THE CITY OF

Seguin

TEXAS

# Unified Development Code

**Adopted March 17, 2015**

**Revised March 15, 2016**

# Unified Development Code- Table of Contents


- **Chapter 1- General Provisions**
  - Title
  - Purpose
  - Authority
  - Chapter Components
  - Applicability
    - City Limits
    - ETJ
  - Consistency with the Comprehensive Plan
  - Effective Date
  - Severability
  - Violations
  - Interpretation
  - Officials and Responsibilities
    - City Council
    - Planning and Zoning Commission
    - Zoning Board of Adjustments
    - Historic Design Review Committee
    - Long Range Planning Committee
    - Parks and Recreation Advisory Board
  - Administrative Authority
  - Nonconformities
  - Expiration of Applications

- **Chapter 2- Development Applications/ Development Review Process**
  - Intent
  - Chapter Components
  - Development Process
  - Development Applications
    - Annexation (Voluntary)
    - Zoning
      - Rezoning Request
      - Specific Use Permits
      - Limited Use Permits
      - Variances (Zoning Board of Adjustments)
    - Certificates of Appropriate Design
    - Subdivision Platting

# Unified Development Code- Table of Contents

**Chapter 2- Development Applications/ Development Review Process (cont.)**


- Preliminary Subdivision Plat
- Final Subdivision Plat
- Minor Plat
- Amending Plat
- Replatting without vacating previous plat
- Plat Vacation
- Unity of Title Agreement

▪ Subdivision Variances
▪ Public Improvement Construction Plans
▪ Floodplain Development Permit
▪ Site Development Permit
▪ Building Permits
▪ Certificates of Occupancy
▪ Temporary Certificates of Occupancy
▪ Outdoor Festival Permit
▪ Variance for on-site consumption of alcohol
▪ Amendments to the Comprehensive Master Plan

- **Chapter 3- Zoning and Land Use**
  - Intent
  - Applicability
  - Chapter Components
  - Official Zoning Map
  - General Provision for Single Family Residential Districts
  - Zoning Districts
    - Agricultural Ranch
    - Rural Residential
    - Suburban Residential
    - Single Family Residential (R-1)
    - Single Family Residential (R-2)
    - Duplex Low Density
    - Duplex High Density
    - Zero Lot Line
    - Multi-Family Low Density
    - Multi-Family Medium Density
    - Multi-Family High Density
    - Manufactured and Residential
    - Manufactured Home Park
    - Neighborhood Commercial

# Unified Development Code- Table of Contents

**Chapter 3- Zoning and Land Use (cont.)**

- Commercial
- Public
- Light Industrial
- Industrial
- Planned Unit Development
- Overlay Districts
  - Corridor Overlay Districts
  - Downtown Historic Overlay District
- Land Use Matrix
- Limited Use Requirements
- Lot Dimensional Requirements

- **Chapter 4- Subdivisions**
  - **Subdivision Design**
    - Lot Configuration
    - Easements
    - Street Design
    - Property under common ownership
    - Stormwater and Drainage Standards
  - **Construction of Public Improvements**
    - Required Improvements
    - Developers Responsibility
    - Timing of Improvements
    - Phasing of Requirements
    - Maintenance Responsibilities
    - Street Construction Requirements
    - Water Requirements
    - Wastewater Requirements
    - Electric Requirements
    - Street Lighting
  - **Road Adequacy Standards**
    - Boundary Street Improvements
    - Traffic Impact Analysis
  - **Parkland**
    - Dedication
    - Improvements
    - Fee-in-lieu

# Unified Development Code- Table of Contents


- **Chapter 5- Site Plans**
  - Landscaping
  - Buffers
  - Screening
  - Tree Preservation/Removal
  - Parking Requirements
  - Sidewalks
  - Detention/ Drainage
  - Fencing
  - Lighting

- **Chapter 6- Reserved for Signs**

- **Definitions**

# Chapter 1- General Provisions

## Section 1.1

### 1.1.1 Title
This document is known as the "Unified Development Code of the City of Seguin, Texas", and may be referred to as the "UDC", "this code", "Development Code", "Zoning Code", or "Subdivision Code".

### 1.1.2 Purpose
The purpose of the Unified Development Code (UDC) is to implement the vision of the adopted Comprehensive Master Plan and to promote the public health, safety, general welfare and quality of life of the present and future citizens of the City of Seguin.

### 1.1.3 Authority
The Unified Development Code is adopted under authority of the constitution and laws of the State of Texas, including Section 211, Texas Local Government Code, and under the provisions of the City Charter.

### 1.1.4 Chapter Components
This chapter contains the following sections:

- Applicability of this Code
- Violations
- Officials- Responsibilities/ Authority
- Nonconformities
- Expiration of Applications

### 1.1.5 Applicability

**A. General**
The Unified Development Code includes all regulations and other matters regarding land use and development of land, including zoning, subdivision, platting, site development, floodplains, and historic preservation.

**B. City Limits**
In the City corporate limits, all provisions of this code apply to all land, buildings, structures, and uses, except as otherwise stated.

**C. Extraterritorial Jurisdiction (ETJ)**
In the ETJ, signage requirements, subdivision and platting provisions apply to all land as provided in the Texas Local Government Code.

### 1.1.6 Consistency with Comprehensive Plan
This UDC is intended to implement the policies and objectives contained in the City of Seguin's Comprehensive Master Plan. Any application for development shall be consistent with the City's Comprehensive Plan. The land use policies adopted in the City's Comprehensive Plan have been used in the development of this UDC in order to ensure that land development within the City's jurisdictional area is consistent with the adopted vision for City growth and development.

### 1.1.7 Effective Date

This Code shall become effective and be in full force immediately following its passage and approval by the City Council.

### 1.1.8 Severability

If any section or part of this Code is held by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Code but shall be confined in its operation to the specific sections of this Code that are held unconstitutional or invalid. The invalidity of any section of this Code in any one or more instances shall not affect or prejudice in any way the validity of this Code in any other instance.

### 1.1.9 Violations, Enforcement and Remedies

A. Responsible Official – the provisions of this Code shall be administered and enforced by the Official identified in Section 1.2.7 or his/her duty authorized representative of the City of Seguin.

B. Right to Enter – The Responsible Official or any duly authorized person shall have the right to enter upon any premises at any reasonable time for the purpose of making inspection of buildings or premises necessary to carry out the duties in the enforcement of this Code. If the Responsible Official or his/her duly authorized representative is refused entry, he/her shall have to obtain proper judicial authorization.

C. Stop Orders – whenever any work is being done contrary to the provisions of this Code, the Responsible Official or his/her duly authorized representative may order the work stopped by notice in writing served on the owner or contractor doing the work or causing such work to be done, and any such person shall forthwith stop such work until authorized to proceed with the work.

D. Violations - a failure to timely perform any duty or obligation set forth in this Ordinance, the failure to develop any land or subdivision in conformance with this Ordinance, or the use of property in a manner not specifically permitted by this Ordinance is a violation and may be punished as a misdemeanor that, upon conviction, is subject to fines in accordance with Section 1-14 of the Seguin Code of Ordinances. Each day that a violation occurs shall be a separate violation.

E. Additional Remedies – in case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is used in violation of this act or of any ordinance or other regulation made under the authorities of the municipality, in addition to other remedies, the City shall institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to refrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises. Appropriate action or proceedings shall include termination of utility services (water, gas, electric), revocation of permits, licenses, or bonds, and institution of legal action in courts of competent jurisdiction.

### 1.1.10 Interpretation

The words "will" and "must" are the equivalent of "shall," and imply mandatory rules and actions. The word "may" in conjunction with a value or attribute implies permission to a limit; for example, "A freestanding sign may be up to five feet tall" means the same as "A freestanding sign must be five feet tall or less." Otherwise, the word "may" is permissive. If a requirement or process in this

code conflicts with another applicable local, county, state or federal law, the more restrictive standard applies. Photos are not considered official, adopted parts of this code. Photos and drawings used in the printed version of this code are examples intended to explain certain design concept, processes, or concepts. Some features shown in photos and drawings may not conform to other sections of this code. If there is a conflict of meaning or implication between the text of this code and any heading, drawing, table, figure, or illustration, the text will control.

## Section 1.2 Officials- Authority and Responsibilities

### 1.2.1 City Council

The City Council may from time to time amend, supplement or change by ordinance the text of this Unified Development Code on its own initiative or upon petition for a text amendment. The City Council shall act as the final decision maker on all zoning change cases, amendments to the comprehensive master plan, and any amendments to this Unified Development Code. Additionally, the Council shall decide appeals on all decisions made by the Planning and Zoning Commission.

### 1.2.2 Planning and Zoning Commission

The Planning and Zoning Commission shall act as an advisory body to the City Council regarding all matters related to the physical growth and development of the City. The Planning and Zoning Commission shall advise the City Council on applications and petitions for zoning change requests, amendments to the comprehensive master plan, and amendments to the UDC. The Planning and Zoning Commission shall act as the final decision maker on the following development applications:

A. Specific Use Permits
B. Preliminary Plats
C. Final Plats
D. Subdivision Plat Variances- when a request is associated with a new subdivision or undeveloped area the Planning and Zoning Commission may grant a variance to vary the applicable lot area, lot width or frontage, and lot depth requirements.

Additionally, the Commission shall decide on appeals for the Limited Use Permits decisions made by the Planning Director and City Engineer.

### 1.2.3 Zoning Board of Adjustments (ZBA)

The regulations and restrictions of the Board of Adjustment (ZBA) for the City of Seguin will be pursuant to the provisions of applicable statutory requirements of the State of Texas. It shall consist of five (5) regular members who shall be appointed by the Mayor with the approval of the City Council of the City of Seguin, for a term of two (2) years, and removable for cause by the City Council upon written charges and after a public hearing. All such regular members shall reside within the corporate limits of the City of Seguin. All cases to be heard by the Board of Adjustments will be heard by a minimum number of four (4) members. Vacancies shall be filled for the unexpired term of any member by appointment by the City Council. In accordance with state law, each case before the ZBA must be heard by at-least seventy-five percent (75%) of the members.

### 1.2.4 Historic Design Review Committee (HDRC)

There is hereby created a Committee to be known as the Historic Design Review Committee, hereafter referred to as the "HDRC". The HDRC shall consist of five (5) members appointed by the Mayor, and at least two (2) of such members shall be business or property owners within the district and one (1) shall be a design professional. A design professional is defined as someone having training or expertise

in historic architecture, art, and/or the recommendation of materials and color selection for commercial property. All HDRC members shall have a known and demonstrated interest, competence or knowledge of historic preservation within the City. HDRC members shall serve for staggered terms of three years. Members shall serve a maximum of two terms and shall be reappointed after the initial term is completed. The chairman and vice-chairman of the HDRC shall be elected by and from the members of the HDRC and shall remain in their elected position for one year. The HDRC shall have the power to:

- **A.** Adopt rules and procedures as necessary to provide for the orderly conduct of meetings.
- **B.** Maintain written minutes that record all actions taken by the HDRC and the reasons for taking such actions.
- **C.** Increase the public awareness of the value of historic, cultural and architectural preservation by encouraging and participating in public education programs developed by the Historic Preservation Officer (HPO).
- **D.** Approve or disapprove applications for a Certificate of Appropriate Design pursuant to this chapter.
- **E.** Recommend specific design guidelines to ensure compatibility within the district.
- **F.** Recommend additional designations, district expansion, or other advisory functions such as abatements
- **G.** The HDRC shall meet at such times as determined by a submission of a Certificate of Appropriate Design application if business is at hand or a minimum of three times per year. Special meetings may be called at any time as requested by the HPO. All meetings shall be held in conformance with the Texas Open Meetings Act. A quorum for the transaction of business shall consist of three (3) of the HDRC's members. Additionally, the Committee shall have three (3) ex-officio, non-voting members each of whom shall be entitled to notice of all meetings of the Committee and to fully participate in the discussion and consideration of all business coming before the Committee. The ex-officio members shall be the Building Official, the Planning Director, and the HPO.

### 1.2.5 Long Range Planning Committee

The Long Range Planning Committee is comprised of seven (7) citizens appointed by the Seguin City Council. This committee serves as an advisory committee to help and advise the Planning and Zoning Commission and City Council on the implementation of the Comprehensive Plan. The Long Range Planning Committee shall in addition try to anticipate the future needs to the City and make recommendations concerning the same. All requests for amendments to the Comprehensive Master Plan, excluding Future Thoroughfare Plan amendments, shall be reviewed by the Long Range Planning Committee. The Committee will make a recommendation to the Planning and Zoning Commission on how to proceed with the request.

### 1.2.6 Parks and Recreation Advisory Board

The Parks & Recreation Advisory Board is a seven (7) member Council appointed board charged with making recommendations to the City Council on matters concerning general rules and regulations governing use of parks and open space, programs for all segments of the population, park and recreation capital appropriations, and future park development. The Parks and Recreation Advisory Board is charged with reviewing and preparing a recommendation to the Planning and Zoning Commission on all proposals for parkland dedication.

### 1.2.7 Administrative Authority

The City Manager or his/her designees shall have such powers and authority as granted by State law, the City Charter, the Code of Ordinances, and this UDC to initiate, undertake, and decide any matters pertaining to the regulation of the use and development of land as identified in this UDC and are authorized to take all actions necessary to carry out their responsibilities in accordance with the requirements and limitations prescribed therein. Below is a brief description of the staff involved in the development process and referenced to within the UDC.

**A. Planning Director**

Duties of the Planning Director or his/her designees include, but are not limited to the following:

- Administer, interpret and enforce this code, and other plans, policies and rules affecting development.
- Serve as a case manager for development requests.
- Prepare and update the City's Comprehensive Master Plan, Unified Development Code, and other planning policy and regulatory documents.
- Provide technical help with planning and land use issues to customers, City staff and officials.
- Work with other local government agencies to promote good planning practices.
- Final decision maker for application for a Minor or Amending Subdivision Plat.
- Final decision maker for Limited Use Permits
- Final decision maker for Site Development Permit
- Jointly responsible for Technical Manual criteria along with the City Engineer

**B. Building Official**

Duties of the Building Official or his/her designee include but are not limited to the following:

- Final decision maker for building permits
- Final decision maker for sign permits
- Final decision maker for certificates of occupancy

**C. Floodplain Administrator**

The Floodplain Administrator or his/her designee shall administer and implement the provisions of this article and other appropriate sections of 44 CFR (Emergency Management and Assistance-National Flood Insurance Program Regulations) pertaining to floodplain management. Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

- Maintain and hold open for public inspection all records pertaining to the provisions of this article.
- Review permit application to determine whether proposed building sites, including the placement of manufactured homes, will be reasonably safe from flooding.
- Review, approve or deny all applications for floodplain development permits.
- Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including section 404

of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

- Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.
- Notify, in riverine situations, adjacent communities and the state coordinating agency which is the Texas Water Development Board (TWDB as of September 1, 2007), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
- When base flood elevation data has not been provided the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of this code.
- When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial, improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

**D. Electric Director, Utilities Director and City Engineer (as applicable)**

The Electric Director, Utilities Director and City Engineer or their designees shall be jointly responsible for the following:

- Review and approval of all Public Improvement Construction Plans
- Review and approval of all Site Development Permits
- Utility Extension Requests
- Drainage Plans
- Jointly responsible for Technical Manual criteria along with the Planning Director

**E. Historic Preservation Officer**

The City Manager shall appoint a qualified City staff person to serve as Historic Preservation Officer. The City's Historic Preservation Officer (HPO) shall be charged with the role of supervising the historic preservation program. In connection with his or her supervision of the program, the HPO shall:

- Develop criteria for the designation of local historic, architectural and cultural landmarks and historic districts, which criteria shall be approved by the County Historical Commission and the Seguin Conservation Society, and ratified by the City Council. These criteria shall include, but are not limited to the following:
  - Significance in history, architecture, archeology, or culture;
  - Associated with events that have made a significant contribution to the broad patterns of local, regional, State, or national history;
  - Associated with the lives of significant historical persons;
  - Characteristics of type, period, or method of construction;

  - Association with the work of a master designer, builder, or craftsman; or
  - Associated with an established and visual feature of the City.
- Develop application procedures for property owners and neighborhood or commercial groups interested in participating in the program, and distribute the executed applications to the appropriate recommending bodies.
- Assist property owners with state and national applications for historic markers to be submitted to the Texas Historical Commission and the National Park Service as appropriate.
- Conduct an initial review of all applications, local State and national to determine if a property clearly does or does not meet the landmark criteria.
- Conduct surveys and maintain an inventory of significant historic, architectural and cultural landmarks and all properties located in historic districts within the City.
- Recommend acquisition of a landmark structure by the City where its preservation is essential to the purpose of this act and where private preservation is not feasible.
- Recommend the designation of historic districts that meet one or more criteria for designation of a landmark and constitute a distinct section of the City.
- Increase public awareness of the value of historic, cultural and architectural preservation by developing and participating in public education programs.
- Make recommendations to the City Council and other City boards concerning the utilization of State, Federal or private funds to promote the preservation of landmarks and historic districts within the City.
- Prepare and submit annually to the City Council a report summarizing the work completed during the previous year.
- Propose tax abatement programs for designated properties.
- Maintain written meeting minutes for all meetings of the Historic Design Review Committee with distribution to all committee members for review and approval at subsequent meetings.
- Report any actions affecting any county courthouses, Recorded Texas Historic Landmark (RTHL), State Archeological Landmarks (SAL), National Register (NR), National Historic Landmark (NHL) and any locally designated properties.

## 1.3 Nonconformities

### A. General

Nonconformities are commonly called "grandfathered uses." A building, site, lot or use that was previously compliant becomes nonconforming if:

- The zoning regulations change.
- The use or building was first established when the property was outside Seguin, and the property was later annexed.
- The use or building was first established before Seguin adopted zoning (1989).
- A change in conditions in the area surrounding the property beyond the control of the property occurs, such as widening of a street therefore reducing the size of a lot or causing a structure to be closer to the right-of-way than setback standards permit.

### B. Intent

The purpose of this section is to provide recognition of nonconformities and establish standards and procedures for bringing nonconformities into conformance. Use and ordinary maintenance of nonconforming uses, sites, and structures may continue, subject to the provisions of this chapter. The right to maintain a nonconforming use, building or structure runs with the land and is not ended by a change in ownership.

**C. Types of Nonconformities**

For the purpose of this ordinance there are four types of nonconformities:

1. Nonconforming uses
2. Nonconforming Structures
3. Nonconforming Sites
4. Nonconforming Lots

**1.3.1 Nonconforming Uses**

**A. General**

A nonconforming use is any use that does not conform to the regulations of this Code on the effective date. A use shall be deemed a nonconforming use provided that:

1. Such use was in existence under and in compliance with the provisions of the immediately prior Zoning Ordinance; or
2. Such use was a lawful, nonconforming use under the immediately prior Zoning Ordinance; or
3. Such use was in existence at the time of annexation into the City, was a legal use of the land at such time, and has been in regular and continuous use since such time.

**B. Standards**

Nonconforming use standards are as follows:

1. A structure devoted to a nonconforming use shall not be permitted to be enlarged, extended, reconstructed, or moved.
2. The use of the structure shall only be changed to a use permitted in the zoning district in which it is located. A nonconforming use may be changed to a conforming use provided that, once such change is made, the use shall not be changed back to a nonconforming use.
3. The existing nonconforming use may be extended throughout any parts of a building which were arranged or designed for such use at the time of adoption of this ordinance, but no such use shall be extended to occupy any land outside such building.
4. If a nonconforming use is abandoned, any future use of the premises shall be in conformity with the provisions of this Code, and with any other applicable City codes or ordinances that are in effect at the time the use is resumed or the structure is re-occupied. A nonconforming use shall be deemed "abandoned" in the following circumstances:
    - The use ceases to operate for a continuous period of six months;
    - In the case of a temporary use, the use is moved from the premises for any length of time.
    - For purposes of calculating the six month period, a use is abandoned upon the occurrence of the first of any of the following events:
        - On the date when the use of land is physically vacated;

- On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;
- On the date of termination of any lease or contract under which the nonconforming use has occupied the land; or
- On the date a final reading of water and/or power meters is made by the applicable utility provider(s).

**Nonconforming Uses**

| Desired Action | Action Need to allow Desired Action* |
|---|---|
| Expand a structure, which contains a nonconforming use, beyond the current size. | Rezoning to a designation that allows the use by right will be required |
| Change the existing use of a building from a nonconforming use to a use that is allowed by current zoning category. | No change in zoning needed. |
| Expansion of existing nonconforming use throughout other parts of a building which were designed for the existing use. | No change in zoning needed, however no such use shall be extended to occupy any land outside the building. Please check with the inspections department for any additional permits needed. |
| The nonconforming use was "abandoned" for more than 6 months and the property owner would like to utilize the building for the same non-conforming use. | The property owner will need to rezone the property. Since the use was abandoned for more than 6 months the property must seek rezoning to legally allow the use. |
| * Other building, site or platting requirements may in some cases still be applicable | |

## 1.3.2 Nonconforming Structures

**A. General**

Any structure, not including non-conforming signs, that lawfully exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its locations on the lot, or other requirements concerning the structure, such structure shall be deemed a nonconforming structure provided that**:**

1. Such structure was in existence under and in compliance with the provisions of the immediately prior Zoning Ordinance; or
2. Such structure was a lawful, nonconforming structure under the immediately prior Zoning Ordinance; or
3. Such structure was in existence at the time of annexation into the City, was a legal structure at such time, and has been in regular and continuous use since such time.
4. Such structure was a conforming structure prior to ROW acquisition which reduced the required setback of a structure

**B. Standards**.

Nonconforming structures may be allowed to remain in existence as long as it remains otherwise lawful. The nonconforming structure is subject to the following provisions**:**

1. A nonconforming structure shall not be enlarged or altered in a way which increases its structural nonconformity
2. The structure may be altered to decrease its structural nonconformity or to meet the requirements of the current development regulations
3. Nonconforming structures damaged or destroyed to an extent of 50% of its assessed valuation (per Guadalupe County appraisal district) must be demolished or reconstructed in full compliance to this code.
4. Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations of the district in which it is located after it is moved**.**

**Nonconforming Structure**

| Desired Action | Action Need to allow Desired Action * |
|---|---|
| Expand current nonconforming structure beyond current size. | A nonconforming structure shall not be enlarged or altered in a way which increases its structural nonconformity. The structure may be altered to decrease its structural nonconformity. |
| Decrease the structural nonconformity of a structure. | A site plan and building permit will be required. |
| Improve a nonconforming structure that has been damaged to an extent more than 50% of its appraised value at the time of destruction. | Nonconforming structures damaged or destroyed to an extent of at least 50% of its assessed valuation must be demolished or reconstructed in full compliance to this code. |
| Move the existing nonconforming structure to another location on the same site. | The structure will be required to come into conformance with all current development requirements. |
| * Other building, site, or platting requirements may in some cases still be applicable | |

### 1.3.3 Nonconforming Sites

**A. General**

Any developed site that lawfully exists at the effective date of adoption or amendment of this ordinance that could not be developed under the terms of this ordinance by reason of restrictions on buffering, screening, landscaping, sidewalk, detention or parking requirements shall be deemed a nonconforming site provided that:

1. Such site was in existence under and in compliance with the provisions of the immediately prior Zoning Ordinance; or
2. Such site was a lawful, nonconforming structure under the immediately prior Zoning Ordinance;

**B. Standards**

Nonconforming sites may be allowed to remain in existence as long as it remains otherwise lawful. The nonconforming site is subject to the following provisions**:**

1. A nonconforming site shall not be enlarged or altered in a way which increases its nonconformity.
2. The site may be altered to decrease its structural nonconformity.
3. All new improvements will be required to meet the requirements of the UDC and other City codes.

| Nonconforming Site | |
|---|---|
| **Desired Action** | **Action Need to allow Desired Action *** |
| Enlarge or alter the nonconforming site in a way which increases its nonconformity. (Example- increase the size of a parking lot that does not meet the current landscaping standards). | Review the site with staff to determine what the exact aspects of the site create the nonconformity. Any new improvements to the site would be required to be in full compliance with the adopted development standards. |
| Decrease the nonconformity of the site. | Approval of a site plan and building permit is required. The improvements made to the site are required to be in conformance with the UDC and city code. |
| Redevelop less than 50% of the land area of the site and improve the site to the extent the value of the improvements of the site are less than 50% of the appraised value of the current site. | Approval of a site plan and building permit is required. Any new development will be required to meet the requirements of the UDC and city code. |
| Redevelop more than 50% of the land area of the site or improve the site to the extent the value of the improvements of the site are more than 50% of the appraised value of the current site. | A site and building permit is required. The entire site will be required to be brought into conformance with the current development standards. |
| * Other site, building and/or platting requirements may in some cases still be applicable | |

### 1.3.4 Nonconforming Lots

Any platted lot that does not conform to the regulations of this Code on the effective date, shall be deemed a nonconforming platted lot provided that**:**

1. Such platted lot was in existence under and in compliance with the provisions of the immediately prior Zoning Ordinance; or
2. Such platted lot was in existence at the time of annexation into the City, was a legally platted subdivision of the land at such time.
3. Nothing in this Code shall be construed to prohibit the use of a lot that does not meet the minimum lot standards of the zoning district in which it is located, provided that the lot is zoned for the land use(s) intended and the lot was platted as a lot of record prior to the effective date of this Code. Please refer to Chapter 4- Subdivisions for information on legal lot determinations and platting exemptions.

## 1.4 Expiration of Applications

Below is a listing of development applications required by the UDC and the applicable expiration date of the specified development application.

| Development Application | Permit Expiration | Extension of Permit* |
|---|---|---|
| Amending Plat | 2 years, unless recorded or fiscal surety is posted for public improvements. | The property owner may apply for one extension of one year. |
| Building Permit | 180 days | A permit holder may apply for one extension of 180 days. |
| Certificate of Occupancy | As long as the use remains the same. | As long as the use remains the same. |
| Certificate of Appropriateness | 180 days | The property owner may apply for one extension of 180 days. |
| Final Subdivision Plat | 2 years, unless recorded or fiscal surety is posted for public improvements. | The property owner may apply for one extension of one year. |
| Floodplain Development Permit | 180 days | A permit holder may apply for one extension of 180 days. |
| Limited Use Permit | 1 year unless alternative expiration is specified by the Planning Director | A permit holder may apply for one extension of a 1 year time period. |
| Minor Plat | 2 years unless alternative expiration is specified by the Planning Director | The property owner may apply for one extension of one year. |
| Preliminary Subdivision Plat | Three year period from the date of final approval | The property owner may apply for one three year extension. |
| Replat | 2 years unless alternative expiration is specified by the Planning Director | The property owner may apply for one extension of one year. |
| Plat Variances | As long as the plat is valid | n/a |
| Public Improvement Construction Plans | 1 year, unless fiscal surety has been posted for public improvements | A permit holder may request an extension of one year. |
| Sign Permit | 180 days | A permit holder may apply for one extension of 180 days. |
| Site Plan | One year | The property owner may apply for one extension of one year. |
| Specific Use Permit | 1 year unless alternative expiration is specified by the Planning and Zoning Commission | A permit holder may request an extension of one year unless alternative expiration is specified by the Planning and Zoning Commission |
| Tree Removal Permit | 1 year unless alternative expiration is specified by the Planning Director | A permit-holder may apply for one extension of one year. |
| Alternative Landscape Plan | As long as the site plan remains valid. | If the site plan has expired the applicant must resubmit the site plan. |
| Zoning Change | n/a | n/a |

# Chapter 2-
# Development Applications/ Development Review Process

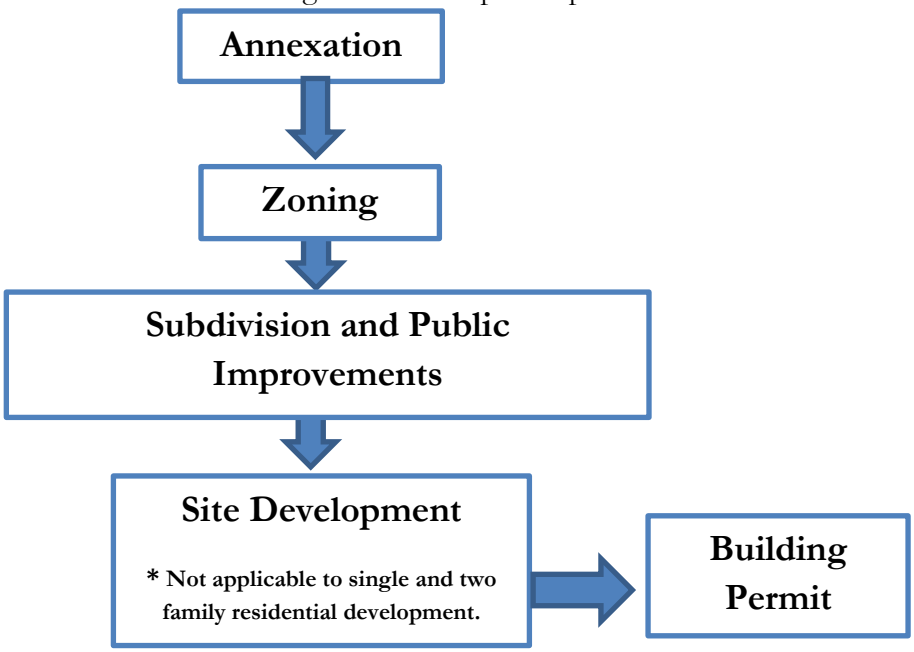
## Section 2.1

### 2.1.1 Intent
The purpose of this chapter is to establish application procedures, internal review procedures, public notice and hearing procedures, and review criteria for the processing of applications and actions that affect the development and use of property subject to the jurisdiction of the City of Seguin.

### 2.1.2 Chapter Components
This chapter reviews in general each of the following development applications, process, and criteria for approval:

- Voluntary Annexation
- Zoning Change
- Specific Use Permits
- Limited Use Permits
- Certificate of Appropriate Design
- Subdivision Plats
- Construction Plans
- Floodplain Permits
- Site Plans
- Building Permits
- Certificate of Occupancy
- Temporary Certificate of Occupancy
- Outdoor Festival Permit
- Variance from onsite alcohol consumption distance requirements

### 2.1.3 Development Process
Below is an outline of the general development process.



## Section 2.2 Annexation (Voluntary)

### 2.2.1 Intent

All land in Seguin's current or future extraterritorial jurisdiction area should eventually become part of the City, so it can more effectively guide growth and regulate the quality of the built environment.

### 2.2.2 Applicability

The annexation process is used to annex unincorporated land into the City.

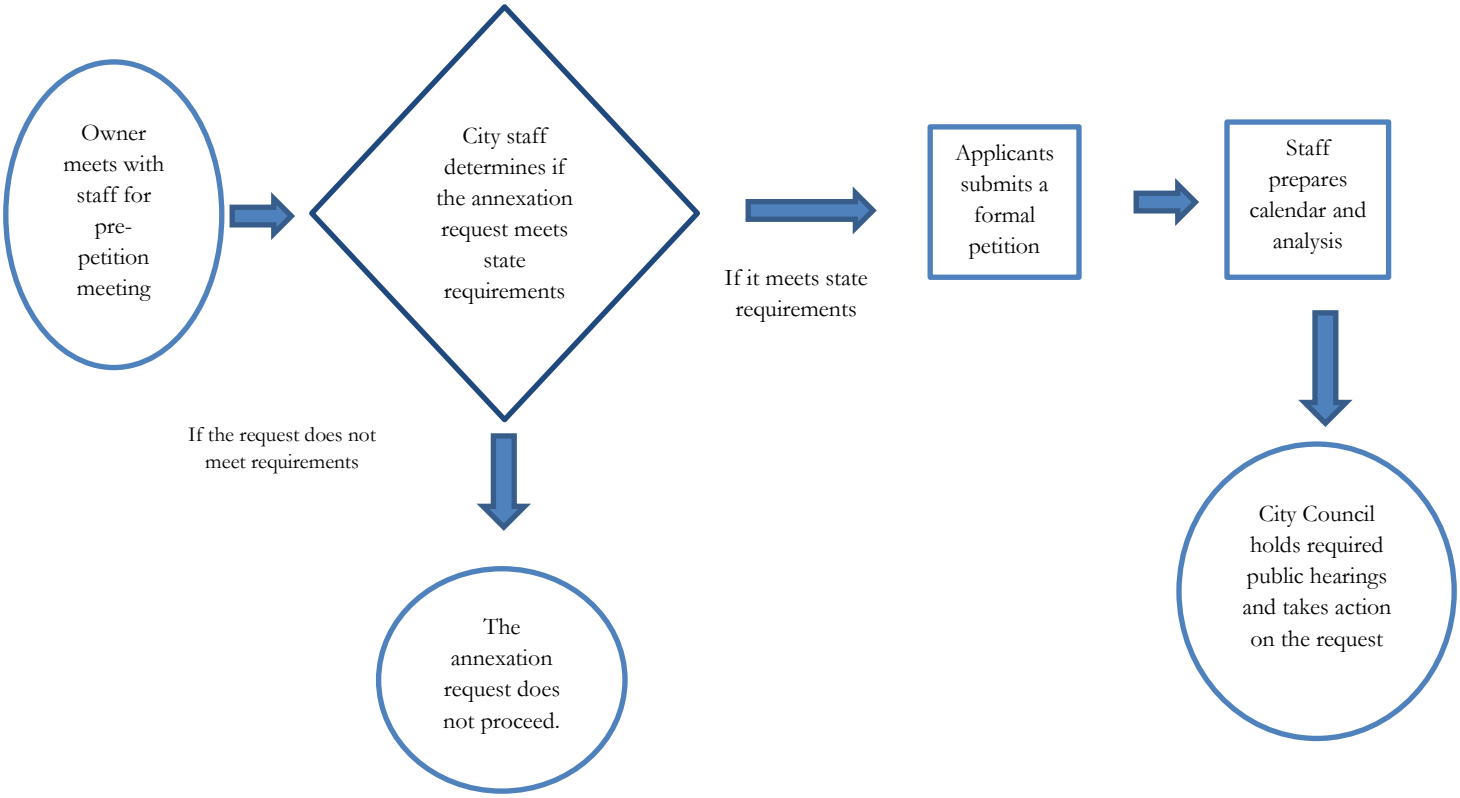
### 2.2.3 Criteria

Annexation and initial zoning requests are evaluated using all the following criteria:

A. The request is consistent with community, neighborhood and other applicable land use and development plans;
B. The property is in the extraterritorial jurisdiction (ETJ) and contiguous to the City limits or a property with a development agreement in which state law permits the City to use as contiguity for annexation purposes;
C. The ability of the City to provide services to the property;
D. The annexation request conforms to state law.

### 2.2.4 Process

City staff will evaluate the request for the above criteria and prepare a recommendation to the City Council. Conditions may be imposed on an annexation request, to ensure conformance to this code and any community, neighborhood and other applicable land use and development plans. Initial zoning is established as Agricultural Ranch (A-R) unless a specific request is made by the property owners. Initial zoning must conform to the comprehensive plan.



## Section 2.3 Zoning

### 2.3.1 Intent

The zoning designation for a parcel does not always permit the most appropriate and desired use for the site. This section of the code will outline the steps that may be required in order to entitle a particular property to a proposed use.

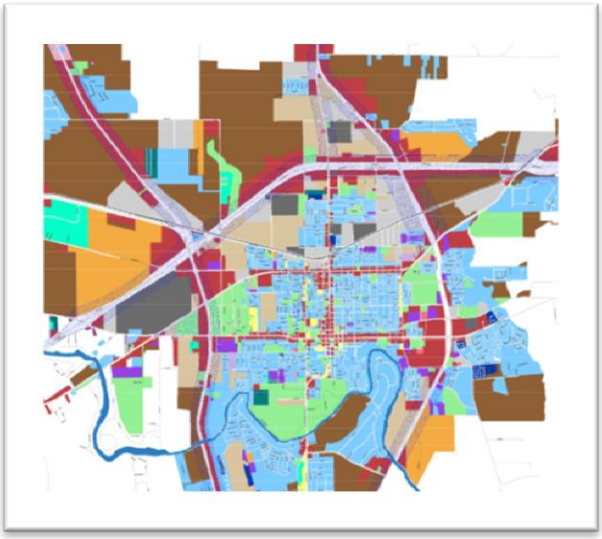
### 2.3.2 Applicability

The following applications are described in this section

- Petition for Zoning Map Amendments
- Specific Use Permits
- Limited Use Permits
- Petition for Planned Unit Development
- Overlay Districts
- Certificates of Appropriateness

### 2.3.3 Criteria

Please to refer to each section and each development application for criteria for approval and development process for each.



## Zoning Checklist

- ☐ **Step 1**- Identify your current zoning designation and identify if the property is located in an overlay district. (Official zoning map can be found on City website).
- ☐ **Step 2-** Review zoning use chart in Chapter 3 to see if proposed use is permitted under current zoning designation.
- ☐ **Step 3**- Is your property zoned for the specific use you are proposing?
    - If yes, you may not need to apply for any zoning permits. Please see step 4.
    - If no, please review requirement zoning map amendment process and requirements
- ☐ **Step 4**- Is your proposed use entitled by right or is it identified as Specific Use or a Limited Use?
    - Uses allowed by right, no additional zoning permits are needed.
    - Use requires Specific Use Permit, please review requirements for Special Use Permits
    - Use requires Limited Use Permit, please review requirements for Limited Use Permits

## Section 2.4 Zoning Map Amendment/Rezoning/Zoning Change

### 2.4.1 Application of Requirements.

This section applies in the following areas:

| Property within City of Seguin City Limits | Property within City of Seguin ETJ |
|---|---|
| YES | NO |

### 2.4.2 Intent

The purpose of a petition for a zoning map amendment is to establish the initial zoning district classification of land, or to change the zoning map designation currently assigned to a property.

### 2.4.3 Applicability

Where a property owner seeks to establish an initial zoning district classification for land, or request a rezone the property owner must submit an application for a zoning map amendment before any action can be taken.

### 2.4.4 Criteria

Zoning map amendment requests are evaluated using the following criteria:

- **A.** The proposed zoning is consistent with the comprehensive plan and any community, neighborhood and other applicable land use and development plans;
- **B.** The proposed zoning is compatible with existing and permitted uses of surrounding properties;
- **C.** The proposed zoning does not have an adverse impact on surrounding properties or the natural environment;
- **D.** The proposed zoning results in a logical and orderly development pattern;
- **E.** The proposed zoning is not merely intended to create an economic benefit to the property owner.
- **F.** Other factors that impact public health, safety, or welfare.

### 2.4.5 General Process

- **A. Application**. Applications for a zoning change shall be made on forms provided by the City and must contain legal authorization by the property owner for the City to proceed with the request. The same zoning request shall not be considered on any parcel more than once in any twelve (12) month period of time unless the Planning and Zoning Commission, by a three-fourths (3/4) vote, determines that there has been a substantial change in conditions surrounding the subject land since the prior request, and agrees to reconsider the request.
- **B. Notice.**
  1. Personal Notice. Written notice of all Planning and Zoning Commission and City Council hearings on proposed changes to the official zoning map shall be sent to all owners of property located within two hundred (200) feet of the subject property seeking a change in zoning. All notices shall be mailed via the US Post Office within not less than ten (10) days before any such hearing is held. Property owner information based on County Appraisal District records.

## 2.4.5 General Process

**B. Notice cont.**

**2.** Published Notice. Notice of City Council hearing shall be given by publication one time in a newspaper of general circulation in the City of Seguin, stating the time and place of such hearing, which time shall be not less than fifteen (15) days nor more than twenty (20) days from the date of publication**.**

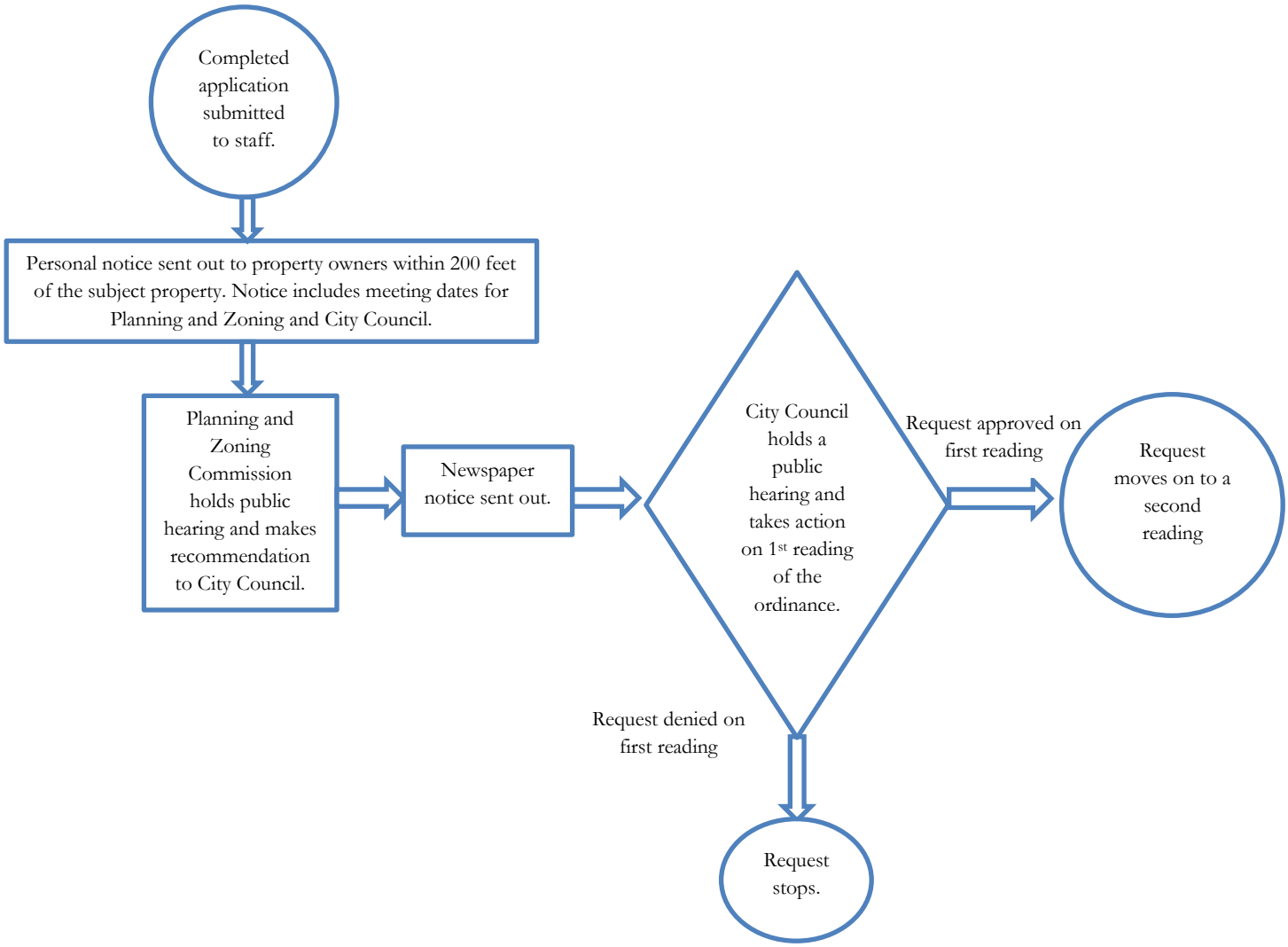
**C. Public hearings and Decision.**

Staff shall review all zoning requests, and provide the Planning and Zoning Commission with a staff analysis of the request. The Planning Commission shall hold a public hearing and provide a recommendation to the City Council. After receipt of the Planning and Zoning Commission recommendation, a public hearing shall be held by the City Council before taking action on a request for a zoning map amendment.

***D.* Protests and Recommendations for Denial:**

*1.* In case of a written protest against any change in zoning, signed by the owners of twenty (20) percent or more either of the area of the lots or land included in such proposed changes, or of the lots or land immediately adjoining the same and extending two hundred (200) feet there from, such amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all members of the City Council of the City of Seguin.

*2.* A vote of three-fourths 93/4) of all members of the City Council of the City of Seguin I also required to overrule a recommendation of the Commission that the proposed amendment, supplement or change be denied.


Completed application submitted to staff.
Personal notice sent out to property owners within 200 feet of the subject property. Notice includes meeting dates for Planning and Zoning and City Council.
Planning and Zoning Commission holds public hearing and makes recommendation to City Council.
Newspaper notice sent out.
City Council holds a public hearing and takes action on 1st reading of the ordinance.
Request approved on first reading
Request moves on to a second reading
Request denied on first reading
Request stops.

## Section 2.5 Specific Use Permits

**A. Application of Requirements.**
This section applies in the following areas:

| Property within City of Seguin City Limits | Property within City of Seguin ETJ |
|---|---|
| YES | NO |

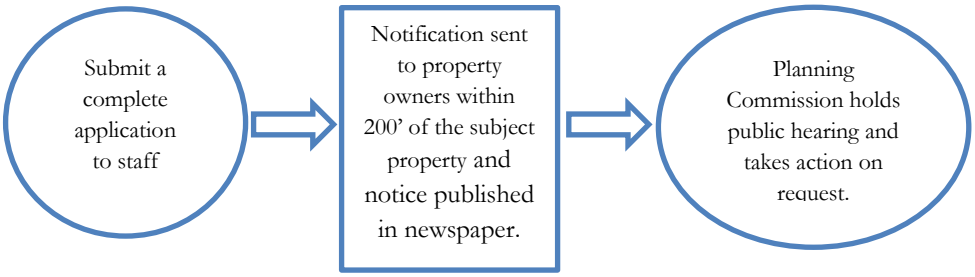
**B. General**
Specific Use Permits, commonly called "SUP", allow uses and/or structures that, with special conditions and development restrictions, may be considered compatible in a Zoning District in which they are not allowed by right.

**C. Intent**
The purpose of this section is to outline the types of specific use permits and the criteria for approval for each.

**D. Types of Specific Use Permits**
For the purpose of this ordinance there are two types of Specific Use Permits.

1. Use based for uses identified as SUP on chapter 3 land use matrix).
2. Alternative Development Plan for property within an overlay district.

**E. General Process for all Specific Use Permits**




1. **Application.** An application for a Specific Use Permit shall be filed with the Planning Department on a form provided by that Department. The completed application shall be accompanied by a site plan which, along with the application, will become a part of the Specific Use Permit, if approved. All requirements for application materials can be found on the specific use permit application.

2. **Notice**.
   - Personal Notice. Written notice of all public hearings on specific use permits shall be sent to all owners of property located within two hundred (200) feet of the subject property seeking a change in zoning. All notices shall be mailed via the US Post Office within not less than ten (10) days before any such hearing is held.
   - Published Notice. Notice of the Planning and Zoning Commission hearing shall be given by publication one time in a newspaper of general circulation in the City of Seguin, stating the time and place of such hearing, which time shall be not less than fifteen (15) days nor more than twenty (20) days from the date of publication.

3. **Decision.**
   The Planning and Zoning Commission shall review and then approve, deny, or conditionally approve those uses for which Specific Use Permits are required.

4. **Time Limit**
   A Specific Use Permit issued under this section shall become null and void unless construction or use is substantially underway within one-year from the date of approval, or unless an extension of time is approved by the Planning and Zoning Commission. A Specific Use Permit issued by the Planning and Zoning Commission shall become null and void, if the land use for which it was issued has been closed, vacated, abandoned, or changed to a different use for a period of one (1) or more years.

5. **Revocation**
   A Specific Use Permit may be revoked or modified, after notice and hearing, for either of the following reasons:
   - The existence of any material error or misrepresentation in the application required in this section of the Ordinance; or
   - The Specific Use Permit was obtained or extended through misrepresentation or deception; or
   - That one or more of the conditions imposed by the permit has not been met or has been violated.

6. **Amendments.**
   No building, premises, or land used under a Specific Use Permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless an amendment to the original Specific Use Permit has been obtained. The procedure for amendment of a Specific Use Permit shall be the same as for a new application.

7. **Appeals for specific use permits.**
   The applicant may present to the City Council a statement, duly verified, setting forth that such decision made by the Planning and Zoning Commission is unjust, in whole or in part, specifying the ground of injustice. Such statement shall be presented to the Planning Director and then to Council within ten (10) days after the final decision of the Commission, and not thereafter, notification of property owners

shall be in the same manner as the original application, and calling of a public hearing to act on the appeal.

## 2.5.1. Specific Use Permits- Based on proposed use of the property

**A. Intent**

The purpose of a Specific Use Permit is to allow the establishment of uses which may be suitable only in certain locations in a zoning district or only when subject to standards and conditions that assure compatibility with adjoining uses.

**B. Applicability**

A Specific Use Permit is required to use or develop property within the City limits for any use designated as a specific use in the Land Use Matrix in Chapter 3 of this Unified Development Code for the zoning district in which the property is located.

**C. Criteria for Approval**

A Specific Use Permit shall be issued only if all of the following conditions have been found:

1. That the specific use will be compatible with and not be injurious to property in the immediate vicinity;
2. That the establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;
3. That adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;
4. The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;
5. That adequate prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;
6. That any lighting to be provided will be directional so as not to disturb or adversely affect neighboring properties;
7. That sufficient landscaping and screening to insure harmony and compatibility with adjacent property exists or will be provided; and
8. That the proposed use is in accordance with the Comprehensive Plan.

## 2.5.2 Specific Use Permits- Alternative Development within a Corridor Overlay District

### A. Intent

A Specific Use Permit for alternative development within a corridor overlay district is to allow property owners to submit alternative development proposals for the Planning and Zoning Commission's consideration.

### B. Criteria for Approval

The Planning and Zoning Commission will determine if the proposed development will promote, preserve, and enhance, and will not damage or detract from the distinctive character of the community; will preserve and protect property values and taxable values; will not be detrimental or inconsistent with neighboring uses and occupancies; will not be detrimental to the general interests of the citizens; and will not be detrimental to the public health, safety and welfare. In conducting its review, the Planning and Zoning Commission shall make examination of and give consideration to the traffic flow, development density, neighboring historical designs, neighboring uses, and elements of the application, including, but not limited to:

1. Height of structures;
2. Building mass, which shall include the relationship of the building width to its height and depth, and its relationship to the visual perception;
3. Exterior detail and relationships, which shall include all projecting and receding elements of the exterior, including, but not limited to, porches and overhangs and the horizontal or vertical expression which is conveyed by these elements;
4. Roof shape, which shall include type, form, and materials;
5. Materials, texture, and color, which shall include a consideration of material compatibility among various elements of the structure;
6. Compatibility of design and materials, which shall include the appropriateness of the use of exterior design details;
7. Landscape design and plantings, which shall include lighting and the use of landscape details to highlight architectural features or screen or soften undesirable views;

If the specific use permit is granted by the Planning and Zoning Commission, the applicant shall be required to obtain a building permit and/or a development permit provided all other requirements for a building permit and/or a development permit are met. The Planning and Zoning Commission may grant an extension of the specific use permit if sufficient documentation can be provided to warrant such an extension.

## Section 2.6 Limited Use Permits

### 2.6.1 Application of Requirements.

This section applies in the following areas:

| Property within City of Seguin City Limits | Property within City of Seguin ETJ |
|---|---|
| YES | NO |

### 2.6.2 Intent

The purpose of a Limited Use Permit is to allow the establishment of uses which may be suitable only in certain locations when particular development standards are met.

### 2.6.3 Applicability

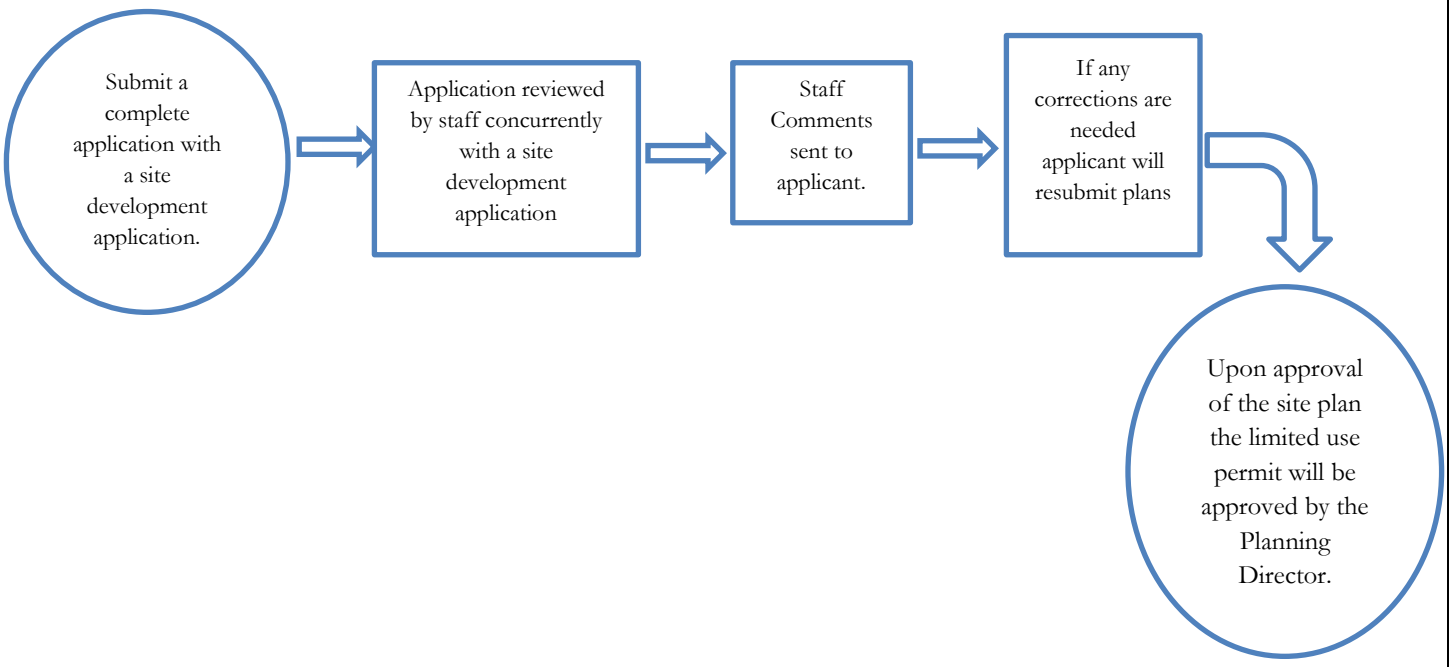
A Limited Use Permit is required to use or develop property within the City limits for any use designated as a limited use in the Land Use Matrix in Chapter 3 of this Unified Development Code for the zoning district in which the property is located.

### 2.6.4 Criteria for Approval

A Limited Use Permit shall be approved if it is demonstrated that the compatibility requirements for a particular use have been met. The development standards associated with each limited use may vary in order to assure an appropriate transition between uses is achieved.

### 2.6.5 General Process

An application for a limited use permit will be submitted concurrently with a site development application. The site plan will be reviewed for all base zoning requirements and any additional requirements associated with the limited use. The Planning Director shall approve, approve with conditions or deny the limited use permit application.



## Section 2.7 Variances (Board of Adjustments)

### 2.7.1 Application of Requirements.

This section applies in the following areas:

| Property within City of Seguin City Limits | Property within City of Seguin ETJ |
|---|---|
| YES | NO |

### 2.7.2 Intent

The purpose of a variance process is to allow a property owner to deviate from the set of development regulations when a request arises from such a condition which is unique to the property in question and which is not ordinarily shared by others in the same district and is not create by an action of the property owners or applicant.

### 2.7.3 Applicability

The following variances may be granted by the Board of Adjustments when the request is applicable to an existing platted lot:

- To vary the applicable lot area, lot width or frontage, lot depth or impervious cover;
- To vary the applicable minimum building setback requirements, lot coverage, and maximum building height;
- To vary the regulations pertaining to signs as permitted by the sign ordinance;
- To vary the regulations pertaining to off-street parking and loading.

### 2.7.4 Criteria for Approval

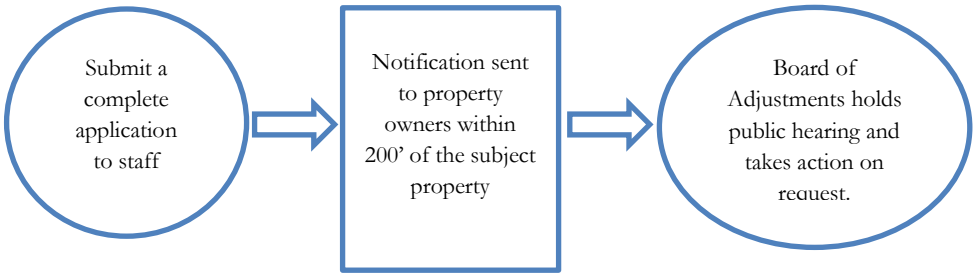
Variances from the strict application of the stated requirements shall be authorized only when the Board approves findings of fact in writing. Proposed findings shall be submitted by the proponent of the variance in writing showing that the evidence provided by the proponent demonstrates that the following conditions exist:

A. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily shared by others in the same neighborhood or zoning district;
B. The particular physical surroundings, shape or topographical condition of the specific property involved would result in a practical difficulty or unnecessary hardship or inequity upon or for the owner or occupant, as distinguished from a mere inconvenience, if the provisions of the regulations were literally enforced;
C. The request for a variance is not based exclusively upon a desire from the owner, occupant, or applicant for increased financial gain from the property, or to reduce an existing financial hardship.
D. The granting of the variances will not be materially detrimental or injurious to, or adversely affect the rights of, owners or residents of surrounding property.

E. The proposed variance will not impair an adequate supply of light or air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, substantially diminish or impair property values within the neighborhood, or otherwise be opposed to the general spirit and intent of this Ordinance.

### 2.7.5 General Process

An application for a variance shall be submitted to the Planning Director for review. The applicant shall submit written findings of fact supporting the request for a variance. Staff shall review all variance requests and provide the Board of Adjustments with a staff analysis of the request. Written notice of all Board of Adjustments hearings on proposed changes to the official zoning map shall be sent to all owners of property located within two hundred (200) feet of the subject property seeking a change in zoning. All notices shall be mailed via the US Post Office within not less than ten (10) days before any such hearing is held. Property owner information based on County Appraisal District records



## Section 2.8 Certificates of Appropriate Design

### 2.8.1 Application of Requirements

This section applies in the following areas:

| Property within City of Seguin City Limits | Property within City of Seguin ETJ |
|---|---|
| YES | NO |

### 2.8.2 Intent

The purpose of a Certificate of Appropriate Design is to help maintain and improve the lost or diminished architectural significance of Seguin Historic District.

### 2.8.3 Applicability

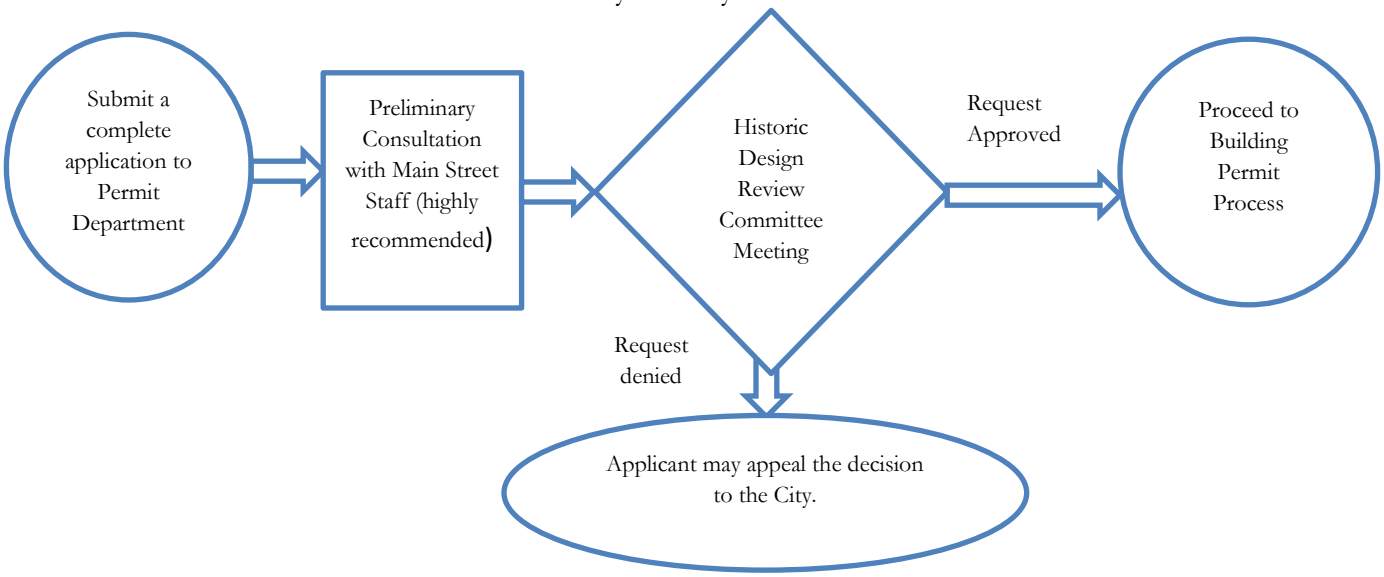
Any person carrying out any work that requires a permit for exterior alteration, restoration, reconstruction, new construction or moving of a landmark or property with a Historic Landmark Designation or located in a Historic District must first obtain a Certificate of Appropriate Design

### 2.8.4 Criteria for Approval

In considering an application for a Certificate of Appropriate Design, the Historic Design Review Committee is guided by *The Secretary of Interior's Standards for Rehabilitation of Historic Buildings*. These standards can be found in the Technical Manual and can be accessed on the Main Street Department website.

### 2.8.5 General Process

Applications for a certificate of Appropriate Design shall be made on forms provided by the City and must contain legal authorization by the property owner for the City to proceed with the request. Requirements for a complete application can be found in the technical manual and on the application. The application shall be filed with the Building Official and will be reviewed by the Main Street staff prior to being submitted to the Historic Design Review Committee. Appeals of the Committee's decision shall be reviewed by the City Council.



## Section 2.9 Subdivision Platting

**A. Application of Requirements.**

This section applies in the following areas:

| Property within City of Seguin City Limits | Property within City of Seguin ETJ |
|---|---|
| YES | YES |

**B. General.**

The provisions of Chapter 4 apply to any non-exempt division of land within the corporate boundaries of the City and within its extraterritorial jurisdiction. The procedures of this section are authorized under the authority of Tex. Loc. Gov't Code ch. 212. A subdivision plat inside the City or within the extraterritorial jurisdiction (ETJ) of the City of Seguin a plat shall first be submitted to the Director of Planning for review and approved by the identified decider before being recorded with the County Clerk. No building permit shall be issued for any building or structure on a property until a subdivision or a development plat has been approved and filed for record.

**C. Intent.**

It is the purpose of this Article to promote sound planning in the subdivision of land, and to provide consistent rules, which protect the public health, safety, and welfare while allowing the legal platting of land.

**D. Types of Subdivision Plats.**

Each type of subdivision plat has its own requirements and applicable decision makers. The type of subdivision plat required to be submitted is dependent on the following:

1. Size of Subdivision (both in acreage and number of lots)
2. Required public improvements to service the subdivision and
3. Phasing of the subdivision

**E. Exceptions.**

A plat is required for any tract of land divided into two or more parts, except as provided in the Texas Local Government Code or for the following:

1. Sale, inheritance, or gift of land by metes and bounds of tracts upon which no improvements, development, subdivision or alteration is intended;
2. A division of land created by order of a court of competent jurisdiction;
3. A division of land that results in the creation of two or more parcels, each of which is greater than five acres inside the City limits, or each of which is greater than ten acres within the City's extraterritorial jurisdiction, when each parcel has direct access to an existing public street, and no dedication of public facilities is required under this Unified Development Code in connection with the division;
4. Creation of a remainder tract over 5 acres in size;
5. Acquisition of land for governmental purposes by dedication, condemnation, or easement;
6. Requests for building permits for the following:
   - Accessory buildings (as otherwise permitted in accordance with this Code);
   - The construction or repair of a fence.

- Remodeling or repairs which involve no expansion of square footage; or
- Building additions to an existing structure which increases the square footage by no more than 30 percent of the gross floor area of the structure and does not exceed the maximum impervious cover in accordance with Section 3.6 and does not adversely impact surrounding properties;

**7.** Requests for building permits for new construction or building additions of more than 30 percent of the gross floor area on unplatted parcels or existing lots zoned for single-family residential if the following criteria are met:

- The property has frontage on a public street;
- The property has access to utilities; and
- The parcel existed in its current configuration and was created by a metes and bounds legal description recorded in a deed of transfer or sale at the office of the Guadalupe County Clerk prior to June 26, 1987; excluding those tax parcels which are identified as being created for tax purposes or deed of trust for borrowing money against a tract of parcel.

In order to determine the exception for single-family residential in Section 2.9.E.7, an application, fee, and documentation shall be required as outlined in the technical manual.

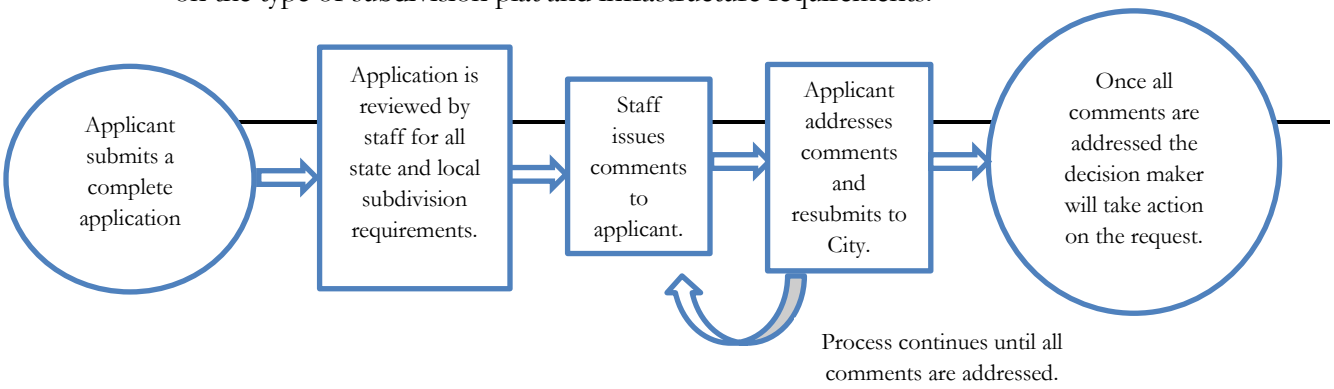
### F. Time for Decision and General Process

All plat applications shall be acted upon within 30 days from the official filing date unless a waiver is submitted. An applicant shall choose one of the following submittal options:

- Submit in writing a waiver of the decision time to allow for time to address any outstanding issues.
- Submit plat applications no earlier than 30 days before the next Planning and Zoning Commission meeting.
- The Planning Director shall have the authority to statutorily deny a request if a waiver has not been submitted in order to keep the plat application in process should the applicant be actively working to meet the requirements of the plat.

**Subdivision Platting/ General Process**

Below is a description of the general platting process. The process will vary slightly depending on the type of subdivision plat and infrastructure requirements.



## Section 2.9.1 Preliminary Subdivision Plat

### A. Intent

Preliminary Subdivision Plats shall be used to determine the general layout of the subdivision, the adequacy of public facilities needed to serve the intended development and the overall compliance of the land division with applicable requirements of this Unified Development Code. Approval of a preliminary plat establishes a mutual commitment on behalf of the City and the applicant to the subdivision layout for purposes of final plat approval, including the location and width of proposed streets, lots, blocks and easements shown on the preliminary plan, and that utilities are available to serve the subdivided land to the extent shown on the preliminary plan and referenced documents.

### B. Applicability

A preliminary plat shall be required for all phased subdivisions. A preliminary plat is optional for the division of a parcel into two or more lots and/or tracts where public improvements such as streets will be required.

### C. Criteria for Approval

Subdivision standards are detailed in Chapter 4. Preliminary Plats are evaluated using the following criteria:

1. If the property is located inside the City limits-The plat is consistent with all zoning requirements for the property;
2. If located in the ETJ- the plat meets any county standards to be applied under an interlocal agreement between the City and Guadalupe County;
3. The proposed configuration of roads, water, wastewater, drainage and park facilities conform to the stated requirements of this Unified Development Code;
4. The appropriate easements and right-of-way dedication have been identified on the plat;
5. The proposed plat is consistent with the stated goals of the comprehensive master plan;
6. If the property is proposed to be platted in phases the following requirements shall apply:
    - The schedule of development is feasible and prudent, and assures that the proposed development will progress to completion within the time limits proposed.
    - The location, size and sequence of the phases of development proposed assure orderly and efficient development of the land subject to the plat.

### D. Process

Applications for a preliminary plat shall be made on forms provided by the City and must contain legal authorization by the property owner for the City to proceed with the request. Requirements for a complete application can be found in the technical manual and on the

application. All comments must be addressed prior to review and action on the plat application by the Planning and Zoning Commission.

**E. Action.**

If the subdivision plat meets the requirements of this UDC and any applicable agreements (interlocal agreement applicable to ETJ properties and/or any development agreements applicable to the property) the Planning and Zoning Commission shall approve the plat request for a period of three years from the date of the final approval. The Commission may add conditions to a plat approval in order to insure consistency with the comprehensive master plan.

**F. Extension**

The approval of a Preliminary Subdivision Plat application shall remain in effect for a period of three years from the date the application was approved or conditionally approved by the Planning and Zoning Commission, during which period the applicant shall make progress towards completion of a Final Subdivision Plat for the land subject to the Preliminary Subdivision Plat (as defined in the Texas Local Government Code, Section 245.005(c) as amended). If no progress is made towards completion of a Final Subdivision Plat for the land subject to the Preliminary Subdivision Plat (as defined in the Texas Local Government Code, Section 245.005(c) as amended) within the three year period, the Preliminary Subdivision Plat approval shall expire and the plat shall be null and void, unless extended by the Planning and Zoning Commission.

**G. Amendments**

Minor changes in the design of the subdivision subject to a Preliminary Subdivision Plat may be incorporated in an application for approval of a Final Subdivision Plat without the necessity of filing a new application for approval of a Preliminary Subdivision Plat. Minor changes shall include adjustment in street or alignments, paving details, and adjustment of lot lines that do not result in creation of additional lots, provided that such changes are consistent with any approved applications. All other proposed changes to the design of the subdivision subject to an approved Preliminary Subdivision Plat shall be deemed major amendments that require submittal and approval of a new application for approval of a Preliminary Subdivision Plat before approval of a Final Subdivision Plat.

## Section 2.9.2 Final Subdivision Plat

**A. Intent**

A Final Plat is required to assure that the division or development of the land subject to the plat is consistent with all standards of this UDC, including but not limited to the following:

1. Adequacy of public facilities;
2. All other requirements and conditions have been satisfied or provided for to allow the plat to be recorded, and to assure that the subdivision meets all other standards

of this UDC to enable initiation of site preparation activities for any lot or tract subject to the plat.

**B. Applicability**

Approval of a Final Plat shall be required prior to any non-exempt division of land and prior to any site development permit or building permit being issued for a development.

**C. Criteria for Approval**

The Planning and Zoning Commission, in considering final action on a Final Plat, should consider the following criteria:

1. If a preliminary plat was approved preceding the submittal of a final plat the final plat shall conform to the approved Preliminary Plat, except for minor changes that may be approved without the necessity of revising the approved Preliminary Plat; and
2. If a preliminary plat was not approved preceding the submittal of a final plat the final plat shall conform to all of the requirements outlined in the previous section for preliminary plats.
3. The final layout of the subdivision or development meets all standards for adequacy of public facilities contained in this UDC and the public improvement construction plans required for the proposed subdivision plat have been approved by the City Engineer and Utilities Directors.

**D. Process**

1. **Application**. Applications for a final plat shall be made on forms provided by the City and must contain legal authorization by the property owner for the City to proceed with the request. Requirements for a complete application can be found in the technical manual and on the application.
2. **Staff Review.** All comments must be addressed prior to submitting the plat application to the Planning and Zoning Commission for review and action.
3. **Action.** If the subdivision plat meets the requirements of this UDC and any applicable agreements (interlocal agreement applicable to ETJ properties and/or any development agreements applicable to the property) the Planning and Zoning Commission shall approve the plat request for a period of two years from the date of the final approval. The Commission may add conditions to a plat approval in order to insure consistency with the comprehensive master plan.
4. **Public Improvements**. Prior to recordation of a plat all public improvements must be either constructed, accepted by the City Engineer and the appropriate maintenance bonds must be in place or fiscal posted for the required improvements. Please see section on public improvement construction plans.
5. **Extension.** The approval of a Final Subdivision Plat application shall remain in effect for a period of two years from the date the application was approved by the Planning and Zoning Commission, during which period the applicant shall submit any required revisions for approval and make all other changes needed to record the plat. If the final Subdivision Plat has not been recorded within the two-year period, the final plat unless extended by the Planning and Zoning Commission, shall expire and the applicable plat shall be deemed null and void.

## Section 2.9.3 Minor Plat

**A. Intent**

The purpose of a Minor Subdivision Plat is to allow for the administrative approval of plat in which number of lots is limited and the extension of public infrastructure is not needed.

**B. Applicability**

The Planning Director is authorized to 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.

**C. Criteria for Approval**

Subdivision standards are detailed in Chapter 4. Minor Plats are evaluated using the following criteria:

1. If located within the City limits the minor subdivision plat is consistent with all zoning requirements for the property and all other requirements of this Unified Development Code that apply to the plat.
2. If located in the ETJ- the plat meets any county standards to be applied under an interlocal agreement between the City and Guadalupe County.
3. All lots to be created by the plat are adequately served by all required City utilities and services, and do not require the extension of any municipal facilities to serve any lot within the subdivision.

**D. Process**

1. Application. Applications for a minor plat shall be made on forms provided by the City and must contain legal authorization by the property owner for the City to proceed with the request. Requirements for a complete application can be found in the technical manual and on the application.
2. Staff Review and Action. All comments must be addressed prior to the Planning Director and City Engineer approving the request. The approval of a Minor Subdivision Plat application shall remain in effect for a period of two years from the date that the application was approved by the Director or the Planning. The applicant may request an extension of 1 year.

## Section 2.9.4 Amending Plat

**A. Intent**

An amended plat is required for error correction on a recorded plat, boundary changes between adjacent lots where no new lots would be created; and lot consolidation between two or more lots, where an entire plat will not be vacated.

**B. Applicability**

The provisions of this section are authorized under LGC Chapter 212 and shall be applicable to all areas within the City's limits and throughout the City's ETJ. An amending plat may be filed in accordance with the procedures and requirements set forth in the Local Government Code section 212.016 and may be used in the following situations:

1. To correct an error in a course or distance shown on the preceding plat;

2. To add a course or distance that was omitted on the preceding plat;
3. To correct an error in a real property description shown on the preceding plat;
4. To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
5. To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
6. To correct any other type of scrivener or clerical error or omission previously approved, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
7. To correct an error in courses and distances of lot lines between two adjacent lots if:
   a) both lot owners join in the application for amending the plat and neither lot is abolished;
   b) the amendment does not attempt to remove recorded covenants or
   c) the amendment does not have a material adverse effect on the property rights of the other owners in the plat;
8. To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
9. To relocate one or more lot lines between one or more adjacent lots if:
   a) The owners of all those lots join in the application for amending the plat; and
   b) The amendment does not attempt to remove recorded covenants or restrictions; and
   c) The amendment does not increase the number of lots;
10. To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
    a) The changes do not affect applicable zoning and other regulations of the municipality;
    b) The changes do not attempt to amend or remove any covenants or restrictions; or
    c) The area covered by the changes is located in an area that the municipal planning commission or other appropriate governing body of the municipality has approved, after a public hearing, as a residential improvement area; or

11. To replat one or more lots fronting on an existing street if:

    **a)** The owners of all those lots join in the application for amending the plat;
    **b)** The amendment does not attempt to remove recorded covenants or restrictions;
    **c)** The amendment does not increase the number of lots; and
    **d)** The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

**C. Criteria for Approval**

Subdivision standards are detailed in Chapter 4. Amending plats are evaluated using the following criteria:

1. New lots will not be created;

2. If located within the City limits the subdivision plat is consistent with all zoning requirements for the property and all other requirements of this Unified Development Code that apply to the plat;
3. If located in the ETJ- the plat meets any county standards to be applied under an interlocal agreement between the City and Guadalupe County;
4. All lots to be created by the plat are adequately served by all required City utilities and services, and do not require the extension of any municipal facilities to serve any lot within the subdivision.

**D. Process**

Applications for an amending plat shall be made on forms provided by the City and must contain legal authorization by all property owners for the City to proceed with the request. Requirements for a complete application can be found in the technical manual and on the application. All comments must be addressed prior to the Planning Director approving the request. The approval of an Amending Subdivision Plat application shall remain in effect for a period of two years from the date that the application was approved by the Director or the Planning. The applicant may request an extension of 1 year.

## Section 2.9.5 Replatting without vacating previous plat

**A. Intent**

A replat is required when a property owner is seeking to change the number or configuration of current lots within a subdivision.

**B. Applicability**

The provisions of this section are authorized under Local Government Code Chapter 212 and shall be applicable to all areas within the City's limits and throughout the City's ETJ. A replat is any plat that complies with LGC sections 212.014, 212.0145, and 212.015, as amended.

1. Replat. A new plat of all or a portion of a previously approved plat. Replats eliminate the prior plats as to the area replatted.
2. Residential Replat. A replat where either: (i) during the preceding 5 years, part was zoned for residential use by not more than 2 units per lot, or (ii) any lot is restricted to residential use by not more than 2 units.

**C. Criteria for Approval**

Subdivision standards are detailed in Chapter 4. Replats are evaluated using the following criteria:

1. Requirements of the Texas Local Government Code are met.
2. The plat does not attempt to amend or remove any covenants or restrictions.
3. If located within the City limits the subdivision plat is consistent with all zoning requirements for the property and all other requirements of this Unified Development Code that apply to the plat.
4. If located in the ETJ- the plat meets any county standards to be applied under an interlocal agreement between the City and Guadalupe County.

5. The final layout of the subdivision meets all standards for adequacy of public facilities contained in this UDC and the public improvement construction plans required for the proposed subdivision plat have been approved by the City Engineer and Utilities Directors.

**D. Process**

1. **Applications**. Applications for a replat shall be made on forms provided by the City and must contain legal authorization by all property owners for the City to proceed with the request. Requirements for a complete application can be found in the technical manual and on the application. All comments must be addressed prior to the Planning Commission holding a public hearing and reviewing the request. The approval of a replat application shall remain in effect for a period of two years from the date that the application was approved by the Director or the Planning. The applicant may request an extension of 1 year.
2. **Notice**. Notice of the hearing required shall be given before the 15th day before the date of the hearing by publication in an official newspaper and by written notice, to all property owners within the original subdivision that are within 200 feet of the lots to be replatted.
3. **Variance.** If the proposed replat requires a variance and is protested in accordance with Section 212 of the Texas Local Government Code, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the municipal planning commission or governing body, or both. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the Planning Director prior to the close of the public hearing.

## Section 2.9.6 Plat Vacation

**A. Intent**

Plat vacation allows for vacation of an entire subdivision plat if development will not occur consistent with the recorded plat.

**B. Applicability**

The owner of all contiguous lots shown on a plat of record in the City or its extraterritorial jurisdiction may request the lots be vacated resulting in a single, unplatted parcel. When no lots on a subdivision plat have been sold, the developer may request the vacation of the plat prior to the installation of public improvements. If any lot in a subdivision has been sold, the recorded subdivision plat or any portion thereof may be vacated only upon application of all lot owners in the subdivision.

**C. Criteria for Approval**

Subdivision standards are detailed in Chapter 4. Plat Vacations are evaluated using the following criteria:

1. Requirements of the Texas Local Government Code are met;
2. It will not leave any lots without adequate utility or drainage easements;

3. It will not create a landlocked parcel, or vacate street rights-of-way or access easements needed to access other property;
4. The plat vacation is requested before improvements covered by guarantees are installed;
5. It will not inhibit the provision of adequate public facilities or services to other property.

**D. Process**

Applications for a plat vacation shall be made on forms provided by the City and must contain legal authorization by the property owner for the City to proceed with the request. Requirements for a complete application can be found in the technical manual and on the application. All comments must be addressed prior to submitting the application for review and action. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat. On the execution and recording of the vacating instrument, the vacated plat shall have no further effect.

## Section 2.9.7 Unity of Title Agreement

**A. Intent.**
A unity of title agreement is to provide an expeditious means of developing two (or more) adjacent residential lots under the same ownership as a single lot. The agreement is transferable with all properties and runs with the land rather than the ownership.

**B. Applicability**.
The procedures for an agreement shall apply only for the purpose of constructing structures or buildings allowed in residential districts.

**C. Criteria for Approval**.
The Director of Planning shall decide whether to approve, conditionally approve, or deny the unity of title agreement based on the following criteria:

1. The combined area and dimensions of the contiguous lots shall meet all dimensional standards for a single lot in accordance with the applicable zoning district under the City's Unified Development Code.
2. All lots must be under the same ownership.
3. All lots must be zoned for single family residential uses.
4. A unity of title agreement shall not attempt to remove or modify recorded covenants or restrictions or easements.
5. A unity of title agreement shall not require the dedication of any additional right-of-way or easements.

**D. Process**

1. Application. An application for approval of an agreement for a unity of title agreement shall be prepared in accordance with the Technical Manual
2. Approval. Upon approval by the Director of Planning, an agreement for unity of title shall be recorded and is controlling over the recorded plat until such time as the structures or buildings requiring the unity of title are removed, demolished, or brought into conformance with the regulations of the applicable zoning district.
3. Recording. The Unity of Title agreement shall be signed by all interested parties (including property owners and City of Seguin representatives), and recorded in the official records of Guadalupe County.
4. Release of Agreement. A release of the Unity of Title bearing all necessary signatures (as described above) shall only be recorded by the City of Seguin following review and approval by the Planning Director.

## Section 2.9.8 Subdivision Variance Request

### A. Application of Requirements.

This section applies in the following areas:

| Property within City of Seguin City Limits | Property within City of Seguin ETJ |
|---|---|
| YES | YES |

### B. Intent

The purpose of a subdivision variance process is to allow a property owner to deviate from the set of development regulations when a request arises from such a condition which is unique to the property in question and which is not ordinarily shared by others in the same district and is not create by an action of the property owners or applicant.

### C. Applicability

The following variances may be granted by the Planning and Zoning Commission when the request is applicable to an undeveloped and unplatted property seeking to subdivide the property:

- To vary the applicable lot area, lot width or frontage, lot depth or impervious cover;
- To vary the applicable minimum building setback requirements, lot coverage, and maximum building height;
- Subdivision regulations contained in Chapter 4 of the UDC.

### D. Criteria for Approval

The Planning Commission may authorize a variance 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, 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:

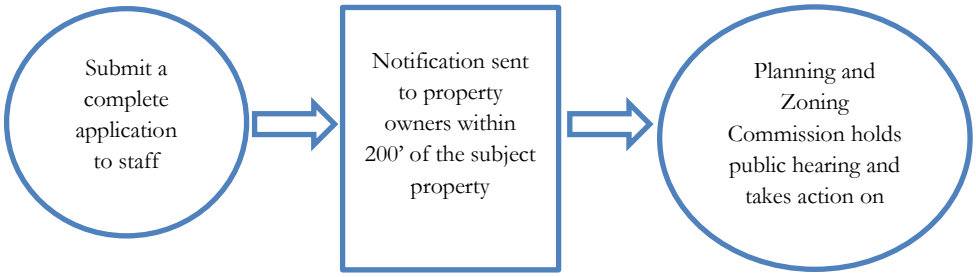
1. That there are special or unique circumstances or conditions affecting the land involved such that the strict application of this ordinance would deprive the applicant of the reasonable use of his land.
2. That the granting of the variance will not be detrimental to the public health, safety, welfare, or injurious to other property in the area.
3. 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.

4. No variance shall be granted to the required public improvements set out in Chapter 4.
5. Authorization for a variance under the conditions set forth herein shall require an affirmative vote by two-thirds of the planning commission members.

## E. General Process

An application for a variance shall be submitted to the Planning Director for review. The applicant shall submit written findings of fact supporting the request for a variance. Staff shall review all variance requests and provide the Planning and Zoning Commission with a staff analysis of the request. Written notice of all Planning and Zoning Commission hearings on proposed changes to the official zoning map shall be sent to all owners of property located within two hundred (200) feet of the subject property seeking a change in zoning. All notices shall be mailed via the US Post Office within not less than ten (10) days before any such hearing is held. Property owner information based on County Appraisal District records



## Section 2.9.10 Public Improvements- Submittal of Plans through City Acceptance of Improvements

### A. Application of Requirements

This section applies in the following areas:

| Property within City of Seguin City Limits | Property within City of Seguin ETJ |
|---|---|
| YES | YES |

### B. General

Public Improvement Construction Plans, commonly called "Construction Plans", are complete and detailed construction plans and written specifications indicating the method of construction and the materials to be used for the installation of public improvements (including but not limited to water distribution system, sanitary sewer system, stormwater drainage system, proposed bridges or culverts, existing and proposed streets, alleys, sidewalks, trails electrical distribution system, and street lighting system).

### C. Intent

The purpose of construction plans is to assure that public improvements required to be installed in order to serve a subdivision or a development are constructed in accordance with all standards of this Unified Development Code.

### D. Criteria for Approval

The City Engineer and Utility Directors shall render a decision on the construction plans in accordance with the following criteria:

- The plans are consistent with the approved Preliminary Subdivision Plat and/or the proposed Final Subdivision Plat in the event the applicant elected to only submit a final plat;
- The plans conform to the standards of this Unified Development Code, City Standards, Technical Criteria, and other Federal and State criteria.

### E. Process

1. **Application**. Applications for a public improvement construction plans shall be made on forms provided by the City and must contain legal authorization by the property owner for the City to proceed with the request. Requirements for a complete application can be found in the technical manual and on the application.
2. **Processing and Decision.** All construction plans must be approved prior to action on a final plat can be taken. Construction plans are approved for a period of 1 year unless fiscal surety has been posted for the improvements. The applicant may request and extension to the approval should the construction of the improvements take longer than the 1 year time period to start.

3. **Post Plan Approval.** If the applicant chooses to construct the required improvements prior to recordation of the final plat, all such construction shall be inspected while in progress by the appropriate City department and must be approved upon completion by the City Engineer, City Staff, and any other public utility if that utility provides service to the development. Written notification by such officials stating that the construction conforms to the specifications and standards contained in or referred to in this chapter must be presented to the Planning Director prior to recordation of the final plat. If the applicant chooses to file security in lieu of completing construction prior to the recording of the plat the applicant may provide a:

- Performance bond or surety bond;
- Letter of credit; or
- Escrow funds equal to the total installation cost of the required improvements

Security shall be in an amount equal to 115 percent of the estimated cost of completion of the required public improvements. The issuer of any surety bond or letter of credit shall be licensed and approved to conduct business in the State of Texas and subject to the approval of the City Engineer and the City Attorney.

Performance bonds.

a) All performance bonds must be executed by such sureties as are named in the current list of "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies", as published in Circular 570, as may be amended by the Financial Management Service, Surety Bond Branch, US Department of the Treasury.
b) All performance bonds must be signed by an agent and must be accompanied by a certified copy of the authority for him or her to act.
c) All performance bonds shall be obtained from surety or insurance companies that are duly licensed or authorized to conduct business in Texas to issue performance bonds for limits and coverage required.
d) In cases of dispute the Court of Jurisdiction shall be located in Guadalupe County, Texas.

Letter of credit.

a) All letters of credit shall be irrevocable and renewable for the life of the project.
b) Be for a term sufficient to cover the completion of the required public improvements; and
c) Require only that the City present the issuer with a sight draft and a certificate by the issue of the letter of credit.
d) The issuer shall be licensed to conduct business in Texas and be approved by both the State of Texas and the City of Seguin.
e) In case of dispute the Court of Jurisdiction shall be located in Guadalupe County, Texas

Escrow account.

a) The subdivider shall deposit cash, or other instrument readily convertible into cash at face value, either with the City, or in escrow with a bank or savings and loan institution.
b) The use of any instrument other than cash shall be subject to the approval of the City. The amount of the deposit shall equal 115 percent of the estimated construction costs for all remaining required improvements.
c) In the case of any escrow account, the developer shall file with the City an agreement between the financial institution and the developer guaranteeing the following:
    - That the funds of said escrow account shall be held in trust until released by the City and may not be used or pledged by the developer as security in any other matter during that period.
    - That in the case of a failure on the part of the developer to complete said improvements, the financial institution shall immediately make the funds in said account available to the City for use in the completion of those improvements.

**F. Partial Completion .**As portions of the public improvements are completed in accordance with the approved engineering plans, the applicant may make written application with the City Engineer to reduce the amount of the original security. If the City Engineer is satisfied that such portion of the improvements has been completed in accordance with City standards, the City may, but is not required to, cause the amount of the security to be reduced by such amounts that it deems to be appropriate. Letters of credit may not be reduced more frequently than quarterly, so that the remaining amount of the security adequately insures the completion of the remaining public improvements.

**G. Guarantee of materials and workmanship**

1. The applicant or developer shall require of the construction contractors with whom he contracts and shall himself be responsible for guaranteeing that all materials required under this code and workmanship in connection with such improvements are free of defects for a period of one year after acceptance of the improvements by the City Engineer and any other utility provider.
2. Prior to the acceptance of public improvements or approval of private improvements for each phase a maintenance bond or other surety instrument shall be accepted by the City in compliance with the following:
    **a)** Shall be in an amount equal to fifteen percent of the cost of improvements for the first calendar years following acceptance of said improvements.
    **b)** Shall cover all street, drainage and utility improvements. The construction value or final pay estimate shall be provided to the City Engineer to support said warranty and maintenance bonds amounts
    **c)** Shall be satisfactory to the City Attorney as to form, sufficiency and manner of execution.
    **d)** In an instance where a maintenance bond or other surety instrument has been posted and defect or failure of any required improvement occurs within the period of coverage, the City may declare said bond or surety instrument to be in default and require that the improvements be repaired and replaced.

**e)** Whenever a defect or failure of any required improvement occurs within the period of coverage, the City shall require that a new maintenance bond or surety instrument be posted for a period of one full calendar year sufficient to cover the corrected defect or failure.

**f)** In case of dispute the Court of record shall be in Guadalupe County, Texas.

3. The City shall inspect all required improvements to ensure that construction is being accomplished in accordance with the plans and specifications approved by the City. The City shall have the right to inspect any construction work being performed to ensure that it is proceeding in accordance with the intent of the provisions of this chapter. Any change in design that is required during construction should be made by the licensed professional engineer whose seal and signature are shown on the plans. Another engineer may make revisions to the original engineering plans if so authorized by the owner of the plans, and if those revisions are noted on the plans or documents. All revisions shall be approved by the City Engineer. If the City Engineer finds, upon inspection, that any of the required public improvements have not been constructed in accordance with the plans and specifications approved by the City then the developer shall be responsible for completing and correcting the deficiencies at the developer's expense.
4. The developer/applicant shall pay for testing services that verify conformance with the approved plans and specifications. All expenses for tests that fail to meet these specifications shall also be paid for by the developer.
5. Upon completion, inspection, and acceptance of the required utility improvements, utility provider(s) shall submit a letter to the City Engineer and the developer/applicant stating that all required utility improvements have been satisfactorily completed and accepted by the utility provider.
6. The City may withhold all City services and improvements of whatsoever nature, including the maintenance of streets and the furnishing of all other City services from any subdivision or property until all of the street, utility, storm drainage and other public improvements are properly constructed according to the approved construction plans, and until such public improvements are dedicated to and accepted by the City.
7. If the surety on any performance bond furnished by the applicant is declared bankrupt, or becomes insolvent, or its right to do business is terminated in the state, or the surety ceases to meet the requirements listed in Circular 570, the developer shall, within 20 business days thereafter, substitute another performance bond and surety, both of which must be acceptable to the City.
8. When all of the improvements are found to be constructed and completed in accordance with the approved plans and specifications and with the City's standards, and upon receipt of one set of "record drawing" plans, and a digital copy of all plans (in a format as determined by the City Engineer) the City Engineer shall accept such improvements for the City, subject to the guaranty of material and workmanship provisions in this section. The City Engineer may withhold approval for reasonable cause to include failure to construct public improvements to code or City specifications, for violations of this Code, for failure to provide accurate or complete data as required by the City Engineer, or for failure to correct subdivision public

improvements which fail within a year of their acceptance in accordance with this chapter.

**H. Temporary Improvements**

1. The applicant shall build and pay for all costs of temporary improvements required by the City, and shall maintain those temporary improvements for the period specified by the City.
2. Any temporary public improvement (e.g., a temporary cul-de-sac, alley turnout, drainage swale, erosion control device, etc.) shall be placed within an easement established specifically for that purpose. The recording information of the instrument establishing the temporary easement shall be by instrument and approved by the City Engineer. A temporary easement for a required public improvement shall not be abandoned without the City Engineer's approval and without written consent by the City.

**I. Government units**

Governmental units to which these contract and security provisions apply may file, in lieu of the contract and security, a certified resolution or ordinance from officers or agents authorized to act in their behalf, agreeing to comply with the provisions of this chapter.

**J. Acceptance**

1. Acceptance of dedication offers. Acceptance of formal offers for the dedication of streets, public areas, easements, or parks shall be by authorization of the City Engineer. The approval by the planning commission of a preliminary or final plat shall not, in and of itself, be deemed to constitute or imply the acceptance by the City of any public improvements required by the plat. The City may require the plat to be endorsed with appropriate notes to this effect.
2. No applicant or contractor shall begin construction of public improvements, including grading, within a subdivision until the construction plans are approved by the City Engineer. The developer/applicant shall notify the City Engineer prior to commencement of construction. This notice shall give the location and date of the start of construction.
3. Acceptance of the development shall mean that the developer has transferred all rights to all the public improvements to the City for use and maintenance. The City Engineer may, at his option, accept dedication of a portion of the required public improvements if the remaining public improvements are not immediately required for health and safety reasons; and if the property owner has posted a performance bond, letter of credit or cash bond in the amount of 115 percent of the estimated cost of those remaining improvements for a length of time to be determined by the City Engineer.
4. Upon acceptance of the required public improvements, the City Engineer (or designee) shall issue a letter of acceptance (LOA) to the developer/applicant stating that all required public improvements have been satisfactorily completed and accepted by the City.

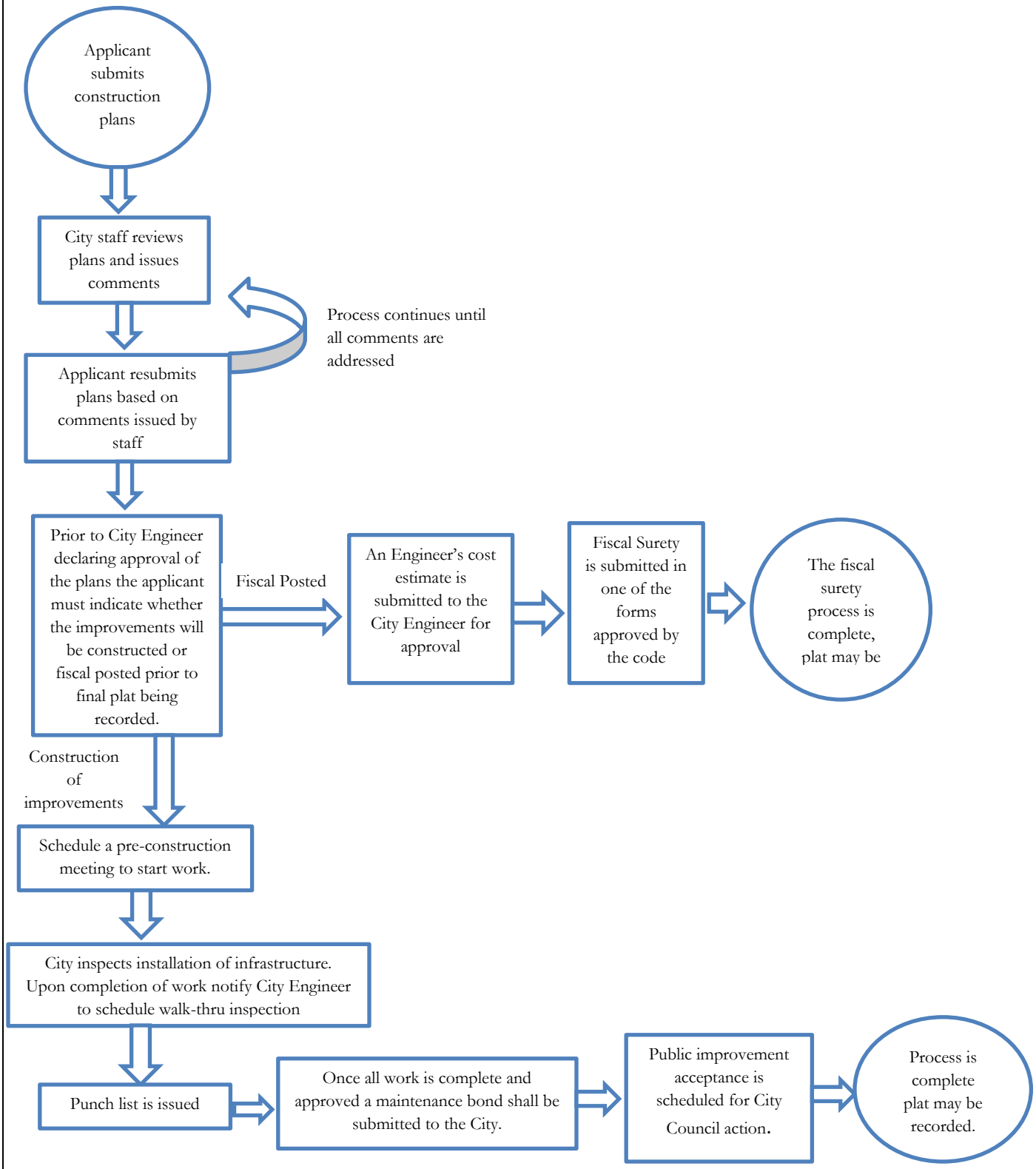
**K. Deferral of required improvements**

1. The Planning Commission may upon petition of the property owner and favorable recommendation of the City Engineer defer at the time of plat approval, subject to appropriate conditions, the provision of any or all public improvements as in its judgment, are not required in the immediate interests of the public health, safety and general welfare.

2. Whenever a petition to defer the construction of any public improvements required under this chapter is granted by the Planning and Zoning Commission, the property owner shall deposit in escrow with the City their share of the costs of the future public improvements as approved by the City Engineer prior to filing of the plat, or the property owner may execute a separate improvement agreement secured by a cash escrow or, where authorized, a letter of credit, including a contingency of 15 percent guaranteeing completion of the deferred public improvements upon demand of the City.

**L. General Process.**

Below is a description of the general public improvement construction process.


Applicant submits construction plans
City staff reviews plans and issues comments
Process continues until all comments are addressed
Applicant resubmits plans based on comments issued by staff
Prior to City Engineer declaring approval of the plans the applicant must indicate whether the improvements will be constructed or fiscal posted prior to final plat being recorded.
Fiscal Posted
An Engineer's cost estimate is submitted to the City Engineer for approval
Fiscal Surety is submitted in one of the forms approved by the code
The fiscal surety process is complete, plat may be
Construction of improvements
Schedule a pre-construction meeting to start work.
City inspects installation of infrastructure. Upon completion of work notify City Engineer to schedule walk-thru inspection
Punch list is issued
Once all work is complete and approved a maintenance bond shall be submitted to the City.
Public improvement acceptance is scheduled for City Council action.
Process is complete plat may be recorded.

## Section 2.10 Flood Plain Development Permit

### 2.10.1 Application of Requirements

This section applies in the following areas:

| Property within City of Seguin City Limits | Property within City of Seguin ETJ |
|---|---|
| YES | No |

### 2.10.2 Intent

Regulates construction in areas subject to flood hazards.

### 2.10.3 Applicability

A floodplain development permit applies to all areas of special flood hazard within the jurisdiction of the City of Seguin, Texas. No structure or land shall be located, altered, or have its use changed without approval of a flood plain development permit.

### 2.10.4 Criteria for Approval and Process

Floodplain development permit standards are detailed in Chapter 7. Application for a floodplain development permit shall be presented to the Floodplain Administrator. Application materials should include but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

**A.** Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

**B.** Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;

**C.** A certificate from a registered professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria included in Chapter 7.

**D.** Description of the extent to which any watercourse or natural drainage will be altered or relocated as a proposed development.

**E.** Approval or denial of a floodplain development permit by the floodplain administrator shall be based on all of the provisions of chapter 7 and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;

9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
10. The relationship of the proposed use to the comprehensive plan for the area.

## Section 2.11 Site Development Permit

### 2.11.1 Application of Requirements

This section applies in the following areas:

| Property within City of Seguin City Limits | Property within City of Seguin ETJ |
|---|---|
| YES | No |

### 2.11.2 Intent

The purpose of a site development permit shall be to apply the zoning, development and public facilities standards contained within this Unified Development Code and Technical Criteria Manual to a specific development proposed for a platted property.

### 2.11.3 Applicability

A site development permit shall be submitted for all development within the City limits, except for single family residential development.

### 2.11.4 Prior Approvals

An application for a site development permit shall not be approved unless the following have been approved and remain in effect for the subject property:

**A.** The property is zoned to allow the proposed development.
**B.** Any variances required to allow a proposed development have been approved.
**C.** The subject property is appropriately platted.

### 2.11.5 Criteria and Process

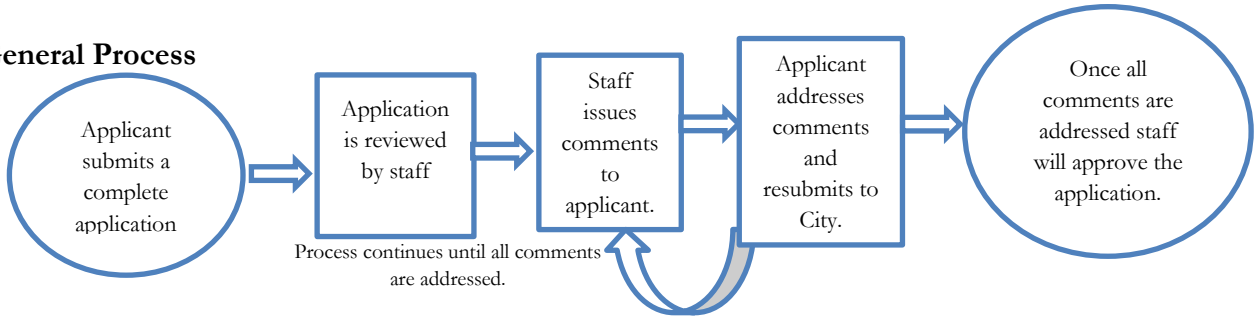
All site development permit applications shall be submitted to the Director of Planning and the City Engineer, or their designees, for approval. The following criteria shall be used to determine whether the application for a site development permit shall be approved, approved with conditions, or denied:

A. A complete application has been submitted. The requirements for a complete application can be found on the application and the Technical Manual;
B. The site development permit is consistent with any previous approvals (i.e. development agreements, plat notes, special use permits, and variances);
C. The site development permit is consistent with all zoning district regulations the property is subject to ( base zoning district and any applicable overlay district requirements);
D. The requirements outlined in Chapter 5 of this Unified Development Code.

### 2.11.6 Exception

A site grading permit may be issued prior to the approval of a site development permit if public improvement construction plans are substantially approved by the City Engineer.

## General Process



## Section 2.12 Building Permits

### 2.12.1 Application of Requirements

This section applies in the following areas:

| Property within City of Seguin City Limits | Property within City of Seguin ETJ |
|---|---|
| YES | No |

### 2.12.2 Applicability

Any owner, authorized agent or contractor who desires to construct, enlarge, alter, repair, move, demolish, roof, reroof or change the occupancy of a building or structure or to cause any such work to be done shall first make application to the Building Official and obtain the required permit for the work.

### 2.12.3 Prior Approvals

An application for a building permit shall not be approved unless the following have been approved and remain in effect for the subject property:

**A.** The property is zoned to allow the proposed development.
**B.** Any variances required to allow a proposed development have been approved.
**C.** The subject property is platted or qualifies for a plat exception.
**D.** Site development permit has been approved (if required).

### 2.12.4 Criteria and Process

Building permit requests are evaluated by the Building Official, or his or her designee, using all the following criteria:

**A.** The project conforms to this code, the Building Code, the Fire Code, and other applicable regulations.
**B.** The parcel does not have any violations of this code or other applicable City or State regulations.
**C.** The building permit is consistent with the following:
  **1.** zoning designation
  **2.** special use permits and/or limited use permits if applicable
  **3.** variances if applicable
  **4.** subdivision plat
  **5.** site plans

### 2.12.5 Expiration

A building permit shall become invalid unless work has commenced within 180 days from issuance date.

### 2.12.6 Exception

Model Home Exception for Single-Family Residential or Duplex Development. Within a phase containing public improvements that have not yet been finally accepted, a developer may construct no more than four (4)model homes, prior to the recordation of the plat provided that all off-site, drainage or regional improvements have been installed, inspected and accepted and that each model home is inspected and found to meet all building, plumbing and fire code requirements prior to being opened to observation by the public,

and provided further that the home will not be sold or occupied as a dwelling unit until all public improvements within that phase have been completed and accepted by the City.

## Section 2.13 Certificate of Occupancy

### 2.13.1 Application of Requirements

This section applies in the following areas:

| Property within City of Seguin City Limits | Property within City of Seguin ETJ |
|---|---|
| YES | No |

### 2.13.2 Applicability

An application for a certificate of occupancy is required within the City limits after the construction, alteration or placement of a structure and prior to habitation or any use of the structure. A certificate of occupancy also is required prior to a change in the use of any structure.

### 2.13.3 Prior Approvals

An application for a certificate of occupancy shall not be approved unless the following have been approved and remain in effect for the subject property:

**A.** Plat is recorded
**B.** All required public improvements have been approved and accepted by the City Engineer
**C.** An approved building permit has been issued

### 2.13.4 Criteria and Process

Building permit requests are evaluated by the Building Official, or his or her designee, using all the following criteria:

**A.** The location of the structure on the property is in accordance with the approved application for the building permit;
**B.** Where a change of use in an existing structure is proposed, the use conforms to the use regulations governing the property;
**C.** The structure, following inspection by the Building Official, was built in conformity with the Building Code, as incorporated in the Unified Development Code and City Code of Ordinances;
**D.** There are no outstanding permit requirements;
**E.** When the property lies within a special flood zone, an elevation certificate prepared in accordance with FEMA standards is provided.

## Section 2.14 Temporary Certificate of Occupancy

### 2.14.1 Application of Requirements

This section applies in the following areas:

| Property within City of Seguin City Limits | Property within City of Seguin ETJ |
|---|---|
| YES | No |

### 2.14.2 Intent

The certificate of occupancy (CO) is the final construction document issued by the Building Official to authorize occupancy of a structure upon completion of all building and construction related issues. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a certificate of occupancy. It is sometimes necessary to request a temporary certificate of occupancy (TCO) prior to the final certificate of occupancy being issued. The TCO is intended to acknowledge that some building features may not be completed even though the building is safe for occupancy, or that a portion of the building can be safely occupied while work continues in another area.

### 2.14.3 Applicability

A temporary certificate of occupancy shall only be issued for commercial development in which the City Engineer, Director of Planning, Fire Department and Building Official have determined a plan for completing the appropriate work has been established. Temporary certificates should be issued only when incidental construction remains. Before the request will be considered, installed fire alarm and/or sprinkler systems must have passed field acceptance tests. It is important to remember that an approval to stock is for goods only; it is not authorization for people to occupy the structure. The TCO requires all the same inspections as a certificate of occupancy as well as additional fees and submittals. For this reason, do not view the TCO as a short cut to occupying the structure. In some circumstances, escrow payment may be required for any unfinished work. When required, the value of the escrow payment will be set at 110% of the value of the work to be completed.

## Section 2.15 Outdoor Festival Permit

### 2.15.1 Application of Requirements

This section applies in the following areas:

| Property within City of Seguin City Limits | Property within City of Seguin ETJ |
|---|---|
| YES | No |

### 2.15.2 Applicability

Outdoor festivals include, but are not limited to outdoor concerts, carnivals, circuses, trade shows, auto shows and any activity that includes the following:

A. Where performances or audience are not located within a permanent structure; and
B. Where the performance is located on property other than City owned parks, facilities or permanent campuses including church and school facilities, and other permanent locations designed to accommodate mass gatherings that can meet the permit standards;
C. Where attempts are made to organize and promote the event by advertisement to the public;

### 2.15.3 Permit Requirements

No person shall act to promote an outdoor festival in the City of Seguin, Texas without first obtaining a valid permit in accordance with the provisions of this article. The permit application procedure is as follows:

**A.** An application shall be filed at least 45 days prior to the event with the Planning Department. Failure to meet the filing deadline may result in denial or delay of the application.

**B.** The application shall include the following information:

1. Name, address, phone number, e-mail of the person or organization promoting the event;
2. A legal or street address of the event;
3. The name, address and phone number of the owner of the property on which the event is to take place;
4. A copy of the agreement between the landowner and the applicant, if different;
5. The exact dates and times of the event;
6. The maximum number of persons that the applicant will allow to attend the event and a statement describing how the applicant will control the number of persons attending the event;
7. A security and access plan to be reviewed and approved by the Seguin Police and Fire Departments. An inclement weather plan addressing parking and other pertinent information is required. Inadequate security or unsafe access and traffic planning may result in denial or delay of the permit;
8. A detailed description of the applicant's health and sanitation preparations for the event and how the applicant will comply with the minimum standards, including but not limited to restrooms, drinking water and food preparation, if applicable;

9. A parking plan showing how the applicant intends to regulate parking for the maximum number of persons allowed to attend the event. Parking shall be limited to areas approved by City police, fire and planning staff;
10. A complete list of similar events the applicant has promoted within the past three years, including the date, time and location of each event.

### 2.15.4 Application reporting

City of Seguin staff shall review and act on the permit within 15 days of receipt of a completed application. An incomplete application shall be returned and marked "incomplete". Reapplication shall be considered as a new application. City staff may impose reasonable conditions or restrictions on the granting of a permit, including but not limited to the following:

**A.** Restrictions on cooking, fires, amplified sound, the use of alcoholic beverages, the use of animals, equipment or vehicles, the number of persons to be present, parking location and area, or any activity that may appear likely to create a risk of unreasonable harm to the public. The applicant shall comply with all local noise ordinances.

**B.** A requirement that the applicant carry a minimum of $500,000.00 per occurrence in commercial general liability insurance naming the City of Seguin as additional insured for claims occurring in the City right-of-way.

**C.** Sanitary and refuse facilities that are reasonably necessary for the event being planned.

**D.** Inspections by City staff of the event shall be permitted during the event or at any time prior to or after the event to ensure that the maximum standards of health, sanitation and safety prescribed by local and state laws, rules and orders are being maintained.

**E.** Permits required by this article shall be publicly posted in the area where the activity is conducted or produced and shall be exhibited upon demand to any law enforcement officer or agent of the City upon demand. The posted permit shall have emergency contact information for the person(s) responsible for the operation of the event.

### 2.15.5 Zoning

Outdoor festivals are approved in the following zoning districts only:

- Commercial
- Industrial
- Public

**2.15.6 Denial of permit**

A permit may be denied if it is found that:

- **A.** False or misleading information has been given by the applicant;
- **B.** Improper zoning designation;
- **C.** The applicant has not made adequate preparations to limit the number of persons attending the event;
- **D.** The preparations do not ensure that minimum standards for sanitation and health will be maintained;
- **E.** The time and place for the event create a substantial danger of traffic or pedestrian congestion and disruption of other lawful activities;
- **F.** Inadequate parking area for the maximum number of persons attending the event;
- **G.** Adequate arrangements for traffic control have not been provided;
- **H.** Adequate medical and nursing care will not be provided;
- **I.** The event will violate any applicable federal, state or local law or ordinance;
- **J.** The event will not have adequate security personnel;
- **K.** The permit holder has two or more violations of this article within a 12-month period.

**2.15.7 Appeal hearing request**

An applicant, within ten days after notification of the City's findings, may file a written request for a hearing at the next regularly scheduled meeting of the Zoning Board of Adjustment, to show cause why the permit application should be granted or should not be denied. A hearing may result in delay of the event. The findings of the Zoning Board of Adjustment are final and any further remedy may be taken to the appropriate court of record within ten days of the Zoning Board of Adjustment decision.

## Section 2.16 Variance for onsite consumption of alcohol

### 2.16.1 Application of Requirements

This section applies in the following areas:

| Property within City of Seguin City Limits | Property within City of Seguin ETJ |
|---|---|
| YES | No |

### 2.16.2 Applicability

To be eligible for a variance from the distance requirements set forth above the applicant business must meet all of the following:

A. Bars and package stores are not eligible for this variance;
B. The business seeking the variance is a restaurant that agrees to limit its operation characteristics such that the restaurant will maintain its business in a manner to insure that its gross revenue from the sale of alcohol will be less than 50% of the total gross revenue of the business;
C. There is a distance of a least 200 feet from the primary entrance of the applicant business to the primary entrance of the church or school measured using a straight line;
D. The business seeking the variance shall comply with all aspects of any additional conditions required by the Planning and Zoning Commission as a result of this process.

### 2.16.3 Procedure for Requesting Variance

Any business selling alcoholic beverages for on-premises consumption that seeks to locate the business at a location that is closer to a school or church than permissible under this code, or State law, must seek a variance. Variances shall only be considered upon completion of a written application that complies with this section and the payment of the application fee set forth in the Seguin Code of Ordinances, Exhibit C, and Fee Schedule. For each neighboring church or school that is within the distances of the proposed restaurant, as described in Chapter 3- Limited Uses and as measured in accordance with Texas Local Government Code,

**A. Application**

1. Present a letter describing the operation characteristics of the restaurant and shall obtain a statement signed by the governing officer of board of any such church or school stating that the church or school does not oppose the granting of the distance variance based on the operation characteristics stated in the letter.
2. The business must agree, in writing, to restrict its operation characteristics as set forth in the request to the church or school, as may have been set forth in the request to the church or school. These operating characteristics shall be included in the variance.
3. It shall be unlawful for any business granted a variance containing additional conditions to violate the stated conditions. Such violations shall constitute a misdemeanor and upon conviction may be fined in accordance with the Seguin Code of Ordinances.

**B. Hearing**

1. The Planning and Zoning Commission shall hold a hearing to consider the applicant's variance.
2. All property owners within 200 feet shall be notified and, in addition, all public and private schools and churches within 300 feet shall be notified.
3. At the conclusion of the hearing on the application for a variance the Commission may either grant or deny the request. If the Commission recommends denial of the applicant's request for a variance they shall include findings of fact to show that the location or the restaurant:

a) Is not in the best interest of the public;
b) Would constitute waste or inefficient use of land or other resources;
c) Creates an undue hardship on the applicant;
d) Does not serve its intended purpose;
e) Is not effective or necessary; or
f) Any other reason the Commission finds after consideration of the health, safety, and welfare of the public and the equities of the situation.

4. An applicant may appeal an adverse decision by the Planning and Zoning Commission to the Seguin City Council. The City Council shall conduct a public hearing prior to deciding the appeal.

## Section 2.17 Amendment to the City's Comprehensive Master Plan

### 2.17.1 Application of Requirements

This section applies in the following areas:

| Property within City of Seguin City Limits | Property within City of Seguin ETJ |
|---|---|
| YES | YES |

### 2.17.2 Types of Amendments

A. Periodic Amendment. The City Council, upon recommendation of the Planning and Zoning Commission, may amend the Comprehensive Plan from time to time on its own motion or through initiation by City staff.
B. Map Amendments. The Planning and Zoning Commission, the City Council, or City staff may initiate a request for amendment of the Future Land Use Map or Thoroughfare Plan.

### 2.17.3 Processing a Comprehensive Master Plan Amendment

- The Long Range Planning Commission shall hold a public hearing and make a recommendation to the Planning and Zoning Commission.
- The Planning and Zoning Commission shall hold a public hearing after receiving the report and recommendation of the Director and Long Range Planning Committee.
- The Planning and Zoning Commission shall make a recommendation regarding the proposed Master Plan amendment(s) to the City Council. The Planning and Zoning Commission may recommend approval, approval with conditions, or denial of the amendments for a Master Plan amendment. After a public hearing the City Council may

approve, reject or modify the requested amendments by resolution. The text and/or maps of the Master Plan shall be amended to reflect the Council's decision as needed.

# Chapter 3- Zoning and Land Use

**Section 3.1**

**3.1.1 Intent**

The purpose of this section is to protect and promote the public health, safety and general welfare, and to implement the policies of the Comprehensive Master Plan by classifying and regulating the uses of land and structures within the City of Seguin in a manner consistent with the Master Plan. To achieve this purpose, it is the intent of this section to:

- Provide standards for the orderly development of the City and continue a stable pattern of land uses;
- Conserve and protect the historical integrity and character of the City's neighborhoods;
- Maintain and protect the value of property;
- Ensure the provision of adequate open space for light, air, and fire safety;
- Promote the economic stability of existing land uses that conform to the master plan and protect them from intrusions by inharmonious or harmful land uses;
- Ensure compatibility between land uses; and
- Encourage a pedestrian-friendly community by promoting a mix of land uses and pedestrian-oriented development in commercial areas.

**3.1.2 Application of Requirements**

This section applies in the following areas:

| Property within City of Seguin City Limits | Property within City of Seguin ETJ |
|---|---|
| YES | No |

**3.1.3 Chapter Components**

This chapter includes the following sections:

- Official Zoning Map
- Zoning Districts
- Overlay Districts
- Limited Uses
- Lot Dimensional Requirements

**3.1.4 Official Zoning Map**

The City is hereby divided into zones or districts, and the boundaries of zoning districts set out are delineated upon the Zoning Map of the City. The Zoning Map is maintained by the Planning Director.

**3.1.5 Single Family Residential Zoning Districts**

Any use of a single-family detached dwelling unit by more than four (4) individuals who are unrelated by blood, legal adoption, or marriage. The owner and any agent of the owner shall be legally responsible for any dwelling unit use.

## Section 3.2 Zoning Districts

The zoning districts included in this chapter provide for the type and character of development that is allowed in various parts of the City. This Unified Development Code includes provisions for 18 zoning districts and 7 overlay districts.

| Zoning District | Abbreviation | General Description of District |
|---|---|---|
| Agricultural Ranch | A-R | Consists of agriculture uses, agriculture support uses, and farmsteads. Lots are typically a minimum of 10 acres. |
| Rural Residential | R-R | Consists of single family homes on large lots. Lots are typically a minimum of 1 acre in size. |
| Suburban Residential | S-R | Consists of single family residential lots approximately 1/2 acre in size. |
| Single Family Residential | R-1, R-2 | Consists of low density residential areas with a typical minimum lot size of 5,000 square feet. |
| Duplex Low Density | DP-1 | The DP-1 zoning district is intended to allow duplex development within a low density residential neighborhood. |
| Duplex High Density | DP-2 | The DP-2 zoning district is intended to allow duplex development on larger tracts of land. |
| Zero Lot Line | ZL | Consist of single-family residences on compact lots having one side yard reduced to zero feet. It is intended to provide more usable yard area, maximize views, conserve energy, and provide development flexibility. |
| Multi-Family Low Density | MF-1 | Consists of low density (maximum of 6 units per acre) multi-family developments. Buildings are typically low-rise developments or transition in height from a low rise development to a multi-story development when adjacent to single family or two family developments. |
| Multi-Family Medium Density | MF-2 | Consists of multi-unit residential structures and developments, such as apartment and condominium complexes, garden and courtyard multifamily residential buildings, and residential loft buildings. A maximum density of 12 units per acres is permitted. |

| | | |
|---|---|---|
| Multi-Family High Density | MF-3 | Consists of multi-unit residential structures and developments, such as apartment and condominium complexes, garden and courtyard multifamily residential buildings, and residential loft buildings. A maximum density of 20 units per acres is permitted. Access should be provided by a collector or higher classification street. |
| Manufactured and Residential | M-R | Consists of individual platted lots in which manufactured homes are permitted. |
| Manufactured Home Park | MHP | The MHP district is intended to provide a setting for manufactured home parks with lots held under common ownership, and rented or leased to individual tenants. |
| Neighborhood Commercial | NC | Consists of various types of small scale, limited impact commercial, retail, personal services, and office uses. |
| Commercial | C | Consists of a wide range of retail uses, offices and personal and business services. Access to this should be provided by an arterial street. The heaviest concentration of this component should be located at intersections of arterial streets. |
| Public | P | Consists of governmental, civic, public service facilities. This includes schools, churches, governmental offices, and parks. |
| Light Industrial | LI | Consists of commercial enterprises involved in research and development, light manufacturing, packaging, warehousing, distribution, and skilled mechanical trades. |
| Industrial | I | The I district is intended primarily for the conduct of heavy manufacturing, assembling and fabrication activities that do not typically depend upon frequent customer or client visits. Such uses generally require accessibility to major thoroughfares, major highways, and/or other means of transportation such as the railroad. |
| Planned Unit Development District | PUD | A type of development and the regulatory process that permits a property owner to meet overall community density and land use goals without being bound by existing zoning requirements. PUD is a special type of floating overlay district which generally does not appear on the municipal zoning map until a designation is requested. |

## Zoning Districts
### 3.2.1 Agricultural Ranch (A-R)

*Above pictures are general representations of structures and uses found within zoning district*

A. **Purpose**

The Agricultural-Ranch District is designed to promote orderly, timely, economic growth and to recognize current land use conditions. It is the intent of this district that agricultural land and ranch land be held in that use for as long as is practical and reasonable.

B. **Uses**

For a detailed listed of permitted, limited and special uses please refer to the land use matrix. General permitted uses include the following:

- Single-family home
- Community Center
- Playground
- Vet hospital/clinic
- Farming, ranching and related activities

C. **Site Development Requirements:**

Chapter 5 contains information on the following site development requirements:

- Landscaping
- Buffering
- Lighting
- Detention and Drainage
- Screening
- Parking
- Fencing
- Building Setbacks
- Lot Requirements
- Tree Removal

### 3.2.2 Rural Residential (R-R)

*Above pictures are general representations of structures, open space, lot size and uses found within zoning district*

**A. Purpose**

To provide areas for large-lot residential home sites, on land that has minimal farming or ranching value, that create country living in a rural atmosphere while preserving the vegetation, significant geological features, wildlife habitat/corridors, views and privacy, and provide an appropriate transition from urban development to agricultural areas.

**B. Uses**

For a detailed listed of permitted, limited and special uses please refer to the land use matrix. General permitted uses include the following:

- Single-family home
- Community Center
- Playground

**C. Site Development Requirements**

Chapter 5 contains information on the following site development requirements:

- Landscaping
- Buffering
- Screening
- Parking
- Tree Removal
- Lighting
- Fencing
- Detention and Drainage
- Building Setbacks
- Lot Requirements

### 3.2.3 Suburban Residential (S-R)

*Above pictures are general representations of structures and uses found within zoning district*

**A. Purpose**

The S-R zoning district is intended as an area for low density residential uses with minimum lot size of 20,000 square feet and maximum density of two units per net acre. It is intended that S-R zoning district is utilized to provide an appropriate transition from urban development to agricultural areas.

**B. Uses**

For a detailed listed of permitted, limited and special uses please refer to the land use matrix. General permitted uses include the following:

- Single-family home
- Community Center
- Playground

**C. Site Development Requirements**

Chapter 5 contains information on the following site development requirements:

- Landscaping
- Buffering
- Screening
- Parking
- Tree Removal
- Lighting
- Fencing
- Detention and Drainage
- Building Setbacks
- Lot Requirements

### 3.2.4 Single Family Residential (R-1)

*Above pictures are general representations of structures and uses found within the zoning district*

**A. Purpose**

The R-1 zoning district provides for the development of single-family detached dwellings on standard sized residential lots and for other compatible and complimentary uses. It is intended that the R-1 zoning district is utilized to provide an appropriate transition from urban development to agricultural areas.

**B. Uses**

For a detailed listed of permitted, limited and special uses please refer to the land use matrix. General permitted uses include the following:

- Single-family home
- Community Center
- Playground

**C. Site Development Requirements**

Chapter 5 contains information on the following site development requirements:

- Landscaping
- Buffering
- Screening
- Parking
- Tree Removal
- Lighting
- Fencing
- Detention and Drainage
- Setbacks
- Lot Requirements

## 3.2.4(2) Single Family Residential (R-2)

*Above pictures are general representations of structures and uses found within the zoning district*

### A. Purpose

The R-2 zoning district provides for the development of single-family detached dwellings on standard sized residential lots with smaller front setbacks than the R-1 zoning district. The intent is to provide a variety of housing options in the community by creating residential neighborhoods with smaller front yards while still maintaining adequate space between the garage and the property line for off-street parking. Due to the reduced front setback in R-2 districts, sidewalks are required to be built along the street curb.

### B. Uses

For a detailed listed of permitted, limited and special uses please refer to the land use matrix. General permitted uses include the following:

- Single-family home
- Community Center
- Playground

### C. Site Development Requirements

Chapter 5 contains information on the following site development requirements:

- Landscaping
- Buffering
- Screening
- Parking
- Tree Removal
- Lighting
- Fencing
- Sidewalks
- Detention and Drainage
- Setbacks
- Lot Requirements

### 3.2.5 Duplex Low Density (DP-1)

*Above pictures are general representations of structures and uses found within zoning district*

**A. Purpose**

The DP-1 zoning district provides for the development of two family attached dwellings on standard sized residential lots and for other compatible and complimentary uses. The intent is to stabilize and protect the essential residential characteristics of the following areas: 1) residential areas in the vicinity of neighborhood retail areas that are primarily developed with single family dwellings; and 2) areas adjacent to both single family residential and multiple family residential. A density of up to 6 dwelling units per acre is permitted.

**B. Uses**

For a detailed list of permitted, limited and special uses please refer to the land use matrix. General permitted uses include the following:

- Single-family home
- Two-family home
- Community Center
- Playground

**C. Site Development Requirements:** Chapter 5 contains information on the following site development requirements:

- Landscaping
- Buffering
- Screening
- Parking
- Tree Removal
- Lighting
- Fencing
- Detention and Drainage
- Setbacks
- Lot Requirements

### 3.2.6 Duplex High Density (DP-2)

*Above pictures are general representations of structures and uses found within zoning district*

**A. Purpose**

The DP-2 zoning district provides for the development of two family attached dwellings on standard sized residential lots and for other compatible and complimentary uses. The intent is to stabilize and protect the essential residential characteristics of the following areas: 1) residential areas in the vicinity of neighborhood retail areas area that are primarily developed with single family dwellings; and 2) areas adjacent to both single family residential and multiple family residential. A density of up to 14 dwelling units per acre is permitted.

**B. Uses**

For a detailed listed of permitted, limited and special uses please refer to the land use matrix. General permitted uses include the following:

- Single-family home
- Two-family home
- Community Center
- Playground

**C. Site Development Requirements:** Chapter 5 contains information on the following site development requirements:

- Landscaping
- Buffering
- Screening
- Parking
- Tree Removal
- Lighting
- Fencing
- Detention and Drainage
- Setbacks
- Lot Requirements

## 3.2.7 Zero Lot Line (ZL)

*Above pictures are general representations of structures, open space, lot size and uses found within zoning district*

### A. Purpose

The purpose of the zero lot line district is to allow housing which has the attributes of detached single-family dwellings but which allows placement of dwellings against one of the property lines, permitting the outdoor space to be grouped and utilized to its maximum benefit. Zero lot line development allows individual ownership of each unit/lot instead of condominium-based ownership of undivided land.

### B. Uses

For a detailed list of permitted, limited and special uses please refer to the land use matrix. General permitted uses include the following:

- Single-family home
- Community Center
- Playground

### C. Site Development Requirements

Chapter 5 contains information on the following site development requirements:

- Landscaping
- Buffering
- Screening
- Parking
- Tree Removal
- Lighting
- Fencing
- Detention and Drainage
- Setbacks
- Lot Requirements

### 3.2.7 Zero Lot Line (ZL)

#### D. Subdivision Requirements

A subdivision plat for ZL developments shall incorporate the following requirements:

- Zero lot line homes will be uniformly located on the same side of the lot within a street block.
- Zero lot line homes shall have no windows on the side of the house which abuts the property line.
- No area shall be designated ZL that contains less than five (5) adjoining lots on each street.
- The entire frontage of one side of the street in the block must be included in the ZL designation.

## 3.2.8 Multi-family Low Density (MF-1)

*Above pictures are general representations of structures and uses found within zoning district*

**A. Purpose**

The MF-1 zoning district provides for multi-unit residential structures and developments. Buildings are typically low-rise developments or transition in height from a low rise development to a multi-story development when adjacent to single family or two family developments. The MF-1 zoning district is generally intended to serve as a transition use between low density, single family developments and more intensive uses, while also providing an opportunity to provide for a diversity in housing stock and to allow for multi-generational neighborhoods. The goal is to avoid more than twenty-five (25) acres of contiguous land having a multi-family zoning designation. MF-1 development shall not exceed a density of more than six (6) dwelling units per gross acre.

**B. Uses**

For a detailed list of permitted, limited and special uses please refer to the land use matrix. General permitted uses include the following:

- Apartments/Condominiums
- Park/Playground
- Community Center

**C. Site Development Requirements**

Chapter 5 contains information on the following site development requirements:

- Landscaping
- Buffering
- Screening
- Parking
- Tree Removal
- Lighting
- Fencing
- Detention and Drainage
- Setbacks
- Lot Requirement

## 3.2.9Multi-family Medium Density (MF-2)

*Above pictures are general representations of structures and uses found within zoning district*

### A. Purpose

The MF-2 zoning district provides for multi-unit residential structures and developments, such as apartment and condominium complexes, garden and courtyard multifamily residential buildings, and residential loft buildings. Such components are generally intended to serve as a transition use between low density, single family developments and more intensive uses such as commercial uses or higher traffic roadways. The MF-2 zoning district is intended to create more variety in housing opportunities but is intended to be utilized in small areas to avoid large tracts devoted to strictly to multi-family residential development. The goal is to avoid more than twenty-five (25) acres of contiguous land having a multi-family zoning designation. MF-2 development shall not exceed a density of twelve (12) dwelling units per gross acre.

### B. Uses

For a detailed list of permitted, limited and special uses please refer to the land use matrix.

General permitted uses include the following:

- Apartments/Condominiums
- Park/Playground
- Community Center

### C. Site Development Requirements

Chapter 5 contains information on the following site development requirements:

- Landscaping
- Buffering
- Screening
- Parking
- Tree Removal
- Lighting
- Fencing
- Detention and Drainage
- Setbacks
- Lot Requirements

## 3.2.10 Multi-family High Density (MF-3)

*Above pictures are general representations of structures and uses found within zoning district*

**A. Purpose**

The MF-3 zoning district provides for multi-unit residential structures and developments, such as apartment and condominium complexes, garden and courtyard multifamily residential buildings, and residential loft buildings. Such components are generally intended to serve as a transition use between low density, single family developments and more intensive uses such as commercial uses or higher traffic roadways. The MF-3 zoning district is intended to create more variety in housing opportunities but is intended to be utilized in small areas to avoid large tracts devoted to strictly to multi-family residential development. The goal is to avoid more than twenty-five (25) acres of contiguous land having a Multi-Family component. A maximum density of 20 units per acres is permitted. Access should be provided by a collector or higher classification street.

**B. Uses**

For a detailed list of permitted, limited and special uses please refer to the land use matrix. General permitted uses include the following:

- Apartments/Condominiums
- Park/Playground
- Community Center

**C. Site Development Requirements:** Chapter 5 contains information on the following site development requirements:

- Landscaping
- Buffering
- Screening
- Parking
- Tree Removal
- Lighting
- Fencing
- Detention and Drainage

## 3.2.11 Manufactured and Residential (M-R)

*Above pictures are general representations of structures and uses found within zoning district*

**A. Purpose**

The purpose of the M-R zoning district is to provide a residential zoning district for manufactured homes on individual platted residential lots that may be conveyed to individual lot owners.

**B. Uses**

For a detailed list of permitted, limited and special uses please refer to the land use matrix. General permitted uses include the following:

- Manufactured home (1 per lot)
- Site built single family dwelling (1 per lot)
- Parks/Playground
- Community Center

**C. Site Development Requirements**

Chapter 5 contains information on the following site development requirements:

- Landscaping
- Buffering
- Screening
- Parking
- Tree Removal
- Lighting
- Fencing
- Detention and Drainage
- Setbacks
- Lot Requirements

**D. Manufactured Home Standards**

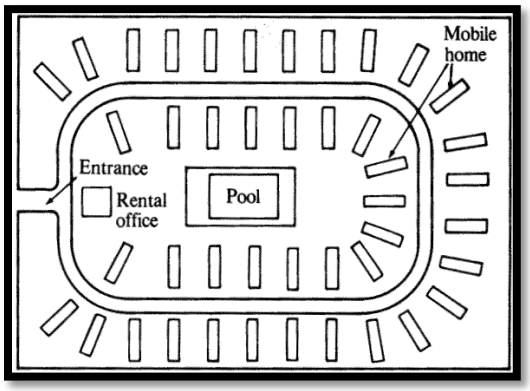
1. Manufactured homes shall be of adequate quality and safe design, as certified by a label stating that the unit is constructed in conformance with the Federal Manufactured Housing Construction and Safety Standards in effect on the date of manufacture.
2. Manufactured homes shall have no outside horizontal dimension less than sixteen (16) feet, except for original extensions or subsequent additions (i.e. garages, porches, etc.). Extensions or additions must contain less than fifty (50) percent of the total enclosed floor area.

3. Each manufactured home shall be totally skirted with metal, masonry, pressure-treated wood, or other non-degradable material which is compatible with the structure's exterior siding.

4. Driveways and off-street parking shall be provided in accordance with the requirements for single-family dwellings.

5. Living area additions, carports and garages are permitted, provided they are constructed of material compatible with the primary structure, meet the minimum standards of the zoning districts and comply with the structural standards as required of the primary structure.

## 3.2.12 Manufactured Home Park (MHP)




*Above pictures are general representations of structures, open space, lot size and uses found within zoning district*

**A. Purpose**

The purpose of the MHP zoning district is to provide a residential zoning district for the manufactured home park land use and to ensure quality development equal to that found in other types of residential areas throughout the City. Excellence of design, usability, development and maintenance that support a quality residential environment is the desired objective.

**B. Uses**

For a detailed listed of permitted, limited and special uses please refer to the land use matrix. General permitted uses include the following:

- Manufactured home
- Park/Playground
- Community Center

**C. Site Development Requirements**

Chapter 5 contains information on the following site development requirements:

- Landscaping
- Buffering
- Screening
- Parking
- 
- Tree Removal
- Lighting
- Fencing
- Detention and Drainage

**D. Manufactured Home Standards**

1. Manufactured homes shall be of adequate quality and safe design, as certified by a label stating that the unit is constructed in conformance with the Federal Manufactured Housing Construction and Safety Standards in effect on the date of manufacture.
2. Manufactured homes shall have no outside horizontal dimension less than sixteen (16) feet, except for original extensions or subsequent additions (i.e. garages, porches, etc.). Extensions or additions must contain less than fifty (50) percent of the total enclosed floor area.
3. Each manufactured home shall be totally skirted with metal, masonry, pressure-treated wood, or other non-degradable material which is compatible with the structure's exterior siding.
4. Driveways and off-street parking shall be provided in accordance with the requirements for single-family dwellings.
5. Living area additions, carports and garages are permitted, provided they are constructed of material compatible with the primary structure, meet the minimum standards of the zoning districts and comply with the structural standards as required of the primary structure.

**E. Open Space Requirements**

1. Not less than eight (8) percent of total gross area of a Manufactured Home Park must be devoted to open space and recreational facilities, generally provided in a central location.
2. Maximum building coverage in required open space is 10%, unless the building is specifically designed for recreational purposes.
3. Common open space must be maintained in park like manner by management and all planned amenities be shown on a site plan for staff approval.

**F. Perimeter Treatment and Setbacks**

1. Perimeter fencing and/or landscaping of the development shall be required.
2. The development shall be separated by at least 20 feet from adjoining properties by way of a street or setback. The normal building setback is in addition to this requirement.

**G. Parking and Storage Requirements**

1. Two paved parking spaces per unit shall be required.
2. Other uses in the development, i.e. washeteria, pool, recreational facilities, etc., shall include parking spaces
3. A central location for storage of travel trailers, boats, RV's, shall be provided or they shall not be permitted within the manufactured home park.
4. If dumpsters are to be used, they must be properly screened in accordance with the City's garbage container screening requirements. Individual trash containers shall be stored from public view when not being serviced.
5. No outdoor storage of machinery, building materials, and appliances shall be permitted. Secondary storage structures in accordance with the ordinance shall be permitted in rear yards only.

**H. Standards for Internal Streets**

1. Internal streets shall be private and not dedicated to the City. All streets must be designed, constructed and inspected to meet all City standards.
2. All internal streets shall be named, signed and units numbered.
3. Internal sidewalks shall be required, meeting the same specifications as City sidewalks.
4. A paved walkway from each parking area to the unit shall be required.

5. Internal lighting shall be based on public street standards.

**I. Operational and Maintenance Standards**

1. Manufactured home parks shall provide a permanent manager or operator accessible at all times by tenants and public officials.
2. Owners must maintain all facilities and infrastructure in a safe, clean, neat and orderly manner. Landscaping and fencing must be maintained.
3. Management shall provide insect and rodent control, and remove litter.
4. An annual operating license should be required to own and operate a manufactured home park. The license should include an annual inspection to verify compliance with all codes and municipal ordinances. Revocation of a license shall include, but not be limited to, the following penalties: no new occupancies, enforcement action in accordance with this Unified Development Code.

**J. Development Standards**

1. A development designed as a manufactured home park shall be for the explicit purpose of renting or leasing of manufactured home sites and shall not be construed to permit the sale of such spaces as lots.
2. At no time may an existing manufactured home park be converted to a manufactured home subdivision without first meeting all the platting requirements of the City Subdivision Ordinance and receiving approval by the Planning Commission.
3. At no time may an existing manufactured home park be converted to a manufactured home subdivision without first obtaining the appropriate zoning change.
4. Minimum lot area:
   a. Internal lot: 3,500 square feet or 4 times the area of the manufactured home, whichever is greater.
   b. Corner lot: 4,500 square feet, where manufactured home space adjoins a public thoroughfare or 4 times the area of the manufactured home, whichever is greater.
   c. No manufactured home park shall have less than ten (10) manufactured home lots, or consist of less than three (3) acres in total area.
   d. No manufactured home park shall exceed a density of more than ten (10) dwelling units per gross acre.
5. Minimum lot frontage on a public street or private drive:
   a. Internal lot: 40 feet
   b. Corner lot: 55 feet
6. Minimum lot depth: 80 feet
7. Minimum depth of front setback:
   a. From private drive: 10 feet
   b. From public street: 25 feet
8. Minimum rear setback: 20 percent of lot depth, up to a maximum of 7 ½ feet.
9. Minimum width of side setback:
   a. Internal lot: 10 percent of lot width / 7 ½ feet maximum.
   b. Corner lot: 25 feet as measured from the lot line adjoining a public street.
10. Maximum building coverage as a percentage of lot area: 50 percent
11. Maximum accessory building coverage of rear yard: 30 percent
12. Unit separation:
    a. Side to side: 25 feet minimum
    b. End to end: 15 feet minimum

**K. Fees**

An annual license fee shall be assessed.

## 3.2.13 Neighborhood Commercial (NC)

*Above pictures are general representations of structures, open space, lot size and uses found within zoning district*

**A. Purpose**

The neighborhood commercial district is to provide for various types of small scale, limited impact commercial, retail, personal services, and office uses located in close proximity to their primary customers. The development standards and use restrictions specified for this district are intended to ensure compatibility with adjacent residential districts or uses, while promoting the harmonious growth of retail and commercial uses.

**B. Uses**

For a detailed list of permitted, limited and special uses please refer to the land use matrix. General permitted uses include the following:

- Retail under 10,000 square feet in size
- Professional Office
- First floor commercial with second story apartment
- Community Center
- Parks/Playground
- Medical office
- Restaurants

**C. Site Development Requirements**

Chapter 5 contains information on the following site development requirements:

- Landscaping
- Buffering
- Screening
- Parking
- Tree Removal
- Lighting
- Fencing
- Detention and Drainage
- Setbacks
- Lot Requirements

## 3.2.14 Commercial (C)

*Above pictures are general representations of structures, open space, lot size and uses found within zoning district*

**A. Purpose**

The Commercial District is the primary commercial and service zoning district of the community. This district is an intensive classification in which the commingling of many retail, service and office uses is permitted. Structures located in this district may vary from freestanding buildings to community and regional shopping centers.

**B. Uses**

For a detailed list of permitted, limited and special uses please refer to the land use matrix. General permitted uses include the following:

- Retail
- Professional Office
- First floor commercial with second story apartment
- Community Center
- Parks/Playground
- Medical office
- Restaurants
- Drive-thru windows- retail and/or restaurant
- Indoor entertainment facilities
- Day care
- Auto Repair
- Gas Station

**C. Site Development Requirements:**

Chapter 5 contains information on the following site development requirements:

- Landscaping
- Buffering
- Screening
- Parking
- Tree Removal
- Lighting
- Fencing
- Detention and Drainage
- Setbacks
- Lot Requirements

### 3.2.15 Public (P)

*Above pictures are general representations of structures, open space, lot size and uses found within zoning district*

**A. Purpose:**

The Public District is intended to encourage the use of unique areas especially suited for public assembly, meetings, recreational areas, schools, places of worship, and similar uses.

**B. Uses**

For a detailed list of permitted, limited and special uses please refer to the land use matrix. General permitted uses include the following:

- Places of Worship
- City, County, State or Federal government facilities
- Schools
- Parks/ Playgrounds

**C. Site Development Requirements:** Chapter 5 contains information on the following site development requirements:

- Landscaping
- Buffering
- Screening
- Parking
- Tree Removal
- Lighting
- Fencing
- Detention and Drainage
- Setbacks
- Lot Requirements

## 3.2.16 Light Industrial (LI)

*Above pictures are general representations of structures, open space, lot size and uses found within zoning district*

**A. Purpose**

The Light Industrial zoning district consists of commercial enterprises involved in research and development, light manufacturing, packaging, warehousing, distribution, and skilled mechanical trades. The uses permitted within this district are primarily uses that will take place inside of a building and will have minimal or no outdoor storage.

**B. Uses**

For a detailed list of permitted, limited and special uses please refer to the land use matrix. General permitted uses include the following:

- Auto repair/paint and body facilities
- Warehouse
- Assembly Plants
- Office/warehouse facilities
- Storage facilities

**C. Site Development Requirements**

Chapter 5 contains information on the following site development requirements:

- Landscaping
- Buffering
- Screening
- Parking
- Tree Removal
- Lighting
- Fencing
- Detention and Drainage
- Setbacks
- Lot Requirements

## 3.2.17 Industrial (I)

*Above pictures are general representations of structures, open space, lot size and uses found within zoning district*

**A. Purpose**

The Industrial district is intended primarily for the conduct of heavy manufacturing, assembling and fabrication activities that do not typically depend upon frequent customer or client visits. Such uses generally require accessibility to major thoroughfares, major highways, and/or other means of transportation such as the railroad.

**B. Uses**

For a detailed list of permitted, limited and special uses please refer to the land use matrix. General permitted uses include the following:

- Manufacturing Facility
- Warehouse
- Distribution Center
- Freight Terminal
- Auto Crushing Facility
- Contractor's equipment yard
- Truck Stop
- Recycling Center

**C. Site Development Requirements**

Chapter 5 contains information on the following site development requirements:

- Landscaping
- Buffering
- Screening
- Parking
- Tree Removal
- Lighting
- Fencing
- Detention and Drainage
- Setbacks
- Lot Requirements

## Section 3.2.18 Planning Unit Development (PUD)

**A. Purposes**

In certain instances the purposes of this chapter may be achieved by the development of planned unit development (PUD) that do not conform in all respects with the land use pattern designated on the zoning map, the district regulations prescribed by the zoning ordinance, or the requirements of this chapter. A PUD may include a combination of different dwelling types and/or a variety of land uses, which creatively complement each other and harmonize with existing and proposed land uses in the vicinity. In order to encourage creative development of the land, provide locations for well-planned comprehensive developments, and provide for variety in the development pattern of the City, which conforms, with the purposes of the comprehensive plan, the Planning and Zoning Commission is empowered to approve planned unit development subdivisions.

**B. Planned Unit Development subdivision requirements**.

1. It is the intent of this section that subdivision review under the subdivision regulations be carried out simultaneously with the review of a planned unit development plan under the zoning ordinance.
2. The detail plans (Regulating Plan) required in the zoning ordinance must be submitted in a form that will satisfy the requirements of this chapter for final plats.
3. The final plat and PUD Standards Document (e.g. Regulating Plan) must be in conformance with the approved detail plans before they may be approved by the Planning and Zoning Commission. Approval and recording of the final plat and construction of an approved subdivision shall be in accordance with the applicable provisions of this chapter and terms and conditions of the PUD Standards Documents, including the General Land Use Plan, stormwater management plan, traffic control and access plan, signage plan, development design standards. This includes, but is not limited to, the types of façade, building material including the percent of masonry or stone, glazing, landscaping, building articulation and design, parks, parking, amenities, open space, wetland, tree preservation, open space corridors, LEED and LID (Low Impact Development) strategies, and Green Infrastructure use, density, redevelopment, and any other written terms and conditions necessary to meet the standards of the PUD. The Standards and Designs are expected to exceed the quality of development that can be obtained in a standard zoning category.
4. The Planning and Zoning Commission may vary the specific requirements of this chapter if, on the basis of the PUD concept and regulating plan and the evidence submitted, the planning commission makes the following findings:
    a) That the proposed modifications to the requirements of this chapter for the planned unit development are in accord with the purposes of this chapter and **meets, or exceeds,** the objectives of the comprehensive plan;
    b) That the proposed modification provides for a **superior** quality project design than can be obtained through the adopted zoning districts and design standards;

c) That the standards of population density, site area and dimensions, site coverage, yard spaces, heights of structures, distances between structures, usable open space, off-street parking and off-street loading facilities will be such that the development will not generate more traffic than the streets in the vicinity, can carry without congestion and will not overload the utilities or increase the volume of stormwater runoff and or diminish the quality of the stormwater runoff by increasing the pollutant load;

d) That the development is planned with adequate provisions for light, air, **stormwater management,** vehicular and pedestrian circulation, and recreational facilities **that exceed the minimum requirements of this chapte**r;

e) That the combination of different dwelling types and/or the variety of land uses in the development will complement each other and will harmonize with existing and proposed land uses in the vicinity;

f) Financial reasons shall not be the sole reason for modification of standards.

**C. Procedure:**

1. Any proposed use in the Planned Unit Development District shall be based upon a General Land Use Plan (GLUP), and related PUD documents ( e.g. regulating plan) as described above, approved by the Planning & Zoning Commission. A complete application and site plan shall be submitted to the Planning Department at least fifteen (15) days prior to the public hearing and notice mailed to all parties affected within 200' of the site within the Seguin City limits.

2. All amendments to the GLUP, and related PUD documents, must be approved by the Planning & Zoning Commission and shall be submitted in the same manner as the original application except the Director may approve minor changes which do not alter the basic relationship of the proposed development to adjacent property. A minor change is one that does not alter the uses permitted or increases the density, height, or coverage of the site, or decrease the off-street parking ratio or reduce the setbacks as indicated on the approved GLUP.

3. The Building Official shall review every building permit application within the Planned Unit Development District for conformance with the GLUP and related documents.

4. An applicant making application for the approval of a General Land Use Plan shall accompany his application with a site plan consisting of the following:

(a) Existing topography of the property.

(b) Existing & proposed land uses and their location.

(c) Location of all streets, alleys, sidewalks, parking.

(d) Location of all proposed public uses, such as schools, parks, playgrounds, open spaces, landscaping.

(e) Drainage plan.

(f) Present ownership & any planned change in ownership.

(g) Schedule of development.
(h) All agreements, covenants & deed restrictions.

5. The Planning & Zoning Commission may, in the interest of the public welfare and to assure compliance with the intent of this ordinance, require such modifications as are deemed to be important to the welfare and protection of adjacent property and the community as a whole.

6. No building permit shall be issued on the land within the Planned Unit Development District until the Planning & Zoning Commission has approved all required documents.

7. Where applicable, all City of Seguin subdivision requirements shall be followed.

8. If no construction has commenced or no use established within two (2) years from the approval of the GLUP, the GLUP shall lapse and be of no further effect. Reapplication shall be the same as an original application.

## Section 3.3 Overlay Districts

Overlay zoning district is a special zone placed over an existing zoning district. The overlay zone includes a set of regulations that is applied to property within the overlay zone in addition to the requirements of the underlying or base zoning district ( for example: additional landscaping, screening, sign regulations or other development regulations meant to either protect a scenic route/resource or enhance development in certain areas).

| Corridor Overlay District Name | General Boundaries |
|---|---|
| IH 10 Overlay District | All new development on properties which front or adjoin IH 10, within 500 feet, excluding single family residential used property, are required to meet these standards. From City limit to City limit. |
| SH 46 Overlay District | All new development on properties which front or adjoin SH 46, within 500 feet, from the northern most City Limit to the southernmost City Limit, including the area bordered on the north by U.S. 90, on the south by F.M. 464 and on the east by SH 46. |
| SH 123 Overlay District | All new development on properties which front or adjoin SH 123, or SH 123 Bypass, within 500 feet, from the northern most City Limit, south to the limits of the IH 10 Corridor Overlay District. |
| North State Hwy 123 Bypass Overlay District | All new development on properties which front or adjoin North State Hwy. 123 Bypass, within 1,000 feet, from East I.H. 10 south to E. Kingsbury St. |
| State Hwy. 123 South Overlay District | All new development on properties which front or adjoin South State Hwy. 123 Bypass, within 500 feet, from Eastwood Dr. (a.k.a. F.M. 466) south to the existing City limits, and South State Hwy. 123 Business from F.M. 725 south to the existing City limits. |
| F.M. 725 Overlay District | All new development on properties which front or adjoin F.M. 725, within 500 feet, from Stockdale Hwy. and South State Hwy. 123 west to the existing City limits. |
| Downtown Historic District | Includes those blocks located in the Inner Lots and Acre Lots of the City of Seguin. See section 3.3.5 for exhibit. |

### 3.3.1 Intent

It is the intent of the Corridor Overlay Districts to establish a series of community gateway corridors with special architectural and landscaping requirements to enhance the visual and aesthetic character within the areas listed above.

### 3.3.2 Applicability

All new development or redevelopment of properties described in the above table. In the case of a redevelopment of an existing site or structure only the new portion of the site or structure shall come into conformance with the applicable requirements of the overlay district unless one of the following exists:

- The redevelopment of the property includes a 50% or more increase in square footage; or
- If the extent of the proposed modifications is 50% or more of the site's assessed value over a 5 year time period. For the purposes of the code the assessed value of a structure shall be the value cited by the Guadalupe County Appraisal District.

In such case the site in its entirety must be brought into conformance with the requirements of this code.

### 3.3.3 Exemptions

The development requirements associated with the overlay districts are not applicable to single family residential development.

### 3.3.4 Development Standards

The development standards outlined below will require developers to exceed the minimum development requirements applicable to properties located outside of the overlay districts. If a specific development standard is not identified below the proposed development is subject to the minimum development standards outlined in the individual sections of this code.

**A. Building Materials and Design Requirements**

1. Masonry (shall be painted and/or treated, i.e. stucco), wood, brick, simulated siding and glass are approved.
2. No portion of a building constructed of unadorned concrete block or corrugated and/or any metal surface shall be visible from any adjoining right of way. Side and rear building facades may be permitted if those frontages are sufficiently landscaped to obscure the facade up to 75% of the building height.
3. Adorned facades may include eaves treatments, relief features, pitched gable designs, ornamental window casings, or other architectural detail.

**B. Outdoor Display/ Storage**

1. Only 10% of the front designated parking area shall be used for outdoor display.
2. Outdoor storage behind the main structure on a site may be permitted if storage is completely screened from public view through the use of buildings, landscaping or fencing.
3. No temporary or manufactured office/housing or manufactured home sales lots shall be permitted except construction type office used during the construction phase only.
4. All temporary, manufactured office or housing used during the construction phase of development shall be removed prior to the issuance of a Certificate of Occupancy.

### 3.3.5 Historic Overlay Districts and Landmarks

**A. Intent**

The City Council of the City of Seguin, Texas has declared that as a matter of public policy the protection, enhancement and perpetuation of landmarks of historical and cultural importance and significance is necessary to promote the economic, cultural, educational and general welfare of the public. It is recognized that historic properties represent the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural and cultural resources that constitute their heritage. This historic overlay district and associated requirements are intended to:

- Protect and enhance the landmarks, which represent distinctive elements of the historic, architectural and cultural heritage of Seguin.
- Foster civic pride in the accomplishments of the past.
- Protect and enhance the attractiveness to visitors and the support and stimulus to the economy thereby provided.
- Insure the harmonious, orderly and efficient growth and development of Seguin.
- Promote economic prosperity and welfare of the community by encouraging the most appropriate use of such property within the city.
- Encourage stabilization, restoration and improvements of such properties and their values.

**B. Certificate of Appropriate Design**

Any person carrying out any work that requires a permit for exterior alteration, restoration, reconstruction, demolition, new construction or moving of a landmark or property with a Historic Landmark Designation or located in a Historic District must first obtain a Certificate of Appropriate Design from the HPO. The HPO may provide review and comment as requested by the property owner with regards to color selection and changes or improvements not requiring a building permit and may approve requests for a Certificate of Appropriate Design or refer them to the Historic Design Review Committee for review and approval. Prior to commencement of any work requiring a Certificate of Appropriate Design, the owner or the owner's representative shall file an application for such certificate with the Chief Building Official or his designee. The property owner or the owner's representative shall consult with the Historic Preservation Officer prior to submission of the application with regard to applicable standards and guidelines for the property. *The Secretary of the Interior's Standards for Rehabilitation* and *Guidelines for Rehabilitating Historic Buildings* shall be used to assist in its consideration of all applications for a Certificate of Appropriate Design. The HPO and HDRC shall also consider whether the request complies with applicable Design Guidelines if adopted by the City. These standards and guidelines shall be made available to property owners applying for an historic landmark designation.

**C. Designation of Historic Landmarks and Districts**

The City of Seguin has a program where local historic properties can apply to be designated a Local Historic Landmark. This program helps Seguin tell the story of

its prominent citizens, architecture and historic events. The designation of historic landmarks and districts shall be subject to the following requirements:

1. Each property designated as an historic landmark or located within a designated historic district shall be recorded with the City Historic Preservation Officer and the City Planning Director. An historic landmark designation shall mean that such property is subject to the terms of this Code; however, with regard to site plans, uses, setbacks and other development land use regulations, such property shall be governed by the zoning regulations of the City.
2. An historic landmark or historic district or expansion of a district shall be considered for approval only with the written application of the property owners expressly requesting that the property be so designated. Property owners of proposed historic landmarks and districts shall be notified to any hearing or vote on the recommended designation. At the City Council's public hearing, owners, interested parties and technical experts may present testimony or documentary evidence which will become part of a record regarding the historic, architectural or cultural importance of the proposed historic landmark.
3. All applications for historic landmark or historic district designation, following initial review by the HPO, shall be distributed to the Board of Directors of the Seguin Conservation Society and the County's Historical Commission. The applications shall be reviewed and acted upon by the Board and the Commission within forty-five (45) days of receipt. The Board and Commission shall either approve or disapprove the application based upon the criteria developed by the HPO. Following action by the Board and the Commission, the application shall be submitted to the Historic Design Review Committee, who will then make its recommendation to City Council, and/or submit the application for review by the Texas Historical Commission and the National Park Service, as appropriate.
4. The City Council shall schedule a hearing of the Historic Design Review Committee's recommendation within forty-five (45) days of receipt of the recommendation of the Committee.
5. Upon designation of a building, object, site or structure as an historic landmark, the HPO shall cause the designation to be recorded in the Real Property Records of Guadalupe County, Texas, the tax records of the city and the Guadalupe County Appraisal District.

**D. Ordinary maintenance**

Nothing in this chapter shall be construed to prevent the ordinary maintenance, replacement or repair of any exterior architectural feature of property and structures within an historic landmark designation that does not involve a change in design or material, or outward appearance. In-kind replacement or repair is included in this definition of "ordinary maintenance". However, no person shall make any material or aesthetic change in the light fixtures, windows, signs, sidewalks, fences, steps, paving, or other exterior elements visible from a public right-of-way which affects the appearance and cohesiveness of any historic landmark or any property within a historic district without applying for a Certificate of Appropriate Design.

**E. Demolition by Neglect**

No owner or person with an interest in real property designated as a landmark or located within an historic district shall permit the property to fall into a serious state

of disrepair so as to result in the deterioration of any exterior architectural feature, which would, in the judgment of the HPO, produce a detrimental effect upon the life and character of the property or district.

Examples of such deterioration include, but are not limited to:

1. Significant deterioration of exterior walls or other vertical supports;
2. Deterioration of roofs and other horizontal members to the point that such deterioration either becomes a health and safety hazard, is likely to lead to the deterioration of the overall building, or threatens the integrity of adjoining buildings or businesses;
3. Significant deterioration of exterior chimneys;
4. Ineffective waterproofing of exterior walls, roof or foundations, including broken windows and doors, to the point that the ineffective waterproofing either becomes a health and safety hazard, is likely to lead to the deterioration of the overall building, or threatens the integrity of adjoining buildings or businesses;
5. Significant deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for public health and safety.

Initial identification is made by visual inspection of the area by the HPO, a HDRC committee member, fire marshal or building official, or a written referral submitted by the public to the HPO.

Once the initial identification is made, followed by a preliminary determination by the HPO, the property owner shall be notified by US mail of the defects of the building and informed of various incentive programs that may be available for repair. The letter may or may not include specific code violations. The owner is given thirty (30) days in which to respond to the preliminary determination by submitting a stabilization proposal to the HPO. The stabilization proposal will be presented to the HDRC at the next available meeting. If the HDRC approves the proposal, a Certificate of Appropriateness (if necessary) may be issued administratively by the HPO. The approval will detail the specific work which is necessary to correct the Demolition by Neglect conditions, as well as a time period to begin and complete the work. The HPO shall update the HDRC on the status of the property every thirty (30) days once work begins on the property.

If the property owner disagrees with the determination of the letter, they may request a hearing to present evidence that the property is not in neglect.

If the property owner fails to respond to the letter regarding the preliminary determination, the matter returns to the HDRC for a citation hearing. The HPO shall send a notice via certified mail informing the owner of the hearing, the property is posted with a notice of the violation, surrounding property owners are notified via mail of the hearing, and a public hearing on the citation is scheduled.

At the public hearing the owner is invited to address the HDRC's concerns and to show cause why a citation should not be issued. The HDRC may take action to approve any proposed work, defer the matter to give the owner more time either to correct the deficiencies or make a proposal for stabilization, or issue a citation to the owner of the property for failure to correct the Demolition by Neglect conditions. If the property owner is given more time, the owner must put a bond in an amount to be determined by the HDRC, allowing the City of Seguin to make the necessary repairs if the owner fails to do so.

If the owner is cited for the condition of Demolition by Neglect of the property, he is given fourteen (14) days to submit a stabilization proposal to the HPO, and at the discretion of the HDRC, up to one (1) year to correct the defects. The HPO shall update the HDRC on the status of the property every thirty days once the work has begun on the property.

After being cited, if the owner fails to submit a stabilization proposal within the fourteen days, at the discretion of the City Attorney in consultation with the HPO and building official, the property owner will begin incurring fines as set forth in Section 1-14 of the City of Seguin's Code of Ordinances of up to $2,000 per day the property is in violation. If funds are available, the City may consider making the necessary repairs and placing a lien on the property.

**F. Demolition**

A permit for demolition of an historic landmark or property within an historic district including secondary buildings and landscape features shall not be granted by the building official or any other city official without the review of a completed application for a Certificate of Appropriate Design by the HDRC and requires a mandatory stay of demolition for a period of no less than ninety (90) days.

**G. Penalties**

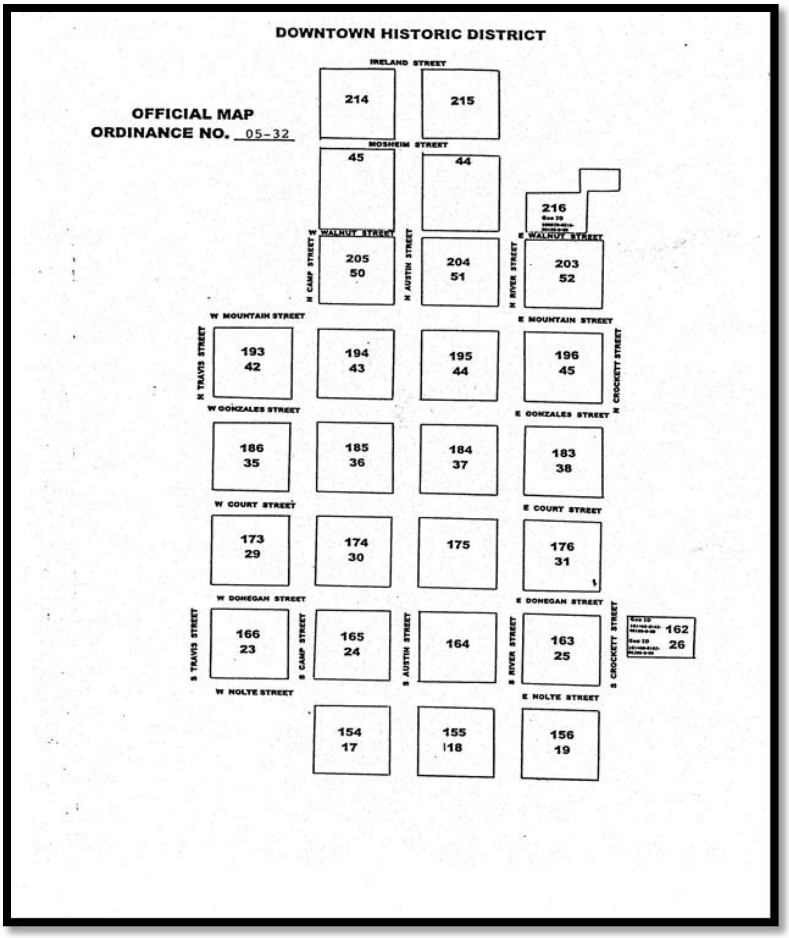
Failure to comply with any of the provisions of this chapter shall be deemed a violation and the owner of the property will be subject to:

1. Removal of any marker identifying the property as an historic landmark.
2. The filing of a statement with the County Clerk reflecting that the historic designation has been revoked.
3. Repayment of any tax abatements received due to its historic landmark status.

**H. Appeals**

Any person aggrieved by a decision of the HDRC relating to a Certificate of Appropriate Design or a determination of demolition by neglect may, within 20 days of the date of the posting of the certified mail to the address shown on the application, file a written application with the City Council, through the office of the City Secretary, for review of the decision and the approval, denial, modification of, or deviation from, the HPO and the HDRC's decision. The appeal application shall be set before the City Council at the first available City Council meeting. The City Council's decision shall be final.

## Downtown Historic Overlay District




### 1. Applicability

The Downtown Historic District includes those blocks located in the Inner Lots and Acre Lots of the City of Seguin, Guadalupe County, Texas. Any person carrying out any work that requires a permit for exterior alteration, restoration, reconstruction, new construction, demolition, or moving of a landmark or property with a Historic Landmark Designation or located in a Historic District must first obtain a Certificate of Appropriate Design from the Historic Preservation Officer.

### 2. Uses

Please see section 3.4.3-land use matrix to identify uses permitted within the district.

### 3. Site Development Requirements

The required setbacks and landscape requirements do differ from the base zoning designation for properties within this overlay district. The front setback for all non-residential structures shall be the property line, except as may be allowed by the Downtown Historic District Design Review Committee. Please refer to those sections for specific requirements. Off street parking requirements shall not apply in the Downtown Historic District except for overnight lodging facilities (hotel, motel, or bed and breakfast).

## Section 3.4 Use

### 3.4.1 Permitted, Limited, Specific, Unlisted and Prohibited Uses

The use of land and/or buildings shall be in accordance with those listed in the following Land Use Matrix. No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which it is located or for activities consistent with the nonconforming provisions of this Chapter.

### 3.4.2 Unlisted Uses

It is recognized that new types of land use will arise in the future, and forms of land use not presently anticipated may seek to locate in the City. A new and unlisted use may be interpreted by the Planning Director as similar to a listed use if the unlisted use possesses the majority of characteristics of the listed use. If the unlisted use is deemed similar to a listed use by the Planning Director, no amendment of the Land Use Matrix is required. If the use is not deemed by the Planning Director to be similar to an existing listed use the unlisted use determination must be submitted to the Planning and Zoning Commission and City Council and shall subsequently is treated as an ordinance amendment.

A person requesting the addition of a new or unlisted use shall submit to the Planning Director or his/her designee, all information necessary for the classification of the use, including but not limited to the following:

A. The nature of the use and whether the use involves residential activity, sales, services, or processing;
B. The type of product sold or produced;
C. Whether the use has enclosed or open storage and the amount and nature of the storage;
D. Anticipated employment typically anticipated with the use;
E. Transportation requirements- estimate of number of trips per day;
F. The nature and time of occupancy and operation of use;
G. The parking and loading requirements;
H. The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated;
I. General description of development needs for use (impervious cover, utilities, etc.).

### 3.4.3 Land Use Matrix

| | |
|---|---|
| **P** | Designates the use as a **permitted** in the zoning district indicated. |
| **–** | Designates use **prohibited** in the zoning district indicated. |
| **S** | Designates use may be permitted in the zoning district with a Specific Use Permit |
| **L** | Designates the use as a **limited use**. This means the use is permitted in the zoning district if additional site and/or building requirements (in addition to base development requirements) are met. |

## Residential Uses

| | A-R | R-R | S-R | R-1 R-2 | DP-1 | DP-2 | ZL | MF 1,2,3 | MR | MHP | NC | C | P | LI | I | DHD |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Single Family, Detached Dwelling (one per lot) | P | P | P | P | P | P | P | P | P | - | P | - | _ | _ | _ | P |
| Existing Single Family, Detached Dwelling (one per lot) | P | P | P | P | P | P | P | P | P | - | P | S | - | - | - | P |
| Apartments/ Condos | _ | _ | _ | _ | _ | _ | _ | P | _ | _ | L | L | _ | _ | _ | P |
| Two Family Dwelling | _ | _ | _ | _ | P | P | _ | P | _ | _ | _ | _ | _ | _ | _ | S |
| Manufactured Home | L | _ | _ | _ | _ | _ | _ | _ | P | P | _ | _ | _ | _ | _ | _ |
| Modular Homes | L | L | L | L | L | L | L | _ | _ | _ | L | _ | _ | _ | _ | _ |
| Accessory Dwelling ( no larger than 50% of the square footage of the primary structure) | P | P | P | P | _ | _ | _ | _ | _ | _ | S | S | L | _ | _ | S |
| Mixed Use Building- First floor commercial with second story and above residential | _ | _ | _ | _ | _ | _ | _ | S | _ | _ | P | P | _ | _ | _ | P |
| Home Occupations | P | P | P | P | P | P | P | P | P | P | P | P | - | _ | _ | P |

## Group Living Uses

| | A-R | R-R | S-R | R-1 R-2 | DP-1 | DP-2 | ZL | MF 1,2,3 | MR | MHP | NC | C | P | LI | I | DHD |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Assisted Living Facility/ Nursing Home or Convalescent Home | S | S | S | S | S | S | S | S | _ | _ | P | P | _ | _ | _ | S |
| Fraternity or Sorority Home | _ | _ | _ | _ | _ | _ | _ | S | _ | _ | _ | _ | S | _ | _ | _ |

## Educational and Daycare Facilities

| | A-R | R-R | S-R | R-1 R-2 | DP-1 | DP-2 | ZL | MF 1,2,3 | MR | MHP | NC | C | P | LI | I | DHD |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Daycare- six or more children | S | S | S | S | S | S | S | S | S | S | P | P | P | _ | _ | P |
| Day Nursery or Kindergarten ( 6 or less children, excluding family members) * residential use is the primary use | P | P | P | P | P | P | P | P | P | P | P | _ | _ | _ | _ | P |
| School, K-12 | S | S | S | S | S | S | S | S | _ | _ | S | S | P | _ | _ | S |
| Vocational School | _ | _ | _ | _ | _ | _ | _ | _ | _ | _ | _ | P | P | _ | _ | P |
| University/ College | _ | _ | _ | _ | _ | _ | _ | _ | _ | _ | _ | P | P | | | P |

## Government and Community Facilities

| | A-R | R-R | S-R | R-1 R-2 | DP-1 | DP-2 | ZL | MF 1,2,3 | MR | MHP | NC | C | P | LI | I | DHD |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Governmental Buildings/ Uses | S | S | S | S | S | S | S | S | S | S | P | P | P | P | P | P |
| Community Center | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Existing Cemetery | P | _ | _ | P | _ | _ | _ | _ | _ | _ | _ | P | P | _ | _ | _ |
| Park/Playgrounds | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Food Bank | | | | | | | | | | | S | P | S | P | P | |
| Social Services | | | | | | | | | | | S | P | P | P | P | |

## Medical Facilities

| | A-R | R-R | S-R | R-1 R-2 | DP-1 | DP-2 | ZL | MF 1,2,3 | MR | MHP | NC | C | P | LI | I | DHD |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hospital | _ | _ | _ | _ | _ | _ | _ | _ | _ | _ | _ | P | P | P | _ | _ |
| Medical Office, Clinic, or Lab | | | | | | | | | | | P | P | | P | | P |
| Ambulance service ( 24-hour service included) | _ | _ | _ | _ | _ | _ | _ | _ | _ | _ | _ | S | P | S | S | _ |

## Places of Worship

| | A-R | R-R | S-R | R-1 R-2 | DP-1 | DP-2 | ZL | MF 1,2,3 | MR | MHP | NC | C | P | LI | I | DHD |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Religious Assembly Facilities | L | L | L | L | L | L | L | L | L | L | P | P | P | _ | _ | L |

## Overnight Accommodations

| | A-R | R-R | S-R | R-1 R-2 | DP-1 | DP-2 | ZL | MF 1,2,3 | MR | MHP | NC | C | P | LI | I | DHD |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Bed and Breakfast | S | S | S | S | _ | _ | _ | _ | _ | _ | P | P | _ | _ | _ | L |
| Hotel/Motel | _ | _ | _ | _ | _ | _ | _ | _ | _ | _ | _ | P | _ | _ | _ | L |
| RV Park | _ | _ | _ | _ | _ | _ | _ | _ | _ | _ | _ | S | _ | _ | _ | _ |

## Entertainment/Recreation

| | A-R | R-R | S-R | R-1 R-2 | DP-1 | DP-2 | ZL | MF 1,2,3 | MR | MHP | NC | C | P | LI | I | DHD |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Commercial Amusement Facility (outdoor) | _ | _ | _ | _ | _ | _ | _ | _ | _ | _ | S | S | _ | P | P | S |
| Commercial Amusement Facility (indoor) | _ | _ | _ | _ | _ | _ | _ | _ | _ | _ | P | P | _ | P | P | P |
| Athletic/ Personal Fitness Club | _ | _ | _ | _ | _ | _ | _ | _ | _ | _ | P | P | _ | P | P | P |
| Bar/ Nightclub | _ | _ | _ | _ | _ | _ | _ | _ | _ | _ | _ | L | _ | _ | _ | L |
| Outdoor Festivals | _ | _ | _ | _ | _ | _ | _ | _ | _ | _ | L | L | L | L | L | L |
| Driving Range | - | - | - | - | - | - | - | - | - | - | - | S | S | P | P | - |
| Event Facilities/ Meeting Halls | S | _ | _ | L/S | _ | _ | _ | _ | _ | _ | P | P | P | P | P | P |
| Fairground | S | - | - | - | - | - | - | - | - | - | - | P | P | - | - | - |
| Firing Range, Indoor | - | - | - | - | - | - | - | - | - | - | - | - | - | S | P | - |
| Firing Range, Outdoor | - | - | - | - | - | - | - | - | - | - | - | - | - | - | S | - |

## Automobile Sales and Services

| | A-R | R-R | S-R | R-1 R-2 | DP-1 | DP-2 | ZL | MF 1,2,3 | MR | MHP | NC | C | P | LI | I | DHD |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Auto paint and body (in building only) | - | - | - | - | - | - | - | - | - | - | - | P | - | P | P | S |
| Auto Sales, new and used | - | - | - | - | - | - | - | - | - | - | - | P | - | P | - | - |
| Auto repair and servicing ( all work done indoors) *storage of vehicles subject to location requirements | - | - | - | - | - | - | - | - | - | - | - | P | - | P | P | S |
| Auto repair and servicing ( work done either partially or completely outdoors) *storage of vehicles subject to location requirements | - | - | - | - | - | - | - | - | - | - | - | L | - | P | P | S |
| Car Wash | - | - | - | - | - | - | - | - | - | - | - | P | - | P | P | - |
| Towing Services and Impound Lots | - | - | - | - | - | - | - | - | - | - | - | - | - | S | P | - |

## Transportation and Utility Uses

| | A-R | R-R | S-R | R-1 R-2 | DP-1 | DP-2 | ZL | MF 1,2,3 | MR | MHP | NC | C | P | LI | I | DHD |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Bus Station and Terminal | - | - | - | - | - | - | - | - | - | - | - | S | - | P | P | - |
| Commercial Communication Tower | L | - | - | - | - | - | - | - | - | - | - | L | L | L | L | - |
| Freight terminals (primary use of a site) | - | - | - | - | - | - | -- | - | - | - | - | - | - | S | P | - |
| Parking Lot | - | - | - | - | - | - | - | - | - | - | - | S | S | S | P | S |

## Industrial Uses

| | A-R | R-R | S-R | R-1 R-2 | DP-1 | DP-2 | ZL | MF 1,2,3 | MR | MHP | NC | C | P | LI | I | DHD |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Auto Crushing | - | - | - | - | - | - | - | - | - | - | - | - | - | - | S | - |
| Concrete Batch Plant | - | - | - | - | - | - | - | - | - | - | - | - | - | - | S | |
| Contractor's storage/ equipment yard | - | - | - | - | - | - | - | - | - | - | - | S | - | P | P | - |
| Crematory | - | - | - | - | - | - | - | - | - | - | - | P | - | P | P | - |
| Slaughter Facility | - | - | - | - | - | - | - | - | - | - | - | - | - | S | S | - |
| Drilling and or Mining for Oil, Gas, and other minerals | - | - | - | - | - | - | - | - | - | - | - | - | - | - | S | - |
| Heavy Industry | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | - |
| Light Industry | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | - |
| Packing, assembly, and/or treatment of finished or semi finished products from previously prepared material | - | - | - | - | - | - | - | - | - | - | - | L | - | P | P | - |
| Petroleum bulk stations and terminals | - | - | - | - | - | - | - | - | - | - | - | - | - | - | S | - |
| Recycling center (outside) | - | - | - | - | - | - | - | - | - | - | - | - | - | S | P | - |
| Recycling center (inside) | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | - |
| Salvage yard | - | -- | - | - | - | - | - | - | - | - | - | - | - | - | P | - |
| Scrap processing | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | - |
| Self-Storage (no outside storage) | - | - | - | - | - | - | - | - | - | - | - | P | - | P | P | - |
| Self-Storage (with outside storage) | - | - | - | - | - | - | - | - | - | - | - | S | - | S | P | - |
| Truck Stop | - | - | - | - | - | - | - | - | - | - | - | S | - | S | P | - |
| Warehouse with no outdoor storage | - | - | - | - | - | - | - | - | - | - | - | P | - | P | P | - |
| Warehouse with outdoor storage | - | - | - | - | - | - | - | - | - | - | - | S | - | S | P | - |

## Retail/Services

| | A-R | R-R | S-R | R-1 R-2 | DP-1 | DP-2 | ZL | MF 1,2,3 | MR | MHP | NC | C | P | LI | I | DHD |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Farmer's or Gardener's Market | L | - | - | - | - | - | - | - | - | - | L | L | L | - | - | L |
| Financial Institution with Drive-Thru | - | - | - | - | - | - | - | - | - | - | S | P | - | - | - | P |
| Financial Institution without Drive-Thru | - | - | - | - | - | - | - | - | - | - | P | P | - | - | - | P |
| Pay-Day Loan Office | - | - | - | - | - | - | - | - | - | - | - | P | - | - | - | S |
| Bail Bonds | - | - | - | - | - | - | - | - | - | - | - | P | - | - | - | S |
| Funeral Home | - | - | - | - | - | - | - | - | - | - | S | P | - | - | - | S |
| Gasoline service station | - | - | - | - | - | - | - | - | - | - | - | P | - | P | P | - |
| Manufactured Home Sales | - | - | - | - | - | - | - | - | - | - | - | - | - | S | S | - |
| Microbrewery/ Brewpub | - | - | - | - | - | - | - | - | - | - | S | L | - | P | P | L |
| Office, professional | - | - | - | - | - | - | - | - | - | - | P | P | - | P | P | P |
| Pawn Shop | - | - | - | - | - | | - | - | - | - | - | P | - | -- | - | S |
| Restaurant with drive thru * | - | - | - | - | - | - | - | - | - | - | S | P | - | P | - | L |
| Restaurant without drive-thru* | - | - | - | - | - | - | - | - | -- | - | P | P | - | P | - | P |
| Retail/Service with drive-thru | - | - | - | - | - | - | - | - | - | - | S | P | - | P | P | L |
| Retail/Service without Drive-thru | - | - | - | - | - | - | - | | - | - | P | P | - | P | P | P |
| Retail/Service with outside storage and/or display | - | - | - | - | - | - | - | - | - | - | L | L | - | L | P | - |
| Retail/ Service without outside storage and/or display | - | - | - | - | | - | - | - | - | - | P | P | - | P | P | P |
| Sexually Oriented Business | - | - | - | - | - | - | - | - | - | - | - | L | - | L | L | - |
| Tattoo Studio | - | - | - | - | - | - | - | - | - | - | - | P | - | - | - | - |
| Vet Clinic/Hospital (enclosed) | - | - | - | - | - | - | - | - | | - | P | P | - | P | - | P |
| Vet Clinic/ Hospital or Kennel (outside pens allowed) | - | - | - | - | - | - | - | - | - | - | - | S | - | P | - | - |
| Working and licensed automotive, recreational vehicle or boat storage facilities | - | - | - | - | - | - | - | - | - | - | - | S | - | S | P | - |

***if selling alcohol on site the limited use requirement for bar/ nightclub shall apply**

## Section 3.5 Limited Uses

### 3.5.1 Purpose

The purpose of a limited uses permit is to allow certain uses that that have previously required a specific use permit to be permitted administratively with certain conditions of development that will ensure compatibility with adjacent uses.

### 3.5.2 Timing of Compliance

The standards of this section apply at the time a limited use is requested to be established in an existing or new structure and/or when one of the following thresholds are met:

**A.** An existing limited use is proposed to be expanded by more than 50% of the existing square footage currently devoted to the use.

**B.** If the extent of the proposed modifications is 50% or more of the site's assessed value over a 5 year time period. For the purposes of the code the assessed value of a structure shall be the value cited by the Guadalupe County Appraisal District.

### 3.5.3 Development Standards

**A.** Apartments/Condominiums
Apartments/Condominiums are identified as limited uses in the neighborhood commercial and commercial zoning districts. If an apartment is desired in one of these zoning designations the apartment must be on the second or above story of the building. The first floor shall be reserved for commercial development.

**B.** Manufactured Home
As an accessory use: The use of manufactured homes in the AR zoning designation is identified as a limited use. The following requirement must be met in order to allow the use. One manufactured home shall be permitted per lot, as an accessory residential use to an existing single family residential home built on site. The manufactured home must meet the requirements of the manufactured home zoning designations and must be located behind the site built single family home.
Primary Use: One manufactured home may be allowed per lot. Unit shall be placed where visibility of unit is limited from right-of-way.

**C.** Modular/ Industrialized Homes
The use of a modular/industrialized home shall meet the following requirements:

1. Single-family or duplex industrialized housing must have all local permits and licenses that are applicable to other single-family or duplex dwellings.
2. All housing shall:
    a) Have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified appraisal for the County; "Value" means the taxable value of the industrialized housing and the lot after installation of the housing;

b) Have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located;

c) Comply with City aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to single-family dwellings; and

d) Be securely fixed to a permanent foundation as defined by the City of Seguin adopted building codes.

3. In addition to any other information otherwise required for building permits, the building permit application shall provide the following information:

a) identify each single-family dwelling located within 500 feet of the lot on which the industrialized housing is to be located, and show the taxable value for each dwelling as determined by the most recent certified tax appraisal roll for the county;

b) describe the exterior siding, roofing, roof pitch, foundation fascia, and fenestration for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is to be located;

c) describe the permanent foundation and method of attachment proposed for the industrialized housing;

d) state the taxable value of the industrialized housing and the lot after installation of the industrialized housing;

e) provide documentation from the seller of the industrialized home indicating the sales price; and

f) Indicate the deed restrictions, if any, otherwise applicable to the real property on which the industrialized housing is to be located.

**D. Accessory Dwelling**

The use of an accessory dwelling is identified as a limited use within the P zoning district. An accessory dwelling may be permitted within a P zoning district if it is a parsonage sharing the same lot as a place of worship.

**E. Religious Assembly Facilities**

When religious facilities are identified as a limited use on the land use matrix the facility shall meet the lot development requirements associated with the "P" zoning district.

**F. Bar/ Nightclub**

It shall be unlawful for any person to sell any beer, wine, intoxicating liquor or other alcoholic beverage, as defined in V.T.C.A., Alcoholic Beverage Code § 1.04, at any place of business located within 300 feet of any church; public, private or parochial school; or public hospital. The measurements shall be along the property lines of the street fronts and from front door to front door and in a direct line across intersections of streets, where such intersections occur, pursuant to V.T.C.A., Alcoholic Beverage Code § 109.33. Please see section 2.16 of this Code for procedures to request a variance of the distance requirements for establishments dispensing alcoholic beverages for on-premises consumption.

Procedures. Any business selling alcoholic beverages for on-premises consumption that seeks to locate the business at a location that is closer to a school or church than permissible under this code, or State law, must seek a variance.

**G. Outdoor festivals**

The use of a carnival/circus shall only be done so on a temporary basis within the City limits and with an issuance of an outdoor festival permit. See section 2.15 for requirements.

**H. Auto Repair and Servicing (work done either partially or completely outdoors)**

When auto repair and servicing work is either partially or completely done outdoors in the "C" zoning district all work must be screened from the view of all public right-of-ways, adjacent uses both commercial and residential and all outdoor work must have limited work hours of 8 am to 5 pm Monday through Saturday.

**I. Commercial Communication Tower**

Construction of all commercial communication towers are required to submit a building permit and adhere to the following requirements:

1. Distance requirements from all residential lots shall be a_minimum of 110% of height of tower to nearest residential lot or lot zoned residential.
2. Commercial Communication Towers shall be setback a minimum of fifty feet (50') from any property line.
3. All accessory structures shall comply with the setback standards for the zoning district in which it is located.
4. A fence not less than eight feet (8') in height from finished grade shall be constructed around each tower and accessory structure. Access to the tower shall be through a locked gate. If adjacent to residential lots, all mechanical equipment and accessory structures must be screened by a solid fence and/or appropriate landscaping approved by the Planning Director through a limited use permit. A tower that is located over three (3) times the tower height from the nearest residential lot is excluded from requirement to construct a solid fence or landscape screening.
5. All tower property must be screened from all adjacent rights-of-way by a landscape barrier at the perimeter and adjacent to the right-of-way. Landscaping shall be placed on the outside of fencing and, at a minimum, shall consist of a continuous row of shrubs of at least 4' in height upon maturity, and a tree planted every fifty (50') feet.
6. Commercial Communication Towers shall not encroach into or through any established public or private airport approach as established by the Federal Aviation Administration
7. Any high voltage or other risk to public safety must be clearly identified by way of signage approved by the Planning Commission.

**J. Gardeners/ Farmers Market**

Farmers market shall be allowed with limited use permit, subject to meeting the below requirements, in the following zoning districts: "AR", "P", "NC", "C" and within the Downtown historic District. Requirements are as follows:

1. Designated parking area must be provided and parking plan shall be approved by the Director of Planning.
2. Must be for a specified period of time approved by the Planning Director.
3. Must be an accessory use and not the primary use of a site.

**K. Drive-through facilities (retail establishments, and restaurants)**

Drive-through facilities in the Downtown Historic District shall be subject to a limited use permit and the following requirements:

1. No service speaker shall be located within seventy-five (75) feet of a residential district unless such district is utilized for a non-residential use.
2. Service speakers include speakers used to conduct business with people outdoors or in partially enclosed structures including, but not limited to, drive-through payment windows, drive through restaurant ordering boards, service station pump islands and car washes.

**L. RESERVED**

**M. Retail Services with outdoor storage/display**

Outdoor display and storage of merchandise is identified as a limited use in some zoning districts and shall be subject to the following requirements:

1. Only 10% of the front designated parking area shall be used for outdoor display.
2. Outdoor storage behind the main structure on a site may be permitted if storage is completely screened from public view through the use of buildings, landscaping or fencing.

**N. Sexually Oriented Businesses**

Shall be subject to the requirements of the City Code found in Chapter 22 Division 9.

**O. Overnight Lodging Facilities**

Overnight Lodging facilities in the Historic Downtown Overlay District are identified as a limited use on the land use matrix and are not exempt from the off-street parking requirements. Facilities shall meet the parking requirements applicable to the use as outlined in the off-street parking requirements.

**P. Event Facilities/ Meeting Halls**

Event facilities/ Meeting Halls are identified as a limited use/ specific use permit on the land use matrix for properties zoned R-1. Facilities shall be required to meet the following criteria before being able to apply for a specific use permit for the Planning and Zoning Commission's review:

**A.** Must be located on a major arterial roadway as defined on the City's thoroughfare plan;
**B.** Must be located on a corner;
**C.** Must have a parking plan that allows for off-street parking for patrons of the proposed facility. The parking plan may consist of off-site parking and must be approved by the Director of Planning.

**Q. Packing/Assembly Facilities**

Packaging, assembly, and/or treatment of finished or semi-finished products may be conducted indoors as long as no adverse external effects such as noise or odor extend beyond the property lines of the site. Outdoor storage shall be screened as required in Section 5 of the UDC.

**R. Microbrewery/Brewpub**

1. A microbrewery/brewpub that sells alcohol for on-premise consumption shall meet the distance requirements in Section 2.16 in the City's Code of Ordinances or obtain a variance as allowed under this Unified Development Code
2. All production shall be within enclosed structures.
3. The facility shall not produce obnoxious odors
4. No unscreened outdoor storage shall be allowed
5. With the application for a Limited Use Permit, the applicant shall submit a loading/unloading plan that demonstrates:
    a. Pedestrian/vehicular traffic is not unreasonably obstructed
    b. Neighbors are not negatively impacted
    c. Loading and unloading facilities are located on-site where possible

## Section 3.6 Lot Dimensional and Development Standards

### 3.6.1. General

All development shall comply with all of the applicable dimensional and development standards within this section.

### 3.6.2 Standards- Residential Districts

| | A-R | R-R | S-R | R-1 | R-2 | DP-1 | DP-2 | ZL | MF-1 | MF-2 | MF-3 | M-R |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Lot Area (internal lot) Min.** | 10 acres | 43,560 sf | 20,000 sf | 5,000 sf | 5,000 sf | 12,000 sf | 6,200 sf | 3,400 sf | Minimum of 21,780sf | Minimum of 10,890sf | Minimum of 7,275sf | 5,000 sf |
| **Lot Area (corner lot) Min.** | 10 acres | 43,560 sf | 20,000 sf | 6,000 sf | 6,000 sf | 12,000 sf | 8,000 sf | 3,400 sf | n/a | n/a | n/a | 6,000 sf |
| **Lot Frontage Internal/ corner lots Min.** | 150’ | 150’ | 100’ | 50’/60’ | 50’/60’ | 100’ | 60’/75’ | 40’ | 100’ | 100’ | 75’ | 50’/60’ |
| **Lot Depth Min.** | 200’ | 200’ | 100’ | 100’ | 100’ | 120’ | 90’ | 85’ | 100’ | 100’ | 100’ | 100’ |
| **Units per acre Max.** | - | 1 | 2 | 8 | 8 | 6 | 14 | | 6 | 12 | 20 | 8 |
| **Front Yard Setback Min.** | 40’ | 40’ | 25’ | 25’ | 20’ *see below | 25’ | 25’ | 20’ | 25’ | 25’ | 25’ | 25’ |
| **Rear Yard Setback (Primary Structure) Min.** | 20% of lot depth up to 40’ | 20% of lot depth up to 40’ | 20% of lot up to 30’ | 15’ | 15’ | 15’ | 15’ | 10’ | 10’ | 10’ | 10’ | 15’ |
| **Rear Yard Setback (Accessory Structure) Min.** | 20’ | 20’ | 20’ | 5’ | 5’ | 5’ | 5’ | 5’ | 10’ | 10’ | 10’ | 5’ |
| **Side Setback (internal lot) Min.** | 20’ | 20’ | 10’ | 5’ | 5’ | 10’ | 6’ | See district info | 10’ | 10’ | 10’ | 5’ |
| **Side Setback (corner lot) Min.** | 25’ | 25’ | 15’ | 15 | 15’ | 15’ | 15’ | See district info | 15’ | 15’ | 15’ | 15’ |
| **Impervious Coverage Max.** | 20% of lot area | 40% of lot area | 40% of lot area | 60% of lot area | 60% of lot area | 60% of lot area | 60% of lot area | 75% of lot area | 70% of lot area | 70% of lot area | 70% of lot area | 60% of lot area |
| **Height of Structures Max.** (whichever is less) | 30’ or 2 ½ stories | 30’ or 2 ½ stories | 30’ or 2 ½ stories | 30’ or 2 ½ stories | 30’ or 2 ½ stories | 30’ or 2 ½ stories | 30’ or 2 ½ stories | 30’ or 2 ½ stories | 30’ or 2 ½ stories | 45 feet or 3 stories | 45 feet or 3 stories | 30’ or 2 ½ stories |

***In the R-2 district, the garage (attached or detached) and all accessory structures must meet the 20’ front setback; the front of the primary structure may encroach an additional 5’ into the front setback.**

## Section 3.6.2 Standards- Non-residential Districts

| | NC | C | P | LI | I |
|---|---|---|---|---|---|
| **Lot Area (**internal lot**)** | 6,000 sf | 6,000 sf | 6,000 sf | 6,000 sf | 6,000 sf |
| **Lot Area (**corner lot**)** | 7,500 sf | 7,500 sf | 7,500 sf | 7,500 sf | 7,500 sf |
| **Lot Frontage** ( internal lot/corner lot**)** | 50'/ 60' | 50'/60' | 50'/60' | 50'/60' | 50'/60' |
| **Lot Depth** | 100' | 100' | 100' | 100' | 100' |
| **Units per acre** | n/a | n/a | n/a | n/a | n/a |
| **Front Yard Setback** | 20' | 20' | 25' | 25' | 25' |
| **Rear Yard Setback** | 5' with an additional 2' for each story above 24' with max of 25' | 5' with an additional 2' for each story above 24' with max of 25' | 5' with an additional 2' for each story above 24' with max of 25' | 5' with an additional 2' for each story above 24' with max of 25' | 5' with an additional 2' for each story above 24' with max of 25' |
| **Side Setback (**internal lot**)** | 5' | 5' | 5' | 5' | 5' |
| **Side Setback (**corner lot**)** | 15' | 15' | 15' | 15' | 15' |
| **Impervious Cover Max.** | 80% of lot area | 80% of lot area | 75% of lot area | 80% of lot area | 80% of lot area |
| **Maximum Height of Structures** | n/a | n/a | n/a | n/a | n |

- Setbacks shall not apply to uncovered steps, uncovered balconies, uncovered porches, or roof eaves projecting not to exceed twenty-four (24") inches, and ordinary projections of window sills and other architectural features lying completely under the roof eave.
- For accessory structures 200 square feet or larger the rear yard setback for a primary building shall apply;
- Edge of in ground or above ground pool or spa shall be at least 10 feet from primary structure and at least 5 feet from side and rear lot;
- See MHP and DHD zoning district sections for setback requirement

# Chapter 4- Subdivisions

**4.1.1 Intent**

The regulations of this Subdivision Ordinance are authorized under the authority of Texas Local Government Code, Chapter 212 (including Subchapter B) and the City's charter. The provisions of this Subdivision Ordinance expressly extend to all areas inside the City limits and throughout the City's extraterritorial jurisdiction (ETJ), as either may be adjusted in the future, and as provided in the City's interlocal agreement with Guadalupe County. The regulations contained within this chapter are intended to protect the interests of the public and of private parties. This Ordinance is designed and intended to achieve the following purposes, and shall be administered so as to:

- Create orderly, efficient and coordinated development within the City's jurisdiction.
- Provide neighborhood conservation and prevent the development of slums and blight.
- Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts.
- Provide the most attractive relationship between the land as developed and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion on the streets and highways, and the pedestrian traffic movements appropriate to the proposed development, and to provide for the proper location and width of streets.
- Ensure that public or private facilities are available and will have a sufficient capacity to serve proposed subdivisions and developments within the City's jurisdiction.
- Protect and provide for the public health, safety and general welfare of the community.
- Provide open space and recreational areas in the form of parks and park improvements necessary for the health, welfare, and well-being of the public.

**4.1.2 Application of Requirements**

This section applies in the following areas:

| Property within City of Seguin City Limits | Property within City of Seguin ETJ |
|---|---|
| YES | YES |

**4.1.3 Chapter Components**

This chapter includes the following sections:

- **Subdivision Design**
  - Lot configurations
  - Easements
  - Street Design
  - Property under common ownership
  - Stormwater and Drainage Standards
- **Construction of Public Improvements**
  - Required Improvements
  - Developers Responsibility
  - Timing of Improvements
  - Phasing of Requirements
  - Maintenance Responsibilities
  - Street Construction Requirements

        - Water Requirements
        - Waste Water Requirements
        - Electric Requirements
        - Street Lighting
    - **Road adequacy standards**
        - Boundary Street Improvements
        - Traffic Impact Analysis
    - **Parkland**
        - Dedication
        - Improvements
        - Fee-in-lieu

### 4.1.4 General Principles of Acceptability for Subdivision Design

Subdivision lot configuration shall follow the following principles of acceptability for Subdivision Design:

**A.** The subdivision shall conform to the City of Seguin Comprehensive Master Plan. The subdivision layout shall be in accordance with existing easements, rights-of-way, restrictions and conditions. Where parks, trails, or roadways are identified on a City adopted master plan the developer for which the park, trail, or roadway traverses through a specific property shall incorporate the park, trail, or roadway into the proposed concept.

**B.** The subdivision layout shall make reasonable provisions for development of and connection to adjacent land. All parcels shall have frontage on a public right-of-way. Land locked parcels shall not be permitted.

**C.** Lot sizes must conform to the minimum lot area, minimum lot width, and minimum yard standards required in the underlying zoning district; ETJ lots shall have a minimum lot frontage (width) of 100' and minimum lot area of 0.5 acres.

**D.** Lots that front on more than one street other than corner lots, resulting in the need for a large development perimeter walls along a roadway, shall be minimal or avoided.

**E.** 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 comprehensive master 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 master 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.

**F.** 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.

**G.** The street system layout shall be designed (insofar as practicable) to preserve natural features such as vegetation, creeks, views, and related amenities.

**H.** If the subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Guadalupe County, Texas and Incorporated Areas," dated November 2, 2007, with accompanying Flood Insurance Rate Maps dated November 2, 2007 the subdivision is subject to the standards of Chapter 54-Floods of the City Code.

## Section 4.2. Lot Configuration

### 4.2.1 Lot Access

Access to arterials and collectors shall be approved by the City Engineer and shall be in accordance with generally accepted traffic management guidelines. Rear and side driveway access to major thoroughfares or expressways shall be prohibited.

### 4.2.2 Lot Frontage

Double-frontage lots are highly discouraged and prohibited except when they back on to major thoroughfares. If double frontage lots are created the plat shall include a note regarding maintenance of any boundary fencing/wall and maintenance of sidewalk and landscaping between property line and curb.

### 4.2.3 Lot Shape

Irregular-shaped lots shall have sufficient width at the building line to meet lot width and frontage requirements of the appropriate zoning district (if within the City's limits) and shall provide a reasonable building pad without encroachment into front, side or rear yard setbacks or into any type of easement. Also, the rear width shall be sufficient to provide access for all necessary utilities, including access for driveways and solid waste collection when rear alleys are present (minimum 20-foot alley frontage). In general, triangular, severely elongated or tapered, "flag" or "panhandle" lots should be avoided.

## 4.3 Easements

### 4.3.1 General

All easements for City owned public utilities must be dedicated to the City and their locations shall be clearly denoted on the plat.

### 4.3.2 Drainage Easement (DE)

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."

### 4.3.3 Public Utility Easements (PUE)

The location and width of necessary public utility easement shall be determined by utilities staff, or, in the instance of private utilities, by the private utility company concerned. Where necessary, adequate easements shall be provided for underground street lighting service lines. The location and width of easements shall be determined by utilities staff.

## 4.4 Streets Design

### 4.4.1 General

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 City's Thoroughfare Plan and Technical Manual, 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 Thoroughfare 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. 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.

### 4.4.2 Block length

Block lengths shall not exceed 1200 feet or be less than 500 feet. 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 and Zoning Commission. Cul-de-sac streets shall have a maximum length of 500 feet.

### 4.4.3 Half Streets

Partial or Half Streets shall be provided only on divided streets and with the approval of the City Engineer. Additional plat notes may be required.

### 4.4.4 Sidewalks

Sidewalks shall be provided along both sides of all streets within a subdivision. The width of the sidewalk will vary depending on the street classification. See specific standards in sidewalk section of Chapter 5 and detailed street cross-sections within the Technical Manual.

### 4.4.5 Street Classifications

Proposed roads serving new development shall provide a complete, safe and functional system for vehicular, bicycle and pedestrian circulation and shall be properly designed based on the context of the current and anticipated development within the area. Streets shall be extended to the boundary lines of the tract as necessary for eventual extension to the adjacent tract(s) to ensure that block lengths do not, in general, exceed the limits defined by this code and to provide access to adjacent property. Provisions shall be made for the appropriate extension of existing and proposed streets. Streets intended to be extended from an adjacent tract shall be extended. Street right-of-way shall be dedicated with the plat, and the street shall be constructed with the subdivision/public improvement construction plans for the plat, for the full length and/or width of the lots in the subdivision adjacent to such street, unless otherwise approved. Exceptions may be granted by the Planning and Zoning Commission to allow a lesser width in townhouse or cluster developments.

A. **Alleys.** The use of alleys to access garages, trash pick-up, and/or utilities is permitted when the alley is constructed to City standards and privately maintained by a HOA or similar entity approved (see below maintenance standards for private streets and alleys) or constructed of concrete. When utilities are installed in the rear of the adjacent lot or within an alley a public utility easement may be required. 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.
B. **Minor Street.** A minor street is used primarily for access to abutting properties or developments, serving to carry traffic to collector streets or a major thoroughfare. Minor streets comprise all streets not classified and designated as a major thoroughfare or collector street on the Thoroughfare plan. Minor streets are divided into three subcategories: minor residential streets, minor local-nonresidential or minor rural residential road. Unless approved by the City Engineer and Planning Director, a local street shall not connect to two separate higher classification streets or connect directly to arterial streets. All minor residential streets shall have a minimum right-of-way width of 50 feet.
C. **Collector.** A collector street which carries traffic from activity centers on minor streets to arterial streets. The streets are designated on the Future Thoroughfare Plan. Land access is permitted but should be more limited than local streets. Industrial, commercial, and collector streets shall have a minimum right-of-way width of 60 feet.
D. **Major Thoroughfare/Arterial.** Major Thoroughfare/Arterial streets are used which are used primarily for fast and heavy traffic flow and is used as traffic arteries for inter-connection among large areas. Major thoroughfares depicted by the City of Seguin Future Thoroughfare 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.

### 4.4.6 Street Names

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 County.

### 4.4.7 Maintenance of Private Streets

The developer of any subdivision in which private streets are approved for construction shall establish a property or home owner's association, or similar entity, (the "HOA") that will have a binding, continuing responsibility for the maintenance and operation of the private streets and shall establish adequate funding for such maintenance and operation. The HOA's maintenance obligation shall be noted on the plat and in the restrictive covenants filed of record for the subdivision in a form that is acceptable to the City. The restrictive covenants shall provide for a monthly or annual assessment sufficient to fund the maintenance and operation of the private streets. Compliance with this section shall be a condition of final plat approval.

### 4.4.8 Private Streets; Required Easements

The developer of any subdivision in which private streets are approved for construction shall grant the City a public safety easement and a public utility easement over the private streets in the

subdivision in the form acceptable to the City, said public utility easement to include cable, gas telecommunications, and other public utilities. Compliance with this section shall be a condition of final plat approval. Private streets shall meet public street standards for emergency street access.

**Section 4.5 Private Facilities/ Property under common ownership**

When a subdivider proposes that any part of a subdivision, planned development, or any other development of land include any privately maintained facilities (e.g. community postal box pavilion, private park, streets, amenity, drainage or detention facilities, or any other improvement), a property owner's association (or comparable mechanism) shall be created and be responsible for the following:

- Maintenance. Total responsibility for maintenance in perpetuity of such private improvements is borne by the association.
- Funding program. A program is established whereby the association can accomplish the maintenance of private facilities.

The documents creating the required property owner's association shall be reviewed and approved by the City Attorney prior to the recordation of the first subdivision plat for the proposed subdivision.

**Section 4.6 Stormwater and Drainage Standards**

**4.6.1 General Requirements**

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 stormwater 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 minimums. 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).

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

- Alteration of existing upstream drainage areas and/or conveyance systems due to the proposed development.
- 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 drainage way.
- The impact of flow concentration from the detention facility discharge point on existing drainage areas and/or conveyance systems.
- Extension of existing conveyance systems through the development.
- The altering of existing on-site conveyance systems.

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. Calculations to verify downstream adequacy shall be performed to the nearest receiving waterway(s). Should projected stormwater 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.

**4.6.2 Design criteria**

All drainage systems shall be designed and constructed in accordance with the UDC Technical Criteria Manual and City of Seguin Standard Details.

**4.6.3 Stormwater Management.**

Stormwater management shall be designed and constructed to prevent adverse conditions from arising on property adjoining and downstream of the subdivision site. Adverse conditions include increases in peak flows, water surface elevations, concentration of flow and flow velocity. The drainage report shall show that mitigation of the impacts of development on the drainage system will be provided as part of the development. Mitigation may include detention, retention, infiltration, channel improvements, and other means acceptable to the City Engineer. Stormwater Management facilities shall be designed to reduce post-development peak flow rates of discharge to pre-development rates for the 2, 10, 25, 50 and 100-year storm events at all points of discharge. The drainage report shall also include an evaluation of downstream conditions.

**4.6.4 Detention and Drainage Facilities.**

On-site stormwater detention shall be required for all new developments to offset increased runoff resulting from new developments except for those developments for which approved regional detention facilities have been established or for which alternate plans have been approved by the City Engineer.

## 4.7 Subdivision Improvements

**4.7.1 General**

All subdivision improvements shall be designed and installed in accordance with all applicable elements of the Comprehensive Master Plan and Thoroughfare Plan and shall meet the minimum requirements established by this UDC and City Standard Details and Specifications. All improvements shall be designed and installed so as to provide for a logical system of utilities, drainage and streets and to create continuity of improvements for the development of adjacent properties. Water, wastewater, transportation and drainage improvements shall be extended to the perimeter of the development.

**4.7.2 Required improvements**

The developer or applicant must make all of the following improvements:

A. Dedicate right-of-way necessary to achieve the width required by applicable transportation related plans for streets adjoining the property;
B. Dedicate land and construct trails within the residential subdivision as per the Seguin Comprehensive Master Plan and/or Parks and Recreation Master Plan. Unless specified otherwise by the Director of Parks and Recreation, or designee, all such trails shall be

constructed of concrete and shall conform to the requirements of the American with Disabilities, as amended. Specifications for concrete shall be provided by the Director of Parks and Recreation, or designee. Trails in the Trails Master Plan shall be constructed in accordance with the Technical Manual by the developer at the developer's expense as trails are considered by the City as infrastructure. Trails shall be placed in a right-of-way or pedestrian access easement. Pedestrian access easements shall be a minimum of fourteen (14) feet in width. This may be a shared easement with public utilities as approved by the City.

C. Pave and install curbs and gutters along streets adjoining the property;
D. Install sidewalks and pedestrian pathways;
E. Install street lighting;
F. For residential development, provide open space and recreational facilities or fee-in lieu of parkland and improvements for parkland;
G. Install all utilities;
H. Install required drainage related facilities and easements required to adequately contain and convey;
I. Landscaping, drainage, fire protection, and all applicable UDC requirements.

### 4.7.3 Developer responsibility

The developer shall construct or provide all applicable public improvements required by this chapter. All improvements which the developer is required to make shall be made at the developer's expense without reimbursement by the City, except as provided otherwise in this UDC.

### 4.7.4 Timing and inspection of improvements

Unless otherwise stated, a developer cannot begin construction activities in the City's jurisdiction, including clearing and/or rough grading, before first obtaining all City approvals and permits. For detailed information on the subdivision/public improvements construction plan application process or post plan approval please refer to Chapter 2. For applications materials and information please refer to the UDC Technical Manual.

### 4.7.5 Phasing plan requirements

Proposals for projects to be developed in multiple phases must meet all the following requirements unless otherwise approved by the City Engineer and Planning Director:

A. A preliminary plat outlining the proposed phases of the development must be submitted and approved by the Planning and Zoning Commission;
B. Each phase of a development needs to be "stand alone" for utilities, fire protection, streets and stormwater and drainage management;
C. Public Improvement Construction Plans for each standalone phase shall be approved by the City Engineer;
D. Phase lines must follow reasonable and logical boundaries, such a terminating at intersections or following topographical breaks;
E. Phases must be constructed in the approved manner to ensure orderly and planned development;
F. Phases must be planned to ensure the efficient construction of adjacent future phases (phases immediately next to the subject phase, sharing a common boundary line), and to ensure that phased development is contiguous;

G. Right-of-way and/or easements for public infrastructure servicing the respective phase must be recorded with the first plat.

**4.7.6 Maintenance of required improvements**

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 on-site and off-site pertaining to the development, the daily cleanup of paved streets and of drainage areas impacted by on-site or off-site construction, the strict adherence of the site's stormwater pollution prevention plan (SWPPP, SW3P) and all state and federal requirements. 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. 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. 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. Prior to acceptance for maintenance of the completed improvements by the City, the subdivider shall file with the City Engineer either:

- A one-year warranty bond executed by a corporate surety licensed in the State of Texas, warranting the improvements are free from defects in materials and workmanship; or
- 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.

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

- Drainage improvements located in the public rights-of-way that have been accepted by the City will be maintained by the appropriate jurisdiction.
- 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. Existing drainage between developed lots shall remain the responsibility of the affected property owners.

**4.7.7 Streets**

All applications for plat approval, Site Plan approval, or PUD rezoning (depicted on a General Land Use Plan) shall provide for adequate roads to support proposed development through compliance with the following minimum standards governing dedication and improvement of internal roadways and adjacent thoroughfares. For purposes of this Section "adjacent thoroughfares" shall include thoroughfares abutting the proposed subdivision, whether located within the boundaries of the subdivision or within public rights-of- way. The property owner shall dedicate and improve all

required rights-of-way for internal roadways and adjacent thoroughfares required by these regulations in accordance with the classification of streets contained in the Thoroughfare Plan. For technical requirements regarding street design and construction specifications please refer to the Technical Manual.

**4.7.8 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 approval of the subdivision/public improvement construction plans by the City Engineer.

**4.7.9 Water**

All water systems shall be designed and constructed in accordance with the UDC Technical Manual and City of Seguin Standard Details. 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. If a subject property is within 300 feet of public water infrastructure the developer/subdivider shall connect to the public water facilities.

**4.7.10 Wastewater**

All wastewater systems shall be designed and constructed in accordance with the UDC Technical Manual and City of Seguin Standard Details. The sanitary sewerage system shall be designed so as to provide service to each developable lot within the subdivision, in accordance with applicable engineering design criteria and requirements of the State Department of Health. 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 Planning Director. All on-site sewage facilities must be in compliance with all local, state and federal requirements. No septic tank system can be installed on a lot or part of a lot that contains less than ½ an acre, nor any part of a septic tank system be installed any closer to a flowing stream than 150 feet. 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. 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.

**4.7.11 Main Extension**

A. **Requests.** Where wastewater service is desired and no main exists in an adjoining street, alley or road from which to make the connection, the applicant for wastewater service shall make a written request to the City for service. The request shall be accompanied by the following:
   - A nonrefundable application fee as established by the City Council in the adopted fee schedule;

- A detailed preliminary map or plat prepared by a registered professional engineer showing the location of the proposed wastewater line, the proposed usage requirements and surrounding conditions, to include roadways, street pavements, railroad crossings, utility easements, rock excavations, drainage and other physical obstructions to the main extension.

**B. Review of Request.** City Staff shall review the application to ascertain compliance with all applicable federal, state and local regulations and requirements, with specific attention to the impact of the proposed extension on the City's existing wastewater transmission system and treatment plant. Any application not in compliance with such regulations and requirements or creating a requirement for service in excess of the existing capacity of the wastewater transmission system or treatment plant shall be rejected. If City staff ascertains that the application satisfies the requirements or can be made to satisfy such requirements with modification, he shall recommend to the City Council that the application shall be approved or approved subject to requisite modifications. If the application does not satisfy such requirements and cannot be made to satisfy such requirements, he shall recommend that it be disapproved. Required modifications may include any requirements for oversizing of the proposed extension main that the City Staff deems appropriate in light of expected future usage requirements of the main. City Staff shall then prepare a cost estimate for the proposed extension main and shall submit the estimate to the City Council with his recommendations. The estimate shall include but not be limited to all procurement, engineering, administrative and construction costs associated with the main extension project.

**C. Action on the Request.** The City Council shall approve or disapprove the application, with or without modifications, and City staff will notify the applicant in writing of the council's action, within 60 days of the date of application. The applicant shall also be advised of the estimated cost of the project, less the cost of any oversizing requirements imposed by City staff in excess of the actual requirements of the applicant as determined by the City.

**D. Action after Approval.** Within 30 days of receipt from City Staff of the notice of approval, approval with modification or disapproval, the applicant shall deposit with the City a cash sum in the full amount of the cost estimate of the project, less the cost of any oversizing requirements imposed by City Staff in excess of the actual requirement of the applicant as determined by the City. Within 90 days from the date of receipt of the deposit, the City shall commence work on the main extension and use every reasonable effort to complete the extension in a timely manner. City Staff shall calculate the per extension line front foot cost of the main extension. The cost of the main extension will be prorated to property owners benefiting from the extension on a per extension line front foot basis. The per extension line front foot cost will be applied to the extension line front footage of the lot to which service is desired and shall be due to the time connection is made, in addition to any other service or connection charges required by the City. These prorated charges shall be refunded to the original applicant by the City as they are received. The total aggregate amount to be repaid to the applicant shall never exceed the total amount paid by the applicant to the City, less the applicant's per extension line front foot pro rata share of the total project cost. After refund of the sum to the applicant or after five years from the date of the original deposit, whichever shall occur first, all or any portion of the deposit remaining unrefunded to the

applicant shall be conclusively deemed to have become the property of the City as partial compensation for the cost of operating and maintaining the extension line and the depreciation thereof. If the City shall, at any time, lawfully discontinue any utility service charge or fee, all right to any further repayment shall immediately terminate. If the main is further extended, beyond the point covered by the applicant's deposit and no additional deposit is made by the applicant, no refund shall be made because of service connections on such extension of the main beyond the present extension. No refund will be made for any consumer connected after five years from the date of original deposit. The right to any such refund will terminate upon assignment or sale of the property first serviced in the original application. Absolute legal and equitable title to the main extension, wherever laid, and to all property installed by the City to provide utility service shall remain vested in the City, its successors and assigns, and the City shall at all times exercise all rights of ownership and control over the main extension and property, use the main extension and property for all purposed in its Charter or as allowed by law and make such extensions thereof and connections therewith as the City deems appropriate.

### 4.7.12 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 and approved by the Director of Electric Utility or appropriate agency if electric service is provided by an agency other than the City.

### 4.7.13 Street lighting

A. **Location.** For new developments, streetlights shall be installed by the developer at all intersections, at the end of cul-de-sacs, and shall not exceed 500 feet along street frontage. In newly annexed areas, and areas developed prior to the adoption of this article, 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 Electric Utility, and/or the electric provider if other than the City of Seguin. In areas not exceeding a residential density of two units per acre, streetlight requirements may be waived by the Director of Electric Utility, 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 Electric Utility. For areas not served by the City of Seguin, the utility provider shall determine the type, size and service of streetlight service.
C. **Maintenance and installation.** 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. 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. The City of Seguin shall be responsible for streetlight maintenance for all nonmetered, public streetlights within the City of Seguin

service territory, which have been approved by the Director of Electric Utility. Decorative or other nonstandard streetlight fixtures shall be approved by the Director of Electric Utility. The subdivider, developer or property owner shall be responsible for the installation and maintenance of all private, metered streetlights

## Section 4.8 Road adequacy standards

### 4.8.1 General

New development must be supported by an adequate roadway network. It is necessary and desirable to obtain rights-of-way for off-site, abutting, and internal streets to support new development at the time of platting or development of the land. There must be a rough proportionality between the traffic impacts created by a new development and requirements placed on the property owner to dedicate and improve off-site and abutting street rights-of-way. The City desires to assure both that development impacts are mitigated through contributions of street rights-of-way and improvements and that a development project contribute no more than its fair share of street costs.

### 4.8.2 Boundary Street Improvements

A. **Applicability.** The developer's obligations concerning boundary streets are as follows:
   1. For developments adjacent to minor streets and collector streets the developer shall be responsible for dedicating land for one-half of the required right-of-way of an adjacent minor street and/or collector street; and pay for the improvements of constructing one-half of the required width of adjacent minor street and/or collector streets, including curbs, gutters and storm drainage (if the applicable cross section requires curb and gutter). The City may allow construction in lieu of cash payment upon approval by the City Engineer.
   2. For developments adjacent to major thoroughfare/arterials and larger streets the development shall be responsible for dedicating land for one-half of the required right-of –way (up to the developments proportional share of the right-of-way); and pay for the improvements of constructing the proportional share of the required street, including curb, gutter and storm drainage (if the applicable cross section requires curb and gutter). The City may allow construction in lieu of cash payment upon approval by the City Engineer.

B. **Exemptions for Boundary Street Construction Payment and/or Construction**
   1. For developments adjacent to designated, state or federal roadways no financial contribution other than dedication of right-of-way is required.
   2. Developments in the ETJ that create 4 lots or less.
   3. Development in the ETJ which front on a street which is not identified on the Thoroughfare Plan.
   4. Developments in the City that create 4 single family lots or less and front on a street which has not been identified as a collector, major or minor thoroughfare ( only applicable to streets already improved and accepted by the City)

### 4.8.3 Traffic Impact Analysis

A. **Applicability.** All subdivision plats and project/driveway access request shall require a traffic impact analysis (TIA) form to be completed by the developer and approved by the City Engineer. A peak hour trips (PHT) generation form may also be required by the Planning Director, the Planning and Zoning Commission or the City Council as part of a

zoning change application. The City Engineer and Planning Director may waive the requirement for a TIA on projects where the expected peak hour trips are less than 100. A TIA or peak hour trips (PHT) generation form shall be performed by the property owner or its agent. The type of submittal required shall be based upon the number of PHT generated by the proposed development, as set forth in the following table:

**B. TIA Table Submittal Type**

| Peak Hour Trips (PHT) | Submittal Type |
|---|---|
| 100 or less | PHT Generation Form (no TIA required) |
| 101—500 | Level 1 TIA |
| 501—1,000 | Level 2 TIA |
| 1,001 or more | Level 3 TIA |

When the use or design of a site changes from that on which a previous TIA was submitted and accepted, the property owner or its agent shall perform and submit to the city an amended TIA.

**C. Impact area.** The impact area is the area within which any traffic impact analysis is conducted in order to determine compliance with the level of service standards. This area shall be based on the size of the development and the PHTs projected to be generated by the proposed development. The impact areas shall be established as shown in the following table:

**TIA Impact Area Table**

| Submittal Type | Impact Area |
|---|---|
| Level 1 or Level 2 TIA | The site and area within one-quarter mile from the boundary of the site. |
| Level 2 TIA | The City Engineer may require the area of study to be extended up to a maximum of one mile from the boundary of the site. |
| Level 3 TIA | The site and area within one mile from the boundary of the site. |

**D. TIA Requirements/Peak Hour Trips Generation Form and Application Materials.** Please see UDC Technical Manual for specific requirements on analysis requirements. A study scoping meeting with city staff may be required prior to starting a full traffic impact analysis.

**E. City evaluation and action.** The City shall evaluate the adequacy of the Traffic Impact Analysis (TIA) prepared by the applicant. Based upon such evaluation, the City shall determine whether the application may be approved in the absence of dedication of rights-of-way or construction of improvements to each affected thoroughfare and the extent of the applicant's obligations to make such dedications or improvements. The City shall condition

the approval of the subdivision application on one or more of the following performances by the applicant:

1. Delay or phasing of development until thoroughfares with adequate capacity or intersection improvements are constructed;
2. A reduction in the density or intensity of the proposed development sufficient to assure that the road network has adequate capacity to accommodate the additional traffic to be generated by the development;
3. The dedication or construction of thoroughfares or traffic control improvements needed to mitigate the traffic impacts generated by the proposed development.

## Section 4.9 Parkland and Open Space Dedication

### 4.9. 1 Application of Requirements

This section applies to all residential subdivisions in the following areas:

| Property within City of Seguin City Limits | Property within City of Seguin ETJ |
|---|---|
| YES | YES* |

*Subdivisions in the ETJ are subject to the requirements of fee-in-lieu of land dedication and park development. Public parkland dedication and park development is not accepted in the ETJ.

### 4.9.2 Intent

The primary purpose of the parkland requirements is to ensure that the need for parkland and park amenities that arises from new residential development is satisfied by the development, so that those who generate the need for park areas and recreation facilities contribute their proportionate share. In some instances, the need for parks and park improvements resulting from new development may be addressed most effectively through the development and acquisition of community or regional parks, or the improvement or expansion of an existing park serving several neighborhoods.

### 4.9.3 Applicability and Overview of Requirements

A subdivider or a developer of all residential subdivisions, not exempted by this ordinance, is required to set aside and convey to the public sufficient and suitable lands for the purpose of parkland, or contribute a fee in-lieu-of land conveyance, or a combination thereof, including park improvements as determined by the Parks and Recreation Advisory Board and approved by the Planning and Zoning Commission. Additionally, the requirements of this section shall apply when a property is being redeveloped from a non-residential use to a residential use. The following dedications and improvements must be installed before the approval of the final plat for a subdivision or issuance of a building permit for existing lots with proposed increase in density, in conformance to the standards of this section. It is highly encouraged that the subdivider meets with the Director of Parks and Recreation, or designee, early on in the conceptual stages of a subdivision to discuss the preferred location of parkland and park amenities needed.

### 4.9.4 General Provisions to this Section

A. **Subsequent Change.** If the actual number of completed dwelling units exceeds the figure upon which the original parkland dedication/development or cash contribution was completed, such additional parkland dedication/development or cash contribution shall be required, and shall be made by payment of a fee in-lieu-of dedication/development, or by conveyance of an equivalent parkland and park development prior to the recordation of the final plat. All new lots within a replat or addition to an existing subdivision shall comply with the parkland dedication/development or cash contribution requirements as outlined in this section, as specified below. Sufficient land shall be dedicated and trails constructed within the residential subdivision as per the Seguin Comprehensive Master Plan and/or Parks and Recreation Master Plan. Unless specified otherwise by the Director of Parks and Recreation, or designee, all such trails shall be constructed of concrete and shall conform to the requirements of the American with Disabilities, as amended. Specifications for concrete shall be provided by the Director of Parks and Recreation, or designee. Trails in the Trails Master Plan shall be constructed in accordance with the Technical Manual by the developer at the

developer's expense as trails are considered by the City as infrastructure. Trails shall be placed in a right-of-way or pedestrian_access easement. Pedestrian access easements shall be a minimum of fourteen (14) feet in width. This may be a shared easement with public utilities as approved by the City.

**B. Right of City to reject proposed parkland**

If either the Parks and Recreation Advisory Board or the Planning and Zoning Commission 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 a cash payment as stipulated in this section.

**C. Exceptions**

This section shall not apply to:

- Alterations or expansions of existing residential units or buildings of multiple units where no additional residential units are created and where the use is not changed.
- Subdivisions with four or fewer lots fronting on an existing street.

**4.9.5 Required Parkland Dedication or Contribution**

**A. Calculation.** At a minimum, the amount of land required to be dedicated for parkland will be calculated as one (1) acre of parkland dedicated for each seventy-five (75) residential dwelling units, or an equivalent ratio thereof.

**B. Selecting a Location**

1. The Director of Parks and Recreation, or designee, will assist the developer in determining a suitable location for parkland dedication along with appropriate park amenities to install. Ultimately, the location of parkland dedication and appropriate park amenities to install shall be recommended by the Parks and Recreation Advisory Board to the Planning and Zoning Commission for approval.
2. The location of dedicated parkland may be required at the edge of a residential subdivision so that additional land may be added at such time as adjacent land is subdivided or acquired for public use. Unique or other natural areas that provide an opportunity for linkages between parks or that preserve the natural character of the surrounding environment, including riparian areas, may be required by the City to be included in the calculated areas dedicated for parks and recreational purposes. Otherwise, a centralized location within the residential development is preferred for dedicated parkland.

C. **Floodplain Property.** Each acre of proposed dedicated parkland that is located in a designated floodplain shall count as one-half acre of land towards the subdivider's required parkland dedication. Not more than 50 percent 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 as identified by the Director of Parks and Recreation, or designee.

Example:

750 homes planned= 10 acres parkland dedication required

Since floodplain acreage only counts half, 10 acres of floodplain land would count towards 5 acres of required dedications. The remaining 5 acres must be outside the floodplains, so the dedication would be as follows: 10 acres in floodplain plus 5 acres outside floodplain to meet the 10-acre dedication.

D. **Private Parkland Dedication.** Up to 75 percent of a subdivision's required parkland dedication and park development requirements may be satisfied through the dedication of private parkland, subject to a recommendation by the Parks and Recreation Advisory Board to the Planning and Zoning Commission for approval. Either public dedication or fees in-lieu-of dedication and development, to be determined by the City, may satisfy the remaining portion. See below section for additional requirements.

E. **Fee In-Lieu-Of Parkland Dedication and Park Development.** The City may, at its option, require a fee to satisfy the parkland dedication and park development required under the following circumstances:

1. When less than two acres of parkland is required to be conveyed.
2. When a replat or amending plat within the City limits is submitted with increased density.
3. When the City determines that the potential for that subdivision would be better served by expanding or improving an existing nearby park or constructing and/or improving a larger community or regional park suitable for several neighborhoods.
4. When the development is located in the ETJ
5. When the density on an existing lot is being increased.

### 4.9.6 Methods of Parkland Dedication or Contribution

**A. General.** Whenever a final plat is filed with Guadalupe County for residential development in accordance with the platting regulations of the City, such plat shall contain a clear fee simple dedication of an area of land to the City for parks and recreational purposes. The subdivider shall meet with the Director of Parks and Recreation, or designee, as to the preferred location of parkland and park amenities needed. The Parks and Recreation Advisory Board shall make recommendations based upon the Seguin Comprehensive Master Plan and/or Parks and Recreation Master Plan, as adopted by the City, and the standards and provisions contained herein, to the Planning and Zoning Commission concerning the amount and location of parkland, including park amenities, and/or fees in-lieu-of parkland dedication and development.

**B. Procedures for Parkland Dedication via Subdivision Plat**

1. Preliminary and Final Plats. Parkland to be conveyed shall be designated as public parkland on both the preliminary and final plats as "Parkland Dedicated to the City of Seguin" with the perimeter dimensions and acreage denoted. A note referencing the dedication shall be placed on the preliminary and final plat. Parkland to be privately owned and maintained shall be designated as private parkland and so noted on both the preliminary and final plat.
2. Deed Required. Prior to recording the final plat, the developer shall deliver to the City a deed, in a form approved by the City Attorney, conveying parkland shown on the final plat. The parkland deeded to the City shall not be subject to reservations of record, encumbrances, or easements that will interfere with the use of the land for parks and recreational purposes. The deed delivered to the City shall be recorded in conjunction with the recordation of the final plat.

C. **Off-site Conveyance of Parkland and Park Improvements**. Upon a recommendation by the Parks and Recreation Advisory Board to the Planning and Zoning Commission for approval, the City may accept parkland and park improvements that are not part of a subdivision in order to meet the parkland and park improvement requirements, subject to the following requirements:
    1. At a minimum, parkland conveyance is in accordance with this section, as described above.
    2. At a minimum, the site is improved in accordance with park improvements of this section, as described below.
    3. At a minimum, the site meets the park development standards of this section, as described below.
    4. A deed shall be required in accordance with the provisions above.

D. **Private Parkland.** Up to 75 percent of a subdivision's required parkland dedication and park development requirements may be satisfied through the dedication of private parkland, subject to a recommendation by the Parks and Recreation Advisory Board to the Planning and Zoning Commission for approval. Either public dedication or fees in-lieu-of dedication and development, to be determined by the City, may satisfy the remaining portion. Where park areas and recreational facilities are to be provided in a proposed subdivision, and where such areas and facilities are to be privately owned and maintained by the future residents of the subdivision, these areas and facilities may satisfy the requirement of parkland dedication and park development if the following standards are met:
    1. At a minimum, parkland dedication is in accordance of this section, as described above.
    2. At a minimum, the park site is improved in accordance with park improvements of this section, as described above.
    3. At a minimum, the site meets the park development standards of this section, as described below as identified by the Director of Parks and Recreation, or designee.
    4. The private ownership and maintenance of such park areas and facilities are adequately provided for by recorded written park development agreement, conveyance, deed, plat, and/or restrictions.
    5. The use of such areas and facilities are restricted for parks and recreational purposes by a recorded covenant, which runs with the land in favor of the future owners of the property and which cannot be defeated or eliminated without the consent of the City
    6. The property owners association or equivalent is responsible for the maintenance of the private parkland and any park amenities in perpetuity. The City Attorney shall review and approve the property owners association or equivalent documents as it relates to the maintenance of the private parkland and any park amenities.
    7. In order to receive the private parkland credit, the developer shall provide documents to the City at the time of final plat filing sufficient to establish that the requirements as described above have been satisfactorily met. Construction payment receipts shall be submitted to the Director of Parks and Recreation, or designee, to ensure that the value of park improvements is equivalent to the amount of the fee in-lieu-of park development as described above. In the event that the developer proposes to construct the improvements at a later date, as in a phased development, the City shall require that the developer obtain a surety bond, performance bond,

park development agreement, and/or other form(s) of guarantee that the recreational amenities will be installed concurrent with the build-out plan of the subdivision as required by the City. In cases where the equivalency of the park improvements is disputed, the required level of park improvements shall be as determined by the Planning and Zoning Commission.

**E. Parkland Dedication Fee.** Where the payment of a fee in-lieu-of parkland dedication is required or acceptable upon a recommendation by the Parks and Recreation Advisory Board to the Planning and Zoning Commission, as provided for in this section, such fee shall be on a per residential dwelling unit basis, as set out in the annual fee schedule approved by the City Council.

### 4.9.7 Park Development Standards

Parkland conveyed to the City, as provided in this Section, shall meet the standards set forth below:

**A.** Each corner of the parkland to be dedicated shall be marked with a permanent monument consisting of three-fourths-inch iron pins set in concrete. Monuments shall be located and identified on a recordable land survey completed by a land surveyor registered in the State of Texas and provided to the City by the owner or developer.

**B.** Removal of all trash, dead trees, and other non-usable material including all briars, poison ivy, bull nettles, and similar undesirable plant material as identified by the Director of Parks and Recreation, or designee.

**C.** The developer shall provide adequate drainage through the proposed park to eliminate standing water and other health hazards as identified by the Director of Parks and Recreation, or designee.

**D.** The parkland shall have frontage on a street as identified by the Director of Parks and Recreation, or designee.

**E.** Parkland shall not be encumbered with existing or proposed unsightly public utility easements or drainage channels that would unduly restrict the development and/or beauty of the site for active and passive recreational purposes as identified by the Director of Parks and Recreation, or designee.

**F.** Paved frontage with curbs and gutters and sidewalks for all required street frontages abutting the outside perimeter of the parkland as identified by the Director of Parks and Recreation or designee.

**G.** A sidewalk and lighting installed, in conformance with the requirements of this Code, along all street frontage of the park.

**H.** A proposed residential subdivision adjacent to a park or open space area shall not be designed to restrict reasonable access or visibility into the park. No lots shall have their rear yard abutting a public park unless public access to the park is provided as identified by the Director of Parks and Recreation, or designee.

**I.** Street connections between residential neighborhoods shall be provided, wherever practicable, to provide reasonable access to parks and open space areas to all residents within reasonable proximity to such parks and open space areas, as identified by the Director of Parks and Recreation, or designee. Proposed access and public availability of parkland, both physical and visual, shall be recommended by the Parks and Recreation Advisory Board to the Planning and Zoning Commission for approval.

**J.** Dedicated parkland should have and retain existing native trees or other scenic elements.

**K.** Where a non-residential use must directly abut a park, the use must be separated by a screening wall or fence and landscaping as identified by the Director of Parks and Recreation, or designee. Access points to the park from the non-residential use may be allowed as recommended by the Parks and Recreation Advisory Board to the Planning and Zoning Commission for approval. Exceptions to screening requirements may be considered for Civic uses, schools, churches and commercial.

**L.** Water, wastewater, electrical services, and all other utilities provided to the remainder of the residential subdivision shall be provided to the park as part of standard residential subdivision improvements as identified by the Director of Parks and Recreation, or designee.

**M.** All park areas and playground equipment shall be in accordance with the U.S. Consumer Products Safety Commission, Publication 325, as currently amended.

**N.** The owner shall agree that no construction materials be disposed of or deposited within dedicated parkland by its contractors, subcontractors, employees, or agents at any time while the residential subdivision is being built unless approved in writing by the Director of Parks and Recreation, or designee.

**O.** Prior to the dedication of parkland, the developer shall make full disclosure of the presence of any hazardous materials, substances, and/or underground storage tanks.

**P.** As a condition of City acceptance of the park improvements, the developer shall also provide the City a copy of the application and subsequent inspection report prepared by the Texas Department of Licensing and Regulation or their contracted reviewer for compliance with the Architectural Barriers Act, codified as Article 9102, Texas Civil Statutes, as amended.

**Q.** As a condition of City acceptance of the park improvements, the developer shall be required to warranty the park improvements for a two (2) year period.

**R.** All park improvements may be inspected by the City while park construction is in progress and the developer shall provide the City with reasonable access to perform such inspections. Once construction of the park improvements are completed as determined by the Director of Parks and Recreation, or designee, the City shall accept the improvements in writing. Any utility charges shall be paid by the developer while the park is under construction and up until final park acceptance by the City.

### 4.9.8 Park Improvements

**A. General.** In conjunction with the required parkland dedication or fee-in-lieu of land dedication as required by this code, the subdivider shall pay a park development fee or improve parkland to City Standards and equivalent amount than what would be required of the park development fee. The park improvement fee shall be paid for each residential lot or dwelling unit, in the case of multi-family development, within the subdivision or development at or prior to the recordation of the final plat or issuance of a building permit for development taking place on an existing lot. The park development fee shall be set in the annual fee schedule approved by the City Council as found in Appendix C of the Seguin Code of Ordinances.

**B. Conveyed Parkland**. Parkland conveyed to the City shall be improved as required by this paragraph with a recommendation of the Parks and Recreation Advisory Board

to the Planning and Zoning Commission for approval. At a minimum, park improvements shall be of a value equivalent to the amount of the fee in-lieu-of park development, as described below. Construction receipts shall be submitted to the Director of Parks and Recreation, or designee, to ensure that the value of park improvements is equivalent to the amount of the fee in-lieu-of park development. The subdivider shall indicate the proposed parkland improvement(s), which shall be constructed in accordance with the Park Development Plan. Please refer to the UDC Technical Manual for requirements for a park development plan. An improved park shall include some or all of the following per City specifications:

1. A playscape structure with a concrete edged rubberized or artificial turf fall safety surface area per industry standards.
2. Covered pavilion(s) with picnic table(s), grill(s), and decorative trash container(s).
3. Drinking fountain(s).
4. Park bench(s).
5. Walking trail(s).
6. Practice sports field(s) with irrigation such as soccer and baseball/softball with appropriate goal(s) and/or backstop(s).
7. Proper grading of the site, adding soil and soil amendments, and installation of Bermuda grass with irrigation.
8. Signage designating the area as parkland shall be installed in accordance with specifications provided by the Director of Parks and Recreation, or designee.
9. Ample overhead and/or bollard pedestrian lighting throughout the park to provide for a safe and secure environment.
10. Permanently constructed restroom facility built to City standards and the requirements of the American's with Disabilities Act (ADA).
11. On-site paved and lighting parking, in compliance with the Technical Manual. The number of spaces shall be in conformance with the Off-Street Parking Requirements of the Unified Development Code.

Should the subdivider/developer choose to dedicate and improve parkland to meet the requirements of this code a Park Development Plan must be submitted to the Director of Parks and Recreation, or designee, for review, with a recommendation by the Parks and Recreation Advisory Board to the Planning and Zoning Commission for approval. A complete list of requirements for a Park Development Plan can be found in the UDC Technical Manual.

B. **Park Development Fee.** In addition to the fee in-lieu-of parkland dedication, where the payment of a fee in-lieu-of park development is required or acceptable upon a recommendation by the Parks and Recreation Advisory Board to the Planning and Zoning Commission, as provided for in this section, such fee shall be on a per residential dwelling unit basis, as set out in the annual fee schedule approved by the City Council.

1. Timing of Payment. Such payment in-lieu-of parkland dedication and park development shall be made at or prior to the recordation of the final plat or as outlined in a park development agreement.
2. Use of Cash Contribution. Fees paid in-lieu-of parkland dedication and the development for a neighborhood park may be utilized for a community or regional

park if such use satisfies the purposes of parkland dedication and park development as provided for herein, as determined by the City.

# Chapter 5- Site Development Standards

**Section 5.1**

**5.1.1 Intent**

Site design standards establish design criteria and minimum standards for development in the City. The intent of the site development standards is to help enhance the visual character of the built environment. Pertinent to the visual character of the area is site design, parking and site access, landscaping, and lighting.

**5.1.2 Application of Requirements**

Unless otherwise noted within this chapter this section applies in the following areas:

| Property within City of Seguin City Limits | Property within City of Seguin ETJ |
|---|---|
| YES | No |

**5.1.3 Chapter Components**

This chapter includes the following sections:

- Landscaping/ Tree Protection and Mitigation
- Parking/ Loading Requirements
- Sidewalks
- Drainage/Detention
- Screening
- Waste Receptacles
- Auto Repair Uses
- Fencing
- Lighting

**5.1.4 General Standards**

- If the subject property being developed is located in a special flood hazard area as identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Guadalupe County, Texas and Incorporated Areas," dated November 2, 2007, with accompanying Flood Insurance Rate Maps dated November 2, 2007 the subdivision is subject to the standards of Chapter 54-Floods of the City Code.
- The requirements of this chapter shall be visually demonstrated through depiction on a site plan or note on a site plan attesting to compliance with the standards of this chapter.

## Section 5.2 Landscaping

### 5.2.1 Intent

It is the intent of this section to encourage the preservation of trees and their value to the community, increase the compatibility of adjacent uses, and to minimize the effects of noise, dust, debris, artificial light intrusions, and other impacts created by the development of land. The standards and requirements set out in this Article are intended to:

A. Protect and preserve the appearance and character of the community;
B. Preserve permeable, native soil and enhance disturbed soils to store and infiltrate storm flows;
C. Promote the value and benefit of abundant landscaping while recognizing the needs to utilize water and other resources as efficiently as possible;
D. Promote the health and quality of life of the residents of the City through the protection of trees and landscaping;
E. Reduce heat island effects for large areas of impervious cover;
F. Promote the planting of trees and shrubs that are native to Texas;
G. Establish criteria and standards for the design, installation, and maintenance of water-efficient landscapes in new development projects; and

### 5.2.2 Applicability

A. The requirements and standards for the installation and maintenance of landscape elements and site improvements shall apply to all developed area within the City limits; provided, however, that the requirements and standards shall not apply to the Historic Downtown Overlay District, unless new off-street parking is added, in which case the parking area shall conform to these regulations.
B. If other articles of this Code would otherwise permit land coverage by building development that would conflict with this section, this section shall supersede and prevail over the other requirements.

### 5.2.3 General Provisions

A. All new development or redevelopment of properties must comply with the requirements of this section. In the case of a redevelopment of an existing site or structure only the new portion of the site or structure shall come into conformance with the applicable requirements of the landscape section unless one of the following exists:
    1. The redevelopment of the property includes a 50% or more increase in square footage; or
    2. If the extent of the proposed modifications is 50% or more of the site's assessed value over a 5 year time period. For the purposes of the code the assessed value of a structure shall be the value cited by the Guadalupe County Appraisal District.

    In such case the site in its entirety must be brought into conformance with the requirements of this code.

B. Landscape standards do not apply to active agricultural uses
C. Visibility Clearance. No landscape tree or other material shall be maintained in the vicinity of any corner or intersection to the extent that it is determined, by City staff, to create a visibility obstruction. A 15' visibility triangle shall be required, in which any obstruction 30" to 7' above grade shall be prohibited.

D. Trees planted under electric utility lines or within an electric utility easement shall be selected from the preferred plant list-small trees category.

E. The owner of the building, or the manager or agent of the owner, shall be responsible for the maintenance of all landscape areas. The areas shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free of refuse and debris. All planted areas shall be provided with a readily available water supply and watered sufficiently to ensure continuous healthy growth and development. Maintenance shall include the replacement of all dead plant material needed to meet the requirements of this Code.

F. All property within the City limits will adhere to City Drought Policy.

G. A Protected Tree is any tree not classified as "not protected", listed in the preferred plant list and meeting the following criteria:
   1. 6" diameter or larger for canopy or large maturing trees measured 4.5 feet above natural grade.
   2. 4" diameter or larger for small maturing trees measured 4.5 feet above natural grade.
   3. 4" for multi-trunk trees, calculated by measuring the largest trunk and ½ the diameter of the sum of all other trunks.
   4. Historical tree: Any tree recognized as historically significant by a bona fide local, state, or national organization is considered a protected tree.

**5.2.4 Required Planting**

All required plant materials shall be from the City's Preferred Plant List in the Technical Manual.

A. **Single and Two Family** Developments shall plant two (2) shade trees that are a minimum of two inches in caliper and eight feet in height at the time of planting. At least one tree shall be planted in the front yard. Lots zoned zero-lot line shall only be required to plant one (1) shade tree in the front yard.

B. **Multifamily Lot Landscaping Requirements.** 15% of the developed lot area shall be devoted to landscaping. 1 large shade tree, 2 shrubs shall be planted for every 400 square feet of required landscaping. 30% of required landscaping shall be located between the front property line and the building. Overall landscaping can be used to meet the requirements of the buffering, and perimeter lot landscaping requirements

C. **Commercial, Public, and Industrial Development Requirements.** 10% of the lot area shall be devoted to landscaping. 1 shade tree, 2 shrubs shall be planted for every 400 square feet of required landscaping. 50% of the required landscaping shall be located between the front property line and the building. Overall landscaping can be used to meet the requirements of the parking lot, buffering, and perimeter lot landscaping requirements. For development that has minimal frontage on a public street an alternative landscaping plan may be submitted. Landscaping requirements may be reduced but not eliminated in their entirety. The alternative landscaping plan shall demonstrate proper landscaping in those areas visible from the public streets and adjacent residential properties; demonstrate compliance with any buffer/screening areas required per this code; and demonstrate compliance in staff/customer parking areas.

**5.2.5 Multi-family, Commercial, Public and Industrial Developments Off- Street Parking Areas**

For the purposes of this section of the code a parking area is defined as a paved or improved surface designed and ordinarily used for the parking of motor vehicles. Parking area does not include outdoor display area for equipment. All off-street parking areas including 10 spaces or more are required to meet the following standards (these standards are in addition to the below buffer requirements):

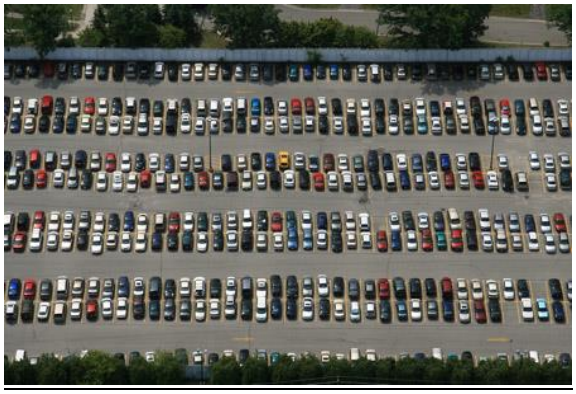
A. Area Requirements. The landscaped area shall consist of either a minimum of fifteen (15) square feet for each off-street parking space, or a minimum of 5% of the total parking area, including back-up space, whichever is greater.

B. Location Requirement. The landscape area may consist of numerous landscaped areas; however, each separate area shall contain a minimum of the following and shall be evenly distributed throughout the parking lot:
    1. A minimum of 25 square feet in area.
    2. One (1) tree.
    3. Ground cover, which may include sod, ornamental grasses, perennials, shrubs, or xeriscaping materials that are compacted and bordered
    4. Large Parking Lots. Parking lots must be visually and functionally segmented into smaller lots with no more than 150 parking spaces per parking area. For every parking area a minimum of a 15-foot landscape median/divider shall be installed to help break up large parking fields. These medians shall contain pedestrian walkways to offer safe, marked routes between parking spaces and building entries.
    5. Curbing. Landscape areas shall be protected from vehicular encroachment by the use of curbing or wheel stops.
    6. Landscape Materials. Shall consist of a combination of shrubs, trees, grasses in accordance with size requirements and types outlined below. All plantings of shrubs/ground covers shall be located in a prepared planting bed to include mulch.

**DO THIS**

*Example of landscape medians with walkways*

**NOT THIS**



*Demonstrates a parking lot with landscaping only on the perimeter of the lot*

**5.2.6 Buffer Yards**

Between any non-residential property and the adjacent right-of-way a visual landscape buffer shall be provided. The landscape buffer shall consist of shrubs and a tree planted on average of every 50 feet. Shrubs shall generally be planted to maintain a visual landscaping of the parking area. Trees may be clustered to create visual gateways or enhancements areas however the number of required trees shall not be reduced. In the case of a development in which there is not a parking lot located between the front façade of the building and the right-of-way the property owner may submit an alternative landscape plan for review.

**5.2.7 Alternative Landscape Plan**. A property owner may submit an alternative landscaping plan for review. The Planning Director, in his or her discretion, may approve any such alternative plan;

provided the Director finds that the alternative plan is at least the equivalent of that prescribed in this section. In rendering his or her decision, the director shall consider preexisting topographic, geological, hydrological, lot layout, or environmental factors. The Director shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternative plan.

### 5.2.8 Tree Protection and Mitigation

A. **Permit.** No person directly or indirectly shall cut down, remove or destroy a protected tree without first obtaining a Tree Removal Permit from the Director of Planning. The application for tree removal shall include the following information:
    1. Address and location of tree(s) to be removed;
    2. The diameter of the tree(s) to be removed;
    3. The species or common name of the tree(s) to be removed;
    4. The reason for removal.
B. **Exemptions**. The following situations shall be exempt from Tree Protection & Removal Permit Requirements:
    1. Removing a dead, damaged or diseased tree that has been approved for removal by the City.
    2. Removal and/or pruning of trees as a result of a disease, storm, fire, accident or other act of nature.
    3. Clearing for agricultural purposes on land held for that purpose and for which an agricultural tax exemption exists.
    4. A tree or trees that constitute a danger to the public and immediate removal is necessary.
    5. A tree or trees located on platted or subdivided single-family residential properties.
    6. Trees that must be altered or removed in order to install utility lines shall be exempt from this requirement.
C. **Standards for Approval of a Tree Removal Permit**. Unless other mitigation alternatives are not practicable, a protected tree may be approved for removal under the following circumstances:
    1. The tree lies in the proposed building footprint.
    2. The tree lies in the traffic circulation pattern of the proposed development.
    3. The tree is classified as "exempt" under this section.

**5.2.9 Tree Removal for Non-Residential or Subdivision Development.** For non-residential or subdivision development, property owners/developers shall comply with the following standards shall be required:

A. Tree protection prior to and during construction shall consist of protection of the Root Protection Area (RPA) with adherence to the following requirements:
    1. The RPA is calculated at a ratio of 1 foot of RPA radius for each inch of tree diameter measured 4.5 feet above natural grade.
    2. Prior to construction, an approved protective barrier shall be constructed and maintained around the RPA of all protected trees. The protective barrier shall be maintained throughout the construction period. For any group of trees the RPA shall be measured from the outermost trees. The RPA may be

shifted so long as no construction activity encroaches more than ½ of the RPA radius and the total square footage of the RPA is maintained.

3. The natural grade and pervious surface shall be maintained in the RPA.
4. While not required, the City encourages root protection practices for routine maintenance or improvements to existing single-family residential structures.
5. Prohibited Activities within the RPA include:
    - Parking or operating equipment
    - Storage of materials or construction supplies
    - Cleaning or washing of any kind.
    - Paving, trenching, excavating or changing the grade unless previously approved
    - Disposal of any waste material
    - Attachments to the tree(s) of any kind other than those used to protect the tree.
    - Exemption: If encroachment into the RPA is unavoidable, a layer of 6" mulch shall cover the RPA.
    - Protective Barriers for Grade Changes Greater Than Two Inches Within the RPA. Protective barriers including an approved retaining wall or tree well of rock, brick, wood or other suitable material shall be constructed around the protected tree no closer than the RPA boundary. Alternatives to the protective barrier requirements, professionally prepared, may be submitted to the City for approval.

B. Tree Replacement Standards. Any tree approved for removal, unless otherwise stipulated herein, shall be replaced in accordance with the following schedule:

1. Protected trees shall be replaced with an approved tree at a ratio of 1" to 1 diameter.
2. Protected trees having an historical designation shall be replaced with an approved tree at a ratio of 3" for every 1" diameter removed.
3. Replacement trees shall have a minimum diameter of 2".
4. Where planting of mitigation trees on site is impractical, in lieu of tree replacement, if approved by the Director of Planning, a payment of $100.00 per 1" diameter for every protected tree removed, shall be deposited in the Tree Trust Fund, in accordance with this ordinance. Requests for payment of fee-in-lieu of planting must demonstrate a unique circumstance in which the planting of the tree is not practical (topography, limited planting space, etc.). The request may not be based off of inconvenience or financial gain.
5. The Director of Planning may consider off-site tree replacement at his or her discretion and may consider said request from the developer/contractor. Maintenance of the off-site tree should be the responsibility of the owner/developer requesting off-site planting.
6. Tree Credits. In order to offer an incentive for tree preservation, a tree credit will be given towards the tree planting requirement in Section 5.2.4 for all protected trees that are preserved. Credits will be calculated on a one for one caliper inch basis, i.e. one 6" caliper oak retained = a caliper credit of 6" towards the planting requirement

7. Tree Trust Fund. A tree trust fund shall be created for the purpose of purchasing, growing, and/or maintaining trees within the City limit. The Tree Trust Fund shall be administered by the Director of Planning in accordance with policies established by the Seguin City Council.

C. Tree Survey. Prior to approval of a building permit or site development permit for any nonresidential or subdivision development, the developer/contractor shall provide to the City the following materials:

1. A site plan depicting all existing and proposed improvements including new buildings, proposed utility location, easements, paving and grade changes;
2. A site plan indicating all protected trees and identifying said trees by type and caliper;
3. A description of protective measures that will be used in accordance with requirements as stipulated in this ordinance;
4. A list of all protected trees to be removed and identified on the site plan.
5. A list of replacement trees, including on-site and off-site, by type, diameter and location on the site plan.

**5.2.10 General Planting Specifications**

Unless otherwise specified above all plantings required by this section shall meet the following requirements:

A. Landscaping shall devoted to plant materials adaptable to this region, including but not limited to trees, shrubs, grasses, ground covers, mulch and other landscape features.
B. Shrubs & Hedges. Shrubs shall be a minimum of two (2) feet in height upon planting or (5) gallon or larger container grown.
C. Trees. A tree shall be minimum of (8) feet in overall height, with the exception of approved multi-trunk specimens, immediately upon planting, and a minimum caliper of (2) inches measured 4.5' from the ground. All trees shall be selected from the list provided in the Technical Manual. Variations may be permitted by City staff if it can be shown that the proposed tree(s) are adaptable to this region and provide similar drought tolerance as those recommended.
D. Grasses. Grass requiring copious amounts of water are discouraged, i.e. St. Augustine. Any generally accepted method of planting is approved, including hydro-mulching, seeding or sodding.
E. All planting material shall be of drought tolerant, disease resistant varieties, preferably indigenous species or those readily adaptable to this region. In addition, plantings of shrubs / groundcovers shall be located in a prepared planting bed.
F. Maintenance of Plantings
    1. Watering: Priority should be given to drought tolerant species. Xeriscape and drip irrigation designs are highly recommended. Mulching shall be included in designs in order to preserve water.
    2. The owner, agent or manager of the property shall be responsible for the maintenance of all landscape areas. Maintenance shall include watering, pruning, replacement and other activities necessary to keep the landscape area in a neat, healthy and attractive condition.
    3. Whenever required maintenance, in accordance with this ordinance, is identified, the City shall notify the property owner and tenant of the required action in writing. The property owner/tenant shall have ten (10) days from the date of receipt of the

written notification to advise the City of plans to correct the deficiency. Failure to remedy the maintenance problem, or an unacceptable plan to correct the maintenance problem, shall constitute a violation of the ordinance.

4. Plans for corrective maintenance may include the following: availability of plants, availability of water (drought policies), and availability of qualified contractors or work force.

G. Oak Wilt Abatement & Treatment

1. All tree cutting/pruning wounds shall be immediately sealed with a tree paint or protective compound.
2. All infected tree cuttings (limbs, trunks) shall be disposed of in such a way as to not infect healthy oak trees.
3. All oak firewood shall be wrapped in a clear plastic covering, with ends tucked into the ground, from February 1 till June 15, to prevent the spread of oak wilt by insects.
4. All cutting/pruning tools shall be disinfected using a commercial disinfectant (i.e. bleach, Lysol spray) between each oak tree trimmed, pruned or removed. In addition to those precautions listed above, which are required of all commercial tree cutting businesses, residents are encouraged to consider the following.
5. If oak wilt is identified in the vicinity of other healthy oaks, particularly in a rural setting, trenching around the infected tree (cut at least 48" deep, then immediately filled) may prevent the underground transmission of the disease through the root system. Underground trenching is extremely difficult in an urban or suburban development because of the presence of underground utilities and the proximity of property lines. Therefore, in many cases this is not an option.
6. Tree injection with systemic fungicide for infected trees may be used as a preventative of the disease. A tree professional should be contacted to verify the extent of oak wilt infection and to outline treatment alternatives and specifications. County Extension Agents, Texas Forest Service representatives, or other professionals should be contacted before any treatment.

## Section 5.3 Off-Street Parking and Loading

### 5.3.1 Intent.

Off-street parking and loading requirements are established to ensure that all developments within the City provide adequate and reasonable parking necessary to serve the development or use.

### 5.3.2. Applicability.

Off-street parking and loading standards required by this Chapter apply in the following circumstances, in addition to any additional standards or requirements provided for this Code:

A. New Development- The off-street parking and loading standards apply to any new building constructed and to any new use established.

B. Expansions and Alterations- In the case of a redevelopment of an existing site or structure only the new portion of the site or structure shall come into conformance with the applicable requirements of the landscape section unless one of the following exists:

1. The redevelopment of the property includes a 50% or more increase in square footage; or
2. If the extent of the proposed modifications is 50% or more of the site's assessed value over a 5 year time period. For the purposes of the code the assessed value of a structure shall be the value cited by the Guadalupe County Appraisal District.

In such case the site in its entirety must be brought into conformance with the requirements of this code.

C. Change in Use- The off-street parking and loading standards shall be required to be met when a change in use is proposed.

### 5.3.3 General Provisions.

A. Unclassified use: Where the proposed land-use cannot be classified within the uses herein specified, the Planning Director shall determine the specified use most closely related to the proposed use and the minimum requirements for the specified use so determined shall apply to the proposed use.

B. Parking spaces used for the parking of trucks or buses shall not be counted towards meeting the requirements of this section.

C. When measurements of the number of required spaces result in a fractional number, any fraction of ½ or less will be rounded down to the next lower whole number and any fraction of more than ½ will be rounded up to the next higher whole number.

D. A public street or right-of-way shall not be classified as off-street parking in computing the parking requirements for any use.

E. Compact parking spaces may account for up to twenty-five (25) percent of the total required off-street parking spaces.

F. All parking areas and spaces shall be designed and constructed so as to have free ingress and egress at all time.

G. No off-street parking area or space shall be designed so as to require a vehicle to back into a public street or across a public sidewalk, except in the case of one and two-family dwelling units.

H. All parking lots shall be paved according to City standards and specifications.

**5.3.4 Exceptions and Permitted Reductions in Parking.**

A. Off-street parking is not required for properties within the Downtown Historic District
B. An Alternative Parking Plan may be approved by the Planning Director for the following instances:
    1. Groups of uses requiring vehicle parking space may join in establishing group parking areas with capacity aggregating that required for each particular use. Where it can be established before the Planning Director that parking for two (2) specific uses occurs at alternating periods, the parking space requirements of the use requiring the greater number of spaces may be applied to both uses in a combined parking area. Such parking shall be within three hundred (300) feet of all uses to be served by such parking. Example: church and professional office building. A shared parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record must be submitted to the Director for recordation. Recordation must take place before issuance of a Building Permit for any use to be served by the off-site parking area.
    2. Specific uses which are deemed to require less parking than the standards outlined in this ordinance based on the following criteria:
        - The user provides a detailed breakdown of his/her parking requirements indicating employee counts, shift distribution and visitor or customer needs.
        - The user provides a site plan showing how additional parking to meet these ordinance requirements would be provided if the use changed or parking needs increase, or what land uses would need to be prohibited in order to keep parking demands consistent with parking provided.
        - The Director shall establish conditions necessary to assure the adequacy of future on-site parking when approving an alternate parking standard.

    3. Specific parking and access alternatives may be considered, including off-site, shared or valet parking. The Director shall be authorized to consider and approve any alternative to providing off-street parking spaces on the site of the subject development if the applicant demonstrates to the satisfaction of the Director that the proposed plan shall result in a better situation with respect to surrounding neighborhoods, city wide traffic circulation or urban design than would strict compliance with otherwise applicable off-street parking standards.
    4. Projects within three hundred (300) feet of a public transit stop are eligible for a five percent (5%) reduction in the parking requirement in addition to any other type of parking reduction.
    5. Projects providing permanent, securely anchored bicycle parking are eligible for a reduction of one (1) parking space for each six (6) bicycle parking spaces up to five percent (5%) of the parking requirement in addition to any other type of parking reduction. Racks must support the bike frame at two locations. Ribbon or wave-type racks shall not qualify for this reduction.

**DO THIS**

**NOT THIS**

## 5.3.5 Parking/Loading Schedule

| Use Classification | Minimum Number of Spaces |
|---|---|
| Dwelling unit: single household | Two (2) parking spaces |
| Duplex | Two (2) parking spaces for each dwelling; therefore, four (4) parking spaces for each duplex. |
| Multi-family Development | For any multi-family dwelling in any zoning district or for any structure altered into a multi-family dwelling from any other classification, off-street parking spaces shall be provided in accordance with the following schedule.<br>• Efficiency Apartment=1 Space<br>• One (1) Bedroom Apartment=1 ½ Spaces<br>• Two (2) Bedroom Apartments=2 Spaces<br>• Each Additional Bedroom 1 Space When the computation for the number of parking spaces required under this ordinance results in the requirement of a fractional space, the fractional space requirement shall be satisfied by adding one (1) additional space to the whole-space total.<br>Where offices are provided on the site, visitor parking must be provided as per the office parking requirements outlined herein |
| Manufactured Home (Subdivision and Park) | Two (2) parking spaces for each manufactured home |
| Uses permitted in the "P" District | The following requirements shall not apply to private schools which do not permit students to bring motor vehicles to the institution; however, the educational institution shall be required to provide adequate off-street parking for faculty, administrative personnel, and athletic events, including visiting of parents and/or other personnel.<br>o Classrooms: One (1) space for each classroom plus one (1) space for each ten (10) students. Campuses that consist of grade levels kindergarten through ninth (K -9) are exempt from this requirement and shall follow "private school" requirements above.<br>o Libraries: One (1) space for each five hundred (500) square feet of floor area.<br>o Laboratories: One (1) space for each five hundred (500) square feet of floor area.<br>o Student Centers: One (1) space for each five hundred (500) square feet of floor area.<br>o Theaters, auditoriums, churches, assembly halls, sports arenas, stadiums: One (1) space for each three (3) seats in the main auditorium or seating area. |

| | |
|---|---|
| | o Men's and women's dormitories, fraternity houses, and sorority houses: One (1) space for each room to be utilized for sleeping purposes, or one (1) space for each two (2) beds, whichever number is greater. |
| Office, professional | One (1) space for each three hundred (300) square feet of gross floor area |
| Uses permitted in the Retail Services and Commercial zoning district ( unless otherwise specified on this schedule) | One (1) space for each two hundred fifty (250) square feet of gross floor area |
| Establishments which dispense alcohol for on-premise consumption and eating establishments with indoor dining | One (1) space for each one hundred (100) square feet of gross floor area, or one (1) space for each four (4) seats, whichever is greater. |
| Hotel or motel | One (1) space for each sleeping room or suites plus one (1) space for each two hundred (200) square feet of commercial floor area contained therein. |
| Hospital | One (1) space for each bed. |
| Convalescent home, home for the aged or similar institution | One (1) space for each two (2) beds. |
| Medical or dental clinics | Three (3) spaces for each treatment room. |
| Bowling alley | Five (5) spaces for each alley. |
| Mortuary or funeral home: | One (1) space for each fifty (50) square feet of floor space in slumber room parlors or individual funeral service rooms. |
| Manufacturing plants, research laboratories | One (1) space for each one and one half (1.5) employees in the maximum work shift. |
| Warehouses | One (1) space for each two thousand (2,000) square feet of gross floor area excluding office space. Off-street parking requirements for the office area of such use shall be determined by the requirements for office, professional uses. |
| Vehicle repair facilities | One (1) space for each two hundred (200) square feet of floor area devoted to vehicle repair, excluding office space. Off-street parking requirements for the office area of such use shall be determined by the requirements for office, professional uses. |
| Bus depots | One (1) space for each one hundred (100) square feet of floor area. |
| Lumberyards and building material sales and service facilities | One (1) space for each three hundred (300) square feet of gross floor area. |

- **Off-street loading requirements.**
  In all zoning districts there shall be provided in connection with appropriate allowable uses, off-street loading facilities in accordance with the following requirements:
  - Any department store, industrial plant, manufacturing establishment, retail establishment, storage warehouse or wholesale establishment, which has an aggregate gross floor area of 10,000 square feet or more, arranged, intended, or designed for such use shall be provided with off-street truck loading or unloading berths at least 12 feet wide, 14 feet high, and 35 feet long in accordance with the following table. There shall be sufficient space to ensure that all maneuvering required to utilize such loading space will not include street right-of-way.

| Square Feet of Aggregate Number Gross Floor Area: | Required Number of Berths: |
|---|---|
| • 10,000 to 40,000 | 1 |
| • 40,001 to 100,000 | 2 |
| • 100,001 to 160,000 | 3 |
| • 160,001 to 240,000 | 4 |
| • 240,001 to 320,000 | 5 |
| • 320,001 to 400,000 | 6 |
| • 400,001 to 490,000 | 7 |
| • For each additional 90,000 over 490,000 additional berth | 1 |

## Section 5.4 Sidewalks

### 5.4.1 Intent.

The intent of the following sidewalk requirements is to implement the goals of the Comprehensive Master Plan and create an accessible sidewalk network which improves pedestrian safety and creates complete streets with opportunities for pedestrians, cyclists, and automobiles.

### 5.4.2 Applicability.

This section applies to properties located within the Seguin City Limits and within the Extraterritorial Jurisdiction (ETJ) of Seguin.

### 5.4.3 General Requirements

A. Location
   1. Sidewalks must be installed on both sides of all public streets.
   2. Sidewalks shall be located on the front of lots and along the street sides of corner lots.
   3. Sidewalks shall be located within the right-of-way (exact location shall be coordinated with City staff). Sidewalks may be placed in an access easement on private property only when existing right-of-way is limited.
   4. Sidewalks may meander to avoid trees, utility poles and utility boxes, and other obstacles; and for aesthetics.

B. Timing of Construction
   1. New Construction- Construction of sidewalks must take place at the time of development and all required sidewalks must be built before a certificate of occupancy is issued for a new residential and nonresidential development.
   2. Existing Sites/Structures- Modification of an existing site and/or structure, other than a single family residential site, must be brought into conformance with these requirements to the maximum extent practicable if the extent of the proposed modifications is 50% or more of the site's assessed value over a 5 year time period. For the purposes of the code the assessed value of a structure shall be the value cited by the Guadalupe County Appraisal District.
   3. Sidewalks adjacent to public spaces- When streets are constructed, the developer must also install sidewalks along streets adjacent to amenity centers, open space, and land dedicated for parks and other public purposes which are not required to secure a building permit and subsequent certificate of occupancy.

C. Connectivity
   Sidewalks must connect to existing adjacent sidewalks, or be designed and placed to allow connection to future adjacent sidewalks. Required sidewalks serving non-residential lots must connect to parking in the lot and to primary building entrances (connections may include street crosswalks, crush granite pathways, other methods may be approved by the City Engineer and Planning Director).

D. Minimum Size and Design
   Sidewalks in residential developments shall be a minimum of four feet in width and ADA compliant. Sidewalks in nonresidential developments, sidewalks located within the right-of-way (exact location shall be coordinated with City staff), and sidewalks located along arterials, collector streets, and state rights-of-way shall be a minimum of five feet in width and ADA compliant. Please see technical manual for construction specifications.

**5.4.4 Specific Requirements.**

A. Development within the City Limits.
   1. Single or Two-Family Development- New Street Construction. The developer shall be responsible for construction of a sidewalk in conformance with the general requirements outlined above.
   2. Single or Two-Family Development- No New Street Construction.
      - The developer of a single family lot whose lot is within 300' feet of an existing sidewalk (on the same side of the street, measured property line to property line) shall be responsible for construction of a sidewalk in conformance with the general requirements outlined above.
      - The development of a single family lot whose lot is more than 300' feet from an existing sidewalk (on the same side of the street) shall have the option of either constructing the sidewalk in conformance with the general requirements outlined above or paying a fee-in-lieu of construction ( see below for specifics on fee-in-lieu).

   3. All Other Development. The developer shall be responsible for construction of a sidewalk in conformance with the general requirements outlined above.

B. Development within the ETJ
   1. Sidewalks are required in subdivisions involving five or more lots.

2. Subdivisions with four or fewer lots fronting on an existing street and not requiring the creation of a new street shall not be required to install sidewalks.
3. When sidewalks are required, a plat note shall be placed on the final plat indicating that sidewalks are required, upon which streets they are required, and who is responsible for installation.

**5.4.5 Fee-in-Lieu/ Alternative Sidewalk Plan**

A. In situations where sidewalk installation is impractical, as described below, a property owner may request a cash fee-in- lieu of sidewalk installation or an alternative sidewalk plan with the approval of the Planning Director and the City Engineer.

1. Fee-in-lieu - A cash fee for the installation of off-site sidewalks may be paid in lieu of all or part of the sidewalks when the option is outlined above or when the Planning Director and City Engineer have approved the request.
2. Alternative Sidewalk Plan- An alternative sidewalk plan may be requested when the developer would like to use alternative materials, construct the sidewalk in an alternative location or seek to vary (as opposed to waive) one of the above requirements. All elements of an alternative sidewalk plan must meet ADA requirements.

B. All fees-in-lieu of installation or alternative sidewalk plan requests shall be approved prior to the issuance of a building permit. In evaluating the request, the Planning Director and City Engineer shall consider the following.

1. Proximity to the nearest existing sidewalk;
2. Topographic or drainage issues;
3. Proximity to pedestrian generators, such as schools, libraries, shopping centers, parks and other government buildings;
4. The master plan guidance for an existing rural area;
5. For a single family home being constructed on a lot larger than one acre on an existing public street, the fee-in-lieu of construction shall be based on a maximum of 100' of frontage;
6. Whether any public sidewalk improvements are planned or contemplated in the area; and
7. Any other information deemed appropriate in the professional judgment of the Planning Director and City Engineer.

The actual amount of the fee-in-lieu of installation shall be adopted annually by the City Council as part of the adopted fee schedule.

**5.4.6 Waivers from Required Sidewalk Construction**

Waivers from sidewalk construction should be the last resort and shall be done so after reviewing the site for alternatives. The Planning and Zoning Commission shall review each request for a sidewalk waiver along a street in the context that the public safety and welfare make it desirable to encourage pedestrian movement by providing safe walkways and sidewalks away from automobile traffic. Requests shall not be based solely on financial gain from not having to construct a sidewalk. A waiver may only be requested and approved if the request is based on a unique topographical or other physical condition unique to this particular site and which the stated reason for seeking a variance is not based exclusively on financial gain.

**Section 5.5 Drainage/Detention**

The drainage/detention standards of Chapter 4 and the Technical Manual shall be applicable to new development and redevelopment of a site. Should a subdivision plat not be required prior to site development the drainage/detention standards shall be reviewed in conjunction with the site development application.

## Section 5.6 Screening

## Recycling /Garbage Container Screening

### 5.6.1 Intent

The intent of the requirements of this section is to reduce the visual clutter of trash and refuse collection areas and integrate screening materials consistent with the building materials use on site.

### 5.6.2 Applicability

A. Trash receptacles 90 gallons or larger used for storage, disposal of trash, garbage, refuse or grease shall be comply with the requirements of this section.
B. New Construction. All new construction or redevelopment of existing properties in excess of 50% of the predevelopment value of property shall comply with the provisions of this ordinance.
C. Existing Facilities. All existing facilities utilizing garbage receptacles as defined by this ordinance shall comply with the provisions of this ordinance. Existing properties utilizing garbage receptacles are exempt from the provisions of this ordinance if the receptacle is not visible from ordinary public view from the adjacent right-of-way and adjacent property or the receptacle is 75 feet or more from the nearest right-of-way or property line. Existing facilities using the right-of-way for garbage containers, where no other practical alternative exists, will be required to obtain approval from the City.

### 5.6.3 Exceptions

The following types of trash/recycling receptacles are exempt from the screening requirements of this section

A. Temporary dumpsters used in construction;
B. Temporary dumpster for special events;
C. Recycling dumpsters.
D. Residential garbage containers, usually 90 gallons or less, provided by the City's franchise holder

### 5.6.4 Proof of Compliance Required

A screening detail and note attesting to compliance with the general standards of this section shall be added to all site plans, at the time of site development application submittal. The approved garbage receptacle site plan shall become part of the approved site and building plans and no Certificate of Occupancy shall be issued until the garbage receptacle screen is constructed and approved by the Building Official.

### 5.6.5 Visual Screening Requirements

A. Visual screening consisting of a solid fence or masonry wall, having a minimum height sufficient to screen the entire garbage receptacle on all sides shall be constructed and maintained by the occupant or property owner.
B. Grease rendering receptacles: All grease rendering receptacles shall be placed on an impervious surface (i.e. concrete, asphalt) approved by the Building Official.
C. For new food service establishments, or for the relocation of existing food service garbage containers, the garbage container shall be placed as far from any property line adjacent to residential uses as reasonably possible as determined by City staff.
D. To facilitate cleaning, dumpsters serving food service establishments shall be placed on an approved impervious surface.
E. Non-food service dumpster enclosures adjacent to residential locations are required to setback a minimum 10' from the property line.
F. If unsanitary conditions exist, including but not limited to noxious odors, insects or rodents, City staff shall have the authority to require that the dumpster and enclosure be relocated, maintained in a sanitary condition, or if the conditions remain unabated, removed.

**5.6.6 Materials & Design**

The following building materials shall be used:

A. Treated wood designed in fence fashion. No plywood or wooden sheeting will be approved.
B. Solid masonry construction in accordance with the Standard Building Code. No cinder block construction will be approved unless painted or of stucco exterior.
C. Chain link with wooden or synthetic slats completely enclosing the garbage container. No synthetic or fabric wrappings will be approved.
D. Landscape stock may be used only in conjunction with other approved screening materials in order to enhance and improve the screen's appearance.
E. All materials must be approved by the Building Official.
F. Gates must include a locking device to protect against unauthorized use.

**5.6.7 Maintenance**

A. The property owner, tenant or agent shall be responsible for maintaining all garbage receptacles in a clean, non-odorous, structurally sound condition; replacing and repairing the receptacle and screening when necessary and keeping the surrounding area free from garbage, trash, refuse and high weeds in accordance with all City ordinances.
B. Screening must be repaired or replaced in accordance with this ordinance within (60) days of notification by the Building Official.
C. Failure to properly maintain screening shall constitute a violation.

**5.6.8 Visibility Clearance**

No garbage receptacle and screen shall be located in the vicinity of any corner, street, intersection, or access way if the Building Official determines a visibility obstruction will occur. In such cases, every effort shall be made to relocate the receptacle and screen to a safer location on the property. This may include the use of one or more parking spaces provided the Building Official determines sufficient parking to service the facility will remain.

**Auto Repair and Servicing**

**5.6.9 Intent**

The intent of the requirements of this section is to reduce the visual clutter of trash and refuse collection areas and integrate screening materials consistent with the building materials use on site.

**5.6.10 Applicability**

Automotive repair and lubrication, oil changes, paint and bodywork, and other maintenance services, are permitted in accordance with the use tables in Chapter 3, are subject to the following conditions.

**5.6.11 Vehicle Storage**

Vehicle storage requirements for Automotive Repair; Paint and Body Shops near one or two-family residential use shall meet the following requirements:

A. Automotive Repair; Paint and Body Shops located on property adjacent to a one or two-family residential use must screen all vehicles that have been accepted for repairs from view from such residential use by parking/storing the vehicles within a building or by providing a six-foot solid screening fence along the property line adjacent to, or across an alley from, the one or two-family residential use.
B. All other Automotive Repair; Paint and Body Shops within 200 feet from any one or two-family residential use must screen all vehicles that have been accepted for repairs from view from such residential use by parking/storing the vehicles within a building or by providing a six-foot solid screening fence on all property lines facing the residential use. The measurement of the distance between the automotive repair or paint and body shop and the one or two-family residential use shall be along the nearest property line of the one or two-family residential use to the nearest property line of the automotive repair or paint and body shop, along street lines and in a direct line across intersections.
C. Overnight vehicle storage requirements. No more than two vehicles per bay or repair/inspection station that have been accepted for repairs by the repair, paint or body shop may be stored/parked outside after regular business hours.
D. Vehicle storage requirements for wrecked or dismantled vehicles. All wrecked or dismantled vehicles must be stored in an enclosed building or completely enclosed behind a minimum six-foot solid screening fence.
E. No automobile repair or service facility shall be permitted to have bay doors facing a one-or two-family district.
F. No vehicle retained for repairs may be stored for more than sixty (60) days from the date the vehicle is accepted for repair. The sixty-day time limit may be extended to a total of one hundred eighty (180) days from the date the vehicle is accepted for repair if the automotive repair or paint and body shop has begun the process to obtain a lien on the vehicle pursuant to state law

**5.6.12 Screening of Parking**

All multi-family residential and commercial parking spaces shall be designed and constructed to protect adjacent residences from the direct glare of headlights of vehicles using the parking area. In accordance, all off-street parking areas shall be effectively screened on each side by a solid wall or fence from any adjoining residentially zoned property. Such wall or fence shall not be less than four (4) feet or more than six (6) feet in height, and shall be maintained in good condition without any advertising thereon. Any space between such wall or fence and the lot line of any adjoining residential property shall be landscaped with grass, hardy shrubs, or evergreen ground cover. In lieu of such wall or fence, a strip of land not less than ten (10) feet in width and planted and maintained

with evergreen hedges, or dense planting of evergreen shrubs, not less than four (4) feet in height, may be substituted.

### 5.6.13 Other Unsightly Areas

Unsightly areas, including but not limited to loading spaces and docks, outside storage areas, mechanical equipment, and the rear of structures on reverse frontage lots, must be screened from view from the street, public right-of-way, and adjacent property by a landscaping buffer or privacy fence. The Director may waive the screening requirement between similar uses or where similar unsightly areas abut each other.

## Section 5.7 Fencing

### 5.7.1 Intent

The intent of this section is to establish standards for the erection and maintenance of fences. The general objectives of these standards are to promote health, safety, welfare, and enjoyment of the public, and to promote the safety of persons and property by providing that fences do not:

A. Create a hazard due to collapse, fire, decay or abandonment;
B. Obstruct firefighting or police observation ability;
C. Create traffic hazards by confusing or distracting pedestrians or motorists; or
D. Become obstacles that hinder the ability of pedestrians, bicyclists or motorists to read traffic signs.

### 5.7.2 Applicability

The requirements of this section apply to all new fences and reconstruction of existing fences. Reconstruction for the purposes of this section shall mean the replacement of more than 50% of an existing fence.

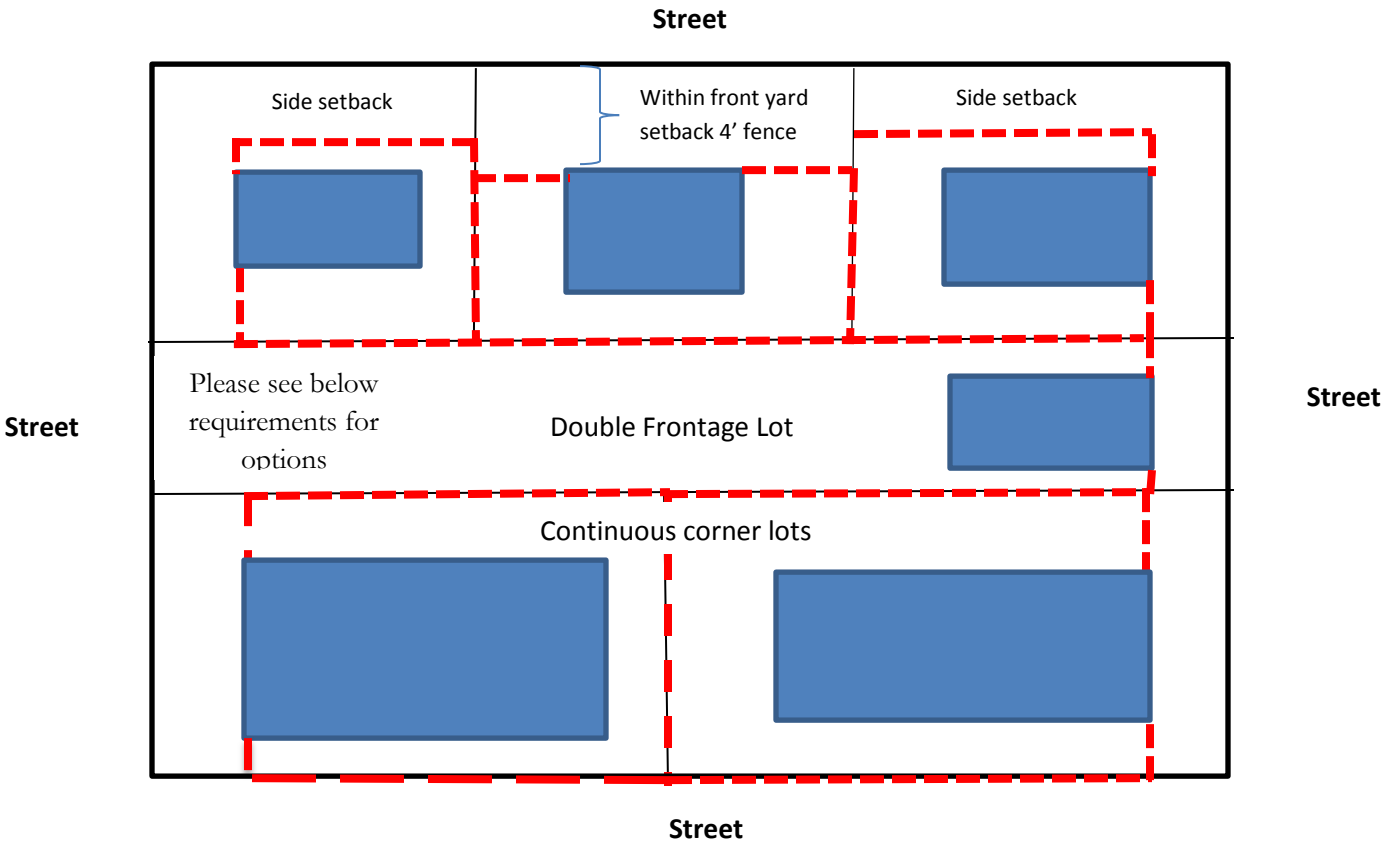
### 5.7.3 General Standards

A. Fences with an unfinished or rough side and a finished or smooth side must be placed so the finished or smooth side faces out.
B. It shall be unlawful for any person to erect or replace a fence, as defined herein, without first obtaining a building permit in accordance with this Code.
C. Prior to erection or replacement of a fence, an inspection by City staff shall verify the location requirements of the fence as stipulated herein.
D. Within 30-days of completion of the fence an inspection shall be requested and City staff shall verify compliance with the requirements stipulated herein.

### 5.7.4 Construction materials.

A. Approved materials include: treated wood, wrought iron, stone or brick with mortar, painted or textured masonry, decorative metal, chain link, cedar, vinyl fencing.
B. Prohibited materials include: sheet metal, barbed wire & razor ribbon, plywood, corrugated steel, fiberglass panels or electric fences.
C. Agricultural, Public & Industrial sites: Agricultural, public and certain industrial locations may be suitable for otherwise prohibited fencing materials. These include, but are not limited to barbed wire, razor ribbon, corrugated steel and electric fencing.

## 5.7.5 Location and height regulations.



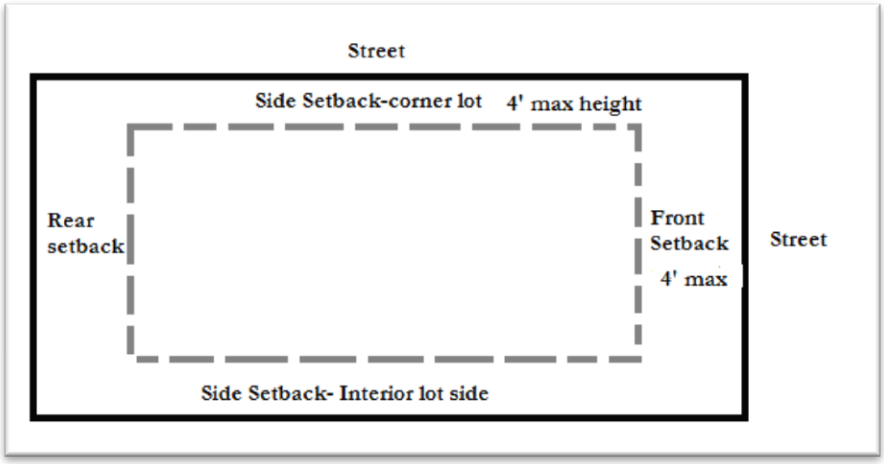

Location where maximum of 6' fence may be located

Property line

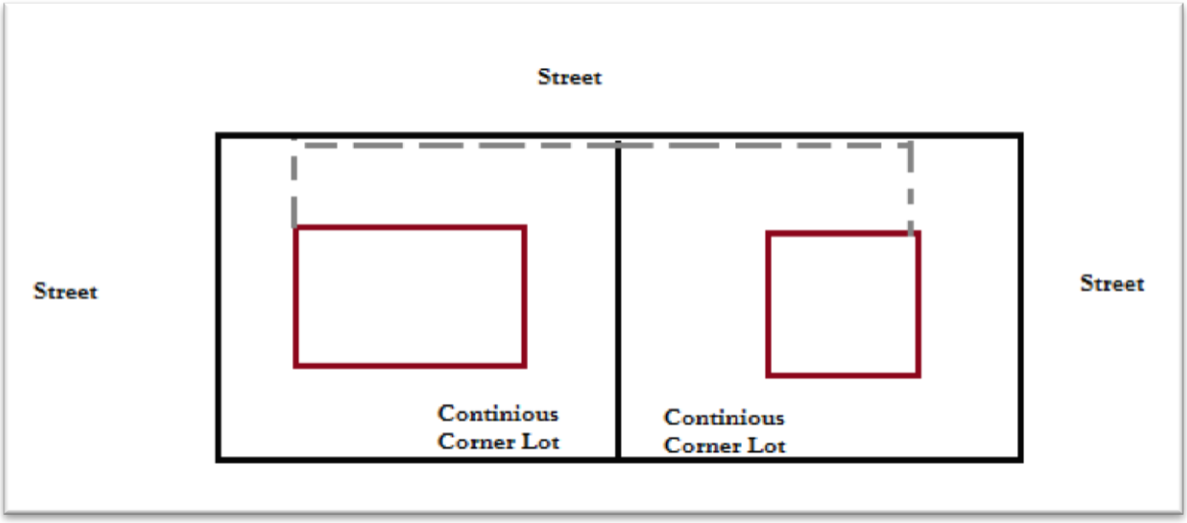
*Areas not enclosed with red dashed line denote a maximum of 4' fence height permitted

**A.** It shall be unlawful for any owner of property on a street intersection corner in the City to permit a fence, vine, tree, shrub, structure or any other opaque object to remain on the property, which is within six lineal feet of the legal street corner and which prevents a driver of a vehicle from having a clear view through the six-foot area of the intersecting street in the opposing direction.

**B.** Any fence or wall located between the property line and the required front yard setback line (or side yard setback line if a corner lot and adjacent to an interior lot) of a building shall not exceed four feet in height.




**C.** In cases of a continuous corner lot (two corner lots back to back) the sideyard fence may be constructed out to the property line and shall not exceed 6' in height (behind the front building line).



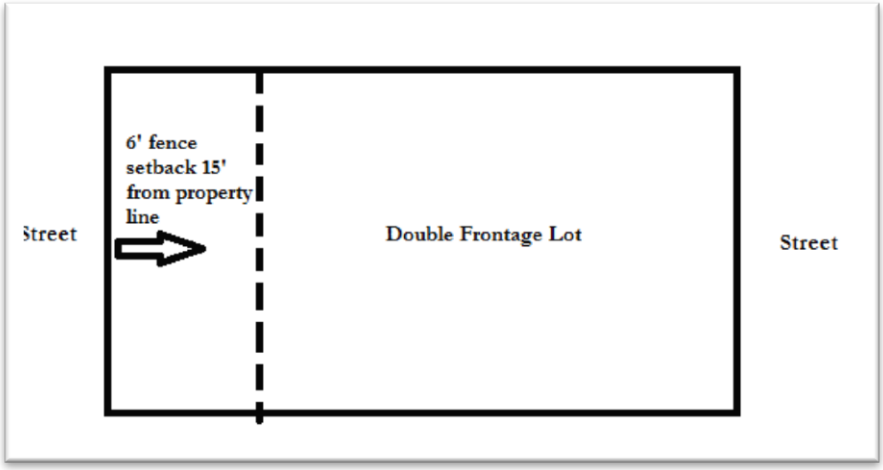

**D.** If an existing, legally non-conforming building has less than the required setback, the front yard shall be measured from the front building line.

**E.** Front yard. No fence shall exceed four feet in height measured from the adjacent natural grade, in front yards as used herein. Fences located in properties zoned Industrial shall not exceed 8 feet in height in front yards.

**F.** Side and rear yard (interior lots). No fence shall exceed six feet in height measured from the adjacent natural grade, in side and rear yards as herein used. Fences located in non-residential zoned properties shall not exceed 8 feet in height in side and rear yards.

**G.** Double Frontage Lots. A double frontage lot is a lot bounded on opposite sides by streets. With regard to fence placement on double-frontage lots, the front shall be the portion of the property from which it is addressed, and fences along the front and rear yards must meet those requirements related to the "front." The opposite side of the property may be permitted to meet the requirements related to a "rear," provided that one of the following is met:

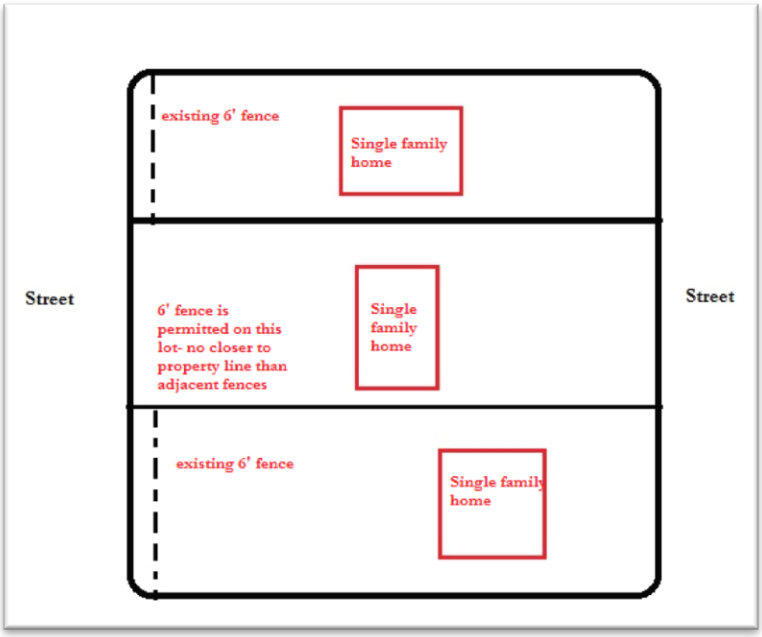
1. The fence is setback a minimum 15' from the rear property line.




2. The fence is setback 5' from the property line and landscaping (trees and shrubs) is evenly distributed throughout the length of the fence to visually break up the fence.

3. Decorative metal fencing is used

4. The existing character of the adjacent lots has a 6' rear yard privacy fence (only applicable to single family development existing at the time of this code).




5. Single Family Residential lot abutting I-10 frontage road.

**5.7.6 Maintenance.**

A. All fences constructed within the City shall be maintained in a vertical position, and not create an unsightly condition that substantially detracts from the appearance of the neighborhood.
B. All fences shall be maintained structurally sound, with no missing components and not out of vertical alignment in excess of 20%.
C. All damaged, rotting, removed or missing portions of the fence shall be replaced with comparable materials.
D. Fences shall not be externally braced in lieu of replacing or repairing posts, columns or other structural elements.
E. All damaged or missing parts of chain link or metal fences shall be replaced or repaired.
F. Fence reconstruction shall be in accordance with the provisions of this code.

**5.7.7 Utility easements**

A. Fencing across easements shall only be allowed with the written approval of the City and/or easement holder and shall include any and all requirements for utility access and maintenance.
B. Access requirements may include gates sufficiently wide to allow equipment access, removable fence panels or other designs acceptable to the City and easement holder.
C. Access to easements shall be allowed as needed for repair and maintenance.
D. Permission to build a fence upon or across a utility easement does not remove the obligation of the owner of said fence to remove the fence upon demand of the City or utility company.
E. Removal and rebuilding of the fence shall be the responsibility of the owner of said fence and at the owner's expense.

## Section 5.8 Lighting

### 5.8.1 Intent

Lighting standards set forth in this chapter are intended to reduce hazards to motorists and annoyance and inconvenience from light trespass upon the residents, drivers, pedestrians, businesses and other elements of the community. These standards are intended to allow reasonable enjoyment of adjacent and nearby property by their owners and occupants while requiring adequate levels of lighting of parking areas, internal drives, service and pedestrian areas.

### 5.8.2 Applicability

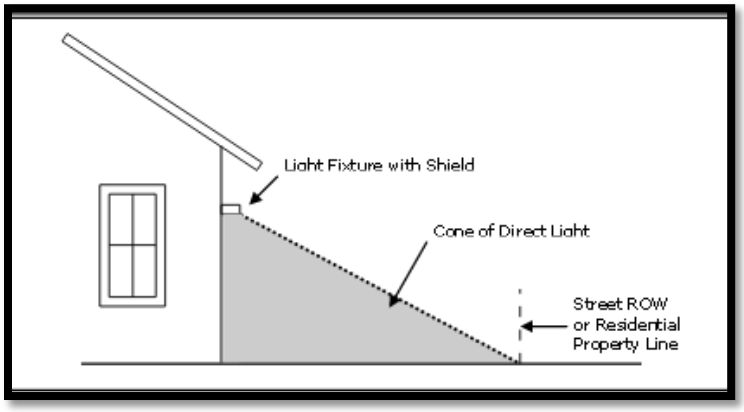
The standards of this section shall apply to all new construction.

### 5.8.3 Proof of Compliance Required

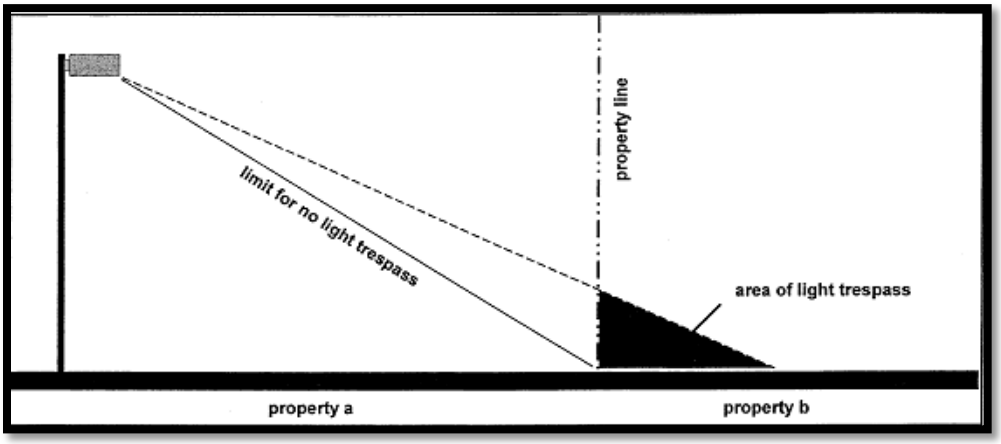
A note attesting to compliance with the general standards of this section shall be added to all site plans, at the time of site development application submittal.

### 5.8.4 General Standards

Site lighting shall shine downward and be shielded so that light sources are not visible from public thoroughfares or from adjacent residential zoned or used property. All permanent exterior lighting shall be non-flashing and shielded such that the light source (cone of direct light) is not visible from the public ROW or adjacent residential uses at the property line. Wall pack lighting or other lighting that directs the light in a horizontal direction without an adequate shield is not permitted (since it directs the light glare directly outward) if there are streets or residential uses in the direction of the light.




*Meets the requirements of this section- Example of cone of direct light stopping at property line*




*Does not meet the requirements of the section -Example of light Trespassing onto adjacent residential property or street*

## 5.8.5 Prohibited Lighting

The following light sources are prohibited:

A. Laser source light.
B. Strobe light.
C. Flashing or blinking (Exceptions are: traditional holiday lighting not used to draw attention to a sign and flashing or blinking lights required by law).
D. Beacon or searchlight, including temporary display.

**Chapter 6-**

**Reserved for Sign Standards**

# Definitions

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. **Accessory building**. In a residential district, a subordinate building, attached to or detached from the main building, without separate utilities, and not used for commercial purpose or rented. It may be used as a guest house, a washroom, and storage room for domestic storage belonging to the owner or tenant only, or a space for one or more automobiles owned by the owner, tenant or guests. In districts other than residential, an accessory building is a subordinate building the use of which is incidental to and used only in conjunction with the main building. Accessory building shall not be used in conjunction with home occupations for storage of products intended for retail sale.
3. **Accessory use**. A use customarily incidental and subordinate to the main use; provided further, that a use is an accessory use in a "residential" district only if the use is located on the same lot as the main use.
4. **Adopted policies.** A written administrative directive discussed at a public meeting and officially adopted by a majority vote of the council.
5. **Alley**. A minor public right-of-way, not intended to provide the primary means of access abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.
6. **Alteration**. Any construction or change of the exterior of a building, object, site or structure. For buildings, objects, sites or structures, alteration shall, but is not limited to, the changing of roofing or siding materials; changing, eliminating, or adding doors, door frames, windows, window frames, shutters, fences, railings, porches, balconies, signs, or other ornamentation. Alteration shall not include ordinary repair and maintenance.
7. **Amusement, Commercial (Indoor).** Any amusement enterprise wholly enclosed in a building which is treated acoustically so that no noise of the enterprise is perceptible at the bounding property line and including, but not limited to a movie theater, bowling alley, billiard parlor or video arcade.
8. **Amusement, Commercial (Outdoor).** Any amusement enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open, including, but not limited to a golf driving range, amusement park, archery range, miniature golf course or other similar activity.
9. **Apartment**. A room in an apartment house or a suite of rooms arranged, designed or occupied as a residence by a single family, individual, or groups of individuals. See "Dwelling unit, multiple."
10. **Apartment house**. A building designed, built, rented, leased, let or hired out, which is occupied as the home or residence of three (3) or more families or individuals, living independently of each other. See "Dwelling unit, multiple."

11. **Assisted Living**. An establishment, including personal care and board and care facilities, that furnishes, in one or more facilities, food and shelter to more than six individuals who are unrelated to the owner of the establishment; and provides personal care services; and in addition, provides minor treatment or services which meet some need beyond the provision of food, shelter, and laundry.
12. **Authorized agent**. An architect, builder, developer or other person or persons empowered to act on behalf of other persons.
13. **Bar, cocktail lounge, tavern saloon**. An establishment where the primary business is the sale of alcoholic beverages for on premise consumption.
14. **Bed & Breakfast**: An owner occupied private home of historic interest, which offers lodging for paying guests, which may serve meals to these guests, and which allows for limited social functions as regulated by a Specific Use Permit, Limited Use Permit, or otherwise required by this code.
15. **Block**. An area enclosed by streets and occupied by or intended for buildings; or, if said word is used as a term of measurement, it shall mean the distance along a side of street between the nearest two (2) streets which intersect said street.
16. **Building**. Any structure built for the support, shelter and/or enclosure of persons, chattels or moveable property of any kind.
17. **Building development/ development**. The term "building development or development" shall be construed to include any construction, reconstruction, conversion, structural alternation, relocation, or enlargement of buildings or structures; use or change in use of buildings or land; and/or extension of use of land or clearing, grading, excavation or other movement of land, for which permission may be required under this code. Includes reconstruction, alteration of the size, or material change in the external appearance of a structure; changes in intensity of land use; and excavation for construction, moving, alteration, or repair, except ordinary repairs, of any building or other structure.
18. **Building setback line.** A line defining an area on the building lot between the property 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; also called "building line" or "setback line".
    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. On corner lots the front building setback line shall be considered as parallel to the street upon which the lot has its least dimension except where corner lots may be square in dimension and/or have double frontage, at which time the front yard shall correspond to the lot's side adjacent to the longest block face in which it occurs and to which the majority of the existing structures front.
    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.

19. **Carport**. A roofed structure open on two (2) sides when attached to a dwelling and open on three (3) sides when detached from a dwelling, covered with a roof supported by structural steel or wood columns or masonry piers of minimum size for structural safety.
20. **City**. The City of Seguin, Guadalupe County, Texas.
21. **City attorney**. A licensed attorney employed or designated by the City of Seguin to provide legal services for and in behalf of the City.
22. **City Council/Council**. The words "City Council" or "Council" shall refer to the City Council of the City of Seguin, Texas.
23. **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.
24. **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.
25. **Clinic**. An institution or station for the examination and treatment of ill and afflicted outpatients by a physician or group of physicians.
26. **Cluster development**. See "Subdivision, cluster."
27. **Columbarium**. A structure of vaults lined with recesses for cinerary urns operated as part of a cemetery, funeral home, or church.
28. **Commission**. The Planning and Zoning Commission of the City of Seguin, Guadalupe County, Texas.
29. **Community Center**. A central social and recreational building as part of a housing project, subdivision or planned unit development.
30. **Communication Tower**. A device fixed and free-standing or guyed, which may include an uninhabitable structure, not designed as a shelter or to be occupied for any use. This definition includes, but is not limited to, any such structure supporting antennae that transmit or receive any portion of the electromagnetic spectrum of radio waves. The following are examples, but are not limited to: freestanding monopole structures, lattice or open framed structure and other similar self-supporting, trussed, or open framed structures, and guyed structures. For communication tower purposes a monopole is a single, slender and typically cylindrical, vertical structure to which antennae are affixed.
31. **Commercial trimming/cutting**. Any individual or business that practices tree trimming, cutting or removal, for hire, within the City limits of the City of Seguin, Texas.
32. **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. Also Comprehensive Master Plan, Master Plan.
33. **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.
34. **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. Detailed specifications for requirements can be found in the UDC Technical Manual.

35. **Crematory**. A furnace for cremating deceased humans or an establishment containing such a furnace operated as part of a funeral home.
36. **Crosswalk way**. A public right-of-way, six feet or more in width between property lines, which provides pedestrian circulation.
37. **Custom slaughter facility**. A building where animals are killed and butchered for human consumption. The term "animals" shall include only those animals used for human consumption, including, sheep/goat, bovine, fowl, swine, or other animals used for human consumption. This definition excludes rendering operations.
38. **Day care nursery**. A place designed for the care of children for less than 24 hours a day.
39. **Decorative street light**. Shall include any light standard or fixture which is not of a type normally stocked by the City electric department.
40. **Density**. The number of dwelling units per gross acre of subdivision, excluding any areas that are nonresidential in use.
41. **Detached garage**. A garage wholly separated from and independent of the principal building on a lot; or connected to a principal building by an unenclosed or latticed passageway, arbor or covered walk.
42. **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.
43. **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.
44. **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.
45. **District/ Zoning District.** A section of the City of Seguin for which the regulations governing the areas, heights or uses of buildings are uniform.
46. **Dormitory**. A building, other than a hotel or motel, containing rooming units with or without individual kitchen facilities to be used for residential purposes. Rentals of each unit shall be on a weekly basis or longer. A dormitory may contain common food preparation and eating facilities primarily for the use of the occupants of the building.
47. **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.
48. **Drip Line Area**. The area immediately below the tree's canopy.

49. **Dwelling 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.
    a. Single-family detached dwelling unit: A building designed for and occupied exclusively by one family as a separate dwelling unit and not meeting the requirements of a townhouse or row house. Occupancy shall be limited to no more than four (4) individuals who are unrelated by blood, legal adoption, or marriage. The owner and any agent of the owner shall be legally responsible for any dwelling unit use.
    b. Single-family attached dwelling unit: A building designed or occupied exclusively by one family as a separate dwelling unit, and meeting the requirements of a townhouse or row house. Occupancy shall be limited to no more than four (4) individuals who are unrelated by blood, legal adoption, or marriage. The owner and any agent of the owner shall be legally responsible for any dwelling unit use.
    c. Duplex: A building designed for or occupied exclusively by two (2) families living independently of each other. A duplex sharing a lot with other residentially used structures shall fall under the definition of a multiple dwelling unit and shall not be considered a duplex for the purposes of this ordinance.
    d. Multiple: A building designed for and/or occupied exclusively by three (3) or more dwelling units. (Also known as multifamily dwelling unit.)
    e. Accessory: A secondary separate dwelling unit such as a garage apartment no larger than 50% of the square footage of the primary structure. The determination of whether one family is living independently of another is based on one or more of the following criteria: separate sanitary facilities, separate kitchen facilities, separate entrances, and separate utilities
50. **Easement**. An interest in land granted to the City, to the public generally, and/or to a private utility corporation.
51. **Efficiency apartment**. An apartment having a combination living and bedroom (no separate bedroom), cooking facilities and bath.
52. **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.
53. **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.
54. **Family Home for Handicapped**. A community based residential home established to care for persons that have a physical or mental impairment and have trouble performing certain life activities. The purpose for a family home is to assist these persons with a physical or mental impairment in order to help them develop certain life skills. A family home may not

have more than six disabled persons and two supervisory personnel residing at the home at any one time.

55. **Farm**. An area of two (2) acres or more which is used for the growing of the usual farm products such as vegetables, fruits, trees and grain and their storage on the area and/or the raising thereon of the usual farm poultry and farm animals such as horses, cattle, sheep and swine, and including dairy farms with the necessary accessory uses for treating and storing the produce; provided, however, that the operation of such accessory use shall be secondary to that of the normal activities; and provided further, that it does not include the commercial feeding of offal or garbage to swine or other animals.
56. **Farmers/Artisans Market**. A market at a designated outdoor location for the distribution and sale (directly to consumers) of products and goods that are locally grown by farmers/gardeners or hand-crafted by artisans. Products and goods are not mass produced and no other retail or any resale is permitted.
57. **Fence**. Means any wall or structure more than 18 inches in height erected or maintained for the purposes of enclosing, screening, restricting access to or decorating a lot, parcel, building or structure. Fence does not include dog runs, arbors or other incidental decorative barriers located within perimeter fencing.
58. **Finish side, Fence**. Means that side of the fence that forms the barrier, where the support elements, including posts and rails of the fence, are not visible from outside the property.
59. **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.
60. **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.
61. **Fraternity or sorority**. A social club or an association having meeting facilities for the members. A fraternity or sorority house may have dormitory facilities for its members. Any such fraternity or sorority house shall be deemed a rooming house, boarding house, or group home, depending upon the circumstances in each instance. The office or headquarters of a professional, business or other fraternal organization shall be considered as an office for the purposes of this chapter.
62. **Garbage Container**. A large receptacle, usually exceeding 90 gallons, used for the storage and disposal of trash, garbage, refuse and grease rendering. This definition does not include the following: temporary dumpsters used in construction, temporary dumpster for special events, recycling dumpsters, residential garbage containers, usually 90 gallons or less, provided by the City's franchise holder.
63. **General plan**. See "Comprehensive Plan".
64. **General Land Use Plan**. A plan, including all site details and functions, required for development of any tract zoned Planned Unit Development.
65. **Guest house**. An accessory building designed for the temporary occupancy of guests of the primary dwelling for which there is no remuneration.

66. **Height, Structure**. The height of a building or portion of a building shall be the vertical distance from grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, and the mean height level between eaves and ridge for hip, gable or gambrel roofs. In measuring the height of a building, the following structures shall be excluded: chimneys, cooling towers, elevator bulkheads, mechanical rooms, tanks, water towers, radio tower, television antennas, ornamental cupolas, domes or spires, and parapet walls not exceeding four (4) feet in height.
67. **Height, Communications Tower**. The vertical distance between the finished grade at the base of the tower or the lowest point of contact with the building, and the highest point of the tower structure.
68. **Height, Freestanding Sign.** The measurement shall be from the grade to the highest point of the sign, including the sign face structure, pole and any projection, decoration or trim of the sign face structure or pole.
69. **Height, Small Wind Energy Systems.** The height above natural grade of the fixed portion of the tower, excluding the wind turbine **.**
70. **Historical tree**. See "Protected Tree".
71. **Home occupations**. A home occupation is an occupation customarily carried on in the home by a member of the occupant's family without structural alterations in the building or any of its rooms, without the installation of machinery other than that customary to normal household operation or additional equipment, without the employment of additional persons, and which does not cause the generation of additional traffic in the street and which does not require the display of a sign.
72. **Hospital**. An institution or place where sick or injured patients are given medical or surgical care either at public (charity) or private expense.
73. **Hotel and motel**. A building or arrangement of buildings designed and occupied as a temporary abiding place of individuals who are lodged with or without meals, in which the rooms are usually occupied singularly for hire, and in which there are more than eight (8) sleeping rooms, and which may have a public dining room accommodating more than eight (8) guests, and a central kitchen.
74. **Industrialized housing**. A residential structure that is designed for the occupancy of single-family or duplex use; which bears an approved decal or insignia, clearly visible, under rules promulgated by the State of Texas signifying the dwelling as "industrialized"; that is intended to be installed on a permanent foundation system approved by the locally adopted building codes; that meet all other locally adopted building codes; and that meet all other State and local requirements for industrialized housing.
75. **Industry, light**: Manufacturing of finished products or parts, predominantly from previously prepared materials, including fabrication, assembly, and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing.
76. **Industry, heavy**: Establishments engaged in the manufacturing or transformation of materials into new products. These establishments are usually described as plants and factories, and characteristically use power driven machines and materials handling

equipment. Manufacturing production is usually carried on for the wholesale market, rather than for direct sale to the domestic consumer

77. **Kindergarten**. A school for children of pre-public school age.
78. **Landscape Area**. An area devoted to plant materials adaptable to this region, including but not limited to trees, shrubs, grasses, ground covers, mulch and other landscape features, i.e. berm.
79. **Limited Use Permit.** An administrative use permit granted by the Director of Planning after specified conditions have been met.
80. **Live Entertainment**. A use which includes any or all of the following activities: performances by musicians or dancers; live bands or musical acts; or the amplification of recorded music/entertainment by disc jockeys, in conjunction with a tavern or night club operation.
81. **Lot of record**. A parcel of land which is part of a subdivision, the map or plat of which has been recorded in the office of the county clerk of "the appropriate county;" a parcel which existed in its current configuration and was created by a metes and bounds legal description recorded in a deed of transfer or sale at the office of the Guadalupe County Clerk prior to June 26, 1987; excluding those tax parcels which are identified as being created for tax purposes or deed of trust for borrowing money against a tract of parcel;
    a. **Lot area**. The area of the lot shall be the net area of the lot and shall not include portions of streets and alleys. Utility easements are to be considered part of the net lot area.
    b. **Lot depth.** The length of a line connecting the midpoints of the front and rear lot lines.
    c. **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.
    d. **Lot frontage**. The length of street frontage between property lines.
    e. **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.
    f. **Lot width**. That distance measured along a line connecting two (2) side lot lines along the front building line.
    g. **Lot, corner**: A lot situated at the junction of two (2) or more streets.
    h. **Lot, Interior**: A lot other than a corner lot.
    i. **Lot lines**: The lines bounding a lot as defined herein
        i. **Front lot line**: The property line between the front yard and the contiguous street right-of-way boundary.
        ii. **Rear lot line**: The property line between the rear yard and the adjacent property or right-of-way, and contiguous with the legal boundary of such use.
        iii. **Side lot line**: The property line between two (2) adjacent lots or between the side yard and the contiguous street right-of-way boundary on corner lots.

82. **Maneuvering space**. The space entirely on private property required for maneuvering vehicles in such a manner as to preclude the backing of any vehicle into any street right-of-way.
83. **Manufactured home**. A single-family dwelling unit fabricated in an off-site manufacturing facility; is transportable in one or more sections, is attached to a permanent chassis but is not equipped with a permanent hitch, axle, wheels or other device allowing for transport other than to a permanent site. All manufactured homes bear a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards.
84. **Manufactured home park**. A unified development of a minimum of three (3) acres and ten (10) approved manufactured home spaces for rent or lease, arranged on a tract of land, in which the tenant of the manufactured home are not the owners of the land.
85. **Manufactured home space**. An area within a Manufactured Home Park which is designed for and designated as the location for a single manufactured home and the exclusive use of its occupants. Also may be referred to as a manufactured home lot in a manufactured home park.
86. **Manufactured home subdivision**. The division of land as the term "subdivision" is defined in this ordinance for the purpose of manufactured home occupancy. A manufactured home subdivision shall consist of not less than three (3) acres and ten (10) approved manufactured home sites.
87. **Microbrewery/Brewpub**. A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on or off premise, with a typical capacity of not more than 15,000 barrels per year. Other uses such as a restaurant or bar are allowed on-site when permitted within the zoning district and TABC regulations.
88. **Mobile home**. A structure that was constructed prior to June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems The following shall not be included in this definition: travel trailers, pickup coaches, motor homes, camping trailers, or other recreational vehicles, Manufactured modular housing which is designed to set on a permanent foundation, and which uses standard sheathing, roofing, siding, and electrical, plumbing and heating systems which comply with the adopted building code.
89. **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.
90. **Nightclub or dance hall**. An establishment whose primary activity is the provision of facilities for dancing, including a dance floor and live entertainment or amplified music. Such establishment may or may not provide on-premises consumption of alcoholic beverages. Schools of dance are exempted from this definition.
91. **Nonconforming use (legal)**. A building, structure or use of land lawfully occupied at the time of the effective date of this ordinance or amendments thereto, and which does not conform to the use regulations of the district in which it is situated.
92. **Nursing Home or Long Term Care Facility**. Any structure or collection of structures located on one site used or occupied by persons recovering from illness or suffering from infirmities of old age.
93. **Oak Wilt**. A disease caused by the fungus *Ophiostoma fagacearum* or *ceratocystis fagacearum*.

94. **Office**. A room, studio, suite, or building or any part thereof in which a person transacts his business or carries on his stated occupation. For the purposes of the ordinance, an office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of materials, goods and products, or the sale and delivery of any materials, goods or products which are physically located on the premises. An office shall not be deemed to include a veterinary clinic.
95. **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.
96. **Park/ Parkland**. Land dedicated to, or purchased by, the City for the purpose of providing public recreational and/or open areas. This may include land designated for golf courses, parks, approved greenbelts and nature preserves, which are readily accessible to the intended users. Land designated for parkland shall not include streets, alleys, drainageways not improved for recreational or other approved uses, parking lots, or storage areas.
97. **Parkland, Private**: Parkland or open space not dedicated to the City, but designated as an easement or reserve for private open space or private recreational use.
98. **Parks and Recreation Advisory board (AKA Parks Board**). The parks and recreation board of the City of Seguin, a citizens advisory board appointed by the Seguin City Council.
99. **Parking Area**. A paved or improved surface designed and ordinarily used for the parking of motor vehicles. Parking area does not include outdoor display area for equipment.
100. **Pavement width**. The portion of a street available for vehicular traffic; where curbs are laid, it is the portion between the face of curbs.
101. **Person.** Any individual, association, firm, corporation, governmental agency or political subdivision.
102. **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. The development is guided by a general land use plan where certain zoning or subdivision regulations, other than use regulations, may be waived or varied to allow flexibility and creativity in site and building design and location, in conformance to general guidelines.
103. **Planning Commission**. The city Planning and Zoning Commission of the City of Seguin, Texas.
104. **Planting Material**. Means trees, shrubs, grasses, ground covers and other landscape features specifically designed and installed as site improvements and approved by City of Seguin staff and in accordance with this code ordinance.
105. **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.
106. **Plat, final**. The plat submitted for final approval, and which shall be prepared and submitted in accordance with this code.
107. **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.

108. **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.
109. **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.
110. **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.
111. **Portable building**. A temporary building that does not have a foundation and is transportable.
112. **Porte cochere**. A roofed space, open on two (2) or three (3) sides, covered with a flat or hipped roof and ordinarily used as a shelter under which vehicles are driven or temporarily parked.
113. **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.
114. **Private, parochial or charter school**. An institution of learning having a curriculum equivalent to public schools, providing care, training, education, custody or supervision for four (4) or more children who are not related by blood, marriage or adoption to the owner or operator of the facility, for all or part of the twenty-four hour day, whether or not the facility makes a charge for the service offered by it; provided however, that this does not include specialty schools, such as dancing, music, beauty, mechanical, trade, swimming, or commercial schools
115. **Protected Tree**– Any tree not classified as "not protected", listed in the Unified Development Code Technical Manual, and meeting the following criteria:
    a. 6" diameter or larger for canopy or large maturing trees measured 4.5 feet above natural grade.
    b. 4" diameter or larger for small maturing trees measured 4.5 feet above natural grade.
    c. 4" for multi-trunk trees, calculated by measuring the largest trunk and ½ the diameter of the sum of all other trunks.
    d. A tree having a diameter greater than 24", measured 4.5 feet above natural grade.
    e. Historical tree: Any tree recognized as historically significant by a bona fide local, state, or national organization is considered a protected tree.
116. **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.
117. **Public stable**. A stable with a capacity for more than four (4) horses or mules.
118. **Public Utility**. Any person, company, corporation, cooperative, cooperative corporation, partnership, or any combination thereof, that is subject to both a municipal franchise agreement and the comprehensive regulatory system established by and defined in the Texas Public Utility Regulatory Act, that owns or operates for compensation equipment or facilities for: producing, generating, transmitting, distributing, selling, or furnishing electricity; or the conveyance, transmission, or reception of communications over a

telephone system as a dominant carrier. The term "public utility" shall not include, as is defined in the Public Utility Regulatory Act, telegraph services, television services, television stations, radio stations, community antenna television services, general radio-telephone services, or radio-telephone services authorized under the Public Mobile Radio Services rules of the Federal Communications Commission or private water companies **.**

119. **Recreational vehicle park.** Any lot, tract or parcel of land upon which accommodation is provided for two or more recreational vehicles used as living or sleeping quarters by the day, week or month where a charge is or is not made.

120. **Recreational vehicle or travel trailer**. A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified as a travel trailer or recreational vehicle by the manufacturer of the trailer and, when factory-equipped for the road, it shall have a body width not exceeding eight (8) feet and a body length not exceeding state maximums.

121. **Recycling centers.**

    a. Recycling center (inside) – A collection operation for reusable materials including, but not limited to aluminum cans, glass bottles and office paper goods. All storage must be located inside of a building.
    b. Recycling center (outside) –A collection operation for reusable materials including, but not limited to, aluminum cans, glass bottles, and office paper goods; which are broken, separated and/or compressed and may be stored within shipping containers and/or transportation vehicles on site.
    c. Recycling scrap processing –A collection operation for reusable materials including, but not limited to, glass, aluminum cans, paper, including the storage and separation of various recyclable materials such as residential scrap metals, scrap appliances and other scrap; but not including scrap automobiles.

122. **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.

123. **Restaurant**. A building or portion of a building, where the primary business is the on-premises sale of prepared food in full compliance with all state and City health and sanitary laws and regulations, with adequate kitchen facilities for the preparation of the food to be sold, the adequacy of said kitchen facilities to be based upon the seating capacity of the restaurant and the type of menu offered, and where alcoholic beverages may be sold.

124. **Retail**. The sale of goods directly to a consumer. Engaged in, pertaining to, or relating to the sale of merchandise at retail. To sell individual items or by the piece, directly to a consumer.

125. **Salvage yard**. A tract of land used for the purpose of dismantling, disassembling or otherwise destroying automobiles or other vehicles in accordance with all state and local laws, for the purpose of dealing in said parts so dismantled. All such operations shall be completely enclosed by a fence meeting the requirements set forth in this Code.

126. **Shall/may**. The word "shall" is always mandatory, while the word "may" is merely permissive.

127. **Shopping center**. A group of architecturally unified commercial establishments built on a site which is planned, developed, owned and managed as an operating unit related in its

location, size and type of shops to the trade area that the unit serves. The unit provides on-site parking in definite relationship to the types and total size of the stores.

128. **Sidewalk**. A paved pedestrian way generally located within public street right-of-way, but outside the roadway, and built in accordance with City specifications.

129. **Sign**. A name, identification, image, description, display or illustration which is affixed to, painted or represented directly or indirectly upon a building, structure or piece of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business and which is visible from any street, right-of-way, sidewalk, alley, park or other public property.

130. **Sign Measurement**. The area of a wall sign or other sign with only one face shall be computed by means of the smallest square or rectangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral section of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. The cumulative area of all sign elements of a sign structure shall constitute the total square footage. Attachments on the sign structure shall be measured by using the smallest rectangle encompassing the sign. The cumulative total of individual sign faces or elements shall constitute the square footage of the sign structure.

131. **Small Wind Energy System.** A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity that does not exceed 10kw, and is installed to reduce the on-site energy consumption.

132. **Specific use**. A use which may be suitable in certain locations in a zoning district if developed and operated under specific conditions and/or for a limited period of time

133. **Steep slope**. Areas that contain slopes over 15 percent grade and are characterized by increased runoff, erosion and sediment hazards.

134. **Storage building**. Any building either portable or constructed on-site, utilized for storage purposes, and not requiring plumbing and electrical wiring, and not used for residential purposes.

135. **Story**. The vertical distance between the floor and ceiling not to exceed fifteen (15) feet.

136. **Story, half**. A story under a gable, hip, gambrel roof, the floor area of which does not exceed more than seventy-five (75) percent of the area of the floor immediately below the half story.

137. **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.

138. **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.

139. **Structural alterations**. Any change in supporting members of a building such as load-bearing walls, columns, girders, beams or the entire roof.

140. **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.

141. **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.

142. **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.

143. **Surveyor**. A licensed state land surveyor or a registered public surveyor, as authorized by the state statutes to practice the profession of surveying.

144. **Tattoo studio.** A facility for the act or practice of marking the skin, with indelible patterns, pictures, legends or words, by making punctures in the skin and inserting pigments.

145. **Thoroughfare plan**. Street plan which is part of the comprehensive plan of the City of Seguin.

146. **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.

147. **Trailer**. See "Mobile home, Recreational vehicle or travel trailer."

148. **Trailer park**. See "Manufactured home park."

149. **Used car lot**. A lot or portion thereof to be used only for the display and sale of automobiles that are in condition to be driven on or off the lot. A used car lot shall not be used for the storage of wrecked automobiles, or the dismantling of automobiles, or the storage of automobile parts.

150. **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.

150. **Yard**. An open space between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise herein provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used. The minimum size of the yard shall be determined by the location of the Building Setback Line.