

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS AMENDING THE UNIFIED DEVELOPMENT CODE (UDC), SECTION 4.8 ROAD ADEQUACY STANDARDS, AND CHAPTER 7 DEFINITIONS; 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, subdivision improvements in Seguin is regulated by the Unified Development Code in order to promote sound infrastructure development in the subdivision of land; and

WHEREAS, the Unified Development Code regulates when subdivision improvements are required and how they are constructed; and

WHEREAS, the City of Seguin is experiencing significant growth in rural areas; and

WHEREAS, the City of Seguin desires to clarify the requirements of boundary streets in order to ensure that the road network can support the increased traffic due to growth; and

WHEREAS, on March 8, 2022, after conducting a public hearing, the Planning and Zoning Commission voted to recommend to City Council that the amendments to Section 4.8 and Chapter 7 of the UDC as described herein be adopted.

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

PART ONE. Section 4.8 – Road Adequacy Standards, of the Seguin Unified Development Code is hereby amended as follows (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

Sec. 4.8. Road adequacy standards.

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

4.8.2. Boundary Street Improvements.

A. Applicability. The developer's obligations concerning boundary streets are as follows:

1. For developments adjacent to existing or future streets identified on the Thoroughfare Plan, the property owner shall dedicate one-half of the right-of-way needed to meet the specifications in the Thoroughfare Plan.

2. The City may require additional land and improvements for rights-of-way for adjacent thoroughfares where necessary to achieve adequacy of the road network and where such additional land and improvements are proportional to the traffic impacts generated by the proposed development, depending on factors such as the impact of the development on the adjacent thoroughfare, the timing of development in relation to need for the thoroughfare, and the likelihood that adjoining property will develop in a timely manner.

3. When a proposed development abuts and/or takes access from one or both sides of an existing substandard street, the developer shall be required to improve the substandard street and its appurtenances (such as curbs and gutters, storm drainage, sidewalks, barrier-free ramps, etc.) to bring the same to City standards, or to replace it with a standard City street, at no cost to the City other than as may be provided in the City's cost-sharing policies, including the City's Impact Fee Ordinance that are in effect at the time of Final Plat approval. The exclusion of appurtenances associated with improvements to substandard streets is at the discretion of the city engineer.

4. If the proposed development is located along only one side of an existing substandard street, and if the City makes a determination that it is not feasible to improve the full width of said substandard street at that time the City may require the developer to pay into escrow, in accordance with Section 2.9.10, funds for the future improvement of the street as a condition of Final Plat approval for the development.

~~For developments adjacent to minor streets and collector streets the developer shall be responsible for dedicating land for one half of the required right of way of an adjacent minor street and/or collector street; and constructing improvements for one half of the required width of adjacent minor street and/or collector streets, including curbs, gutters and storm drainage (if the applicable cross section requires curb and gutter). The City may allow cash payment in lieu of construction upon approval by the City Engineer.~~

~~2. For developments adjacent to major thoroughfare/arterials and larger streets the development shall be responsible for dedicating land for one half of the required right of way (up to the developments proportional share of the right of way); and constructing the proportional share of the required street, including curb, gutter and storm drainage (if the applicable cross section requires curb and gutter). The City may allow cash payment in lieu of construction upon approval by the City Engineer.~~

~~3~~5. When a roadway or other improvement listed in ~~#1 or #2 above~~ this section is included in the Capital Improvement Plan for Roadway Impact Fees, the developer may request offset or credits against capital recovery fees for roadways in accordance with the City's Code of Ordinances dealing with Capital Recovery Fees [102-364].

B. Exemptions for Boundary Street Construction Payment and/or Construction.

1. For developments adjacent to designated, state or federal roadways no financial contribution other than dedication of right-of-way is required.

2. Developments in the ETJ that create 4 lots or less.

3. Development in the ETJ which front on a street which is not identified on the Thoroughfare Plan.
4. Developments in the City that create 4 single-family lots or less and front on a street which has not been identified as a collector, ~~major~~ or ~~minor~~ **larger** thoroughfare (only applicable to streets already improved and accepted by the City).

4.8.3. Traffic Impact Analysis.

A. Applicability.

All subdivision plats and project/driveway access request shall require a traffic impact analysis (TIA) ~~form~~ **worksheet or TIA, as provided for in this section**, to be completed by the developer and approved by the City Engineer. A ~~peak hour trips (PHT) generation form~~ **TIA** may also be required by the Planning Director, the Planning and Zoning Commission or the City Council as part of a zoning change application. ~~The City Engineer and Planning Director may waive the requirement for a TIA on projects where the expected peak hour trips are less than 100.~~ A TIA or ~~peak hour trips (PHT) generation form~~ **TIA worksheet** shall be performed by the property owner or its agent. The type of submittal required shall be based upon the number of **peak hour trips (PHT)** generated by the proposed development, as set forth in the following table:

B. TIA Table Submittal Type.

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

When the use or design of a site changes from that on which a previous TIA was submitted and accepted, the property owner or its agent shall perform and submit to the city an amended TIA worksheet. **If the use or design of a site changes from that on which a previous TIA was submitted and accepted such that the number of PHT increases by the greater of either 10% or 100 or more PHT, the property owner or its agent shall perform and submit to the city an amended TIA.**

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

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

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

E. City evaluation and action. The City shall evaluate the adequacy of the Traffic Impact Analysis (TIA) prepared by the applicant. Based upon such evaluation, the City shall determine whether the application may be approved in the absence of dedication of rights-of-way or construction of improvements to each affected thoroughfare and the extent of the applicant's obligations to make such dedications or improvements. If the TIA indicates that the proposed development would cause a reduction in the level of service for any roadway or intersection within the impact area that would cause the roadway or intersection to fall below the level of service C, the The City shall condition the approval of the subdivision application on one or more of the following performances by the applicant:

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

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

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

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

PART SIX. 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 5th day of April 2022.

PASSED AND APPROVED AND ADOPTED on the second reading this 19th day of April 2022.

Donna Dodgen, Mayor

ATTEST:

Naomi Manski
City Secretary