

**CITY OF SEGUIN
STATE OF TEXAS**

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS ADOPTING THE FIRST THREE CHAPTERS OF THE CITY OF SEGUIN UNIFIED DEVELOPMENT CODE; REPEALING ALL PARTS OF THE SEGUIN MASTER SUBDIVISION AND ZONING ORDINANCES THAT ARE IN CONFLICT WITH THESE CHAPTERS; ESTABLISHING TEMPORARY NON-CONFORMING USES; PROVIDING A SEVERABILITY CLAUSE; AUTHORIZING CITY STAFF TO PREPARE THIS ORDINANCE FOR SUBMISSION AS A SUPPLEMENT TO THE CODE OF ORDINANCES; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, over the last year City Staff, along with the Unified Development Code Committee and with input from the City Council and the Planning and Zoning Commission has been drafting a unified development code that will encourage better planning and development throughout the city and will be easier for the public to use; and

WHEREAS, after a number of iterations the first three chapters of the Unified Development Code have been completed; and

WHEREAS, on October 14, 2014, after public hearing the Planning and Zoning Commission voted to recommend to the City Council that the first three chapters of the Unified Development Code be adopted; and

WHEREAS, when completed the Unified Development Code will completely replace the Seguin Zoning and Master Subdivision Ordinances; and

WHEREAS, some of the zoning categories will change creating non-conforming uses that will require rezoning by the City at a later time; and

WHEREAS, adoption of the Unified Development Code will streamline the City's development process.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Seguin, Texas:

SECTION ONE. The City of Seguin Code of Ordinances is hereby amended by the adoption of the following to be known as the "Unified Development Code":

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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.

Chapter 1- General Provisions

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

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.

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.

Chapter 1- General Provisions

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:

- 1) Specific Use Permits
- 2) Preliminary Plats
- 3) Final Plats
- 4) 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, provided that the amount of such reduction shall not exceed 20 percent of the standard minimum

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:

- Adopt rules and procedures as necessary to provide for the orderly conduct of meetings.
- Maintain written minutes that record all actions taken by the HDRC and the reasons for taking such actions.

Chapter 1- General Provisions

1.2.4 Historic Design Review Committee (HDRC) cont.

- 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).
- Approve or disapprove applications for a Certificate of Appropriate Design pursuant to this chapter.
- Recommend specific design guidelines to ensure compatibility within the district.
- Recommend additional designations, district expansion, or other advisory functions such as abatements
- 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 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 Board is a seven (7) member Council appointed commission 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.

Chapter 1- General Provisions

1.2.7 Administrative Authority cont.

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

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.

Chapter 1- General Provisions

1.2.7 Administrative Authority cont.

C. Floodplain Administrator (cont.)

- 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

Chapter 1- General Provisions

1.2.7 Administrative Authority cont.

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.

Chapter 1- General Provisions

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.

Chapter 1- General Provisions

1.3.1 Nonconforming Uses

B. Nonconforming Use Standards cont.

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	

Chapter 1- General Provisions

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	

Chapter 1- General Provisions

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	

Chapter 1- General Provisions

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:

- Such platted lot was in existence under and in compliance with the provisions of the immediately prior Zoning Ordinance; or
- 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.
- 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.

Chapter 1- General Provisions

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 at time.
Sign Permit	180 days	A permit holder may apply for one extension of 180 days.
Site Plan	One year	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.

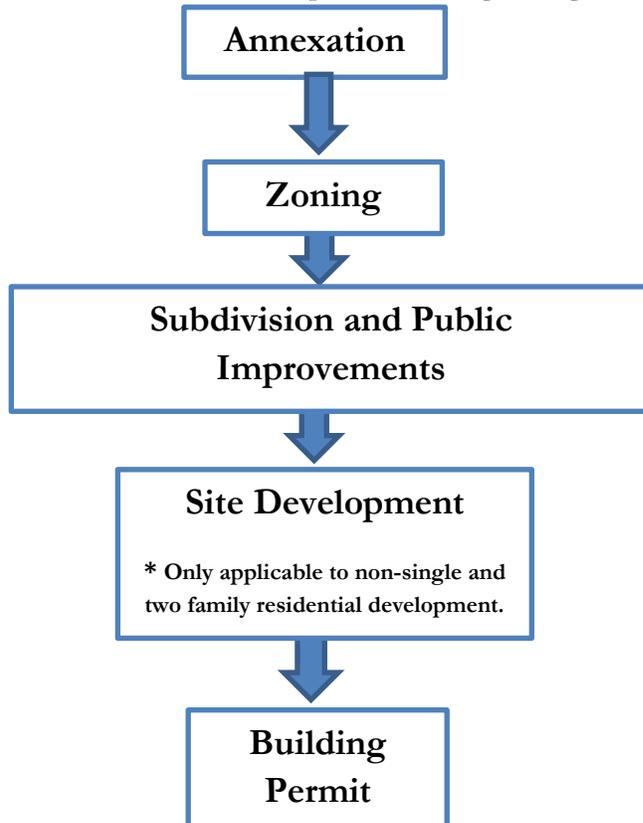
2.1.2 Chapter Components

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 and Development 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.



Chapter 2- Development Applications/ Development Review 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.

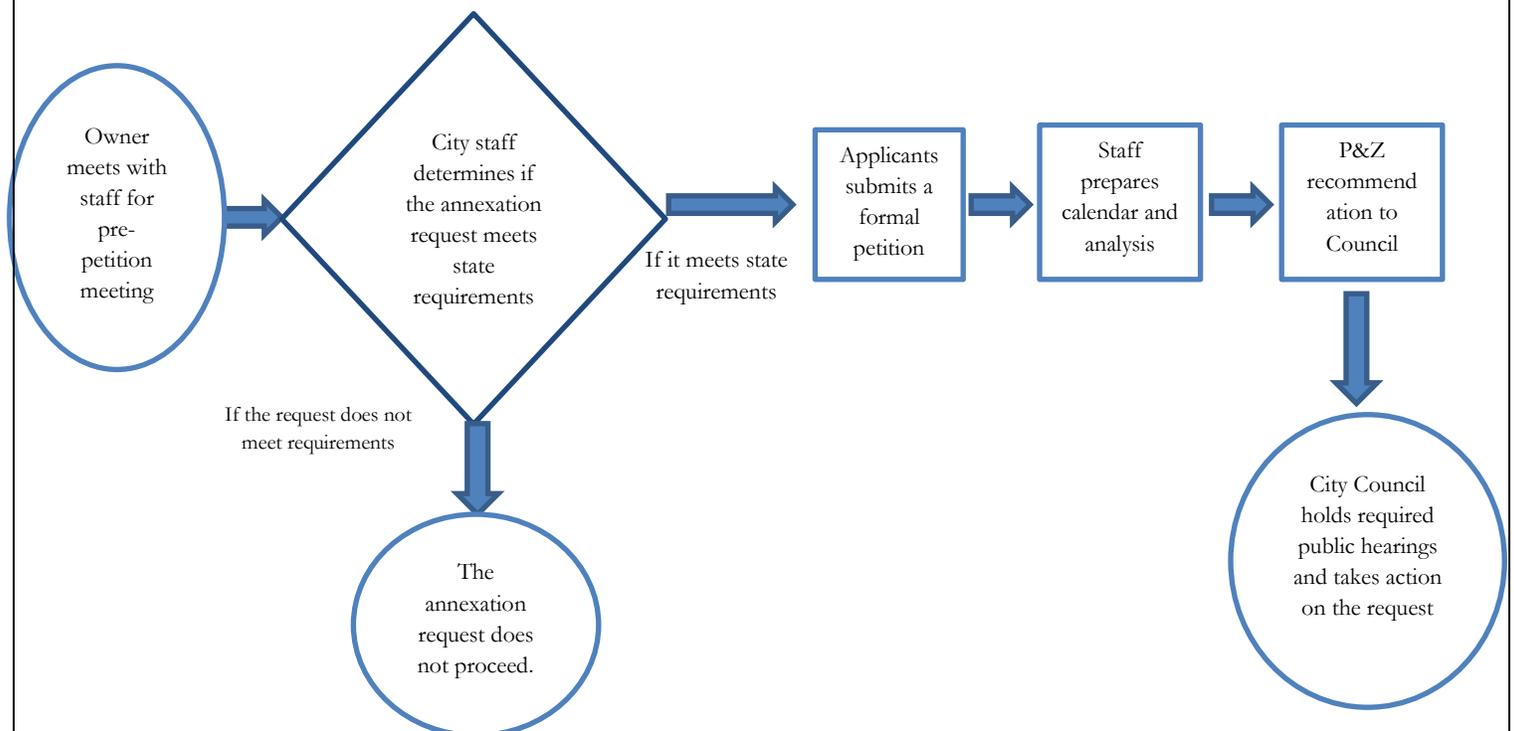
2.2.3 Criteria

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 Planning and Zoning Commission and 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.



Chapter 2- Development Applications/ Development Review Process

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.

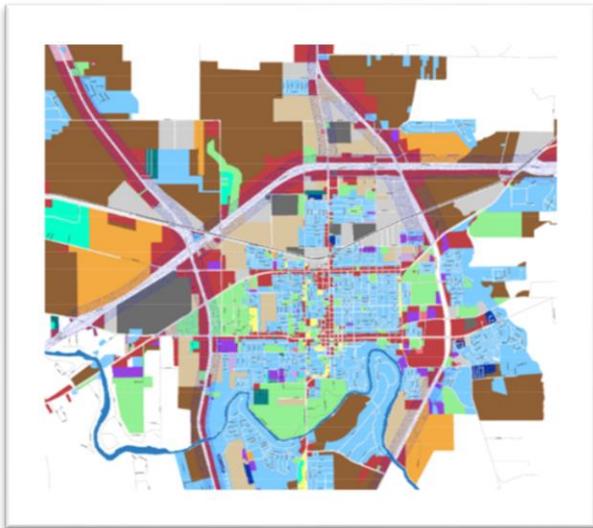
2.3.2 Applicability

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 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

Chapter 2- Development Applications/ Development Review Process

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.

Chapter 2- Development Applications/ Development Review Process

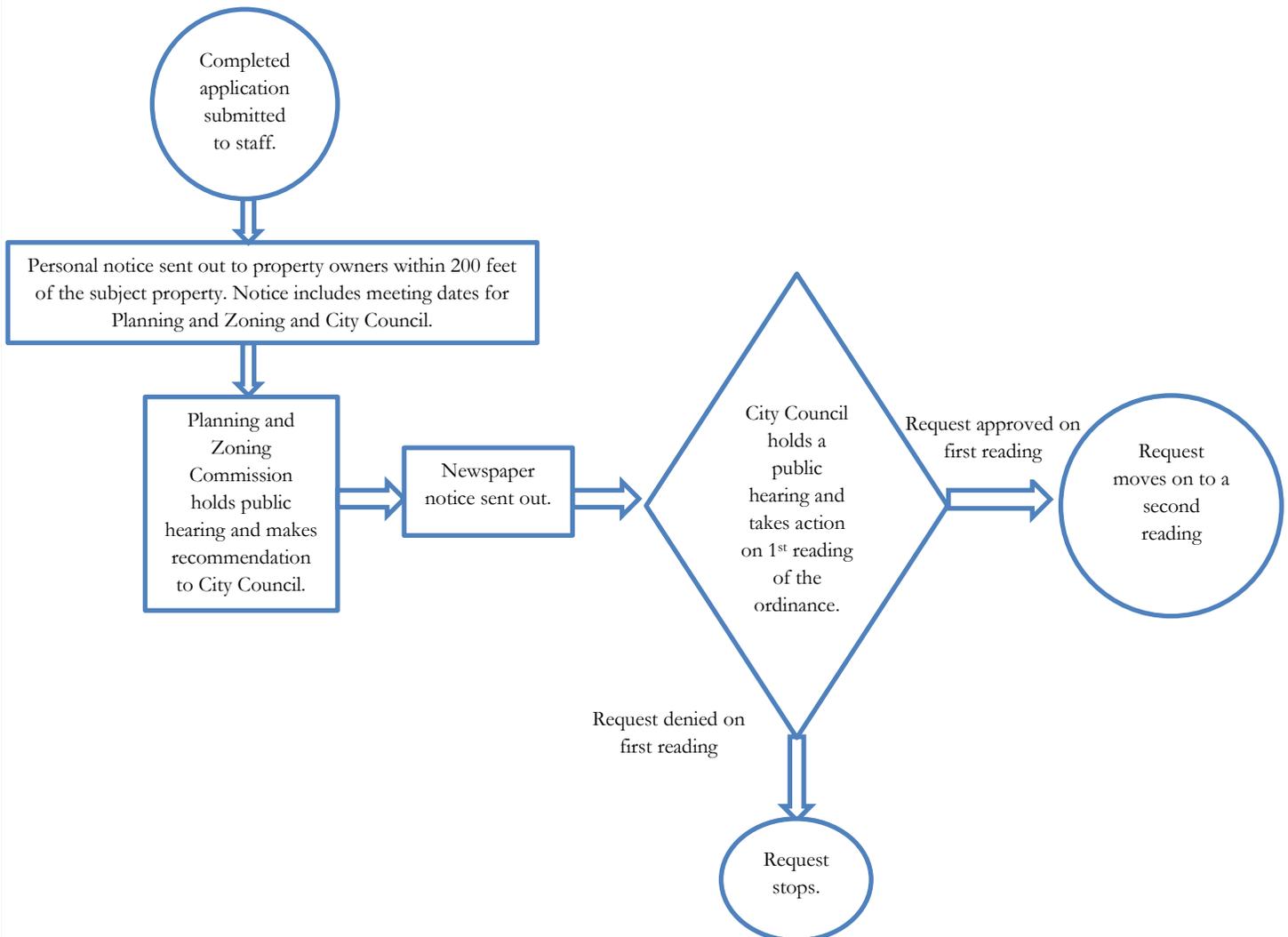
2.4.5 General Process

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.



Chapter 2- Development Applications/ Development Review Process

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

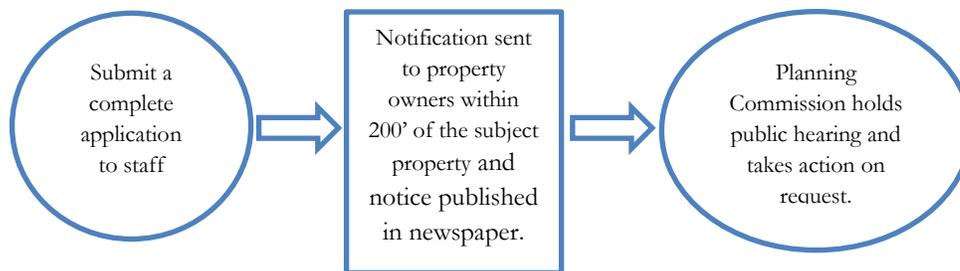
The purpose of this section is to outline the types of specific use permits and the criteria for approval for each.

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.

Chapter 2- Development Applications/ Development Review Process

2.5 General Process cont.

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.

Chapter 2- Development Applications/ Development Review Process

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.

Chapter 2- Development Applications/ Development Review Process

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.

Chapter 2- Development Applications/ Development Review Process

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

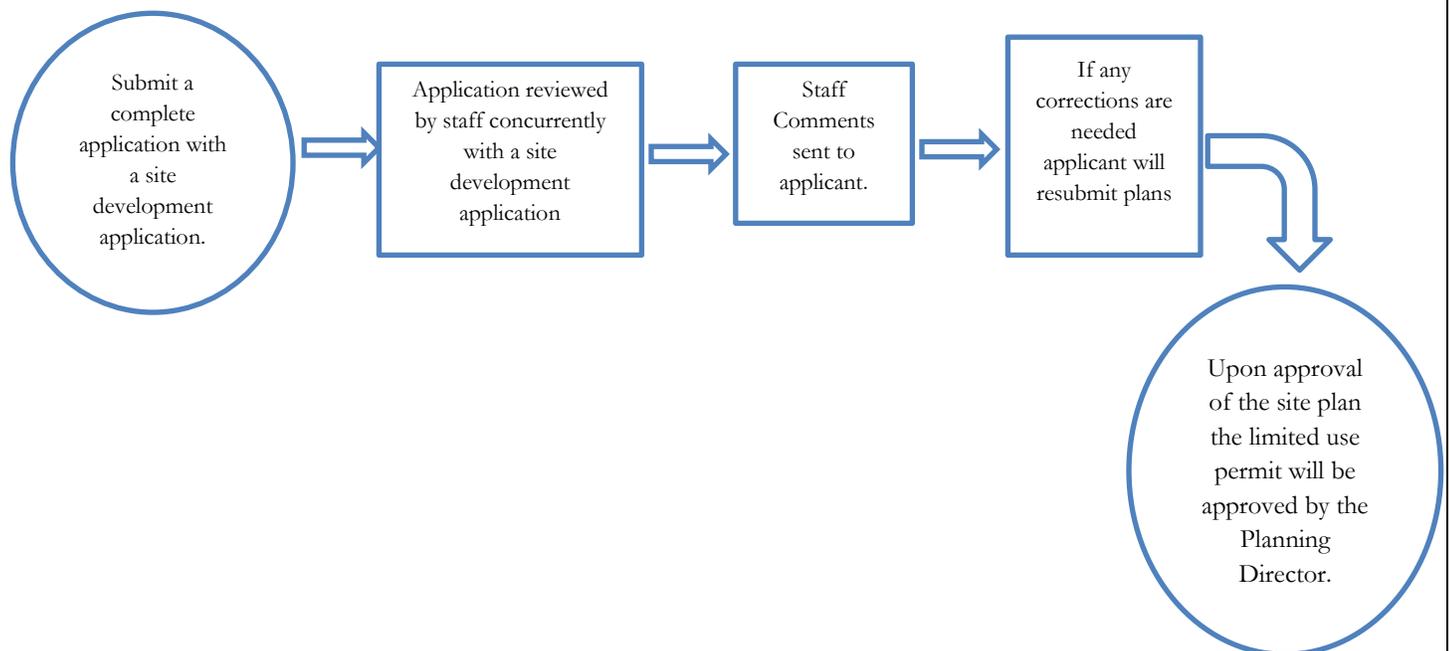
A Limited Use Permit is required to use or develop property within the City limits for any use designated as a limited use in the Land Use Matrix in Chapter 3 of this Unified Development Code for the zoning district in which the property is located.

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.



Chapter 2- Development Applications/ Development Review Process

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, provided that the amount of such reduction shall not exceed 20 percent of the standard minimum;
- 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.

Chapter 2- Development Applications/ Development Review Process

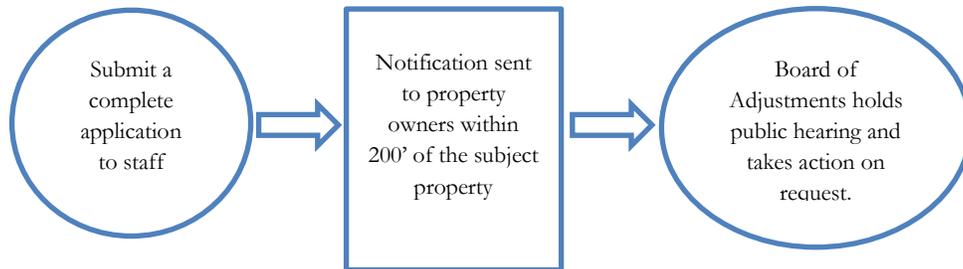
Section 2.7 Variances (Board of Adjustments)

2.7.4 Criteria for Approval cont.

- 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 Planning and Zoning Commission 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



Chapter 2- Development Applications/ Development Review Process

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

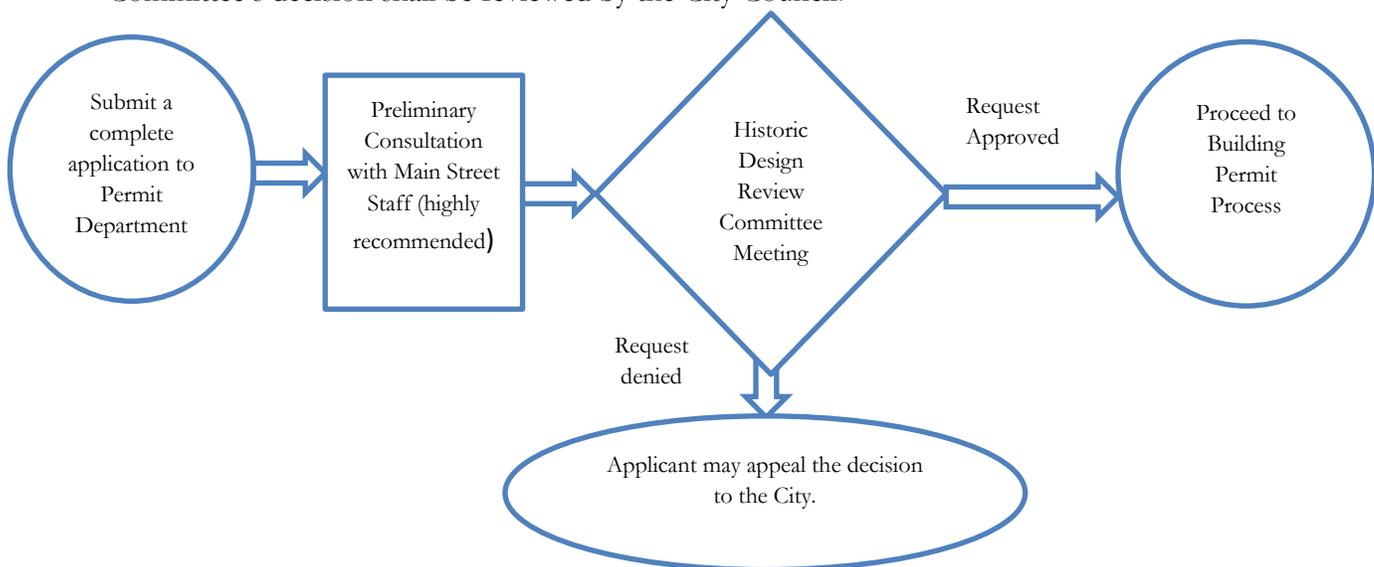
Any person carrying out any work that requires a permit for exterior alteration, restoration, reconstruction, new construction or moving of a landmark or property with a Historic Landmark Designation or located in a Historic District must first obtain a Certificate of Appropriate Design

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.



Chapter 2- Development Applications/ Development Review Process

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 *

* Except for final development plats- see that section for applicability in the ETJ

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; and
4. Creation of a remainder tract over 5 acres in size.

Chapter 2- Development Applications/ Development Review Process

Section 2.9 Subdivision Platting

E. Exceptions cont.

5. Acquisition of land for governmental purposes by dedication, condemnation, or easement

A plat exception may be requested prior to submitting an application for a building permits for structures on unplatted parcels. For the purposes of this article, an unplatted parcel is one that is not identified (or does not exist in the lot configuration identified) on a plat that is recorded in the Plat Records of Guadalupe County. Application for a Plat Exception shall be made on a form approved by the Planning Director and shall include documents of record of the title history of the tract, parcel, or lot. Please see technical manual or the application checklist for information required to be attached to the application. The requests for building permits shall apply for to the following:

- Accessory buildings (as otherwise permitted in accordance with the Seguin Zoning Ordinance);
- 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 building coverage in accordance with the Seguin Zoning Ordinance and does not adversely impact surrounding properties.

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;

- The property is zoned for single-family residential dwelling;
- The property has frontage on a public street; and
- The property has access to utilities

F. Time for Decision and General Process

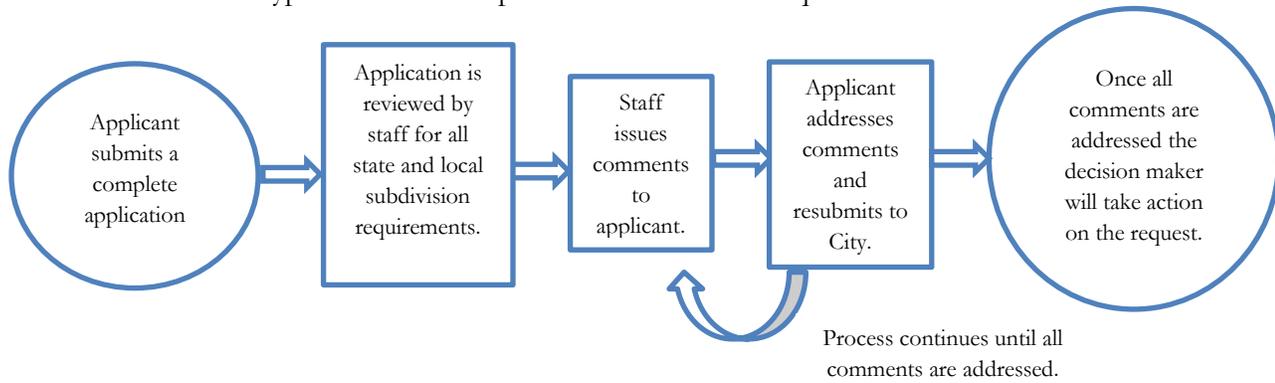
All plat applications shall be acted upon within 30 days from the official filing date unless a waiver is submitted. An applicant shall choose one of the following submittal options:

- 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.

Chapter 2- Development Applications/ Development Review Process

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.



Chapter 2- Development Applications/ Development Review Process

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.

Chapter 2- Development Applications/ Development Review Process

Section 2.9.1 Preliminary Subdivision Plat/ Process

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.

Chapter 2- Development Applications/ Development Review Process

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:

- Adequacy of public facilities;
- 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.

Chapter 2- Development Applications/ Development Review Process

Section 2.9.2 Final Subdivision Plat

D. Process cont.

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.

Chapter 2- Development Applications/ Development Review Process

2.9.3. Final Development Plat

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. Applicability

Development plats are required for all unplatted non-single family residential, commercial, and industrial properties before development occurs, in order to ensure that adequate easements and rights-of-way are provided on land that is not subject to typical subdivision platting requirements. Development means new construction or the enlargement of any exterior dimension of any building, structure, or improvement. No development shall begin, nor any building permit, utility connection permit, or similar permit be issued until a development plat has been reviewed and approved.

C. Criteria for Approval

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

1. The plat is consistent with all zoning requirements for the property.
2. The proposed configuration of roads, water, wastewater, drainage and park facilities conform to the stated requirements of this Unified Development Code.
3. The appropriate easements and right-of-way dedication have been identified on the plat.
4. The proposed plat is consistent with the stated goals of the comprehensive master plan.

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 approval by the City Engineer and Planning Director.
3. Action. A development plat may be approved by the Planning Director and City Engineer if all the qualifications are met.
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.

Chapter 2- Development Applications/ Development Review Process

Section 2.9.4 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.

Chapter 2- Development Applications/ Development Review Process

Section 2.9.5 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

Chapter 2- Development Applications/ Development Review Process

Section 2.9.5 Amending Plat

B. Applicability cont.

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 2.9.6 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.

Section 2.9.6 Replatting without vacating previous plat

D. Process cont.

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 or a newspaper and by written notice, to all property owners 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 this subsection, 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 2.9.7 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.

Section 2.9.7 Plat Vacation

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.

Chapter 2- Development Applications/ Development Review Process

Section 2.9.8 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.

Chapter 2- Development Applications/ Development Review Process

Section 2.10 Subdivision Variance Request

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	YES

2.7.2 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.

2.7.3 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, provided that the amount of such reduction shall not exceed 20 percent of the standard minimum;
- To vary the applicable minimum building setback requirements, lot coverage, and maximum building height;
- Subdivision regulations contained in Chapter 4 of the UDC.

2.7.4 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:

- A. That there are special or unique circumstances or conditions affecting the land involved such that the strict application of this ordinance would deprive the applicant of the reasonable use of his land.
- B. That the granting of the variance will not be detrimental to the public health, safety, welfare, or injurious to other property in the area.
- C. That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this ordinance. Such findings of the Planning Commission, together with the specified facts upon which such findings are based, shall be incorporated into the official minutes of the Planning Commission meeting at which such variance is granted. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute hardship.

Chapter 2- Development Applications/ Development Review Process

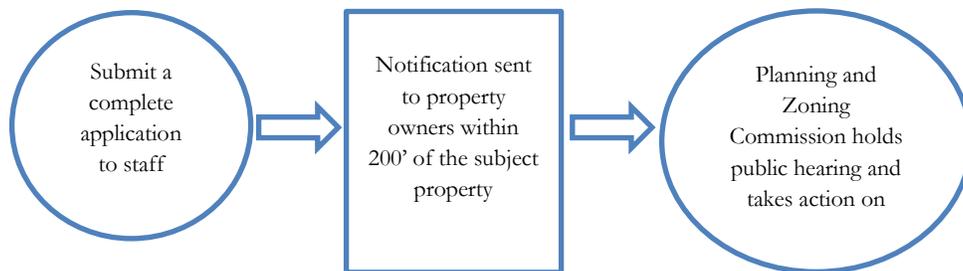
Section 2.7 Subdivision Variance Request

2.7.4 Criteria for Approval

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

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 Planning and Zoning Commission with a staff analysis of the request. Written notice of all Planning and Zoning Commissions 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



Chapter 2- Development Applications/ Development Review Process

Section 2. Public Improvements- Submittal of Plans through City Acceptance of Improvements

2.9.1 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

2.9.2 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).

2.9.3 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.

2.9.4 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.

2.9.5 Process

A. 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.

B. 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.

Chapter 2- Development Applications/ Development Review Process

2.9.5 Public Improvement Construction Plans

C. 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, Director of Utilities, 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.

1. 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.

2. 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

Chapter 2- Development Applications/ Development Review Process

Section 2.9.5 Public Improvement Construction Plans Process

C. Post Plan Approval cont.

3. 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.

D. 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.

E. 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

Chapter 2- Development Applications/ Development Review Process

Section 2.9.5 Public Improvement Construction Plans Process

E. Guarantee of materials and workmanship cont.

- 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.

Chapter 2- Development Applications/ Development Review Process

Section 2.9.5 Public Improvement Construction Plans Process

E. Guarantee of materials and workmanship cont.

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.

F. 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.

G. 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.

H. 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.

Chapter 2- Development Applications/ Development Review Process

Section 2.9.5 Public Improvement Construction Plans Process

H. Acceptance

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.

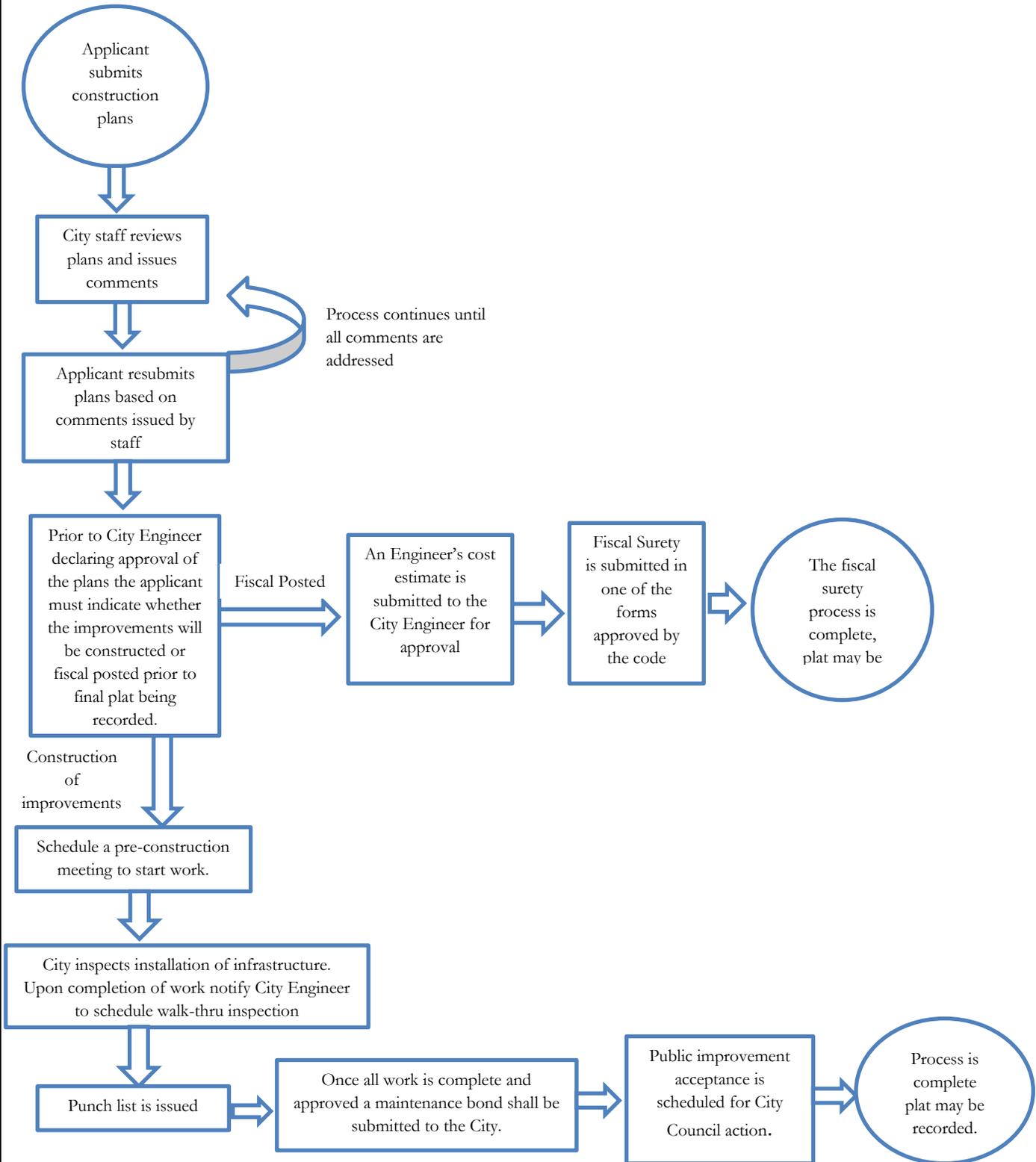
I. Deferral of required improvements

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.

Chapter 2- Development Applications/ Development Review Process

General Process.

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



Chapter 2- Development Applications/ Development Review Process

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:

- B.** Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
- C.** Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;
- D.** 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.
- E.** Description of the extent to which any watercourse or natural drainage will be altered or relocated as a proposed development.
- F.** 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;

Chapter 2- Development Applications/ Development Review Process

2.10.4 Criteria for Approval and Process cont.

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.

Chapter 2- Development Applications/ Development Review Process

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:

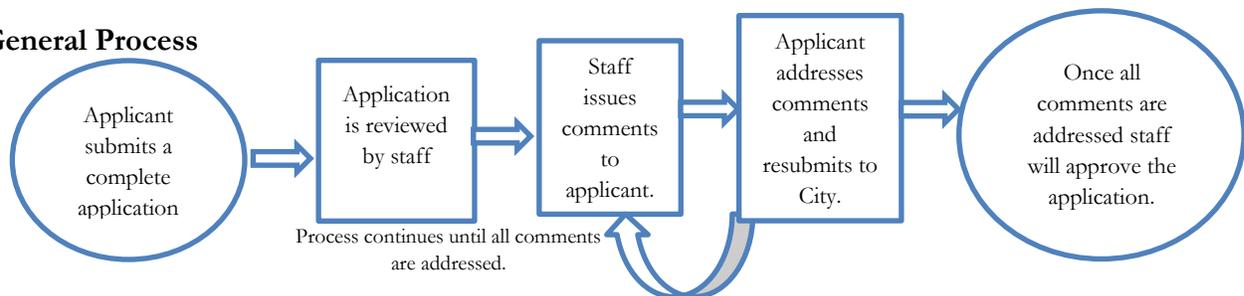
- A. The property is zoned to allow the proposed development.
- B. Any variances required to allow a proposed development have been approved.
- C. The subject property is appropriately platted.

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.

General Process



Chapter 2- Development Applications/ Development Review Process

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 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 platted.
- D. Site development permit (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.

Chapter 2- Development Applications/ Development Review Process Building Permits

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.

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.

Chapter 2- Development Applications/ Development Review Process Building Permits

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;

Chapter 2- Development Applications/ Development Review Process Building Permits

2.15.3 Permit Requirements cont.

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
- Pubic

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;

Chapter 2- Development Applications/ Development Review Process Building Permits

2.5.16 Denial of permit cont.

- 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.

Chapter 2- Development Applications/ Development Review Process Building Permits

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, 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.

Chapter 2- Development Applications/ Development Review Process Building Permits

2.16.3 Procedure for Requesting Variance

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.

Chapter 2- Development Applications/ Development Review Process Building Permits

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 or a property owner.
- B. Map Amendments. The Planning and Zoning Commission, the City Council, or a property owner may initiate a request for amendment of the Future Land Use Map or Thoroughfare Plan.

2.17.3 Processing a Request for Master Plan Amendment

A petition for amendment of the Master Plan shall be submitted to the Planning Director. The Director shall send out personal notice consistent with the notification required for a zoning change. 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 on the petition after receiving the report and recommendation of the Director. 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 petition for a Master Plan amendment. After a public hearing the City Council may approve, reject or modify the requested amendments by adoption of an ordinance. 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.

Chapter 3- Zoning and Land 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	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.

Chapter 3- Zoning and Land Use

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

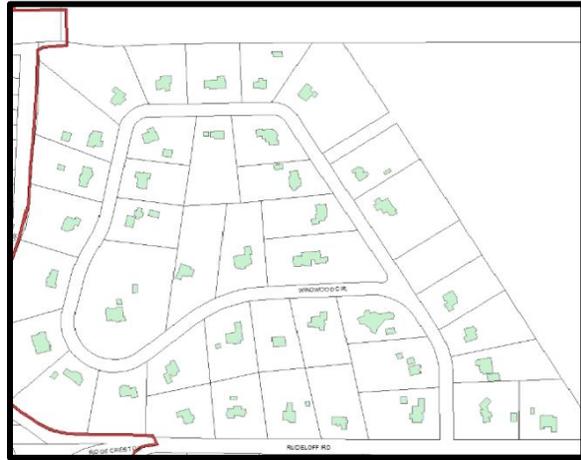
C. Site Development Requirements:

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

Chapter 3- Zoning and Land Use

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

Chapter 3- Zoning and Land Use

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

Chapter 3- Zoning and Land Use

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

Chapter 3- Zoning and Land Use

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

Chapter 3- Zoning and Land Use

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:

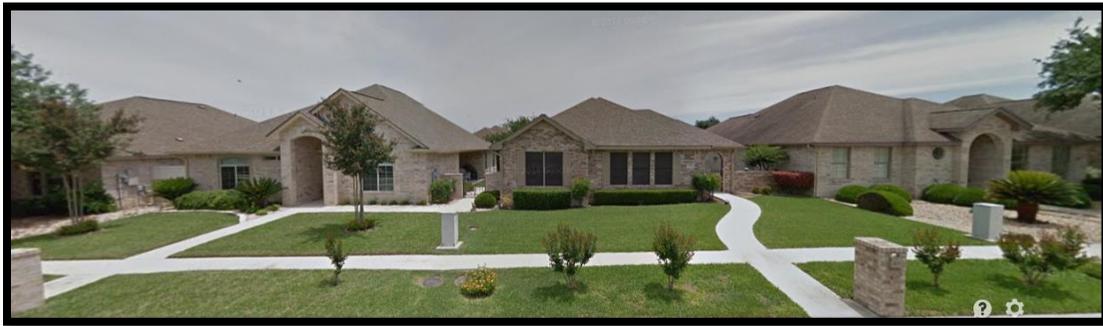
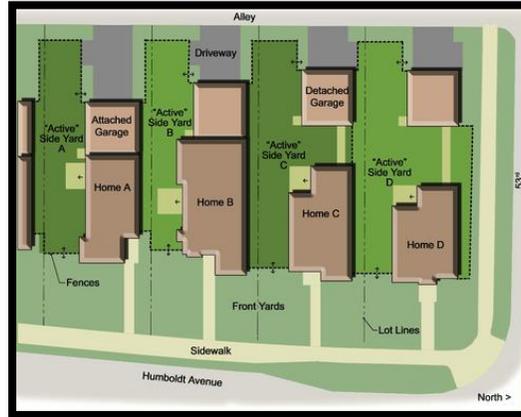
- Single-family home
- Two-family home
- Community Center
- Playground

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

Chapter 3- Zoning and Land Use

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

Chapter 3- Zoning and Land Use

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.

Chapter 3- Zoning and Land Use

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

Chapter 3- Zoning and Land Use

3.2.9 Multi-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

Chapter 3- Zoning and Land Use

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 | • Parking | • Fencing |
| • Buffering | • Tree Removal | • Detention and Drainage |
| • Screening | • Lighting | |

Chapter 3- Zoning and Land Use

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 nondegradable material which is compatible with the structure's exterior siding.

Chapter 3- Zoning and Land Use

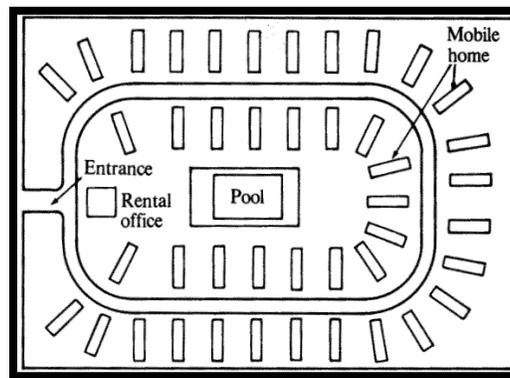
3.2.11 Manufactured and Residential (M-R)

D. Manufactured Home Standards cont.

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.

Chapter 3- Zoning and Land Use

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
- Community Center
- Park/Playground

C. Site Development Requirements

Chapter 5 contains information on the following site development requirements:

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

Chapter 3- Zoning and Land Use

3.2.12 Manufactured Home Park District (MHP)

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 nondegradable 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.
-

Chapter 3- Zoning and Land Use

3.2.12 Manufactured Home Park District (MHP)

Manufactured Home Standards

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

Chapter 3- Zoning and Land Use

3.2.12 Manufactured Home Park District (MHP)

J. Manufactured Home Standards cont.

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.

Chapter 3- Zoning and Land Use

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

Chapter 3- Zoning and Land Use

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

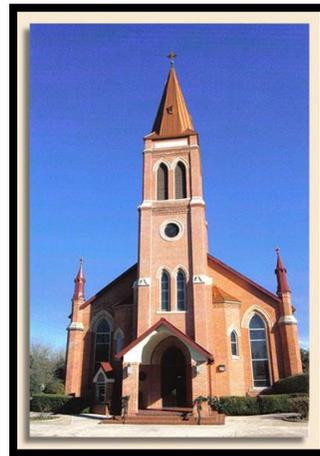
C. Site Development Requirements:

Chapter 5 contains information on the following site development requirements:

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

Chapter 3- Zoning and Land Use

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

Chapter 3- Zoning and Land Use

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

Chapter 3- Zoning and Land Use

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

Chapter 3- Zoning and Land Use

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;

Chapter 3- Zoning and Land Use

Section 3.2.18 Planning Unit Development (PUD)

B. Planned Unit Development subdivision requirements cont.

- 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 chapter**;
- 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 increase 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.

Chapter 3- Zoning and Land Use

Section 3.2.18 Planning Unit Development (PUD)

C. Procedure cont.

- (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 one (1) year from the approval of the PUD, the PUD shall lapse and be of no further effect. Reapplication shall be the same as an original application.

Chapter 3- Zoning and Land Use

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.

Chapter 3- Zoning and Land Use

Corridor Overlay Districts

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.

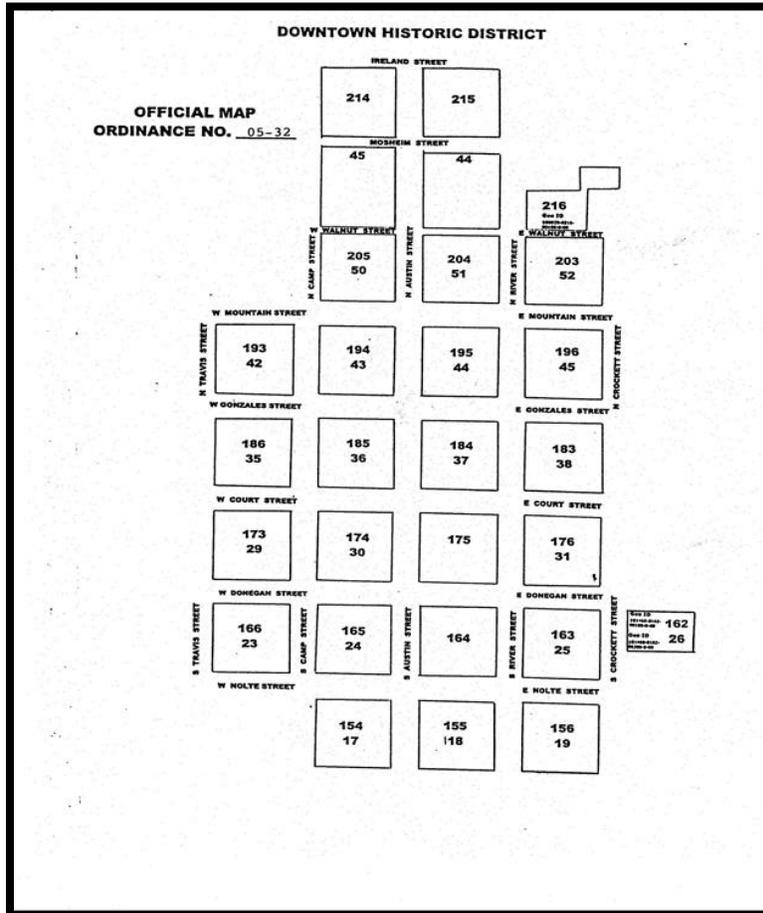
A. Building Materials and Design Requirements

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 Downtown Historic Overlay District



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.

Chapter 3- Zoning and Land Use

Downtown Historic Overlay District cont.

B. 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 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.

C. Uses

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

D. 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).

E. 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 *Interiors 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. These standards and guidelines shall be made available to property owners applying for an historic landmark designation.

F. 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 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 ordinance; 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.

Chapter 3- Zoning and Land Use

F. Designation of Historic Landmarks and Districts cont.

2. An historic landmark or historic 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.

G. 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 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.

H. 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. Deterioration of exterior walls or other vertical supports.
2. Deterioration of roofs or other horizontal members.

Chapter 3- Zoning and Land Use

H. Demolition by Neglect cont.

3. Deterioration of exterior chimneys.
4. Ineffective waterproofing of exterior walls, roof or foundations, including broken windows and doors.
5. Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety.

Should the HPO determine that this section is being violated; the HPO shall bring the matter before the HDRC for final determination, with a minimum thirty days' notice to the owner of the property. The HPO may 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.

I. 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.

J. 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.

K. 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.

Chapter 3- Zoning and Land Use

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 be 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.

Chapter 3- Zoning and Land Use

Residential Uses

	A-R	RR	SR	R-1	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	-	S	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	-	-	-	-	-	-	-	-	-
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	RR	SR	R-1	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	-	-	-

Chapter 3- Zoning and Land Use

Educational and Daycare Facilities

	A-R	RR	SR	R-1	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	-	-	P
University/ College	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	P

Government and Community Facilities

	A-R	RR	SR	R-1	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
Park/Playgrounds	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Medical Facilities

	A-R	RR	SR	R-1	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 Workshop

	A-R	RR	SR	R-1	DP-1	DP-2	ZL	MF 1,2,3	MR	MHP	NC	C	P	LI	I	DHD
Religious Assembly Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P

Overnight Accommodations

	A-R	RR	SR	R-1	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	P	-	-	-	L
RV Park	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-

Chapter 3- Zoning and Land Use

Entertainment/Recreation

	A-R	RR	SR	R-1	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	-	-	-	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	RR	SR	R-1	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	-

Chapter 3- Zoning and Land Use

Transportation and Utility Uses

	A-R	RR	SR	R-1	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	-

Industrial Uses

	A-R	RR	SR	R-1	DP-1	DP-2	ZL	MF 1,2,3	MR	MHP	NC	C	P	LI	I	DHD
Auto Crushing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	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	-
Petroleum bulk stations and terminals	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-
Recycling center (outside)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-
Recycling center (inside)	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-
Salvage yard	-	--	-	-	-	-	-	-	-	-	-	-	-	-	P	-
Scrap processing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-
Self-Storage (no outside storage)	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	-
Truck Stop	-	-	-	-	-	-	-	-	-	-	-	S	-	S	P	-
Warehouse with no outdoor storage	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	-
Warehouse with outdoor storage	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-

Chapter 3- Zoning and Land Use

Retail/Services

	A-R	RR	SR	R-1	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	-	-	-	-	-	-	-	-	-	-	L	P	-	-	-	P
Financial Institution without Drive-Thru	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	P
Pay-Day Loan Office	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	S
Bail Bonds	-	-	--	-	-	-	-	-	-	-	-	P	-	-	-	S
Funeral Home	-	-	-	-	-	-	-	-	-	-	S	P	-	-	-	P
Gasoline service station	-	-	-	-	-	-	-	-	-	-	L	P	-	P	P	-
Manufactured Home Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-
Office, professional	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P
Pawn Shop	-	-	-	-	-	-	-	-	-	-	-	P	-	--	-	S
Restaurant with drive thru *	-	-	-	-	-	-	-	-	-	-	L	P	-	P	-	L
Restaurant without drive-thru*	-	-	-	-	-	-	-	-	--	-	P	P	-	P	-	P
Retail/Service with drive-thru	-	-	-	-	-	-	-	-	-	-	L	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**

Chapter 3- Zoning and Land Use

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;

Chapter 3- Zoning and Land Use

3.5.3 Development Standards

C. Modular and Industrialized Housing Requirements cont.

- 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.

Chapter 3- Zoning and Land Use

Limited Uses

3.5.3 Development Standards

F. Bar/ Nightclub

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.

Chapter 3- Zoning and Land Use

3.5.3 Development Standards

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, financial institutions, and restaurants)

Drive-through facilities in the “NC” zoning district and 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. Gasoline Service Station

Gasoline service stations in the “NC” zoning district shall be subject to a limited use permit and the following requirements:

1. Gasoline pumps or dispensers and canopies shall be located no closer than 20 feet from any property line.
2. When a vehicle fuel station adjoins any lot in a residential zoned property a minimum 6-foot-high masonry wall shall be erected and maintained along such property line

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.

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.

Chapter 3- Zoning and Land Use

3.5.3 Development Standards

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:

- Must be located on a major arterial roadway as defined on the City's thoroughfare plan;
- Must be located on a corner;
- 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.

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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	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	12,000 sf	6,200 sf	3,400 sf	Minimum of 21,780sf for the first three dwelling units; each additional dwelling unit shall have a minimum of 7,260sf	Minimum of 10,890sf for the first three dwelling units; each additional dwelling unit shall have a minimum of 3,630sf	Minimum of 7,275sf for the first three dwelling units; each additional dwelling unit shall have a minimum of 2,425 sf	5,000 sf
Lot Area (corner lot) Min.	10 acres	43,560 sf	20,000 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'	100'	60'/75'	40'	100'	100'	75'	50'/60'
Lot Depth Min.	200'	200'	100'	100'	120'	90'	85'	100'	100'	100'	100'
Units per acre Max.	-	1	2	8	6	14		6	12	20	8
Front Yard Setback Min.	40'	40'	25'	25'	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'	10'	10'	10'	10'	15'
Rear Yard Setback (Accessory Structure) Min.	20'	20'	20'	5'	5'	5'	5'	10'	10'	10'	5'
Side Setback (internal lot) Min.	20'	20'	10'	5'	10'	6'	See district info	10'	10'	10'	5'
Side Setback (corner lot) Min.	25'	25'	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	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	45 feet or 3 stories	45 feet or 3 stories	30' or 2 ½ stories

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Section 3.6.2 Standards- Non-residential Districts

	NC	C	P	LI	I
Lot Area (internal lot)	6,000 sf				
Lot Area (corner lot)	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.	75% of lot area	75% 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

- 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 requirements

SECTION TWO. For any property whose current zoning is in conflict or different than the zoning adopted by this Ordinance, that property shall keep its current zoning as a temporary non-conforming use until the City undertakes the formal process to change effected zoning. In the interim, should a property owner decide to develop a property labelled as a temporary non-conforming use the City will waive the fees associated with the zoning change process.

SECTION THREE. All portions of the City of Seguin Master Subdivision Ordinance and the City of Seguin Zoning Ordinance that are in conflict with the Unified Development Code are repealed. All other Sections of said Ordinances remain in full force and effect.

SECTION FOUR. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION FIVE. All ordinances and resolution or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION SIX. City staff is authorized to prepare this Ordinance for submission as a supplement to the Seguin Code of Ordinances.

SECTION SEVEN. This ordinance shall be effective upon ten (10) days following passage on second reading and shall be published in a newspaper of general circulation.

PASSED AND APPROVED on the first reading this 21st day of October, 2014.

PASSED AND APPROVED on the second reading this 4th day of November, 2014.

DON KEIL
Mayor

ATTEST:

Thalia Stautzenberger
City Secretary