

CITY OF SEGUIN**

SUBDIVISION ORDINANCE

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****NOTE - Check with staff for recent updates and clarifications.**

— ***Editor's note** - Printed herein are the subdivision regulations, as adopted by Ord. No. 93-22 on July 6, 1993, and effective July 17, 1993. Prior to the codification of said Ord. No. 93-22, Appendix A contained the subdivision ordinance as adopted by Ord. No. 74-20 enacted Aug. 6, 1974, as amended by Ord. No. 76-14, 6-15-76; Ord. No. 82-22, 11-2-82; Ord. No. 84-22, 9-4-84; Ord. No. 85-23, 7-16-85; Ord. No. 85-34, 9-17-85; Ord. No. 87-19, 6-16-87; Ord. No. 87-20, 6-16-87; Ord. No. 90-2, 1-2-90; Ord. No. 92-44, 10-6-92; Ord. 97-12, 3-18-97; Ord. 99-30, 5-4-99; Ord. 99-40, 6-1-99; Ord. 05-61, 11-15-05; Ord. 06-54, 9-5-06, Ord. 07-20, 2-20-07; Ord. 07-21, 2-20-07; Ord. 10-28, 5-4-10. Amendments to Ord. No. 93-22 are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citation to state statutes, and expression of numbers in text has been used to conform to the Code of Ordinances. Additions made for clarity are indicated by brackets.

Charter references - Platting of property, § 9.02; development of land, § 9.03; comprehensive plan, § 9.04.

Cross references - Planning and Zoning Commission, § 2-101 et seq.; floods, ch. 54; flood standards for subdivisions, § 54-53.

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- [Sec. 1 Separability.]

An Ordinance Adopting and Promulgating Rules and Regulations Governing the Platting of Land into Subdivisions in the City of Seguin, Texas, and Within the Extraterritorial Jurisdiction of the City of Seguin and Requiring Plats to Conform to Such Rules and Regulations in Order to Procure the Approval of the City Planning Commission of the City of Seguin; Defining Terms; Forbidding Transfers of Land Without Complying With the Terms of this Ordinance; Providing for the Design Standards; Providing for Variances From the Provisions of this Ordinance; Providing Penalties for the Violation of any of the Provisions of this Ordinance; Providing for the Separability of Provisions of Said Ordinance; and Providing for the Effective Date.

Now, Therefore, Be It Ordained by the City of Seguin of the County of Guadalupe, as Follows:

ARTICLE I. GENERAL PROVISIONS AND REQUIREMENTS

Section 1. Title.

This ordinance shall be known, cited, and referred to as "The Land Subdivision Regulations of the City of Seguin, Texas."

Section 2. Adoption of legislative grant of power.

Vernon's Ann. Civ. St. art. 974a and any amendment thereto are hereby adopted, and the provisions of this ordinance are adopted in exercise of power granted to municipalities by such statute, as well as all other powers granted to cities through appropriate provisions of the laws and constitution of the State of Texas.

Section 3. Purpose.

This ordinance is to provide for the harmonious development of the City of Seguin and its environs, for the coordination of streets within the subdivisions and other existing or planned streets or with other features of the City of Seguin's general plan for access to and extension of public utility facilities, for adequate open space for traffic, recreation, light and air; and for the distribution of population and traffic which will tend to create conditions favorable to health, safety, morals and the general welfare of the City of Seguin hereinafter referred to as the City.

Section 4. Scope and jurisdiction.

Before any plan, plat or replat of a subdivision or addition of land inside the city or within the extraterritorial jurisdiction of the City of Seguin shall be recorded with the County Clerk, it shall first be submitted to the Director of Planning before being presented to the City Planning Commission in conformance with the provisions of this ordinance.

Section 5. Required improvements.

The subdivider shall install, at his own expense, except as hereinafter provided, all required improvements within the subdivision, including streets; curbs; alleys; water lines; sewer lines; electrical lines; street lighting; storm sewer lines; and, drainage facilities and structures. All required improvements shall be in compliance with applicable provisions of this ordinance.

All proposed developments shall provide for new drainage facilities, the improvement of existing drainage facilities, channel improvements, grading, driveway adjustments, culvert improvements or other drainage improvements determined by the City Engineer to provide for the storm water drainage needs of the development and the downstream areas impacted for a distance of 2,000 feet downstream from the proposed development; provided however, that if any appreciable adverse impact still exists at that distance, the City Engineer may require that additional drainage facilities be constructed to the point where any remaining adverse impacts are de minimus. The developer shall verify and provide to the City Engineer all necessary information and calculations to demonstrate that the capacities of these systems are not exceeded as a result of the proposed development, and the developer shall be responsible for constructing the needed improvements (at no cost to the City). (Ord. No. 06-54, 9-5-06)

It is the responsibility of the developer to provide for conveyance of offsite water as provided by this Section. The developer's design package submitted to the City shall include a description of all potential offsite impacts caused by the development and the proposed mitigation procedures for the impacts, including but not limited to:

- (a) Alteration of existing upstream drainage areas and/or conveyance systems due to the proposed development.
- (b) The detention facility discharge shall be located to provide the least impact on downstream conditions,

including requirements for the discharge to be routed to street curbs, bar ditches, storm sewer or other drainageway.

- (c) The impact of flow concentration from the detention facility discharge point on existing drainage areas and/or conveyance systems.
 - (d) Extension of existing conveyance systems through the development.
 - (e) The altering of existing on-site conveyance systems.
- (Ord. No. 06-54, 9-5-06)

In order to mitigate the impact of the proposed development, the phasing of development, the use of off-site control methods or the construction of off-site drainage improvements may be necessary.

(Ord. No. 06-54, 9-5-06)

Calculations to verify downstream adequacy shall be performed to the nearest receiving waterway(s). Should projected storm water runoff from the proposed development exceed the capacity of the existing drainage facilities and/or natural channels, the developer shall be responsible for improving the existing facilities at its own cost. If developer can show that existing facilities are not adequate for pre-development storm water runoff, developer may petition the City for relief from responsibility for the costs of correcting those existing inadequacies.

(Ord. No. 06-54, 9-5-06)

Section 6. City participation in cost.

- (1) There shall be no participation by the city in the cost of street paving except where the city requires a pavement width greater than 42 feet, front of curb to front of curb. In such instances, the city shall pay the construction cost of paving the additional width. There shall be no participation by the city in the cost of paving cul-de-sacs, even though the pavement width may exceed 42 feet, front of curb to front of curb.
- (2) It shall be the developer's responsibility to place at a minimum the amounts of compacted base material as required in ARTICLE V. - GENERAL SPECIFICATIONS AND STANDARDS, Sec. 90-132. Curb, pavement and sidewalk design.

(Ord. No. 06-54, 9-5-06)

For pavement of such alley, it will be the land owner's or developer's responsibility to pay for asphalt being placed.

- (3) There will be no participation by the city in the cost of any public utility line, drainage facility or drainage structure within the subdivision, except where the city requires an oversized utility line, drainage facility or drainage structure to serve land areas and improvements beyond the subdivision in question. In such instances, the city will pay only that portion of the construction cost in excess of the cost of improvements normally required to serve the subdivision. The determination of costs payable by the city shall be made by the City Engineer with approval by the Planning Commission. As used herein, public utility lines include water lines, sewer lines, electrical lines, and storm sewer lines.
- (4) The city, at its discretion, may pay up to 100% of the cost of the extension of the city water system and the city sanitary sewer system for a distance not to exceed 1,000 feet to serve a subdivision, provided funds are available for such extensions and such extensions are deemed expedient and approved by the city. Any such participation by the city shall be only for the extension of services to the subdivision boundary and not within the subdivision proper, except as provided in subsection 6(3).

(Ord. No. 99-30, 5-4-99)

- (5) The city shall assume the responsibility for the extension of the city electrical system to serve a subdivision. Any such participation by the city shall be only for the extension of services to the subdivision boundary and not within the subdivision proper, except as provided in subsection 6(3) above.
- (6) (a) Street lighting generally. The subdivider shall have the option of requesting the city to provide standard street lighting or installing decorative street lighting in accordance with design criteria set forth in Article V, Section 8 of this ordinance. In either case, electric service lines providing service to street lights shall be underground, and the subdivider shall be solely responsible for their installation, including all

associated costs. The city shall provide electric service free of charge for street lighting requirements where underground street light service lines are extended by the subdivider to available city utility transformers or junction boxes. The city shall in all cases be responsible for the maintenance and replacement of street lighting lamps, which shall be of a size and type approved by the City Engineer and normally stocked by the City Electric Department.

- (b) Decorative street lighting. There shall be no participation by the city in costs associated with the installation of decorative street lighting. Decorative lighting shall include any light standard or fixture which is not of a type normally stocked by the City Electric Department, and shall include metal poles of all types. The City shall assume all maintenance, repair and replacement responsibilities for decorative street lighting poles and fixtures and underground service lines subsequent to their installation by the subdivider.
- (c) Standard street lighting. Where requested by the subdivider, the City shall provide and install, at no cost, standard street lighting poles, fixtures and lamps in compliance with Article V, Section 8 of this ordinance. Standard poles shall be wood poles, and all fixtures and lamps shall be of a type normally stocked by the City Electric Department. The City shall be responsible for all maintenance, repair and replacement of standard street lighting poles and fixtures and underground service lines.

- (7) The developer shall install and pay for any off-site drainage structures required due to the proposed development, including, but not limited to: construction, design, engineering, surveying, testing, easement preparation, easement acquisition, and inspection.

(Ord. No. 06-54, 9-5-06)

Section 7. Repeal of conflicting ordinances.

This ordinance hereby repeals any and all provisions of existing ordinances which are in conflict with the provisions contained herein.

ARTICLE II. DEFINITIONS

Section 1. Terms defined.

For the purposes of this ordinance, the following terms, phrases, words and their derivations shall have the meaning ascribed to them in this article. Any office referred to in this ordinance by title means the person employed or appointed by the City in that position, or his duly authorized representative. Definitions not expressly prescribed herein are to be construed in accordance with customary usage in municipal planning and engineering practices.

- (1) *Acceptable outfall.* The point, as determined by a registered professional engineer, where stormwater can be released to a channel without causing erosion, or resulting sedimentation to the receiving channel or its floodplain. Where necessary, the outfall shall include structural and vegetative measures to assure nonerosive velocities.
- (2) *Alley.* A minor public right-of-way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.
- (3) *Building development.* The term "building development" shall be construed to include any lot or lots with buildings erected thereon for multifamily residential use for the purpose of being either held for lease or for the purpose of transfer of ownership.
- (4) *Building setback line.* A line defining an area on the building lot between the street right-of-way line and the building line

within which no building shall be constructed, encroach or project except as specifically authorized in an adopted ordinance of the City of Seguin.

- (a) *Front building setback line.* A line parallel to the street right-of-way line which the building faces, and takes its primary access from.
 - (b) *Side building setback line.* A line parallel to an adjacent lot or street right-of-way on a corner lot, which the building sides up to.
 - (c) *Rear building setback line.* A line parallel to an adjacent lot, alley, or street in the case of double-frontage lots, which the building backs up to and has its rear or secondary access from.
- (5) *City.* The City of Seguin, Guadalupe County, Texas.
 - (6) *City Attorney.* A licensed attorney employed or designated by the City of Seguin to provide legal services for and in behalf of the City.
 - (7) *City Council.* The words "City Council" shall refer to the City Council of the City of Seguin, Texas.
 - (8) *City engineer.* A registered professional engineer employed or designated by the City of Seguin to provide professional engineering services for and in behalf of the City.
 - (9) *City standards.* As referred to in this ordinance, shall mean the City's standards and specifications, together with all tables, drawings, and other attachments hereinafter approved by the Council, and those standards so approved shall become a part of this ordinance.

- (10) *Cluster development.* A method of development for land that permits variation in lot sizes without an increase in the overall density of population or development. See "Subdivision, cluster."
- (11) *Commission.* The planning commission of the City of Seguin, Guadalupe County, Texas.
- (12) *Comprehensive plan.* The comprehensive plan of the City of Seguin and includes any unit or a part of such unit separately adopted and any amendment to such plan or parts thereof.
- (13) *Condominium.* A multifamily dwelling unit, within which designated units or apartments are conveyed, [in] fee simple title, with an undivided interest in the building's common elements, to include but not be limited to halls, stairs, elevators, roof parking space, and the land when the building is not constructed on leased land.
- (14) *Construction plans.* The drawings and technical specifications, including bid documents and contract conditions, where applicable, providing a graphic and written description of the character and scope of the work to be performed in construction of a subdivision.
- (15) *Council.* The City Council of the City of Seguin, Guadalupe County, Texas.
- (16) *Crosswalk way.* A public right-of-way, six feet or more in width between property lines, which provides pedestrian circulation.
- (17) *Cul-de-sac.* A short, minor street having but one outlet to another street and terminating on the opposite end by a vehicular turnaround.

- (18) *Dead-end street.* A street, other than a cul-de-sac, with only one outlet.
- (19) *Decorative street light.* Shall include any light standard or fixture which is not of a type normally stocked by the City Electric Department.
- (20) *Density.* The number of dwelling units per gross acre of subdivision, excluding any areas that are nonresidential in use.
- (21) *Developer.* An individual, partnership, corporation or governmental entity undertaking the subdivision or improvement of land and other activities covered by these regulations, including the preparation of a subdivision plat showing the layout of the land and the public improvements involved therein. The term "developer" is intended to include the term "subdivider" even though personnel in successive stages of a project may vary.
- (22) *Development.* The construction of one or more new buildings or structures on one or more building lots, the moving of an existing building to another lot, or the use of open land for a new use. "To develop" shall mean to create development.
- (23) *Director of Planning.* The duly authorized employee or representative of the City in charge of the planning function for the City and charged with implementation and enforcement of the subdivision, zoning and other growth-related ordinances.
- (24) *Director of Public Works.* The duly authorized employee or representative of the City in charge of the Street Department, Water Department, Sewer Department, or a combination of such departments of the City.
- (24.5) *Drainage facilities.* Storm drainage facilities are hereby defined as being all parts of a drainage system, consisting of

streets, alleys, storm sewers, channels, culverts, bridges, swales, detention or retention facilities, and any other feature which stormwater flows over or through.

(Ord. No. 06-54, 9-5-06)

- (25) *Easement*. An interest in land granted to the City, to the public generally, and/or to a private utility corporation.
- (26) *Engineer*. A person duly authorized under the provisions of the Texas Engineering Registration Act, as heretofore or hereafter amended, to practice the profession of engineering.
- (27) *Extraterritorial jurisdiction*. The unincorporated area, not a part of any other city, which is contiguous to the corporate limits of the City of Seguin, the outer limits of which are measured from the extremities of the corporate limits of the City outward for such distances as may be stipulated in the Texas Municipal Annexation Act in accordance with the total population of the incorporated city, and in which area, within the terms of the act, the City may enjoin the violation of its subdivision ordinance.
- (28) *Final plat*. The plat submitted for final approval, and which shall be prepared and submitted in accordance with this ordinance.
- (29) *Floodplain*. Any and all land area adjoining the channel of a river, stream, lake, watercourse, marshy area or other drainage element, which has been or may be inundated by stormwater runoff. The extent of the floodplain shall be determined by the crest of a flood having an average frequency of occurrence of once in 100 years, as established by the Federal Insurance Administration.
- (30) *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 one foot.

- (31) *General plan.* The "general plan" shall be the official plan for the physical development of the City of Seguin and includes any unit, element or part of such plan separately adopted and any amendment to such plan or parts thereof.

- (32) *Lot.* An undivided tract or parcel of land having frontage on a public street or an approved open space having direct street access and which is, or in the future may be, offered for sale, conveyance, transfer or improvement, which is designated as a distinct and separate tract, and which is identified by a tract, or lot number, or symbol in a duly approved subdivision plat which has been properly filed of record.
 - (a) *Lot depth.* The length of a line connecting the midpoints of the front and rear lot lines.

 - (b) *Lot, double-frontage.* Any lot, not a corner lot, with frontage on two streets which are parallel to each other or within 45 degrees of being parallel to each other.

 - (c) *Lot frontage.* The length of street frontage between property lines.

 - (d) *Lot, irregular.* Any lot not having equal front and rear lot lines, or equal side lot lines; a lot, the opposite lot lines of which vary in dimension and the corners of which have an angle of either more or less than 90 degrees.

 - (e) *Lot width.* The shortest average distance between the side lot lines, which is normally that distance

measured along a straight line connecting the midpoint of the two side lot lines.

- (33) *Master plan, subdivision.* The first or introductory plan of a proposed subdivision, in such case where the developer intends to develop and record only an individual portion of said subdivision, and which exhibits the proposed successive order of development of the balance of the subdivision.
- (34) *Minor plat.* A plat involving four or fewer lots fronting on an existing street and not requiring the creation of any new streets or the extension of municipal facilities.
- (35) *Mobile home.* A movable or portable dwelling constructed to be towed by a motor vehicle on its own chassis over Texas roads and highways, connected to utilities, and designed without a permanent foundation for year-around living. It may consist of one or more units that can be telescoped when towed and extended later for additional capacity, or two or more units separately towable but designed to be joined into one integral unit.
- (36) *Mobile home subdivision.* The division of land as the term "subdivision" is defined in this ordinance for the purpose of mobile home occupancy. A mobile home subdivision shall consist of not less than three acres and 20 approved mobile home lots.
- (37) *Open space.* Private property under common ownership designated for recreational area, private park (for use of property owners, within the subdivision), play lot area, plaza area, building setbacks (other than those normally required), and ornamental areas open to the general view within the subdivision. Open space does not include streets, alleys, utility easements, public parks or required setbacks.

- (38) *Park*. Land dedicated to, or purchased by, the City for the purpose of providing public recreational and/or open areas.
- (39) *Pavement width*. The portion of a street available for vehicular traffic; where curbs are laid, it is the portion between the face of curbs.
- (40) *Person*. Any individual, association, firm, corporation, governmental agency or political subdivision.
- (41) *Planned industrial district or industrial park*. A tract of land which is subdivided and developed for the use of a community or variety of industrial land uses, with streets, railroad tracks (if applicable), and utilities before sites are sold to prospective occupants.
- (42) *Planned unit development*. A subdivision that consists of a variety of land use types, incorporating a single or a variety of types of residential dwelling units, and/or compatible commercial and industrial land uses, public land uses, and common open space and recreational areas, adequate to service the needs of the tract when fully developed and populated, and which is to be developed as a single entity, under unified control.
- (43) *Planning Commission*. The "Planning Commission" is the City Planning Commission of the City of Seguin, Texas.
- (44) *Plat*. A map, drawing, chart or plan showing the exact layout and proposed construction of a proposed subdivision into lots, blocks, streets, parks, school sites, commercial or industrial sites, drainageways, easements, alleys and/or any other elements as required by this ordinance, and which a subdivider shall submit for approval in accordance with this ordinance.

- (45) *Plat, final.* A plat that has been submitted and approved in preliminary form, has been corrected by the applicant, has conformed to all of the provisions of this ordinance, and is ready for final review of the Planning Commission.
- (46) *Plat, minor.* A plat involving four or fewer lots fronting on an existing street and not requiring the creation of any new streets or the extension of municipal facilities.
- (47) *Plat, preliminary.* A plat that is submitted to the Commission for its review of the concept and performance of the subdivision as related to the provisions of this ordinance. The preliminary plan and the review thereof are intended to produce a subdivision design in which all planning factors are recognized and reconciled, prior to submission of the final plat.
- (48) *Plat revision, replat, resubdivide.* A plat vacating an existing subdivision in lieu of a new pattern of development; the subdivision of an existing or duly recorded lot or lots, the combining of two or more lots to create one lot, or the subdividing of an existing platted but undeveloped subdivision into a new pattern of lots and blocks.
- (49) *Plat amendment.* A minor change of an existing subdivision to a lot line or setback contained within. No new lots are created, existing lots are combined or the size of any one lot substantially increased.
- (50) *Preliminary approval.* Approval expressed by the Commission as to the arrangement and approximate size of streets, alleys, parks, reserves, easements, blocks and lots indicated on a preliminary plat.
- (51) *Private sewage facilities.* Septic tanks, pit privies, cesspools, sewage holding

tanks, injection wells used to dispose of sewage, chemical toilets, treatment tanks and all other facilities, systems and methods used for the disposal of sewage other than disposal systems operated under a waste discharge permit issued by the State of Texas.

- (52) *Public right-of-way.* A strip of land used or intended to be used, wholly or in part, as a public street, alley, crosswalk way, sidewalk or drainageway.
- (53) *Reserve strip.* A privately owned strip of land, normally one foot in depth, adjacent to a public right-of-way or easement preventing the extension of said right-of-way or easement without the expressed consent of the owner.
- (54) *Residential use.* The term "residential use" shall be construed to include single-family residential uses, two-family uses, and multifamily (apartment, townhouse or condominium) uses.
- (55) *Shall/may.* The word "shall" is always mandatory, while the word "may" is merely permissive.
- (56) *Sidewalk.* A paved pedestrian way generally located within public street right-of-way, but outside the roadway, and built in accordance with city specifications.
- (57) *Steep slope.* Areas that contain slopes over 15 percent grade and are characterized by increased runoff, erosion and sediment hazards.
- (58) *Street.* A public right-of-way which provides primary vehicular access to adjacent land, whether designated as a street, highway, thoroughfare, parkway, throughway, avenue, lane, boulevard, road, place, drive or however otherwise designated.

- (a) *Street, arterial.* A thoroughfare designated as a freeway, expressway, major arterial or minor arterial in the most recently adopted city thoroughfare plan. The primary function of an arterial is to carry traffic through the city, and (an arterial) is designed for as high a speed as possible, to carry as much traffic as possible. Also known as a major thoroughfare.
- (b) *Street, collector.* A street that primarily carries traffic from local or residential streets to major thoroughfares and highways, including the principal entrance streets for circulation to schools, parks and other community facilities within such a development, and also including all streets which carry traffic through or adjacent to commercial or industrial areas.
- (c) *Street, local or residential.* A street that is used primarily for access to abutting residential property and circulation of traffic within residential neighborhoods. It is of a width and design to discourage through traffic, thereby protecting the residential area. A local street serves the same purpose in a commercial or industrial district.
- (d) *Street, frontage.* A local street lying parallel to and adjoining a major street right-of-way, which provides access to abutting properties.
- (e) *Street, marginal access.* A street which is parallel and adjacent to an arterial street and which primarily provides vehicular access to abutting properties and protection from through traffic.

- (f) *Street, private or service drive.* A vehicular accessway under private ownership and maintenance that has not been dedicated to the city and accepted by the city.
- (g) *Cul-de-sac.* A short public street having but one opening or access to another public street and which is terminated by a permanent vehicular turnaround.
- (h) *Dead-end.* That portion of a public street that initially has only one opening or access to another public street, and which will be extended at a later date.
- (59) *Structure.* That which is built or constructed, an edifice or building of any kind or any piece of work built up or composed of parts joined together in some definite manner.
- (60) *Subdivider.* Any person or any agent thereof dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term "subdivider" shall be restricted to include only the owner, equitable owner, or authorized agent of such owner or equitable owner, of land to be subdivided.
- (61) *Subdivision.* The division of any tract or parcel of land into two or more parcels or lots, and the assembly of parcels or lots into one parcel or lot for the purpose, whether immediate or future, of sale or building development, expressly excluding parcels or lots divided or combined for the production of agricultural products not to be produced within a building. "Subdivision" shall also mean resubdivision and any change of lot size or lot lines or the relocation of any street.

- (62) *Subdivision, cluster.* A subdivision in which a portion of the land is set aside for one or more permanent usable open space tracts through reductions in lot sizes, as may be allowed by the provisions of the adopted ordinances of the City of Seguin.
- (63) *Surveyor.* A licensed state land surveyor or a registered public surveyor, as authorized by the state statutes to practice the profession of surveying.
- (64) *Thoroughfare plan.* Street plan which is part of the comprehensive plan of the City of Seguin.
- (65) *Townhouse or row house.* One of a group of no less than three nor more than eight adjoining single-family dwelling units sharing a common wall with one or more of said adjoining dwelling units, each dwelling unit located on a separate lot.
- (66) *Wastewater service.* The collection of waste-bearing water that requires treatment prior to its return to nature and the system of pipes and equipment used to collect and transmit this water to treatment facilities; also called sanitary sewer service.
- (a) *Sewerage system, public.* A system designed for the wastewater collection, treatment and disposal that is wholly owned and operated by the City of Seguin or any other legally incorporated town or city.
- (b) *Sewerage disposal system, individual private.* Any system designed to provide onsite treatment and disposal of sewage flows from individual residences, duplexes, businesses or any other buildings. The system may be anaerobic, e.g., a septic transpiration bed, or other. The system must not require a permit from the Texas Department of Water Resources.

(67) *Yard.* A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from the general ground level of the graded lot upward; provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments, and furniture are not deemed to be obstructions if height limitations and requirements limiting obstruction of visibility are observed.

**ARTICLE III. PLAT SUBMITTAL, PROCEDURE, CONDITIONS
FOR APPROVAL AND RECORDING***

Section 1. Administrative procedure.

- (1) *Preliminary plat submission.* All persons desiring to subdivide land within the area of jurisdiction of this ordinance shall first prepare and submit to the Director of Planning and then to the City Planning and Zoning Commission, not less than fifteen days prior to any meeting at which the plat is to be considered, a complete preliminary plat, including all required information in accordance with the following:
- (a) Twelve blackline or blue-line copies of the preliminary plat as hereinafter described. Where the preliminary plat herein required does not encompass all land owned by the subdivider, an overall development concept shall also be submitted. Such overall development concept shall be sufficiently detailed to depict general land usage contemplated, internal circulation patterns and utility and storm drainage system extensions.
 - (b) Two blackline or blue-line prints of the proposed utility and drainage system extensions. Topographic contours at intervals of not more than one foot shall be shown on plats as determined from United States Geological Survey datum.

(Ord. 06-54, 9-5-06)

*Charter reference - Platting § 9.02.

- (c) A letter of transmittal giving the name and address of the owner or agent and the person or firm who prepared the plat concept.
- (d) A check payable to the City in the amount specified by the City's current fee schedule for plat submissions, as established by the City Council and set forth in Appendix C of the City of Seguin Code of Ordinances. Such fee is nonrefundable.

(Ord. No. 96-21, 4-2-96)

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

- (e) In cases where public streets, alleys, or easements are proposed to be platted across private easement or fee strips, a copy of the instrument establishing such private easement or fee strip shall be submitted. Where a private easement has no defined location, agreement on a defined easement must be reached before submission of the final plat.
- (f) A copy of any private restrictions (covenants) proposed to be recorded with the final plat shall be submitted for review and comments and concurrence by the Planning Commission. Such restrictions shall be prepared on standard sheets of 8 ½ inches by 11 inches.

(2) *Approval of preliminary plat.*

- (a) Upon receipt of the preliminary plat by the Director of Planning, the Planning Commission shall render a decision within 30 days after the date the plat is received.

The Director of Planning shall make sure that all interested parties, including other governmental entities, and public utilities, shall review the plat and utility layout for the purpose of determining their conformity with this ordinance and applicable city standards, giving

consideration to sound engineering practices and design criteria.

The Director of Planning shall present the preliminary plat data to the Planning Commission with any recommendations as to modifications, additions or alterations of the plat data, or of the preliminary street and utility drawings.

- (b) When a preliminary plat has been approved, the subdivider may thereafter file a final plat of sections of the proposed subdivision upon which approval of the preliminary plan has been obtained, and upon the filing of a final plat covering a portion of such subdivision, the remainder of the preliminary plat shall be deemed as considered approved; provided, however, that such approval of the remainder of the preliminary plat shall be limited to a three-year period from the date of final approval of a section or sections thereof; provided further, however, that the Planning Commission may, upon application and at its discretion, extend such period of validity not to exceed two years. When a preliminary plat has been approved and thereafter the subdivider fails to file a final plat of the subdivision or a section thereof within a period of two years, the approval of the preliminary plat shall be void; except, however, the Planning Commission may, upon application and at its discretion, extend such period of validity not to exceed one additional year.

(3) *Submission of final plat.*

- (a) After the foregoing procedure has been complied with, but prior to the filing of the plat with the County Clerk for record, the subdivider shall prepare and submit to the Director of Planning and then to the City Planning and Zoning Commission, not less than fifteen (15) days prior to any meeting at which the plat is to be considered, a complete final plat, including all required information in accordance with the following:

(1) The original, a reproducible copy and 12 copies of a final plat, the requirements of which are hereinafter set forth, and certified by a surveyor registered by the State of Texas. All final plats must be in full accordance with the required certification made upon the plat by a land surveyor ascertaining that the plat represents a survey made by him and that all necessary monuments are accurately and correctly shown. The surveyor shall place such monuments as required by the city, and they shall be set at all corners and angle points of the boundaries of the original tract to be subdivided. Such monuments shall be of steel not less than three-quarters of an inch in diameter and three feet in length, driven securely into solid earth, and shall have a concrete collar not less than three inches in diameter and six inches in length. The top of such steel and concrete collar shall be at the same grade as the established sidewalk, or, if the sidewalk is not established, flush with natural grade.

(Ord. No. 06-54, 9-5-06)

(2) Tax certificates shall accompany the plat, indicating that all taxes have been paid.

(3) A check payable to the City in the amount specified by the City's current fee schedule for plat submissions, as established by the City Council and set forth in Appendix C in the City of Seguin Code of Ordinances. Such fee is nonrefundable.

(Ord. No. 96-21, 4-2-96)

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

No plat shall be endorsed and recorded until all City liens on the respective property are paid in full.

(Ord. No. 99-40, 6-1-99)

- (4) A certificate or letter from a title guaranty company or from an attorney duly licensed to practice law in the State of Texas certifying the following concerning title to the land:
 - (i) A statement of record examined and date of examination;
 - (ii) Description of the property in question by metes and bounds;
 - (iii) Name of the fee owner as of the date of examination and the date, file number and volume and page of the recording of the deed involved;
 - (iv) The name of any lienholder, together with the date and amount of the instrument and volume and page of such lien; and
 - (v) A general description of any easements or fee strips granted, along with the file number, date of filing and volume and page of recording.

- (5) Where an easement or right-of-way within the property being subdivided is crossed by a proposed street or alley, a signed copy of the instrument granting to the public the use of said public streets, alleys, or easements over and across said easements or right-of-way for construction, operation, and maintenance of those public facilities normally using the type of public streets, alleys, and easements indicated. The subdivider shall assume the responsibility for any modifications and/or protections of any improvements or facilities within the easement or right-of-way. The original instrument shall be recorded along with the final plat.

- (6) The final plat shall be in accordance with all requirements of Section 2 of this article and shall have all required certifications and dedications as specified in Article VI of this ordinance.

(4) *Approval of final plat.*

- (a) The final plat and other required information after proper Article V. endorsement by all parties required herein and certification by the City Engineer as to compliance with the provisions of this ordinance and the conditions imposed for approval, shall be submitted to the Planning Commission through the Director of Planning for final approval. The Planning Commission shall approve or disapprove the plat within 30 days after the final plat is formally filed with the Director of Planning.
- (b) Upon receipt of the final plat and other required information, said plat being otherwise fully and properly endorsed and in compliance with provisions of this ordinance and conditions imposed for its approval and certified by the City Engineer to be in compliance, the Chairman of the Planning Commission shall sign the plat in the spaces provided.

(5) *Recording of final plat.*

- (a) After proper endorsements have been obtained and all requirements of this ordinance have otherwise been complied with, the plat, and all other instruments which may be required to be recorded (including a reproducible copy), shall be submitted to the Director of Planning for recording with the County Clerk, recording fees for such to be at the developer's expense (which are included in the plat submittal fee). No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision or to any required instrument after endorsement by the Planning Commission, unless such change, modification, or revision is first submitted to and approved by the Planning Commission.
- (b) Any subordinate agreement concerning any lien or liens against the property being subdivided shall be recorded in the Deed of Records of Guadalupe County, Texas, concurrent with the recording of the final plat with the County Clerk.

(6) *Approval of minor plats.*

The Planning Director of the city is authorized to approve and may approve minor plats involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities. Said approval by the Planning Director shall be in lieu of the procedures set forth in Subsection (2) (Approval of preliminary plat), Subsection (4) (Approval of final plat) above. The Planning Director shall not disapprove a plat submitted under this subsection and shall be required to refer any plat which he refuses to approve to the Planning Commission within all time periods specified herein.

Minor plats must be submitted along with a check payable to the City in the amount specified by the City's current fee schedule for plat submissions, as established by the City Council and set forth in Appendix C in the City of Seguin Code of Ordinances. Such fee is nonrefundable.
(Ord. No. 96-21, 4-2-96)

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

(7) *Beginning of construction.*

No construction or earthwork development shall begin on any subdivision until the final plat has been approved by the Planning Commission and recorded with the County Clerk. If a developer wishes to begin earthwork or construction before the final plat is approved, a formal agreement between the City and Developer shall be executed, defining the requirements of construction.
(Ord. No. 06-54, 9-5-06)

Section 2. Technical requirements.

- (1) *Preliminary plat requirements.* The preliminary plat shall be prepared at a scale of a minimum of one inch equals 100 feet on a sheet of a minimum of 17 inches by 24 inches and shall include the following information and data:

- (a) Title or name of the subdivision.
- (b) Names and addresses of owner(s) and/or subdivider(s).
- (c) Names and addresses of persons or firm preparing plat.
- (d) North arrow, date and scale.
- (e) Key map showing location of subdivision in relation to existing streets and highways and original survey lines.
- (f) Acreage within subdivision and the total number of lots.
- (g) Boundary of the subdivision, with approximate bearings and distance.
- (h) Topographic contours at intervals of not more than one foot shall be shown on plats as determined from United States Geological Survey datum.
(Ord. No. 06-54, 9-5-06)
- (i) The size and location of all existing utilities, natural water or drainage courses, streets, lots and easements within the subdivision.
- (j) The size and location of all existing utilities, streets, easements and watercourses and the name and adjacent boundary location of all subdivisions within 200 feet of the boundaries of the subdivision.
- (k) The location of floodplain as defined by this ordinance.
- (l) All proposed blocks, lots, alleys, streets, easements, purposes thereof, drainage or watercourses, recreational areas, and building lines shall be shown with approximate dimensions.
- (m) Proposed uses of the land within the subdivision.
- (n) Street names and lot and block numbers.
- (2) *Final plat requirements.* The final plat shall be prepared at a scale of one inch equals 100 feet on a sheet of 17 inches by 24 inches and shall include the following information and data:

- (a) The name of the subdivision; name and addresses of owners and/or subdividers; and the name and address of engineer, person or persons responsible for preparing the plat.
- (b) North arrow and scale and key map.
- (c) All lots, blocks, streets, alleys, pipelines, watercourses, easements, rights-of-way, reserves and total area, number of lots and number of blocks.
- (d) Street names, lot numbers, block numbers, and alphabetical identification of reserves.
 - (1) Blocks are to be numbered consecutively within the overall plat, or sections of an overall plat as recorded.
 - (2) All lots are to be numbered consecutively within each block. Lot numbering may be cumulative throughout the subdivision if the numbering continues from block to block in a uniform manner that has been approved on an overall preliminary plat.
 - (3) Reserves (land to be used for other than residential purposes) are to be labeled A, B, C, etc., rather than numbered as blocks and lots.
- (e) Building lines (building setback lines).
- (f) Accurate dimensions, both linear and angular, of all items on the plat. Linear dimensions shall be expressed in feet and decimals of a foot; angular dimensions may be shown by bearing.
 - (1) The dimensions of streets and alleys shall include complete curve data (P.C., L.R., P.R.C., P.T.), shown on each side of streets and alleys; length and bearings of all tangents; distances from all angle points and points of curve to an adjacent side lot line; and the width, measured at right angles or radially where curved.
 - (2) The dimensions of lot shall include complete bearings and distances for front, rear, and side

lot lines. The following note for side lot lines may be used in lieu of bearings: "All side lot lines are either perpendicular or radial to street frontage unless otherwise noted."

- (g) Watercourses and easements:
 - (1) Distances to be provided along the side lot lines from the front lot line to the point where the side line crosses the drainage easement line or the high bank or stream.
 - (2) Traverse lines shall be provided along the edge of all large watercourses in a convenient location, preferably along a utility easement if paralleling the drainage easement of a stream.
- (h) Pipelines having no defined easement location or width shall be tied by dimensions to all adjacent lot and tract corners. If no agreement can be reached on a defined easement, then building lines shall be shown at a distance of ten feet from the parallel to the centerline of the pipeline.
- (i) Ownership or outline of the tract or tracts the plat is proposed to subdivide shall be shown with very heavy, solid lines. The boundaries of the plat shall be described with complete and overall dimensions and bearings and be tied to an original corner of the original survey of which the subdivision is a part.
- (j) The location, width, and name of existing streets and subdivisions or property ownerships and the location and dimensions of existing lots, easements, rights-of-way, pipelines, fee strips, survey lines, building lines, watercourses, or other important information shall be shown on all sides of the subdivision for a distance of not less than 200 feet. The lines of such indication beyond the plat boundary shall be dashed.
- (k) All certification statements, dedication restrictions and other inscriptions as required by this ordinance.

In addition to the above information and data, a separate legal description of the plat shall be prepared. The boundary description shall close within one in 10,000 (1:10,000) and shall bear the date of

preparation or revision and the name and address of the engineer, or surveyor responsible for its preparation.

- (3) *Engineering plans and specifications requirements.*
Complete and detailed construction plans, prepared on standard sheets of 24 inches by 36 inches, and written specifications indicating the method of construction and the materials to be used shall be submitted for:
- (a) The water distribution system, showing the size and location of all existing and proposed water mains, service lines, valves, fire hydrants, and all other water distribution appurtenances within the proposed subdivision, as well as the location and method of connecting the proposed water lines, water mains, and water services to the City's existing system.
 - (b) The sanitary sewer system, showing, by plan and profile, the size, location, and the gradient of all existing and proposed sanitary trunk lines, laterals, manholes, and service within the proposed subdivision and the location [and] the method of connecting the proposed sewer system into the existing sanitary sewer system or the proposed location, type, capacity and schematic of operation of a temporary treatment plant.
 - (c) The stormwater drainage system, showing, by plans and profile, the means and methods of draining the proposed subdivision, showing in detail all existing and proposed drainage structures and the means and method of connecting the proposed drainage system into the City's existing drainage system, and the means and methods of sediment control shall be shown.
 - (1) The construction plans shall include a general location map of the property showing the watershed and the limits of all on-site and off-site storm water draining to the project.
 - (2) The construction plans shall include calculations showing the anticipated storm water flow, including watershed area, percent runoff, runoff factors, storm intensity and time of concentration showing basis for design.
 - (3) The construction plans shall include a plan and profile of proposed storm sewers or channels, showing stationing, hydraulic data, pipe grades and sizes,

manholes, inlets, pipe connections, outlet structures, etc.

(4) The construction plans shall include a detailed plan for any bridges, catch basins, any other drainage structures or any other improvements to be made and shall include the following:

- (i) The open channel or storm drain grades, design flow, design velocity, capacity and hydraulic gradeline.
- (ii) A plan and profile of all culverts under any street with the design flow of water, headwater and tail water depth and tail water velocity.
- (iii) The size of all driveway culverts to carry the design flow of water at each point of installation.
- (iv) Typical ditch sections and the width of any right-of-way or easement needed.
- (v) A summary sheet of all drainage facilities.
- (vi) The seal and signature of the Licensed Professional Engineer responsible for the design.

(Ord. No. 06-54, 9-5-06)

- (d) All proposed bridges or culverts within the proposed subdivision, showing in detail, by plan and/or profile, the structural members, connectors, railings, approaches, reinforcing steel and deck.
- (e) All existing and proposed streets and alleys within the proposed subdivision, showing by plans and profiles the width of the rights-of-way; the widths of the proposed roadway; the gradient of all curblines, the location and size of all drainage inlets; and the type of pavement.
- (f) The electrical distribution system showing by plan the location, and size of all lines, transformers and other appurtenances within the proposed subdivision and the location and method of connecting the proposed electrical system into the existing electrical distribution system.
- (g) The street lighting system showing by plan the size, type and location of all street light standards, fixtures, and lamps and other appurtenances. Plans shall also show the location and method of connecting the proposed street light electric service system into the existing or proposed city utility distribution system.

(h) The plans and specifications indicated by subsections (a) through (g) above shall be approved by the City Engineer and such approval indicated in writing along with his signature before the Planning Commission shall endorse the plat and permit the plat to be recorded.

(Ord. No. 94-46, 11-15-94)

(i) Proposed finished grades shall be shown on final drawings and submitted to the City Engineer. (Ord. No. 05-61, 11-15-05)

(j) One set of reproducible "as built" plans shall be submitted to the City Engineer and shall be certified by the engineer of record for the project. (Ord. No. 05-61, 11-15-05)

ARTICLE IV. SUBDIVISION DESIGN REQUIREMENTS

Section 1. General principles of acceptability.

(1) The subdivision shall conform to the City of Seguin General Plan. The subdivision layout shall be in accordance with existing easements, rights-of-way, restrictions and conditions.

(2) The subdivision layout shall make reasonable provisions for development of adjacent land.

Section 2. Streets - General design standards.

(1) The street pattern shall provide for adequate circulation within the subdivision and in a manner so as to discourage excessive through traffic on minor streets. The arrangement, character, extent, width, grade, and location of all streets shall conform to the general plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public safety and convenience, and in their appropriate relation to the proposed uses of the land to be served by such streets. If any portion of a collector or major street, as depicted by the City's general plan, traverses any part of the land being subdivided, that portion of the major or collector street as planned shall be incorporated into the subdivision plan.

(2) The street layout shall be devised for the most advantageous development of the entire subdivision and shall conform to connecting streets in land adjacent to the new subdivision. Provision shall be made

within the subdivision to provide street access to adjacent undeveloped acreage in such a way as to assure adequate circulation for future development. Dead-end streets and those which do not conform to adjacent established streets are to be avoided whenever possible.

- (3) Paved alleys shall be provided, except where other definite and assured provision is made for service access.
- (4) The street system layout shall be designed (insofar as practicable) to preserve natural features such as vegetation, creeks, views, and related amenities.
- (5) Industrial, commercial, and collector streets shall have a minimum right-of-way width of 60 feet. All minor residential streets shall have a minimum right-of-way width of 50 feet. Exceptions may be granted and/or required by the Planning Commission of a lesser or greater width in townhouse or cluster developments. Major thoroughfares depicted by the City's general plan, or revisions thereto, having a right-of-way width greater than 60 feet shall be deemed a requisite of platting and shall be subject to dedication with approval of the plat. Alleys, where provided, shall not be less than 20 feet in width. Intersecting alleys shall have corner cutoffs of at least 20 feet on a side. Alleys with only one point of access shall have either a turnaround with a minimum radius of 20 feet at their closed ends or an alternate means of turnaround within dedicated right-of-way.
- (6) Curves in major streets are to have a minimum centerline of 2,000 feet unless specific exception to this standard is granted by the City Engineer. Reverse curves are to be separated by a minimum tangent of 100 feet. Reverse curves in minor residential streets shall have a minimum centerline radius of 300 feet. Collector streets shall have a minimum centerline radius of 600 feet. Minimum tangent between points of curvature in minor and collector streets shall be 25 feet and 50 feet, respectively.
- (7) All streets shall intersect at an angle of substantially 90 degrees and shall not have a

centerline offset of less than 125 feet. Acute angle intersections approved by the Planning Commission shall have a minimum radius of 30 feet.

- (8) Cul-de-sac streets shall have a minimum of right-of-way radius of 50 feet for single-family use and 60 feet for apartment, commercial, or other uses. Maximum length of cul-de-sac streets shall be:
- (a) Eight hundred feet for single-family development.
 - (b) Five hundred feet for multi-family and commercial developments.
- (9) Partial or half streets should be avoided, but may be provided where the Planning Commission finds that such a portion of a future street is needed in order to permit reasonable development. Any such dedication of a partial or half street shall require the following note on the final plat:

"The partial street indicated is temporarily dedicated as an easement for all utility purposes, including storm and sanitary sewers, and shall automatically become dedicated for street purposes when and insofar as the remainder of the necessary right-of-way adjacent to it is dedicated for street purposes."

Whenever a partial or half street has already been provided adjacent to a tract to be subdivided, the remaining half or width necessary to meet the minimum requirements for full right-of-way shall be platted within such subdivision.

- (10) A provisional one-foot reserve may be used along the side or end of streets and along the side or [of] partial or half streets that abut undeveloped acreage tracts; when used, the following note shall be shown on the face of the final plat:

"A one-foot strip is reserved as a buffer separation along and between the side or end of all streets in this subdivision plat where such streets abut adjacent tracts. At such time as the adjacent property is subdivided into a recorded plat, the one-foot reserves at such locations that abut land in adjoining tracts that has been dedicated to the public for street

right-of-way purposes and is shown for such purpose on a recorded plat shall thereupon become vested in the public for street right-of-way purposes."

- (11) The names of proposed streets shall conform to the names of existing streets of which they are or may become extensions, and shall not duplicate or conflict with the recognized name of any other street located within the city or its area of extraterritorial jurisdiction.
- (12) Sidewalks shall be provided along both sides of all streets within the subdivision.
- (13) Access from arterials, collectors and state highways shall be approved by the City Engineer and shall be in accordance with generally accepted traffic management guidelines. The City Engineer may, at his or her discretion, require a traffic impact analysis from a bona fide transportation engineer at the subdivider's expense. (Ord. No. 05-61, 11-15-05)

Section 3. Easements.

- (1) Where conditions require, there shall be provided an adequate stormwater drainage easement. Where such easement is adjacent to lots, tracts, or reserves, the easement shall be noted on the final plat as follows:

"The easement indicated shall be kept clear of fences, buildings, planting, and other obstructions to the operation and maintenance of the drainage facility, and abutting property shall not be permitted to drain into this easement except by approved means."
- (2) The location and width of necessary public utility easement shall be determined by the City Engineer, or, in the instance of private utilities, by the private utility company concerned.
- (3) Where necessary, adequate easements shall be provided for underground street lighting service lines. The location and width of easements shall be determined by the City Engineer.

Section 4. Blocks and lots.

- (1) *Block length.*
 - (a) The maximum block length for single-family residential development shall be 1,200 feet.
 - (b) The maximum block length along a railroad, body of water, or similar barrier shall be 2,400 feet, except under special conditions and upon approval by the Planning Commission.
- (2) *Lot size.*
 - (a) Lot sizes shall be prescribed under the designated zoning district as established in the City of Seguin Zoning Ordinance No. 884 adopted April 15, 1989.
 - (b) General.
 - (1) Rear and side driveway access to major, thoroughfares or expressways shall be prohibited.
 - (2) Double-frontage lots are prohibited except when they back on major thoroughfares.
- (3) *Platting related to floodplains.*
 - (a) Lots platted for residential use shall not be platted within the area defined by the 100-year floodplain unless restricted in the private restrictions to be recorded with the plat so as to prohibit the use of any structure for residential purpose unless all such structures are constructed so that the finished grade of the lower floor thereof is not less than one foot in elevation above the elevation of the 100-year floodplain established by the U.S. Corps of Engineers. The platting of any land within the 100-year floodplain shall be in compliance with applicable provisions of the National Flood Insurance Act of 1968, as amended.
 - (b) Lots platted for recreational, commercial, or industrial purposes in tracts of one acre or more may be platted in the 100-year floodplain if the City Engineer finds that such subdivision would not increase the flood potential of this area or adjacent

areas and such platting is in compliance with applicable provisions of the National Flood Insurance Act of 1968, as amended.

- (c) Notwithstanding the above, platting may be allowed within the defined floodplain if drainage facilities are provided which are adequate to assure that inundation will not occur and such facilities are in compliance with design criteria set forth in Article V, Section 4 of this ordinance and applicable provisions of the National Flood Insurance Act of 1968, as amended.

Section 5. Building setback lines.

- (1) Building setback lines shall be prescribed under the designated zoning district as established in the City of Seguin Ordinance No. 884 adopted April 15, 1989.
- (2) Where, in the application of building setback line provisions, the common lot line of adjoining lots is intersected by two building setback lines having an offset greater than five feet, a transition building setback line connecting the two building setback lines shall be provided. The exterior angle between the building setback line and the transition building line shall not exceed 45 degrees.

Section 6. Private drives.

Private driveways on any commercial, multifamily, apartment, or condominium lot shall have a minimum width of 25 feet.

Section 7. Zero lot line subdivisions.

- (1) *Requirements.* The plat of the requested area shall incorporate the requirements as follows:
 - (a) Zero lot line homes will be uniformly located on the same side of the lot within a street block.
 - (b) Zero lot line homes shall have no windows or doors on the side of the house which abuts the property line.

- (c) No area shall be platted that contains less than five adjoining lots on each street.
- (d) The entire frontage of one side of the street in the block must be included in the subdivision.
- (2) *Area regulations for zero lot line construction.*
 - (a) *Front yard setback.* The front yard setback for garden homes is set at a minimum of 20 feet.
 - (b) *Side yard setback.* The building may be constructed with a zero side yard on one side and a side yard of not less than ten feet on the other side. This ten-foot side yard shall extend the full depth of the lot. Five feet of the property that abuts the zero property line shall be designated as a maintenance easement. This easement shall extend the depth of the lot. Exceptions are permitted so that the end houses of the row will have a ten-foot side yard clearance from the street right-of-way. Under no circumstances will the clearance between the houses be less than ten feet.
 - (c) *Rear yard setback.* There shall be a rear yard having a depth of not less than ten feet.
 - (d) *Area of lot.* The minimum width of the lot shall be 40 feet.
 - (e) *Minimum depth of lot.* The minimum depth of the lot shall be 85 feet.
 - (f) *Parking regulations.* A minimum of two off-street parking spaces per dwelling unit shall be provided for each residence.
 - (g) *Access to parking.* A 20-foot in width concrete alley must be provided for ingress and egress to all rear garages.
 - (h) *Accessory buildings.* No accessory building, as permitted herein, shall occupy more than 40 percent of the required rear yard. Accessory buildings shall be set back three feet from the rear property line; provided, however, that where

the rear lot line is the line of an alley 20 feet or more in width no setback shall be required. No accessory building may be closer than ten feet to the main building in the rear yard. Accessory buildings shall not be allowed in front or side yards. Accessory buildings may be located on the same side lot line as the home.

Section 8. Parkland Dedication.

(1) Purpose.

This Chapter provides for the establishment of parkland dedication policies for subdivision development within the City Limit of Seguin, Texas or its extraterritorial jurisdiction, including but not limited to requirements for and procedures governing dedications of parkland, required improvements, cash payments in lieu of dedications and required maintenance.

This Chapter is enacted to enable the City of Seguin to promote the establishment of parklands that enhance the community's quality of life, preserve the environmental uniqueness of the Seguin area, encourage active and passive recreation, and promote cultural, artistic and sporting endeavors.

(2) Application.

This Chapter applies to all property within the city limits and extraterritorial jurisdiction of the City of Seguin. This Chapter applies to residential subdivision applications and requests for plat approvals submitted after the effective date of this Chapter. This Chapter applies to applications for which City approval is sought under the City's Subdivision Ordinance, Appendix A of the Code of Ordinances, as may be amended.

All properties that are subdivided for residential use, including but not limited to single-family residences, multifamily housing, condominiums, town homes and mobile home communities are subject to either a parkland dedication plan acceptable to the City or a payment of cash in lieu of designated parkland.

(3) Definitions.

General: Words and phrases used in this Chapter shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given the meanings set forth in the Code. Words and phrases not defined in the Code of Ordinances shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

Specific:

- (a) **City:** The City of Seguin, an incorporated municipality located in Guadalupe County, Texas. Unless otherwise stated, the term includes both the city limits and the extraterritorial jurisdiction ("ETJ").
- (b) **ETJ:** The extraterritorial jurisdiction of the City of Seguin, as more fully defined in the Seguin Code of Ordinances, Appendix A, Article II, Section 1(27).
- (c) **Floodplain:** Any and all land area adjoining the channel of a river, stream, lake, watercourse, marshy area or other drainage element, which has been or may be inundated by storm water runoff. The extent of the floodplain shall be determined by the crest of a flood having an average frequency of occurrence of once in 100 years, as established by the Federal Insurance Administration.
- (d) **Parkland:** A tract of platted land designated and used for recreation. This definition includes the term "park" as defined in the Seguin Code of Ordinances, Appendix A, Article III, Section 1(38). Parkland may include land designated for golf courses, parks, approved green belts and nature preserves, which are readily

accessible. Land designated for parkland shall not include streets, alleys, drainage-ways not improved for recreational or other approved uses, parking lots, or storage areas.

- (e) **Parks Board:** The Parks Board of the City of Seguin, a citizens advisory board appointed by the Seguin City Council.
- (f) **Planning & Zoning:** The Planning and Zoning Commission of the City of Seguin, a citizens advisory board appointed by the Seguin City Council (also defined as the "planning commission" in the City of Seguin Code of Ordinances, Appendix A, Article II, Section 1(43)).
- (g) **Private Parkland:** Parkland or open space not dedicated to the City, but designated as an easement or reserve for private open space or recreational use.
- (h) **Residential Unit:** A room or suite or set of rooms occupied or suitable for occupancy as a family residence and having kitchen, bath and sanitary facilities, together with appropriate appurtenances to such occupancy. (See *Definitions*, No. 47, Seguin Zoning Ordinance).
- (i) **Subdivider:** A person or entity seeking City approval for a residential subdivision pursuant to Appendix A of the City of Seguin Code of Ordinances. To be qualified as a subdivider under the Chapter, the person or entity must have sufficient legal authority or proprietary interests in the land to commence and maintain proceedings under this Chapter. The term shall include the property owner(s), or a duly authorized agent and representative of the property owner. This term shall include "developer" as defined in the Seguin Code of Ordinances, Appendix A, Article II, Section 1(21) and "subdivider" as defined in the Seguin Code of Ordinances, Appendix A, Article II, Section 1(60). In other jurisdictions, the term is sometimes referred to as the "developer", "builder", or other similar title.

(j) **Subdivision:** A proposed subdividing or development of land for residential use and requiring City approval under Appendix A of the City of Seguin Code of Ordinances. This term includes "subdivision" as defined in the Seguin Code of Ordinances, Appendix A, Article II, Section 1(61).

(4) Dedication.

- (a) A subdivider that files a plat establishing a residential subdivision within the city limits or the ETJ shall provide for the dedication or designation of land suitable for parkland as defined in this Chapter. Prior to the dedication by the subdivider and acceptance by the City, the dedication must be deemed acceptable by the City Council. Prior to determination by the City Council, a recommendation shall be sought from the Planning & Zoning. With the approval of the Planning & Zoning Commission and the City Council, required parkland shall be dedicated either to the City, other governmental agency, non-profit organization or to a homeowners association or similar organization that has the right of ownership and control over such dedicated land. If the parkland is dedicated to the City, it must be legally and practically accessible to the public, unless the City determines that public street access is unnecessary. The dedication of parkland shall apply to any subdivider, except to those exempt under this Chapter.
- (b) **Required ratio.** The subdivider of a residential subdivision shall dedicate as parkland one (1) acre of land for each 100 residential units.
- (c) **Suitability.** The subdivider shall designate a portion of land for parkland that is centrally located within the proposed subdivision unless, in the opinion of Planning & Zoning Commission, another location will better serve the public. The land to be designated or dedicated as parkland must, in the opinion of the City, be suitable, usable, and acceptable for active or passive recreational use. In making that determination, the City shall consider the assessment of the City Planning Director, who

shall evaluate the land offered for dedication in light of this Chapter and make a written recommendation to the Parks Board, Planning & Zoning Commission, and the City Council. All land offered as parkland must have access to at least one existing or proposed public street. The City may waive this requirement if it determines that public street access is unnecessary for maintenance of the park area or use by residents.

1. Land may be located in a designated floodplain subject to approval of Planning & Zoning Commission. Retention and/or detention areas may be used for parkland only if the offered land is suitable for active or passive recreation, depending on the design of the parcel and subject to the approval of Planning & Zoning Commission.
2. Not more than fifty percent (50%) of the total acres to be dedicated as parkland may include usable, as determined by the City Engineer, drainage easements or conservation easements.
3. None of the total acres to be dedicated shall be comprised of land that is platted solely as right-of-way easements or required setbacks. It shall be acceptable for utility lines to run underneath parkland.
4. Potable water and sewage connections shall be readily available to parkland parcels.
5. The construction and final subdivision plat shall clearly show the area proposed to be dedicated as parkland under the provisions of this Chapter.

- (d) **Floodplain policy.** Each acre of proposed dedicated parkland that is located in a designated floodplain shall count as one-half (1/2) acre of land towards the subdivider's required parkland dedication. Not more than fifty percent (50%) of the total acres to be dedicated as parkland shall be on land that is in a designated floodplain. Dedication of parkland

within a floodplain shall be readily accessible by road frontage and of suitable topography for recreational activities.

(e) **Private Parkland.** Up to fifty percent (50%) of a subdivision's parkland dedication requirements may be satisfied through the dedication of private parkland, subject to approval by both the Parks Board and Planning & Zoning Commission. Either public dedication or cash in lieu of dedication, to be determined by the City, may satisfy the remaining portion.

1. Development of private parkland shall be the sole responsibility of the subdivider and shall be completed with a reasonable time period as determined by the Parks Board and Planning & Zoning Commission.
2. The subdivider shall submit to the City documentation establishing the private parkland and accepting full responsibility for the development and maintenance of the parcel. This documentation shall also appear on the plat submitted for final recordation.
3. The subdivider shall submit to the City for review and approval a maintenance plan, including financial estimates, for the perpetual maintenance of the parkland. Planning & Zoning Commission shall have authority to review, approve, deny or approve with conditions the subdivider's maintenance plan.
4. The City may, at its discretion, require financial assurances from the subdivider that the private parkland will be developed as proposed and completed as stipulated. If the subdivider fails to develop and complete the parkland as proposed, the City Attorney shall take all reasonable legal steps to draw on the financial assurances.
5. The City, at its discretion, may require financial assurances from the subdivider that the private parkland will be developed as proposed and completed as stipulated, with assurances that failure by the subdivider to timely complete the improvements to the parkland shall result in dedication of the private park to the City and the proceeds of the financial assurances shall be the

property of the City for use in developing the open space.

(f) Approval of Proposed Parkland by City.

1. Before a final plat may be recorded, dedicated parkland, or cash in lieu of dedication, or a combination of the two shall be approved by the Planning & Zoning Commission and City Council in accordance with the provisions of this ordinance.

(g) Right of City to Reject Proposed Parkland.

1. If either the Planning & Zoning Commission or the City Council determines that sufficient parkland already exists to serve the proposed subdivision or that the public would be better served by expanding existing parkland, the City may refuse the proposed dedication and require cash payment as stipulated in this Chapter.

(h) Cash Payment in Lieu of Dedication.

1. **Small subdivisions.** When a subdivision will result in less than one-hundred (100) residential units, or totaling less than five (5) acres, the subdivider may request to make cash payment in lieu of parkland dedication.
2. **Subdivider request.** A subdivider obligated to make a dedication of parkland may request that the City waive the required dedication of parkland, in whole or in part, in consideration of a cash payment.
3. **Initiation by City.** The City may require a subdivider to pay cash in lieu of parkland designation or dedication.
4. **Calculation of cash in lieu.** The subdivider shall pay four hundred dollars (\$400.00) for each proposed residential unit within the proposed subdivision. The cash payment shall be approved by Planning & Zoning Commission

and shall be made prior to final plat recordation.

5. **Parkland Fund.** Cash paid in lieu of parkland dedication shall be paid into a "Park Fund," to be created by the City, and shall be expended by the City solely for acquisition, development or rehabilitation of parkland or improvements to existing parkland.

(i) **Documentation.**

1. **Plat.** The land to be designated as parkland must be shown on the preliminary and final plat. If the project is to be built in phases, designated parkland for the entire development shall be shown for all phases. The plat shall include dedicatory language describing the park property and shall include ownership of the park property be it city, homeowner's association, non-profit trust or other entity approved by the city. All improvements to the park property by the developer shall first be approved by the city in the same manner as the property itself. The city shall have authority to require certain safety standards be met as would normally be required for any city park project.

(j) **Maintenance Plan/Financial Assurances.** An applicant for a plat shall provide the City with adequate documentation and assurances that land dedicated for parkland shall be so designated in perpetuity unless otherwise expressly authorized by the City. Documentation must be provided to the City demonstrating that any non-governmental entities accepting the dedication of land for parks or open space has adequate funding for the continued care and maintenance of the property for its dedicated purpose(s). A copy of the homeowners' association agreement or similar agreement must be delivered to the City at the time of the preliminary plat. Such association may be capable of dissolution only by seventy-five (75%) affirmative vote of membership and approved by the City, operated under recorded

land agreements through which each lot owner in the subdivision is automatically a member, and each lot is subject to a charge for a proportionate share of expenses for maintaining the facilities if applicable. Use of dedicated parkland or open space shall be restricted for park and recreation purposes by recorded covenant which runs with the land in favor of current or future owners of the property and which cannot be defeated or eliminated without the consent of the City or its successor. Covenants for park or recreation facilities shall be submitted to the City prior to approval of the final plat and shall be recorded contemporaneously with the final plat. Certain space requirements found in other City ordinances may apply.

(Ord. No. 07-21, 2-20-07)

ARTICLE V. STREET AND UTILITIES STANDARDS*

Section 1. Standard street sections.

Standard street sections of alleys, minor, collector and arterial streets shall be prescribed under Section 90-131, Standard street sections, of the City of Seguin Code of Ordinances.

Section 2. Curb, pavement and sidewalk design.

Curb, pavement and sidewalk designs shall be prescribed under Section 90-132, Curb, pavement and sidewalk design, of the City of Seguin Code of Ordinances.

Section 3. Storm sewer curb inlet details.

Storm sewer curb inlet details shall be prescribed under Section 90-133, Storm sewer curb inlet details, of the City of Seguin Code of Ordinances.

Section 4. Design criteria for drainage.

Drainage design criteria shall be prescribed under Section 90-134, Design criteria for drainage, of the City of Seguin Code of Ordinances.

Section 5. Design criteria for water facilities.

Water facilities design criteria shall be prescribed under Section 90-135, Design criteria for water facilities, of the City of Seguin Code of Ordinances.

Section 6. Design criteria for sanitary sewer facilities.

Sanitary sewer facilities design criteria shall be prescribed under Section 90-136, Design criteria for sanitary sewer facilities, of the City of Seguin Code of Ordinances.

Section 7. Design criteria for electrical service.

Electrical service design criteria shall be prescribed under Section 90-137, Design criteria for electrical service, of the City of Seguin Code of Ordinances.

Section 8. Design criteria for street lighting.

(a) Location & Design Criteria.

1. For new developments, streetlights shall be installed by the developer at all intersections, at the end of cul-de-sacs, and at a minimum of 500 feet along street frontage.
2. In newly annexed areas, and areas developed prior to the adoption of this ordinance, or for areas served by an electric utility other than the City of Seguin, streetlight locations shall be based on the availability of service and other safety requirements at the discretion of the City of Seguin Director of Utilities, and/or the electric provider if other than the City of Seguin.
3. In areas not exceeding a residential density of two units per acre, street light requirements may be waived by the Director of Utilities, where it is determined that the area does not require such street lighting for safe pedestrian or vehicular traffic.

(Ord. No. 07-20, 2-20-07)

2. Fixtures.

The type, size and service of streetlight shall be determined by the Director of Utilities. For areas not served by the City of Seguin, the utility provider shall determine the type, size and service of street light service.

(Ord. No. 07-20, 2-20-07)

3. Maintenance & Installation.

1. Streetlights shall be installed by the subdivider, developer or property owner in new developments. The City of Seguin or electric provider may install streetlights within previous developed areas or areas where accommodations cannot be made to make the installation safe for the subdivider, developer, or property owner. The City of Seguin or electric provider may require the installation of conduit by the subdivider, developer, or property owner in this case.
2. Service lines to streetlights shall be underground and shall be extended within an appropriate easement or right-of-way to available transformers and junction boxes. Service lines shall be provided and installed at the sole cost of the subdivider, developer or property owner.
3. The City of Seguin shall be responsible for streetlight maintenance for all non-metered, public streetlights within the City of Seguin service territory, which have been approved by the Director of Utilities.
4. Decorative or other non-standard streetlight fixtures shall be approved by the Director of Utilities.
5. The subdivider, developer or property owner shall be responsible for the installation and maintenance of all private, metered streetlights.

(Ord. No. 07-20, 2-20-07)

Cross reference - Design criteria for street lighting, §90-139.

Section 9. Street signs.

Street signs shall be prescribed under Section 90-138, Street signs, of the City of Seguin Code of Ordinances.

Section 10. Utility access.

When utilities are proposed at the rear of the lots in a subdivision, an alley shall be used and built to the specifications of this ordinance.

Easements may be used when a service line is required from the alley to the street running parallel and adjacent to the lot line.

*Cross reference - Similar street and utilities standards, §90-131 et seq.

ARTICLE VI. CERTIFICATIONS, RESTRICTIONS AND INSCRIPTIONS

Section 1. Required information.

Every plat submitted for final approval shall contain the following information, the form of which shall be approved by the City Attorney:

- (1) A dedication to public use by the owner or owners of the property being subdivided of all streets, alleys, parks, and easements within the subdivision; waiving any claims for damages occasioned by the establishing of grades for streets and alleys dedicated, or occasioned by the alteration of the surface of any portion of streets or alleys to conform to such grades; and binding the subdivider, successors and assigns to warrant and defend the title to land dedicated. Such dedication shall be executed by the owner or owners and duly notarized.
- (2) A certification by the registered engineer responsible for the design and engineering of required improvements that such improvements are in compliance with applicable provisions of this ordinance and other appropriate engineering design standards. Such certification shall be executed by the registered engineer and shall bear his seal.
- (3) A certification by a registered engineer or licensed public surveyor that the subdivision has been platted from an actual survey on the ground and that the plat correctly represents the actual survey. The certification shall be executed by the registered engineer or licensed public surveyor and shall bear his seal.

- (4) A form for certification by the City Engineer that the engineering and design of the required improvements is approved.
- (5) A form for certification by the Planning Commission and Director of Planning stating that the plat and subdivision of the land in question has been approved. Such certification shall indicate the date of approval.
- (6) A form for certification by the Clerk of the County Court of Guadalupe County, Texas, that the plat, together with its certificate of authentication, was filed for registration. Such certification shall include the date and time presented for filing and the volume and page of recording.

Section 2. Supplemental information.

When applicable, every plat submitted for final approval shall contain the following information, the form of which shall be approved by the City Attorney:

- (1) A covenant by the owner or owners of the property being subdivided of any restriction imposed on the use of land within the subdivision by the provisions of this ordinance. Such covenant shall be executed by the owner or owners and duly notarized.
- (2) A certification by any and all lienholders against the property being subdivided that such liens have been subordinated to the subdivision of the land and dedication of the streets, alleys, parks and easements.
- (3) A form for certification by the Commissioner's Court of Guadalupe County, Texas, approving the plat and accepting dedication of the streets, alleys, parks, and easements within the subdivision. Such certification shall be used only when the subdivision is outside the corporate limits of the City of Seguin but within its extraterritorial jurisdiction.

ARTICLE VII. VARIANCES

Section 1. Variances.

- (1) The Planning Commission may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Planning Commission shall prescribe only conditions that it deems necessary or desirable to the public interest; in making the findings hereinbelow required, the Planning Commission shall take into account the character of the proposed use of the land involved and existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variances upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity. No variance shall be granted unless the Planning Commission finds:
 - (a) That there are special or unique circumstances or conditions affecting the land involved such that the strict application of this ordinance would deprive the applicant of the reasonable use of his land.
 - (b) That the granting of the variance will not be detrimental to the public health, safety, welfare, or injurious to other property in the area.
 - (c) That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this ordinance. Such findings of the Planning Commission, together with the specified facts upon which such findings are based, shall be incorporated into the official minutes of the Planning Commission meeting at which such variance is granted. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute hardship.
 - (d) No variance shall be granted as to minimum lot size or required improvements as set forth in Article I, Section 5.
- (2) Authorization for a variance under the conditions set forth herein shall require an affirmative vote by two-thirds of the Planning Commission members.

ARTICLE VIII. APPEAL

Section 1. Appeal.

There shall be no appeal from the rulings, interpretations, or requirements of the Planning Commission except in the case where there were two or more members of the Planning Commission who voted against the majority on the matter in question. If appeal is applicable on the exception described above, it shall be to the City Council. In all other cases, the decision of the Planning Commission shall be final and all further appeal shall be in accordance with appropriate law.

ARTICLE IX. BUILDING PERMITS; CITY ACCEPTANCE OF DEDICATION AND UTILITY SERVICE

Section 1. Building permits.

- (1) No employee or official of the City shall issue building or repair permits for any structure located on a lot in any subdivision, the plat of which has been prepared after the date of the adoption of this ordinance, unless such plat has been approved and recorded in accordance with the provisions contained herein.
- (2) No building permits may be issued for any structure to be located on any lot within a subdivision unless:
 - (a) All required infrastructure improvements within said subdivision have been completed and accepted for maintenance by the City; or
 - (b) A performance bond or irrevocable letter of credit ("financial assurance") is provided in the amount of one hundred ten (110) percent of the projected cost of said improvements as determined and approved by the City Engineer, made payable to the City of Seguin and for a term of no less than one year from the date of acceptance of the improvements for maintenance by the City.
- (3) Under option (2)(b) above, if the developer fails to timely complete the improvements in accordance with all subdivision requirements and the City determines that it wishes to complete said improvements, the City may call on

the financial assurance to cover the costs of completion. The proceeds of the financial assurance shall be deposited by the City in a separate specifically designed account. If the costs and expenses incurred by the City in completing the required improvements are less than the accumulated value of the proceeds, the City shall refund the remainder to the developer. Should the costs and expenses incurred by the City in completing the required improvements exceed the accumulated value of the proceeds, the developer shall be liable to the City for any excess costs and expenses, including reasonable attorneys' fees and costs of collection.

- (4) No certificate of occupancy shall be issued for any structure located on any lot within a subdivision until all required improvements within said subdivision have been completed and accepted for maintenance by the City.

(Ord. No. 97-58, 10-7-97)

Section 2. Acceptance.

Final approval of any plat or replat shall be deemed an acceptance of the proposed dedications. If any such plat or replat is disapproved by the Planning Commission, such disapproval shall be deemed as refusal by the City of the offered dedication shown thereon.

Section 3. Service.

- (1) Unless and until any such plats or replats and their related engineering plans and specifications shall have been first approved in the manner and by the authorities provided for herein, it shall be unlawful within the area covered by said plats, replats, plans and specifications for any City official or employee of the City to serve or connect said land or any part thereof with any public utility, such as water, sewer, and electricity.
- (2) Unless and until all required improvements within a subdivision have been completed and accepted for maintenance by the City, it shall be unlawful for any City official or employee of the City to sell or supply said subdivision, or any part thereof, with any public utility services, such as water, sewer or electricity, except for the purpose of testing such utility systems or the provision of temporary service necessary for construction of required improvements.

Section 4. Maintenance of required improvements.

- (1) The owner or owners of the subdivision shall be responsible for the maintenance of all required improvements within said subdivision until such improvements are completed and accepted for maintenance by the City of Seguin.

This shall include the maintenance and repair of all drainage and erosion control features and facilities onsite and offsite pertaining to the development, the daily cleanup of paved streets and of drainage areas impacted by onsite or offsite construction, the strict adherence of the site's storm water pollution prevention plan (SWPPP) and all state requirements.

(Ord. No. 06-54, 9-5-06)

- (2) Upon completion of the required improvements, the owner or owners of the subdivision shall request, in writing, acceptance for maintenance by the City of said improvements.
- (3) Upon receipt of such request, the City Engineer shall inspect the required improvement and, if found to be in compliance with the approved engineering plans and specifications for said improvements, shall notify within five days, in writing, the subdivider of acceptance for maintenance by the City.
- (4) Should the City Engineer find noncompliance with said plans and specifications, he shall notify within ten days, in writing, the subdivider of those deficiencies which must be corrected prior to acceptance for maintenance by the City of the required improvements.
- (5) Prior to final acceptance for maintenance of the completed improvements by the City, the subdivider shall file with the City Engineer either:
 - (a) a one year warranty bond executed by a corporate surety licensed in the State of Texas, warranting that the improvements are free from defects in materials and workmanship, or
 - (b) a letter of credit in the amount of the cost of the improvements from a banking or other financial institution authorized to do business in the State of Texas, committing funds for the correction and repair

of any defects in materials or workmanship for a period of one year. (Ord. No. 05-61, 11-15-05)

(6) All drainage improvements constructed or installed shall be maintained in accordance with the following:

4. Drainage improvements located in the public rights-of-way that have been accepted by the City will be maintained by the appropriate jurisdiction.

5. All natural drainage channels, swales, etc. located on private property and which are publicly dedicated easements shall be maintained by the property owner. When such easements are shown on the subdivision plat, this exclusivity and restriction will be noted on the plat and included in the restrictive covenants. The use of drainage easements on private property shall be minimized as much as practical.

(Ord. No. 06-54, 9-5-06)

(7) Existing drainage between developed lots shall remain the responsibility of the affected property owners.

(Ord. No. 06-54, 9-5-06)

Section 5. Sale of land.

It shall be unlawful for the owner or owners of any property being subdivided to sell or transfer any land or lot intended and/or designed as a single-family, duplex or townhouse lot within said subdivision unless and until the required improvements within said subdivision are accepted for maintenance by the City; provided, however, such provision shall not prevent the owner or owners from selling or transferring the property being subdivided as an integral tract, nor shall this provision exclude the right of foreclosure.

ARTICLE X. PENALTIES FOR VIOLATION

Section 1. Violations.

Violations of any provision or provisions of this ordinance by any subdivider shall constitute a misdemeanor and upon conviction of such violation in the corporation court of the City a fine shall be imposed, and each day that such violation continues shall be a separate offense. Fines for such violation shall be prescribed under Section 1-14 of the City of Seguin Code of Ordinances. When a corporation is the violator of any

of the provisions of this ordinance, such officer, agent, and/or employee in any way responsible for such violation thereof shall be also individually and severally liable for the penalties herein prescribed.

ARTICLE XI. SEPARABILITY OF PROVISIONS

[Section 1. Separability.]

It is hereby declared to be the intention of the City Council that the several provisions of this ordinance are separable, in accordance with the following:

- (1) If, any court of competent jurisdiction shall judge any provision of this ordinance to be invalid, such judgment shall not affect any other provision of this ordinance not specifically included in said judgment.
- (2) If any court of competent jurisdiction shall judge invalid the application of any provision of this ordinance to a particular property, such judgment shall not affect the application of said provision to any other property not specifically included in said judgment.

PASSED AND APPROVED on the first reading this 1st day of June, 1993.

PASSED AND APPROVED on the second reading this 15th day of June, 1993.

PASSED AND APPROVED on the third reading this 6th day of July, 1993.

/s/ _____
Ed Gotthardt, Mayor

ATTEST:

/s/ _____
Linnette Habermann
City Secretary

Effective Date: July 17, 1993

***Editor's note** - Ord. No. 96-21, adopted April 2, 1996, amended Appendix A by repealing App.A thereto, Schedule of Fees. For current fees applicable to the subdivision regulations, see Appendix C in the City of Seguin Code of Ordinances.

ARTICLE V.
GENERAL SPECIFICATIONS AND STANDARDS

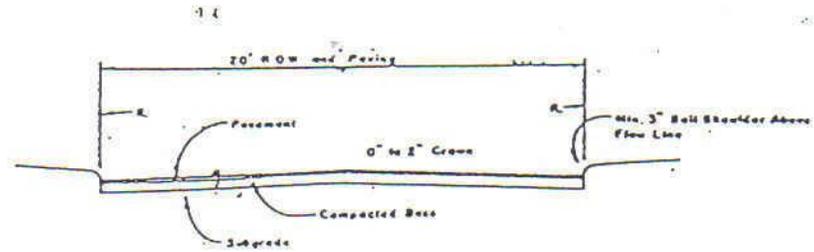
OF THE

CITY OF SEGUIN
CODE OF ORDINANCES

ARTICLE V. GENERAL SPECIFICATIONS AND STANDARDS*

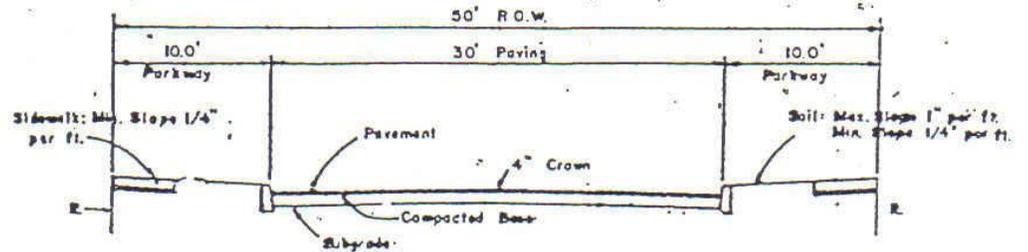
Sec. 90-131. Standard street sections.

(a) *Alleys.* All alleys shall have a pavement width of at least 20 feet.

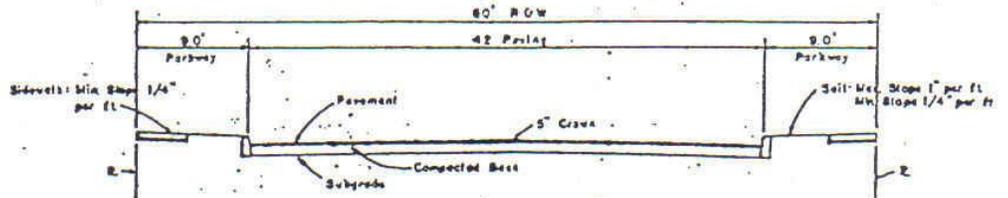


*Cross reference—Similar street and utilities standards for subdivisions, app. A, art. V

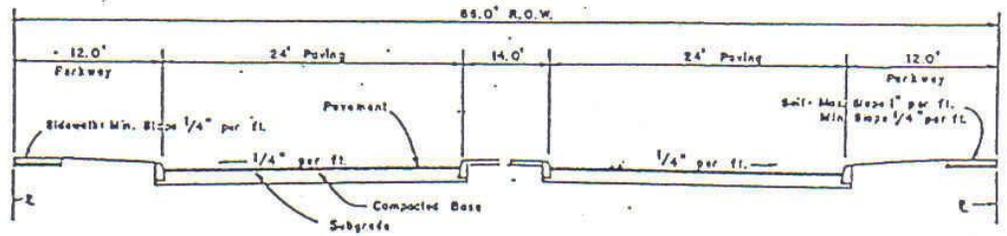
(b) *Minor street.*



(c) *Collector street.*



(d) *Arterial street.*



(Ord. No. 74-20, 8-6-74; Ord. No. 76-14, § 12, 6-15-76)

(e) The subdivider shall, at his own expense, provide to the City of Seguin a soils investigation by a qualified and independent geotechnical engineer licensed to practice in the State of Texas. The field investigation shall include test boring within the rights-of-way of all proposed streets. The number of locations of such boring shall be subject to the approval of the City Engineer and shall be no less than ten feet in depth. Atterberg limits and moisture contents shall be determined for all significant borings. The results of the soil investigation shall be presented to the subdivider and to the City Engineer in written report form. Included as part of the report shall be a graphical or tabular presentation of the boring data giving Atterberg limits and moisture contents, a soil description of the layers of different soils encountered in the profile of the hole, their limits in relation to a fixed surface datum, and such other information as needed to complete the soils investigation for pavement design purposes. The structural design of the street shall meet the requirements and recommendations stated in the soils investigation.

(Ord. No. 05-61, 11-15-05; Ord. No. 06-54, 9-5-06)

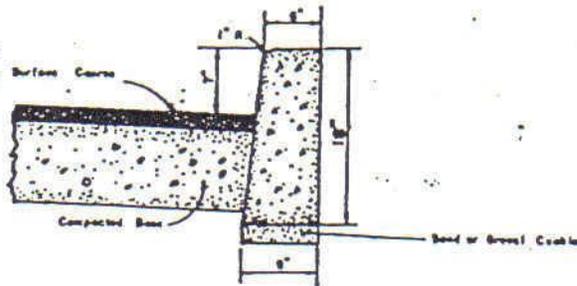
(f) The following applies to the standard street sections (alleys and streets):

- (1) The paving widths shown shall be measured from the face-to-face of the corresponding curbs.
- (2) The crown height shall be that shown or that which produces $\frac{1}{4}$ " per foot cross slope, whichever method produces the greatest crown height.

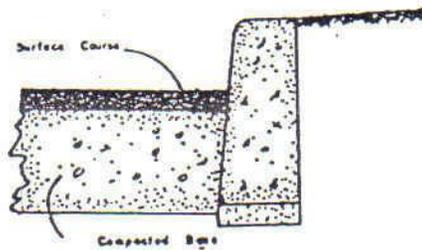
(Ord. No. 06-54, 9-5-06)

Sec. 90-132. Curb, pavement and sidewalk design.

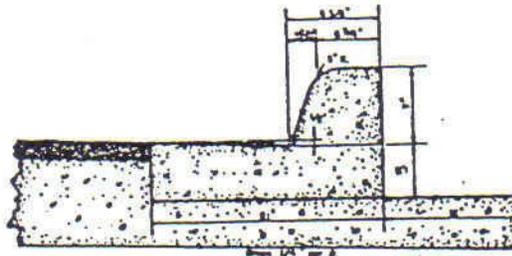
(a) *Minor streets.*



(b) *Collector streets.*

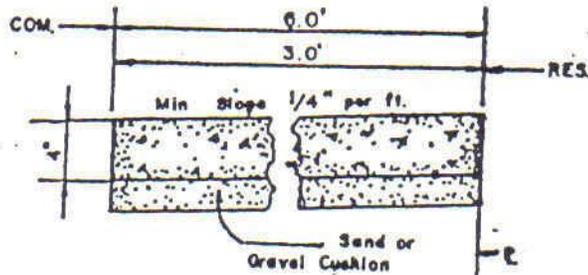


(c) *Suggested curb and gutter configuration.*



Note: A minimum of 4" compacted base (100% density per TXDOT method Tex 113-E) shall be placed under all concrete curbing and where sidewalks are not abutted against the back-of-curb, compacted base (100% density per TXDOT method Tex 113-E) shall be placed behind the curb, minimum 2 ft. wide x 12 in. deep continuous along new curbing. (Ord. 06-54, 9-05-06)

(d) Typical sidewalk detail (where provided).



(e) Street pavement design criteria.

	Asphalt Surface Course Thickness (in.) ⁽¹⁾		Base thickness (100% compacted density) ^{(1) (2)}	Subgrade (compacted density) ^{(1) (2)}
	Subgrade 35 PI or less	Subgrade more than 35 PI		
Alleys	1-1/2"	2"	8"	95%
Minor Streets	1-1/2"	2"	12"	95%
Collector Streets	2"	2"	12"	95%
Arterial Streets	2"	2"	12"	95%

(1) Figures are minimum only and shall be increased if required by soils investigation report.

(2) As per TxDOT method Tex 113-E.
(Ord. No. 06-54, dated 9-05-06)

(f) The City Engineer may approve alternative pavement, curb and sidewalk designs provided such alternative is designed so as to assure reasonable durability and economy of maintenance under the type of use contemplated and shall be in accordance with appropriate engineering design criteria applicable to the local area.

(Ord. No. 06-54, dated 9-05-06)

- (g) *Improvements.* The improvement of unpaved alleys in developed areas shall be the responsibility of the abutting landowners along the alley. All costs associated with the paving shall be paid by the landowners by portion of their land abutting the alley. A written request to develop the alley shall be submitted to the Director of Public Works. If approved by the Director of Public Works, the Director of Public Works shall prepare a cost estimate showing the costs of each landowner on a petition. Each landowner shall sign the petition and pay their share prior to work commencement. Work will not commence until 100 percent of the landowners have paid their portion. Work by city crews will be scheduled during the City's regular paving season. If the landowners wish to hire their own contractors, the contractors must comply with City specifications and shall be inspected by the office of the Director of Public Works.
- (h) *Distances.* The distance between the curbline and the property line of all existing city streets that are not the prescribed width as set out in this article, are as follows:

<i>Width of Street (feet)</i>	<i>Distance from Curbline to Property Line (feet)</i>
30 to 39	5
40 to 44	8
45 to 49	9.5
50 to 59	10
60 to 69	15

Notwithstanding the above provisions, the distance from the curbline to the property line shall not exceed ten feet in the business district of the city.

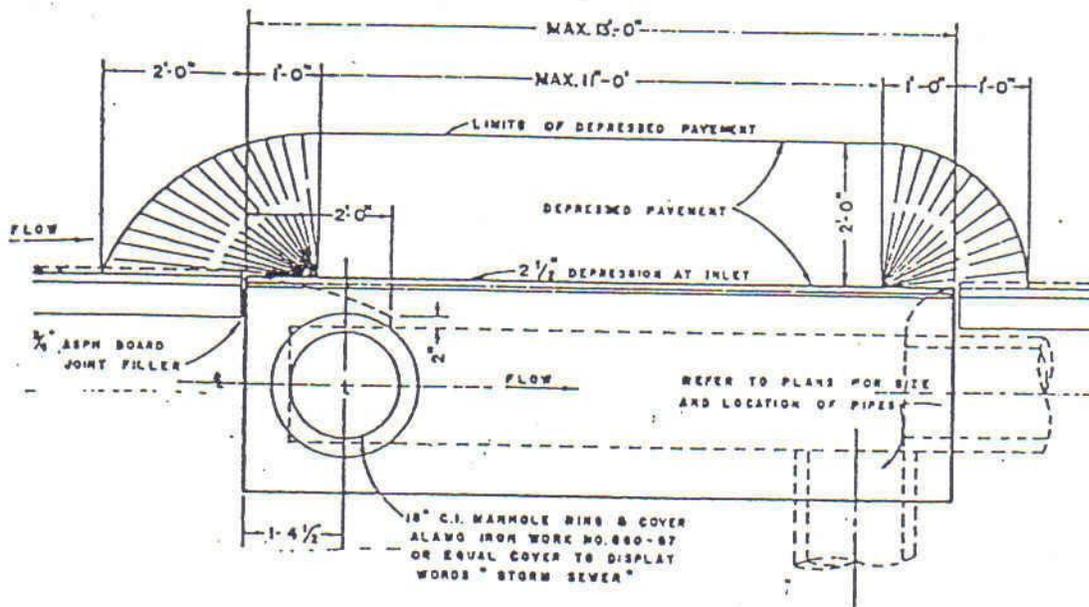
- (i) *Permit required.* Any person desiring to build or erect any curb or sidewalk upon any city right-of-way shall be required to have a city permit per Chapter 22, Article IV of this Code.
- (j) *Repairs.* It shall be the duty of the property owner to repair any sidewalk or curb that runs in front, beside or behind their property that is in such defective condition that it is likely to cause personal injury to any person. It shall be repaired in accordance with this article.
- (k) *Defects.* Whenever any defect shall exist in any curb or sidewalk, it shall become the duty of the City Manager to notify such property owner. This defect shall be repaired within two

weeks of notification. The failure to repair upon notification will be considered a violation punishable as provided in Section 1-14.

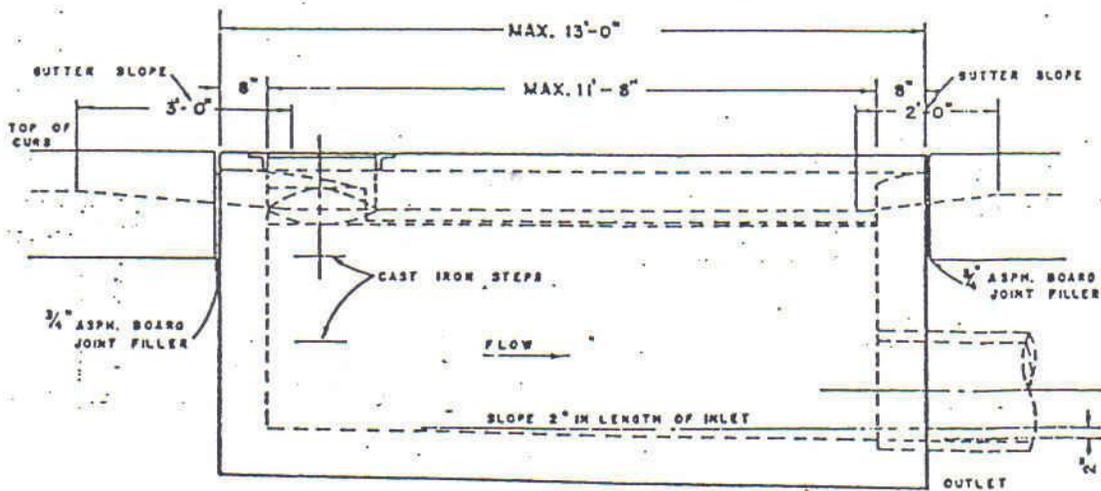
(Ord. No. 74-20, 8-6-74; Ord. No. 76-14, § 13, 6-15-76)

Sec. 90-133. Storm sewer curb inlet details.

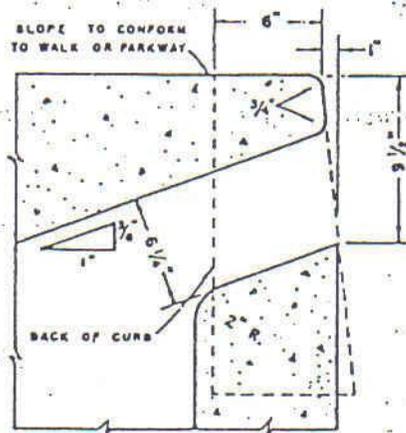
(a) Plan—Suggested configuration.



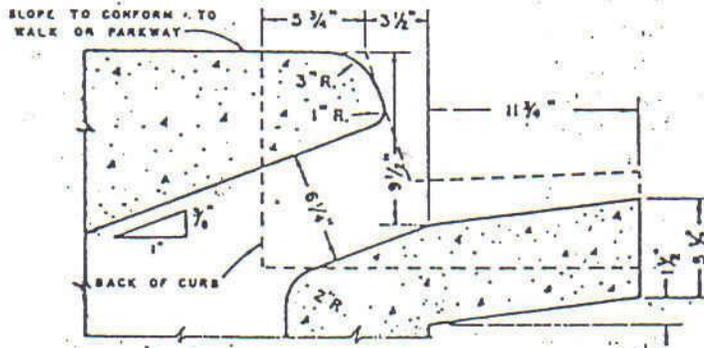
(b) Elevation—Suggested configuration.



(c) *Opening details—Suggested configuration.*



Opening Detail for Curb Section



Opening Detail for Curb and Gutter Section

(d) *Alternative designs.* The City Engineer may approve alternative storm sewer curb inlet designs provided such alternative is designed so as to assure reasonable durability and economy of maintenance under the type of use contemplated and shall be in accordance with appropriate engineering design criteria applicable to the local area. Approval of such alternative designs shall not be considered as a variance within the context of this article.

(Ord. No. 74-20, 8-6-74)

Sec. 90-134. Design criteria for drainage.

(a) *Runoff calculations.*

(1) Runoff rates shall be computed at not less than the following:

PERCENT RUNOFF

<i>Character of Area</i>	<i>Slope</i>			
	<i>To 1%</i>	<i>Over 1% Up to 3%</i>	<i>Over 3% Up to 5%</i>	<i>Over 5%</i>
Business or commercial area (90% or more impervious)	95	96	97	97
Densely developed area (80% to 90% impervious)	85	88	91	95
Closely built residential area	75	77	80	84
Average residential area	68	70	72	75
Undeveloped area	65	67	69	72

(2) In all instances, wet antecedent conditions shall be assumed. Runoff rates shall be computed on the basis of ultimate development of the entire watershed contributing runoff water to the proposed subdivision. For determination of time of concentration, velocities shall be assumed on the basis of concrete-lined channels and streets carrying stormwater in the contributing watershed area. Rainfall intensities shall be obtained from the State Highway Department data for Guadalupe County.

(b) *Drainage facilities.*

(1) Streets may be used for stormwater drainage only if the calculated stormwater flow does not exceed the flows outlined in Table I in this

section, or the velocity does not exceed ten (10) feet per second. Minor streets shall be designed on the basis of a ten (10) year storm frequency, and all other streets shall be designed on the basis of a twenty-five (25) year storm frequency. Where streets are not capable of carrying stormwaters as outlined above, drainage ditches or storm sewers shall be provided. The runoff from a storm with a design frequency of one hundred (100) years shall be contained within the street right-of-way.

(Ord. No. 06-54, dated 9-05-06; Ord. No. 10-28, dated 5-4-10)

- (2) All open channels shall be grass-lined. The design of the grass-lined channels shall be based on the one hundred (100) year frequency storm, for fully developed upstream conditions, subject to the approval of the City Engineer.

(Ord. No. 06-54, dated 9-05-06; Ord. No. 10-28, dated 5-4-10)

- a. **Surface.** The entire surface of the channel shall be vegetated.
(Ord. No. 10-28, dated 5-4-10)
- b. **Velocity.** The maximum one hundred (100) year storm velocity shall not exceed six (6) feet per second (fps).
(Ord. No. 10-28, dated 5-4-10)
- c. **Side Slopes.** Side slopes shall not be steeper than three horizontal to one vertical (3H:1V).
(Ord. No. 10-28, dated 5-4-10)
- d. **Bottom Width.** The minimum flat bottom width of the channel shall be six (6) feet.
(Ord. No. 06-54, dated 9-05-06; Ord. No. 10-28, dated 5-4-10)
- e. **Grade.** The channel should have a minimum grade of one percent (1%), where possible. Channels with grades of less than one percent (1%) shall have a reinforced concrete pilot channel, located in the middle of the channel bottom, for four (4) feet wide, two (2) inches deep, and be capable of withstanding vehicular loading. The longitudinal grade of the channel flow line shall not be less than 0.4%. (Ord. No. 10-28, dated 5-4-10)
- f. **Curvature.** The centerline curvature shall have a minimum radius of twice the top width of the one hundred (100) year storm flow.
(Ord. No. 10-28, dated 5-4-10)
- g. **Freeboard.** All channels shall provide one (1) foot of freeboard above the one hundred (100) year frequency storm normal water surface elevation. (Ord. No. 10-28, dated 5-4-10)
- h. **Easements.** Easements for grass-lined channels shall extend a minimum of two (2) feet on one side and fifteen (15) feet on the

opposite side of the extreme limits of the channel (when such channel does not abut an alley or street). When such channel abuts an alley or street, the easement shall extend a minimum of two (2) feet on both sides of the extreme limits of the channel. Property owners shall be responsible for the normal mowing and maintenance of the channel. (Ord. No. 10-28, dated 5-4-10)

- (3) Concrete-lined channels may be needed in reaches where velocities are excessive or where the channel characteristics require such use. The design of the concrete-lined channels shall be based on the one hundred (100) year frequency storm, subject to the approval of the City Engineer. Other appropriate channel armoring may be approved by the City Engineer.

(Ord. No. 06-54, dated 9-05-06; Ord. No. 10-28, dated 5-4-10)

- a. **Lining Height.** The concrete lining shall extend one foot above the calculated one hundred (100) year water surface elevation, taking into consideration superelevation, standing waves, or other surface disturbances. (Ord. No. 10-28, dated 5-4-10)
- b. **Side Slopes.** Since concrete lined channels do not require slope maintenance, the side slopes may be as steep as vertical with appropriate structural methods applied.
(Ord. No. 10-28, dated 5-4-10)
- c. **Grade.** The flow line of the channel shall be no less than 0.4% and must also be sufficient to produce a velocity for the two (2) year storm of two (2) feet per second (fps). Compliance with this requirement must take into account the variation in channel flow due to distributed inflows to the channel. (Ord. No. 10-28, dated 5-4-10)
- d. **Easements.** Easements must be sized to allow for adequate access to the channels, including concrete ramps and drives ample enough for maintenance equipment. A minimum of five (5) feet shall be provided from the back side of a retaining wall or upper-most section of concrete lining. Sufficient easements shall also be provided for future construction access.
(Ord. No. 10-28, dated 5-4-10)

- (4) Natural drainage courses shall be used whenever possible, providing they are adequate for a 25-year frequency storm. Retention/detention pond discharges and any other offsite discharges, channels, etc. must discharge to an existing drainageway.

(Ord. No. 06-54, dated 9-05-06)

Outfalls from storm sewers and ditches into natural drainage ways shall enter at the grade of the natural drainage channel. Drop-type

outfall structures and Type B headwalls with wingwalls as specified by TXDOT standards shall be provided along with energy dissipaters to control erosion.

(Ord. No. 06-54, dated 9-05-06)

- (5) Storm drainage facilities shall be designed to pass a 100-year frequency and shall be subject to the approval of the engineer.

(Ord. No. 06-54, dated 9-05-06)

e. The minimum size of storm sewer shall be 18 inches. Pipe for storm drains shall be concrete pipe. Pipe eighteen (18) inches or larger in diameter shall be reinforced concrete pipe (RCP), ASTM C76, Class 3. Where, in the opinion of the City Engineer, added strength of pipe is needed for traffic loads over minimum cover or for excessive height of backfill, concrete pipe shall be ASTM C14 Extra Strength or ASTM C76, Class IV or Class V. Pipe shall have a minimum cover of not less than one (1) foot over the top of pipe. Monolithic, reinforced concrete sewers may be used for storm sewers thirty-six (36) inches and larger.

f. Manholes shall be provided at all changes in grade or alignment, at all sewer intersections, and at intervals of no more than 1,000 ft. on straight lines.

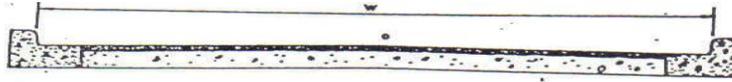
(Ord. No. 06-54, dated 9-05-06)

- (6) Alleys may be designed on a ten-year frequency to carry stormwater only from the lots within the block abutting the alleys. The runoff from a storm with a design frequency of 100 years shall be contained within the street right-of-way. (Ord. No. 06-54, dated 9-05-06)

- (7) All-weather crossings at streets shall be designed on a 25-year frequency, and shall be subject to the approval of the City Engineer.

- (8) Culverts and bridges shall be designed to adequately handle a 25- or 50-year frequency storm, depending on the crossing involved, and shall be subject to the approval of the City Engineer.

TABLE I. STORM DRAINAGE STREET VELOCITIES AND CAPACITIES
(Flowing curb full Manning's N = 0.018)



Minor street:	W	= 30'	Collector street:	W	= 42'
	c	= 4"		c	= 5"
	A	= 12.45		A	= 15.54
	wp	= 31.16		wp	= 43.16
	r	= 0.40		r	= 0.36

Percent of Slope	Minor Street		Collector Street	
	V(fl/s)	Q(cfs)	V(fl/s)	Q(cfs)
0.10	1.42	17.68	1.32	20.51
0.15	1.74	21.66	1.62	25.17
0.20	2.00	24.90	1.87	29.06
0.25	2.24	27.89	2.09	32.48
0.30	2.46	30.63	2.29	35.59
0.35	2.65	32.99	2.47	38.38
0.40	2.84	35.36	2.64	41.03
0.45	3.01	37.47	2.80	43.51
0.50	3.17	39.47	2.95	45.84
0.55	3.32	41.33	3.10	48.17
0.60	3.47	43.20	3.24	50.35
0.65	3.61	44.94	3.37	52.37
0.70	3.75	46.62	3.50	54.39
0.75	3.88	48.31	3.62	56.25
0.80	4.01	49.92	3.74	58.12
0.85	4.13	51.42	3.85	59.83

Percent of Slope	Minor Street		Collector Street	
	V(fl/s)	Q(cfs)	V(fl/s)	Q(cfs)
0.90	4.25	52.91	3.96	61.54
0.95	4.37	54.41	4.07	63.25
1.00	4.48	55.78	4.18	64.96
1.50	5.49	68.35	5.12	79.56
2.00	6.34	78.93	5.91	91.84
2.50	7.09	88.27	6.61	102.72
3.00	7.76	96.61	7.24	112.51
3.50	8.39	104.46	7.82	121.52
4.00	8.97	111.68	8.36	129.91
4.50	9.51	118.40	8.86	137.68
5.00	10.02	124.75	9.34	145.14
5.50	10.51	130.85	9.80	152.29
6.00	10.98	136.70	10.23	158.97
6.50	11.43	143.30	10.65	165.50
7.00	11.86	147.66	11.05	171.72
7.50	12.28	152.89	11.44	177.78
8.00	12.68	157.85	11.82	183.68
8.50	13.07	162.72	12.18	189.28
9.00	13.45	167.45	12.53	194.72
9.50	13.82	172.06	12.88	200.16
10.00	14.18	176.54	13.21	205.28

(Ord. No. 74-20, 8-6-74)

Note: Longitudinal grades (percent of slope) less than 0.40% not acceptable. (Ord. No. 06-54, dated 9-05-06)

(9) Drainage retention/detention ponds.

- (a) Ponds shall have a trickle (pilot) channel on swale flow lines.
- (b) A minimum one-foot freeboard shall be designed.
- (c) Minimum pipe design for outflow shall be no smaller than 12" unless approved by the City Engineer.
- (d) Side slopes and grades shall be designed to no steeper than (4) to (1).
- (e) Erosion control, approved by the City Engineer, shall be required on all inlets and outlets of drainage facilities.

(Ord. No. 05-61, 11-15-05)

- (f) All detention facilities shall have outlet structures designed to restrict the 2, 10, 25, 50 and 100-year storm rate of discharge to the pre-development rate of runoff. For small facilities it is recommended that a concrete outlet structure with a vertical slot be used instead of small pipes for maintenance reasons. All outlet structures shall have erosion

control measures. The outlet structure shall be designed to include a spillway for storms greater than the 100-year storm event. Detention facilities shall be approved by the City Engineer. (Ord. No. 06-54, dated 9-05-06)

(g) All earthen areas in such facilities shall be hydro-mulched or sod-covered. (Ord. No. 06-54, dated 9-05-06)

(10) Where a subdivision is traversed by a waterway, drainageway or channel, there shall be provided a drainage easement or right-of-way conforming substantially with the waterway, drainageway or channel, the width of which shall be subject to approval by the City Engineer in accordance with proper engineering considerations, and with the requirements set forth in other regulations including but not limited to the Federal Emergency Management Agency (FEMA) and the U.S. Corps of Engineers. Parallel streets, parkways, or easements shall be required adjacent to certain portions of creeks or drainageways to provide maintenance access or public access and visibility into public open space or recreation areas. The number of lots that back or side onto creeks and drainageways shall be severely limited, and possibly prohibited, such that public access, visibility, safety and security within these areas are maximized. Other utilities may not be permitted within a drainage easement. (Ord. No. 06-54, dated 9-05-06)

(11) Home Owner Associations (HOA) shall maintain all on-site drainage facilities including drainageways, channels and detention/retention ponds. If no HOA exists or expires, all on-site drainage facilities shall be dedicated to the City including appropriated buffers and easements for access of maintenance equipment.

(Ord. No. 06-54, dated 9-05-06)

a. Non-residential developments shall maintain all on-site drainage facilities including drainageways, channels, detention/retention ponds. (Ord. No. 06-54, dated 9-05-06)

Sec. 90-135. Design criteria for water facilities.

The water distribution system shall be designed so as to provide service to each lot within the subdivision, in accordance with applicable engineering design criteria and requirements of the state board of insurance for fire flows, water mains and fire hydrants and the State Department of Health.

(Ord. No. 74-20, 8-6-74)

Sec. 90-136. Design criteria for sanitary sewer facilities.

- (a) The sanitary sewerage system shall be designed so as to provide service to each lot within the subdivision, in accordance with applicable engineering design criteria and requirements of the State Department of Health.
- (b) The use of on-site sewage facilities in subdivision development is prohibited within the city, but may be permitted on existing lots and minor plats where no main exists within 300 feet, with the approval of the City Engineer and Building Codes staff. All on-site sewage facilities must be in compliance with all local, state and federal requirements.
(Ord. No. 97-12, 3-18-97)
- (c) All septic tank systems installed in the extraterritorial jurisdiction must be designed and installed in accordance with the specifications and recommendations contained within the State Department of Health publication "A Guide to the Disposal of Household Sewage" and all revisions thereto. Prior to backfilling or covering the septic tank, drain lines, or drainfields, the subdivider or builder must obtain the approval of the City Engineer. No septic tank system can be installed on a lot or part of a lot that contains less than 20,000 square feet, nor any part of a septic tank system be installed any closer to a flowing stream than 150 feet.
- (d) In either the city limits or within the extraterritorial jurisdiction, a subdivider may, in the alternate, install at his own expense a temporary or package sewerage treatment plant, provided the use of such plant is approved by the City Engineer. Such plant shall be designed to serve the property being subdivided and shall meet all applicable requirements of the State Water Quality Board and Environmental Protection Agency, but in no event shall the effluent exceed the following requirements: 20 parts per million BOD; 20 parts per million suspended solids.
- (e) It shall be the responsibility of the subdivider to secure all necessary discharge permits. The subdivision shall maintain the treatment plant until such time as the improvements within the subdivision are accepted by the City in accordance with Appendix A, Article IX, Section 4 of this Code.
(Ord. No. 74-20, 8-6-74; Ord. No. 97-12, 3-18-87)

Sec. 90-137. Design criteria for electrical service.

The electrical distribution system shall be designed so as to provide service to each lot within the subdivision, in accordance with applicable engineering design criteria and all electrical code requirements of the

City. All electrical distribution lines within the subdivision shall be installed underground.

(Ord. No. 74-20, 8-6-74; Ord. No. 85-23, §9,7-16-85)

Sec. 90-138. Street signs.

All street designation signs and traffic control signs and devices shall be installed by the city. The cost of such signs shall be in addition to the plat application fee and shall be paid by the applicant prior to the final approval of the plat by the City Planning and Zoning Commission.

(Ord. No. 74-20, 8-6-74; Ord. No. 85-23, § 10, 7-16-85; Ord. No. 85-34, 9-17-85)

Sec. 90-139. Design criteria for street lighting.

(a) Location & Design Criteria.

1. For new developments, streetlights shall be installed by the developer at all intersections, at the end of cul-de-sacs, and at a minimum of 500 feet along street frontage.
2. In newly annexed areas, and areas developed prior to the adoption of this ordinance, or for areas served by an electric utility other than the City of Seguin, streetlight locations shall be based on the availability of service and other safety requirements at the discretion of the City of Seguin Director of Utilities, and/or the electric provider if other than the City of Seguin
3. In areas not exceeding a residential density of two units per acre, streetlight requirements may be waived by the Director of Utilities, where it is determined that the area does not require such street lighting for safe pedestrian or vehicular traffic.

(b) Fixtures.

The type, size and service of street lighting shall be determined by the Director of Utilities. For areas not served by the City of Seguin, the utility provider shall determine the type, size and service of streetlight service.

(c) Maintenance & Installation.

1. Streetlights shall be installed by the subdivider, developer or property owner in new developments. The City of Seguin or electric provider may install streetlights within previous developed areas or areas where accommodations cannot be made to make the installation safe for the subdivider, developer or property owner. The City of Seguin or electric provider may

require the installation of conduit by the subdivider, developer or property owner in this case.

2. Service lines to streetlights shall be underground and shall be extended within an appropriate easement or right-of-way to available transformers and junction boxes. Service lines shall be provided and installed at the sole cost of the subdivider, developer or property owner.
3. The City of Seguin shall be responsible for streetlight maintenance for all non-metered, public streetlights within the City of Seguin service territory, which have been approved by the Director of Utilities.
4. Decorative or other non-standard streetlight fixtures shall be approved by the Director of Utilities.
5. The subdivider, developer or property owner shall be responsible for the installation and maintenance of all private, metered streetlights.

(Ord. No. 07-20, 2-20-07)