ZONING ORDINANCE

CITY OF

SEGUIN, TEXAS

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TABLE OF CONTENTS

Section 1. Purpose
Section 2. Amendments, procedures, filing fee and appeals
- A. Procedure
- B. Public hearings
- C. Joint meeting
- D. Protests and recommendations for denial
- E. Appeals for specific use permits
- F. Administrative cost

Section 3. Official zoning map

Section 4. Zoning Definitions

Section 5. Specific Use Permit
- A. Purpose
- B. Permit required
- C. Application procedure
- D. Public hearings
- E. A Specific Use Permit shall be issued....
- F. Additional conditions
- G. Time limit
- H. Revocation
- I. Amendments
- J. Appeals for Specific Use Permits
- K. Processing Fee

Section 6. New & Unlisted Uses

Section 7. Conformance to Master Plan

Section 8. Prohibited Use

Section 9. Newly Annexed Territory

Section 10. List of Zoning Districts

Section 11. PD Pre-Development District
- A. Purpose
- B. Permitted uses
- C. Specific uses (require use permits)
- D. Prohibited uses
- E. Area requirements

Section 12. RE Residential Estate District
- A. Principal uses
- B. Uses permitted with a Specific Use Permit
- C. Prohibited uses
- D. Area requirements

Section 13. SR Suburban Residential District
- A. Principal uses
- B. Uses permitted with a Specific Use Permit
- C. Prohibited uses
- D. Area requirements

Section 14. R-1 Single-Family Dwelling District
- A. Principal uses
- B. Uses permitted with a Specific Use Permit
- C. Prohibited uses
- D. Area requirements

Section 15. DP-1 Duplex or Two-Family Dwelling District
- A. Principal uses
- B. Uses permitted with a Specific Use Permit
- C. Prohibited uses
- D. Area requirements

Section 16. DP-2 Duplex or Two-Family Dwelling District
- A. Principal uses
- B. Uses permitted with a Specific Use Permit
- C. Prohibited uses
- D. Area requirements

Section 17. TH-1 Townhouse Residential District
- A. Principal uses
- B. Uses permitted with a Specific Use Permit
- C. Prohibited uses
- D. Area requirements

Section 18. ZL Zero Lot Line Home District
- A. Principal uses
- B. Uses permitted with a Specific Use Permit
- C. Requirements
- D. Area regulations for ZL Zero Lot Line Construction

Section 19. A-R Agricultural Ranch District
- A. Purpose
- B. Principal uses
- C. Uses permitted with a Specific Use Permit
- D. Prohibited uses

E. Area requirements

Section 20. MF-1 Multi-Family Dwelling District
A. Principal uses
B. Uses permitted with a Specific Use Permit
C. Prohibited uses
D. Area requirements

Section 21. MF-2 Multi-Family Dwelling District
A. Principal uses
B. Uses permitted with a Specific Use Permit
C. Prohibited uses
D. Area requirements

Section 22. MF-3 Multi-Family Dwelling District
A. Principal uses
B. Uses permitted with a Specific Use Permit
C. Prohibited uses
D. Area requirements

Section 23. Manufactured Home Standards

Section 24. MHP Manufactured Home Park District
A. Principal uses
B. Uses permitted with a Specific Use Permit
C. Prohibited uses
D. Required conditions
E. Area requirements
F. Open space requirements
G. Perimeter treatment and setbacks
H. Parking and storage requirements
I. Standards for internal streets
J. Operational and maintenance standards
K. Fees

Section 25. MHS Manufactured Home Subdivision District
A. Principal uses
B. Uses permitted with a Specific Use Permit
C. Prohibited uses
D. Required conditions
E. Area requirements

Section 26. M-R Manufactured Home and Residential District
A. Use restrictions
B. Prohibited uses
C. Area requirements

Section 26.1. I-H Industrialized Housing
A. Zoning districts allowed

B. Regulation of Single-Family and Duplex Industrialized Housing

Section 27. P Public Use
A. Principal uses
B. Uses permitted with a Specific Use Permit
C. Prohibited uses
D. Area requirements

Section 28. M Mixed Use
A. Permitted uses
B. Prohibited uses

Section 29. DHD Downtown Historic District
A. Principal uses
B. Uses permitted with a Specific Use Permit

Section 29.1. Downtown Historic District Design Review
A. Purpose
B. Historic Design Review Committee (HDRC)
C. Appointment of Historic Preservation Officer
D. Role of Historic Preservation Officer
E. Designation of Historic Landmarks and Districts
F. Certificate of Appropriate Design
G. Enforcement
H. Ordinary maintenance
I. Demolition by neglect
J. Demolition
K. Penalties
L. Appeals
M. Fees

Section 30. O-P Office Professional District
A. Purpose
B. Principal uses
C. Uses permitted with a Specific Use Permit
D. Prohibited uses
E. Area requirements

Section 31. R Retail District
A. Purpose
B. Principal uses
C. Uses permitted with a Specific Use Permit
D. Area requirements

Section 32. C Commercial District
A. Purpose
B. Principal uses
C. Uses permitted with a Specific Use Permit
D. Prohibited uses

E. Area requirements
F. Custom Slaughter Facility requirements

Section 32.1. IH 10 Corridor Overlay District
A. Applicability
B. Specific Use Permit
C. Approved Facade Materials
D. Sidewalks
E. Landscape requirements
F. Signage
G. Area requirements
H. Outdoor storage
I. Garbage container screening
J. Manufactured housing, sales lots, or temporary offices
K. Exceptions and variances
L. Enforcement and remedies

Section 32.2. SH 46 Corridor Overlay District
A. Applicability
B. Specific Use Permit
C. Approved facade materials
D. Sidewalks
E. Landscape requirements
F. Signage
G. Area building requirements
H. Outdoor storage
I. Garbage container screening
J. Manufactured housing, sales lots, or temporary offices
K. Exceptions and variances
L. SH 46 Corridor Overlay District map

Section 32.3. SH 123 Corridor Overlay District
A. Applicability
B. Specific Use Permit
C. Approved facade materials
D. Sidewalks
E. Landscape requirements
F. Signage
G. Area building requirements
H. Outdoor storage
I. Garbage container screening
J. Manufactured housing, sales lots, or temporary offices
K. Exceptions and variances
L. SH 123 Corridor Overlay District map

Section 32.4. North State Hwy. 123 Bypass Corridor Overlay District (from East I.H. 10 south to E. Kingsbury St.)

A. Applicability
B. Specific Use Permit
C. Approved facade materials
D. Sidewalks
E. Landscape requirements
F. Signage
G. Area requirements
H. Outdoor storage
I. Garbage container screening
J. Manufactured housing, sales lots, or temporary offices
K. Exceptions and variances
L. Enforcement and remedies
M. North State Hwy. 123 Bypass Corridor Overlay District map

Section 32.5. F.M. 725 Corridor Overlay District

A. Applicability
B. Specific Use Permit
C. Approved facade materials
D. Sidewalks
E. Landscape requirements
F. Signage
G. Area requirements
H. Outdoor storage
I. Garbage container screening
J. Manufactured housing, sales lots, or temporary offices
K. Exceptions and variances
L. Enforcement and remedies
M. F.M. 725 Corridor Overlay District map

Section 32.6. State Hwy. 123 South Corridor Overlay District

A. Applicability
B. Specific Use Permit
C. Approved facade materials
D. Sidewalks
E. Landscape requirements
F. Signage
G. Area requirements
H. Outdoor storage
I. Garbage container screening
J. Manufactured housing, sales lots, or temporary offices
K. Exceptions and variances
L. Enforcement and remedies

M. State Hwy. 123 South Corridor Overlay District map

Section 33. LI Light Industrial District
A. Purpose
B. Principal uses
C. Uses permitted with a Specific Use Permit
D. Prohibited uses
E. Area requirements
F. Custom Slaughter Facility requirements

Section 34. I Industrial District
A. Principal uses
B. Specific uses (require specific use permits)
C. Prohibited uses
D. Area requirements
E. Custom Slaughter Facility requirements

Section 35. P.U.D. Planned Unit Development District
A. Purpose
B. Permitted uses
C. Uses permitted with a Specific Use Permit
D. Prohibited uses
E. Area requirements
F. Procedure

Section 36. General Landscape Ordinance
A. Applicability
B. Definitions
C. Required landscape installation & improvements
D. Plan approval
E. Variances, appeals, extensions
F. Tree & Landscape Committee Established
G. Offense
H. Penalties

Section 36.1. Oak Wilt Ordinance
A. Definitions
B. Oak Wilt Abatement & Treatment
C. Penalties

Section 36.2. Garbage Container Screening Requirements
A. Definition
B. Jurisdiction
C. Visual screening requirement
D. Site plan approval
E. Materials & design
F. Maintenance
G. Visibility clearance

H. Exceptions & variances
I. Enforcement & remedies

Section 36.3. Fence Requirements
A. Definitions
B. Permit Required
C. Permit Fee
D. Construction Materials
E. Location and Height Regulations
F. Maintenance
G. Utility Easements
H. Exceptions & Variances

Section 37. Communication Towers
A. Definitions
B. Permits required
C. Exemptions
D. Location of towers and design elements
E. Shared use
F. Maintenance and inspections
G. Appeal and variance procedures
H. Penalty for violation

Section 37.1 Small Wind Energy Systems (SWES)
A. Definitions
B. General Regulations

Section 38. Sexually-Oriented Businesses
A. Definitions
B. Location of Sexually Oriented Businesses
C. Gender and number
D. License required
E. Issuance of license
F. License fees for Sexually Oriented Businesses
G. Inspection
H. Expiration of license
I. Suspension
J. Revocation
K. Appeal
L. Transfer of license
M. Signage
N. Exceptions
O. Injunction
P. Severability clause

Section 39. Off-Street Parking
A. Minimum requirements
B. Design and construction standards

Section 40. Nonconforming uses
A. General policy
B. Nonconforming structures
C. Nonconforming uses of structures
D. Repairs and maintenance

Section 41. Board of Adjustments, Quorum, Procedures
A. Organization
B. Proceedings and appeals
C. Powers of Board of Adjustments

Section 42. Enforcement and Remedies
A. Director of Planning
B. Right to Enter
C. Stop Orders
D. Penalty
E. Additional remedies

Section 43. Conflicting Ordinances

Section 44. Savings Clause

Section 45. Effective Date

EXHIBIT A Space Requirements for Off-street Parking

EXHIBIT B Entrance and Exit Curb Return Requirements

EXHIBIT C Specifications for Off-street Parking – Lot Pavement Construction

EXHIBIT D Specifications for Off-street Parking – Drainage Facilities

APPENDIX A Not Protected Species

APPENDIX B Recommended Plant List

APPENDIX C Design Examples

APPENDIX D Downtown Historic District Map

STATE OF TEXAS

ORDINANCE NO. 884

CITY OF SEGUIN

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS, CREATING A GENERAL ZONING ORDINANCE OF THE CITY OF SEGUIN, BY ADOPTING A NEW GENERAL ZONING ORDINANCE; REGULATING AND RESTRICTING THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND; DECLARING THE PURPOSE; PROVIDING FOR CHANGES AND AMENDMENTS; ESTABLISHING AN OFFICIAL ZONING MAP; ESTABLISHING DEFINITIONS; DESIGNATING DISTRICTS; PROHIBITING USES; PROVIDING FOR NEWLY ESTABLISHED TERRITORY; SETTING FORTH USE RESTRICTIONS IN THE SEVERAL DISTRICTS; ESTABLISHING LAND COVERAGE; PROVIDING FOR PARKING; PROVIDING FOR SETBACK; DEFINING NONCONFORMING USES; PROVIDING FOR A BOARD OF ADJUSTMENT; PROVIDING ENFORCEMENTS AND REMEDIES; CLARIFYING CONFLICTING ORDINANCES; PROVIDING FOR A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS, that the following Ordinance shall be the General Zoning Ordinance of the City of Seguin from and after its passage by the City Council:

Section 1. Purpose.

A. For the purpose of promoting health, safety, morals, and for the protection and preservation of places and areas of historical, cultural importance and significance, and for the general welfare of the community, it has been deemed expedient and necessary to regulate and restrict the height, number of stories, size of buildings and other structures, the percentage of the lot that may be occupied, the size of yards, courts and other open spaces, density of population, the location and use of buildings, structures, land designated to be used for residential, commercial, trade, industry or other purposes; and, in the case of designated places and areas of historical and cultural importance, to regulate and restrict the construction, alteration, reconstruction, or razing of buildings and other structures.

B. The regulations contained herein have been made with reasonable consideration in accordance with and designed to conform to, a comprehensive plan,

bearing in mind the character of the district, its peculiar suitability for particular uses, the conservation of the value of buildings; and to encourage the most appropriate use of the land within the area. Of paramount concern has been to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and general welfare of the citizens; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

Section 2. Amendments, procedures, filing fee and appeals from decision of the Commission.

The City Council may from time to time amend, supplement or change by ordinance the boundaries of the districts or the regulations herein established.

A. Procedure: Before taking action on any proposed amendment, supplement or change:

1. The Commission shall hold public hearings thereon before submitting its recommendation.

2. a. Applications for a zoning change shall be made on forms provided by the City.

   b. The same zoning request shall not be considered on any parcel more than once in any twelve (12) month period of time unless the 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.

   c. The staff shall review all zoning requests, and provide the Commission with their concerns and comments, and make sure that the Commission has sufficient information to make a recommendation.

3. Written notice of all public hearings on proposed changes in classifications shall be sent to all owners of property, or to the person rendering the property for City taxes, affected by such proposed changes in classifications and to all owners of property, or to the person rendering the property for City taxes, located within two hundred (200) feet of any property affected thereby within not less than ten (10) days before any such hearing is held. Such notice may be served by depositing the same, properly addressed and postage-prepaid, in the City post office. Where property lying within two hundred (200) feet of the property proposed to be changed is located in territory which was annexed to the City after the final date of making renditions which are included on the last approved City tax roll, notice to such owners shall be given by publication in the manner provided by (this) paragraph 3.

B. Public hearings: After receipt of the final report from the Commission, a public hearing shall be held by the City Council before adopting any proposed amendment, supplement or change. Notice of such 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. Joint meeting: In cases where the City Council deems it feasible and practicable to do so, public hearings provided for herein to be held before the Commission and the City Council, respectively, may be held jointly before the Commission and Council, and the City Council shall not take final action until it has received the final report of the Commission.

D. Protests and recommendations for denial:

1. In case of a written protest against any change in zoning, signed by the owners of twenty (20) percent or more either of the area of the lots or land included in such

proposed change, or of the lots or land immediately adjoining the same and extending two hundred (200) feet therefrom, such amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all the members of the legislative body of the City of Seguin.

2. A vote of three-fourths (3/4) of all the members of the legislative body of the City of Seguin is also required to overrule a recommendation of the Commission that the proposed amendment, supplement or change be denied.

E. Appeals for specific use permits: Any resident of, or duly recorded owner of property within the City of Seguin, jointly or severally, aggrieved by any decision of the Commission, may present to the City Council a statement, duly verified, setting forth that such decision is unjust, in whole or in part, specifying the ground of injustice. Such statement shall be presented to the Council within ten (10) days after the final decision of the Commission, and not thereafter, for notification, in accordance with Section 2.A.3. of this ordinance, and calling of a public hearing to act on the appeal.

F. Administrative cost: The Commission, with the concurrence and approval of the City Council, shall determine and set forth a fee schedule for the purpose of recovering the administrative cost of processing zoning and subdivision requests and the public hearings called for by this article. Such fee shall be paid by the applicant and shall not be designed for restricting an applicant's ability to seek a hearing and/or generate revenue for other than recovery of actual administrative costs incurred by the City.

Section 3. Official zoning map.

The official zoning map of the City of Seguin shall be kept in the official files of the City Secretary. Certified copies shall be maintained in the office of the City Manager, the Director of Planning, the official files of the Commission, the Building Inspector, the City Engineer and the office of the Tax Assessor-Collector. The map

entitled "Zoning Map of the City of Seguin, Texas," shall constitute an official part of this ordinance as hereinafter set out. The boundaries of the districts referred to in this ordinance are indicated upon the zoning map of the City which is adopted with and declared to be a part of this chapter (appendix). All notations, references and other information shown upon said zoning map are hereby made a part of this ordinance, and shall be considered as much a part of the same as if the matters of information set forth thereby were all fully contained and described herein. Such map shall, on the face, be identified and verified in the following manner: It shall bear the title "Zoning Map of the City of Seguin, Texas," and shall bear the names of the governing body, the City Manager, the Director of Planning, the Chairman of the Commission and the date of its adoption. It shall bear the signature of the Mayor, attested by the City Secretary, and the official seal of the City affixed thereto. Changes and amendments shall be properly noted and dated.

Section 4. Zoning Definitions

For the purpose of clarification, it is the intent of this ordinance that the following words or phrases shall be interpreted to have the meaning as outlined below:

1. **Accessory building:** In a residential district, a subordinate building, attached to or detached from the main building, without separate utilities, and not used for commercial purpose or rented. It may be used as servants' quarters, a washroom, storage room for domestic storage belonging to the owner or tenant only, or a space for one or more automobiles owned by the owner, tenant or guests. In districts other than residential, an accessory building is a subordinate building the use of which is incidental to and used only in conjunction with the main building. Accessory building shall not be used in conjunction with home occupations for storage of products intended for retail sale.

2. **Accessory use:** A use customarily incidental and subordinate to the main use; provided further, that a use is an accessory use in a "residential" district only if the use is located on the same lot as the main use.

3. **Adopted policies:** A written administrative directive discussed at a public meeting and officially adopted by a majority vote of the council.

4. **Alley:** A minor public right-of-way which is used primarily for vehicular and utility service access, normally to the back or side of properties otherwise abutting on a public street or approved open space.

5. **Alteration:** Any construction or change of the exterior of a building, object, site or structure. For buildings, objects, sites or structures, alteration shall, but is not limited to, the changing of roofing or siding materials; changing, eliminating, or adding doors, door frames, windows, window frames, shutters, fences, railings, porches, balconies, signs, or other ornamentation. Alteration shall not include ordinary repair and maintenance.

6. **Amusement, Commercial (Indoor):** Any amusement enterprise wholly enclosed in a building which is treated acoustically so that no noise of the enterprise is perceptible at the bounding property line and including, but not limited to a bowling alley, billiard parlor or video arcade.

7. **Amusement, Commercial (Outdoor):** Any amusement enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open, including, but not limited to a golf driving range, amusement park, archery range, miniature golf course or other similar activity.

8. **Apartment:** A room in an apartment house or a suite of rooms arranged, designed or occupied as a residence by a single family, individual, or groups of individuals. See "Dwelling unit, multiple."

9. **Apartment house:** A building designed, built, rented, leased, let or hired out, which is occupied as the home or residence of three (3) or more families or individuals, living independently of each other. See "Dwelling unit, multiple."

10. **Appliance service & repair:** Including radio and television, but not involving the use of equipment which generates noise, odor, or electrical frequencies so as to interfere with the use and enjoyment of adjacent property.

11. **Area of the lot:** The area of the lot shall be the net area of the lot and shall not include portions of streets and alleys. Utility easements are to be considered part of the net lot area.

12. **Assisted Living:** An establishment, including personal care and board and care facilities, that furnishes, in one or more facilities, food and shelter to more than six individuals who are unrelated to the owner of the establishment; and provides personal care services; and in addition, provides minor treatment or services which meet some need beyond the provision of food, shelter, and laundry.

13. **Associated recreation:** Recreational uses which are an integral part of a common ownership, or associated or high-density residential development (example: Homeowners' association with a private club, swimming pool or tennis courts).

14. **Authorized agent:** An architect, builder, developer or other person or persons empowered to act on behalf of other persons.

15. **Bar, cocktail lounge, tavern saloon, cantina:** An establishment where the primary business is the sale of alcoholic beverages for on-premise consumption.

16. **Bed & Breakfast:** An owner occupied private home of historic interest, which offers lodging for paying guests, which may serve meals to these guests, and which allows for limited social functions as regulated by a Specific Use Permit.

17. **Bedroom:** A separate architectural space with a closet and which may or may not have a private bathroom entrance.

18. **Block:** An area enclosed by streets and occupied by or intended for buildings; or, if said word is used as a term of measurement, it shall mean the distance along a side of street between the nearest two (2) streets which intersect said street.

19. **Boardinghouse:** A building other than a hotel where lodging and meals for three (3) or more persons are served for compensation.

20. **Buffer:** A visual screen constructed of wood, concrete block, masonry or landscape material in such a manner that adjacent property will be screened from the use contemplated, so noise, solid waste or other objectional influences will be avoided. Such buffer shall be opaque and a minimum of six (6) feet in height.

21. **Building:** Any structure built for the support, shelter and/or enclosure of persons, chattels or moveable property of any kind.

22. **Building setback line:** A line defining an area on the building lot between the street right-of-way line and/or other property lines, and the building line within which no building shall be constructed, encroach or project except for roof eaves projecting not to exceed twenty-four (24") inches, and ordinary projections of window sills and other architectural features lying completely under the roof eave, or as specifically authorized in an adopted ordinance of the City of Seguin; also called "building line" or "setback line".

    a. Front building setback line: A line parallel to the street right-of-way line which the building faces and/or takes its primary access from.

    b. Side building setback line: A line parallel to an adjacent lot, or street right-of-way on a corner lot which the building sides up to.

    c. Rear building setback line: A line parallel to an adjacent lot, alley or street in the case of double frontage lots, which the

building backs up to and has its rear or secondary access from.

23. **Business:** Includes local, retail, commercial or such other uses and districts as herein defined.

24. **Carport:** A roofed structure open on two (2) sides when attached to a dwelling and open on three (3) sides when detached from a dwelling, covered with a roof supported by structural steel or wood columns or masonry piers of minimum size for structural safety.

25. **City:** The City of Seguin, Texas.

26. **Clinic:** An institution or station for the examination and treatment of ill and afflicted outpatients by a physician or group of physicians.

27. **Closet:** An architectural space designed for or easily altered to accommodate the hanging of clothes on racks.

28. **Club, civic:** A building or portion of a building, together with the grounds and related facilities, primarily used by an association of persons for periodic meetings to promote special purpose activities such as literature, science or civic improvement.

29. **Club, community:** A building or portion of a building, together with the grounds and related facilities, used primarily by an association of the residents of a particular subdivision, neighborhood or housing development and by its members and guests for social and recreational purposes.

30. **Club, private:** A building or portion of a building together with the grounds, and related facilities used primarily by an association, its members and their guests for social, fraternal and recreational purposes.

31. **Cluster, development:** A method of development for land that permits variation in lot sizes without an increase in the overall density of population or development.

31.1. **Columbarium:** A structure of vaults lined with recesses for cinerary urns.

32. **Commission:** The Planning and Zoning Commission of the City of Seguin, Texas.

33. **Common area:** See "Open space."

34. **Community Center:** A central social and recreational building as part of a housing project, subdivision or planned unit development.

35. **Comprehensive plan:** See "Master Plan."

36. **Condominium:** A multifamily dwelling unit, within which designated units or apartments are conveyed, fee simple title, with an undivided interest in the building's common elements, to include but not be limited to halls, stairs, elevators, roof, parking space, and the land when the building is not constructed on leased land. When the land is leased, they acquire a right in the leasehold.

37. **Council:** The City Council of the City of Seguin, Texas.

38. **Court:** An open, unoccupied space, bounded on more than two (2) sides by buildings. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having at least one side open to a street, alley, yard or other permanently open space.

38.1. **Crematory:** A furnace for cremating or an establishment containing such a furnace.

39. **Custom slaughter facility:** A building where animals are killed and butchered for human consumption. The term "animals" shall include only those animals used for human consumption, including, sheep/goat, bovine, fowl, swine, or other animals used for human consumption. This definition excludes rendering operations.

40. **Day care nursery:** A place where children are left for care between the hours of 6:00 a.m. and 12:00 midnight.

41. **Den:** A separate architectural space, which may also be called a library or study, without a closet or bathroom.

42. **Density:** The number of dwelling units per gross acre of subdivision.

43. **Detached garage:** A garage wholly separated from and independent of the principal building on a lot; or connected to a principal building by an unenclosed or latticed passageway, arbor or covered walk.

44. **Director of Planning:** The duly authorized employee or representative of the city in charge of the planning function for the city and charged with implementation and enforcement of the subdivision, zoning and other growth related ordinances.

45. **District:** A section of the City of Seguin for which the regulations governing the areas, heights or uses of buildings are uniform.

46. **Dormitory:** A building, other than a hotel or motel, containing rooming units with or without individual kitchen facilities to be used for residential purposes. Rentals of each unit shall be on a weekly basis or longer. A dormitory may contain common food preparation and eating facilities primarily for the use of the occupants of the building.

47. **Dwelling unit:** A room or suite or set of rooms occupied or suitable for occupancy as a family residence and having kitchen, bath and sanitary facilities, together with appropriate appurtenances to such occupancy.

    a. Single-family detached dwelling unit: A building designed for and occupied exclusively by one family as a separate dwelling unit and not meeting the requirements of a townhouse or row house.

b. Single-family attached dwelling unit: A building designed or occupied exclusively by one family as a separate dwelling unit, and meeting the requirements of a townhouse or row house.

c. Duplex: A building designed for or occupied exclusively by two (2) families living independently of each other. A duplex sharing a lot with other residentially used structures shall fall under the definition of a multiple dwelling unit and shall not be considered a duplex for the purposes of this ordinance.

d. Multiple: A building designed for and/or occupied exclusively by three (3) or more dwelling units. (Also known as multifamily dwelling unit.)

The determination of whether one family is living independently of another is based on one or more of the following criteria.

1) Separate sanitary facilities.
2) Separate kitchen facilities.
3) Separate entrances.
4) Separate utilities.

48. **Easement:** An interest in land granted to the city, to the public generally, and/or to a private utility corporation, or to adjacent property owners, or to private individuals.

49. **Efficiency apartment:** An apartment having a combination living and bedroom (no separate bedroom), cooking facilities and bath.

50. **Family:** A family is any number of individuals living together as a single housekeeping unit, in which not more than six (6) individuals are unrelated by blood, legal adoption or marriage.

51. **Family Home for Handicapped:** A community based residential home established to care for persons that have a physical or mental impairment and have trouble performing certain life activities. The purpose for a family home is to assist these persons with a physical or mental impairment in

order to help them develop certain life skills. A family home may not have more than six disabled persons and two supervisory personnel residing at the home at any one time.

52. **Farm:** An area of two (2) acres or more which is used for the growing of the usual farm products such as vegetables, fruits, trees and grain and their storage on the area and/or the raising thereon of the usual farm poultry and farm animals such as horses, cattle, sheep and swine, and including dairy farms with the necessary accessory uses for treating and storing the produce; provided, however, that the operation of such accessory use shall be secondary to that of the normal activities; and provided further, that it does not include the commercial feeding of offal or garbage to swine or other animals.

53. **Farmers or Gardeners Market:** A market consisting of booths and stalls which is owned and operated by farmers and gardeners organized through their bona fide associations and cooperatives to sell to the general public agricultural and food products verified by the farmers or gardeners market and licensed by the State of Texas, as required. (Ord. 08-68,12-16-08)

54. **Fraternal Organization:** A social club or an association having meeting facilities for the members, not including residential facilities and/or sleeping quarters. Fraternal buildings include any such facility.

55. **Fraternity or sorority:** A social club or an association having meeting facilities for the members. A fraternity or sorority house may have dormitory facilities for its members. Any such fraternity or sorority house shall be deemed a rooming house, boarding house, or group home, depending upon the circumstances in each instance. The office or headquarters of a professional, business or other fraternal organization shall be considered as an office for the purposes of this chapter.

56. **Garage apartment:** A separate dwelling unit attached to or situated above a private garage.

57. **Garage, commercial:** A building or premises used for storage, repair, rental or servicing of motor vehicles.

58. **Garage, private:** An accessory building or a portion of the main building in which motor driven vehicles are stored by occupants of the premises.

59. **Gasoline service station:** A place where gasoline or oil and grease or accessories are sold, supplied or dispensed to the retail motor vehicle trade, and where minor repairs on motor vehicles are conducted; also known as "gasoline filling station".

60. **General Land Use Plan:** A plan, including all site details and functions, required for development of any tract zoned Planned Unit Development.

61. **Grocery store:** A retail establishment selling meats, fruit, vegetables, bakery products, dairy products and similar items.

62. **Guest house:** An accessory building designed for the temporary occupancy of guests of the primary dwelling for which there is no remuneration.

63. **Height:** The height of a building or portion of a building shall be the vertical distance from grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, and the mean height level between eaves and ridge for hip, gable or gambrel roofs. In measuring the height of a building, the following structures shall be excluded: chimneys, cooling towers, elevator bulkheads, mechanical rooms, tanks, water towers, radio tower, television antennas, ornamental cupolas, domes or spires, and parapet walls not exceeding four (4) feet in height.

64. **Hobby shop:** An accessory use housed in a dwelling or in an accessory building in which the residents of the premises engage in recreational activities, none of which shall disturb the neighbors on either side or in the rear thereof, and from which no revenue may be derived, in which no goods may be publicly displayed, offered

for sale or advertised for sale, nor may any sign be used in connection therewith.

65. **Home occupations:** A home occupation is an occupation customarily carried on in the home by a member of the occupant's family without structural alterations in the building or any of its rooms, without the installation of machinery other than that customary to normal household operation or additional equipment, without the employment of additional persons, and which does not cause the generation of additional traffic in the street and which does not require the display of a sign.

66. **Home workshop:** See "Hobby Shop."

67. **Hospital:** An institution or place where sick or injured patients are given medical or surgical care either at public (charity) or private expense.

68. **Hotel and motel:** A building or arrangement of buildings designed and occupied as a temporary abiding place of individuals who are lodged with or without meals, in which the rooms are usually occupied singularly for hire, and in which there are more than eight (8) sleeping rooms, and which may have a public dining room accommodating more than eight (8) guests, and a central kitchen.

69. **Industrialized housing:** A residential structure that is designed for the occupancy of single-family or duplex use; which bears an approved decal or insignia, clearly visible, under rules promulgated by the State of Texas signifying the dwelling as "industrialized"; that is intended to be installed on a permanent foundation system approved by the locally adopted building codes; that meet all other locally adopted building codes; and that meet all other State and local requirements for industrialized housing.

70. **Institution:** A nonprofit organization or building, public or private, for the benefit of the public; or educational facilities, churches, temples, hospitals, clubs, fire stations, police stations, libraries, museums, city offices, etc.

71. **Kindergarten:** A school for children of pre-public school age in which constructive endeavors, object lessons and helpful games are prominent features of the curriculum.

72. **Live Entertainment:** A use which includes any or all of the following activities: performances by musicians or dancers; live bands or musical acts; or the amplification of recorded music/entertainment by disc jockeys, in conjunction with a tavern or night club operation.

73. **Loading space:** A space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks and having a minimum dimension of twelve (12) by thirty-five (35) feet and a vertical clearance of at least fourteen (14) feet.

74. **Lodging house:** A building other than a hotel, motel, or boardinghouse, where eight (8) persons or less are provided lodging for compensation.

75. **Lot:** An undivided tract or parcel of land having frontage on a public street or an approved open space and which is, or in the future may be, offered for sale, conveyance, transfer or improvement, which is designated as a district and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record.

    a. Lot corner: A lot situated at the junction of two (2) or more streets.

    b. Lot depth: The length of a line connecting the midpoints of the front and rear lot lines.

    c. Lot, double frontage: Any lot, not a corner lot, with frontage on two (2) streets which are parallel to each other or within forty-five (45) degrees of being parallel to each other.

    d. Lot frontage: The length of street frontage between property lines.

e. Lot, Interior: A lot other than a corner lot.

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

g. Lot lines: The lines bounding a lot as defined herein.

1) Front lot line: The property line between the front yard and the contiguous street right-of-way boundary.
2) Rear lot line: The property line between the rear yard and the adjacent property or right-of-way, and contiguous with the legal boundary of such use.
3) Side lot line: The property line between two (2) adjacent lots or between the side yard and the contiguous street right-of-way boundary on corner lots.

h. Lot width: That distance measured along a line connecting two (2) side lot lines along the front building line.

i. Lot of record: A parcel of land which is part of a subdivision, the map or plat of which has been recorded in the office of the county clerk of "the appropriate county;" or a parcel of land not a part of an urban or town lot subdivision, the deed of which has been recorded in the office of the county clerk of "the appropriate county" prior to the effective date of this Code, which lot has not been divided since recording.

76. Maneuvering space: The space entirely on private property required for maneuvering vehicles in such a manner as to preclude the backing of any vehicle into any street right-of-way.

77. Manufactured home: A single-family dwelling unit fabricated in an off-site manufacturing facility;

is transportable in one or more sections, is attached to a permanent chassis but is not equipped with a permanent hitch, axle, wheels or other device allowing for transport other than to a permanent site. All manufactured homes bear a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards.

78. **Manufactured home occupancy:** The temporary or permanent location of not more than one manufactured home dwelling unit per lot.

79. **Manufactured home park:** A unified development of a minimum of three (3) acres and ten (10) approved manufactured home spaces for rent or lease, arranged on a tract of land, in which the tenant of the manufactured home are not the owners of the land.

80. **Manufactured home space:** An area within a Manufactured Home Park which is designed for and designated as the location for a single manufactured home and the exclusive use of its occupants. Also may be referred to as a manufactured home lot in a manufactured home park.

81. **Manufactured home subdivision:** The division of land as the term "subdivision" is defined in this ordinance for the purpose of manufactured home occupancy. A manufactured home subdivision shall consist of not less than three (3) acres and ten (10) approved manufactured home sites.

82. **Master plan:** The master plan of the City of Seguin and includes any unit or a part of such unit separately adopted and any amendment to such plan or parts thereof.

83. **Mobile home:** A structure that was constructed prior to June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating,

air-conditioning and electrical systems (contained therein). Art. 5221f. Manufactured Housing Act, Sec. C., (a). The following shall not be included in this definition:

a. Travel trailers, pickup coaches, motor homes, camping trailers, or other recreational vehicles.
b. Manufactured modular housing which is designed to set on a permanent foundation, and which uses standard sheathing, roofing, siding, and electrical, plumbing and heating systems which comply with the adopted building code.

84. **Mobile home occupancy:** The temporary or permanent location of not more than one mobile home dwelling unit per lot.

85. **Modular home:** See "Industrial/Modular Home".

86. **Motel:** See "Hotel/motel."

87. **Nightclub, discotheque, disco or dance hall:** An establishment whose primary activity is the provision of facilities for dancing, including a dance floor and live entertainment or amplified music. Such establishment may or may not provide on-premises consumption of alcoholic beverages. Schools of dance are exempted from this definition.

88. **Nonconforming use:** A building, structure or use of land lawfully occupied at the time of the effective date of this ordinance or amendments thereto, and which does not conform to the use regulations of the district in which it is situated.

89. **Nursing Home or Long Term Care Facility:** Any structure or collection of structures located on one site used or occupied by persons recovering from illness or suffering from infirmities of old age.

90. **Office:** A room, studio, suite, or building or any part thereof in which a person transacts his business or carries on his stated occupation. For the purposes of the ordinance, an office shall not involve manufacturing, fabrication,

production, processing, assembling, cleaning, testing, repair or storage of materials, goods and products, or the sale and delivery of any materials, goods or products which are physically located on the premises. An office shall not be deemed to include a veterinary clinic.

91. **Open space:** Private property under common ownership designated for recreational area, private park (for the use of property owner within the subdivision), play lot area, plaza area, building setbacks (other than those normally required), and ornamental areas open to the general view within the subdivision. Open space does not include streets, alleys, utility easements, public parks or required setbacks.

92. **Package store:** Any enterprise which has as its principal business the sale of alcoholic beverages for off-premise consumption.

93. **Parking area or lot:** Space used exclusively for the parking of vehicles and where no other business is conducted.

94. **Parking space:** The minimum area required to park one vehicle, and meeting the requirements of this ordinance.

95. **Person:** Any individual, association, firm, corporation, governmental agency, or political subdivision.

96. **Planned industrial district or industrial park:** A tract of land which is subdivided and developed for the use of a community or variety of industrial land uses, with streets and utilities dedicated before sites are sold to prospective occupants.

97. **Planned unit development:** A subdivision that consists of a variety of land use types, incorporating a single type or a variety of types of residential dwelling units, and/or compatible commercial and industrial land uses, public land uses, and common open space and recreational areas, adequate to service the needs of the tract when fully developed and populated, and which is to be developed as a single entity, under unified control.

98. **Portable building:** A temporary building that does not have a foundation and is transportable.

99. **Porte cochere:** A roofed space, open on two (2) or three (3) sides, covered with a flat or hipped roof and ordinarily used as a shelter under which vehicles are driven or temporarily parked.

100. **Private or parochial school:** An institution of learning having a curriculum equivalent to public schools, providing care, training, education, custody or supervision for four (4) or more children who are not related by blood, marriage or adoption to the owner or operator of the facility, for all or part of the twenty-four hour day, whether or not the facility makes a charge for the service offered by it; provided however, that this does not include specialty schools, such as dancing, music, beauty, mechanical, trade, swimming, or commercial schools.

101. **Public right-of-way:** A strip of land used or intended to be used, wholly or in part, as a public street, alley, crosswalk way, sidewalk or drainage way.

102. **Public stable:** A stable with a capacity for more than four (4) horses or mules.

103. **Recreational vehicle or travel trailer:** A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified as a travel trailer or recreational vehicle by the manufacturer of the trailer and, when factory-equipped for the road, it shall have a body width not exceeding eight (8) feet and a body length not exceeding state maximums.

104. **Recycling centers:**

    a. Recycling center (inside) - A collection operation for reusable materials including, but not limited to aluminum cans, glass bottles and office paper goods. All storage must be located inside of a building.

b. Recycling center (outside) – A collection operation for reusable materials including, but not limited to, aluminum cans, glass

bottles, and office paper goods; which are broken, separated and/or compressed and may be stored within shipping containers and/or transportation vehicles on site.

c. Recycling scrap processing – A collection operation for reusable materials including, but not limited to, glass, aluminum cans, paper, including the storage and separation of various recyclable materials such as residential scrap metals, scrap appliances and other scrap; but not including scrap automobiles.

105. **Residence:** A building occupied as the abiding place of one or more persons in which the use and management of sleeping quarters, all appliances for cooking, ventilating, heating or lighting are under one control and which shall include one-family and two-family dwellings, apartment houses and boardinghouses, and which shall be the principal building on any lot in residential districts.

106. **Restaurant:** A building or portion of a building, where the primary business is the on-premises sale of prepared food in full compliance with all state and city health and sanitary laws and regulations, with adequate kitchen facilities for the preparation of the food to be sold, the adequacy of said kitchen facilities to be based upon the seating capacity of the restaurant and the type of menu offered, and where alcoholic beverages may be sold.

107. **Retail:** The sale of goods directly to a consumer. Engaged in, pertaining to, or relating to the sale of merchandise at retail. To sell individual items or by the piece, directly to a consumer.

108. **Right-of-way line:** A dividing line between a lot, tract or parcel of land and the public right-of-way.

109. **Salvage yard:** A tract of land used for the purpose of dismantling, disassembling or otherwise destroying automobiles or other vehicles in accordance with all state and local laws, for the purpose of dealing in said parts so dismantled. All such operations shall be completely enclosed by a fence meeting the requirements set forth in Section 46-185, Seguin City Code.

110. **Servants' quarters:** An accessory building or portion of a main building located on the same lot as the main building and used as living quarters for servants employed on the premises and not rented or otherwise used as a separate domicile.

111. **Setback:** See "Building setback line."

112. **Shopping center:** A group of architecturally unified commercial establishments built on a site which is planned, developed, owned and managed as an operating unit related in its location, size and type of shops to the trade area that the unit serves. The unit provides on-site parking in definite relationship to the types and total size of the stores.

113. **Shall/may:** The word "shall" is always mandatory, while the word "may" is merely permissive.

114. **Sign:** A name, identification, image, description, display or illustration which is affixed to, painted or represented directly or indirectly upon a building, structure or piece of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business and which is visible from any street, right-of-way, sidewalk, alley, park or other public property. Customary displays or merchandise or objects and material without lettering placed behind a store window are not signs. (See Sign Ordinance.)

115. **Specific use:** A use which may be suitable in certain locations in a zoning district if developed and operated under specific conditions and/or for a limited period of time.

116. **Storage building:** Any building either portable or constructed on-site, utilized for storage purposes, and not requiring plumbing and electrical wiring, and not used for residential purposes.

117. **Story:** The vertical distance between the floor and ceiling not to exceed fifteen (15) feet.

118. **Story, half:** A story under a gable, hip, gambrel roof, the floor area of which does not exceed more than seventy-five (75) percent of the area of the floor immediately below the half story.

119. **Street:** A public right-of-way, excluding alleys, which provides primary vehicular access to adjacent land, whether designated as a street, highway, thoroughfare, parkway, throughway, avenue, lane, boulevard, road, place, drive or however otherwise designated.

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

same purpose in a commercial or industrial district.

d. Street, frontage: A local street lying parallel to and adjoining a major street right-of-way, which provides access to abutting properties.

e. Street, marginal access: A street which is parallel and adjacent to an arterial street and which primarily provides vehicular access to abutting properties and protection from through traffic.

f. Street, private or service drive: A vehicular access way under private ownership and maintenance that has not been dedicated to the city and accepted by the city.

120. **Structure:** That which is built or constructed, an edifice or building of any kind, or any piece of work built up or composed of parts joined together in some definite manner.

121. **Structural alterations:** Any change in supporting members of a building such as load-bearing walls, columns, girders, beams or the entire roof.

122. **Subdivision:** The term "subdivision" shall mean the division of land into two (2) or more parts. All transfers of ownership, division, or developments of land shall be governed by the subdivision ordinance.

123. **Tattoo studio:** A facility for the act or practice of marking the skin, with indelible patterns, pictures, legends or words, by making punctures in the skin and inserting pigments.

124. **Tourist court:** See "Hotel/motel."

125. **Townhouse or row house:** One of a group of no less than three (3) nor more than eight (8) adjoining single family dwelling units sharing a common wall with one or more of said adjoining dwelling units, each dwelling unit located on a separate lot.

126. **Trailer:** See "Mobile home, Recreational vehicle or travel trailer."

127. **Trailer park:** See "Manufactured home park."

128. **Used car lot:** A lot or portion thereof to be used only for the display and sale of automobiles that are in condition to be driven on or off the lot. A used car lot shall not be used for the storage of wrecked automobiles, or the dismantling of automobiles, or the storage of automobile parts.

129. **Wholesale:** The sale of commodities for the purpose of resale, as to retailers or jobbers rather than to consumers directly; opposed to retail. Of, pertaining to, or engaged in sale at wholesale.

130. **Yard:** An open space between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise herein provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

    a. Front: A yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the right-of-way line and wall of the main building or any projections thereof other than the projections of the usual uncovered steps, uncovered balconies, or uncovered porches. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension except where corner lots may be square in dimension and/or have double frontage, at which time the front yard shall correspond to the lot's side adjacent to the longest block face in which it occurs and to which the majority of the existing structures front.
    b. Rear: A yard extending across the rear of a lot and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of the usual uncovered steps, uncovered porches. On all lots the rear yard shall be in the rear of the front yard.

c. Side: A yard between the main building and the side line of the lot, and being the minimum horizontal distance between a side lot line and the side of the main buildings or any projections thereof.

Section 5. Specific Use Permit

A. Purpose: The Planning and Zoning Commission shall review and then approve, deny, or conditionally approve those uses for which Specific Use Permits are required. These generally have unusual nuisance characteristics or are of a public or semi-public character often essential or desirable for the general convenience and welfare of the community. Due to the nature of the use, the importance of the use's relationship to the Comprehensive Plan, or possible adverse impacts on neighboring properties, review, evaluation, and exercise of planning judgment relative to the location and site plan of the proposed use is required. A Specific Use Permit shall not be requested, approved or conditionally approved as a substitute for rezoning when rezoning the property in question would be appropriate under this ordinance.

B. Permit required: A building permit or certificate of occupancy shall not be issued for any use to be located in a zoning district which permits that use only as a specific use unless and until a Specific Use Permit has first been issued in accordance with the provisions of this Section.

C. Application procedure: 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. The accompanying site plan shall provide the following information:

1. Data describing all the processes and activities involved with the proposed use;

2. Boundaries of the area covered by the site plan;
3. The location of each existing and proposed building and structure in the area covered by the site plan; and
4. The location and dimensions of all curb cuts, public and private streets, and parking and loading areas.

D. Public Hearings: The notification shall be the same as found in Section 2 of the Zoning Ordinance. A public hearing for a Specific Use Permit shall be convened before the Planning and Zoning Commission.

E. 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.

F. Additional conditions: In authorizing a Specific Use Permit, the Planning and Zoning Commission may impose additional reasonable conditions necessary to protect the public interest and welfare of the community.

G. 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.

H. Revocation: A Specific Use Permit may be revoked or modified, after notice and hearing, for either of the following reasons:

1. The existence of any material error or misrepresentation in the application required in this section of the Ordinance; or
2. The Specific Use Permit was obtained or extended through misrepresentation or deception; or
3. That one or more of the conditions imposed by the permit has not been met or has been violated.

I. 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.

J. Appeals for Specific Use Permits: Procedure for appeals shall be in accordance with Section 2.E. of the Zoning Ordinance.

K. Processing Fee: A processing fee of **$75.00** shall be required for the processing of each Specific Use Permit or appeal of a Specific Use Permit.

Section 6. New & Unlisted Uses

It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the City of Seguin. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

A. The Building Official shall refer the question concerning any new or unlisted use to the Director of Planning, requesting an interpretation as to the zoning classification into which use should be placed. The Director of Planning shall develop a statement of the facts concerning the nature of the proposed use and shall make a recommendation to the Planning and Zoning Commission based on such facts.

B. The Planning Commission shall meet with the interested parties in a public hearing, and after due consideration of the facts presented, recommend to City Council the zoning district or districts within which such use should be permitted.

C. The City Council shall take such action upon said recommendation as it may deem appropriate under the circumstances.

Section 7. Conformance to Master Plan

No building permit shall henceforth be issued for any development not in conformance with the City Master Plan and subsequent amendments to it.

Applications for changes to the City Master Plan shall be submitted to the Director of Planning on a form provided by the City. Application deadlines shall be a minimum of twenty-one (21) days prior to a public hearing. The Director of Planning shall schedule the public hearing only after there has been sufficient review of the impact of the proposed Master Plan amendment on nearby land use,

transportation plans, traffic patterns, drainage, utilities, community facilities and other planning concerns. The Director of Planning may require additional information to be provided by the applicant to address these aforementioned matters.

Section 8. Prohibited Use

Upon and after lawful adoption of this ordinance, no land shall be used and no building shall be erected for or converted to any use other than as may be hereinafter provided.

Section 9. Newly Annexed Territory

All territory hereinafter annexed to the City of Seguin shall assume an interim classification of PD Pre-Development, pending determination of the property's initial permanent zoning in accordance with the provisions of state law and this chapter.

Section 10. List of Zoning Districts

PD	-	Pre-Development
RE	-	Residential Estate
SR	-	Suburban Residential
R-1	-	Single-Family Dwelling
DP-1	-	Duplex (low density)
DP-2	-	Duplex (medium density)
TH-1	-	Townhouse Residential
ZL	-	Zero Lot Line
A-R	-	Agricultural Ranch
MF-1	-	Multi-Family Dwelling (low density)
MF-2	-	Multi-Family Dwelling (medium density)
MF-3	-	Multi-Family Dwelling (high density)
MHP	-	Manufactured Home Park
MHS	-	Manufactured Home Subdivision
M-R	-	Manufactured Home and Residential
I-H	-	Industrialized Housing
P	-	Public Use
M	-	Mixed Use
DHD	-	Downtown Historic District
O-P	-	Office Professional
R	-	Retail
C	-	Commercial
LI	-	Light Industrial
I	-	Industrial
PUD	-	Planned Unit Development
IH	-	I.H. 10 Corridor Overlay District
SH 46	-	St. Hwy. 46 Corridor Overlay District
SH 123	-	St. Hwy. 123 Corridor Overlay District
N SH123 Bypass	-	N SH 123 Bypass Corridor Overlay District
FM 725	-	FM 725 Corridor Overlay District
SH 123 South	-	S.H. 123 South Corridor Overlay District

Section 11. PD Pre-Development District

A. Purpose: The Pre-Development District is designed to promote orderly, timely, economical growth and to recognize current land use conditions. It is a reserved area in which the future growth of the city might occur.

B. Permitted uses:

1. Farming, ranching, related activities and accessory uses, including the owner's single-family dwellings.
2. Industrialized housing.

C. **Specific uses (require use permits):**

1. Single-family dwellings and accessory uses that are unrelated to activities in subsection B.1 of this section.
2. A mobile home and/or manufactured home on an unsubdivided tract.
3. Home occupations for a period not to exceed one (1) year unless renewed or extended by the Commission.
4. Commercial communication towers.

D. **Prohibited uses:**

1. Any building erected or land used for other than one or more of the preceding specified uses.
2. Any use of property that does not meet the required minimum lot size; front, side and rear yard dimension; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required.

E. **Area requirements:**

1. Minimum lot area:

   a. Internal lot: 43,560 square feet
   b. Corner lot: 43,560 square feet

Section 11. PD Pre-Development District (Continued)

2. Minimum lot frontage on a public street:

   a. Internal lot: 150 feet
   b. Corner lot: 150 feet

3. Minimum lot depth: 200 feet

4. Minimum depth of front setback: 40 feet

5. Minimum depth of rear setback: 20 percent of lot depth, up to a maximum of 7 ½ feet

6. Minimum width of side setback:

   a. Internal lot: 20 feet
   b. Corner lot: 25 feet

7. Maximum primary building coverage as a percentage of lot area: 40 percent

8. Maximum building coverage of rear yard: 30 percent

9. Maximum height of structures: 30 feet or 2 ½ stories, whichever is less

PD PRE-DEVELOPMENT DISTRICT

Lot Area	**Lot Width**	**Lot Depth**	**Front Yard**	**Side Yards**	**Rear Yard**
Minimum 43,560 sq.ft.	Minimum 150 feet	Minimum 200 feet	Minimum depth of not less than 40 feet	Minimum setbacks Internal lot: 20 feet Corner lot: 25 feet	Not less than 20% of the lot depth, up to a maximum of 7 ½ feet
Dwelling	**Height**	**Parking**	**Accessory Buildings**		
Maximum primary building coverage: 40% of lot area	Maximum 30 feet or 2 ½ stories, whichever is less	Two (2) off-street parking spaces for each family dwelling	Maximum building coverage: 30% of rear yard		

Section 12. RE Residential Estate District

A. Principal Uses: In an RE Residential Estate District no land shall be used and no building shall be erected for or converted to any other use than:

One-single-family detached dwelling unit per lot.
Accessory buildings including a private garage, or bona fide servants' quarters for use of servants employed on the premises and not for rent.
Community center (non-profit) swim, tennis club etc.
Day nursery or kindergarten (6 or less children, excluding family members)
Family Home for Handicapped
Home occupations
Industrialized housing
Park/playground

B. Uses Permitted with a Specific Use Permit:

Bed & Breakfast
Church
Country Club
Day Nursery or Kindergarten (more than 6 children, excluding family members)
Library
Schools, private or public

C. Prohibited uses:

1. Any building erected or land used for other than one or more of the preceding specified uses.

2. Any use of property that does not meet the required minimum lot size; front, side and rear yard dimension; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required.

3. Any use of a single-family detached dwelling unit by more than six (6) individuals who are unrelated by blood, legal adoption, or marriage. The owner and any agent of the owner shall be legally responsible for any dwelling unit use.

Section 12. RE Residential Estate District (Continued)

D. Area requirements:

1. Minimum lot area:

   a. Internal lot: 43,560 square feet
   b. Corner lot: 43,560 square feet
   c. No RE development shall exceed a density of more than one dwelling unit per gross acre.

2. Minimum lot frontage on a public street:

   a. Internal lot: 150 feet
   b. Corner lot: 150 feet

3. Minimum lot depth: 200 feet

4. Minimum depth of front setback: 40 feet

5. Minimum depth of rear setback: 20 percent of lot depth, up to a maximum of 7 ½ feet

6. Minimum width of side setback:

   a. Internal lot: 20 feet
   b. Corner lot: 25 feet

7. Maximum building coverage as a percentage of lot area: 40 percent

8. Maximum accessory building coverage of rear yard: 30 percent

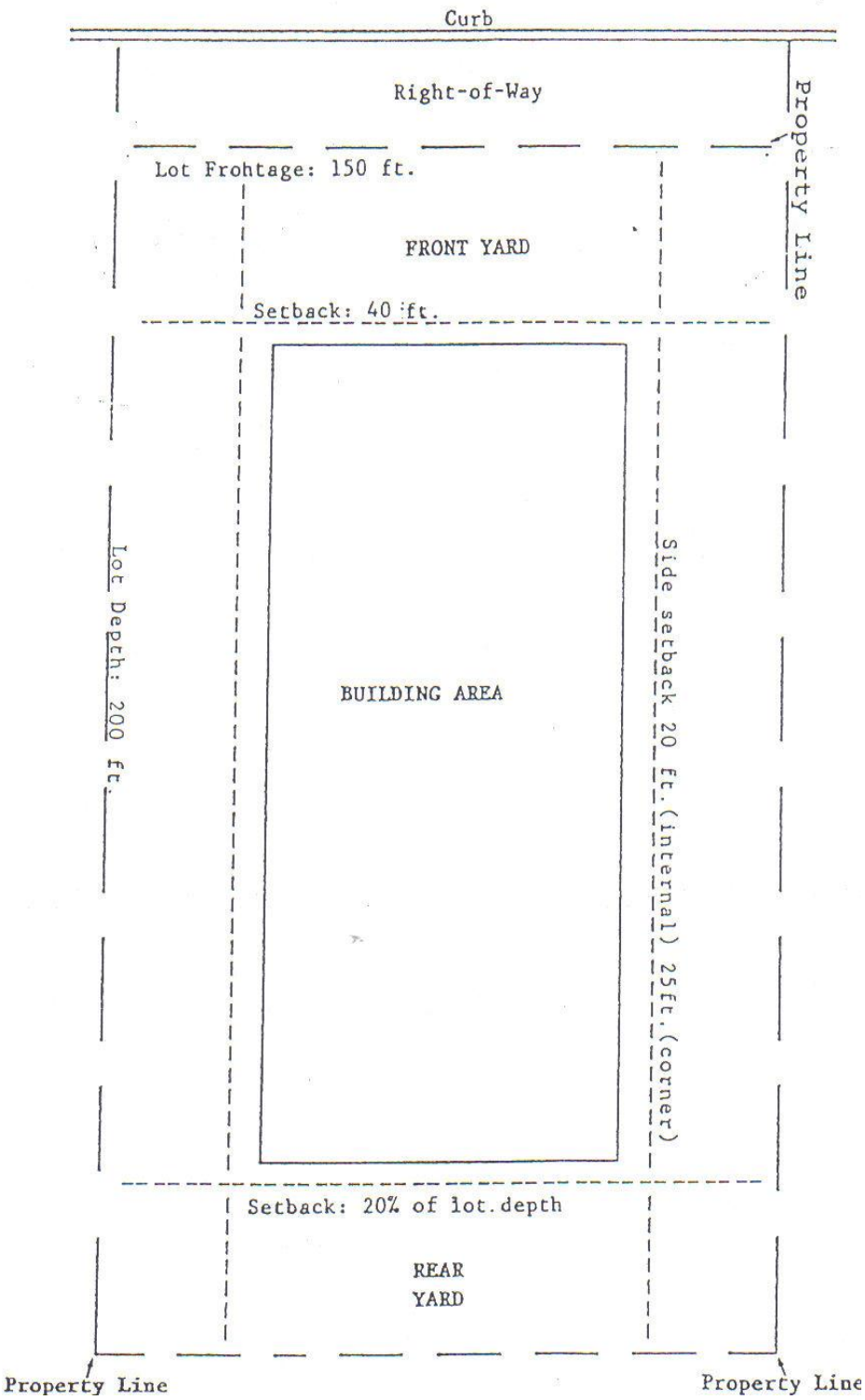
9. Maximum height of structures: 30 feet or 2 ½ stories, whichever is less

RE RESIDENTIAL ESTATE DISTRICT

Lot Area	**Lot Width**	**Lot Depth**	**Front Yard**	**Side Yards**	**Rear Yard**
Minimum 43,560 sq.ft. No RE development shall exceed a density of more than one dwelling unit per gross acre.	Minimum 150 feet.	Minimum 200 feet.	Minimum setback of 40 feet.	Minimum setbacks: Internal lot: 20 feet Corner lot: 25 feet	Minimum setback of 20% of lot depth up to a maximum of 7 ½ feet.
Dwelling	**Height**	**Parking**	**Accessory Buildings**		
Maximum building coverage: 40% of lot area.	Maximum 30 feet or 2 ½ stories, whichever is less.	Two (2) off-street parking spaces for each family dwelling. For additional requirements see Sec. 39 Off-Street Parking Requirements	Maximum building coverage: 30% of rear yard.		

RE Residential Estate District

Lot Area: 43,560 s.f.



Section 13. SR Suburban Residential District

A. Principal uses: In an SR Suburban Residential District, no land shall be used and no building shall be erected for or converted to any other use than:

One single-family detached dwelling unit per lot.
Accessory buildings including a private garage, or bona fide servants' quarters for use of servants employed on the premises and not for rent.
Community Center (non-profit) swim, tennis club etc.
Day nursery or kindergarten (6 or less children, excluding family members)
Family Home for Handicapped
Home occupations
Industrialized housing
Park/playground

B. Uses Permitted with a Specific Use Permit:

Bed & Breakfast
Church
Country Club
Day Nursery or Kindergarten (more than 6 children, excluding family members)
Library
Schools, private or public

C. Prohibited uses:

1. Any building erected or land used for other than one or more of the preceding specified uses.
2. Any use of property that does not meet the required minimum lot size; front, side and rear yard dimension; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required.
3. Any use of single-family detached dwelling unit by more than six (6) 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.

D. Area requirements:

1. Minimum lot area:

   a. Internal lot: 20,000 square feet
   b. Corner lot: 20,000 square feet

Section 13. SR Suburban Residential District (Continued)

2. Minimum lot frontage on a public street:

   a. Internal lot: 100 feet
   b. Corner lot: 100 feet
   c. No SR development shall exceed a density of more than two (2) dwelling units per gross acre.

3. Minimum lot depth: 100 feet

4. Minimum depth of front setback: 30 feet

5. Minimum depth of rear setback: 20 percent of lot depth, up to a maximum of 7 ½ feet

6. Minimum width of side setback:

   a. Internal lot: 10 feet
   b. Corner lot: 15 feet

7. Maximum building coverage as a percentage of lot area: 40 percent

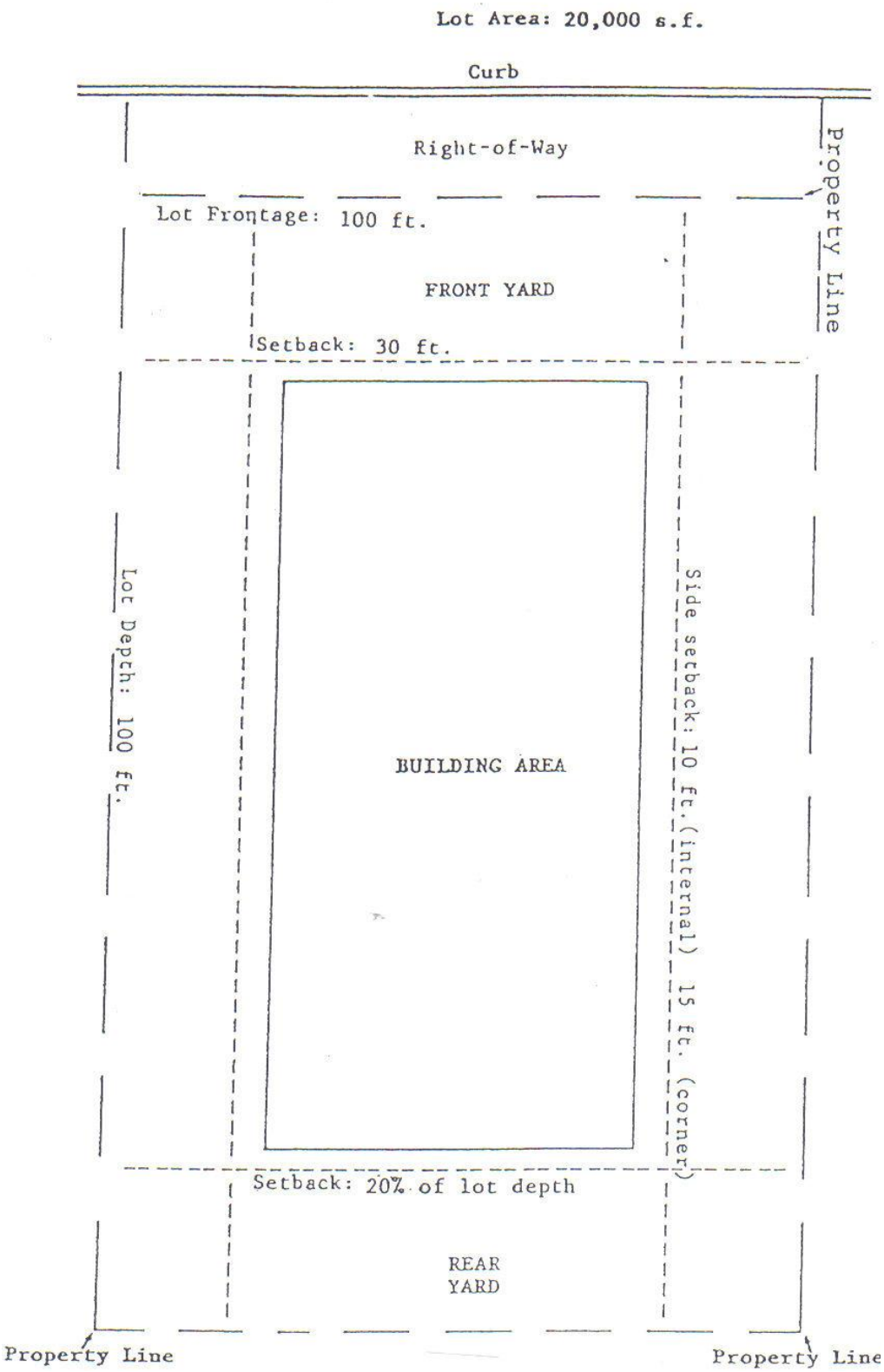
8. Maximum accessory building coverage of rear yard: 30 percent.

9. Maximum height of structures: 30 feet or 2 ½ stories, whichever is less.

SR SUBURBAN RESIDENTIAL DISTRICT

Lot Area	**Lot Width**	**Lot Depth**	**Front Yard**	**Side Yards**	**Rear Yard**
Minimum 20,000 sq.ft. No SR development shall exceed a density of more than two (2) dwelling units per acre.	Minimum 100 feet.	Minimum 100 feet.	Minimum setback of 30 feet.	Minimum setbacks Internal lot: 10 feet Corner lot: 15 feet	Minimum setback of 20% of lot depth up to a maximum of 7 ½ feet.
Dwelling	**Height**	**Parking**	**Accessory Buildings**		
Maximum building coverage: 40% of lot area.	Maximum 30 feet or 2 ½ stories, whichever is less.	Two (2) off-street parking spaces for each family dwelling. For additional requirements see Sec. 39 Off-street parking requirements	Maximum building coverage: 30% of rear yard.		

SR Suburban Residential District



Section 14. R-1 Single-Family Dwelling District.

A. Principal uses: In an R-1 Single-Family Dwelling District, no land shall be used and no building shall be erected for or converted to any other use than:

One single-family detached dwelling unit per lot.
Accessory buildings including a private garage, or bona fide servants' quarters for use of servants employed on the premises and not for rent.
Community Center (non-profit) swim, tennis club etc.
Day nursery or kindergarten (6 or less children, excluding family members)
Family Home for Handicapped
Home Occupations
Industrialized housing
Park/playground

B. Uses Permitted with a Specific Use Permit:

Bed & Breakfast
Church
Country Club
Day nursery or kindergarten (more than 6 children, excluding family members)
Library
Schools, private or public

C. Prohibited uses:

1. Any building erected or land used for other than one or more of the preceding specified uses.

2. Any use of property that does not meet the required minimum lot size; front, side and rear yard dimension; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required.

3. Any use of a single-family detached dwelling unit by more than six (6) individuals who are unrelated by blood, legal adoption, or marriage. The owner and any agent of the owner shall be legally responsible for any dwelling unit use.

Section 14. R-1 Single-Family Dwelling District. (Continued)

D. Area requirements:

1. Minimum lot area:

   a. Internal lot: 5,600 square feet
   b. Corner lot: 6,000 square feet
   c. No R-1 development shall exceed a density of more than eight (8) dwelling units per gross acre.

2. Minimum lot frontage on a public street:

   a. Internal lot: 50 feet
   b. Corner lot: 60 feet

3. Minimum lot depth: 100 feet

4. Minimum depth of front setback: 25 feet

5. Minimum depth of rear setback: 20 percent of lot depth, up to a maximum of 7 ½ feet.

6. Minimum width of side setback:

   a. Internal lot: 10 percent of the lot width, up to a maximum of 7 ½ feet. Accessory structures may be permitted a 3′ side setback, with City staff approval. If City staff finds that the reduced side setback may pose a public safety issue, the reduced setback shall be reviewed and acted upon by the Zoning Board of Adjustment in accordance with adopted policies and procedures.

   b. Corner lot: 15 feet

7. Maximum building coverage as a percentage of lot area: 50 percent.

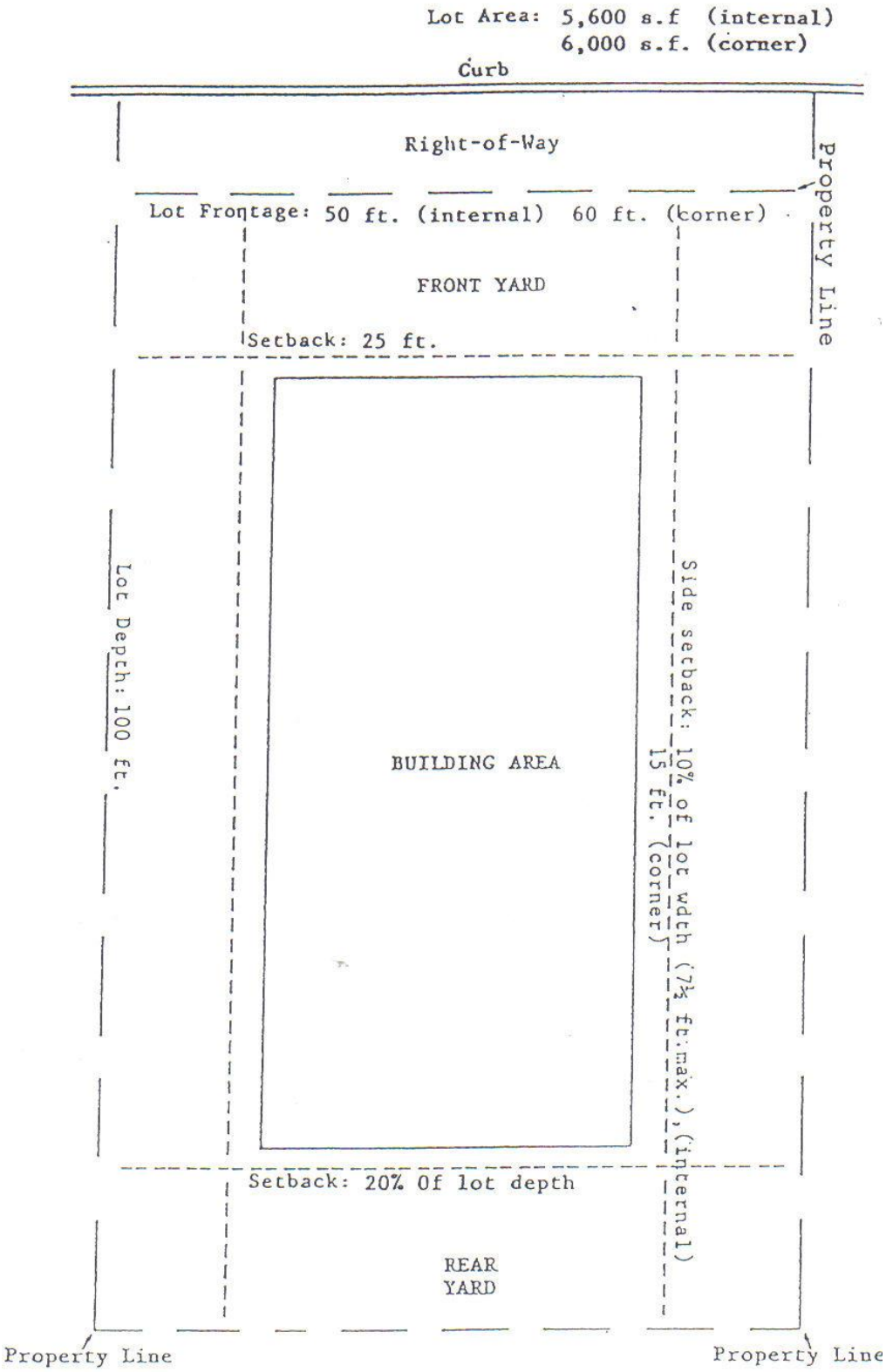
8. Maximum accessory building coverage of rear yard: 30 percent

9. Maximum height of structures: 30 feet or 2 ½ stories, whichever is less

R-1 SINGLE FAMILY DWELLING DISTRICT

Lot Area	**Lot Width**	**Lot Depth**	**Front Yard**	**Side Yards**	**Rear Yard**
Minimum Internal lot: 5,600 sq.ft. Corner lot: 6,000 sq.ft. No R-1 development shall exceed a density of more than eight (8) dwelling units per gross acre.	Minimum Internal lot: 50 feet. Corner lot: 60 feet.	Minimum 100 feet.	Minimum setback of 25 feet.	Minimum setbacks Internal lot: 10% of lot width (Maximum 7 ½ feet) Corner lot: 15 feet	Minimum setback of 20% of lot depth up to a maximum of 7 ½ feet.
Dwelling	**Height**	**Parking**	**Accessory Buildings**		
Maximum building coverage: 50% of lot area.	Maximum 30 feet or 2 ½ stories, whichever is less.	Two (2) off-street parking spaces for each family dwelling. For additional requirements see Sec. 39 Off-street parking requirements	Maximum building coverage: 30% of rear yard.		

R-1 Single-Family Dwelling District



Section 15. DP-1 Duplex or Two-Family Dwelling District. (Low Density)

A. Principal uses: In a DP-1 District, no land shall be used and no buildings shall be erected for or converted to any other use than:

Community Center (non-profit) swim, tennis club etc.
Day nursery or kindergarten (6 or less children, excluding family members)
Duplex or two-family dwelling.
Duplex (two (2) attached) townhouses.
Duplex condominiums.
Family Home for Handicapped
Home occupations
Industrialized housing
Park/playground
Storage buildings not larger than ten (10) feet by twelve (12) feet.

B. Uses Permitted with a Specific Use Permit:

Bed & Breakfast
Church
Country Club
Day nursery or kindergarten (more than 6 children, excluding family members)
Library
Schools, private or public

C. Prohibited uses:

1. Any building erected or land used for other than one or more of the preceding specified uses.
2. Any use of property that does not meet the required minimum lot size; front, side and rear yard dimension; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required.

D. Area requirements:

1. Minimum lot area:

   a. Internal lot: 12,000 square feet
   b. Corner lot: 12,000 square feet
   c. No DP-1 development shall exceed a density of more than three (3) duplex buildings or six (6) dwelling units per gross acre.

Section 15. DP-1 Duplex or Two-Family Dwelling District. (Low Density) (Continued)

2. Minimum lot frontage on a public street:

   a. Internal lot: 100 feet
   b. Corner lot: 100 feet

3. Minimum lot depth: 120 feet

4. Minimum depth of front setback: 25 feet

5. Minimum depth of rear setback: 20 percent of lot depth, up to a maximum of 7 ½ feet.

6. Minimum width of side setback:

   a. Internal lot: 10 feet
   b. Corner lot: 15 feet

7. Maximum building coverage as a percentage of lot area: 40 percent

8. Maximum accessory building coverage of rear yard as a percentage: 30 percent

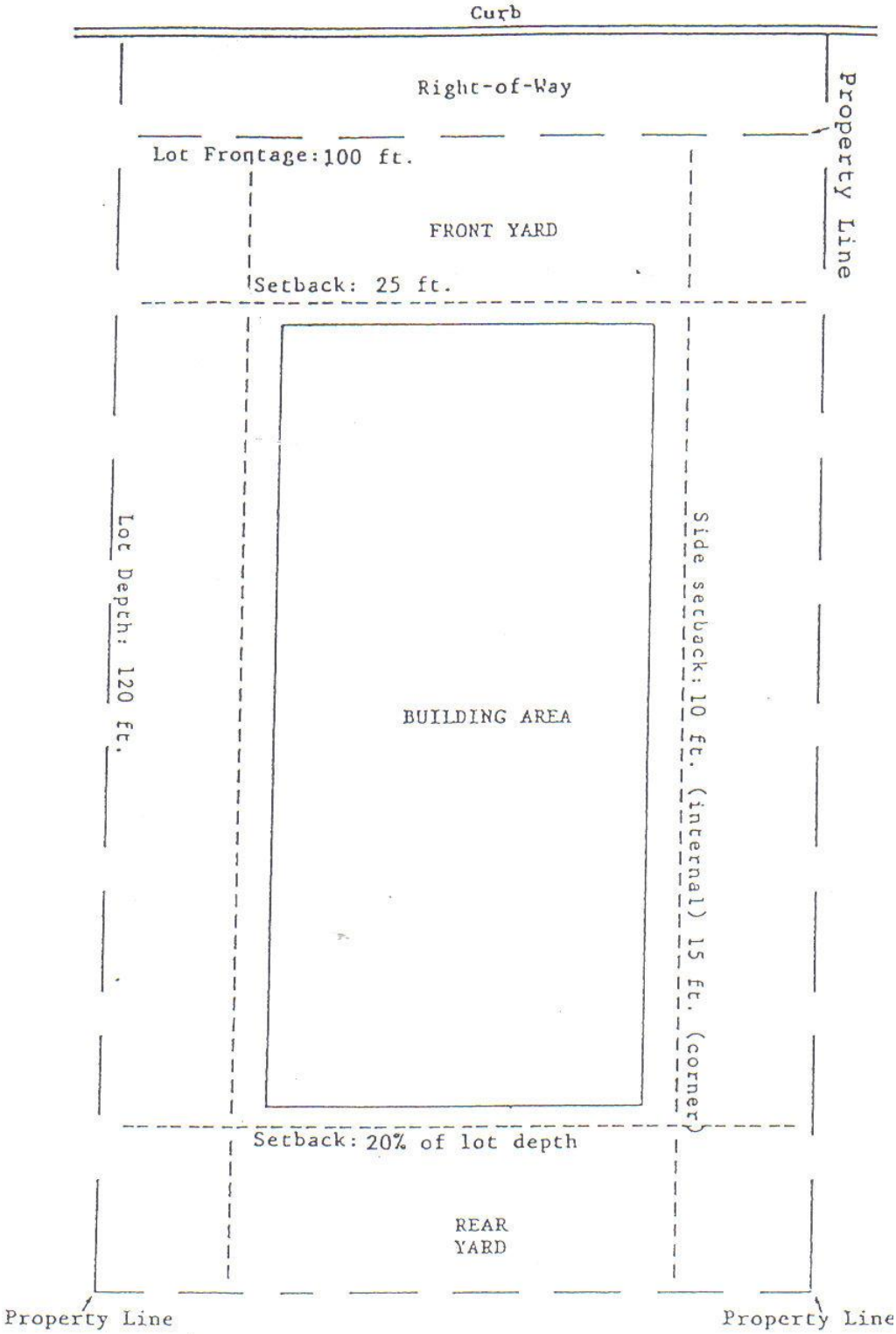
9. Maximum height of structures: 30 feet or 2 ½ stories, whichever is less

DP-1 DUPLEX OR TWO-FAMILY DWELLING DISTRICT
(Low Density)

Lot Area	**Lot Width**	**Lot Depth**	**Front Yard**	**Side Yards**	**Rear Yard**
Minimum Internal lot: 12,000 sq.ft. Corner lot: 12,000 sq.ft. No DP-1 development shall exceed a density of more than six (6) dwelling units or three (3) duplex buildings per gross acre.	Minimum Internal lot: 100 feet. Corner lot: 100 feet.	Minimum: 120 feet.	Minimum setback of 25 feet.	Minimum setbacks Internal lot: 10 feet. Corner lot: 15 feet	Minimum setback of 20% of lot depth up to a maximum of 7 ½ feet.
Dwelling	**Height**	**Parking**	**Accessory Buildings**		
Maximum building coverage: 40% of lot area.	Maximum of 30 feet or 2 ½ stories whichever is less.	Four (4) off-street parking spaces for each duplex. Two (2) spaces for each family dwelling. See Sec. 39 Off-street parking requirements	Maximum building coverage: 30% of rear yard.		

DP -1 Duplex or Two-Family Dwelling District

Lot Area: 12,000 s.f.



Section 16. DP-2 Duplex or Two Family Dwelling District. (Medium Density)

A. Principal uses: In a DP-2 District, no land shall be used and no buildings shall be erected for or converted to any other use than:

Community Center (non-profit) swim, tennis club, etc.
Day nursery or kindergarten (6 or less children, excluding family members)
Duplex or two-family dwelling.
Duplex (two (2) attached) townhouses.
Duplex condominiums.
Family Home for Handicapped
Home occupations
Industrialized housing
Park/playground
Storage buildings not larger than ten (10) feet by twelve (12) feet.

B. Uses Permitted with a Specific Use Permit:

Bed & Breakfast
Church
Country Club
Day nursery or kindergarten (more than 6 children, excluding family members)
Library
Schools, private or public

C. Prohibited uses:

1. Any building erected or land used for other than one or more of the preceding specified uses.
2. Any use of property that does not meet the required minimum lot size; front, side and rear yard dimension; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required.

D. Area requirements:

1. Minimum lot area:

   a. Internal lot: 6,200 square feet
   b. Corner lot: 8,000 square feet
   c. No DP-2 development shall exceed a density of more than fourteen (14) dwelling units or seven (7) duplex buildings per gross acre.

Section 16. DP-2 Duplex or Two Family Dwelling District. (Medium Density) (Continued)

2. Minimum lot frontage on a public street:

   a. Internal lot: 60 feet
   b. Corner lot: 75 feet

3. Minimum lot depth: 90 feet

4. Minimum depth of front setback: 25 feet

5. Minimum depth of rear setback: 15 percent of lot depth, up to a maximum of 7 ½ feet.

6. Minimum width of side setback:

   a. Internal lot: 6 feet
   b. Corner lot: 15 feet
   c. No portion of a building shall extend within five (5) feet of any internal side lot line.

7. Maximum building coverage as a percentage of lot area: 50 percent.

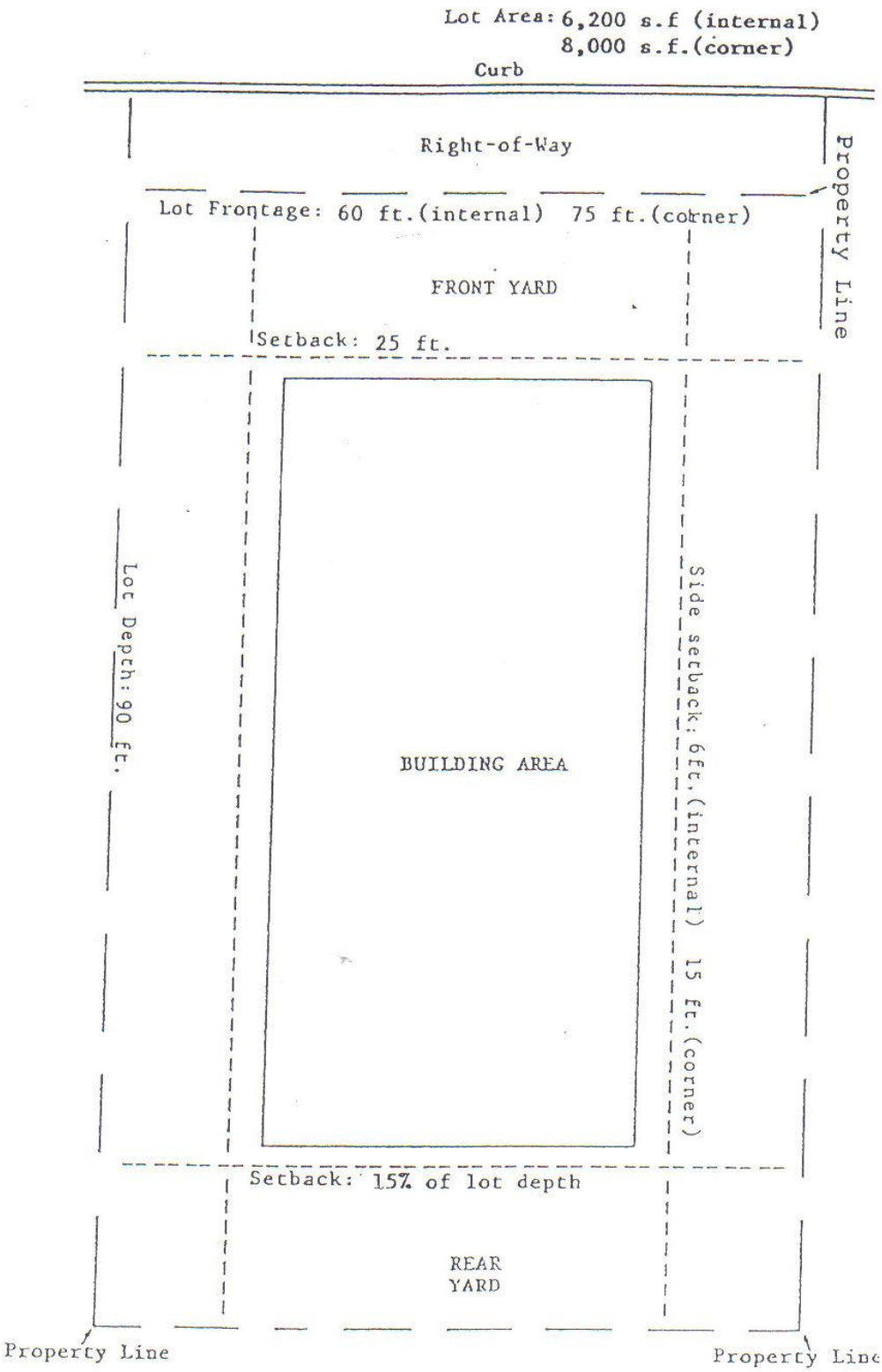
8. Maximum accessory building coverage of rear yard as a percentage: 20 percent.

9. Maximum height of structures: 30 feet or 2 ½ stories, whichever is less

DP-2 DUPLEX OR TWO FAMILY DWELLING DISTRICT
(Medium Density)

Lot Area	**Lot Width**	**Lot Depth**	**Front Yard**	**Side Yards**	**Rear Yard**
Minimum Internal lot: 6,200 sq.ft. Corner lot: 8,000 sq.ft. No DP-2 development shall exceed a density of more than fourteen (14) dwelling units per gross acre (Seven (7) duplex buildings).	Minimum Internal lot: 60 feet. Corner lot: 75 feet.	Minimum: 90 feet	Minimum setback of 25 feet.	Minimum setbacks Internal lot: 6 feet. Corner lot: 15 feet No portion of a building shall extend within five (5) feet of any internal side lot line.	Minimum setback of 15% of lot depth up to a maximum of 7 ½ feet.
Dwelling	**Height**	**Parking**	**Accessory Buildings**		
Maximum building coverage: 50% of lot area.	Maximum of 30 feet or 2 ½ stories whichever is less.	Four (4) off-street parking spaces for each duplex (Two (2) spaces for each family dwelling). See Sec. 39 Off-street parking requirements	Maximum building coverage: 20% of rear yard.		

DP -2 Duplex or Two Family Dwelling District



Section 17. TH-1 Townhouse Residential District.

A. Principal uses:

Community Center (non-profit) swim, tennis club etc.
Day nursery or kindergarten (6 or less children, excluding family members)
Family Home for Handicapped
Home occupations
One townhouse residence per lot
Park/playground

B. Uses Permitted with a Specific Use Permit:

Bed & Breakfast
Church
Country Club
Day nursery or kindergarten (more than 6 children, excluding family members)
Library
Schools, public or private

C. Prohibited uses:

1. Any building erected or land used for other than the preceding specified use.
2. Any use of a single-family detached dwelling unit by more than six (6) 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.

D. Area requirements:

1. Minimum lot area:

   a. Internal lot: 2,500 square feet
   b. Corner lot: 4,000 square feet
   c. No TH-1 development shall exceed a density of more than twelve (12) dwelling units per gross acre.

2. Minimum lot frontage on a public street:

   a. Internal lot: 25 feet
   b. Corner lot: 36 feet

3. Minimum lot depth: N/A

Section 17. TH-1 Townhouse Residential District (Continued)

4. Minimum depth of front setback: 20 feet

5. Minimum depth of rear setback: 0 feet, when abutting townhouses on the rear, 10 feet when abutting an alley or service drive, or property not zoned for townhouse usage.

6. Minimum width of side setback:

   a. Internal lot: 0 feet
   b. Corner lot: 12 feet

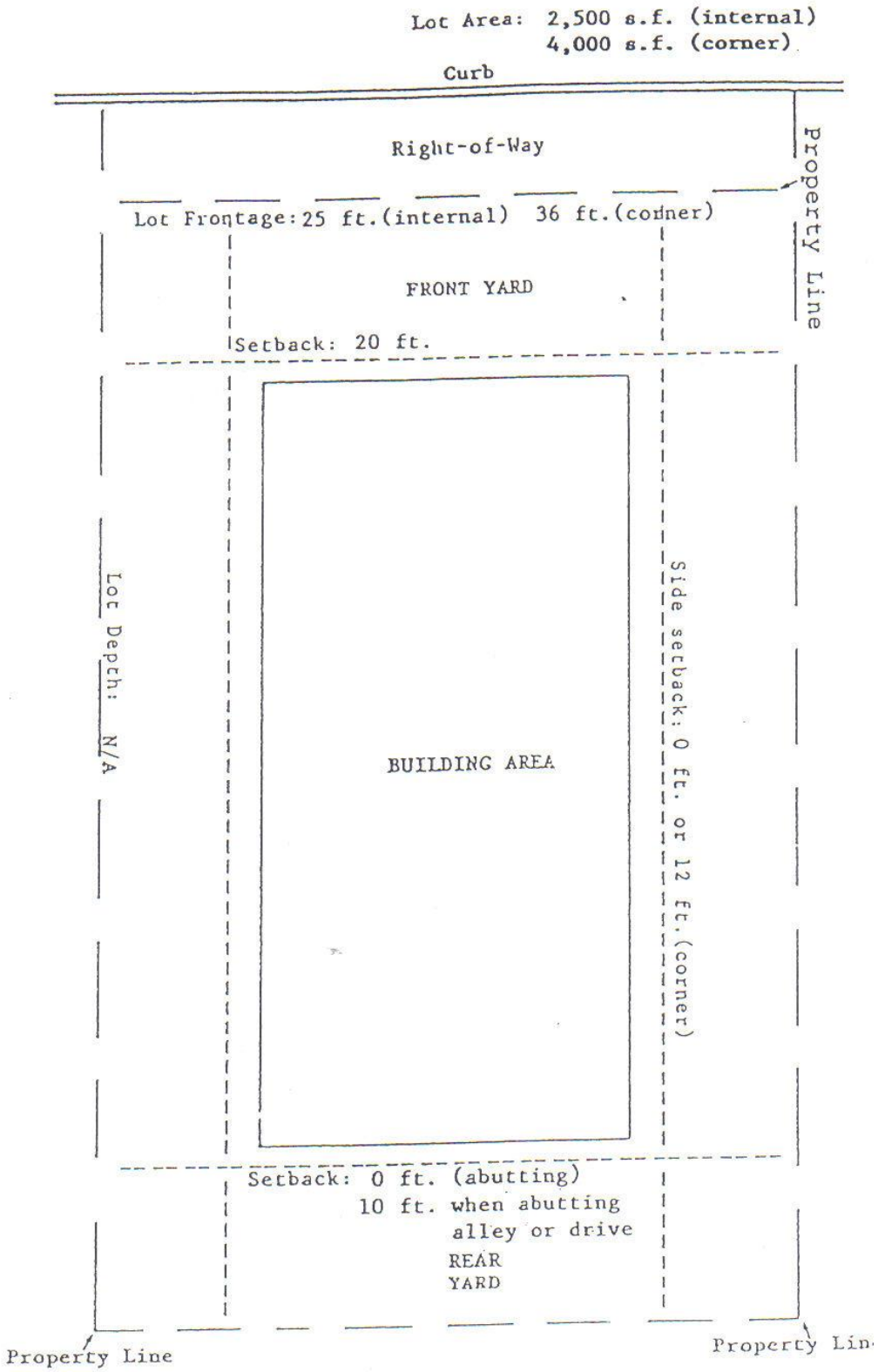
7. Maximum building coverage as a percentage of lot area: 80 percent

8. Maximum height of structures: 30 feet or 2 ½ stories, whichever is less

TH-1 TOWNHOUSE RESIDENTIAL DISTRICT

Lot Area	**Lot Width**	**Lot Depth**	**Front Yard**	**Side Yards**	**Rear Yard**
Minimum Internal lot: 2,500 sq.ft. Corner lot: 4,000 sq.ft. No TH-1 development shall exceed a density of more than twelve (12) dwelling units per gross acre.	Minimum Internal lot: 25 feet. Corner lot: 36 feet.	N/A	Minimum setback of 20 feet.	Minimum setbacks Internal lot: 0 feet. Corner lot: 12 feet	Minimum setbacks: 0 feet, when abutting townhouses on the rear, 10 feet when abutting an alley or service drive, or property not zoned for townhouse usage.
Dwelling	**Height**	**Parking**	**Accessory Buildings**		
Maximum building coverage: 80% of lot area.	Maximum of 30 feet or 2 ½ stories whichever is less.	Two (2) off-street parking spaces for each family dwelling or two (2) off-street parking spaces for each townhouse lot. See Sec. 39 Off-street parking requirements	N/A		

TH -1 Townhouse Residential District



Section 18. ZL Zero Lot Line Home District.

A. Principal uses:

One single-family detached dwelling unit per lot.
Community Center (non-profit) swim, tennis club, etc.
Day nursery or kindergarten (6 or less children, excluding family members)
Family Home for Handicapped
Home occupations
Industrialized housing
Park/playground
Accessory buildings including a private garage, or bona fide servants' quarters for use of servants employed on the premises and not for rent.

B. Uses Permitted with a Specific Use Permit:

Bed & Breakfast
Church
Country Club
Day nursery or kindergarten (more than 6 children, excluding family members)
Library
Schools, public or private

C. **Requirements:** The plat of the requested area shall incorporate the requirements for a ZL as follows:

1. Zero lot line, one family dwellings can be constructed in an area requested and approved for designation as ZL.

2. Zero lot line homes will be uniformly located on the same side of the lot within a street block.

3. Zero lot line homes shall have no windows on the side of the house which abuts the property line.

4. No area shall be designated ZL that contains less than five (5) adjoining lots on each street.

5. The entire frontage of one side of the street in the block must be included in the ZL designation.

D. Area Regulations for ZL Zero Lot Line Construction:

1. Front Yard Setback: The front yard setback for ZL Garden Home District is set at a minimum of twenty (20) feet.

Section 18. ZL Zero Lot Line Home District. (Continued)

2. Side Yard Setback:
   a. The building may be constructed with a zero side yard on one side and a side yard of not less than ten (10) feet on the other side. This ten (10) foot side yard shall extend the full depth of the lot. Five (5) feet of the property that abuts the zero property line shall be designated as a maintenance easement. This easement shall extend the depth of the lot.
   b. Exceptions are permitted so that the end houses of the row will have a ten (10) foot side yard clearance from the street right-of-way. Under no circumstances will the clearance between the houses be less than ten (10) feet.

3. Rear Yard Setback: There shall be a rear yard having a depth of not less than ten (10) feet.

4. Area of Lot: The minimum width of the lot shall be forty (40) feet.

5. Minimum Depth of Lot: The minimum depth of the lot shall be eighty-five (85) feet.

6. Parking Regulations: A minimum of two (2) off-street parking spaces per dwelling unit shall be provided for each residence in ZL Zero Lot Line Home District. [For additional requirements, see Section 39 Off-Street Parking.]

7. Access to Parking: A twenty (20) foot concrete alley must be provided for ingress and egress to all rear garages.

8. Accessory Buildings: No accessory building as permitted herein, shall occupy more than forty (40) percent of the required rear yard. Accessory buildings shall be set back three (3) feet from the rear property line provided; however, that where the rear lot line is the line of an alley twenty (20) feet or more in width, no setback shall be required. No accessory building may be closer than ten (10) feet to the main building in the rear yard. Accessory buildings shall not be allowed in front or side yards.

9. Maximum height of structures: 30 feet or 2 ½ stories, whichever is less.

ZL ZERO LOT LINE HOME DISTRICT

Lot Area	**Lot Width**	**Lot Depth**	**Front Yard**	**Side Yards**	**Rear Yard**
Minimum of 3,400 sq.ft.	Minimum of 40 feet.	Minimum of 85 feet.	Minimum setback: 20 feet.	Minimum setbacks Zero (0) side yard on one side, minimum ten ft. on the other and shall extend full depth of lot. Five ft. of property abutting the zero property line shall be a maintenance easement. End house ten ft. from street R.O.W.	Minimum setback of 10 feet.
Dwelling	**Height**	**Parking**	**Accessory Buildings**		
N/A	Maximum height of structures 30 feet or 2 ½ stories, whichever is less.	Two (2) off-street parking spaces for each dwelling unit. Access requires twenty (20) foot concrete alley for ingress and egress to rear garages.	Maximum building coverage: 40% of rear yard, buildings no closer than ten (10) feet to the main building nor closer than three feet from the rear property line other than paved line of alley.		

Section 19. A-R Agricultural Ranch District.

A. Purpose: The Agricultural-Ranch District is designed to promote orderly, timely, economical 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. Principal uses:

Community Center (non-profit) swim, tennis club, etc.
Day nursery or kindergarten (6 or less children, excluding family members)
Family Home for Handicapped
Farming, ranching, related activities and accessory buildings, including the owner's single-family dwellings.
Home occupations
Industrialized housing
Park/playground

C. Uses Permitted with a Specific Use Permit:

Bed & Breakfast
Church
Commercial communication tower
Country Club
Day nursery or kindergarten (more than 6 children, excluding family members)
Library
Mobile home on an unsubdivided tract
Schools, public or private
Single-family dwelling and accessory uses that are unrelated to activities in (subsection) B.1 of this section.

D. Prohibited uses:

1. Any building erected or land used for other than one or more of the preceding specified uses.
2. Any use of property that does not meet the required minimum lot size; front, side and rear yard dimension; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required.

Section 19. A-R Agricultural-Ranch District (Continued)

E. Area requirements:

1. Minimum lot area:

   a. Internal lot: Ten (10) acres
   b. Corner lot: Ten (10) acres

2. Minimum lot frontage on a public street:

   a. Internal lot: 150 feet
   b. Corner lot: 150 feet

3. Minimum lot depth: 200 feet

4. Minimum depth of front setback: 40 feet

5. Minimum depth of rear setback: 20 percent of lot depth, up to a maximum of 7 ½ feet.

6. Minimum width of side setback:

   a. Internal lot: 20 feet
   b. Corner lot: 25 feet

7. Maximum building coverage as a percentage of lot area: N/A

8. Maximum building coverage of rear yard: N/A

9. Maximum height of structures: 30 feet or 2 ½ stories, whichever is less.

AR AGRICULTURAL RANCH DISTRICT

Lot Area	**Lot Width**	**Lot Depth**	**Front Yard**	**Side Yards**	**Rear Yard**
Minimum Internal lot: 10 acres Corner lot: 10 acres	Minimum Internal lot: 150 feet Corner lot: 150 feet	Minimum of 200 feet	Minimum setback of 40 feet	Minimum setbacks Internal lot: 20 feet Corner lot: 25 feet	Minimum setback of 20% of lot depth, up to a maximum of 7 ½ feet
Dwelling	**Height**	**Parking**	**Accessory Buildings**		
N/A	Maximum 30 feet or 2 ½ stories, whichever is less	Two (2) off-street parking spaces for each family dwelling. For additional requirements see Sec. 39 Off-street parking requirements	N/A		

Section 20. MF-1 Multifamily Dwelling District (Low Density)

A. Principal uses: In an MF-1 District, no land shall be used and no building shall be erected for or converted to any other use than:

Apartment houses and multiple dwelling units in which rooms and apartments are rented to resident guests but excluding all retail businesses
Community Center (non-profit) swim, tennis club etc.
Condominiums
Family Home for the Handicapped
Home occupations
Lodging houses
Park/playground
Parking lots for multifamily use

B. Uses Permitted with a Specific Use Permit:

Assisted Living
Bed & Breakfast
Church
College dormitory
Country Club
Fraternity or Sorority house
Day nursery or kindergarten (any number)
Hospital
Library
Nursing Home, Convalescent Home, Sanitarium
Schools, public or private

C. Prohibited uses:

1. Any building erected or land used for other than one or more of the preceding specified uses.
2. Any use of property that does not meet the required minimum lot size; front, side and rear yard dimension; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required.

D. Area requirements:

1. Minimum lot area:

   a. The minimum lot area shall be 21,780 square feet for the first three (3) dwelling units and each additional dwelling unit shall be a minimum of 7,260 square feet.

Section 20. MF-1 Multifamily Dwelling District (Low Density) (Continued)

b. No MF-1 development shall exceed a density of more than six (6) dwelling units per gross acre.

2. Minimum lot frontage on a public street:

   a. Internal lot: 100 feet
   b. Corner lot: 100 feet

3. Minimum lot depth: 100 feet

4. Minimum depth of front setback: 25 feet

5. Minimum depth of rear setback shall be 10 feet. There shall be no encroachment or overhangs into this required rear yard.

6. Minimum width of side setback:

   a. Internal lot: 10 feet
   b. Corner lot: 15 feet

7. Maximum building coverage as a percentage of lot area: 50 percent

8. Maximum accessory building coverage as a percentage of rear yard: N/A

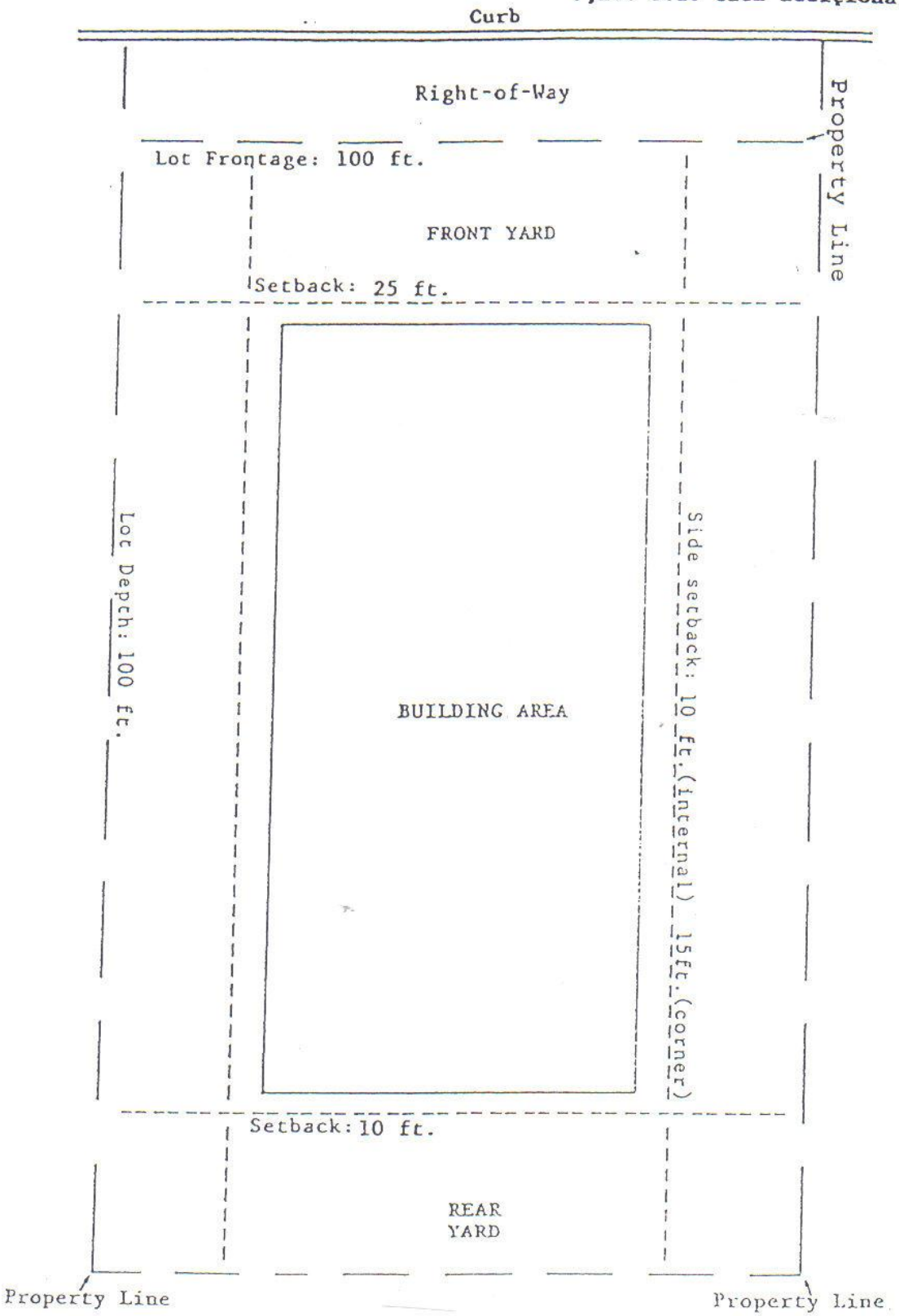
9. Maximum height of structures: 30 feet or 2 ½ stories, whichever is less.

MF-1 MULTIFAMILY DWELLING DISTRICT (Low Density)

Lot Area	**Lot Width**	**Lot Depth**	**Front Yard**	**Side Yards**	**Rear Yard**
Minimum of 21,780 sq.ft. for the first three (3) dwelling units; each additional dwelling unit minimum of 7,260 sq.ft., with a density not to exceed six (6) dwelling units per gross acre.	Minimum Internal lot: 100 feet. Corner lot: 100 feet.	Minimum of 100 feet.	Minimum setback of 25 feet.	Minimum setbacks Internal lot: 10 feet Corner lot: 15 feet	Minimum setback of 10 feet, with no building overhangs or encroachments
Dwelling	**Height**	**Parking**	**Accessory Buildings**		
Maximum building coverage: 50% of lot area.	Maximum of 30 feet or 2 ½ stories whichever is less.	Off-street parking spaces for: Efficiency Apt. – 1 space. One (1) bedroom – 1 ½ spaces. Two (2) bedroom – 2 spaces. Each additional bedroom – 1 space.	N/A		

MF -1 Multifamily Dwelling District (Low Density)

Lot Area: 21,780 s.f. first 3 d.u.'s
7,260 s.f. each additional d.u



Section 21. MF-2 Multifamily Dwelling District. (Medium Density)

A. **Principal uses:** In an MF-2 District, no land shall be used and no building shall be erected for or converted to any other use than:

Apartment houses and multiple dwelling units in which rooms and apartments are rented to resident guests but excluding all retail businesses
Community Center (non-profit) swim, tennis club etc.
Condominiums
Family Home for the Handicapped
Home occupations
Lodging houses
Park/playground
Parking lots for multifamily use

B. **Uses Permitted with a Specific Use Permit:**

Assisted Living
Bed & Breakfast
Church
College dormitory
Country Club
Fraternity or Sorority house
Day nursery or kindergarten (any number)
Hospital
Library
Nursing Home, Convalescent Home, Sanitarium
Schools, public or private

C. **Prohibited uses:**

1. Any building erected or land used for other than one or more of the preceding specified uses.
2. Any use of property that does not meet the required minimum lot size; front, side and rear yard dimension; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required.

D. **Area requirements:**

1. Minimum lot area:

   a. The minimum lot area shall be 10,890 square feet for the first three (3) dwelling units and each additional dwelling unit shall be a minimum of 3,630 square feet.

Section 21. MF-2 Multifamily Dwelling District. (Medium Density) (Continued)

b. No MF-2 development shall exceed a density of twelve (12) dwelling units per gross acre.

2. Minimum lot frontage on a public street:

   a. Internal lot: 100 feet
   b. Corner lot: 100 feet

3. Minimum lot depth: 100 feet

4. Minimum depth of front setback: 25 feet

5. Minimum depth of rear setback shall be 10 feet. There shall be no encroachment or overhangs into this required rear yard.

6. Minimum width of side setback:

   a. Internal lot: 10 feet
   b. Corner lot: 15 feet

7. Maximum building coverage as a percentage of lot area: 50 percent

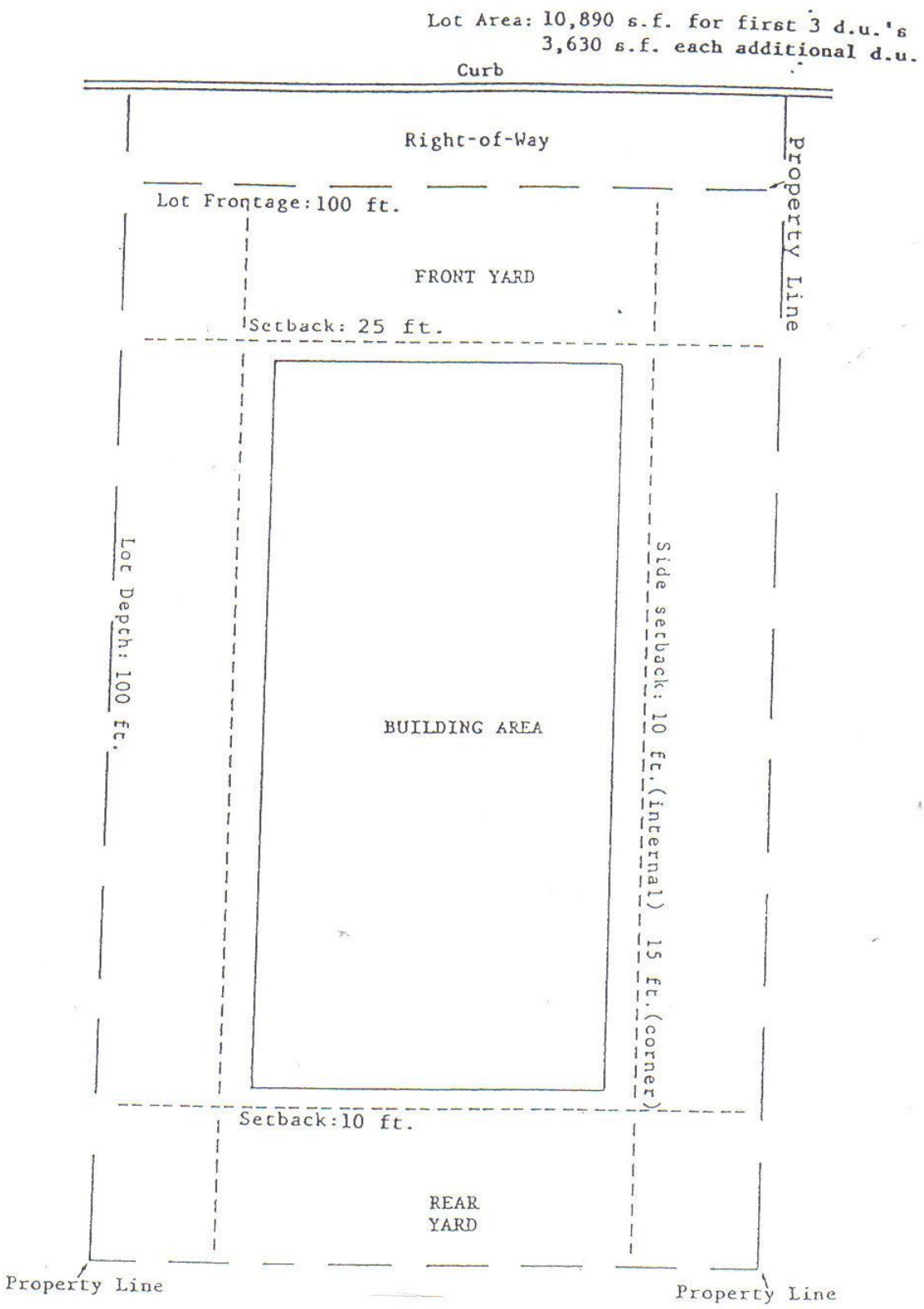
8. Maximum accessory building coverage as a percentage of rear yard: 30 percent

9. Maximum height of structures: 45 feet or 3 stories, whichever is less.

MF-2 MULTIFAMILY DWELLING DISTRICT (Medium Density)

Lot Area	**Lot Width**	**Lot Depth**	**Front Yard**	**Side Yards**	**Rear Yard**
Minimum 10,890 sq.ft. for the first three (3) dwelling units, minimum 3,630 sq.ft. for each additional dwelling unit. No MF-2 development shall exceed a density of twelve (12) dwelling units per gross acre.	Minimum Internal lot: 100 feet. Corner lot: 100 feet.	Minimum of 100 feet.	Minimum setback of 25 feet.	Minimum setbacks Internal lot: 10 feet. Corner lot: 15 feet.	Minimum setback of 10 feet, with no overhangs or encroachments
Dwelling	**Height**	**Parking**	**Accessory Buildings**		
Maximum building coverage: 50% of lot area.	Maximum of 45 feet or 3 stories, whichever is less.	Off-street parking spaces for: Efficiency Apt. – 1 space; One (1) bedroom – 1 ½ spaces; Two (2) bedroom – 2 spaces; each additional bedroom – 1 space.	Maximum building coverage: 30% of rear yard.		

MF-2 Multifamily Dwelling District. (Medium Density)



Section 22. MF-3 Multifamily Dwelling District. (High Density)

A. Principal uses: In a MF-3 District, no land shall be used and no building shall be erected for or converted to any other use than:

Apartment houses and multiple dwelling units in which rooms and apartments are rented to resident guests but excluding all retail businesses.
Community Center (non-profit) swim, tennis club etc.
Condominiums
Family Home for the Handicapped
Home occupations
Lodging houses
Park/playground
Parking lots for multifamily use

B. Uses Permitted with a Specific Use Permit:

Assisted Living
Bed & Breakfast
Church
College dormitory
Country Club
Fraternity or Sorority house
Day nursery or kindergarten (any number)
Hospital
Library
Nursing Home, Convalescent Home, Sanitarium
Schools, public or private

C. Prohibited uses:

1. Any building erected or land used for other than one or more of the preceding specified uses.

2. Any use of property that does not meet the required minimum lot size; front, side and rear yard dimension; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required.

D. Area requirements:

1. Minimum lot area:

   a. The minimum lot area shall be 7,275 square feet for the first three (3) dwelling units and each additional dwelling unit shall be a minimum of 2,425 square feet.

Section 22. MF-3 Multifamily Dwelling District (High Density) (Continued)

b. No MF-3 development shall exceed a density of more than twenty (20) dwelling units per gross acre.

2. Minimum lot frontage on a public street:

   a. Internal lot: 75 feet
   b. Corner lot: 75 feet

3. Minimum lot depth: 100 feet

4. Minimum depth of front setback: 25 feet

5. Minimum depth of rear setback shall be 7 feet.

6. Minimum width of side setback:

   a. Internal lot: 10 feet
   b. Corner lot: 15 feet

7. Maximum building coverage as a percentage of lot area: 50 percent

8. Maximum accessory building coverage as a percentage of rear yard: 30 percent

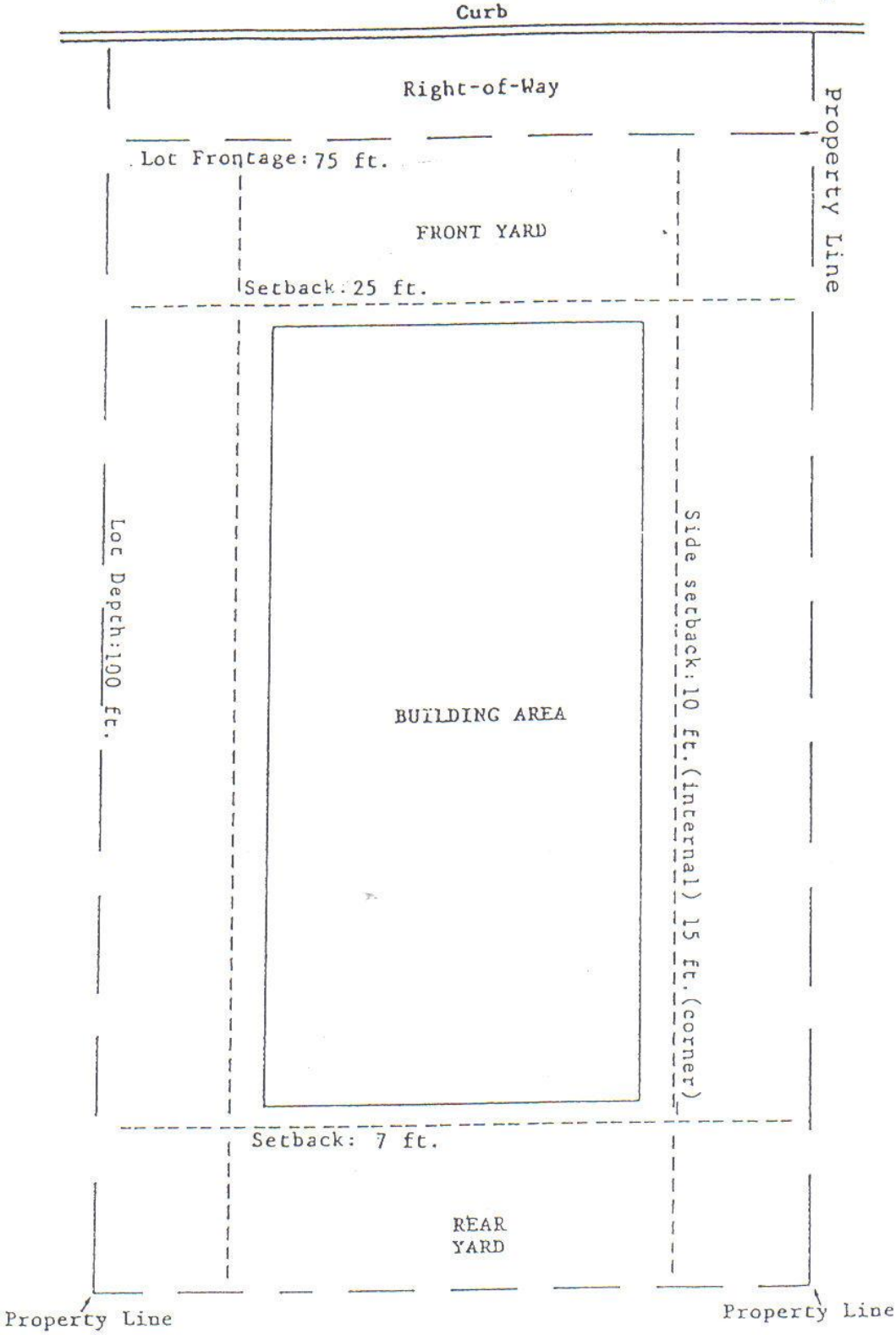
9. Maximum height of structures: 45 feet or 3 stories, whichever is less.

MF-3 MULTIFAMILY DWELLING DISTRICT (High Density)

Lot Area	**Lot Width**	**Lot Depth**	**Front Yard**	**Side Yards**	**Rear Yard**
Minimum 7,275 sq.ft. for the first three (3) dwelling units; minimum 2,425 sq.ft. for each additional unit. No MF-3 development shall exceed a density of more than twenty (20) dwelling units per gross acre.	Minimum Internal lot: 75 feet Corner lot: 75 feet.	Minimum of 100 feet.	Minimum setback of 25 feet.	Minimum setbacks Internal lot: 10 feet Corner lot: 15 feet.	Minimum setback of 7 feet.
Dwelling	**Height**	**Parking**	**Accessory Buildings**		
Maximum building coverage: 50% of lot area.	Maximum of 45 feet or 3 stories whichever is less.	Off-street parking for: Efficiency Apt. – 1 space; One (1) bedroom – 1 ½ spaces; Two (2) bedroom – 2 spaces; Each additional bedroom – 1 space.	Maximum building coverage: 30% of rear yard.		

MF-3 Multifamily Dwelling District. (High Density)

Lot Area: 7,275 s.f. for first 3 units
2,425 s.f. each additional d.u



Section 23. 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.

6. Manufactured houses which do not bear a label certifying that the structure was constructed in compliance with the Federal Manufactured Home Construction and Safety Standards, hereto identified as mobile homes, may be acceptable provided they meet the previously listed standards and satisfy the following criteria:

    a. All electrical material, devices, appliances and electrical equipment are in sound and safe condition. Aluminum wiring and conductors are not acceptable.
    b. All mechanical systems including space and water heating are in sound and safe condition.
    c. All plumbing, gas piping and wastewater systems are in sound and safe condition.
    d. The unit is in sound and safe structural condition. Uncompressed finish floorings greater than 1/8 inch in thickness beneath load-bearing walls which are fastened to the floor structure are not acceptable. Mobile homes which show signs of fire damage are not acceptable.

Section 23. Manufactured Home Standards (Continued)

e. The determination of the foregoing acceptance of any mobile home shall be made by the local Building Official and Department of Inspections.

7. All mobile homes and manufactured housing shall be installed in accordance to the locally adopted building codes.

Section 24. MHP Manufactured Home Park District

A. Principal uses: In a MHP Manufactured Home Park District, no land shall be used and no building shall be erected for or converted to any other use than:

Accessory buildings including a private garage, or bona fide servant's quarters for use of servants employed on the premises and not for rent.
Community Center (non-profit) swim, tennis club etc.
Family Home for Handicapped
Home occupations
One single-family detached industrial/modular dwelling unit per lot.
One manufactured home on each space as approved for manufactured homes.
Owner or manager's single-family dwelling unit.
Park/playground
Recreational and commercial facilities designed for the exclusive use of the park occupants.

B. Uses Permitted with a Specific Use Permit:

Church
Country Club
Day nursery or kindergarten (6 or less children, excluding family members)
Library
Schools, private or public

C. Prohibited uses:

1. Any building erected or land used for other than one or more of the preceding specified uses.
2. Any use of property that does not meet the required minimum lot/space size; front, side and rear yard dimensions; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required.
3. Any use of a single-family detached dwelling unit by more than six (6) 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.
4. Mobile homes, except those meeting the established mobile home standards.

Section 24. MHP Manufactured Home Park District (Continued)

D. Required Conditions

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.

E. Area Requirements

1. 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.

2. Minimum lot frontage on a public street or private drive:

   a. Internal lot: 40 feet
   b. Corner lot: 55 feet

Section 24. MHP Manufactured Home Park District (Continued)

3. Minimum lot depth: 80 feet

4. Minimum depth of front setback:

   a. From private drive: 10 feet
   b. From public street: 25 feet

5. Minimum rear setback: 20 percent of lot depth, up to a maximum of 7 ½ feet.

6. 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.

7. Maximum building coverage as a percentage of lot area: 50 percent

8. Maximum accessory building coverage of rear yard: 30 percent

9. Unit separation:

   a. Side to side: 25 feet minimum
   b. End to end: 15 feet minimum

F. Open Space Requirements

1. Not less than eight (8) percent of total gross area of 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.

Section 24. MHP Manufactured Home Park District (Continued)

G. Perimeter Treatment and Setbacks

1. Perimeter fencing and/or landscaping of the development, in accordance with Section 36, Seguin Zoning Ordinance standards, 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.

3. Zero lot line setbacks shall be permitted in accordance with zoning standards.

H. 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 in accordance with the Zoning Ordinance, or approved by the Planning and Zoning Commission.

3. A central location for storage of travel trailers, boats, RV's, shall be provided.

4. If dumpsters are to be used, they must be properly screened in accordance with the City's garbage container screening requirements as specified in Section 36.2 of the Seguin Zoning Ordinance. 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.

I. Standards for Internal Streets

1. Internal streets shall be public (platted). Construction specifications for public streets shall be followed.

Section 24. MHP Manufactured Home Park District (Continued)

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.

J. 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 Section 42 – Seguin Zoning Ordinance, termination of utilities.

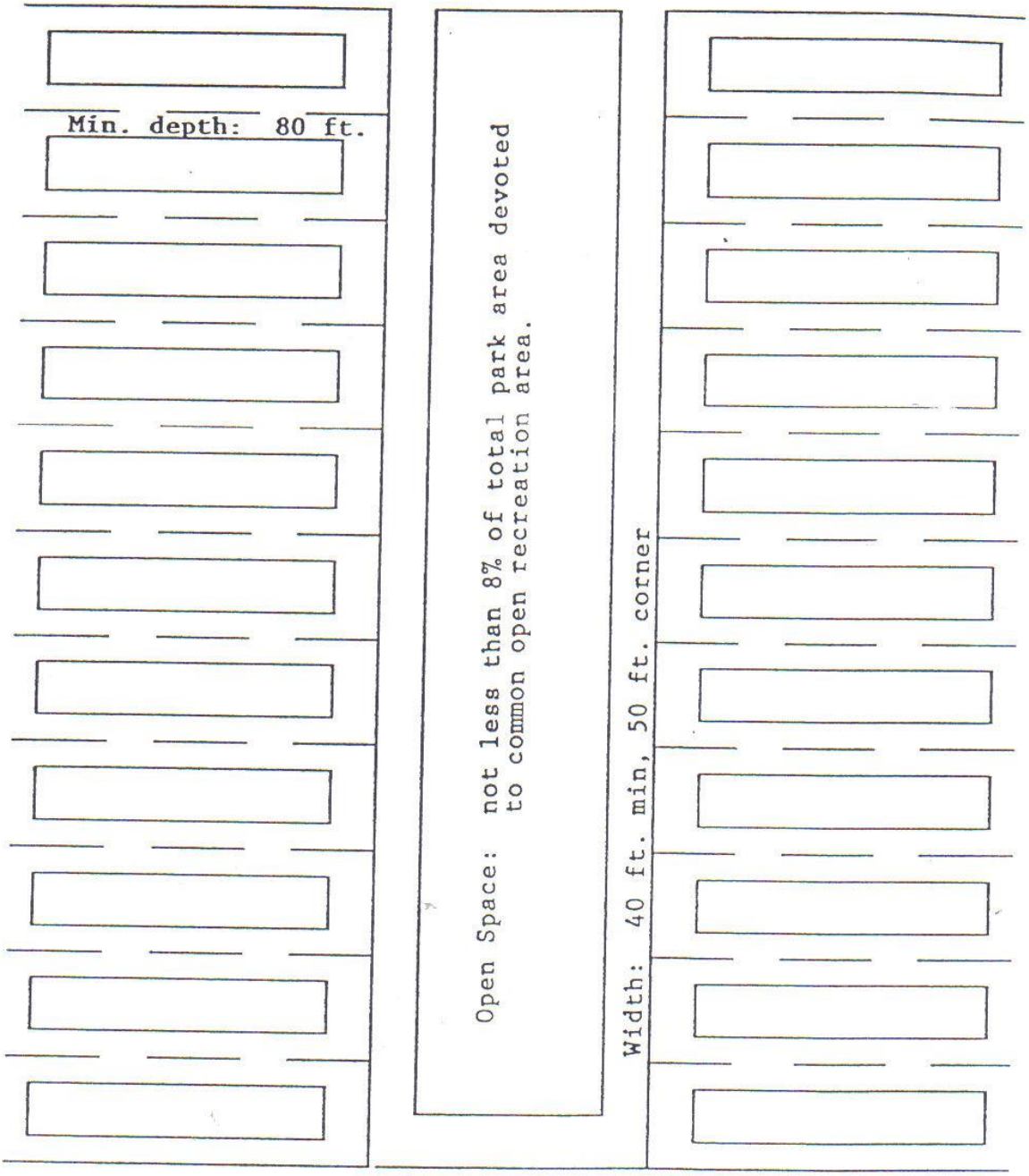
K. Fees

1. $100.00 for annual license shall be assessed.

MHP MANUFACTURED HOME PARK DISTRICT

Space Area	**Space Width**	**Space Depth**	**Front Yard**	**Side Yards**	**Rear Yard**
Minimum Internal lot: 3,500 sq.ft. Corner lot: 4,500 sq.ft.	Minimum Internal lot: 40 feet Corner lot: 55 feet.	Minimum 80 feet.	Minimum setback of 10 feet from private drive 25 feet from public street	Minimum setbacks Internal lot: 10% of lot width, 7 ½ feet maximum Corner lot: 25 feet from public street.	Minimum setback of 20% of lot depth up to a maximum of 7 ½ feet.
Dwelling	**Height**	**Parking**	**Accessory Buildings**		
Maximum coverage of lot area: 50% Unit Separation: Side to side 25 foot minimum. End to end 15 foot minimum.	N/A	Two (2) paved spaces per single family dwelling unit. For additional requirements see Sec. 39 Off-street parking requirements	Maximum coverage of 30% of rear yard area.		

MHP MANUFACTURED HOME PARK DISTRICT



Unit separation: 25 ft. side to side, 15 ft. end to end.

Parking: Two paved parking spaces for each manufactured home space.

No manufactured home park shall have less than ten (10) manufactured home spaces, or consist of less than three (3) acres in gross area.

No manufactured home park shall exceed a density of more than ten (10) dwelling units per gross acre.

Section 25. MHS Manufactured Home Subdivision District

A. Principal uses: In an MHS Manufactured Home Subdivision District, no land shall be used and no building erected for or converted to any other use than:

Accessory buildings, including a private garage, or bona fide servant's quarters for use of servants employed on the premises and not for rent.
Community Center (non-profit) swim, tennis club etc.
Family Home for Handicapped
Home occupations
One singe-family detached industrialized housing dwelling unit per lot.
One single-family detached manufactured dwelling unit per lot approved for manufactured homes.
Park/playground

B. Uses Permitted with a Specific Use Permit:

Church
Country Club
Day nursery or kindergarten (6 or less children, excluding family members)
Library
Schools, public or private

C. Prohibited uses:

1. Any building erected or land used for other than one or more of the preceding specified uses.

2. Any use of property that does not meet the required minimum lot size; front, side, and rear yard dimensions; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required.

3. Any use of a single-family detached dwelling unit by more than six (6) individuals who are unrelated by blood, legal adoption, or marriage. The owner and any agent of the owner will be held legally responsible for any dwelling unit use.

4. Manufactured home park.

5. Mobile homes, except those meeting the established mobile home standards.

Section 25. MHS Manufactured Home Subdivision District (Continued)

D. Required Conditions

1. All new MHS developments must meet all the platting requirements of the City Subdivision Ordinance and receive approval from the Planning Commission.

2. No manufactured home park shall be converted to a manufactured home subdivision without first obtaining the appropriate zoning change.

E. Area Requirements:

1. Minimum lot area:

   a. Internal lot: 5,000 square feet
   b. Corner lot: 5,500 square feet
   c. No manufactured home subdivision shall have fewer than ten (10) lots, or consist of less than three (3) acres in total area.
   d. No MHS development shall exceed a density of more than eight (8) units per gross acre.

2. Minimum lot frontage on a public street:

   a. Internal lot: 45 feet
   b. Corner lot: 60 feet

3. Minimum lot depth: 90 feet

4. Minimum depth of front setback: 20 feet

5. Minimum depth of rear setback: 20 percent of lot depth, up to a maximum of 7 ½ feet.

6. Minimum width of side setbacks:

   a. Internal lot: 10 percent of lot width / 7 ½ feet maximum
   b. Corner lot: 15 feet

7. Maximum building coverage as a percentage of lot area: 50 percent

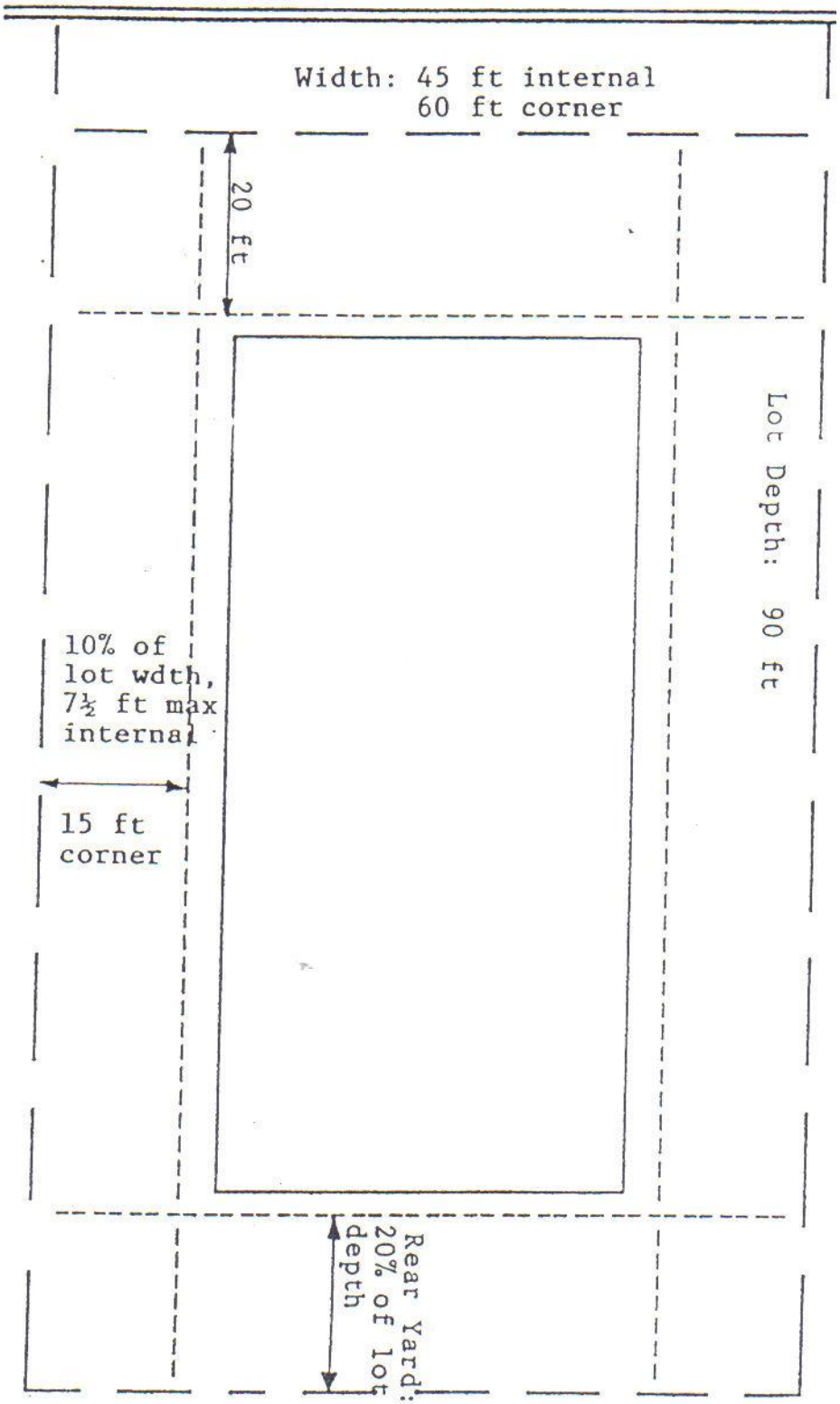
8. Maximum accessory building coverage of rear yard: 30 percent

9. Maximum height of structures: 30 feet or 2 ½ stories, whichever is less.

MHS MANUFACTURED HOME SUBDIVISION DISTRICT

Lot Area	**Lot Width**	**Lot Depth**	**Front Yard**	**Side Yards**	**Rear Yard**
Minimum Internal lot: 5,000 sq.ft. Corner lot: 5,500 sq.ft.	Minimum Internal lot: 45 feet Corner lot: 60 feet	Minimum 90 feet.	Minimum setback of 20 feet.	Minimum setbacks Internal lot: 10 % of lot width, 7 ½ feet maximum. Corner lot: 15 feet	Minimum setback of 20% of lot depth up to a maximum of 7 ½ feet.
Dwelling	**Height**	**Parking**	**Accessory Buildings**		
Maximum coverage of lot area: 50%	Maximum of 30 feet or 2 ½ stories whichever is less	Two (2) paved spaces per single family dwelling unit. For additional requirements see Sec. 39 Off-street parking requirements	Maximum coverage of 30% of rear yard area.		

MHS MANUFACTURED HOME SUBDIVISION DISTRICT



Section 26. M-R Manufactured Home and Residential District

A. Use Restrictions

In an M-R Manufactured Home and Residential District, no land shall be used and no building shall be erected for or converted to any other use than:

1. One single-family manufactured home or one site-built single family residence.

2. One single-family detached industrialized housing dwelling unit per lot.

3. Recreational vehicles (one per approved lot).

4. Accessory buildings, including a private garage or bona-fide servant's quarters for use of servants employed on the premises and not for rent.

B. Prohibited Uses

1. Manufactured home parks.

2. Any building erected or land used for other than one or more of the preceding specified uses.

3. Any use of property that does not meet the required minimum lot size; front, side, and rear yard dimensions; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required.

4. Any use of a single-family detached dwelling unit by more than six (6) individuals who are unrelated by blood, legal adoption, or marriage. The owner and any agent of the owner will be held legally responsible for any dwelling unit use.

C. Area Requirements:

1. Minimum lot area:

   a. Internal lot: 5,600 sq.ft.
   b. Corner lot: 6,000 sq.ft.
   c. No M-R development shall exceed a density of more than eight (8) dwelling units per gross acre.

Section 26. M-R Manufactured Home and Residential District (Continued)

2. Minimum lot frontage on a public street:

   a. Internal lot: 50 feet
   b. Corner lot: 60 feet

3. Minimum lot depth: 100 feet

4. Minimum depth of front setback: 25 feet

5. Minimum depth of rear setback: 20% of lot depth, up to a maximum of 7 ½ feet.

6. Minimum width of side setback:

   a. Internal lot: 7 ½ feet
   b. Corner lot: 15 feet

7. Maximum building coverage as a percentage of lot area: 50%

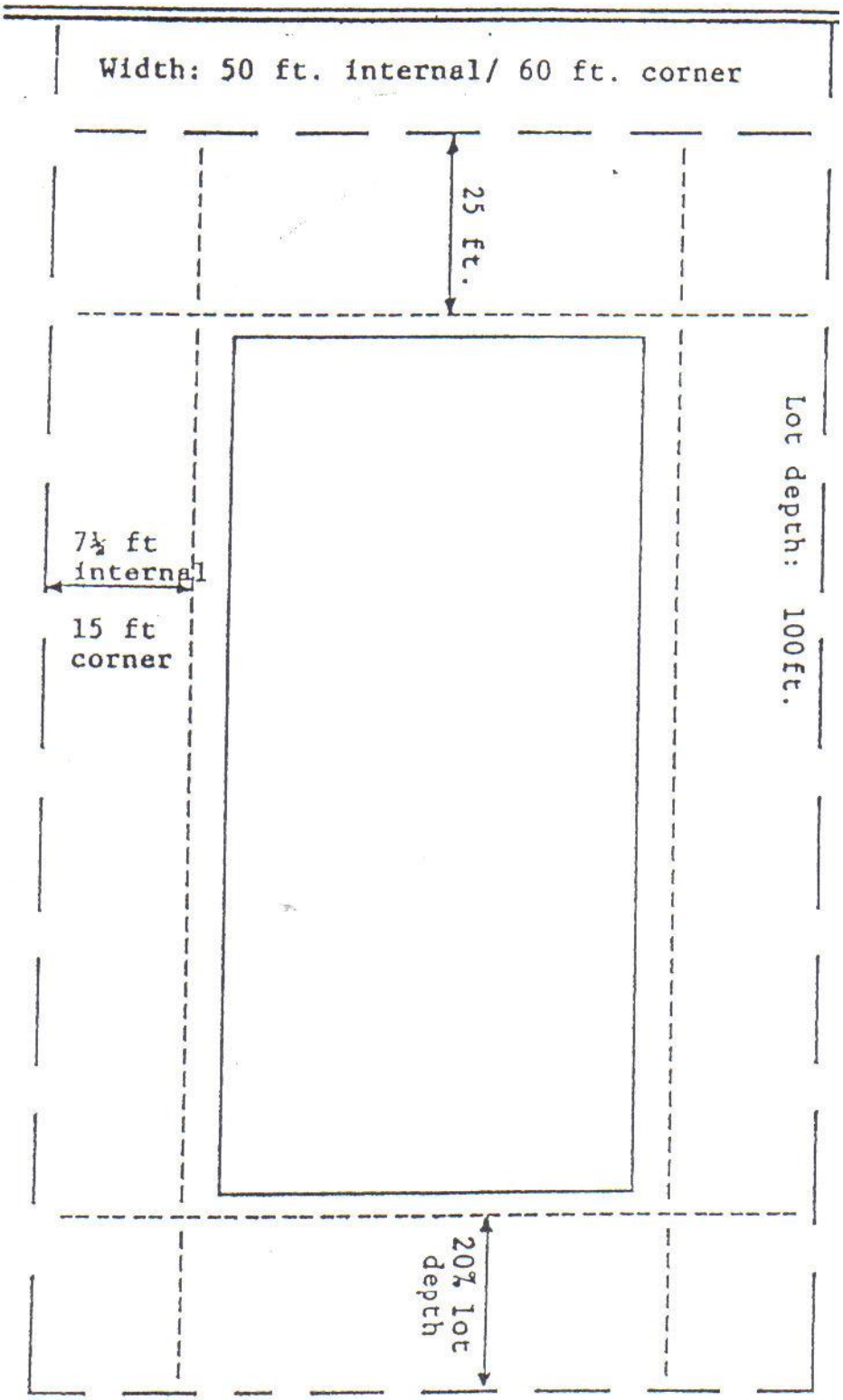
8. Maximum accessory building coverage of rear yard: 30%

9. Maximum height of structures: 30 feet or 2 1/2 stories, whichever is less.

M-R MANUFACTURED HOME AND RESIDENTIAL DISTRICT

Lot Area	**Lot Width**	**Lot Depth**	**Front Yard**	**Side Yards**	**Rear Yard**
Minimum Internal lot: 5,600 sq.ft. Corner lot: 6,000 sq.ft.	Minimum Internal lot: 50 feet Corner lot: 60 feet	Minimum 100 feet.	Minimum setback of 25 feet.	Minimum setbacks Internal lot: 7 ½ feet Corner lot: 15 feet	Minimum setback of 20% of lot depth up to a maximum of 7 ½ feet.
Dwelling	**Height**	**Parking**	**Accessory Buildings**		
Maximum coverage of lot area: 50%	Maximum 30 feet or 2 ½ stories, whichever is less.	Two (2) paved spaces for each detached single family dwelling unit.	Maximum coverage of 30% of rear yard area.		

M-R: MANUFACTURED HOME AND RESIDENTIAL DISTRICT



Section 26.1. I-H Industrialized Housing District.

A. Industrialized housing is an approved use in the following zoning districts with the following restrictions and in accordance with requirements for single-family and duplex dwellings:

PD Pre-Development
RE Residential Estate
SR Suburban Residential
R-1 Single-Family Residential
DP-1 Duplex (Low Density)
DP-2 Duplex (Medium Density)
ZL Zero Lot Line
A-R Agricultural Ranch
MHS Manufactured Home Subdivision
M-R Manufactured Home and Residential

B. Regulation of single-family and duplex industrialized housing.

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. For purposes of this ordinance, single-family or duplex industrialized housing is real property.
3. Any industrialized 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;
    b. have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located;
    c. comply with City aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to single-family dwellings; and

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

4. For purposes of subsection (3.), "value" means the taxable value of the industrialized housing and lot after installation of the housing.

5. Any owner or authorized agent who intends to construct, erect, install, or move any industrialized housing into the City shall first make application to the building official and obtain the required permits. In addition to any other information otherwise required for said permits, the application shall:

   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.

6. A person commits an offense if the person:

   a. fails to make an application for permit as required by this section; or
   b. constructs, erects, installs or moves any industrialized housing into the City of Seguin which does not comply with this section.

Section 27. P Public Use Including Governmental, Pools, Parks, Schools, Etc., District.

A. Principal uses: In a P District, the primary use of the land shall be as indicated in the following two (2) categories, namely P-1, Governmental, and P-2, Educational. Any use thereunder is subject to the usages set forth in this section:

Art Gallery or Museum
Associated Off-street parking
Community Center

P-1*****. Public use including city, county, state or federal governmental buildings, parks, churches and other public or semi-public recreational facilities, fraternal organization buildings and columbarium.

P-2*****. Public or private educational institutions (not elsewhere classified), including elementary, junior high and senior high schools, colleges, universities, athletic fields and stadia associated therewith, and incidental operations, including training areas, etc.

*** Documentation of non-profit status required.**

B. Uses Permitted with a Specific Use Permit.

Commercial communication tower.
Farmer's or Gardener's Market
Vocational Rehabilitation Facility (no overnight residency, non-profit only)

C. Prohibited uses:

1. Any building erected or land used for other than one or more of the preceding specified uses.

2. Any use of property that does not meet the required minimum lot size; front, side, and rear yard dimension; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required.

D. Area requirements:

1. Minimum lot area:

   a. Internal lot: 6,000 square feet
   b. Corner lot: 7,500 square feet

Section 27. P Public Use Including Governmental, Pools, Parks, Schools, Etc., District. (Continued)

2. Minimum lot frontage on a public street:

   a. Internal lot: 50 feet
   b. Corner lot: 60 feet

3. Minimum lot depth: 100 feet

4. Minimum depth of front setback: 25 feet

5. Minimum depth of rear setback shall be 5 feet with an additional 2 feet required for each story above 24 feet, up to a maximum setback of 25 feet. There shall be no encroachment or overhangs into this required rear yard.

6. Minimum width of side setback:

   a. Internal lot: 7 ½ feet
   b. Corner lot: 15 feet

7. Maximum building coverage as a percentage of lot area:

   a. Residential: 50 percent
   b. Nonresidential: N/A

8. Maximum accessory building coverage as a percentage of rear yard: 30 percent

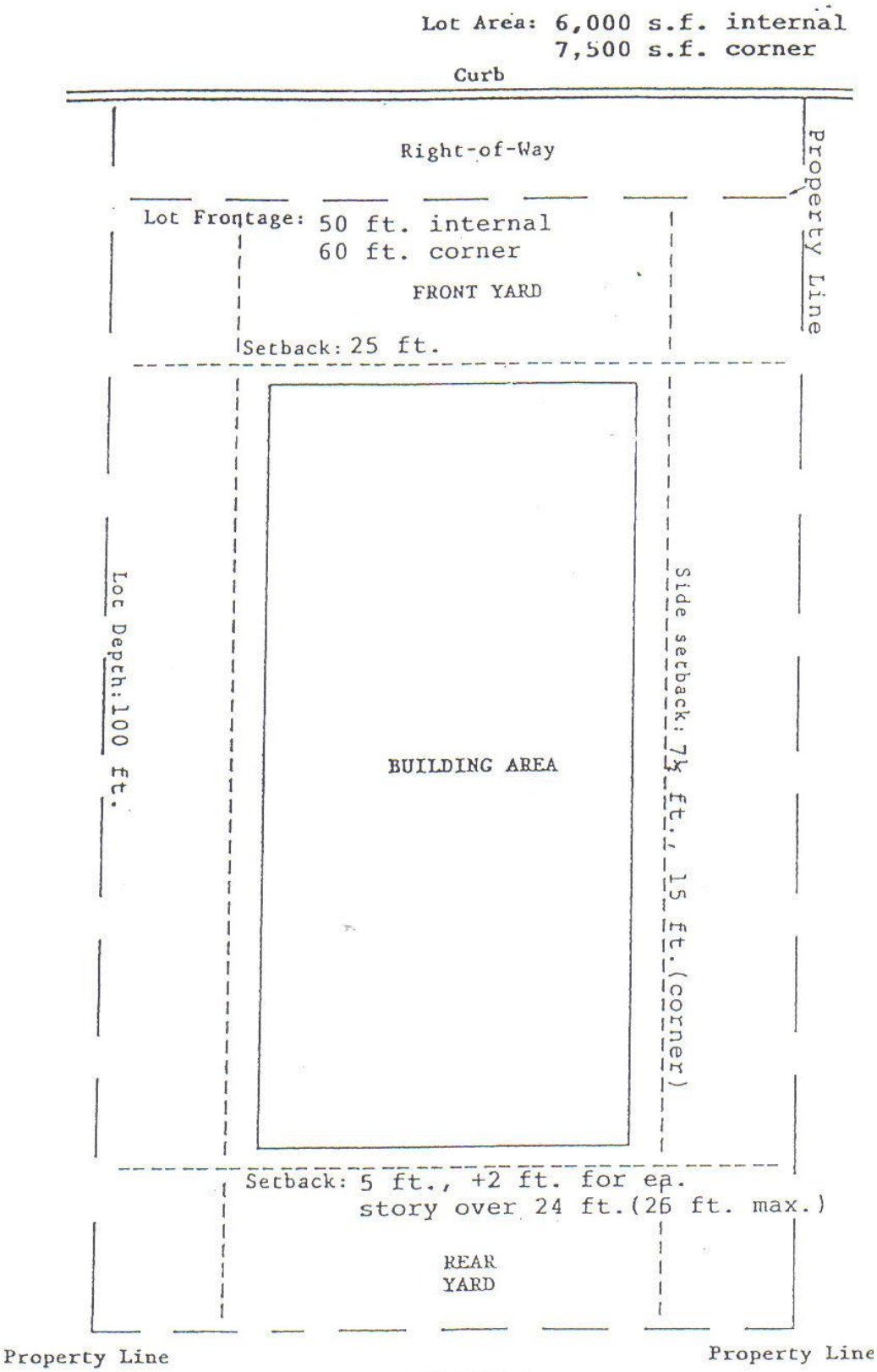
9. Maximum height of structures: N/A

10. No lot to be used for multifamily or apartment purposes shall contain an area less than this amount plus 1,500 square feet for each dwelling unit in excess of two (2) dwelling units to be constructed or occupied upon such lot.

P PUBLIC USE INCLUDING GOVERNMENTAL, POOLS, PARKS, SCHOOLS, ETC. DISTRICT

Lot Area	**Lot Width**	**Lot Depth**	**Front Yard**	**Side Yards**	**Rear Yard**
Minimum Internal lot: 6,000 sq.ft. Corner lot: 7,500 sq.ft.	Minimum Internal lot: 50 feet Corner lot: 60 feet	Minimum of 100 feet.	Minimum setback of 25 feet.	Minimum setbacks Internal lot: 7 ½ feet Corner lot: 15 feet.	Minimum setback of 5 feet, with an additional 2 feet for each story above 24 feet, with maximum setback of 25 feet.
Dwelling	**Height**	**Parking**	**Accessory Buildings**		
Maximum building coverage in Residential lot: 50% of lot area	N/A	See Section 39 Off-street parking of Zoning Ordinance	Maximum building coverage: 30% of rear yard.		

P Public Use


Lot Area: 6,000 s.f. internal
7,500 s.f. corner
Curb
Right-of-Way
Property Line
Lot Frontage: 50 ft. internal
60 ft. corner
FRONT YARD
Setback: 25 ft.
Lot Depth: 100 ft.
BUILDING AREA
Side setback: 7½ ft., 15 ft. (corner)
Setback: 5 ft., +2 ft. for ea.
story over 24 ft. (26 ft. max.)
REAR
YARD
Property Line
Property Line

Section 28. M Mixed Use – Single-Family, Duplex, Multiple Family, and Neighborhood Business District

This classification is to be phased out. No building permit shall be issued for any property zoned "M" until an application is submitted to the Planning Department to change the zoning classification in conformance with this ordinance. If the desired use or structure is not listed herein as permitted in the "M" district, the issuance of any permits shall be further withheld until the property is officially rezoned to a district which would permit the use or structure.

A. Permitted uses:

Clinics
Duplex dwellings
Hospitals
Maternity homes
Mortuaries and funeral homes
Multi-Family dwellings
Neighborhood businesses including the following: antique shops, art galleries, convenience groceries, drug stores, variety stores, bakeries, shoe repair stores, flower shops, book and stationery stores, tailors, dressmakers, barber and beauty shops, hair salons, cleaners and delicatessens or restaurants with no more than six hundred (600) square feet of dining area. Neighborhood businesses shall be limited to those requiring no more than six (6) off-street parking spaces
Nurseries for plants
Private schools
Professional offices
Rest homes and/or convalescent homes
Single-Family attached and detached dwellings

EXCEPTION: Institutions for the care of the mentally ill, alcoholics, narcotic addicts, animal hospitals, and animal clinics.

EXCEPTION: Establishments which dispense liquor, wine or beer for on-premises consumption.

B. Prohibited uses:

1. Any building erected or land used for other than one or more of the preceding specified uses.
2. Any use of property that does not meet the required minimum lot size; front, side and rear yard dimension; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as allowed.

Section 29. DHD Downtown Historic District

The Downtown Historic District includes those blocks located in the Inner Lots and Acre Lots of the City of Seguin, Guadalupe County, Texas, as indicated on Appendix D to this ordinance.

A. Principal uses:

Amusement, Commercial (indoor)
Antique shop
Art supply, Handicrafts
Bakery
Bank or Savings & Loan Office
Barber, Beauty Shop
Book or Stationary store
Cafeteria or Restaurant
Camera shop
Cleaners - Pickup only
Clinic, Medical or Dental
Community Center (non-profit)
Computer store
Dance, Drama, Art
Drug Store or Pharmacy
Florist Shop
Furniture or Appliance Store
Hardware store
Hobby shop
Key shop
Picture shop
Letter or Mimeograph Shop
Library, Art Gallery, Museum
Music store
Office, professional
Optical shop
Package store
Pawn shop
Print shop
Retail shops, Apparel, Gifts, Etc.
Shoe repair
Souvenir/Sporting Good
Studio, Decorator
Studio, Health
Studio, Photographer
Tailor
Tavern
Theater, Motion Picture
Travel Bureau/Agent
Variety store

B. Uses Permitted with a Specific Use Permit:

One single-family detached dwelling unit per lot.
Accessory buildings including a private garage, or bona fide servants' quarters for use of servants employed on the premises and not for rent.
Apartment house, Lodging house, Condominium
Bed & Breakfast
Church
Nightclub (Live entertainment)
Off-street parking facility

C. Front Setback:

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 in accordance with procedures stipulated in Section 29.1, Seguin Zoning Ordinance.

Section 29.1 Downtown Historic District Design Review

A. Purpose

1. The City Council of the City of Seguin, Texas hereby declares 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 ordinance is intended to:

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

B. 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".

1. 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.

2. All HDRC members shall have a known and demonstrated interest, competence or knowledge of historic preservation within the city.

3. HDRC members shall serve for staggered terms of three years. For the initial committee members, the Historic Preservation Officer shall conduct a blind draw to establish the staggered terms with two (2) of the initial board members serving 1-year terms, two (2) of the initial board members serving 2-year terms, and the remainder serving a full 3-year term. Members shall serve a maximum of two terms and shall be reappointed after the initial term is completed.

4. 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.

5. The HDRC shall have the power to:

   a. Adopt rules and procedures as necessary to provide for the orderly conduct of meetings.
   b. Maintain written minutes that record all actions taken by the HDRC and the reasons for taking such actions.
   c. Increase the public awareness of the value of historic, cultural and architectural preservation by encouraging and participating in public education programs developed by the Historic Preservation Officer (HPO).
   d. Approve or disapprove applications for a Certificate of Appropriate Design pursuant to this chapter.
   e. Recommend specific design guidelines to ensure compatibility within the district.

6. 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.

7. A quorum for the transaction of business shall consist of three (3) of the HDRC's members.

8. 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.

C. Appointment of Historic Preservation Officer.

The City Manager shall appoint a qualified city staff person to serve as Historic Preservation Officer. The HPO shall administer this ordinance and advise the HDRC on matters submitted to it.

D. Role of Historic Preservation Officer.

1. 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:

   a. 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:

      (1) Significance in history, architecture, archeology, or culture;
      (2) Association with events that have made a significant contribution to the broad patterns of local, regional, State, or national history;
      (3) Association with the Lives of significant historical persons;
      (4) Characteristics of type, period, or method of construction;
      (5) Association with the work of a master designer, builder, or craftsman; or
      (6) Association with an established and visual feature of the City.

Section 29.1 Downtown Historic District Design Review (Continued)

b. 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.

c. 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.

d. 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.

e. Conduct surveys and maintain an inventory of significant historic, architectural and cultural landmarks and all properties located in historic districts within the city.

f. 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.

g. 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.

h. Increase public awareness of the value of historic, cultural and architectural preservation by developing and participating in public education programs.

i. 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.

j. Prepare and submit annually to the City Council a report summarizing the work completed during the previous year.

k. Propose tax abatement programs for landmarks.

l. 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.

m. 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.

E. Designation of Historic Landmarks and Districts.

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.

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.

F. Certificate of Appropriate Design.

1. 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 an Historic Landmark Designation or located in an 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.

2. Criteria for Approval of a Certificate of Appropriate Design. The following standards, guidelines and criteria should be used in a balanced evaluation of the property under consideration for a Certificate of Appropriate Design.

a. The HPO and HDRC shall follow the Secretary of the *Interiors Standards for Rehabilitation* and guidelines for rehabilitating historic buildings 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.

3. Certificate of Appropriate Design Procedures.

a. 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 HPO prior to submission of the application with regard to applicable standards and guidelines for the property.

b. The landmark application shall contain:

(1) The physical address and property owner name, address, and telephone number of the applicant and a detailed description of the proposed work.
(2) The physical location and photographs of the property and adjacent properties (historical photographs may also be helpful), and
(3) Elevation drawings of the proposed changes, and preferably, showing the proposed exterior color scheme.
(4) Samples or examples of materials to be used.

c. The historic district application shall contain:

(1) A survey of all properties located within the proposed historic district.
(2) A letter requesting that this area be made a historic district, and
(3) A petition or letters of support from 51% or more of the property owners in the proposed district.

d. The HPO may review and approve a landmark application, or call a meeting of the HDRC regarding the request. Applications for a new historic district must be reviewed by the HDRC and submitted to the Planning and Zoning Commission and City Council for approval.

e. No permit shall be issued for such proposed work until a Certificate of Appropriate Design has been issued, or, upon appeal, to the City Council pursuant to Appeals herein. The Certificate of Appropriate Design shall be in addition to and not in lieu of any building permit or any other permit that may be required by another ordinance of the City.

f. The HPO or HDRC shall approve, approve with modifications, or deny an application within sixty (60) days from receipt of the application. Should the HPO or HDRC not take action within the 60-day period, the property owner can proceed without a Certificate of Appropriate Design.

g. All decision shall be in writing. A Certificate of Appropriate Design, if approved, shall be sent to the applicant, a copy attached to the building permit for public inspection, and a copy retained on file. The HPO and HDRC decision shall state the reasons for denying or modifying any application.

G. Enforcement.

All work performed pursuant to a Certificate of Appropriate Design issued under this chapter shall conform to any requirements included therein. It shall be the duty of the Building Official to inspect periodically any such work to ensure compliance. In the event work is found that is not being performed in accordance with the Certificate of Appropriate Design, the HPO shall issue a Stop Work Order, and all work shall immediately cease. No further work shall be undertaken on the project as long as a Stop Work Order is in effect. Work may be reinstated, however, upon assurances that compliance will henceforth exist.

H. 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, 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.

I. 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.
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.

J. 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 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.

K. 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. Removal of the deed record, citing it is an historic landmark.
3. Repayment of any tax abatements received due to its historic landmark status.

L. 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.

M. Fees.

Fees for a Certificate of Appropriateness and other fees that may be associated with this Chapter shall be established by the City Council from time to time as set forth in the City's Fee Schedule Ordinance.

Section 30. O-P Office Professional District

A. Purpose: The Office Professional District is established for the following purposes:

1. To accommodate office uses, office sales uses, and certain personal services.

2. To create a district that will not create excessive amounts of traffic.

3. To create a district with commercial uses of a nature that will not have a blighting effect on adjacent residential areas, and may not be suitable for shallow depth lots along major thoroughfares when developed in accordance with the Master Plan.

4. To protect against fire and explosions, pollution and other environmental hazards.

5. To protect, as far as possible, against congestion.

6. To promote the most desirable uses of land and the direction of building development in accord with the Master Plan.

7. To promote stability of office building developments; to strengthen the economic base of the city; to protect the character of the district and adjacent districts; to conserve the value of land and buildings; and to protect the city's tax base.

8. To promote the most efficient use of city facilities and services.

B. Principal uses:

Accessory drive-in uses

An accessory use customarily related to a principal use authorized in this district such as a pharmacy or apothecary shop; stores limited to corrective garments or bandages, or optical company or eating establishments accessory to the office complex for the convenience of the occupants and clients may be permitted, provided it is within the building to which it is accessory and does not have a direct outside entrance for customers.

Antique store

Athletic club

Section 30. O-P Office Professional District. (Continued)

Principal uses (Continued):

Banks
Barber/Beauty Shop
Book or Stationary Store
Clinic/Hospital
Community Center (non-profit)
Credit Unions
Florist
Funeral Homes
Health or Reducing Studio
Laboratory, Medical/Dental
Letter or Mimeograph Shop
Library or Museum
Medical Appliance, Fitting & Sales
Medical offices
Office buildings for professional occupations including; Executive, administrative, legal, accounting, writing, clerical, stenographic, drafting and real estate
Optical shop
Pharmacy
Photography shops
Related Off-street parking
Shoe repair
Tailor
Travel Bureau/Agent
Restaurant or Cafeteria
Savings and Loan Associations
Utility business offices
Vet clinic (enclosed)

Other uses similar to the above.

C. Uses Permitted with a Specific Use Permit:

Church
Commercial parking lot
Day nursery or kindergarten
Lab-research
Mortuary
Nightclub (live entertainment)
Tavern
Utility stations and Transmitting Facilities
Vocational Rehabilitation Facility (No overnight residency, for profit)

Section 30. O-P Office Professional District. (Continued)

D. Prohibited uses:

1. Any building erected or land used for other than one or more of the preceding specified uses.

2. Any use of property that does not meet the required minimum lot size; front, side and rear yard dimension; and/or lot width; or exceeds the maximum height, building coverage.

E. Area Requirements:

1. Minimum lot area:

   a. Internal lot: 6,000 square feet
   b. Corner lot: 7,500 square feet

2. Minimum lot frontage on a public street:

   a. Internal lot: 50 feet
   b. Corner lot: 60 feet

3. Minimum lot depth: 100 feet

4. Minimum depth of front setback: 20 feet

5. Minimum depth of rear setback shall be five feet with an additional two feet required for each story above 24 feet, up to a maximum setback of 25 feet. There shall be no encroachment or overhangs into this required rear yard.

6. Minimum width of side setback:

   a. Internal lot: 5 feet
   b. Corner lot: 15 feet (street side)

7. Maximum building coverage as a percentage of lot area: 50 percent

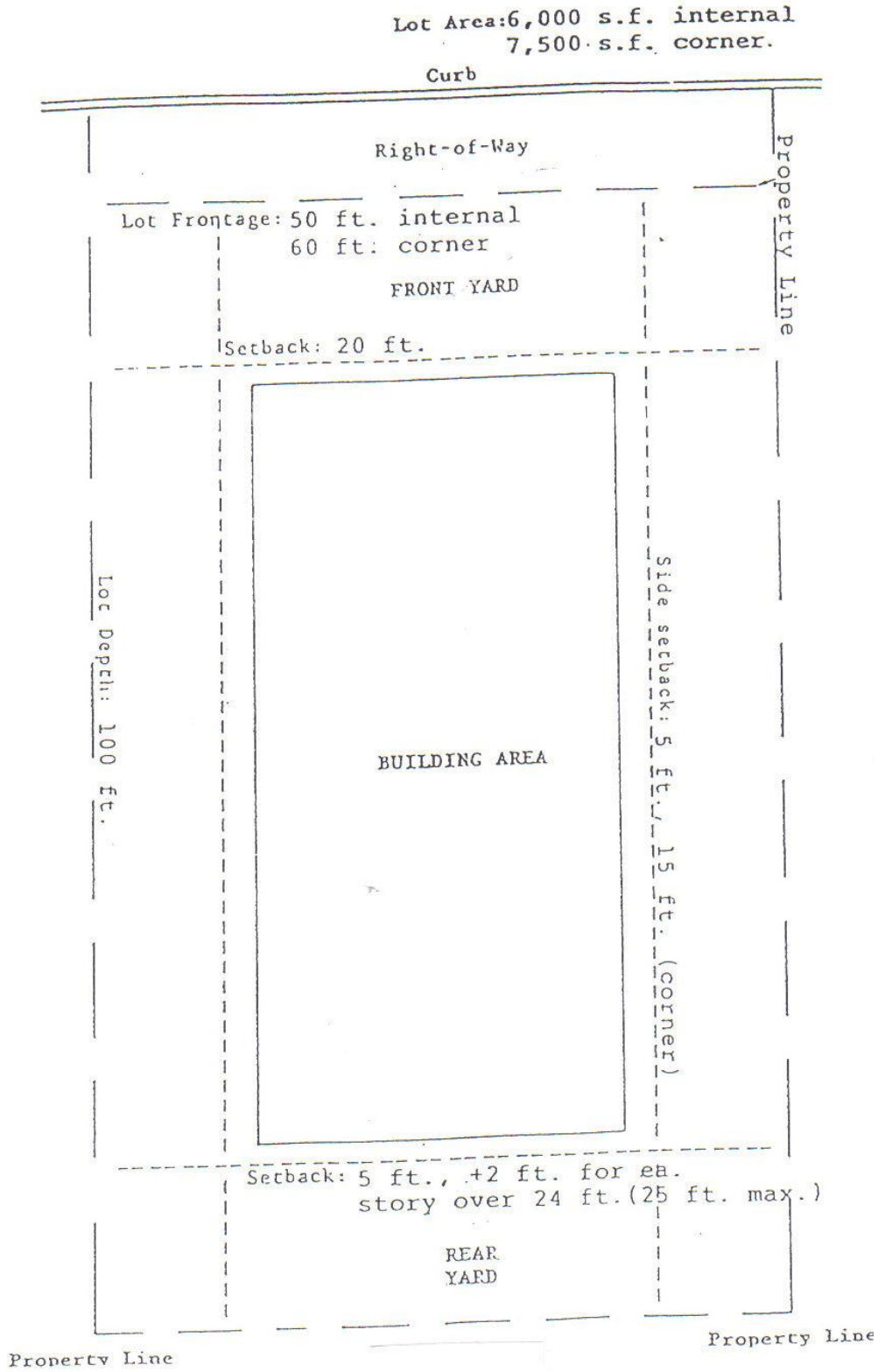
8. Maximum accessory building coverage as percentage of rear yard: 30 percent

9. Maximum height of structures: N/A

O-P OFFICE PROFESSIONAL DISTRICT

Lot Area	**Lot Width**	**Lot Depth**	**Front Yard**	**Side Yards**	**Rear Yard**
Minimum Internal lot: 6,000 sq.ft. Corner lot: 7,500 sq.ft.	Minimum Internal lot: 50 feet Corner lot: 60 feet	Minimum of 100 feet	Minimum setback of 20 feet	Minimum setbacks Internal lot: 5 feet Corner lot: 15 feet (street side)	Minimum setback of 5 feet, with additional 2 feet for each story above 24 feet, with 25 foot maximum. No building overhangs or encroachments
Dwelling	**Height**	**Parking**	**Accessory Buildings**		
Maximum building coverage: 50% of lot area.	N/A	One (1) off-street parking space per 300 sq.ft. of gross floor area.	Maximum building coverage: 30% of rear yard.		

OP Office/professional District
C Commercial District



Section 31. R Retail District.

A. Purpose: To provide medium intensity retail or service outlets which deal directly with the customer for whom the foods, goods or services are furnished. 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. Principal uses:

All uses permitted in the OP District
Amusements, Commercial (indoors)
Auto supply store
Auto repair, servicing (in building)
Auto sales, new & used (open)
Bakery
Cafeteria or restaurant
Cleaners (pickup only), Laundromat
Drug store or pharmacy
Garden shop/plant sales
Grocery store
Handicraft/Art store
Hardware store
Hobby shop
Key shop
Mortuary
Package store
Pawn shop
Pet shop
Plumbing shop (no outside storage)
Repair shop, electrical/appliance
Retail shops, apparel, gifts, etc.
Sporting goods sales
Specialty retail sales
Theater (indoor)
Video-CD rental/sales

C. Uses Permitted with a Specific Use Permit:

Commercial parking lot
Convenience store
Department or discount store
Furniture or appliance store
Gasoline service station
Hotel or motel
Nightclub (live entertainment)
Wholesale office

Section 31. R Retail District. (Continued)

D. Area Requirements:

1. Minimum lot area:

   a. Internal lot: 6,000 square feet
   b. Corner lot: 7,500 square feet

2. Minimum lot frontage on a public street:

   a. Internal lot: 50 feet
   b. Corner lot: 60 feet

3. Minimum lot depth: 100 feet

4. Minimum depth of front setback: 20 feet

5. Minimum depth of rear setback shall be 5 feet with an additional 2 feet required for each story above 24 feet, up to a maximum setback of 25 feet. There shall be no encroachment or overhangs into this required rear yard.

6. Minimum width of side setback:

   a. Internal lot: 5 feet
   b. Corner lot: 15 feet (street side)

7. Maximum building coverage as a percentage of lot area: 50 percent

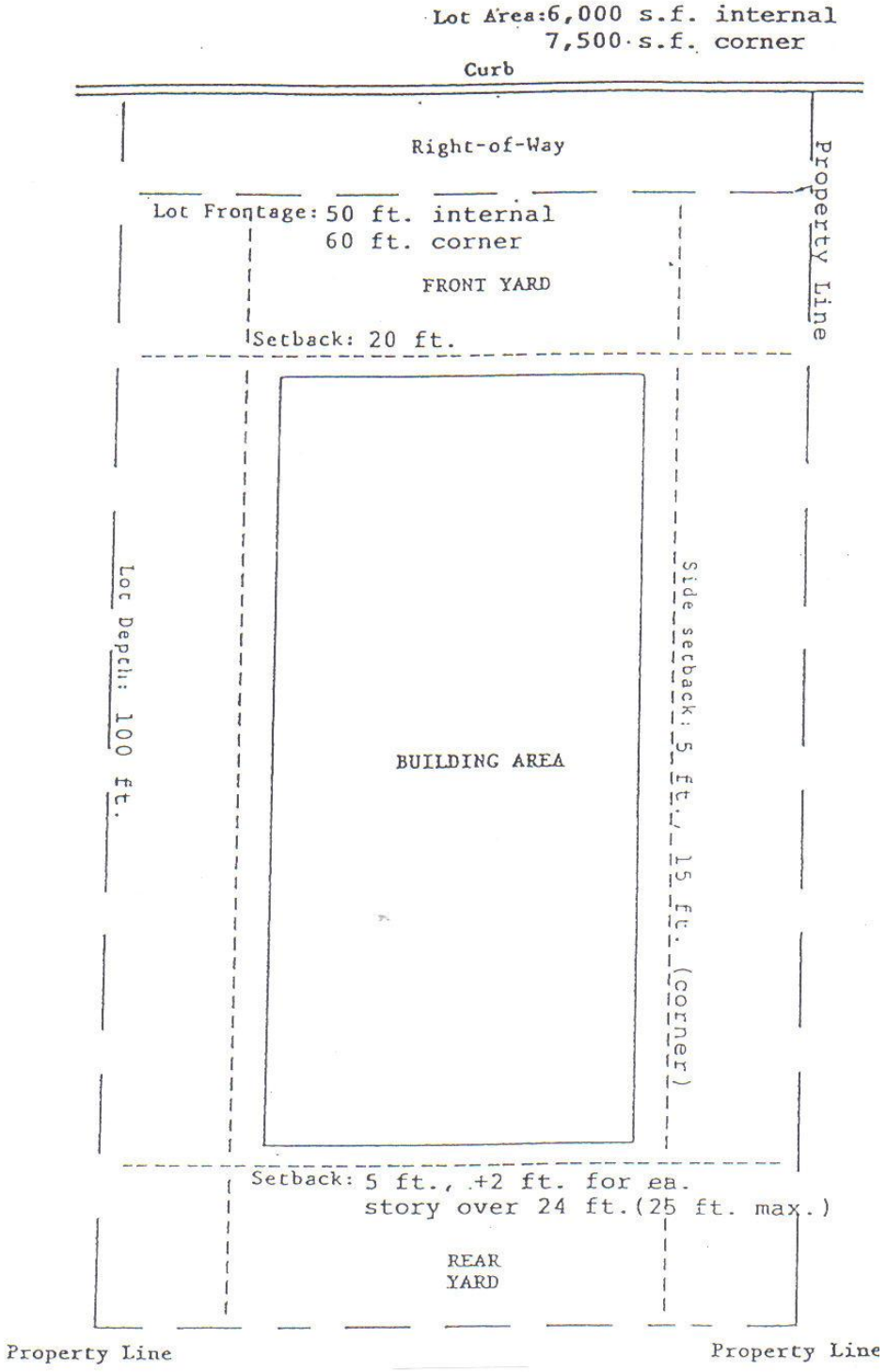
8. Maximum accessory building coverage as a percentage of rear yard: 30 percent

9. Maximum height of structures: N/A

R RETAIL DISTRICT

Lot Area	**Lot Width**	**Lot Depth**	**Front Yard**	**Side Yards**	**Rear Yard**
Minimum Internal lot: 6,000 sq.ft. Corner lot: 7,500 sq.ft.	Minimum Internal lot: 50 feet Corner lot: 60 feet	Minimum of 100 feet	Minimum setback of 20 feet	Minimum setbacks Internal lot: 5 feet Corner lot: 15 feet (street side).	Minimum setback of 5 feet, with additional 2 feet for each story above 24 feet, with a 25 foot maximum – No building overhangs or encroachments
Dwelling	**N/A**	**Parking**	**Accessory Buildings**		
Maximum building coverage: 50% of lot area.	N/A	See Section 39 Off-street parking of Zoning Ordinance	Maximum building coverage: 30% of rear yard		

OP Office/professional District
C Commercial District
R Retail District



Section 32. C Commercial 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 are permitted. Structures located in this district may vary from freestanding buildings to community and regional shopping or strip centers.

B. **Principal uses:** In a C Commercial District, no land shall be used and no building shall be erected or converted to any other use than the following:

Any use permitted in an "O-P Office Professional District" or "R Retail" District.

Any other retail use provided such use is not noxious or offensive by reason of the emission of odors, dust, noise, gas, fumes, vibrations, soot, including any wholesale distributing or other usage not listed under "LI" or "I" Districts.

Appliance repair
Auto paint & body (in building)
Auto laundry (car wash)
Boat servicing/sales
Cabinet or Upholstery shop
Cleaning/Laundry, Commercial plant
Columbarium
Convenience store
Commercial parking lot
Crematory
Department or discount store
Fairground/Exhibition Area
Furniture or Appliance store
Gasoline service station
Hotel or motel
Maintenance & repair services for buildings
Milk Depot
Mini-Warehouses
Motorcycle or motor scooter sales & service
Mortuary
Paint shop
Recycling center (inside)
Sexually oriented businesses in compliance with Section 38 of this ordinance.
Storage warehouse
Tattoo studio – with the condition that the tattoo studio must be a minimum of 300 feet from any school, public or private, to be measured from property line to property line.

Section 32. C Commercial District. (Continued)

C. Uses Permitted with a Specific Use Permit:

All gambling operations or games of chance for stakes allowed within the State of Texas. Such operation shall include but not be limited to, bingo, lotteries, dog racing and horse racing or pari-mutuel racing.

Ambulance service (24-hour service included)
Amusement, Commercial (Outdoor)
Building material sales/lumber yard
Bus station & terminal
Carnival or circus, temporary
Commercial communication tower
Contractor's storage or equipment yard (Open)
Custom Slaughter Facility with requirements as specified in Section 32.F.
Day care or kindergarten
Drive-In Theater
Farmers Market, Raw Agricultural Products
Go Cart Track
Heavy machinery, sales, service, repair
Night Club - Live Entertainment
Open storage & sales of furniture/appliances
Packaging, assembly, and/or treatment of finished or semifinished products from previously prepared material as long as such use has no adverse external effects such as noise or odor which extend beyond the property lines of the site.
Recycling centers (outside)
RV Park
Salvage yard
Storage of autos (Licensed & Operational)
Truck Stop/Gasoline/Hotel-Motel Complex
Utility stations & transmitting facilities

D. Prohibited uses:

1. Any building erected or land used for other than one or more of the preceding specified uses.
2. Any use of property that does not meet the required minimum lot size; front, side and rear yard dimension; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required.

Section 32. C Commercial District. (Continued)

E. Area requirements:

1. Minimum lot area:

   a. Internal lot: 6,000 square feet
   b. Corner lot: 7,500 square feet

2. Minimum lot frontage on a public street:

   a. Internal lot: 50 feet
   b. Corner lot: 60 feet

3. Minimum lot depth: 100 feet

4. Minimum depth of front setback: 20 feet

5. Minimum depth of rear setback shall be 5 feet with an additional 2 feet required for each story above 24 feet, up to a maximum setback of 25 feet. There shall be no encroachment or overhangs into this required rear yard.

6. Minimum width of side setback:

   a. Internal lot: 5 feet
   b. Corner lot: 15 feet (street side)

7. Maximum building coverage as a percentage of lot area: 50 percent

8. Maximum accessory building coverage as a percentage of rear yard: 30 percent

9. Maximum height of structures: N/A

F. Custom Slaughter Facility Requirements:

1. Area Requirements: Minimum five (5) acre tract.

2. Facility Requirements: All operations, with the exception of keeping of animals, shall be conducted in an enclosed area. The keeping of animals must be in an enclosed area no closer than 500 feet to any off-site, habitable building.

Section 32. C Commercial District. (Continued)

3. Keeping of Animals: The keeping of animals for slaughter shall be in accordance with Article IV, Section 14-162, Seguin Code of Ordinances, which exempts from livestock regulation, the keeping of animals for not more than (72) hours in enclosures used by slaughter houses, auction rings or veterinary hospitals. *In no case shall any animal be kept for slaughter for a period longer than (72) hours.*

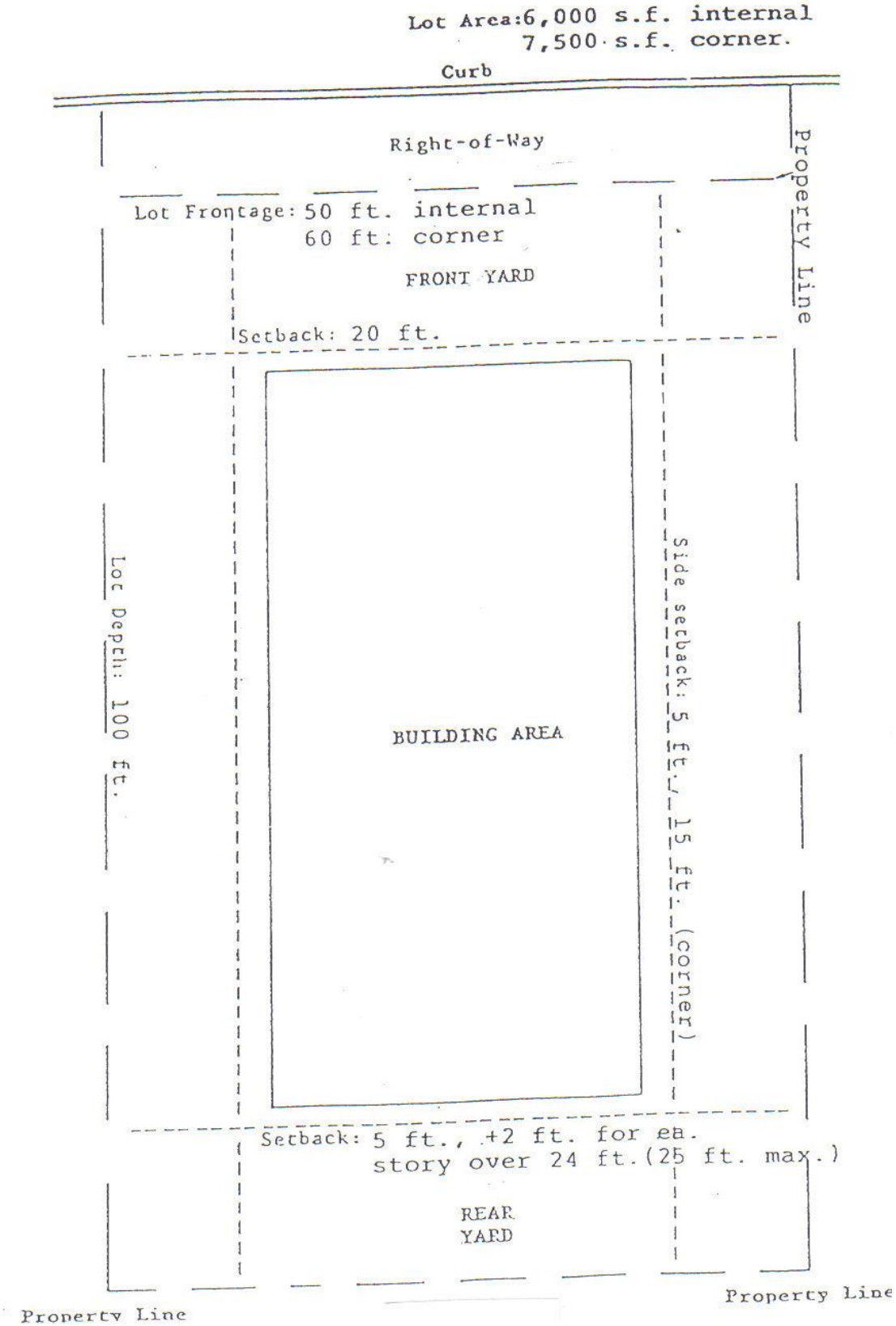
   The maximum number of animals to be kept at any one time shall be (25), with the exception of fowl.

4. Operational Requirements: A maximum number of (50) animals per week may be slaughtered in a Custom Slaughter Facility, with the exception of fowl. Slaughter operations shall be conducted on no more than two (2) days per week.

C COMMERCIAL DISTRICT

Lot Area	**Lot Width**	**Lot Depth**	**Front Yard**	**Side Yards**	**Rear Yard**
Minimum Internal lot: 6,000 sq.ft. Corner lot: 7,500 sq.ft.	Minimum Internal lot: 50 feet Corner lot: 60 feet	Minimum of 100 feet.	Minimum setback of 20 feet.	Minimum setbacks Internal lot: 5 feet Corner lot: 15 feet (street side).	Minimum setback of 5 feet, with additional 2 feet for each story above 24 feet, with a 25 foot maximum – No building overhangs or encroachments
Dwelling	**Height**	**Parking**	**Accessory Buildings**		
Maximum building coverage: 50% of lot area.	N/A	See Section 39 Off-street parking of Zoning Ordinance	Maximum building coverage: 30% of rear yard		

OP Office/professional District
C Commercial District



Section 32.1. IH 10 CORRIDOR OVERLAY DISTRICT

A. Applicability

1. All new development on properties which front or adjoin IH 10, within 500 feet, excluding residential zoned property, are required to meet these standards.

2. New development shall include all new construction, which is not structurally attached to an existing building, or any site or building expansion in excess of 100% of the existing gross floor area.

B. Specific Use Permit

A Specific Use Permit, in accordance with Section 5, Seguin Zoning Ordinance, shall be required for all new development, as defined in A.2. above, within the IH 10 Corridor Overlay District.

C. Approved Facade Materials

1. Masonry (shall be painted and/or treated, i.e. stucco), wood, brick, simulated siding and glass are approved. No unadorned concrete block or metal facades (see C.4. below).

2. Facades other than those permitted shall be reviewed in accordance with the Specific Use Permit.

3. 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 by Specific Use Permit only if those frontages are sufficiently landscaped to obscure the facade up to 75% of the building height.

4. Adorned facades may include eaves treatments, relief features, pitched gable designs, ornamental window casings, or other architectural detail approved by the Planning Commission.

Section 32.1. IH 10 CORRIDOR OVERLAY DISTRICT (Continued)

D. Sidewalks

1. Internal sidewalks shall be located at building frontages linking parking areas to the entrances and exits, and shall be approved in conjunction with the Specific Use Permit.

E. Landscape Requirements

1. A landscape buffer area, a minimum of 5′ in width, shall be installed between the parking area and any street right-of-way.

2. In addition, parking areas shall be landscaped as follows:

   (a) Definition: Landscaping shall consist of a combination of such material as grasses, ground cover, shrubs, and trees. Grasses and ground covers alone shall not constitute adequate landscaping.

   (b) Area Requirements: Either a minimum of fifteen (15) square feet of landscaped open space shall be provided for each off-street parking space (includes backup space), or a minimum landscape area of five (5%) percent of the total parking area, whichever is greater shall be provided on the premises.

   (c) Location Requirement: The total landscaping area may consist of numerous landscaped areas; however, each separate area shall contain a minimum of (1) one tree.

   (d) Curbing: Landscape areas shall be protected from vehicular encroachment by use of curbing or wheel stops.

   (e) Visibility Clearance: No landscaping, tree, fence, wall or other similar item shall be maintained within a 15′ visibility triangle from any corner, street, intersection, or access way intersecting a right-of-way.

Section 32.1. IH 10 CORRIDOR OVERLAY DISRICT (Continued)

Variations from this may be considered by the City Engineer or City Planning Director.

3. All non-residential developments located adjacent to residential zoning or uses, shall also comply with zoning requirements for buffering as specified in Section 39,(n), Seguin Zoning Ordinance.

4. A continuous row of shrubs shall be installed in all buffer areas. Shrubs must be approved by Planning staff prior to installation and must be a minimum of two (2) feet in height immediately upon planting. Shrub varieties shall be drought tolerant, preferably native types or those that adapt well to this area of Texas.

5. Trees shall be planted every 30’ or a recommended distance in accordance with standard horticultural practice. All trees must be a minimum of 2” caliper upon planting and shall be inspected prior to installation by Planning staff.

6. The remaining buffer area shall be turf or ground cover, approved by Planning staff.

7. Plant specifications and planting requirements are available from Planning staff.

8. All landscape areas must be maintained in a healthy manner. Dead, severely diseased or damaged plant material shall be replaced by the property owner or tenant. Replacement shall be completed in a reasonable amount of time upon notice from the Planning staff.

9. Exceptions to these requirements shall be in accordance with the Specific Use Permit procedures. Applicants for exceptions must show that an alternate plan will, in all respects, meet the intent of the requirement and generally provide an equivalent landscape surface and plantings as those required by these standards.

Section 32.1. IH 10 CORRIDOR OVERLAY DISTRICT (Continued)

F. Signage.

1. Signage shall be in accordance with Chapter 82, Signs, Seguin Code of Ordinances, except as provided below.

2. Special purpose or temporary signs, i.e. grand openings, shall be permitted only after review by the Planning Commission in accordance with the Specific Use Permit.

3. Commercial flags, bunting, streamers or balloon type signs shall be permitted during special events for retail sales for up to (8) days per month, but shall not remain on a permanent basis, or as provided in F.2. above. Existing flags, bunting, streamers or balloon type signs, not in accordance with sign regulations, shall be removed within thirty (30) days from the effective date of this ordinance.

G. Area Requirements.

1. Area requirements for development shall be in accordance with the base zoning district in which the property is located.

2. Front setbacks may be adjusted to provide for vehicle parking in the rear or side yards.

H. Outdoor storage.

1. Outdoor display standards (i.e. tractor, farm & ranch equipment dealerships) shall be approved in accordance with the Specific Use Permit process by Planning Commission.

2. Only 10% of the front designated parking area may be used for outdoor storage display. Outdoor storage behind buildings that are not visible because of buildings, landscaping or fencing shall not be restricted.

Section 32.1. IH 10 CORRIDOR OVERLAY DISTRICT (Continued)

I. Garbage container screening.

1. All garbage containers shall be screened in accordance with Section 36.2. Seguin Zoning Ordinance.

J. Manufactured housing, Sales lots, or Temporary offices

1. No temporary or manufactured office/housing, or manufactured home sales lots shall be permitted except construction type office used during the construction phase only.

2. 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.

K. Exceptions & Variances:

Exceptions and variances from the provisions of this ordinance may be made in accordance with Section 41, Board of Adjustment, Seguin Zoning Ordinance.

L. Enforcement & Remedies:

Enforcement and remedial action shall be in accordance with Section 42, Seguin Zoning Ordinance.

Section 32.2 SH 46 CORRIDOR OVERLAY DISTRICT

A. Applicability

1. All new development on properties which front or adjoin SH 46, within 500 feet, from the northern most City Limit to the southern most 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, shall meet the following standards.

2. New development shall be defined as all new, non-residential construction, which is not structurally attached to an existing building, or any site or building expansion in excess of 100% of the existing gross floor area.

B. Specific Use Permit

A Specific Use Permit, in accordance with Section 5, Seguin Zoning Ordinance, shall be required for all new development, as defined in A.2. above, within the SH 46 Corridor Overlay District.

C. Approved Facade Materials

1. Masonry (painted and/or treated, i.e. stucco), wood, brick, simulated siding and glass are approved. No unadorned concrete block or metal facades shall be permitted (see C.4. below).

2. Facades other than those permitted above may be reviewed by the Planning Commission.

3. 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 not complying with this requirement may be approved only if those frontages are sufficiently landscaped to buffer the facade up to 75% of the building height.

4. Adorned facades may include eave treatments, relief features, pitched gable designs, ornamental window casings, or other architectural detail approved by the Planning Commission.

Section 32.2. SH 46 CORRIDOR OVERLAY DISTRICT (Continued)

D. Sidewalks

1. Internal sidewalks shall be located at building frontages linking parking areas to the entrances and exits, and shall be approved in conjunction with the Specific Use Permit.

E. Landscape requirements

Reference Section 36. General Landscape Ordinance, Seguin Zoning Ordinance.

F. Signage

1. Signage shall be in accordance with Chapter 82, Signs, Seguin Code of Ordinances.

2. Commercial flags, bunting, streamers or balloon type signs shall be permitted during special events for retail sales or promotions for up to (8) days per month, but shall not remain on a permanent basis.

G. Area building requirements

1. Area building requirements for development shall be in accordance with the base-zoning district in which the property is located.

2. Front setbacks may be adjusted to provide for vehicle parking in the rear or side yards.

H. Outdoor storage

1. Outdoor display standards (i.e. tractor, farm & ranch equipment) shall be approved in accordance with the Specific Use Permit process approved by the Planning Commission.

2. Only 10% of the front designated parking area may be used for outdoor storage display. Outdoor storage behind buildings that are not visible because of landscaping, fencing or buildings shall not be restricted.

Section 32.2. SH 46 CORRIDOR OVERLAY DISTRICT (Continued)

I. Garbage container screening

1. All garbage containers shall be screened in accordance with Section 36.2. Seguin Zoning Ordinance.

J. Manufactured housing, Sales lots, or Temporary offices

1. No temporary or manufactured office/housing, or manufactured home sales facilities shall be permitted except construction type offices used during the construction phase only.

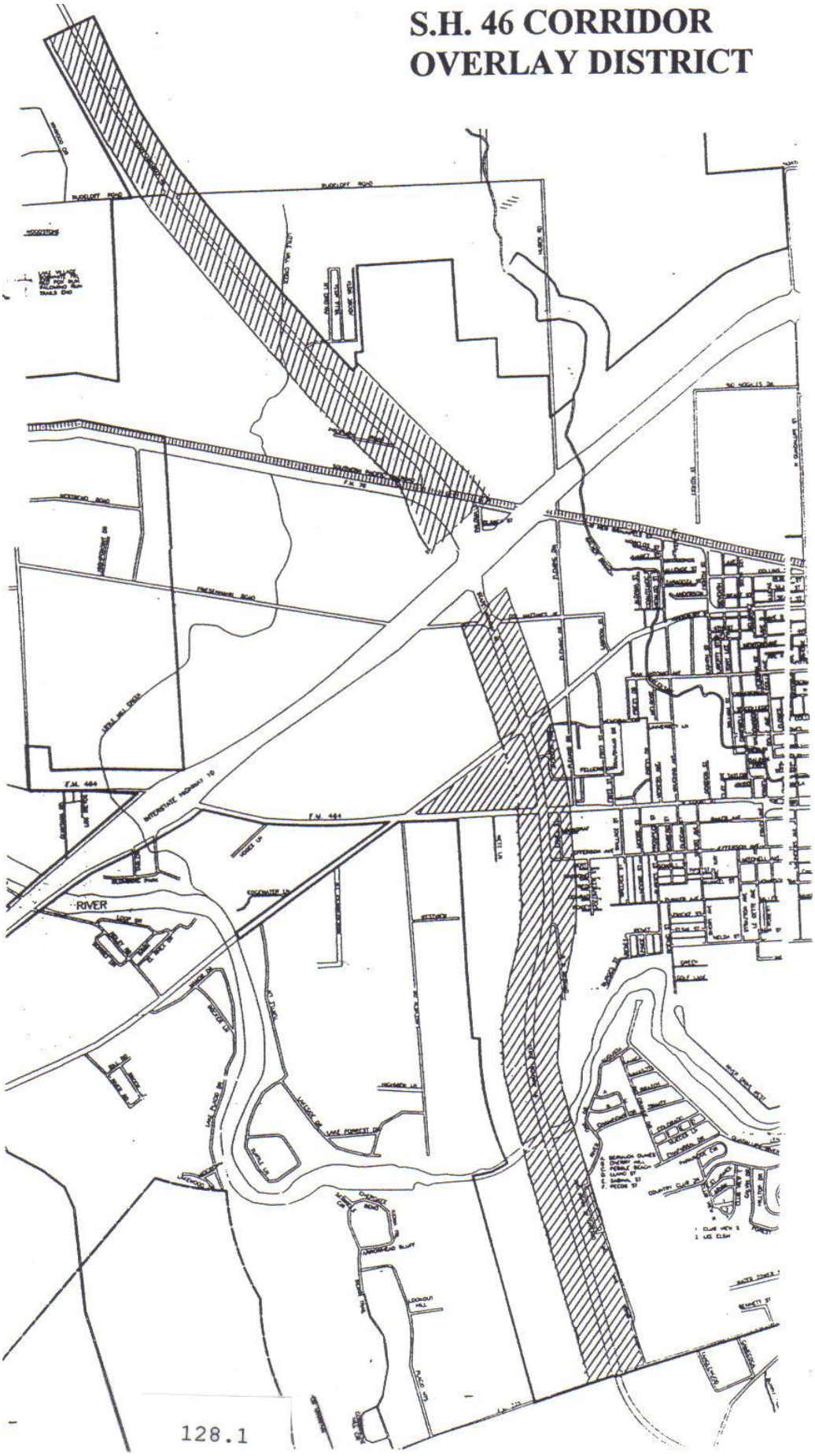
2. All temporary, manufactured office or housing used during the construction phase of development shall be removed prior to the issuance of a Certificate of Occupancy.

K. Exceptions & Variances

1. Exceptions and variances from the provisions of this ordinance may be made in accordance with Section 41, Board of Adjustment, Seguin Zoning Ordinance.

2. Enforcement and remedial action shall be in accordance with Section 42, Enforcement and Remedies, Seguin Zoning Ordinance.

S.H. 46 CORRIDOR OVERLAY DISTRICT



Section 32.3. SH 123 CORRIDOR OVERLAY DISTRICT

A. Applicability

1. 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, shall meet the following standards.

2. New development shall be defined as all new, non-residential construction, which is not structurally attached to an existing building, or any site or building expansion in excess of 100% of the existing gross floor area.

B. Specific Use Permit

A Specific Use Permit, in accordance with Section 5, Seguin Zoning Ordinance, shall be required for all new development, as defined in A.2. above, within the SH 123 Corridor Overlay District.

C. Approved Facade Materials

1. Masonry (painted and/or treated, i.e. stucco), wood, brick, simulated siding and glass are approved. No unadorned concrete block or metal facades shall be permitted (see C.4. below).

2. Facades other than those permitted above may be reviewed by the Planning Commission.

3. 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 not complying with this requirement may be approved only if those frontages are sufficiently landscaped to buffer the facade up to 75% of the building height.

4. Adorned facades may include eave treatments, relief features, pitched gable designs, ornamental window casings, or other architectural detail approved by the Planning Commission.

Section 32.3. SH 123 CORRIDOR OVERLAY DISTRICT (Continued)

D. Sidewalks

1. Internal sidewalks shall be located at building frontages linking parking areas to the entrances and exits, and shall be approved in conjunction with the Specific Use Permit.

E. Landscape Requirements

Reference Section 36. General Landscape Ordinance, Seguin Zoning Ordinance.

F. Signage

1. Signage shall be in accordance with Chapter 82, Signs, Seguin Code of Ordinances.

2. Commercial flags, bunting, streamers or balloon type signs shall be permitted during special events for retail sales or promotions for up to (8) days per month, but shall not remain on a permanent basis.

G. Area building requirements

1. Area building requirements for development shall be in accordance with the base-zoning district in which the property is located.

2. Front setbacks may be adjusted to provide for vehicle parking in the rear or side yards.

H. Outdoor storage

1. Outdoor display standards (i.e. tractor, farm & ranch equipment) shall be approved in accordance with the Specific Use Permit process approved by the Planning Commission.

2. Only 10% of the front designated parking area may be used for outdoor storage display. Outdoor storage behind buildings that are not visible because of landscaping, fencing or buildings shall not be restricted.

Section 32.3 SH 123 CORRIDOR OVERLAY DISTRICT (Continued)

I. Garbage container screening

1. All garbage containers shall be screened in accordance with Section 36.2. Seguin Zoning Ordinance.

J. Manufactured housing, Sales lots, or Temporary offices

1. No temporary or manufactured office/housing, or manufactured home sales facilities shall be permitted except construction type offices used during the construction phase only.

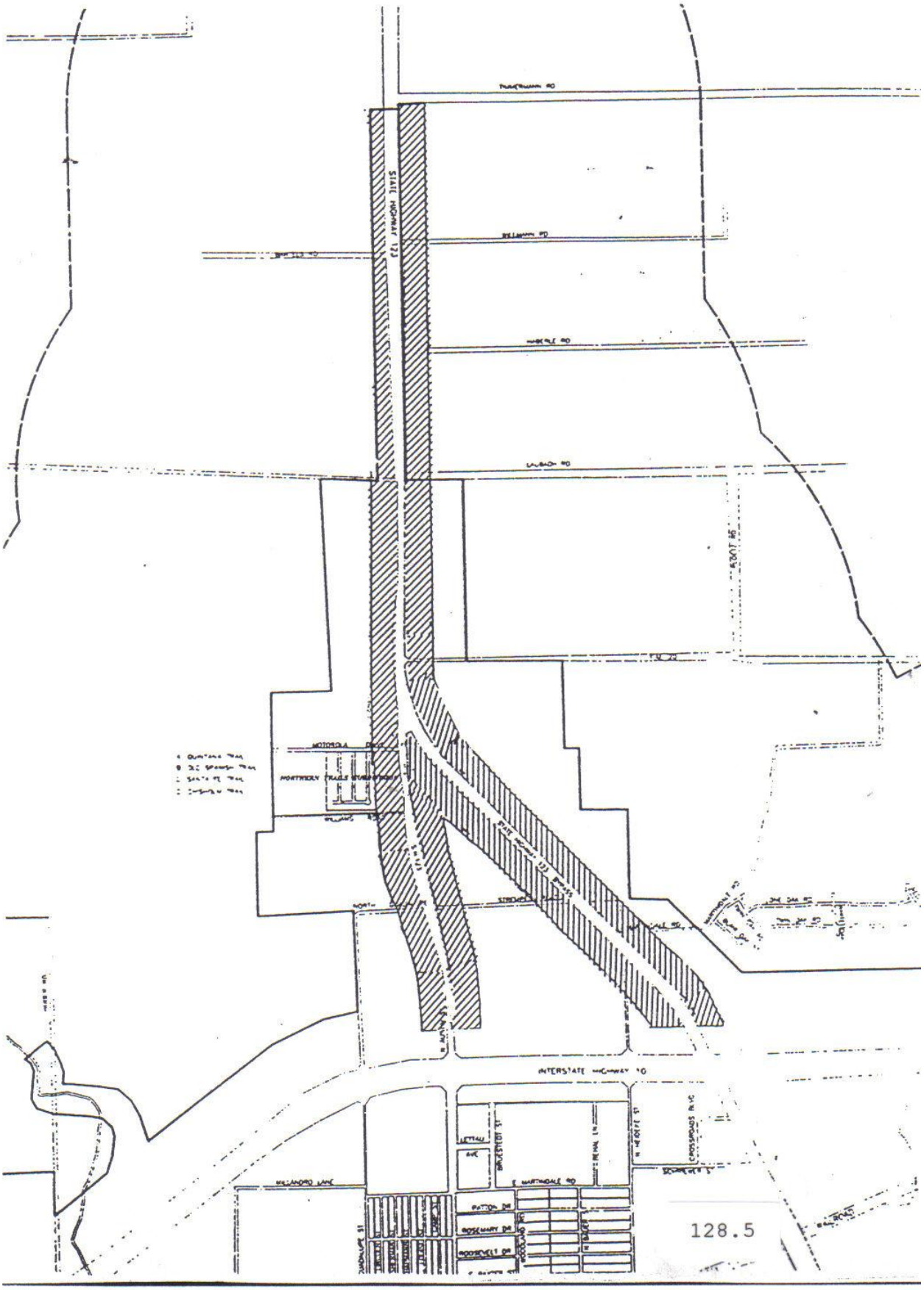
2. All temporary, manufactured office or housing used during the construction phase of development shall be removed prior to the issuance of a Certificate of Occupancy.

K. Exceptions & Variances

1. Exceptions and variances from the provisions of this ordinance may be made in accordance with Section 41, Board of Adjustment, Seguin Zoning Ordinance.

2. Enforcement and remedial action shall be in accordance with Section 42, Enforcement and Remedies, Seguin Zoning Ordinance.

S.H. 123 CORRIDOR OVERLAY DISTRICT



Section 32.4 NORTH STATE HWY. 123 BYPASS CORRIDOR OVERLAY DISTRICT (From East I.H. 10 south to E. Kingsbury St.)

A. Applicability

1. 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., excluding residential zoned property, are required to meet these standards.

2. New development shall be defined as all new, non-residential construction, which is not structurally attached to an existing building, or any site or building expansion in excess of 100% of the existing gross floor area.

B. Specific Use Permit

A Specific Use Permit, in accordance with Section 5, Seguin Zoning Ordinance, shall be required for all new development, as defined in A.2. above, within the North State Hwy. 123 Bypass Corridor Overlay District.

C. Approved Facade Materials

1. Masonry (painted and/or treated, i.e. stucco), wood, brick, simulated siding and glass are approved. No unadorned concrete block or metal facades shall be permitted (see C.4. below).

2. Facades other than those permitted shall be reviewed in accordance with the Specific Use Permit.

3. 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 by Specific Use Permit only if those frontages are sufficiently landscaped to obscure the facade up to 75% of the building height.

4. Adorned facades may include eave treatments, relief features, pitched gable designs, ornamental window casings, or other architectural detail approved by the Planning Commission.

Section 32.4 NORTH STATE HWY. 123 BYPASS CORRIDOR OVERLAY DISTRICT (From East I.H. 10 south to E. Kingsbury St.) (Cont.)

D. Sidewalks

1. Internal sidewalks shall be located at building frontages linking parking areas to the entrances and exits, and shall be approved in conjunction with the Specific Use Permit.

E. Landscape Requirements

Reference Section 36. General Landscape Ordinance, Seguin Zoning Ordinance.

F. Signage.

1. Signage shall be in accordance with Chapter 82, Signs, Seguin Code of Ordinances, except as provided below.

2. Any other signage, including special purpose or temporary signs, shall be permitted only after review by the Planning Commission in accordance with the Specific Use Permit.

3. Commercial flags, bunting, streamers or balloon type signs shall be permitted during special events for retail sales for up to (8) days per month, but shall not remain on a permanent basis, or as provided in F.2. above. Existing flags, bunting, streamers or balloon type signs, not in accordance with sign regulations, shall be removed within thirty (30) days from the effective date of this ordinance.

G. Area Requirements.

1. Area building requirements for development shall be in accordance with the base zoning district in which the property is located.

2. Front setbacks may be adjusted to provide for vehicle parking in the rear or side yards.

Section 32.4 NORTH STATE HWY. 123 BYPASS CORRIDOR OVERLAY DISTRICT (From East I.H. 10 south to E. Kingsbury St.) (Cont.)

H. Outdoor storage.

1. Outdoor display standards (i.e. tractor, farm & ranch equipment) shall be approved in accordance with the Specific Use Permit process approved by the Planning Commission.

2. Only 10% of the front designated parking area may be used for outdoor storage display. Outdoor storage behind buildings that are not visible because of landscaping, fencing or buildings shall not be restricted.

I. Garbage container screening.

1. All garbage containers shall be screened in accordance with Section 36.2. Seguin Zoning Ordinance.

J. Manufactured housing, Sales lots, or Temporary offices

1. No temporary or manufactured office/housing, or manufactured home sales facilities shall be permitted except construction type offices used during the construction phase only.

2. 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.

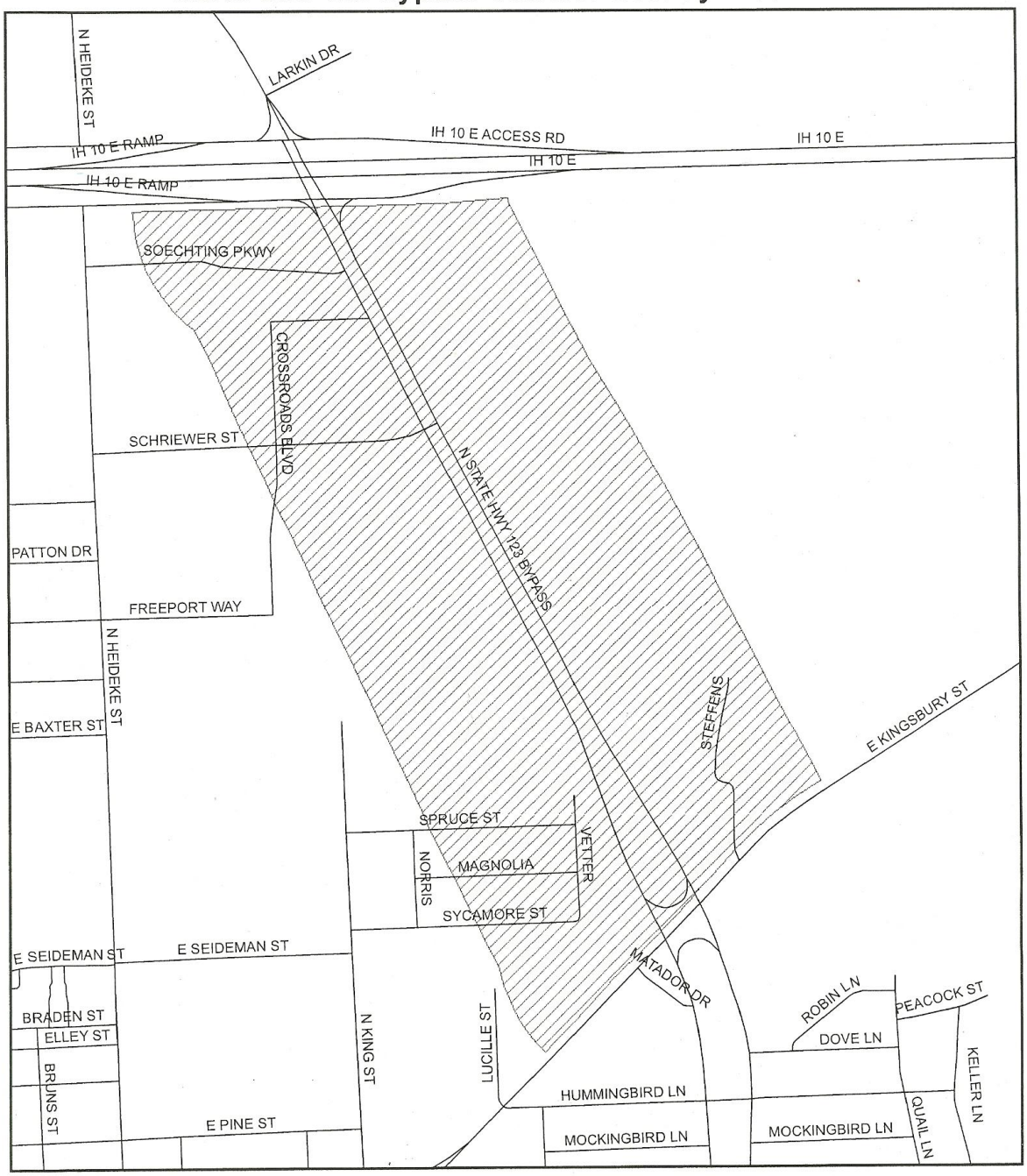
K. Exceptions & Variances:

Exceptions and variances from the provisions of this ordinance may be made in accordance with Section 41, Board of Adjustment, Seguin Zoning Ordinance.

L. Enforcement & Remedies:

Enforcement and remedial action shall be in accordance with Section 42, Enforcement and Remedies, Seguin Zoning Ordinance.

North S.H. 123 Bypass Corridor Overlay District



Section 32.5 F.M. 725 CORRIDOR OVERLAY DISTRICT
(From Stockdale Hwy. and South State Hwy. 123 west to the existing city limits)

A. Applicability

1. 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, excluding residential zoned property, are required to meet these standards.

2. New development shall be defined as all new, non-residential construction, which is not structurally attached to an existing building, or any site or building expansion in excess of 100% of the existing gross floor area.

B. Specific Use Permit

A Specific Use Permit, in accordance with Section 5, Seguin Zoning Ordinance, shall be required for all new development, as defined in A.2. above, within the F.M. 725 Corridor Overlay District.

C. Approved Facade Materials

1. Masonry (painted and/or treated, i.e. stucco), wood, brick, simulated siding and glass are approved. No unadorned concrete block or metal facades shall be permitted (see C.4. below).

2. Facades other than those permitted shall be reviewed in accordance with the Specific Use Permit.

3. 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 by Specific Use Permit only if those frontages are sufficiently landscaped to obscure the facade up to 75% of the building height.

4. Adorned facades may include eave treatments, relief features, pitched gable designs, ornamental window

casings, or other architectural detail approved by the Planning Commission.

D. Sidewalks

1. Internal sidewalks shall be located at building frontages linking parking areas to the entrances and exits, and shall be approved in conjunction with the Specific Use Permit.

E. Landscape Requirements

Reference Section 36. General Landscape Ordinance, Seguin Zoning Ordinance.

F. Signage.

1. Signage shall be in accordance with Chapter 82, Signs, Seguin Code of Ordinances, except as provided below.

2. Any other signage, including special purpose or temporary signs, shall be permitted only after review by the Planning Commission in accordance with the Specific Use Permit.

3. Commercial flags, bunting, streamers or balloon type signs shall be permitted during special events for retail sales for up to (8) days per month, but shall not remain on a permanent basis, or as provided in F.2. above. Existing flags, bunting, streamers or balloon type signs, not in accordance with sign regulations, shall be removed within thirty (30) days from the effective date of this ordinance.

G. Area Requirements.

1. Area building requirements for development shall be in accordance with the base zoning district in which the property is located.

Section 32.5 F.M. 725 CORRIDOR OVERLAY DISTRICT
(From Stockdale Hwy. and South State Hwy. 123 west to the existing city limits) (Cont.)

2. Front setbacks may be adjusted to provide for vehicle parking in the rear or side yards.

H. Outdoor storage.

1. Outdoor display standards (i.e. tractor, farm & ranch equipment) shall be approved in accordance with the Specific Use Permit process approved by the Planning Commission.

2. Only 10% of the front designated parking area may be used for outdoor storage display. Outdoor storage behind buildings that are not visible because of landscaping, fencing or buildings shall not be restricted.

I. Garbage container screening.

1. All garbage containers shall be screened in accordance with Section 36.2. Seguin Zoning Ordinance.

J. Manufactured housing, Sales lots, or Temporary offices

1. No temporary or manufactured office/housing, or manufactured home sales facilities shall be permitted except construction type offices used during the construction phase only.

2. 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.

K. Exceptions & Variances:

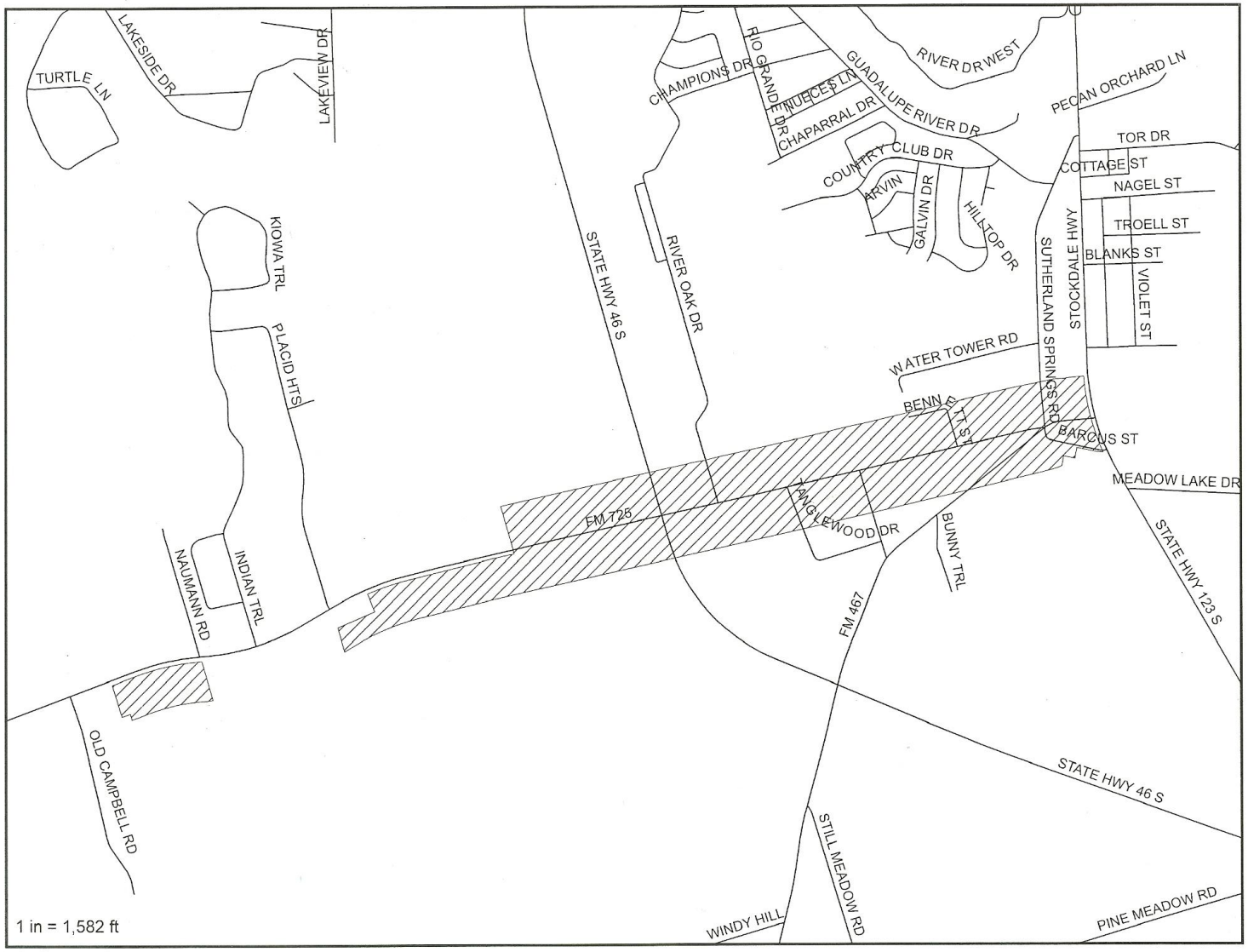
Exceptions and variances from the provisions of this ordinance may be made in accordance with Section 41, Board of Adjustment, Seguin Zoning Ordinance.

Section 32.5 F.M. 725 CORRIDOR OVERLAY DISTRICT
(From Stockdale Hwy. and South State Hwy. 123 west to the existing city limits) (Cont.)

L. Enforcement & Remedies:

Enforcement and remedial action shall be in accordance with Section 42, Enforcement and Remedies, Seguin Zoning Ordinance.

F.M. 725 Corridor Overlay District



Section 32.6 STATE HWY. 123 SOUTH CORRIDOR OVERLAY DISTRICT

(South State Hwy. 123 Bypass 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)

A. Applicability

1. 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, excluding residential zoned property, are required to meet these standards.

2. New development shall be defined as all new, non-residential construction, which is not structurally attached to an existing building, or any site or building expansion in excess of 100% of the existing gross floor area.

B. Specific Use Permit

A Specific Use Permit, in accordance with Section 5, Seguin Zoning Ordinance, shall be required for all new development, as defined in A.2. above, within the State Hwy. 123 South Corridor Overlay District.

C. Approved Facade Materials

1. Masonry (painted and/or treated, i.e. stucco), wood, brick, simulated siding and glass are approved. No unadorned concrete block or metal facades shall be permitted (see C.4. below).

2. Facades other than those permitted shall be reviewed in accordance with the Specific Use Permit.

3. 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 by Specific Use Permit only if those frontages are sufficiently landscaped to obscure the facade up to 75% of the building height.

Section 32.6 STATE HWY. 123 SOUTH CORRIDOR OVERLAY DISTRICT

(South State Hwy. 123 Bypass 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) (Cont.)

4. Adorned facades may include eave treatments, relief features, pitched gable designs, ornamental window casings, or other architectural detail approved by the Planning Commission.

D. Sidewalks

1. Internal sidewalks shall be located at building frontages linking parking areas to the entrances and exits, and shall be approved in conjunction with the Specific Use Permit.

E. Landscape Requirements

Reference Section 36. General Landscape Ordinance, Seguin Zoning Ordinance.

F. Signage.

1. Signage shall be in accordance with Chapter 82, Signs, Seguin Code of Ordinances, except as provided below.

2. Any other signage, including special purpose or temporary signs, shall be permitted only after review by the Planning Commission in accordance with the Specific Use Permit.

3. Commercial flags, bunting, streamers or balloon type signs shall be permitted during special events for retail sales for up to (8) days per month, but shall not remain on a permanent basis, or as provided in F.2. above. Existing flags, bunting, streamers or balloon type signs, not in accordance with sign regulations, shall be removed within thirty (30) days from the effective date of this ordinance.

Section 32.6 STATE HWY. 123 SOUTH CORRIDOR OVERLAY DISTRICT

(South State Hwy. 123 Bypass 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) (Cont.)

G. Area Requirements.

1. Area building requirements for development shall be in accordance with the base zoning district in which the property is located.

2. Front setbacks may be adjusted to provide for vehicle parking in the rear or side yards.

H. Outdoor storage.

1. Outdoor display standards (i.e. tractor, farm & ranch equipment) shall be approved in accordance with the Specific Use Permit process approved by the Planning Commission.

2. Only 10% of the front designated parking area may be used for outdoor storage display. Outdoor storage behind buildings that are not visible because of landscaping, fencing or buildings shall not be restricted.

I. Garbage container screening.

1. All garbage containers shall be screened in accordance with Section 36.2. Seguin Zoning Ordinance.

J. Manufactured housing, Sales lots, or Temporary offices

1. No temporary or manufactured office/housing, or manufactured home sales facilities shall be permitted except construction type offices used during the construction phase only.

2. 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.

Section 32.6 STATE HWY. 123 SOUTH CORRIDOR OVERLAY DISTRICT

(South State Hwy. 123 Bypass 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) (Cont.)

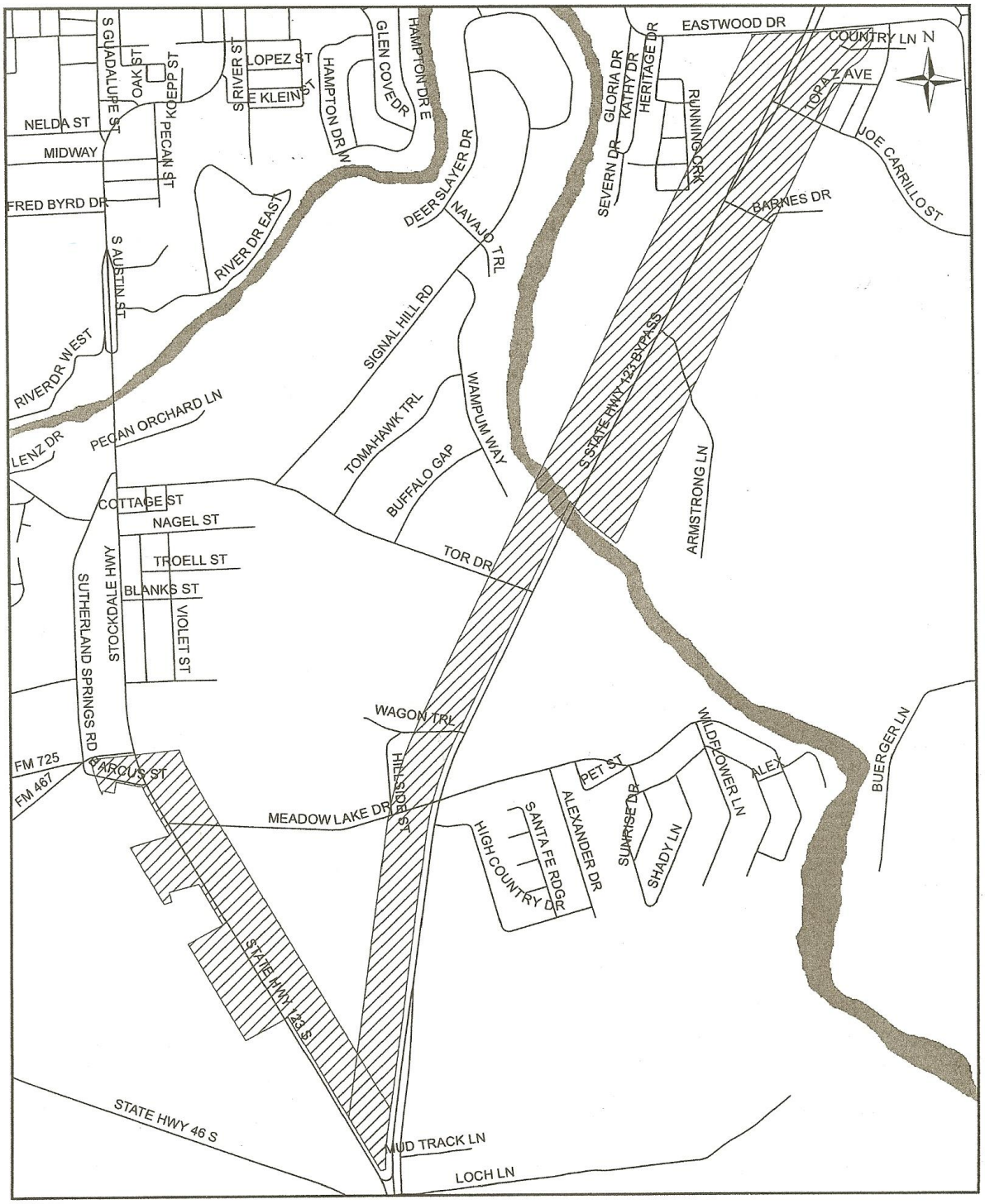
K. Exceptions & Variances:

Exceptions and variances from the provisions of this ordinance may be made in accordance with Section 41, Board of Adjustment, Seguin Zoning Ordinance.

L. Enforcement & Remedies:

Enforcement and remedial action shall be in accordance with Section 42, Enforcement and Remedies, Seguin Zoning Ordinance.

S.H. 123 South Corridor Overlay District



Section 33. LI Light Industrial District

A. Purpose: The Light Industrial District is established for the following purposes:

1. To provide sufficient space for the development of commercial establishments which would involve influences that would be objectionable in the other commercial districts due to noise from heavy service operations, large volumes of truck traffic, or some similar objection.

2. To accommodate wholesale and warehouse activities and industrial operations whose external physical effects are restricted to the area of the districts and in no manner affect in a detrimental way any of the surrounding districts.

3. To permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished products from previously prepared material as long as such use has no adverse external effects such as noise or odor which extend beyond the property lines of the site.

4. To protect against fire and explosions, pollution, and other environmental hazards.

5. To protect, as far as possible, against congestion.

6. To promote the most desirable uses of land and the direction of building development in accord with the Master Plan.

7. To promote stability of industrial development; to strengthen the economic base of the City; to protect the character of the district; to conserve the value of land and buildings; and to protect the City's tax base.

8. To promote the most efficient use of City facilities and services.

Section 33. LI Light Industrial District (Continued)

B. Principal uses:

Appliance repair/storage
Auto crushing (no shredding)
Auto laundry (car wash)
Auto paint & body shop
Automotive repair businesses, which include engine overhauling or body work
Boat servicing & sales
Cleaning, dyeing or laundry plant (Commercial)
Clothing manufacturing or similar light manufacturing process
Columbarium
Contractors storage or equipment yard
Commercial or industrial machinery or synthetics, metals and minerals
Crematory
Farm equipment or heavy equipment sales and service
Farm products warehousing and storage
Gasoline service station
General warehousing and storage
Go cart track
Hotel or motel
Lumberyards or contractor yards
Milk depot, Ice cream plant
Maintenance & repair services for buildings
Motor vehicle transportation freight terminals
Open storage & sales of machinery
Portable buildings
Recycling (inside and/or outside operation) no scrap processing
Recreational vehicle or boat storage facilities
Restaurant or cafeteria
Salvage yard
Sexually-oriented businesses in compliance with Section 38 of this ordinance.
Storage of autos/trucks (operational & licensed)
Truck stop/gasoline/truck servicing
Utility stations & transmitting facilities
Veterinarian hospital or kennel (outside pens allowed)
Warehouse & distributional facilities
Wholesale trades or wholesale trade accessory to any permitted retail operation including: raw cotton, grain, hides, skins and raw furs, tobacco, wool or mohair

Section 33. LI Light Industrial District (Continued)

Any of the following uses when the manufacturing, compounding, or processing is conducted wholly within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment used in the manufacturing, compounding, or processing shall be totally obscured by a wall or a non-screening fence on those sides abutting a non-industrial district or a public street:

a. The manufacturing, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, pharmaceutical, toiletries, food products, hardware and cutlery.

b. The manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: Bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (excluding saw and planing mills) and yarns.

c. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.

d. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other small molded rubber products.

e. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios, and phonographs.

f. Laboratories-Experimental, film or testing.

g. Manufacture and repair of electric or neon signs, sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.

h. Tool, dye, gauge and machine shops.

Section 33. LI Light Industrial District (Continued)

i. All public utilities, including buildings, necessary structures, storage yards and other related uses.

Accessory structures and uses customarily incident to the above permitted uses, including the residence for night watchman or caretaker employed on the premises.

Other uses of similar character.

Portable buildings.

Other uses of a similar and no more objectionable character to those principal uses permitted subject to any and all provisions of ordinance relating to the use of property within the City of Seguin.

C. Uses Permitted with a Specific Use Permit:

Ambulance service (24-hour service included)

Bulk storage for such materials as brick, cement, coal, fertilizer, sand, stone, timber, wood when incidental to rental or wholesale sales on premise.

Commercial communication tower
Custom Slaughter Facility with requirements as specified in Section 33.F.
Drag strip or commercial racing
Manufactured home sales
Petroleum bulk stations and terminals
Planned industrial parks
Scrap processing

D. Prohibited uses:

1. Any building erected or land used for other than one or more of the preceding specified uses.

2. Any use of property that does not meet the required minimum lot size; front, side and rear yard dimension; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required.

Section 33. LI Light Industrial District (Continued)

E. Area requirements:

1. Minimum lot area:

   a. Internal lot: 6,000 square feet
   b. Corner lot: 7,500 square feet

2. Minimum lot frontage on a public street:

   a. Internal lot: 50 feet
   b. Corner lot: 60 feet

3. Minimum lot depth: 100 feet

4. Minimum depth of front setback: 10 feet

5. Minimum depth of rear setback shall be five feet with an additional two feet required for each story above 24 feet, up to a maximum setback of 25 feet. There shall be no encroachment or overhangs into this required rear yard.

6. Minimum width of side setback:

   a. Internal lot: 0 feet
   b. Corner lot: 10 feet (street side)

7. Maximum building coverage as a percentage of lot area: 70 percent

8. Maximum accessory building coverage as a percentage of rear yard: 30 percent

9. Maximum height of structures: N/A

F. Custom Slaughter Facility Requirements:

1. **Area Requirements:** Minimum five (5) acre tract.

2. **Facility Requirements:** All operations, with the exception of keeping of animals, shall be conducted in an enclosed area. The keeping of animals must be in an enclosed area no closer than 500 feet to any off-site, habitable building.

Section 33. LI Light Industrial District (Continued)

3. **Keeping of Animals:** The keeping of animals for slaughter shall be in accordance with Article IV, Section 14-162, Seguin Code of Ordinances, which exempts from livestock regulation, the keeping of animals for not more than (72) hours in enclosures used by slaughter houses, auction rings or veterinary hospitals. *In no case shall any animal be kept for slaughter for a period longer than (72) hours.*

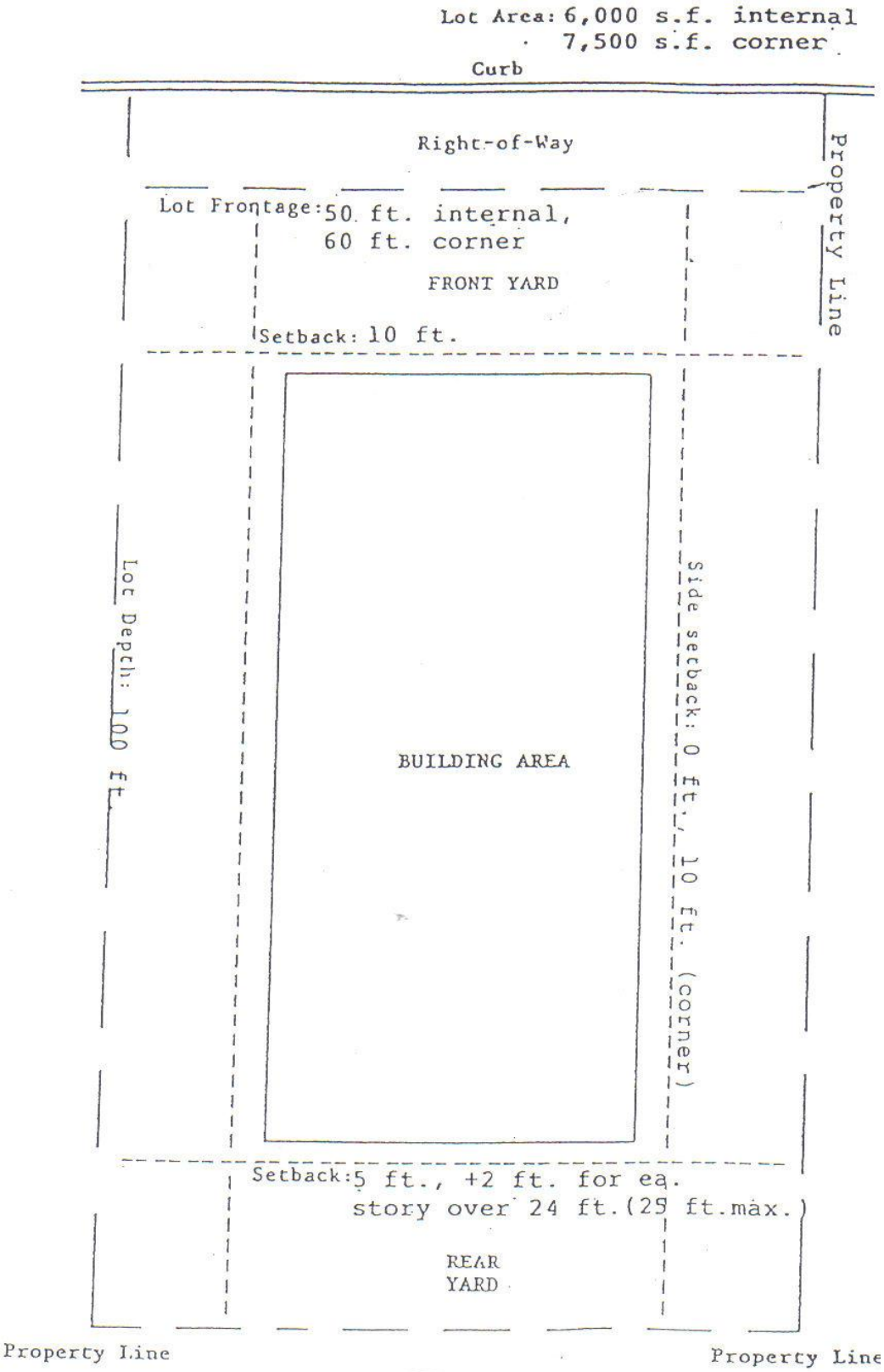
The maximum number of animals to be kept at any one time shall be (25), with the exception of fowl.

4. Operational requirements: A maximum number of (50) animals per week may be slaughtered in a Custom Slaughter Facility, with the exception of fowl. Slaughter operations shall be conducted on no more than two (2) days per week.

LI LIGHT INDUSTRIAL DISTRICT

Lot Area	**Lot Width**	**Lot Depth**	**Front Yard**	**Side Yards**	**Rear Yard**
Minimum Internal lot: 6,000 sq.ft. Corner lot: 7,500 sq.ft.	Minimum Internal lot: 50 feet Corner lot: 60 feet	Minimum of 100 feet	Minimum setback of 10 feet.	Minimum setbacks Internal lot: 0 feet Corner lot: 10 feet (street side).	Minimum setback of five (5) feet, with additional 2 feet for every story above 24 feet, with 25 foot maximum – No building overhangs or encroachments
Dwelling	**Height**	**Parking**	**Accessory Buildings**		
Maximum building coverage: 70% of lot area	N/A	See Section 39 Off-street parking of Zoning Ordinance	Maximum building coverage: 30% of rear yard.		

I, L-1 Industrial, Light Industrial District



Section 34. I Industrial District

A. Principal uses: In an I District, no land shall be used and no building shall be erected which shall be converted to any other use than:

Any use permitted as regulated in the "LI" Light Industrial District
Auto recycling/crushing/shredding
Chemical processing/Manufacturing plant
Columbarium
Crematory
Drilling and/or Mining for Oil, Gas & other minerals, both surface and subsurface
Industrial districts, including the building of structures used, erected or converted for the purpose of assembling, fabricating, manufacturing, packaging or processing articles for wholesale distribution or distributors.
Metal fabricating (heavy)
Saw mills/Planing mills
Sexually-oriented businesses in compliance with Section 38 of this ordinance.

B. Specific uses (require use permits):

1. A specific use permit shall be required and approved by the Commission and the governing body of the City of Seguin for any industrial usage classified as being "high hazard" occupancy which is intended to involve usage of highly combustible, flammable or explosive materials.

2. A specific use permit shall be required for the erection of any industrial plant and approved by the governing body and the Commission of the City of Seguin for any industrial use which shall be noxious or offensive by reason or emission of odors, soot, dust, noise, gas fumes, vibrations or solid particles.

3. Planned industrial park.
4. Commercial communication tower.
5. Custom slaughter facility with requirements as specified in Section 34.E.
6. Ambulance service (24-hour service included)

Section 34. I Industrial District (Continued)

C. Prohibited uses:

1. Those uses, which in the opinion of the Commission and/or City Council would be detrimental to the health, safety or general welfare of the citizens of Seguin or to adjacent development.

2. Any use of property that does not meet the required minimum lot size; front, side and rear yard dimension; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required.

D. Area requirements:

1. Minimum lot area:

   a. Internal lot: 6,000 square feet
   b. Corner lot: 7,500 square feet

2. Minimum lot frontage on a public street:

   a. Internal lot: 50 feet
   b. Corner lot: 60 feet

3. Minimum lot depth: 100 feet

4. Minimum depth of front setback: 10 feet

5. Minimum depth of rear setback shall be 5 feet with an additional 2 feet required for each story above 24 feet, up to a maximum setback of 25 feet. There shall be no encroachment or overhangs into this required rear yard.

6. Minimum width of side setback:

   a. Internal lot: 0 feet
   b. Corner lot: 10 feet (street side)

7. Maximum building coverage as a percentage of lot area: 70 percent

8. Maximum accessory building coverage as a percentage of rear yard: 30 percent

Section 34. I Industrial District (Continued)

9. Maximum height of structures: N/A

E. Custom Slaughter Facility Requirements:

1. **Area requirements:** Minimum five (5) acre tract.

2. **Facility requirements:** All operations, with the exception of keeping of animals, shall be conducted in an enclosed area. The keeping of animals must be in an enclosed area no closer than 500 feet to any off-site, habitable building.

3. **Keeping of animals:** The keeping of animals for slaughter shall be in accordance with Article IV, Section 14-162, Seguin Code of Ordinances, which exempts from livestock regulation, the keeping of animals for not more than (72) hours in enclosures used by slaughter houses, auction rings or veterinary hospitals. *In no case shall any animal be kept for slaughter for a period longer than (72) hours.*

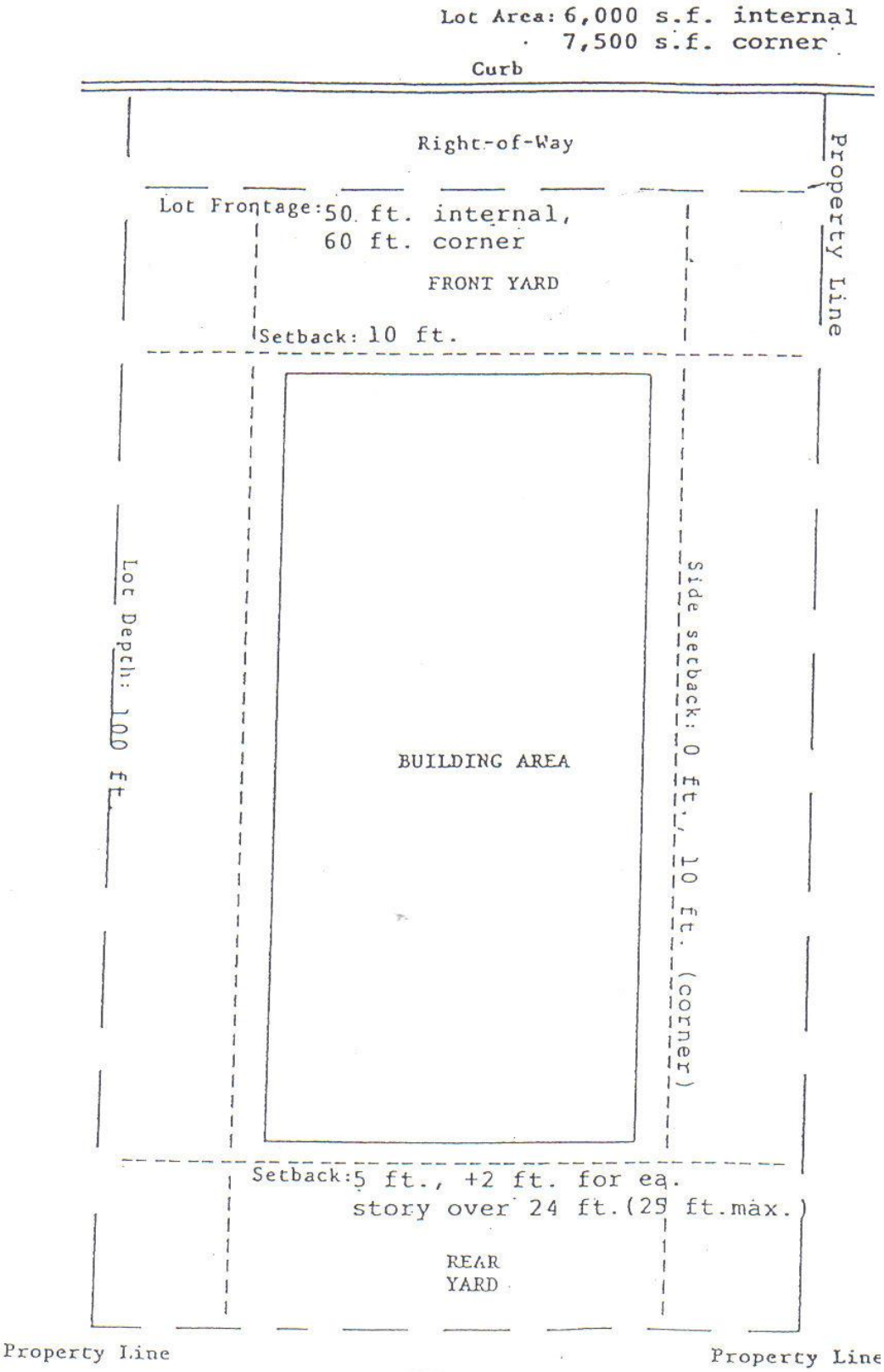
The maximum number of animals to be kept at any one time shall be (25), with the exception of fowl.

4. **Operational requirements:** A maximum number of (50) animals per week may be slaughtered in a Custom Slaughter Facility, with the exception of fowl. Slaughter operations shall be conducted on no more than two (2) days per week.

I INDUSTRIAL DISTRICT

Lot Area	**Lot Width**	**Lot Depth**	**Front Yard**	**Side Yards**	**Rear Yard**
Minimum Internal lot: 6,000 sq.ft. Corner lot: 7,500 sq.ft.	Minimum Internal lot: 50 feet Corner lot: 60 feet	Minimum of 100 feet	Minimum setback of 10 feet	Minimum setbacks Internal lot: 0 feet Corner lot: 10 feet (street side)	Minimum setback of 5 feet, with an additional 2 feet for each story above 24 feet, with a 25 foot maximum – No building overhangs or encroachments
Dwelling	**Height**	**Parking**	**Accessory Buildings**		
Maximum building coverage: 70% of lot area	N/A	See Section 39 Off-street parking of Zoning Ordinance	Maximum building coverage: 30% of rear yard		

I, L-1 Industrial, Light Industrial District



Section 35. P.U.D. Planned Unit Development District

A. Purpose: The Planned Unit Development District is established for the following purposes:

1. To accommodate the development of planned units which 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 the subdivision ordinance.

2. To encourage the creative development of land, provide locations for well-planned comprehensive developments, and provide for variety in the development pattern of the City of Seguin which conform with the purpose of the Master Plan.

3. To protect against fire and explosions, pollution and other environmental hazards.

4. To promote housing densities appropriate to and compatible with existing and proposed public support facilities.

5. To protect, as far as possible, against congestion; and to provide for vehicular and pedestrian circulation.

6. To promote the most desirable uses of land and the direction of building development in accord with the Master Plan.

7. To promote the stability of developments; to strengthen the economic base of the City; to protect the character of the district and adjacent districts; to conserve the value of land and buildings, and to protect the City's tax base.

8. To promote the most efficient use of City facilities and services.

B. Permitted uses:

1. Planned unit developments in accordance with the subdivision ordinance requirements regarding planned unit developments.

Section 35. P.U.D. Planned Unit Development District (Cont.)

C. Uses Permitted with a Specific Use Permit:

Commercial communication tower.

D. Prohibited uses:

1. Any building erected or land used for other than the use shown on the planned unit development plan as approved by the Commission, and as recorded with the Chief Building Inspector.

2. Any use of property that does not meet the required minimum lot size; front, side and rear yard dimension; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as shown in the recorded development plan, and approved by the Commission.

E. Area requirements:

1. Land use within a P.U.D. District shall determine the requirements of districts as found herein.

F. Procedure:

1. Any proposed use in the Planned Unit Development District shall be based upon a General Land Use Plan (GLUP) 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 must be approved by the Planning & Zoning Commission and shall be submitted in the same manner as the original application.

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

Section 35. P.U.D. Planned Unit Development District. (Continued)

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

   (a) Existing topography of the property.
   (b) Existing & proposed land uses and their location.
   (c) Location of all streets, alleys, sidewalks, parking.
   (d) Location of all proposed public uses, such as schools, parks, playgrounds, open spaces, landscaping.
   (e) Drainage plan.
   (f) Present ownership & any planned change in ownership.
   (g) Schedule of development.
   (h) All agreements, covenants & deed restrictions.

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

6. No building permit shall be issued on the land within the Planned Unit Development District until a GLUP has been approved by the Planning & Zoning Commission.

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 GLUP, the GLUP shall lapse and be of no further effect. Reapplication shall be the same as an original application.

Section 36. GENERAL LANDSCAPE ORDINANCE

A. Applicability

1. The provisions of this ordinance shall apply to all commercial, multi-family and subdivision development.

2. When the requirements of this ordinance conflict with the requirements of other City Code Ordinances, the stricter requirement shall prevail.

3. *Existing development, non-conforming status:* All property containing existing development on the effective date of this ordinance, which is not in compliance with this ordinance shall be considered non-conforming and shall be allowed to continue until reconstruction, redevelopment or expansion activities require compliance with the provisions of this ordinance.

B. Definitions

Drip Line Area – The area immediately below the tree's canopy.

Landscape Area – An area devoted to plant materials adaptable to this region, including but not limited to trees, shrubs, grasses, ground covers, mulch and other landscape features, i.e. berm.

New Development – Any new, non-residential land development, or expansion or reconstruction that exceeds 100% of the existing gross floor area or parking area.

Parking Area – A paved or improved surface designed and ordinarily used for the parking of motor vehicles. Parking area does not include outdoor display area for equipment.

Planting Material – Means trees, shrubs, grasses, ground covers and other landscape features specifically designed and installed as site improvements and approved by City of Seguin staff and in accordance with this ordinance.

Section 36. General Landscape Ordinance (Continued)

Protected Tree – Any tree not classified as "not protected", listed in Appendix A of this ordinance, and meeting the following criteria:

a. 6" diameter or larger for canopy or large maturing trees measured 4.5 feet above natural grade.
b. 4" diameter or larger for small maturing trees measured 4.5 feet above natural grade.
c. 4" for multi-trunk trees, calculated by measuring the largest trunk and ½ the diameter of the sum of all other trunks.
d. Heritage tree: A protected tree having a diameter greater than 24", measured 4.5 feet above natural grade.
e. Historical tree: Any tree recognized as historically significant by a bona fide local, state, or national organization is considered a protected tree.

C. Required Landscape Installation & Improvements

1. Buffer Yards: Between any non-residential property and the adjacent right-of-way visual screening consisting of a landscape strip four (4) feet in width, shall be required. The landscape strip shall consist of a continuous row of shrubs/hedges, and an approved tree planted every fifty (50) feet.

   a. Plant Materials

      (1) Shrubs & Hedges: Shrubs shall be a minimum of two (2) feet in height upon planting or (5) gallon or larger container grown. Shrubs shall be of a non-deciduous variety and planted and maintained so as to form a continuous, unbroken visual screen within one (1) year after planting.

      (2) Trees: A tree shall be a minimum of (8) feet in overall height, with the exception of approved multi-trunk specimens, immediately upon planting,

and a minimum caliper of (2) inches measured 4.5′ from the ground.

(3) Grasses: Grass requiring copious amounts of water are discouraged, i.e. St. Augustine. Any generally accepted method of planting is approved, including hydro-mulching, seeding or sodding.

(4) All planting material shall be of drought tolerant, disease resistant varieties, preferably indigenous species or those readily adaptable to this region. (See Appendix to this ordinance for recommended list). In addition, plantings of shrubs / groundcovers shall be located in a prepared planting bed.

(5) Visibility Clearance: No landscape tree or other material shall be maintained in the vicinity of any corner or intersection to the extent that it is determined, by City staff, to create a visibility obstruction. A 15′ visibility triangle shall be required, in which any obstruction 30″ to 7′ above grade shall be prohibited.

(6) Screening of Unsightly Areas: Unsightly areas, including but not limited to loading docks, outside storage areas (non-display), utility boxes, and open areas where machinery or other manufacturing components are stored, shall be screened from public view, streets, sidewalks and adjacent property by way of a minimum 6′ high, maximum 8′ high fence, constructed of City approved masonry, wood or architecturally finished metal fencing material. Fencing may be used in lieu of landscape material, in whole or in part, if the location and use of adjacent property (i.e. non-residential/ag use) does not

lend itself to full compliance with the landscape provisions of this section.

2. Parking Areas: For all vehicle parking areas with a design capacity in excess of (19) vehicle spaces, the following landscape standards are required. These standards are in addition to Buffer requirements in Subsection C.1., above.

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

   b. Location Requirement: The landscape area may consist of numerous landscaped areas; however, each separate area shall contain a minimum of one (1) tree, and shall be a minimum of 25 square feet in area.

   c. Curbing: Landscape areas shall be protected from vehicular encroachment by the use of curbing or wheel stops.

   d. Visibility Clearance: Same as C.1.a.(5), above.

   e. Landscape Materials: Shall consist of a combination of shrubs, trees, grasses in accordance with size requirements and types as specified in C.1.a., above. All plantings of shrubs/ground covers shall be located in a prepared planting bed to include mulch.

3. Tree Standards

While allowing the reasonable and responsible development of land within the city, the Seguin City Council acknowledges that trees play a vital role in improving water and air quality; protecting the health of aquifers and river corridors; reducing erosion, dust, and stormwater runoff volume and velocity;

cooling urban temperatures and reducing energy costs; abating noise; providing wildlife habitat; increasing property values and contributing to the beauty and overall quality of life of the city.

The purpose of this tree ordinance is:

- to encourage and regulate site planning which furthers the preservation of mature trees and natural areas;
- to increase the tree canopy and protect trees during development and construction activities;
- to protect healthy trees and natural areas to preserve the natural, ecological, and environmental qualities of the city;
- to protect and increase the value of residential and commercial properties;
- to enhance and maintain an aesthetically pleasing urban environment that promotes economic development through an improved quality of life;
- to require site design and construction practices which contribute to the long term viability of existing trees;
- to control the unnecessary removal of trees and minimize the indiscriminate clear-cutting of property;
- to require on-site replacement of trees that must be removed and require off-site replacement of trees that cannot be replaced on-site, either by direct planting or through a "tree trust fund."

a. Selection: All trees shall be selected from the list provided in the Appendix to this ordinance. Variations may be permitted by City staff if it can be shown that the proposed tree(s) are adaptable to this region and provide similar drought tolerance as those recommended.

Section 36. General Landscape Ordinance (Continued)

b. Tree Protection & Mitigation:

(1) Permit Required: No person directly or indirectly shall cut down, remove or destroy a protected tree without first obtaining a Tree Removal Permit from city staff.

(2) The application for tree removal shall include the following information:

a) Address and location of tree(s) to be removed;
b) The diameter of the tree(s) to be removed;
c) The species or common name of the tree(s) to be removed;
d) The reason for removal.

(3) Exemptions From Tree Protection & Removal Permit Requirements.

a) Removing a dead, damaged or diseased tree that has been approved for removal by the city.
b) Removal and/or pruning of trees as a result of a disease, storm, fire, accident or other act of nature.
c) Clearing for agricultural purposes on land held for that purpose and for which an agricultural tax exemption exists.
d) A tree or trees that constitute a danger to the public and immediate removal is necessary.
e) A tree or trees located on platted or subdivided single-family residential properties.
f) Trees that must be altered or removed in order to install utility lines shall be exempt from this requirement.

Section 36. General Landscape Ordinance (Continued)

(4) Standards for Approval of a Tree Removal Permit

Unless other mitigation alternatives are not practicable, a protected tree may be approved for removal under the following circumstances:

a) The tree lies in the proposed building footprint.
b) The tree lies in the traffic circulation pattern of the proposed development.
c) The tree is classified as "exempt" under this section.

(5) Tree Removal for Non-Residential or Subdivision Development

For non-residential or subdivision development, property owners/developers shall comply with submittals as required in Tree Retention & Mitigation standards contained in this ordinance.

(6) Action on Tree Removal Permit Application

a) Upon receipt of a completed tree removal permit application, city staff shall have (10) working days to approve or deny the permit.

c. Tree Retention & Mitigation

(1) Tree Protection Prior To and During Construction

a) Tree Survey: Prior to approval of a building permit or site development permit for any non-residential or subdivision development, the developer/contractor shall provide to the city the following materials:

Section 36. General Landscape Ordinance (Continued)

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

b) Root Protection Area (RPA)

1) The RPA is calculated at a ratio of 1 foot of RPA radius for each inch of tree diameter measured 4.5 feet above natural grade.
2) Prior to construction, an approved protective barrier shall be constructed and maintained around the RPA of all protected trees. The protective barrier shall be maintained throughout the construction period. For any group of trees the RPA shall be measured from the outermost trees. The RPA may be shifted so long as no construction activity encroaches more than ½ of the RPA radius and the total square footage of the RPA is maintained.
3) The natural grade and pervious surface shall be maintained in the RPA.

4) While not required, the city encourages root protection practices for routine maintenance or improvements to existing single-family residential structures.

c) Prohibited Activities Within the RPA

1) Parking or operating equipment
2) Storage of materials or construction supplies
3) Cleaning or washing of any kind.
4) Paving, trenching, excavating or changing the grade unless previously approved
5) Disposal of any waste material
6) Attachments to the tree(s) of any kind other than those used to protect the tree.

Exemption: If encroachment into the RPA is unavoidable, a layer of 6" mulch shall cover the RPA.

d) Protective Barriers for Grade Changes Greater Than Two Inches Within the RPA. Protective barriers including an approved retaining wall or tree well of rock, brick, wood or other suitable material shall be constructed around the protected tree no closer than the RPA boundary. Alternatives to the protective barrier requirements, professionally prepared, may be submitted to the city for approval.

d. Tree Replacement Standards

(1) Any tree approved for removal, unless otherwise stipulated herein, shall

be replaced in accordance with the following schedule:

a) Protected trees shall be replaced with an approved tree at a ratio of 1″ to 1″ diameter.
b) Protected trees having an historical designation shall be replaced with an approved tree at a ratio of 3″ for every 1″ diameter removed.

(2) Replacement trees shall have a minimum diameter of 2″.
(3) In lieu of tree replacement, if approved by the Tree & Landscape Committee, a payment of $100.00 per 1″ diameter for every protected tree removed, shall be deposited in the Tree Trust Fund, in accordance with this ordinance.
(4) The Tree & Landscape Committee may consider off-site tree replacement at its discretion and may consider said request from the developer/contractor.

e. Tree Credits. In order to offer an incentive for tree preservation, a tree credit will be given towards the tree planting requirement for all protected trees that are preserved. Credits will be calculated on a one for one caliper inch basis, i.e. one 6″ caliper oak retained = a caliper credit of 6″ towards the planting requirement.

f. Tree Trust Fund.

(1) A tree trust fund shall be created for the purpose of purchasing, growing, and/or maintaining trees within the city limit.
(2) The Tree Trust Fund shall be administered by the Tree & Landscape Committee in accordance with policies established by the Seguin City Council.

Section 36. General Landscape Ordinance (Continued)

4. Landscape Maintenance

a. Watering: Priority should be given to drought tolerant species. Xeriscape and drip irrigation designs are highly recommended. Mulching shall be included in designs in order to preserve water.

b. The owner, agent or manager of the property shall be responsible for the maintenance of all landscape areas. Maintenance shall include watering, pruning, replacement and other activities necessary to keep the landscape area in a neat, healthy and attractive condition.

c. Whenever required maintenance, in accordance with this ordinance, is identified, the City shall notify the property owner and tenant of the required action in writing. The property owner/tenant shall have ten (10) days from the date of receipt of the written notification to advise the City of plans to correct the deficiency. Failure to remedy the maintenance problem, or an unacceptable plan to correct the maintenance problem, shall constitute a violation of the ordinance.

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

D. Plan Approval

1. For those developments regulated by this ordinance a landscape site plan shall be submitted to the Building Official for review and approval prior to issuance of a Building Permit or plat approval, whichever is applicable. The approved site plan shall become part of the approved building plans and/or plat.

Section 36. General Landscape Ordinance (Continued)

2. The site plan shall contain the following information:

   a. Boundaries of the property and topography.
   b. The precise location of all existing and proposed buildings/structures.
   c. The location and dimensions of all existing and proposed drives, streets, curb cuts, parking, outdoor storage and loading areas, sidewalks, and existing and proposed easements (including utility & drainage).
   d. Location and identification, including size and type, of all protected trees as defined by this ordinance.
   e. Description of all tree protection methods to be implemented during construction.
   f. Identification of all protected trees proposed to be removed and replaced by location, size (caliper) and species.
   g. Identification by location, size and type of all landscape materials and areas.
   h. A tree protection plan.
   i. All drawings shall be done to scale.

E. Variances, Appeals, Extensions

1. Variances: Requests for exceptions to and variances from the provisions of this ordinance may be submitted to the Tree & Landscape Committee in accordance with the rules and procedures adopted by said Committee.

2. Appeals: Appeals of staff determinations in the administration of this ordinance may be submitted to the Tree & Landscape Committee in accordance with rules and procedures adopted by said Committee.

3. An applicant may request a time extension for compliance with the provisions of this ordinance from the Tree & Landscape Committee in accordance with rules and procedures adopted by said Committee.

Section 36. General Landscape Ordinance (Continued)

4. Appeals of decisions of the Tree & Landscape Committee with respect to variances, appeals and extensions shall be made to the Zoning Board of Adjustments in accordance with regulations and policies governing said Board.

F. Tree & Landscape Committee Established

1. The Seguin Tree & Landscape Committee shall be established with the following composition:

   a. One member representing the Seguin Design Review Committee;
   b. One member representing the Seguin Parks Board;
   c. One member representing the Planning & Zoning Commission;
   d. One member representing the Guadalupe County Master Gardeners;
   e. One professional arborist;
   f. A city staff representative appointed by the City Manager shall be an ex officio member of the committee and shall serve as the committee's secretary for administrative matters.

2. The Seguin Tree & Landscape Committee shall have the following duties:

   a. To hear and decide appeals of staff decisions of the requirements of the general landscape ordinance;
   b. To study, investigate and make recommendations to the Seguin Planning & Zoning Commission and City Council for the implementation of tree and landscape policies and regulations;
   c. To render determinations on tree replacement alternatives in accordance with the provisions of this ordinance.

3. The Seguin Tree & Landscape Committee shall develop rules and procedures to govern its activities and actions.

Section 36. General Landscape Ordinance (Continued)

G. Offense

A. It shall be considered an offense to remove, cut down or destroy a protected tree in violation of the requirements and standards of this ordinance.

B. An offense under this section does not require any degree of mental culpability.

H. Penalties

Penalties for an offense of this ordinance shall be in accordance with Chapter 1, Section 1-14, Seguin Code of Ordinances, established at $500.00 per tree, in addition to whatever mitigation would be required.

APPENDIX A: Not Protected Species
APPENDIX B: Approved Plant List
APPENDIX C: Design Examples

Section 36.1. Oak Wilt Ordinance

A. Definitions:

1. Oak Wilt: A disease caused by the fungus *Ophiostoma fagacearum* or *ceratocystis fagacearum.*

2. Commercial trimming/cutting: Any individual or business that practices tree trimming, cutting or removal, for hire, within the city limit of the City of Seguin, Texas.

B. Oak Wilt Abatement & Treatment

1. All tree cutting/pruning wounds shall be immediately sealed with a tree paint or protective compound.

2. All infected tree cuttings (limbs, trunks) shall be disposed of in such a way as to not infect healthy oak trees.

3. All oak firewood shall be wrapped in a clear plastic covering, with ends tucked into the ground, from February 1 till June 15, to prevent the spread of oak wilt by insects.

4. All cutting/pruning tools shall be disinfected using a commercial disinfectant (i.e. bleach, Lysol spray) between each oak tree trimmed, pruned or removed.

   In addition to those precautions listed above, which are required of all commercial tree cutting businesses, residents are encouraged to consider the following.

5. If oak wilt is identified in the vicinity of other healthy oaks, particularly in a rural setting, trenching around the infected tree (cut at least 48” deep, then immediately filled) may prevent the underground transmission of the disease through the root system. Underground trenching is extremely difficult in an urban or suburban development because of the presence of underground utilities and the proximity of property lines. Therefore, in many cases this is not an option.

Section 36.1. Oak Wilt Ordinance (Continued)

6. Tree injection with systemic fungicide for infected trees may be used as a preventative of the disease.

   In case of 5. and 6. above, a tree professional should be contacted to verify the extent of oak wilt infection and to outline treatment alternatives and specifications. County Extension Agents, Texas Forest Service representatives, or other professionals should be contacted before any treatment.

C. Penalties

It shall be unlawful for any person, company or corporation engaged in the business of tree cutting/pruning as defined by this ordinance, to fail to comply with the provisions of this ordinance. Violations of this ordinance shall be punishable in accordance with Section 1-14, Seguin Code of Ordinances.

Section 36.2. Garbage Container Screening Requirements

A. Definition: Garbage Container – A large receptacle, usually exceeding 90 gallons, used for the storage and disposal of trash, garbage, refuse and grease rendering. This definition does not include the following:

1. Temporary dumpsters used in construction;

2. Temporary dumpster for special events;

3. Recycling dumpsters.

4. Residential garbage containers, usually 90 gallons or less, provided by the City's franchise holder.

B. Jurisdiction:

This ordinance shall apply to all properties located within the City Limits of Seguin, Texas.

1. New Construction – All new construction or redevelopment of existing properties in excess of 50% of the predevelopment value of property as determined by the City Building Official shall comply with the provisions of this ordinance.

2. Existing Facilities – All existing facilities utilizing garbage receptacles as defined by this ordinance shall have 24 months from the effective date of this ordinance to comply with the provisions of this ordinance. Existing multi-family facilities with over (8) garbage containers shall have 36 months to comply with the provisions of this ordinance.

Existing properties utilizing garbage receptacles are exempt from the provisions of this ordinance if the receptacle is not visible from ordinary public view from the adjacent right-of-way and adjacent property or the receptacle is 75 feet or more from the nearest right-of-way or property line.

Existing facilities using the right-of-way for garbage containers, where no other practical alternative exists, will be required to obtain approval from the City

Section 36.2. Garbage Container Screening Requirements (Cont.)

Engineer and provide indemnification for the City for any and all liabilities incurred.

C. Visual Screening Requirement:

1. Visual screening consisting of a solid fence or masonry wall, having a minimum height sufficient to screen the entire garbage receptacle on all sides shall be constructed and maintained by the occupant or property owner.

2. Grease rendering receptacles: All grease rendering receptacles shall be placed on an impervious surface (i.e. concrete, asphalt) approved by the Building Official.

3. For new food service establishments, or for the relocation of existing food service garbage containers, the garbage container shall be placed as far from any property line adjacent to residential uses as reasonably possible as determined by city staff.

4. To facilitate cleaning, dumpsters serving food service establishments shall be placed on an approved impervious surface.

5. Non-food service dumpster enclosures adjacent to residential locations are required to setback a minimum 10’ from the property line.

6. If unsanitary conditions exist, including but not limited to noxious odors, insects or rodents, city staff shall have the authority to require that the dumpster and enclosure be relocated, maintained in a sanitary condition, or if the conditions remain unabated, removed.

D. Site Plan Approval:

For those facilities utilizing garbage receptacles, a site plan shall be submitted to and approved by the Building Official prior to issuance of a Building Permit. The approved garbage receptacle site plan shall

Section 36.2. Garbage Container Screening Requirements (Cont.)

become part of the approved building plans and no Certificate of Occupancy shall be issued until the garbage receptacle screen is constructed and approved by the Building Official.

The site plan shall contain the following information. No site plan will be accepted until all information is provided.

1. The location of the garbage container and screen in relation to property lines and all structures, with dimensions shown.
2. In order to ensure that adequate traffic and pedestrian circulation exists, the location of all curb cuts, public and private streets, parking and loading areas, and pedestrian walks shall be shown on the site plan.

E. Materials & Design:

The following building materials shall be used:

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

F. Maintenance:

1. The property owner, tenant or agent shall be responsible for maintaining all garbage receptacles in a clean, non-odorous, structurally sound condition; replacing and repairing the receptacle

Section 36.2. Garbage Container Screening Requirements (Cont.)

and screening when necessary and keeping the surrounding area free from garbage, trash, refuse and high weeds in accordance with all City ordinances (Ref. Sec. 22-71, Sec. 46-29 through 33, City Code of Ordinances).

2. Screening must be repaired or replaced in accordance with this ordinance within (60) days of notification by the Building Official.

3. Failure to properly maintain screening shall constitute a violation.

G. Visibility Clearance:

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

H. Exceptions & Variances:

Exceptions and variances from the provisions of this ordinance may be made in accordance with Section 41, Board of Adjustment, Seguin Zoning Ordinance.

I. Enforcement & Remedies:

Enforcement and remedial action shall be in accordance with Section 42, Seguin Zoning Ordinance.

Section 36.3. Fence Requirements

A. Definitions:

1. *Fence:* Means any wall or structure more than 18 inches in height erected or maintained for the purposes of enclosing, screening, restricting access to or decorating a lot, parcel, building or structure. Fence does not include dog runs, arbors or other incidental – decorative barriers located within perimeter fencing.

2. *Finish side:* Means that side of the fence that forms the barrier, where the support elements, including posts and rails of the fence, are not visible from outside the property.

3. *Front yard:* As used herein, means forward of the building line established by the building constructed on the lot.

4. *Rear yard:* Means a space unoccupied by the primary structure extending the full width of the lot or parcel between the principal structure and the rear lot line.

5. *Side yard:* As used herein, means a space unoccupied by the primary structure on the same lot or parcel with the building, situated between the building and the side lot line, and extending from the front lot line to the rear lot line. Any lot line not considered a rear or front line shall be deemed a side line.

6. *Reconstruction:* Reconstruction shall mean the replacement of more than 50% of an existing fence.

7. *Repair:* Shall mean the construction or repair of 50 percent or less of the perimeter of an existing fence.

B. Permit required.

1. It shall be unlawful for any person to erect or replace a fence, as defined herein, without first obtaining a building permit in accordance with regulations and requirements set forth in Chapter 18, Section 18-27 & 28, Seguin Code of Ordinances.
2. Prior to erection or replacement of a fence, an inspection by city staff shall verify the location requirements of the fence as stipulated herein.

Section 36.3. Fence Requirements (Cont.)

3. Within 30-days of completion of the fence an inspection shall be requested and city staff shall verify compliance with the requirements stipulated herein.

C. Permit fee.

A permit shall be established by ordinance and set forth in Appendix C, Fee Schedule, Seguin Code of Ordinances.

D. Construction materials.

1. *Approved materials include:* treated wood, wrought iron, stone or brick with mortar, painted or textured masonry, decorative metal, chain link, cedar, vinyl fencing.

2. *Prohibited materials include:* sheet metal, barbed wire & razor ribbon, plywood, corrugated steel, fiberglass panels or electric fences.

3. *Agricultural, Public & Industrial sites:* Agricultural, public and certain industrial locations may be suitable for otherwise prohibited fencing materials. These include, but are not limited to barbed wire, razor ribbon, corrugated steel and electric fencing.

E. Location and height regulations.

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

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

3. *Corner lots.* Fences shall be in accordance with the requirements of Sec. 90-4. Obstruction of visibility at intersection, Seguin Code of Ordinances, on all corner lots. (It shall be unlawful for any owner of property on a street intersection corner in the city to permit a

Section 36.3. Fence Requirements (Cont.)

fence, vine, tree, shrub, structure or any other opaque object to remain on the property, which is within six lineal feet of the legal street corner and which prevents a driver of a vehicle from having a clear view through the six foot area of the intersecting street in the opposing direction. Excluded, however, are neatly trimmed trees, utility poles and supporting fence posts. Sec. 90-4, Obstructions of visibility at intersections, Seguin Code of Ordinances).

F. Maintenance.

1. All fences constructed within the city shall be maintained in a vertical position, and not create an unsightly condition that substantially detracts from the appearance of the neighborhood.

2. All fences shall be maintained structurally sound, with no missing components and not out of vertical alignment in excess of 20%.

3. All damaged, rotting, removed or missing portions of the fence shall be replaced with comparable materials.

4. Fences shall not be externally braced in lieu of replacing or repairing posts, columns or other structural elements.

5. All damaged or missing parts of chain link or metal fences shall be replaced or repaired.

6. Fence reconstruction shall be in accordance with the provisions of this ordinance.

G. Utility easements.

1. Fencing across easements shall only be allowed with the written approval of the city and/or easement holder and shall include any and all requirements for utility access and maintenance. Access requirements may include gates sufficiently wide to allow equipment access, removable fence panels or other designs acceptable to the city and easement holder.

Section 36.3. Fence Requirements (Cont.)

2. Access to easements shall be allowed as needed for repair and maintenance.

3. Permission to build a fence upon or across a utility easement does not remove the obligation of the owner of said fence to remove the fence upon demand of the city or utility company. Removal and rebuilding of the fence shall be the responsibility of the owner of said fence and at the owner's expense.

H. Exceptions & Variances.

1. Exceptions and variances from the provisions of this ordinance may be made in accordance with Section 41, Board of Adjustment, Seguin Zoning Ordinance.

Section 37. Communication Towers

A. Definitions: In this ordinance the following words and terms shall have the meaning ascribed:

1. **Alteration:** Any modification, replacement, or reconstruction that increases the height or materially increases the dimension of a Commercial Communication Tower.

2. **Height of tower:** The vertical distance between the finished grade at the base of the tower or the lowest point of contact with the building, and the highest point of the tower structure.

3. **Monopole:** A single, slender and typically cylindrical, vertical structure to which antennae are affixed.

4. **Public Utility:** Any person, company, corporation, cooperative, cooperative corporation, partnership, or any combination thereof, that is subject to both a municipal franchise agreement and the comprehensive regulatory system established by and defined in the Texas Public Utility Regulatory Act, that owns or operates for compensation equipment or facilities for:

   a. producing, generating, transmitting, distributing, selling, or furnishing electricity; or

   b. the conveyance, transmission, or reception of communications over a telephone system as a dominant carrier.

   The term "public utility" shall not include, as is defined in the Public Utility Regulatory Act, telegraph services, television services, television stations, radio stations, community antenna television services, general radio-telephone services, or radio-telephone services authorized under the Public Mobile Radio Services rules of the Federal Communications Commission or private water companies.

Section 37. Communication Towers (Continued)

5. **Tower:** A Commercial Communication Tower, fixed and free-standing or guyed, which may include an uninhabitable structure, not designed as a shelter or to be occupied for any use. This definition includes, but is not limited to, any such structure supporting antennae that transmit or receive any portion of the electromagnetic spectrum of radio waves. The following are examples, but are not limited to: freestanding monopole structures, lattice or open framed structure and other similar self-supporting, trussed, or open framed structures, and guyed structures.

B. Permits Required

1. An application for a Specific Use Permit shall be submitted to the Department of Planning and approved by the Planning Commission prior to the construction or alteration of any tower as defined in this article, within the boundaries of the City of Seguin.

2. Applications for the Specific Use Permit shall be accompanied by the following:

   - Construction drawings;
   - The manufacturer's recommended installations, if any
   - A scaled site plan indicating the location of all proposed construction, easements, existing and proposed utilities, and property lines;
   - Certification by a structural or civil engineer registered by the State of Texas that the proposed installation complies with all relevant Federal, state and local statutes and codes;
   - A statement that the proposed communication use will not interfere with any existing electromagnetic communication activities or the extent of any potential interference;

3. Subsequent to approval by Planning Commission, an application for a building permit shall be submitted to building inspections prior to the construction or alteration of any tower.

Section 37. Communication Towers (Continued)

4. A Specific Use Permit or a building permit shall not be required for any repair or modification with no resulting increase in height, dimension, design or communication activity previously approved by the Planning Commission.

C. Exemptions

This ordinance does not apply to the following towers:

- Towers less than 65 feet in height used primarily for amateur and citizens' band radio antennae;
- towers that are attached to, placed upon, or constructed on top of a building provided the tower does not exceed 65 feet or the height of the building upon which the tower is constructed, whichever is less;
- Towers on property owned, leased or held by the City of Seguin;
- Towers used by a public utility or government entity or agency for public purposes.

D. Location of towers and design elements

Zoning Districts:

Towers shall be a permitted use with a Specific Use Permit in the following zoning districts:

- Agricultural/Ranch
- Public
- Commercial
- Light & Heavy Industrial
- Planned Unit Development
- Pre-Development

Distance requirements from all residential lots:

Minimum: 110% of height of tower to nearest residential lot or lot zoned residential.

Set-back requirements:

Commercial Communication Towers shall be setback a minimum of fifty feet (50') from any property line.

Section 37. Communication Towers (Continued)

Location of accessory structures:

All accessory structures shall comply with the setback standards for the zoning district in which it is located.

Fencing/Landscaping:

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 Commission by way of the Specific 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.

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. Plant materials shall be approved by the Department of Planning.

Tower appearance:

The Planning Commission shall have authority to regulate the color of proposed towers in order to minimize obtrusize, visual impacts.

Aircraft hazard:

Commercial Communication Towers shall not encroach into or through any established public or private airport approach as established by the Federal Aviation Administration.

Section 37. Communication Towers (Continued)

Signage:

Any high voltage or other risk to public safety must be clearly identified by way of signage approved by the Planning Commission.

E. Shared use

In order to promote shared use, applicants for a Specific Use Permit for Commercial Communication Towers shall advertise for a two (2) week period a request for information to obtain from potential lessors. The content of the request for information and the publication used shall be approved by the Department of Planning. In addition, the applicant shall demonstrate that existing communication towers or other available support structures within the service area cannot accommodate the proposed communication facility. Factors to be considered include structural capacity, RF interference, geographic service area requirements, and cost (i.e. the cost of sharing exceeds the cost of a new tower.)

F. Maintenance and inspections

All towers, accessory uses, fencing, landscaping and other machinery and/or equipment shall be maintained in a safe and healthy (grounds) condition. In accepting a Specific Use Permit from Planning Commission for the construction of a Commercial Communication Tower, the applicant grants permission to the city, its duly authorized agents, officials and employees, to enter upon the property for the purpose of conducting all required inspections to verify compliance with this ordinance.

All obsolete or unused towers shall be removed within twelve (12) months of discontinuance of use.

G. Appeal and variance procedures

Appeals:

Appeals for Specific Use Permits shall be in accordance with Section 2 (E), Seguin Zoning Ordinance.

Section 37. Communication Towers (Continued)

Variances:

Variances from the requirements of this ordinance shall be in accordance with Section 41, Seguin Zoning Ordinance.

H. Penalty for violation

Failure to comply with the provisions of this ordinance shall be punishable upon conviction with a fine as specified in Section 1-14, Seguin General Code of Ordinances. In addition, failure to comply with the provisions of an approved Specific Use Permit for a Commercial Communication Tower may result in the immediate suspension of the Permit. Any reapplication for a Specific Use Permit shall be in accordance with all requirements as set forth in this ordinance. Other appropriate enforcement may include termination of utility services and institution of legal action in courts of competent jurisdiction.

Section 37.1 Small Wind Energy Systems (SWES)

A. Definitions

1. Small Wind Energy System: A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity that does not exceed **10**kw, and is installed to reduce the on-site energy consumption.

2. Tower Height: The height above natural grade of the fixed portion of the tower, excluding the wind turbine.

B. General Regulations

2. Approved Zoning Designations

A small wind energy system (SWES) shall be a permitted use in the following zoning designations:

Pre-Development	Residential Estate
Suburban Residential	Single-Family Residential
Duplex	Townhouse Residential
Agricultural Ranch	Multi-Family
Manufactured Home SD	Manufactured Home & Residential
Public Use	Office Professional
Retail	Commercial
Light Industrial	Industrial
Planned Unit Development	

IH 10, SH 46, SH 123 Corridor Districts with SUP

3. Building Permit Required

a. A building permit must be obtained prior to the construction or installation of a SWES.

b. Application requirements:

(1) A site plan of the proposed SWES showing: location, all components of the system including dimensions, distances to property lines, required setbacks, adjacent land uses, all existing overhead electric lines on the site, existing structures on the site, required landscaping and fencing, and natural features on the site including protected trees, water features and topography.

(2) A rendering of the proposed electrical system sufficient to verify compliance with all local adopted codes and the National Electric Code and the National Electric Safety Code.

(3) Manufacturer’s identification and engineering requirements.

(4) The installation of the SWES shall be under the seal of licensed professional engineers registered in Texas, who shall be identified on the application.

(5) Manufacturer’s sound rating.

(6) An engineer’s certification that the proposed SWES will not interfere with television, telephone, microwave, navigational or radio reception to neighboring areas.

(7) Written notification shall be given to property owners within 300 feet of the property line.

4. Visual Appearance

a. SWES shall be a solid, neutral color such as white, off-white, gray or light-blue.
b. No SWES shall be lit unless required by the FAA.
c. SWES shall not contain any signage except reasonable identification of the manufacturer and security warnings.
d. No other telecommunication devices or other devices shall be attached to the SWES except by way of a Specific Use Permit.
e. SWES shall be of monopole design, as distinguished from lattice-style, and shall not use guy wiring unless approved by the Planning and Zoning Commission by way of a Specific Use Permit.

5. Dimensions / Density

a. All applications for more than one SWES per acre shall require a Specific Use Permit (SUP).
b. No SWES shall be permitted in front yards of residential lots less than 5 acres in size.

c. No SWES shall be permitted on any property less than 1 acre in size.
d. Any SWES shall be setback from any property line a minimum 110% of the tower height including the wind turbine.

6. Sound

Audible sound generated by a SWES shall not exceed 65 dB(A) as measured from any property line unless permitted by the Planning Commission by way of a Specific Use Permit.

7. Height Limitations

The maximum tower height shall be 45 feet for residential use and 65 feet for non-residential uses on parcels less than five acres, and 80 feet for parcels larger than five acres. Deviations from this requirement may be reviewed and acted on by way of a Specific Use Permit.

8. Notice to Utility Company

No grid-interconnected SWES shall be installed until evidence has been provided that the appropriate utility company has been advised of the customer's intent to install a grid-connected customer-owned generator. Off-grid systems shall be exempt from this requirement.

9. Transmission Lines

Any electrical transmission lines connecting the SWES to the public utility distribution system shall be located underground.

10. Abandonment of Use

A SWES which is not in use for a period of twelve successive months shall be dismantled and removed from the property at the expense of the property owner.

11. All manufacturer's and engineering maintenance requirements shall be followed.

Section 38. Sexually-Oriented Businesses

A. Definitions

For the purpose of this section, the following definitions shall apply.

1. Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

2. Adult Novelty Store or Adult Video Store: A commercial establishment which, as its principal business purpose, offers for sale or rental for any form of consideration any one or more of the following:

   a. books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other photographic reproductions which depict or describe "specified sexual activities" or "specified anatomical areas"; or

   b. instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".

3. Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

   a. persons who appear in a state of nudity; or

   b. live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

Section 38. Sexually-Oriented Businesses (Continued)

c. films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

4. Adult Motel: A hotel, motel or similar commercial establishment which:

a. offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or

b. offers a sleeping room for rent for a period of time that is less than 10 hours; or

c. allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

5. Adult Motion Picture Theater: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

6. Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified sexual activities" or "specified anatomical areas".

7. Chief of Police: The Chief of Police of the City of Seguin or his designated agent.

Section 38. Sexually-Oriented Businesses (Continued)

8. Escort: A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

9. Escort Agency: A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip or other consideration.

10. Establishment: Includes any of the following:

    a. the opening or commencement of any sexually oriented business as a new business;

    b. the conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

    c. the addition of any sexually oriented business to any other existing sexually oriented business; or

    d. the relocation of any sexually oriented business.

11. Nude Model Studio: Any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

12. Nudity or a State of Nudity:

    a. the appearance of human bare buttock, anus, male genitals, female genitals, or female breasts; or

    b. a state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals, or areola of the female breasts.

Section 38. Sexually-Oriented Businesses (Continued)

13. Person: An individual, proprietorship, partnership, corporation, association, or other legal entity.

14. Residential District: A single family, two-family, townhouse, multiple family or mobile home or trailer court district included in the Zoning Districts "PD", "RE", "SR", "R-1", "DP-1", "DP-2", "TH-1", "ZL", "MF-1", "MF-2", "MF-3", "MHP", "MHS", "M-R", "P", "OP", "M", "PUD" and "DHD", of the Seguin Zoning Ordinance.

15. Residential Use: A single family, two-family, townhouse, multiple family or "mobile home park, mobile home subdivision, or trailer court" use as included in the Zoning Districts "PD", "RE", "SR", "R-1", "DP-1", "DP-2", "TH-1", "ZL", "MF-1", "MF-2", "MF-3", "MHP", "MHS", "M-R", "P", "OP", "M", "PUD", and "DHD", of the Seguin Zoning Ordinance.

16. Semi-Nude: A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breasts, as well as portions of the body covered by supporting straps or devices.

17. Sexual Encounter Center: A business or commercial enterprise that, as one of its primary business purposes, offer for any form of consideration:

    a. physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

    b. activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

18. Sexually Oriented Business: An adult arcade, adult novelty store, or adult video store, adult cabaret, adult motel, adult motion picture theater, adult

theater, escort agency, nude model studio, or sexual encounter center.

19. Specified Anatomical Areas: Human genitals in a state of sexual arousal.

20. Specified Sexual Activities: Includes any of the following:

    a. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

    b. sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

    c. masturbation, actual or simulated; or

    d. excretory functions as part of or in connection with any of the activities set forth in a. through c. above.

21. Substantial Enlargement of a sexually oriented business means the increase in floor area occupied by the business by more than 25 percent, as the floor area exists on the date hereof.

22. Transfer of Ownership or Control of a sexually oriented business means and includes any of the following:

    a. the sale, lease or sublease of the building;

    b. the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

    c. the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Section 38. Sexually-Oriented Businesses (Continued)

B. Location of Sexually Oriented Businesses

1. Notwithstanding any other provisions of this ordinance, no sexually oriented business shall be established or maintained within five hundred (500) feet of property classified as any of the following zoning districts: "RE", "SR", "R-1", "DP-1", "DP-2", "TH-1", "ZL", "MF-1", "MF-2", "MF-3", "MHP", "MHS", "M-R", "OP", "M", "PUD", and "DHD", of the Seguin Zoning Ordinance. Measurement shall be made in a straight line from the nearest boundary of property so zoned to the nearest part of the building in which such use is made, if the same commercial activity occupies the entire building; provided, that in the case of a building which is divided into separate rental or ownership spaces devoted to different uses or enterprises, measurement shall be made to such space or unit of the building in which such use is made; and, provided, that if the activity is an outdoor (drive-in) movie, measurement shall be made to the nearest part of the land devoted to such use.

2. In addition to the above, no sexually oriented business shall be established or maintained within 1,500 feet of the property line of a lot with any of the following uses:

   a. a church;

   b. a public or private kindergarten, elementary or secondary school, or registered daycare;

   c. any public area as defined as property classified as "Public" in Section 27 of this ordinance.

3. In addition to the above, no sexually oriented business shall be established or maintained within 1,000 feet of another sexually oriented business.

4. In addition to the above, no sexually oriented business shall be established, maintained, or enlarged in the same building or structure containing another sexually oriented business.

Section 38. Sexually-Oriented Businesses (Continued)

5. For the purposes of Subsection B.2. of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest point on the lot line of a church or public or private kindergarten, elementary or secondary school, or registered daycare, or any public area as defined as property classified as "Public" in Section 27 of this ordinance.

6. For purposes of Subsection B.3. of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

7. Any sexually oriented business lawfully operating on the effective date of this ordinance, that is in violation of this ordinance shall be deemed a nonconforming use.

8. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a church, public or private kindergarten, elementary or secondary school, or registered daycare, or any public area as defined as property classified as "Public" in Section 27 of this ordinance, within 1,500 feet of the sexually oriented business. This provision applies only to the renewal of a valid license and does not apply when an application for a license is submitted after a license has expired or has been revoked.

C. Gender and Number

The use of the masculine herein includes the feminine; the use of the singular includes the plural.

Section 38. Sexually-Oriented Businesses (Continued)

D. License Required

1. A person commits an offense if he operates a sexually oriented business without a valid license issued by the City of Seguin for the particular type of business.

2. An application for a license must be made on a form provided by the Chief of Police. The application form shall be sworn to and shall:

   a. include the name and address of the applicant;

   b. state whether the applicant meets each of the requirements set forth in Subsection E. of this Ordinance;

   c. include the name and address of each person required to sign the application pursuant to Subsection D.4. of this Ordinance, and the name, address and type of entity (if applicable) of each person or entity owned or controlled by such person that owns or controls an interest in the business to be licensed; and

   d. such other matters, consistent with this Ordinance, as may be specified in the application form. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches (6”).

3. The applicant must be qualified according to the provisions of this Ordinance and the premises must be inspected and found to be in compliance with the law by the Chief of Police, Fire Marshall, Building Official and Assistant Health Officer or their duly authorized representative of the City of Seguin.

Section 38. Sexually-Oriented Businesses (Continued)

4. If a person who wishes to operate a sexually oriented business is an individual, he or she must sign the application for a license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a twenty percent (20%) or greater interest in the business must sign the application for a license as applicant. Each applicant must be qualified under Subsection E. of this Ordinance and each applicant shall be considered a licensee if a license is granted.

E. Issuance of License.

1. The Chief of Police shall approve the issuance of a license to an applicant within thirty (30) days after receipt of an application unless the Chief of Police finds one or more of the following to be true:

   a. An applicant is under eighteen (18) years of age.

   b. An applicant or an applicant's spouse is overdue in payment to the City of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or the applicant's spouse in relation to a sexually oriented business.

   c. An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.

   d. An applicant or an applicant's spouse has been convicted of a violation of a provision of this Ordinance other than the offense of operating a sexually oriented business without a license, within two (2) years immediately preceding the application. The fact that a conviction is being appealed shall have no effect.

Section 38. Sexually-Oriented Businesses (Continued)

e. The license fee required by this Ordinance has not been paid.

f. An applicant has been employed in a sexually oriented business in a managerial capacity within the preceding twelve (12) months and has demonstrated an inability to operate or manage a sexually oriented business premises in a peaceful and law-abiding manner, thus necessitating action by law enforcement officers.

g. An applicant or the proposed establishment is in violation of or is not in compliance with Subsection B., Subsection G. and Subsection L. of this Ordinance.

h. The premises to be used for the sexually oriented business are not in compliance with all applicable City laws, regulations and City Council orders.

i. An applicant or an applicant's spouse has been convicted of a crime:

(1) involving;

(a) any of the following offenses as described in Chapter 43 of the Texas Penal Code:

(i) prostitution;
(ii) promotion of prostitution
(iii) aggravated promotion of prostitution;
(iv) compelling prostitution;
(v) obscenity;
(vi) sale, distribution, or display of harmful material to a minor;
(vii) sexual performance by a child; or
(viii) possession of child pornography;

Section 38. Sexually-Oriented Businesses (Continued)

(b) any of the following offenses as described in Chapter 21 of the Texas Penal Code:

(i) public lewdness;
(ii) indecent exposure; or
(iii) indecency with a child;

(c) sexual assault or aggravated sexual assault as described in Chapter 22 of the Texas Penal Code;

(d) incest, solicitation of a child, or harboring a runaway child as described in Chapter 25 of the Texas Penal Code; or

(e) criminal attempt, conspiracy, or solicitation to commit any of the foregoing offenses;

(2) for which:

(a) less than two (2) years have elapsed since the date of conviction of the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

(b) less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or

(c) less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two

(2) or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.

2. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or applicant's spouse.

3. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

F. License Fees for Sexually Oriented Businesses.

The annual fee for a sexually oriented business license shall be $500.00.

G. Inspection.

1. An applicant or licensee shall permit representatives of the City of Seguin to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.

2. A person who operates a sexually oriented business or his agent or employee commits an offense if he refuses to permit a lawful inspection of the premises by a representative of the City of Seguin at any time it is occupied or open for business.

3. The provisions of this section do not apply to areas of an adult motel that are currently being rented by a customer for use as a permanent or temporary habitation.

H. Expiration of License.

Each license shall expire one (1) year from the date of issuance and may be renewed only by making application

as provided in Subsection D. Application for renewal should be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the license will not be affected.

I. Suspension.

The Chief of Police shall suspend a license for a period not to exceed thirty (30) days if he determines that a licensee or an agent or employee of a licensee has:

1. violated or is not in compliance with Subsection B., Subsection G. and Subsection L. of this Ordinance.

2. refused to allow an inspection of the sexually oriented business premises as authorized by this Ordinance;

3. knowingly permitted gambling by any person on the sexually oriented business premises; or

4. demonstrated inability to operate or manage a sexually oriented business in a peaceful and law-abiding manner thus necessitating action by law enforcement officers.

J. Revocation.

1. The Chief of Police shall revoke a license if a cause of suspension in Subsection I. of this Ordinance occurs and the license has been suspended within the preceding twelve (12) months.

2. The Chief of Police shall revoke a license if he determines that:

   a. a licensee gave false or misleading information in the material submitted to the Chief of Police during the application process;

Section 38. Sexually-Oriented Businesses (Continued)

b. a licensee, an agent or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;

c. a licensee, an agent or an employee has knowingly allowed prostitution on the premises;

d. a licensee, an agent or an employee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended;

e. a licensee has been convicted of an offense listed in Subsection E.1.i.(1) for which the time period required in Subsection E.1.i.(2) has not elapsed;

f. on two (2) or more occasions within a twelve (12) month period, a person or persons committed an offense, occurring in or on the licensed premises, of a crime listed in Subsection E.1.i.(1), for which a conviction has been obtained, and the person or persons were agents or employees of the sexually oriented business at the time the offenses were committed;

g. a licensee or an agent or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or sexual contact to occur in or on the licensed premises. The term "sexual contact" shall have the same meaning as it is defined in Section 21.01, Texas Penal Code; or

h. a licensee is delinquent in payment to the City for any ad valorem taxes, sales or other taxes related to the sexually oriented business.

3. The fact that a conviction is being appealed shall have no effect on the revocation of the license.

4. Subsection 2.g. of this section does not apply to adult motels as a ground for revoking the license unless the licensee, agent or employee knowingly allowed the act of sexual intercourse, sodomy, oral copulation, masturbation, or sexual contact to occur in a public place or within public view.

5. When the Chief of Police revokes a license, the revocation shall continue for one (1) year and the licensee shall not be issued a sexually oriented business license for one (1) year from the date revocation became effective. If, subsequent to revocation, the Chief of Police finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date the revocation became effective. If the license was revoked under Subsection 2.e. of this section, an applicant may not be granted another license until the appropriate number of years required under Subsection E.1.i.(2) has elapsed.

K. Appeal

If the Chief of Police denies the issuance of a license, or suspends or revokes a license, the Chief of Police shall send to the applicant, or licensee, by certified mail, return receipt requested, written notice of the action and the right to an appeal. Upon receipt of written notice of the denial, suspension, or revocation, the licensee whose application for a license has been denied or whose license has been suspended or revoked shall have the right to appeal to the state district court. An appeal to the state district court must be filed within thirty (30) days after the receipt of notice of the decision of the Chief of Police. The licensee shall bear the burden of proof in court.

L. Transfer of License.

A licensee shall not transfer his license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.

Section 38. Sexually-Oriented Businesses (Continued)

M. Signage.

No sign that is visible from the exterior of the structure and no other advertising that portrays nudity or a state of nudity is available for viewing is allowed.

N. Exceptions.

1. It is an exception under this section that a person appearing in a state of nudity did so in a modeling class operated:

   a. by a proprietary school licensed by the State of Texas; a college, junior college, or university supported entirely or partly by taxation;

   b. by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

   c. in a structure:

      (1) which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and

      (2) where in order to participate in a class a student must enroll at least three days in advance of the class; and

      (3) where no more than one nude model is on the premises at any one time.

2. It is an exception under this section that each item of descriptive, printed, film, or video material offered for sale or rental, taken as a whole, contains serious literary, artistic, political, or scientific value.

O. Injunction.

A person who operates or causes to be operated a sexually oriented business in violation of this section is subject to a suit for injunction as well as prosecution for criminal violations.

P. Severability Clause.

If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

Section 39. Off-Street Parking

In all districts, with the exception of the Downtown Historic District, when any building or structure is erected or structurally altered, off-street parking spaces in accordance with the following requirements must be provided.

A. Minimum Requirements

1. "PD" Districts: Two (2) parking spaces for each family dwelling.

2. "RE" District: Two (2) parking spaces for each family dwelling.

3. "SR" District: Two (2) parking spaces for each family dwelling.

4. "R-1" District: Two (2) parking spaces for each family dwelling.

5. "DP-1" District: Two (2) parking spaces for each family dwelling; therefore, four (4) parking spaces for each duplex.

6. "DP-2" District: Two (2) parking spaces for each family dwelling; therefore, four (4) parking spaces for each duplex.

7. "TH-1" District: Two (2) parking spaces for each family dwelling or two (2) parking spaces for each townhouse lot.

8. "ZL" District: Two (2) parking spaces for each family dwelling or two (2) parking spaces for each lot.

9. "A-R" District: Two (2) parking spaces for each family dwelling.

10. "MF" Districts (MF-1, MF-2, MF-3): For any multi-family dwelling in any zoning district or for any structure altered into a multi-family dwelling from any other classification, off-street parking spaces shall be provided in accordance with the following schedule.

Section 39. Off-Street Parking (Continued)

Efficiency Apartment	1 Space
One (1) Bedroom Apartment	1 ½ Spaces
Two (2) Bedroom Apartments	2 Spaces
Each Additional Bedroom	1 Space

When the computation for the number of parking spaces required under this ordinance results in the requirement of a fractional space, the fractional space requirement shall be satisfied by adding one (1) additional space to the whole-space total.

Where offices are provided on the site, visitor parking must be provided as per the office parking requirements outlined herein. Where clubhouses are provided on the site, appropriate off-street parking must be provided as per the nightclub requirements outlined herein.

11. "MHP" District: Two (2) parking spaces for each manufactured home lot in manufactured home park.

12. "MHS" District: Two (2) paved parking spaces for each single-family detached manufactured dwelling unit.

13. "M-R" District: Two (2) paved parking spaces for each detached single family dwelling unit.

14. "P" District: The following requirements shall not apply to private schools which do not permit students to bring motor vehicles to the institution; however, the educational institution shall be required to provide adequate off-street parking for faculty, administrative personnel, and athletic events, including visiting of parents and/or other personnel.

    Classrooms: One (1) space for each classroom plus one (1) space for each ten (10) students. Campuses that consist of grade levels kindergarten through ninth (K - 9) are exempt from this requirement and shall follow "private school" requirements above.

    Libraries: One (1) space for each five hundred (500) square feet of floor area.

    Laboratories: One (1) space for each five hundred (500) square feet of floor area.

Section 39. Off-Street Parking (Continued)

Student Centers: One (1) space for each five hundred (500) square feet of floor area.

Theaters, auditoriums, churches, assembly halls, sports arenas, stadiums: One (1) space for each three (3) seats in the main auditorium or seating area.

Men's and women's dormitories, fraternity houses, and sorority houses: One (1) space for each room to be utilized for sleeping purposes, or one (1) space for each two (2) beds, whichever number is greater.

15. "OP" District: One (1) space for each three hundred (300) square feet of gross floor area.

16. "C" District: One (1) space for each two hundred fifty (250) square feet of gross floor area unless otherwise specified in the following schedule.

    Establishments which dispense alcohol for on-premise consumption and eating establishments with indoor dining: One (1) space for each one hundred (100) square feet of gross floor area, or one (1) space for each four (4) seats, whichever is greater.

    Eating establishments having no indoor (under roof) dining: One (1) parking space for each fifty (50) square feet of floor space used or designated as customer service and waiting area, or six (6) spaces, whichever is greater.

    Hotel or motel: One (1) space for each sleeping room or suites plus one (1) space for each two hundred (200) square feet of commercial floor area contained therein.

    Eating establishments and those which dispense alcohol for on-premise consumption shall follow the requirements as outlined above.

    Hospital: One (1) space for each bed.

    Sanitorium, convalescent home, home for the aged or similar institution: One (1) space for each two (2) beds.

Section 39. Off-Street Parking (Continued)

Medical or dental clinics: Three (3) spaces for each treatment room.

Bowling alley: Five (5) spaces for each alley.

Mortuary or funeral home: One (1) space for each fifty (50) square feet of floor space in slumber room parlors or individual funeral service rooms.

17. "LI" and "I" Districts: One (1) space for each regularly assigned officer or supervisor plus one (1) for each three hundred (300) square feet of floor area not including storage area for products. Exceptions to this requirement are in the following schedule.

    Manufacturing plants, research laboratories: One (1) space for each one and one half (1.5) employees in the maximum work shift.

    Warehouses: One (1) space for each two thousand (2,000) square feet of gross floor area excluding office space. Off-street parking requirements for the office area of such use shall be determined by the requirements for the "OP" District as provided herein.

    Vehicle repair facilities: One (1) space for each two hundred (200) square feet of floor area devoted to vehicle repair, excluding office space. Off-street parking requirements for the office area of such use shall be determined by the requirements for the "OP" District as provided herein.

    Bus depots: One (1) space for each one hundred (100) square feet of floor area.

    Lumberyards and building material sales and service facilities: One (1) space for each three hundred (300) square feet of gross floor area.

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

specified use so determined shall apply to the proposed use.

19. Exceptions: Groups of uses requiring vehicle parking space may join in establishing group parking areas with capacity aggregating that required for each particular use. Where it can be established before the building inspector that parking for two (2) specific uses occurs at alternating periods, the parking space requirements of the use requiring the greater number of spaces may be applied to both uses in a combined parking area. Such parking shall be within three hundred (300) feet of all uses to be served by such parking. Example: church and professional office building.

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

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

22. In the event that the owner of a piece of property has insufficient street frontage to comply with the above parking requirements, the Planning Commission may grant permission to lessen the parking requirements.

23. Off-street parking for small vehicles: Any multi-family, public, office-professional, commercial or industrial use may provide up to twenty-five (25) percent of the total off-street parking requirement in small or compact vehicle spaces. All small vehicle spaces shall be marked as designated as being for such use. Each such parking space shall not be less than seven and one-half (7.5) feet in width. Stall lengths and maneuvering room shall be in accordance with angle parking in subsection (B) (1) (d) and (B) (1) (k) (1), (2) and (3) of this section (Design and Construction Standards).

24. Off-street loading requirements: In all zoning districts there shall be provided in connection with appropriate allowable uses, off-street loading

Section 39. Off-Street Parking (Continued)

facilities in accordance with the following requirements:

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

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

B. Design and Construction Standards:

1. All parking areas and spaces shall be designed and constructed in accordance with the attached tables and illustrative diagrams as approved by the City Council as evidence by Exhibit "A" and "B" attached hereto and incorporated herein. Said tables and diagrams shall be kept of record in the office of the City Secretary and Director of Public Works for inspection by the public during reasonable office hours. In addition:

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

Section 39. Off-Street Parking (Continued)

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

c. No parking space or area shall be constructed with a slope of more than six (6) percent. In such cases where a variance may be granted to construct a parking area with a slope of more than six (6) percent, which in no instance shall exceed twelve (12) percent, each parking space shall be constructed at right angles to the slope. In the event the Board of Adjustment shall consider a variance, the Board of Adjustment shall have the authority to impose drainage standards calculated to minimize the effect of the increased slope.

d. Pavement standards. All parking lots shall be paved according to city standards and specifications. The parking lanes must be clearly marked by white or yellow paint, buttons, or other approved material.

e. No parking shall be designed or constructed which ends in a dead end, if more than three (3) parking spaces in depth, unless adequate turnaround space is provided.

f. All entrances or exits in a parking area shall be a minimum of thirty (30) feet from the beginning point of any corner radius.

g. All entrances or exits in a parking area shall be a minimum of twenty-four (24) feet and a maximum of thirty (30) feet in width, unless one-way, in which case they shall be a minimum of ten (10) feet for exits. The maximum width of thirty (30) feet may be adjusted to a maximum of forty-five (45) feet on highways and major arterials, if in the judgment of the City Engineer and Planning Director increased width is justified by the proposed use of the property or the location of the proposed development. Increased

Section 39. Off-Street Parking (Continued)

driveway widths may mean adjustments to the number and location of access points.

h. The driveway approach angle to any parking area shall be a maximum of sixteen (16) degrees, the departure angle a maximum of ten (10) degrees, and the ramp angle a maximum of eleven (11) degrees.

i. All parking areas or spaces shall be set back a minimum of five (5) feet from any public right-of-way.

j. Any lighting used to illuminate any off-street parking area shall be so designed and constructed as to reflect the light away from any adjoining property or street.

k. Minimum dimensions for off-street parking:

(1) Ninety degree angle parking. Each parking space shall not be less than nine (9) feet in width and eighteen (18) feet in length. Maneuvering space shall not be less than twenty-four (24) feet.

(2) Sixty degree angle parking. Each parking space shall not be less than nine (9) feet wide perpendicular to the parking angle nor less than twenty (20) feet in length when measured at right angles to the building or parking line. Maneuvering space shall be not less than sixteen (16) feet perpendicular to the building or parking line.

(3) Forty-five degree angle parking. Each parking space shall be not less than nine (9) feet wide perpendicular to the parking angle nor less than eighteen and one-half (18.5) feet in length when measured at right angles to the building or parking line. Maneuvering space shall be not less than twelve (12) feet perpendicular to the building or parking line.

Section 39. Off-Street Parking (Continued)

(4) When off-street parking facilities are located adjacent to a public alley, the width of said alley may be assumed to be a portion of the maneuvering space requirement.

(5) When off-street parking facilities are provided in excess of the minimum amounts herein specified, or when off-street parking facilities are provided, but not required by this chapter, said off-street parking facilities shall comply with the minimum requirements for parking and maneuvering space herein specified.

l. Any use of property existing at the time of adoption of these regulations and standards that does not conform with said regulations and standards prescribed immediately above shall be deemed a nonconforming use and subject to the terms and conditions of Section 40 herein. Except that, when any applicable nonconforming structure is structurally altered, adequate parking spaces which meet the requirements of the regulations and standards adopted herein shall be required for the entire structure and use.

m. No occupancy permit shall be issued by the Chief Building Inspector of the City until the terms and conditions of this ordinance have been met, as certified by the office of the Director of Public Works.

n. All parking spaces and areas shall be designed and constructed to protect adjacent residences from the direct glare of headlights of vehicles using the parking area. In accordance, all off-street parking areas shall be effectively screened on each side by a solid wall or fence from any adjoining property zoned single family, suburban residential, or residential estate. Such wall or fence shall not be less than four (4) feet or more than six (6) feet in height, shall be placed on the property line, and shall be maintained in good condition without any advertising thereon. The space between such wall or fence and the lot line

Section 39. Off-Street Parking (Continued)

of any adjoining residential property shall be landscaped with grass, hardy shrubs, or evergreen ground cover. In lieu of such wall or fence, a strip of land not less than ten (10) feet in width and planted and maintained with an evergreen hedge, or dense planting of evergreen shrubs, not less than four (4) feet in height, may be substituted.

Pursuant to the adoption of such standards and regulations, Exhibits A through D attached to said ordinance and incorporated herein be, and are hereby approved, enacted and adopted.

Section 40. Nonconforming Uses

A. General Policy

The general public, the City Council and the Commission are directed to take note that nonconformities in the use and development of land and buildings are to be avoided, or eliminated where now existing, wherever possible, except:

1. When necessary to preserve property rights established prior to the date these regulations become effective as to the property in question.

2. When necessary to promote the general welfare and to protect the character of the surrounding property.

B. Nonconforming Structures

Where a lawful structure 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 use. Nonconforming uses may be continued as long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in a way which increases its structural nonconformity, but any

structure or portion thereof may be altered to decrease its structural nonconformity.

2. Should such nonconforming structure or nonconforming portions of a structure be damaged by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with this ordinance.

3. 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.

C. Nonconforming Uses of Structures or of Structures and Premises in Combination

If a permitted use involving individual structures with a replacement cost of one thousand dollars ($1,000.00) or more, or of structure-and-land combination exists at the effective date of adoption or amendment of this ordinance that would not be allowed in the district under the terms of this ordinance, the use may be continued as long as it remains otherwise lawful, subject to the following provisions, unless the city exercises its right to discontinue such use on an amortization basis:

1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered.

2. The use of the structure shall only be changed to a use permitted in the district in which it is located.

3. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.

4. When a nonconforming structure-and-land combination, excluding permanent single family dwellings on single lots, in which a nonconforming use is converted to a permitted use or is discontinued or abandoned for six months during any three-year period (except when government action impedes access to the premises), the structure or structure-and-land combination shall not thereafter be used except in conformity with the regulations of the district in which it is located.

   When a nonconforming, permanent single family dwelling on a single lot, is converted to a permitted use or is discontinued or abandoned for one-year (12) months, during any three-year period (except when government action impedes access to the premises), the dwelling shall not thereafter be used except in conformity with the regulations of the district in which it is located.

5. Where nonconforming use status applies to a structure or a structure-and-land combination, removal or destruction of the structure shall eliminate the nonconforming use status. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty (50) percent of the replacement cost at the time of destruction.

D. Repairs and Maintenance

On any nonconforming structure or portion of a structure containing a nonconforming use, no work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonload-bearing walls, fixtures, wiring, or plumbing to an extent exceeding ten (10) percent of the current replacement cost of the nonconforming structure or nonconforming portion of the structure as the case may be.

If fifty (50) percent or more of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by a duly authorized

Section 40. Nonconforming Uses (Continued)

official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

Section 41. Board of Adjustments, Quorum, Procedures for Appeals and Powers of the Board

A. Organization

1. A Zoning Board of Adjustments is hereby created in accordance with the provisions of Texas Local Government Code § 211.008. It shall consist of five (5) regular members, and two alternate 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 members shall reside within the corporate limits of the City of Seguin. Vacancies shall be filled for the unexpired term of any member by appointment by the City Council.

2. In accordance with State law, each case before the Zoning Board of Adjustments must be heard by at least seventy-five percent (75%) of the members.

3. The Director of Planning or his designate shall be an ex officio member of the Zoning Board of Adjustments without power of vote and as an ex officio member of such board shall act as secretary of the Zoning Board of Adjustments and shall set up and maintain a separate file for each application for appeal, special exception, and variance received and shall record therein the names and addresses of all persons, firms and corporation to whom notices are mailed, including the date of mailing and the person

Section 41. Board of Adjustments, Quorum, Procedures for Appeals and Powers of the Board (Continued)

by whom such notices were delivered to the mailing clerk, post office, or mailbox and further keep a record of all notices published as required herein. All records and files herein provided for shall be permanent and official files and records of the City.

B. Proceedings and Appeals

Proceedings before the Board of Adjustments, and appeals to and from such board, shall be governed by the provisions of V.T.C.A., Local Government Code § 211.008 et seq.

1. The Board shall adopt rules to govern its proceedings provided; however, that such rules are not inconsistent with this Ordinance or state law. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence, the acting chairman, may administer oath and compel the attendance of witnesses.

2. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep record of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

3. Appeals to the Board may be made by any person aggrieved, or by any municipal officer, department, or board affected by any decision of the Director of Planning in the enforcement of this Ordinance. Such appeal shall be filed with the Board to the Director of Planning within fifteen (15) days after the original decision appealed from.

Section 41. Board of Adjustments, Quorum, Procedures for Appeals and Powers of the Board (Continued)

4. Notice of hearing before the board required:

   a. The Board shall hold a public hearing on all appeals made to it and written notice of such public hearing shall be sent to the applicant, all persons who are owners of real property lying within two hundred (200) feet of the property on which the appeal is made, and all other persons deemed by the Board to be affected thereby.
   b. Such notice shall be given not less than ten (10) days before the date set for hearing to all such owners who have rendered their said property for City taxes as the ownership appears on the last City tax roll. Such notice shall be delivered personally or through the U.S. Postal Service.

5. The secretary of the Board shall forthwith notify in writing the Commission and the City Building Inspector of each decision, interpretation, special exception and variance granted under the provisions of this Ordinance.

C. Powers of Board of Adjustments

The Board of Adjustments shall have the following powers, and it shall be its duty:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official or body in the enforcement of this Ordinance. All appeals shall have the effect of staying the decision appealed from and, thereby, preserving the status quo until the appeal is decided in accordance with these rules.

2. The Board shall have the power to authorize upon appeal in specific cases, such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal

enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done. Variances may be granted only in the following instances.

a. 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.

b. To vary the applicable minimum building setback requirements, lot coverage, and maximum permitted height.

c. To vary the regulations pertaining to signs as permitted by the Sign Ordinance contained in the City of Seguin Code of Ordinances.

d. To vary the regulations pertaining to off-street parking and loading contained in Section 39.

e. To vary the regulations pertaining to restoration of damaged or destroyed nonconforming structures contained in Section 40 (B) (2).

3. Such variances from the strict application of the terms of this Ordinance 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, and is

not created by an action or actions of the property owners or applicant.

b. The particular physical surroundings, shape or topographical condition of the specific property involved would result in a practical difficulty or unnecessary hardship or inequity upon or for the owner or occupant, as distinguished from a mere inconvenience, if the provisions of the regulations were literally enforced.

c. The request for a variance is not based exclusively upon a desire from the owner, occupant, or applicant for increased financial gain from the property, or to reduce an existing financial hardship.

d. The granting of the variances will not be materially detrimental or injurious to, or adversely affect the rights of, owners or residents of surrounding property.

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

f. The variance requested is within the guidelines established by Section 40 (C) (2) above.

Section 41. Board of Adjustments, Quorum, Procedures for Appeals and Powers of the Board (Continued)

4. In hearing and deciding appeals, to grant special exceptions in the following instances:

   a. Interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the Ordinance, as shown on the maps fixing the several districts, accompanying and made a part of this Ordinance, where the street layout actually on the ground varies from the street layout as shown on said maps.

   b. Waive or reduce the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provisions of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.

   c. Permit the reconstruction of a nonconforming building which has been damaged to the extent of more than fifty (50) percent of its replacement cost.

   d. If no structural alterations are made, any nonconforming use of structure, or structure and premises in combination, may, as a special exception, be changed to another nonconforming use, provided the Board of Adjustments shall find that the proposed nonconforming use is not more nonconforming in the district than the previously existing nonconforming use.

   e. Permit the City to issue a building permit for expansion of a pre-existing nonconforming use that is not in compliance with the Land Use Map and/or zoning district when the Zoning Board of

Section 41. Board of Adjustments, Quorum, Procedures for Appeals and Powers of the Board (Continued)

Adjustments determines that this special exception will not adversely impact water, wastewater, drainage and street transportation systems and is in accord with all City codes and all applicable master plan policies.

Adverse impact means any of the following conditions which can be reasonably expected to result from the proposed development:

(1) Wastewater: A septic system within three hundred (300) feet of an existing sewer line; any use whose proposed connection to a sewerage system (wastewater collection and treatment system) which is not at or beyond its capacity as calculated using Texas Department of Water Resources standards design criteria, including a sewer line or pipe which overflows primarily due to infiltration and inflow; any use which cannot be served adequately without the expenditure of City funds in excess of the amount paid by the user's capital recovery fees; any use whose plumbing and wastewater system does not conform to the City specifications; any use which would create off-site any one of the above conditions.

(2) Water: Lowering water quantity, quality, or water pressure below the standards established by the Master Plan, adopted in City codes, or as determined by applicable agencies of the State of Texas; any water demand on an existing water system which is below established standards (water demand includes that required to adequately fight fires).

Section 41. Board of Adjustments, Quorum, Procedures for Appeals and Powers of the Board (Continued)

(3) Drainage: Nonconformance to the purposes, interests, or requirements of the City Flood Damage Prevention and/or Drainage and Erosion Control ordinances; creating additional runoff into a drainage system which is inadequate or non-existent, or causes it to become inadequate in terms of its ability to handle runoff without causing flooding, soil erosion, property damage or hazard to life, or which retains water in any area which by design is not specifically allowed by the City to retain water; creating runoff which measurable harms the physical or biological integrity of the Guadalupe River ecosystems.

(4) Transportation: Creating or increasing unsafe conditions; nonconformance to adopted City ordinances concerning construction materials and design of roadways or pedestrian-ways; generating or attracting daily vehicular traffic which causes a roadway's capacity to be exceeded; creating commercial through truck traffic (other than moving vans and garbage trucks) or any local residential street; contributing to or creating a road maintenance problem which would require City funds to be expended within four (4) years to correct the condition.

5. In permitting such exceptions, the Board of Adjustments may require any conditions and safeguards as it shall deem appropriate to see the purpose and intent of this Ordinance are met, and the violation of any such conditions or safeguards shall constitute a violation of this Ordinance.

Section 41. Board of Adjustments, Quorum, Procedures for Appeals and Powers of the Board (Continued)

6. In exercising the above-mentioned powers, the Board may, in conformity with the provisions of V.T.C.A., Local Government Code §211.001 through 211.013 and this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision of determination appealed from and make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

7. The concurring vote of seventy-five percent (75%) of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in such Ordinance.

8. Appeals of any decision of the Board of Adjustments may be taken to a district court, county court or a county court at law by filing a verified petition within ten (10) days of the decision being filed with the office of the Board of Adjustments and conforming to the rules set forth in Section 211.011 of the Texas Local Government Code.

D. Administrative cost: The Board of Adjustments and appeals, with the concurrence and approval of the City Council, shall determine and set forth a fee schedule for the purpose of recovering the administrative cost of processing requests and the public hearings called for by this section. Such fee shall be paid by the applicant and shall not be designed for restricting an applicant's ability to seek a hearing and/or to generate revenue for other than recovery of actual administrative cost incurred by the City.

Section 42. Enforcement and Remedies

A. Director of Planning: The provisions of this Ordinance shall be administered and enforced by the Director of Planning or his duly authorized representative of the City of Seguin.

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

C. Stop Orders: Whenever any building work is being done contrary to the provisions of this Ordinance, the Director of Planning or his duly authorized representative may order the work stopped by notice in writing served on the owner or contractor doing the work or causing such work to be done, and any such person shall forthwith stop such work until authorized to proceed with the work. Such notice shall be given at least three (3) days before the order shall be effective except when the order should be effective immediately to protect and preserve the public health, safety, or general welfare.

D. Penalty: Any violation of this Ordinance or section thereof is hereby declared to be a misdemeanor and upon conviction shall be subject to a fine as specified in Section 1-14, general penalty of the Code. Each day shall be a separate violation.

E. Additional Remedies: In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is used in violation of this act or of any ordinance or other regulation made under the authorities of the municipality, in addition to other remedies, the City shall institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to refrain, correct or abate such violation, to prevent the occupancy of said

Section 42. Enforcement and Remedies (Continued)

building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises. Appropriate action or proceedings shall include termination of utility services (water, gas, electric), revocation of permits, licenses, or bonds, and institution of legal action in courts of competent jurisdiction.

Section 43. Conflicting Ordinances

It is the intention of the governing body that this Ordinance should supplement existing ordinances, and any ordinance, word, phrase, clause, sentence or section thereof in conflict with this Ordinance shall remain in full force and effect; however, in the event that this Ordinance shall impose a more restrictive requirement, then this Ordinance shall control.

Section 44. Savings Clause

If any section, part, word, phrase, clause or sentence or any provision of this Ordinance is declared unconstitutional or invalid then, in that event, it is expressly provided and it is the intention of the governing body in passing this Ordinance that all other parts of this Ordinance shall not be affected thereby and shall remain in full force and effect.

Section 45. Effective Date

This Ordinance shall be in effect after a public hearing required by law, its legal passage by the governing body, and legal publication of the caption of this Ordinance in a newspaper of general publication and circulation in the area.

PASSED AND APPROVED on the first reading March 7, 1989.

PASSED AND APPROVED on the second reading March 21, 1989.

PASSED, APPROVED AND ADOPTED on April 4, 1989.

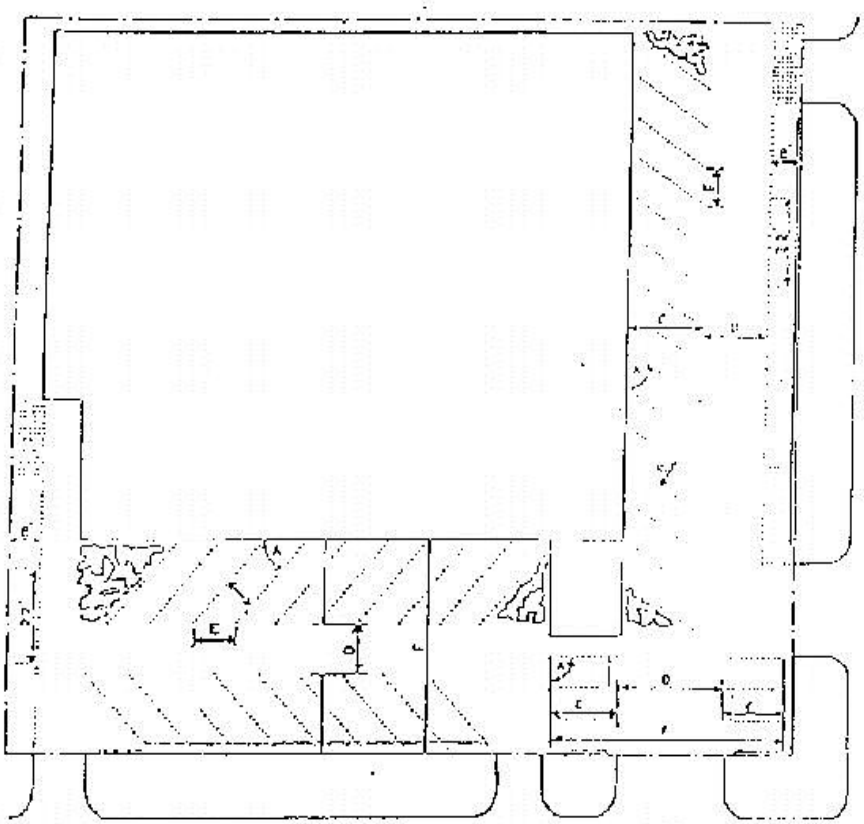
/s/ _____
Betty Jean Jones, Mayor

ATTEST:

/s/_____
Linnette Habermann, City Secretary

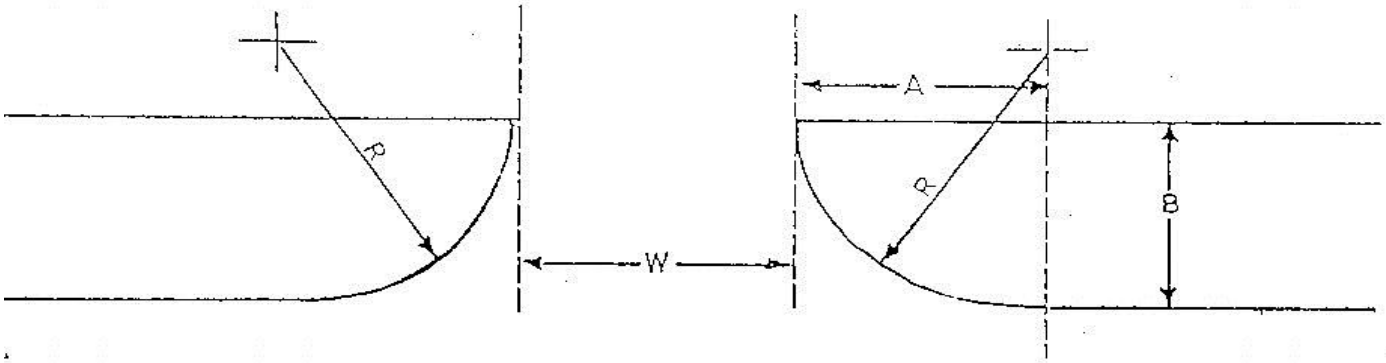
EXHIBIT A

SPACE REQUIREMENTS FOR OFFSTREET PARKING



ANGLE OF PARKING (DEGREES) A	WIDTH OF STALL B	DEPTH OF STALL 90 TO AISLE C	WIDTH OF AISLE D	WIDTH OF STALL PARALLEL TO AISLE E	WIDTH FOR 2 ROWS AND AISLE E
30	8.5	16.5	11.0	17.0	44.8
30	9.0	17.3	11.0	18.0	45.6
30	9.5	17.8	11.0	19.0	46.6
30	10.0	18.3	11.0	20.0	47.6
45	8.5	19.4	13.5	12.0	52.3
45	9.0	19.8	13.0	12.7	52.5
45	9.5	20.2	13.0	13.4	53.4
45	10.0	20.5	13.0	14.1	54.0
60	8.5	20.7	18.5	9.8	59.9
60	9.0	21.0	18.5	10.4	60.0
60	9.5	21.2	18.5	11.0	60.6
60	10.0	21.5	18.5	11.5	61.0
90	8.5	19.0	25.0	8.5	63.0
90	9.0	19.0	24.0	9.0	62.0
90	9.5	19.0	24.0	9.5	62.0
90	10.0	19.0	24.0	10.0	62.0

ENTRANCE AND EXIT CURB RETURN REQUIREMENTS



A	B	ENTRANCE W	EXIT W	2-WAY	R
9'9"	5'0"	14'9"	11'6"	30'	10'
10'6"	5'6"	14'0"	10'9"	28'	11'
11'0"	6'6"	13'6"	10'0"	28'	11'
11'6"	7'6"	13'0"	9'6"	26'	12'
12'0"	8'6"	12'6"	9'3"	26'	12'
12'6"	9'6"	12'0"	9'0"	24'	13'

EXHIBIT B

ENTRANCE AND EXIT CURB RETURN REQUIREMENTS

EXHIBIT C

SPECIFICATIONS FOR OFF-STREET PARKING

LOT PAVEMENT CONSTRUCTION

1. Sub-base

a. This item shall govern the placement and compaction of all materials obtained from roadway, horrow, channel and structural excavation for utilization in the construction of off-street parking lots.

b. Construction Methods – The area shall be cleared of stumps, brush, logs, rubbish, trees and shrubs, except trees and shrubs in certain areas designated by the Engineer for preservation. Those trees, shrubs and other landscape features specifically designated by the Engineer for preservation shall be carefully protected from abuse, marring and damage during construction. Trees and shrubs designated for preservation that must be pruned shall be trimmed as directed and all exposed cuts over two inches (2”) in diameter shall be treated with an approved asphaltic material.

Areas required for parking lot construction shall be cleared and grubbed of all stumps and roots (except for designated trees and shrubs). Stump holes or other small excavations in the limits of the construction shall be back-filled with suitable material and thoroughly tamped by approved methods before commencing embankment construction. The surface of the ground, including plowed loosened ground or surface roughened by small washes or otherwise shall be restored by blading or other methods, and, where indicated on plans or required by the Engineer, the ground surface thus prepared shall be compacted by sprinkling and rolling.

Where indicated on plans or directed by the Engineer, the surface of hillsides to receive embankment shall be loosened by scarifying or plowing to a depth of not less than four (4”) inches, or cut into steps before embankment materials are placed. The embankment shall then be placed in layers, as hereinafter specified, beginning at the low side in part width layers and increasing the widths as the embankment is raised. The material which has been loosened shall be recompacted simultaneously with the embankment material placed at the same elevation.

Except as otherwise required by the plans, all parking lots shall be constructed in layers approximately parallel to the finished grade of the roadbed and unless otherwise specified each layer shall be so constructed as to provide a uniform slope of one-fourth (1/4) inch per foot.

c. Earth fill – Earth fill shall be defined as that composed principally of material other than rock, and shall be constituted of accepted material from approved sources.

Except as otherwise specified, earth embankment filling shall be constructed in successive layers for the full width of the individual parking lot cross-section and in such lengths as are best suited to the sprinkling and compaction methods utilized.

Layers of embankment may be formed by utilizing equipment which will spread the material as it is dumped, or they may be formed by being spread by blading or other acceptable methods from piles or windrows dumped from excavating or hauling equipment in such amounts that materials are evenly distributed.

Each layer of earth fill shall be uniform as to material, density and moisture content before beginning compaction. Where layers of unlike materials abut each other, each layer shall be featheredged for at least one hundred (100) feet of the material shall be so mixed as to prevent abrupt changes in the soil. No material placed in the embankment by dumping in a pile or windrow shall be incorporated in a layer in that position, but all such piles or windrows shall be moved by blading or similar methods.

2. Flexible Base.

a. Flexible base shall consist of a foundation course of six (6") inches for surface course or other base courses; shall be composed of crushed stone or other stone materials; and shall be constructed as herein specified in one or more courses in conformity with the typical sections shown on plans and/or grades established by the Engineer.

b. Material – The material shall consist of argillaceous limestone, calcareous or calcareous clay particles, with

or without stone, conglomerate, gravel, sand or other granular materials. The material shall be a graded material such that it has sufficient fine material to bind the base. The material sources shall be approved by the Engineer.

c. Construction Methods – Immediately before placing the base material, the subgrade shall be checked as to conformity with grade and section.

Material deposited upon the subgrade shall be spread and shaped the same day unless otherwise directed by the Engineer in writing. In the event inclement weather or other unforeseen circumstances render impractical the spreading of the material during the first 24-hour period, the material shall be scarified and spread as directed by the Engineer. The material shall be sprinkled, if directed, and shall then be bladed, dragged and shaped to conform to typical sections as shown on the plans. All areas and "nests" of segregated course or fine material shall be corrected or removed and replaced with well graded material, as directed by the Engineer. If additional binder is considered desirable or necessary after the material is spread and shaped, it shall be furnished and applied in the amount directed by the Engineer. Such binder material shall be carefully and evenly incorporated with the material in place by scarifying, harrowing, brooming or by other approved methods.

When the plans indicate that the "ordinary compaction" method is to be used, the following provision shall apply:

The course shall be sprinkled as required and rolled as directed until a uniform compaction is secured. Throughout this entire operation, the shape of the course shall be maintained by blading, and the surface upon completion shall be smooth and in conformity with the typical sections shown on plans and to the established lines and grades. In that area on which pavement is to be placed, any deviation in excess of one-fourth (1/4") inch in cross section and in a length of sixteen (16') feet measured longitudinally shall be corrected by loosening, adding or removing material, reshaping and recompacting by sprinkling and rolling to avoid ponding of water. All irregularities, depressions or weak spots which develop shall be corrected

immediately by scarifying the areas affected, adding suitable material as required, reshaping and recompacting by sprinkling and rolling.

3. All-weather Surface

a. Cement Concrete – This item shall consist of a pavement and/or base of cement concrete, with reinforcement as shown on plans, with or without monolithic curbs, constructed as herein specified on the prepared subgrade or other base course in conformity with the thickness and typical cross sections shown on plans and to the lines and grades established by the Engineer. Concrete shall be considered of satisfactory quality provided it is made (1) of materials accepted for the job, (2) in proportions established by the Engineer, and (3) mixed, placed, finished and cured in accordance with standard requirements utilized in proper concrete construction.

b. Concrete Structure – The slabs shall consist of a minimum of four (4") of concrete, reinforced with a 6" x 6" x 10 gauge wire mesh placed two (2") above the prepared subbase or base material. The concrete mix will be designed with the intention of producing a minimum average compressive strength of 3,000 pounds per square inch at the age of twenty-eight (28) days using a standard testing machine in which the load is compressed. The course aggregate factor shall not exceed 0.85. Unless otherwise shown on plans, the concrete shall contain not less than five (5) sacks of cement per cubic yard of concrete. The water-cement ratio (net gallons of water per sack of .65 pounds of cement) shall not exceed 6.25 gallons/sack. Concrete specimens shall be prepared, cured and tested as outlined in the Texas Highway Department Bulletin G-11. The number of tests required shall be in accordance with the Guide Schedule of Minimum Sampling and Testing Requirements.

c. Asphaltic Concrete – This item shall consist of a base course, a leveling-up course, a surface course or any combination of these courses as shown on the plans, each to be composed of a compacted mixture of mineral aggregate and asphaltic material. The pavement shall be constructed on the previously completed and approved subbase, base, or existing pavement (asphaltic or portland cement) as herein specified and in accordance with the construction plans.

Exhibit "C" (Continued)

The mineral aggregate shall be composed of a coarse aggregate and a fine aggregate bound together by asphalt cement of oil asphalt. The grade of asphaltic material shall be Type D of either Hot Mix - Hot Lay or Hot Mix - Cold variety. The application for surface pavement shall be no less than one and one-half (1 ½") inches thick after proper compaction. The Contractor shall notify the Engineer of the source of his asphaltic material prior to the start of the project.

Proper compaction shall be attained as directed by the Engineer through utilization of specified rollers and/or other approved rollers.

EXHIBIT D

SPECIFICATIONS FOR OFF-STREET PARKING

DRAINAGE FACILITIES

Off-street parking drainage facilities shall be constructed within the parking lot to intercept the flow of water from surrounding property and control the flow of water from the surrounding structures and parking lots within the subject property.

Off-street parking drainage facilities shall be built so as to accommodate run-off water generated from surrounding properties within the drainage area and from the subject property as a result of a twenty-five (25) year frequency rate of rainfall. Said run-off water shall be computed in compliance with rainfall intensity and hydraulic tables relevant to Guadalupe County, Texas. Said tables shall be kept of record in the office of the City Secretary and Director of Public Works for inspection by the public during reasonable office hours.

Drainage generated from surrounding properties within the drainage area and from the subject property shall be released into natural drainage channels or man-made drainage facilities where said channels and facilities exist adjacent to said property exclusive of street rights-of-way. Under no circumstances shall said drainage be released onto adjacent properties unless there exist drainage easements sufficient to accommodate said drainage.

APPENDIX A – NOT PROTECTED SPECIES

COMMON NAME	
Beach sheoak	casuarinas equisetifolia
Camphor tree	cinnamomum camphora
Carrotwood tree	cupaniopsis anacardioides
Cedar	atlas cedar, deodar cedar
Chinaberry	melia azedarach
Chinese elm, Siberian elm	ulmus pumila
Chinese parasoltree, bottletree Japanese varnishtree	firmiana simplex
Chinese pistache	pistacia chinensis
Chinese tallow tree	triadica sebifera
Copal tree, treeofheaven	simatoubaceae
Hackberry	celtis laevigata
Huisache	acacia farnesiana
Jeruselemthorn	paliurus spina-caristi
Mesquite	prosopis glandulosa
Mimosa tree	albizia julibrissin
Paper mulberry	broussoneta papyrifera
Peepultree	ficus religiosa
Princess tree	paulownia tomentosa
Raintree, Golden raintree	koelreuteria panisulata
Russian olive	elaegnus angustifolia
Waxleaf privet	ligustrum quihoui

APPENDIX B

RECOMMENDED PLANT LIST (resource materials may change)

A list of recommended plants is available by contacting the Seguin Planning Department at (830) 401-2306. Also available at the Planning Department are the following printed materials for inspection:

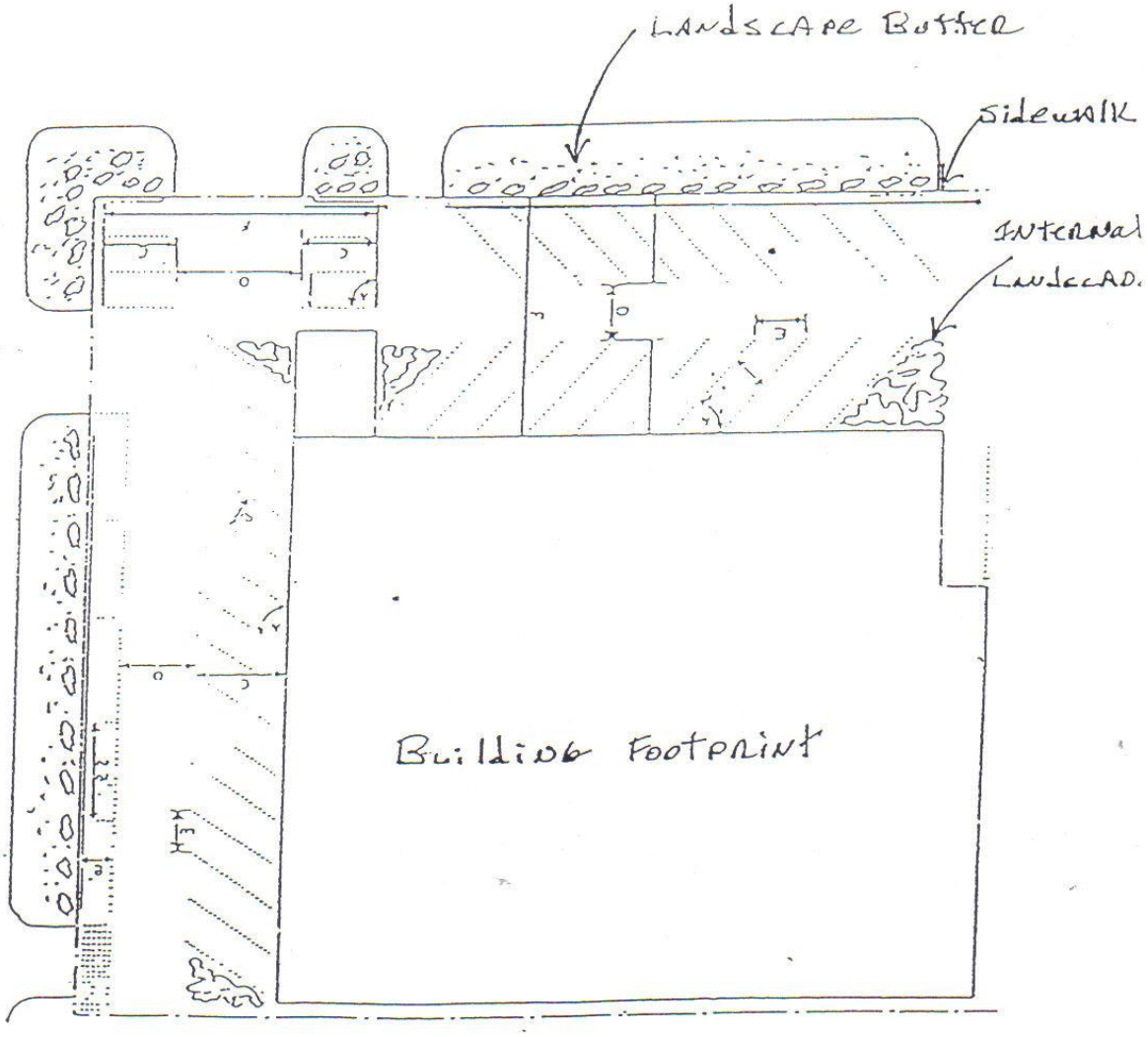
1. Landscape Design...Texas Style, by Howard Garrett, Taylor Publishing Company, Dallas, Texas, 1986.

2. Landscaping with Native Texas Plants, by Sally Wasowski and Julie Ryan, Texas Monthly Press, Austin, Texas, 1985.

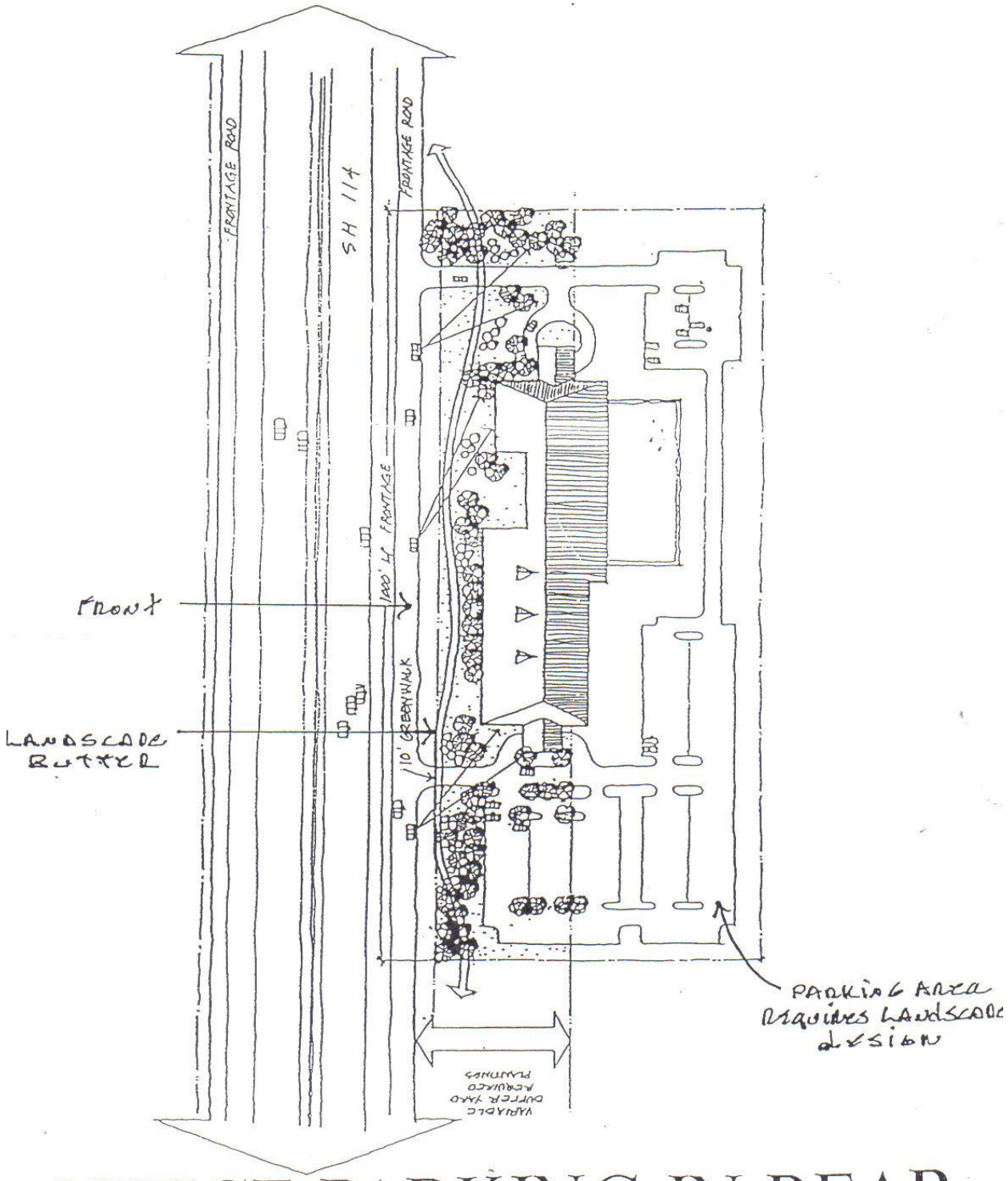
3. Native Texas Plants, by Sally Wasowski, Texas Monthly Press, Austin, Texas, 1988.

4. Plants for the South, by Neil G. Odenwald and James R. Turner, Claitor's Publishing Division, Baton Rouge, LA.

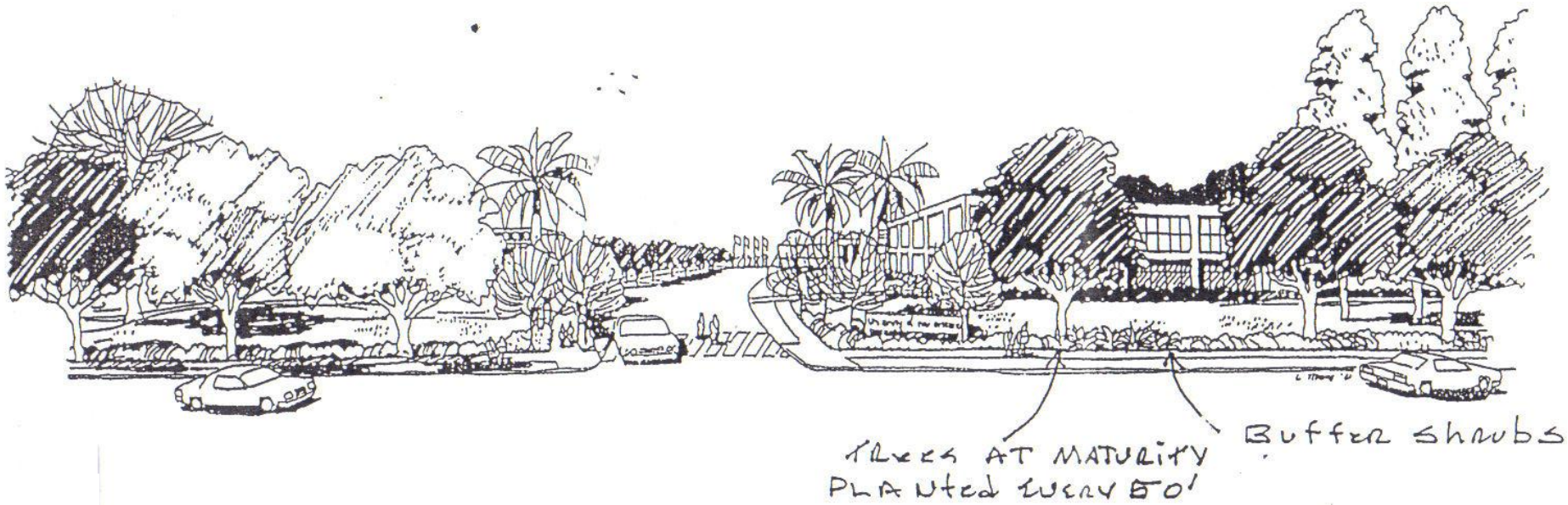
APPENDIX C - DESIGN EXAMPLES (subject to revision)



COMMERCIAL SITE PLAN

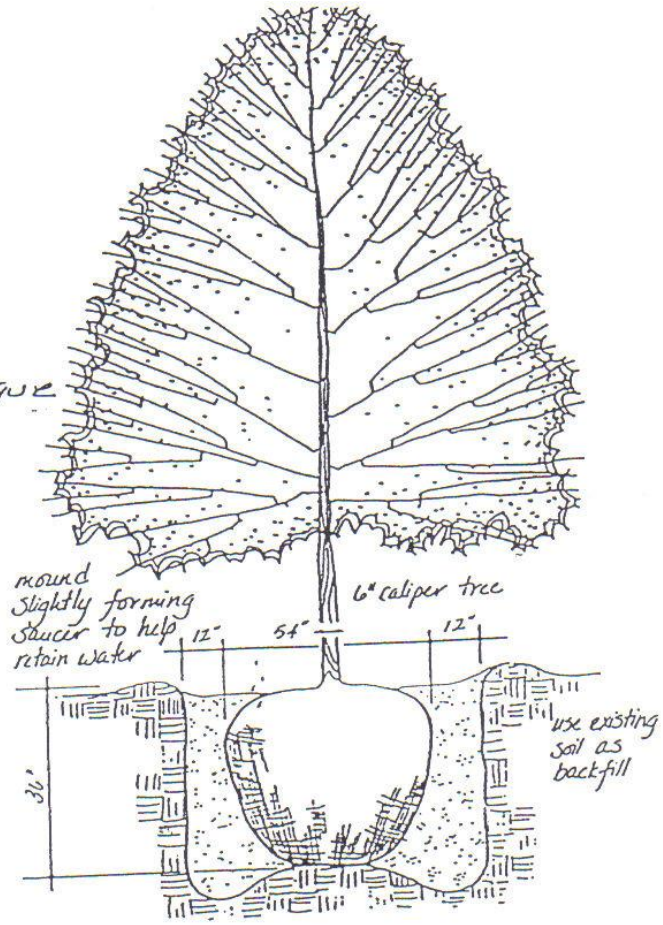


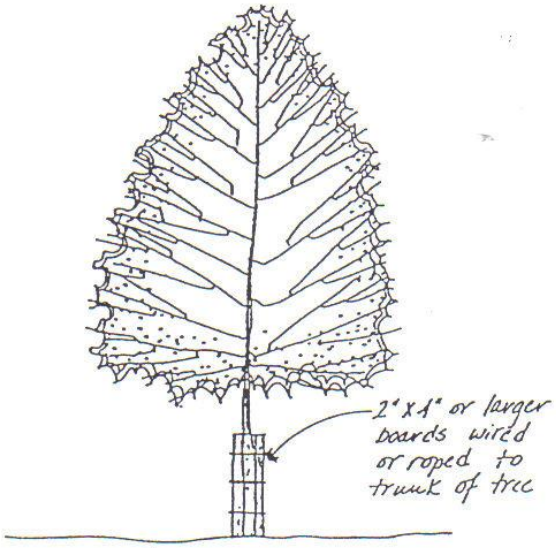
OFFICE PARKING IN REAR



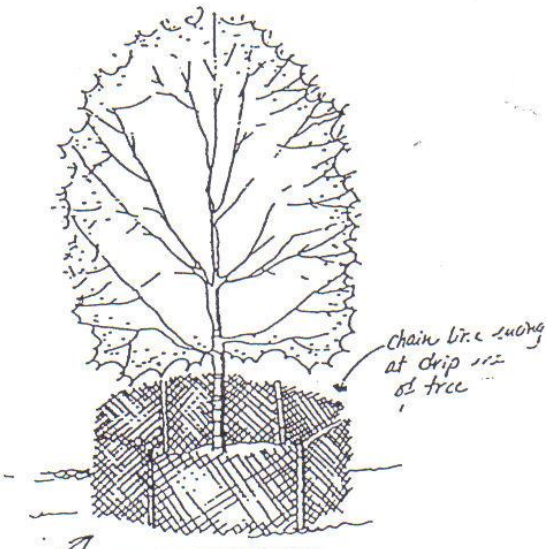
OFFICE PARKING IN REAR

TREE PLANTING TECHNIQUE





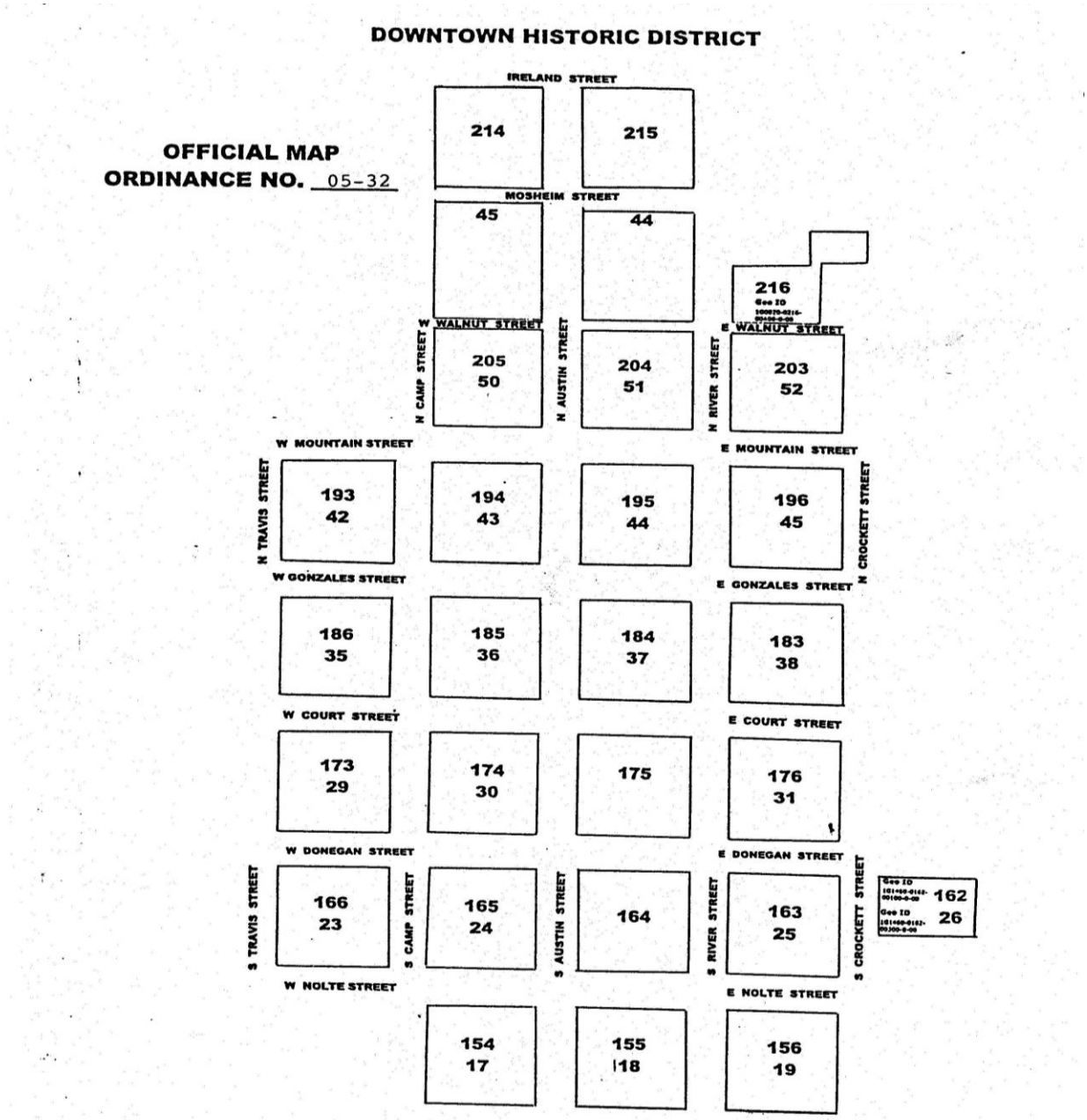
BOARD TREE PROTECTION



FENCE TREE PROTECTION

TREE PROTECTION

APPENDIX D


DOWNTOWN HISTORIC DISTRICT
OFFICIAL MAP
ORDINANCE NO. 05-32
IRELAND STREET
214
215
MOSHEIM STREET
45
44
216
W WALNUT STREET
E WALNUT STREET
N CAMP STREET
N AUSTIN STREET
N RIVER STREET
205
50
204
51
203
52
W MOUNTAIN STREET
E MOUNTAIN STREET
N TRAVIS STREET
N CROCKETT STREET
193
42
194
43
195
44
196
45
W GONZALES STREET
E GONZALES STREET
186
35
185
36
184
37
183
38
W COURT STREET
E COURT STREET
173
29
174
30
175
176
31
W DONEGAN STREET
E DONEGAN STREET
S TRAVIS STREET
S CAMP STREET
S AUSTIN STREET
S RIVER STREET
S CROCKETT STREET
166
23
165
24
164
163
25
162
26
W NOLTE STREET
E NOLTE STREET
154
17
155
18
156
19