

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS AMENDING THE UNIFIED DEVELOPMENT CODE (UDC), SECTIONS 1.2.1 & 1.2.2 OFFICIALS- AUTHORITY AND RESPONSIBILITIES, AS THEY APPLY TO CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION, AND SECTION 3.2.18 PLANNING UNIT DEVELOPMENT (PUD); PROVIDING A SEVERABILITY CLAUSE; AUTHORIZING CITY STAFF TO PREPARE THIS ORDINANCE FOR SUBMISSION AS A SUPPLEMENT TO THE CODE OF ORDINANCES; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Seguin City Council adopted the Unified Development Code (UDC) to encourage better planning and development throughout the city and established zoning districts to create a stable pattern of land uses that ensure compatibility between uses; and

WHEREAS, the Planned Unit Development (PUD) zoning district encourages creative developments that propose modifications that may not conform in all respects with the land use regulations of the standard zoning districts, but provide a superior quality project design that elevates and enhances the development; and

WHEREAS, Planned Unit Developments (PUDs) require a General Land Use Plan that identifies the modifications to the standard zoning and/or development regulations; and

WHEREAS, the City of Seguin desires to amend the requirements and process for Planned Unit Developments (PUDs) and the associated General Land Use Plans that regulate the PUDs; and

WHEREAS, on January 9, 2024, after conducting a public hearing, the Planning and Zoning Commission voted to recommend to City Council that the amendments to Sections 1.2 and 3.2.18 of the UDC be adopted as described herein.

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

PART ONE. Section 1.2.1 – Officials- Authority and Responsibilities: City Council, of the Seguin Unified Development Code, is hereby amended as follows (underlining indicates added text):

1.2.1 City Council

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

PART TWO. Section 1.2.2 – Officials- Authority and Responsibilities: Planning and Zoning Commission, of the Seguin Unified Development Code, is hereby amended as follows (underlining indicates added text):

1.2.2 Planning and Zoning Commission

The Planning and Zoning Commission, also referred to as the Planning Commission shall act as an advisory body to the City Council regarding all matters related to the physical growth and development of the City. The Planning and Zoning Commission shall advise the City Council on applications and petitions for zoning change requests, [general land use plans associated with Planned Unit Developments](#), amendments to the comprehensive master plan, and amendments to the UDC. The Planning and Zoning Commission shall act as the final decision maker on the following development applications:

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

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

PART THREE. Section 3.2.18 - Planning Unit Development (PUD), of the Seguin Unified Development Code, is hereby amended as follows ([underlining](#) indicates added text, ~~strikethrough~~ indicates deleted text):

Section 3.2.18 ~~Planning~~ [Planned](#) Unit Development (PUD)

A. Purposes

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

B. Planned Unit Development ~~subdivision~~ requirements.

- ~~1. It is the intent of this section that subdivision review under the subdivision regulations be carried out simultaneously with the review of a planned unit development plan under the zoning ordinance.~~
- ~~2. The detailed plans (Regulating Plan) required in the zoning ordinance must be submitted in a form that will satisfy the requirements of this chapter for final plats.~~
- ~~3. The final plat and PUD Standards Document (e.g. Regulating Plan) must be in conformance with the approved detail plans before they may be approved by the Planning and Zoning Commission. Approval and recording of the final plat and construction of an approved subdivision shall be in accordance with the applicable~~

~~provisions of this chapter and terms and conditions of the PUD Standards Documents, including the General Land Use Plan, stormwater management plan, traffic control and access plan, signage plan, development design standards. This includes, but is not limited to, the types of façade, building material including the percent of masonry or stone, glazing, landscaping, building articulation and design, parks, parking, amenities, open space, wetland, tree preservation, open space corridors, LEED and LID (Low Impact Development) strategies, and Green Infrastructure use, density, redevelopment, and any other written terms and conditions necessary to meet the standards of the PUD. The Standards and Designs are expected to exceed the quality of development that can be obtained in a standard zoning category.~~

~~4. The Planning and Zoning Commission may vary the specific requirements of this chapter if, on the basis of the PUD concept and regulating plan and the evidence submitted, the planning commission makes the following findings:~~

- ~~a) That the proposed modifications to the requirements of this chapter for the planned unit development are in accord with the purposes of this chapter and **meets, or exceeds,** the objectives of the comprehensive plan;~~
- ~~b) That the proposed modification provides for a **superior** quality project design than can be obtained through the adopted zoning districts and design standards;~~
- ~~c) That the standards of population density, site area and dimensions, site coverage, yard spaces, heights of structures, distances between structures, usable open space, off street parking and off street loading facilities will be such that the development will not generate more traffic than the streets in the vicinity, can carry without congestion and will not overload the utilities or increase the volume of stormwater runoff and or diminish the quality of the stormwater runoff by increasing the pollutant load;~~
- ~~d) That the development is planned with adequate provisions for light, air, **stormwater management,** vehicular and pedestrian circulation, and recreational facilities **that exceed the minimum requirements of this chapter;**~~
- ~~e) That the combination of different dwelling types and/or the variety of land uses in the development will complement each other and will harmonize with existing and proposed land uses in the vicinity;~~
- ~~f) Financial reasons shall not be the sole reason for modification of standards.~~

Any proposed use within a Planned Unit Development shall be based upon a General Land Use Plan approved by the City Council. The General Land Use Plan shall identify the proposed modifications to the requirements of Chapters 3 and 5 of the Unified Development Code (UDC) in addition to design standards that elevate and enhance the development. The General Land Use Plan shall propose modifications that provide a higher quality project design than can be obtained through the adopted zoning districts and site development standards.

C. Procedure:

1. ~~Any proposed use in the Planned Unit Development District shall be based upon a General Land Use Plan (GLUP), and related PUD documents (e.g. regulating plan) as described above, approved by the Planning & Zoning Commission. The initial request for a zoning change to the Planned Unit Development (PUD) district shall be accompanied by an application for a General Land Use Plan (GLUP).~~ A complete application ~~and site plan~~ shall be submitted to the Planning Department in accordance with deadlines established for public meetings. Written notice to surrounding property owners shall be in accordance with the general process for notifications for zoning map amendments. The Planning Commission shall hold a public hearing and provide a recommendation to the City Council. The City Council shall be the final decision maker and shall hold a public hearing before taking action on a request for a General Land Use Plan. ~~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.~~ A vote of three-fourths (3/4) of all members of the City Council is required to overrule a recommendation of the Commission that the proposed General Land Use Plan be denied.

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

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

4. An applicant making application for the approval of a General Land Use Plan shall accompany his application with ~~a site~~ plans and documents consisting of the following, as applicable:

- (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 [and subsequently, City Council](#), may, in the interest of the public welfare and to assure compliance with the intent of this ordinance, require such modifications as are deemed to be important to the welfare and protection of adjacent property and the community as a whole.

6. No building permit shall be issued on the land within the Planned Unit Development District until the ~~Planning & Zoning Commission has approved all required documents.~~ [General Land Use Plan has been approved.](#)

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

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

PART FOUR. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

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

PART SIX. This ordinance shall be published in a newspaper of general circulation.

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

PASSED AND APPROVED on the first reading this 6th day of February 2024.

PASSED AND APPROVED AND ADOPTED on the second reading this 20th day of February 2024.

Donna Dodgen, Mayor

ATTEST:

Kristin Mueller, City Secretary