11170 E FM 1518 N, SCHERTZ, TX 78154  
PROPERTY ID: 308354  
VOL. 19047, PG. 0509, O.P.R.  
ZONED: R-A  
LAND USE: SINGLE-FAMILY RESIDENTIAL/AGRICULTURAL
- DEL TORO FAMILY PTSHP LTD  
816 MAIN ST, SCHERTZ, TX 78154-2151  
PROPERTY ID: 308363  
ZONED: R-A  
LAND USE: SINGLE-FAMILY RESIDENTIAL/AGRICULTURAL

ZONING TABLE		
CONDITION	ZONING	AREA (AC.)
EXISTING	R-A	26.09
PROPOSED	GB	26.09

### ENGINEER / APPLICANT:

WESTWOOD PROFESSIONAL SERVICES  
211 N LOOP 1604 E, STE 205  
SAN ANTONIO, TEXAS 78232  
TEL: (210) 265-8300

### SURVEYOR

WESTWOOD PROFESSIONAL SERVICES  
211 N LOOP 1604 E, STE 205  
SAN ANTONIO, TEXAS 78232  
TEL: (210) 265-8300

### OWNER / DEVELOPER

JOHN DEL TORO  
11207 E FM 1518 N  
SCHERTZ, TEXAS 78154  
TEL: (406) 868-2528

LEGAL DESCRIPTION:  
A 26.090 ACRE TRACT OF LAND SITUATED WITHIN THE GENOVERA MALPAZ SURVEY NO. 67, ABSTRACT NO. 464, CITY OF SCHERTZ, BEXAR COUNTY, TEXAS BEING A PORTION OF A CALLED 36.89 ACRE TRACT DESCRIBED IN DEED TO DEL TORO FAMILY PARTNERSHIP LTD RECORDED IN VOLUME 7500, PAGE 421, BEXAR COUNTY OFFICIAL RECORDS, BEXAR COUNTY, TEXAS

REVISIONS	
NO.	DATE

Westwood

Phone (210) 265-8300  
Toll Free (888) 937-5150

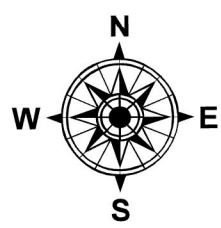
211 N Loop 1604 E, Suite 205  
San Antonio, TX 78232  
westwoodps.com

Westwood Professional Services, Inc.  
TBPLS FIRM NO. 10194064 - TBPE FIRM NO. F-11756

DEL TORO MULTI-SPORT  
ZONING EXHIBIT  
SCHERTZ, TEXAS

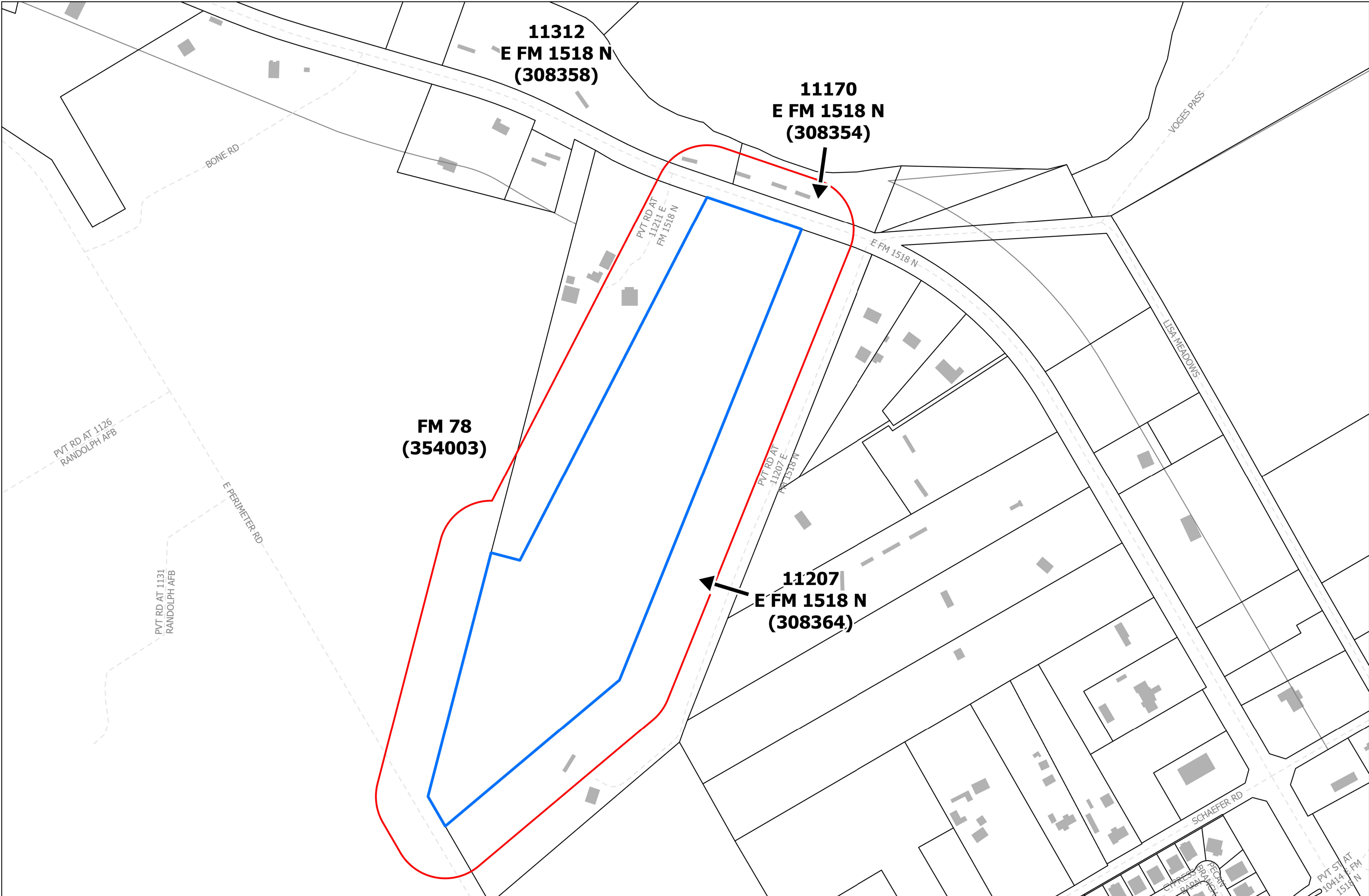
JOB NO.:	45328.00
DATE:	AUGUST 2023
DESIGN:	
DRAWN:	SIG
CHECKED:	





0 100 200 400 600 Feet



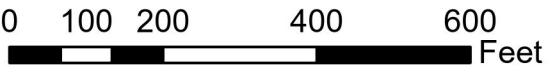
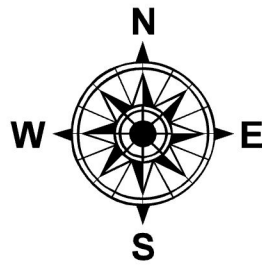


# City of Schertz

DEL TORO MULTI SPORT  
(PLZC20230223)

 Project Area

 200' Buffer



# Ord. 24-S-05

Zone Change of Single-Family Residential /  
Agricultural District (R-A) to General Business District  
(GB)

Samuel Haas | SENIOR PLANNER



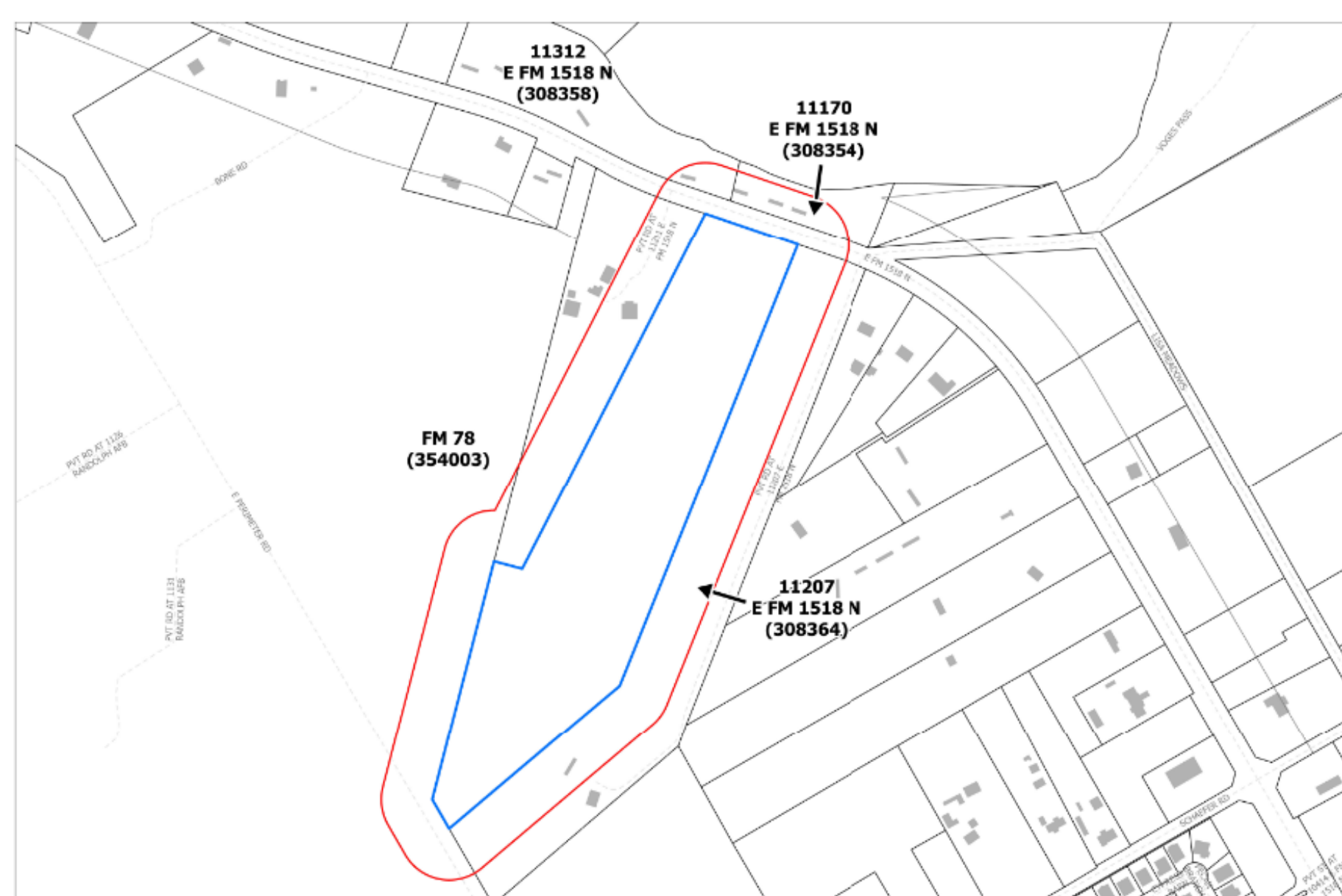
•Subject Property zoned  
Single – Family Residential/  
Agricultural District (R-A)

	Existing Zoning	Land Use
North	Right of Way	E FM 1518 N
South	Outside City Limits	JBSA Randolph Air Force Base
East	Single – Family Residential / Agricultural District (R-A)	Single Family Residential
West	Single – Family Residential / Agricultural District (R-A)	Single Family Residential





- January 22, 2024 a total of 5 Public Hearing Notices were sent out.
- Responses Received:  
0- Opposition  
0- In Favor  
0- Neutral
- 1 Sign was posted on the property.



# Proposed Zone Change

The proposed zone change to General Business District (GB) per the letter of intent, is being requested in order to develop a Commercial Multi-Sport Complex.

If the Zone Change is approved, the applicant will have to go through the site plan process in conformance with UDC Section 21.9.12 and will have to meet all City of Schertz UDC requirements as listed in Article 9.

## UDC Section 21.5.4.D Criteria for Approval

1. **Whether the proposed zoning change or zoning map amendment implements the policies of the adopted Comprehensive Land Plan, including the land use classification of the property on the Future Land Use Map.**
  - The subject property was designated as Air Installation Compatible as part of the 2013 Sector Plan Amendment and is vague about the appropriate zoning and land uses.
  - Recommends that staff analyze and make recommendations at the time of development applications for the Air Installation Compatible Zone.
  - Staff received a formal letter of approval from JBSA stating that the base has no objection to the rezone but does require the developer to maintain a 20' - 30' clear zone.

## UDC Section 21.5.4.D Criteria for Approval

### **2. Whether the proposed zoning change or zoning map amendment promotes the health, safety, or general welfare of the City and the safe, orderly, efficient and healthful development of the City.**

- FM 1518 is classified in the Master Thoroughfare Plan as a Principal Arterial - TXDOT is beginning the process to widen it.
- FM 1518 corridor is one that will see significant commercial activity, the proposed General Business zoning aligns more closely with the direction that this corridor is heading.



## UDC Section 21.5.4.D Criteria for Approval

**3. Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified**

- The adjacent properties are zoned Single-Family Residential Agriculture, but the wider area in this section of FM 1518 has established commercial districts.



Schertz F3J

M-2

GB

BONE RD

JESA-Randolph

City of Schertz

PVT RD AT 1207 E FM 1518 N

R-A

NS

E FM 1518 N

SCHAEFER RD

LEVENSON LN

CYPRESS BARN

PECAN BARN

AUDUBON

MARK LN

Schertz F3J



## UDC Section 21.5.4.D Criteria for Approval

**4. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers or other public services and utilities to the area;**

- To the best of staff's knowledge, this zone change should have minimal impact on the public services, to include schools, fire, police, sanitation services, as well as existing water and wastewater systems.
- Wider FM 1518 will accommodate the additional traffic generated from this business.

## UDC Section 21.5.4.D Criteria for Approval

### 5. Whether there have been environmental and/or economical changes which warrant the requested change;

- The current TXDOT project to improve and widen FM 1518, and the added traffic that this road will accommodate, will have an economic impact for the commercial uses in this area. Staff has determined that the potential benefit for businesses warrants this zone change.

## UDC Section 21.5.4.D Criteria for Approval

### **6. Whether there is an error in the original zoning of the property for which a change is requested;**

- There was no error in the original zoning of this property.

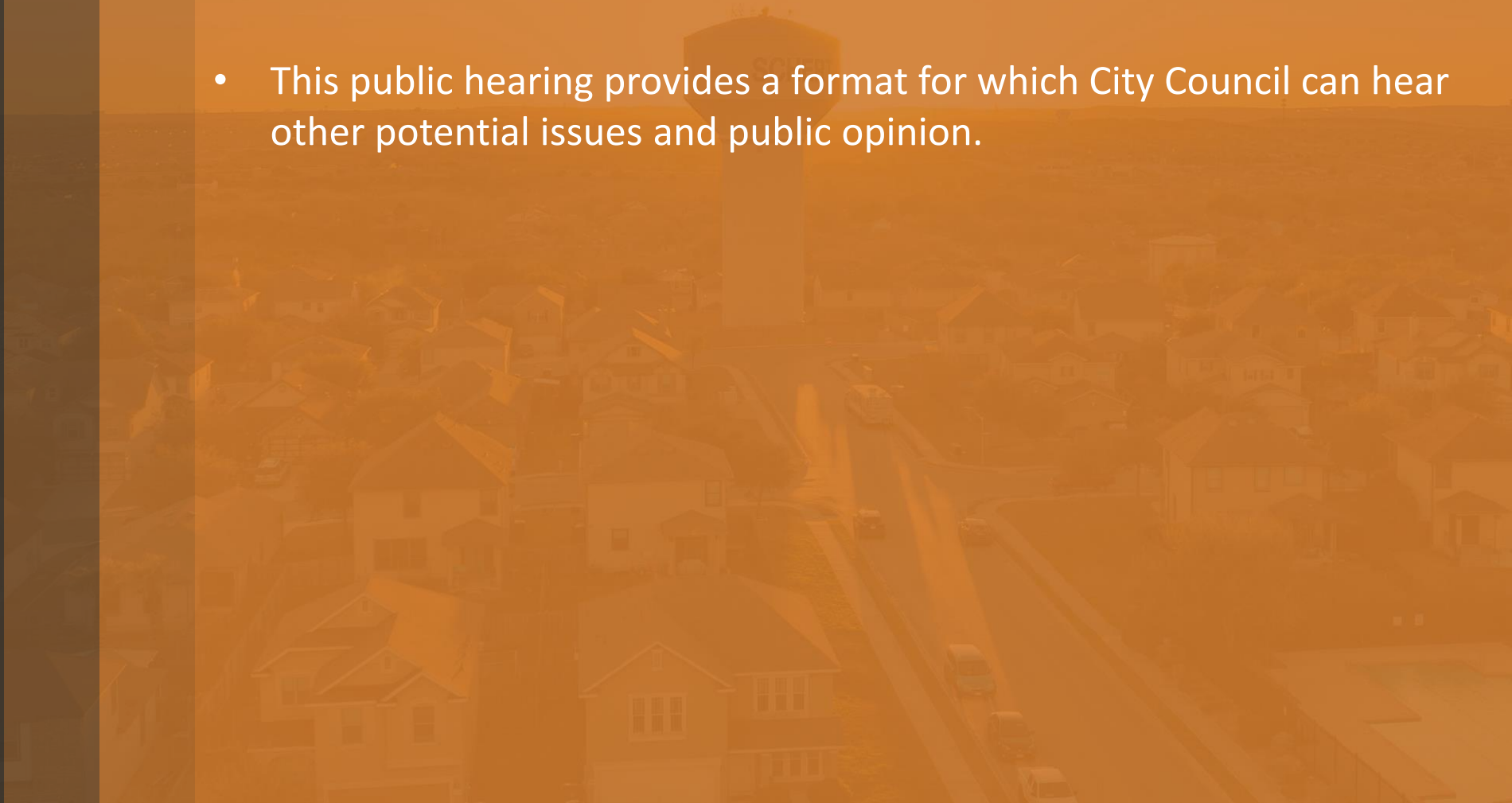
### **7. Whether all of the applicant's back taxes owed to the City have been paid in full (no application will receive final approval until all back taxes are paid in full)**

- This does not impact consideration for the first reading from City Council.

## UDC Section 21.5.11.D Criteria for Approval

**8. Whether other criteria are met, which, at the discretion of the Planning and Zoning Commission and the City Council, are deemed relevant and important in the consideration of the amendment.**

- This public hearing provides a format for which City Council can hear other potential issues and public opinion.



# Staff Recommendation

- The proposed zone change meets each of the requirements set forth by the City's Unified Development Code, is consistent with the Comprehensive Plan through the Sector Plan, and is compatible with the surrounding zoning district and uses.
- Therefore, staff recommends approval of the proposed rezoning to General Business District (GB)
- The Planning and Zoning Commission met on February 7th, 2024 and made a recommendation of approval by a 7-0 vote.

# COMMENTS & QUESTIONS



**CITY COUNCIL MEMORANDUM**

**City Council Meeting: March 5, 2024**

**Department: City Secretary**

**Subject: Schertz PD TCOLE 2023 Racial Profiling Report (S.Williams/J.Lowery)**

---

**BACKGROUND**

Schertz PD is required by law to submit an annual Racial Profiling Report that collects incident-based data related to self-initiated traffic stops and/or vehicle contacts.

**GOAL**

Data analysis, audits, findings, and recommendations to assure adherence to statutory and Department requirement in mitigating racial profiling in policing.

**COMMUNITY BENEFIT**

Provides transparency and accountability to community members in addressing racial profiling practices with the Schertz PD.

**SUMMARY OF RECOMMENDED ACTION**

No recommendation necessary.

**RECOMMENDATION**

Continued efforts and due diligence to exceed statutory requirements in identifying and addressing, if necessary, racial profiling practices of the Schertz PD.

---

**Attachments**

PowerPoint Slides

SZPD TCOLE RP 2023 Analysis.

SZPD TCOLE RP 2023

---

# Racial Profiling Report 2023

Schertz City Council Meeting March 5, 2024

Jim Lowery, Chief of Police



**SCHERTZ**  
COMMUNITY. SERVICE. OPPORTUNITY.

# OVERVIEW

- Define racial profiling
- National Dialogue
- State of Texas Legislation
- Policy and Training
- Data Collection and Reporting



# RACIAL PROFILING VS. CRIMINAL PROFILING

“**Racial Profiling**” refers to the discriminatory targeting of individuals for a suspicion of crime based on the individual’s ethnicity, race, religion, or national origin. **ILLEGAL**

“**Criminal Profiling**” is based on evidence gathered from previous crimes, victim or witness testimony that develops a motive or character assessment. **LEGAL**



# UNDERSTANDING RACIAL PROFILING

- In the 1990's national dialogue was elevated on racial profiling.
- The DOJ Civil Rights Division began to investigate allegations of racial profiling in police departments
- The DOJ COPS Office developed a resource guide for police departments on assessing racial profiling data and offered comprehensive strategies to reduce racial profiling



# DOJ COPS OFFICE STRATEGIES

- Diverse recruitment and selection
- Training and education for police and community
- Minority community engagement initiatives
- Accountability and supervision
- Collecting and analyzing traffic stop data
- Using technology to reduce racial profiling and increase officer safety



# TEXAS STATE LEGISLATION

- In 2001, Senate Bill 1074 required Texas police departments to collect, analyze, and report motor vehicle-related contact data
- In 2009 House Bill 3389 modified the law amending definitions within the law
- In 2017, House Bill 3051 changed racial designation, and Senate Bill 1849 – Sandra Bland Law expanded data collection requirements.



# SZPD POLICY AND TRAINING

- As a police department we are committed to constitutional policing and protecting the civil rights of all people
- Police officers are prohibited from engaging in racial profiling in any police contact, seizure or forfeiture
- Police Officers attend mandated TCOLE training that includes Racial Profiling and Cultural Diversity
- Officers are required to enter disposition codes for all traffic stops
- Shift supervisors are required to conduct monthly audit reviews of officers Digital Video Recorder/Body Worn Camera
- Number of COMPLAINTS of RACIAL PROFILING CY 2023 – “0”





# SZPD TCOLE 2023 RACIAL PROFILING REPORT

- Police officers made 3,864 traffic stops
  - 2022 – 5,965, 2021 – 4,836, 2020 – 6,845, and 2019 – 9,485
- In 98.16% of traffic stops, officers did not know the race of the driver prior to the stop

Race/Ethnicity	All T-Stops
Alaska/Native American/Indian	16 (0.41%)
Asian/Pacific Islander	95 (2.46%)
Black	716 (18.53%)
White	1,911 (49.46%)
Hispanic/Latino	1,126 (29.14%)

Race/Ethnicity	Citation
Alaska/Native American/Indian	4 (25%)
Asian/Pacific Islander	34 (35.79%)
Black	211 (29.47%)
White	576 (30.14%)
Hispanic/Latino	399 (35.44%)



# 2023 RACIAL PROFILING REPORT

Physical Force Used Resulting in Bodily Injury During the Stop		
	YES	NO
Alaska/Native American/Indian	0	16
Asian/Pacific Islander	0	95
Black	0	716
White	1	1910
Hispanic/Latino	0	1126
TOTAL	1	3863



# SEARCHES, CONTRABAND, & HIT RATES

Race/Ethnicity	All Traffic Stop Searches		All Searches with Contraband Hits		Hit Rates (Hits/Searches)
	N	%	N	%	
Alaska/Native American/Indian	1	0.63%	1	0.87%	100.00%
Asian/Pacific Islander	1	0.63%	1	0.87%	100.00%
Black	36	22.64%	23	20.00%	63.89%
White	76	47.80%	60	52.17%	78.95%
Hispanic/Latino	45	28.30%	30	26.09%	66.67%
TOTAL	159	100.00%	115	100%	



# SEARCHES, CONTRABAND, & ENFORCEMENT RATIO

Race/Ethnicity	All Traffic Stop Searches		Enforcement Actions after Search Hits		Enforcement Rates (Enforcement/Hits)	
	N	%	N	%		%
Alaska/Native American/Indian	1	0.87%	1	5.26%		100.00%
Asian/Pacific Islander	1	0.87%	0	0.00%		Not Calculable
Black	23	20.00%	4	21.05%		17.39%
White	60	52.17%	8	42.11%		13.33%
Hispanic/Latino	30	26.09%	6	31.58%		20.00%
TOTAL	115	100%	19	100.00%		



# ROLE OF TRAFFIC ENFORCEMENT

- Crime Reduction
- Traffic Safety

## EFFECTIVE TRAFFIC ENFORCEMENT

- Equity in Policing and Social Justice
- Relational Policing in Neighborhoods
- Real Time and Actionable Intelligence



# COMMENTS AND QUESTIONS



# Racial Profiling Analysis Report

## SCHERTZ POLICE DEPARTMENT

01. Total Traffic Stops:	3864	
02. Location of Stop:		
a. City Street	2783	72.02%
b. US Highway	512	13.25%
c. County Road	202	5.23%
d. State Highway	321	8.31%
e. Private Property or Other	46	1.19%
03. Was Race known prior to Stop:		
a. NO	3793	98.16%
b. YES	71	1.84%
04. Race or Ethnicity:		
a. Alaska/ Native American/ Indian	16	0.41%
b. Asian/ Pacific Islander	95	2.46%
c. Black	716	18.53%
d. White	1911	49.46%
e. Hispanic/ Latino	1126	29.14%
05. Gender:		
a. Female	1399	36.21%
i. Alaska/ Native American/ Indian	8	0.21%
ii. Asian/ Pacific Islander	40	1.04%
iii. Black	249	6.44%
iv. White	764	19.77%
v. Hispanic/ Latino	338	8.75%
b. Male	2465	63.79%
i. Alaska/ Native American/ Indian	8	0.21%
ii. Asian/ Pacific Islander	55	1.42%
iii. Black	467	12.09%
iv. White	1147	29.68%
v. Hispanic/ Latino	788	20.39%
06. Reason for Stop:		
a. Violation of Law	115	2.98%
i. Alaska/ Native American/ Indian	2	1.74%
ii. Asian/ Pacific Islander	4	3.48%



# Racial Profiling Analysis Report

iii. Black	22	19.13%
iv. White	60	52.17%
v. Hispanic/ Latino	27	23.48%
b. Pre-Existing Knowledge	33	0.85%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	7	21.21%
iv. White	15	45.45%
v. Hispanic/ Latino	11	33.33%
c. Moving Traffic Violation	2513	65.04%
i. Alaska/ Native American/ Indian	9	0.36%
ii. Asian/ Pacific Islander	67	2.67%
iii. Black	473	18.82%
iv. White	1227	48.83%
v. Hispanic/ Latino	737	29.33%
d. Vehicle Traffic Violation	1203	31.13%
i. Alaska/ Native American/ Indian	5	0.42%
ii. Asian/ Pacific Islander	24	2.00%
iii. Black	214	17.79%
iv. White	609	50.62%
v. Hispanic/ Latino	351	29.18%
07. Was a Search Conducted:		
a. NO	3705	95.89%
i. Alaska/ Native American/ Indian	15	0.40%
ii. Asian/ Pacific Islander	94	2.54%
iii. Black	680	18.35%
iv. White	1835	49.53%
v. Hispanic/ Latino	1081	29.18%
b. YES	159	4.11%
i. Alaska/ Native American/ Indian	1	0.63%
ii. Asian/ Pacific Islander	1	0.63%
iii. Black	36	22.64%
iv. White	76	47.80%
v. Hispanic/ Latino	45	28.30%
08. Reason for Search:		
a. Consent	23	0.60%

# Racial Profiling Analysis Report

i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	3	13.04%
iv. White	13	56.52%
v. Hispanic/ Latino	7	30.43%
b. Contraband in Plain View	17	0.44%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	1	5.88%
iv. White	15	88.24%
v. Hispanic/ Latino	1	5.88%
c. Probable Cause	100	2.59%
ii. Alaska/ Native American/ Indian	1	1.00%
i. Asian/ Pacific Islander	1	1.00%
iii. Black	27	27.00%
iv. White	40	40.00%
v. Hispanic/ Latino	31	31.00%
d. Inventory	9	0.23%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	2	22.22%
iv. White	2	22.22%
v. Hispanic/ Latino	5	55.56%
e. Incident to Arrest	10	0.26%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	3	30.00%
iv. White	6	60.00%
v. Hispanic/ Latino	1	10.00%
09. Was Contraband Discovered:		
YES	115	2.98%
i. Alaska/ Native American/ Indian	1	0.87%
Finding resulted in arrest - YES	1	
Finding resulted in arrest - NO	0	
ii. Asian/ Pacific Islander	1	0.87%
Finding resulted in arrest - YES	0	
Finding resulted in arrest - NO	1	
iii. Black	23	20.00%

# Racial Profiling Analysis Report

Finding resulted in arrest - YES	4	
Finding resulted in arrest - NO	19	
iv. White	60	52.17%
Finding resulted in arrest - YES	8	
Finding resulted in arrest - NO	52	
v. Hispanic/ Latino	30	26.09%
Finding resulted in arrest - YES	6	
Finding resulted in arrest - NO	24	
b. NO	44	1.14%
i. Alaska/ Native American/ Indian	0	0.00%
i. Asian/ Pacific Islander	0	0.00%
iii. Black	12	27.27%
iv. White	17	38.64%
v. Hispanic/ Latino	15	34.09%
10. Description of Contraband:		
a. Drugs	91	2.36%
i. Alaska/ Native American/ Indian	1	1.10%
ii. Asian/ Pacific Islander	1	1.10%
iii. Black	22	24.18%
iv. White	41	45.05%
v. Hispanic/ Latino	26	28.57%
b. Currency	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
c. Weapons	5	0.13%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	2	40.00%
iv. White	2	40.00%
v. Hispanic/ Latino	1	20.00%
d. Alcohol	20	0.52%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	1	5.00%
iv. White	18	90.00%

# Racial Profiling Analysis Report

v. Hispanic/ Latino	1	5.00%
e. Stolen Property	3	0.08%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	0	0.00%
iv. White	3	100.00%
v. Hispanic/ Latino	0	0.00%
f. Other	10	0.26%
i. Alaska/ Native American/ Indian	0	0.00%
i. Asian/ Pacific Islander	0	0.00%
iii. Black	3	30.00%
iv. White	3	30.00%
v. Hispanic/ Latino	4	40.00%
11. Result of Stop:		
a. Verbal Warning	119	3.08%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	2	1.68%
iii. Black	16	13.45%
iv. White	68	57.14%
v. Hispanic/ Latino	33	27.73%
b. Written Warning	2489	64.42%
i. Alaska/ Native American/ Indian	11	0.44%
ii. Asian/ Pacific Islander	59	2.37%
iii. Black	483	19.41%
iv. White	1251	50.26%
v. Hispanic/ Latino	685	27.52%
c. Citation	1224	31.68%
i. Alaska/ Native American/ Indian	4	0.33%
ii. Asian/ Pacific Islander	34	2.78%
iii. Black	211	17.24%
iv. White	576	47.06%
v. Hispanic/ Latino	399	32.60%
d. Written Warning and Arrest	9	0.23%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	2	22.22%
iv. White	5	55.56%
v. Hispanic/ Latino	2	22.22%

# Racial Profiling Analysis Report

e. Citation and Arrest	8	0.21%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	2	25.00%
iv. White	3	37.50%
v. Hispanic/ Latino	3	37.50%
f. Arrest	15	0.39%
i. Alaska/ Native American/ Indian	1	6.67%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	2	13.33%
iv. White	8	53.33%
v. Hispanic/ Latino	4	26.67%
12. Arrest Based On:		
a. Violation of Penal Code	28	0.72%
i. Alaska/ Native American/ Indian	1	3.57%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	6	21.43%
iv. White	14	50.00%
v. Hispanic/ Latino	7	25.00%
b. Violation of Traffic Law	1	0.03%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	0	0.00%
iv. White	0	0.00%
v. Hispanic/ Latino	1	100.00%
c. Violation of City Ordinance	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
d. Outstanding Warrant	3	0.08%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	0	0.00%
iv. White	2	66.67%
v. Hispanic/ Latino	1	33.33%

# Racial Profiling Analysis Report

13. Was Physical Force Used:

a. NO	3863	99.97%
i. Alaska/ Native American/ Indian	16	0.41%
ii. Asian/ Pacific Islander	95	2.46%
iii. Black	716	18.53%
iv. White	1910	49.44%
v. Hispanic/ Latino	1126	29.15%
b. YES	1	0.03%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	0	0.00%
iv. White	1	100.00%
v. Hispanic/ Latino	0	0.00%
b 1. YES: Physical Force Resulting in Bodily Injury to Suspect	1	100.00%
b 2. YES: Physical Force Resulting in Bodily Injury to Officer	0	0.00%
b 3. YES: Physical Force Resulting in Bodily Injury to Both	0	0.00%

14. Total Number of Racial Profiling Complaints Received:	0
---	---

REPORT DATE COMPILED 02/28/2024

# Racial Profiling Report | Full

---

Agency Name: SCHERTZ POLICE DEPARTMENT  
Reporting Date: 02/28/2024  
TCOLE Agency Number: 187203

Chief Administrator: JAMES W. LOWERY JR

Agency Contact Information:  
Phone: (210) 619-1200  
Email: jlowery@schertz.com

Mailing Address:  
1400 SCHERTZ PKWY BLDG 6  
SCHERTZ, TX 78154-1673

This Agency filed a full report

SCHERTZ POLICE DEPARTMENT has adopted a detailed written policy on racial profiling. Our policy:

- 1) clearly defines acts constituting racial profiling;
- 2) strictly prohibits peace officers employed by the SCHERTZ POLICE DEPARTMENT from engaging in racial profiling;
- 3) implements a process by which an individual may file a complaint with the SCHERTZ POLICE DEPARTMENT if the individual believes that a peace officer employed by the SCHERTZ POLICE DEPARTMENT has engaged in racial profiling with respect to the individual;
- 4) provides public education relating to the agency's complaint process;
- 5) requires appropriate corrective action to be taken against a peace officer employed by the SCHERTZ POLICE DEPARTMENT who, after an investigation, is shown to have engaged in racial profiling in violation of the SCHERTZ POLICE DEPARTMENT policy;
- 6) requires collection of information relating to motor vehicle stops in which a warning or citation is issued and to arrests made as a result of those stops, including information relating to:
  - a. the race or ethnicity of the individual detained;
  - b. whether a search was conducted and, if so, whether the individual detained consented to the search;
  - c. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
  - d. whether the peace officer used physical force that resulted in bodily injury during the stop;
  - e. the location of the stop;
  - f. the reason for the stop.
- 7) requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
  - a. the Commission on Law Enforcement; and
  - b. the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

The SCHERTZ POLICE DEPARTMENT has satisfied the statutory data audit requirements as prescribed in Article

2.133(c), Code of Criminal Procedure during the reporting period.

Executed by: JAMES W. LOWERY  
Chief of Police

Date: 02/28/2024



# Total stops: 3864

---

## Street address or approximate location of the stop

City street	2783
US highway	512
County road	202
State highway	321
Private property or other	46

## Was race or ethnicity known prior to stop?

Yes	71
No	3793

## Race / Ethnicity

Alaska Native / American Indian	16
Asian / Pacific Islander	95
Black	716
White	1911
Hispanic / Latino	1126

## Gender

<b>Female</b>	<b>1399</b>
Alaska Native / American Indian	8
Asian / Pacific Islander	40
Black	249
White	764
Hispanic / Latino	338
<b>Male</b>	<b>2465</b>
Alaska Native / American Indian	8
Asian / Pacific Islander	55
Black	467
White	1147
Hispanic / Latino	788

## Reason for stop?

<b>Violation of law</b>	<b>115</b>
Alaska Native / American Indian	2
Asian / Pacific Islander	4
Black	22
White	60

Hispanic / Latino	27
<b>Preexisting knowledge</b>	<b>33</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	7
White	15
Hispanic / Latino	11
<b>Moving traffic violation</b>	<b>2513</b>
Alaska Native / American Indian	9
Asian / Pacific Islander	67
Black	473
White	1227
Hispanic / Latino	737
<b>Vehicle traffic violation</b>	<b>1203</b>
Alaska Native / American Indian	5
Asian / Pacific Islander	24
Black	214
White	609
Hispanic / Latino	351
<b>Was a search conducted?</b>	
<b>Yes</b>	<b>159</b>
Alaska Native / American Indian	1
Asian / Pacific Islander	1
Black	36
White	76
Hispanic / Latino	45
<b>No</b>	<b>3705</b>
Alaska Native / American Indian	15
Asian / Pacific Islander	94
Black	680
White	1835
Hispanic / Latino	1081
<b>Reason for Search?</b>	
<b>Consent</b>	<b>23</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	3
White	13

Hispanic / Latino	7				
<b>Contraband</b>	<b>17</b>				
Alaska Native / American Indian	0				
Asian / Pacific Islander	0				
Black	1				
White	15				
Hispanic / Latino	1				
<b>Probable</b>	<b>100</b>				
Alaska Native / American Indian	1				
Asian / Pacific Islander	1				
Black	27				
White	40				
Hispanic / Latino	31				
<b>Inventory</b>	<b>9</b>				
Alaska Native / American Indian	0				
Asian / Pacific Islander	0				
Black	2				
White	2				
Hispanic / Latino	5				
<b>Incident to arrest</b>	<b>10</b>				
Alaska Native / American Indian	0				
Asian / Pacific Islander	0				
Black	3				
White	6				
Hispanic / Latino	1				
<b>Was Contraband discovered?</b>					
<b>Yes</b>	<b>115</b>				
		Did the finding result in arrest?			
		(total should equal previous column)			
Alaska Native / American Indian	1	Yes	1	No	0
Asian / Pacific Islander	1	Yes	0	No	1
Black	23	Yes	4	No	19
White	60	Yes	8	No	52
Hispanic / Latino	30	Yes	6	No	24
<b>No</b>	<b>44</b>				
Alaska Native / American Indian	0				
Asian / Pacific Islander	0				
Black	12				
White	17				
Hispanic / Latino	15				

<b>Description of contraband</b>	
<b>Drugs</b>	<b>91</b>
Alaska Native / American Indian	1
Asian / Pacific Islander	1
Black	22
White	41
Hispanic / Latino	26
<b>Weapons</b>	<b>5</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	2
White	2
Hispanic / Latino	1
<b>Currency</b>	<b>0</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Alcohol</b>	<b>20</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	18
Hispanic / Latino	1
<b>Stolen property</b>	<b>3</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	3
Hispanic / Latino	0
<b>Other</b>	<b>10</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	3
White	3
Hispanic / Latino	4
<b>Result of the stop</b>	
Verbal warning	<b>119</b>

Alaska Native / American Indian	0
Asian / Pacific Islander	2
Black	16
White	68
Hispanic / Latino	33
<b>Written warning</b>	<b>2489</b>
Alaska Native / American Indian	11
Asian / Pacific Islander	59
Black	483
White	1251
Hispanic / Latino	685
<b>Citation</b>	<b>1224</b>
Alaska Native / American Indian	4
Asian / Pacific Islander	34
Black	211
White	576
Hispanic / Latino	399
<b>Written warning and arrest</b>	<b>9</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	2
White	5
Hispanic / Latino	2
<b>Citation and arrest</b>	<b>8</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	2
White	3
Hispanic / Latino	3
<b>Arrest</b>	<b>15</b>
Alaska Native / American Indian	1
Asian / Pacific Islander	0
Black	2
White	8
Hispanic / Latino	4
<b>Arrest based on</b>	
<b>Violation of Penal Code</b>	<b>28</b>
Alaska Native / American Indian	1
Asian / Pacific Islander	0

Black	6
White	14
Hispanic / Latino	7
<b>Violation of Traffic Law</b>	<b>1</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	1
<b>Violation of City Ordinance</b>	<b>0</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Outstanding Warrant</b>	<b>3</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	2
Hispanic / Latino	1

**Was physical force resulting in bodily injury used during stop?**

<b>Yes</b>	<b>1</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1
Hispanic / Latino	0
<b>Resulting in Bodily Injury To:</b>	
Suspect	1
Officer	0
Both	0
<b>No</b>	<b>3863</b>
Alaska Native / American Indian	16
Asian / Pacific Islander	95
Black	716
White	1910
Hispanic / Latino	1126

**Number of complaints of racial profiling**

Total	0
Resulted in disciplinary action	0
Did not result in disciplinary action	0

**Comparative Analysis**

Use TCOLE's auto generated analysis	<input checked="" type="checkbox"/>
Use Department's submitted analysis	<input type="checkbox"/>

**Optional Narrative**

N/A

Submitted electronically to the



The Texas Commission on Law Enforcement