

STATE OF TEXAS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS AMENDING SECTION 4.7.9 OF THE UNIFIED DEVELOPMENT CODE (“UDC”) TO ELIMINATE THE REQUIREMENT TO CONNECT TO CITY PUBLIC WATER FACILITIES WHEN WATER SERVICE IS UNAVAILABLE THROUGH SUCH FACILITIES AND AN ALTERNATE LEGAL SOURCE OF WATER IS AVAILABLE TO SERVE A LOT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AUTHORIZING CITY STAFF TO PREPARE THIS ORDINANCE FOR SUBMISSION AS A SUPPLEMENT TO THE CODE OF ORDINANCES; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE

WHEREAS, Section 4.7.9 of the Unified Development Code requires developers to connect to public water infrastructure if located within 300 feet of a lot; and

WHEREAS, certain development projects in the City are unable to move forward due to water supplies being unavailable from non-city water providers with legal authority to serve such developments, yet, under Section 4.7.9, the developments are obligated to be connected to the water infrastructure of such water providers in spite of the fact that no water service is available through such water infrastructure; and

WHEREAS, City staff and the Planning and Zoning Commission recommend an amendment to the current ordinance to create an exception to the requirement to connect to water facilities within 300 feet of a lot when water service is unavailable through the facilities and an alternate legal source of water to serve the lot is available; and

WHEREAS, the amendment to section 4.7.9 is in the interest of the health, safety and welfare of residents and the public.

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

PART 1. Chapter 4, Subdivisions, Section 4.7.9, Water, of the Unified Development Code is hereby amended as set forth below (underlining indicates added text, strikethroughs indicate deleted text):

4.7.9. *Water.* All water systems shall be designed and constructed in accordance with the UDC Technical Manual and City of Seguin Standard Details. The water distribution system shall be designed so as to provide service to each lot within the subdivision, in accordance with applicable engineering design criteria and requirements of the State Board of Insurance for fire flows, water mains and fire hydrants and the State Department of Health. ~~If a subject property~~

~~is within 300 feet of public water infrastructure the developer/subdivider shall connect to the public water facilities.~~

A. Property within 300 feet of infrastructure must connect. Except as provided in subsection B, if a subject property is within 300 feet of public water infrastructure the developer/subdivider shall connect to the public water facilities.

B. Limited waiver of connection requirement. If the City's Director of Water/Wastewater Utilities makes a written determination that a subject property within 300 feet of public water infrastructure cannot be served by the infrastructure due to lack of water availability through such infrastructure as of the time a plat application for the property is filed, the City Manager may defer the requirement to connect until water becomes available through the infrastructure if adequate capacity from surface or groundwater rights associated with the property are available to serve the proposed uses on the property. If a plat is approved on the basis of such alternative water source and the water rights are unable to be exercised due to water quality or other environmental prohibitions or regulations, no site development or building permits may be issued for development on the property until water service becomes available to the property through the public water infrastructure. As a condition of plat approval subject to this subsection, the foregoing restriction shall be disclosed in a written notice, the form of which is approved by the city attorney, recorded in the official public records of the county in which the property is located.

PART 2. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

PART 3. If any part of this ordinance is deemed to be invalid by a court of competent jurisdiction or operation of law, the remaining provisions shall remain valid if they can be given meaning without the invalid provisions.

PART 4. City staff is authorized to prepare this Ordinance for submission as a supplement to the Seguin Code of Ordinances and numbering and formatting may be changed to be consistent with the standards for publication of the Code of Ordinances.

PART 5. This ordinance shall be published in a newspaper of general circulation.

PART 6. This ordinance shall be effective on its passage and approval on second reading and publication.

PASSED AND APPROVED on first reading on March 7, 2023.

PASSED AND APPROVED AND ADOPTED on the second reading March 21, 2023.

Donna Dodgen, Mayor

ATTEST:

Naomi Manski, City Secretary