

# MEMORANDUM

**To:** Seguin Planning & Zoning Commission

**From:** Armando Guerrero, Planning Manager

**Subject:** **1.2.2, 1.4, 2.9, 2.9.1, 2.9.2, 2.9.11, and Chapter 7 (Definitions) to amend the delegation of plat approval responsibility as allowed by Chapter 212 of the Local Government Code.**

**Date:** September 10, 2024

The City of Seguin Planning Department is seeking to amend the Unified Development Code (UDC) Section 1.2.2, 1.4, 2.9, 2.9.1, 2.9.2, 2.9.11, and Chapter 7 (Definitions) to amend the delegation of plat approval responsibility as allowed by Chapter 212 of the Local Government Code.

The proposed amendments would allow Final Plats to be approved administratively and would not require approval or approval with conditions from the Planning and Zoning Commission. Approval of the proposed amendments would also allow for the removal of the application submittal deadline for Final Plats, allowing Final Plats to be submitted through the City's online Development Services Portal (CSS) in the same manner as a Minor Plat submittal. Current Final Plat submittals are required to be submitted (first Monday of each month) to coincide with the schedule of the Planning and Zoning Commission to allow staff

enough time to conduct a completeness review, review the submitted plat, and draft a letter of approval with conditions to present to the Planning and Zoning Commission.

Staff is recommending approval of these amendment changes for Sections 1.2.2, 1.4, 2.9, 2.9.1, 2.9.2, 2.9.11, and Chapter 7 of the Unified Development Code. The approval of these amendments would update the Unified Development Code to remove the Planning and Zoning Commission as the approving body for Final and Preliminary Plats, and the approving body for any requested plat extensions. Approval would also allow for a more streamlined submittal process for applicants, allow staff to process/review Final Plat submittals more efficiently, and remove the need for approval from the Planning and Zoning Commission for Final Plat submittals.

### **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.

## 1.4 Expiration of Applications

Below is a listing of development applications required by the UDC and the applicable expiration date of the specified development application.

Development Application	Permit Expiration	Extension of Permit*
Amending Plat	2 years, unless recorded or fiscal surety is posted for subdivision improvements.	The property owner may apply for one extension of one year.
Building Permit	180 days	A permit holder may apply for one extension of 180 days.
Certificate of Occupancy	As long as the use remains the same.	As long as the use remains the same.
Certificate of Appropriateness	180 days	The property owner may apply for one extension of 180 days.
Development Studies	2 years unless alternative expiration is specified by <del>Planning Director and</del> City Engineer.	The property owner may apply for one extension of one year.
Final Subdivision Plat	2 years, unless recorded or fiscal surety is posted for subdivision improvements.	The property owner may apply for one extension of one year.
Floodplain Development Permit	180 days	A permit holder may apply for one extension of 180 days.
Limited Use Permit	1 year unless alternative expiration is specified by the Planning Director	A permit holder may apply for one extension of a 1 year time period.
Minor Plat	2 years unless alternative expiration is specified by the Planning Director	The property owner may apply for one extension of one year.
Replat	2 years unless alternative expiration is specified by the Planning Director	The property owner may apply for one extension of one year.
Plat Variances	As long as the plat is valid	n/a
Preliminary Plat	2 years unless alternative expiration is specified by the Planning Director	The property owner may apply <del>to the Planning &amp; Zoning Commission</del> for one extension of one year.
Public Infrastructure Permits	2 years, unless fiscal surety has been posted for subdivision improvements	A permit holder may request an extension of one year.
Sign Permit	180 days	A permit holder may apply for one extension of 180 days.
Site Plan	One year	The property owner may apply for one extension of one year.
Specific Use Permit	1 year unless alternative expiration is specified by the Planning and Zoning Commission	A permit holder may request an extension of one year unless alternative expiration is specified by the Planning and Zoning Commission
Subdivision Concept Plan	3 years unless alternative expiration is specified by the Planning Director and City Engineer	The property owner may apply for one extension of two years
Tree Removal Permit	1 year unless alternative expiration is specified by the Planning Director	A permit-holder may apply for one extension of one year.
Alternative Landscape Plan	As long as the site plan remains valid.	If the site plan has expired the applicant must resubmit the site plan.
<del>Zoning Change</del>	<del>n/a</del>	<del>n/a</del>

## Section 2.9 Subdivision Development

### **F. Time for Decision and General Process**

#### Minor Plats, Minor Re-Plats, Amending Plats, and Vacating Plats:

~~Administrative Plats (m~~Minor plats, minor re-plats, amending plats, and vacating plats) ~~are~~ are administrative plats that are reviewed by staff and are administratively approved by the Planning Director and the City Engineer. ~~Following the completeness review staff will conduct a 30-day review of the plat. If the plat does not meet all applicable regulations and development requirements, it will be disapproved with written comments addressing specific reasons for disapproval. The applicant will be given one opportunity to address the comments by submitting a written response that remedies all comments on the disapproved plan. City staff will complete the review of the applicant's written response within 15 days. If the applicant's written response does not adequately address all comments, the plat will be disapproved, and the process will start over with a new application and new review fees.~~

Following the completeness review, staff will conduct a review of the plat. City staff will approve, approve with conditions, or disapprove the plat as follows:

Approve: The plat meets all of the requirements of the Unified Development Code, Technical Manual, and other applicable regulations and development requirements.

Approve with Conditions: The plat has minor deficiencies that can be revised by the applicant and reviewed by staff without significant changes to the proposed lot configurations or street alignments. Minor deficiencies include plat notes, easement locations, signature blocks, missing measurements, lot dimensions, or any other deficiencies that the Planning Director or City Engineer determine can be fully corrected without a significant impact to the design of the subdivision plat. The applicant shall address the comments and re-submit the plat to the City for review until all deficiencies have been corrected. City staff will complete each subsequent review of the corrected plat within 15 days.

Disapprove: If the plat does not meet all applicable regulations and development requirements and the deficiencies require significant modifications to the layout of the subdivision, staff will disapprove the plat with written comments addressing specific reasons for the disapproval. The applicant will be given one opportunity to address the comments by re-submitting the plat with remedies that address all of the comments on the disapproved plat. If the applicant does not adequately address all comments, staff will disapprove the plat and the process will start over with a new application and new review fees.

#### Preliminary Plats:

Preliminary Plats are optional prior to submitting a Public Infrastructure Permit and only consist of the phase/unit currently being developed. It is strongly recommended that a Preliminary Plat be approved before the submittal of a Public Infrastructure Permit. This is to ensure all lot dimensions and standards, along with the necessary easements, are properly sized and located for the proposed infrastructure. Preliminary plats are administrative plats that are reviewed by staff and are

~~administratively approved by the Planning Director and the City Engineer. reviewed by staff for compliance but require approval from the Planning and Zoning Commission within 30 days of the plat filing. Submittal dates in which the City will accept applications for Preliminary Plats will be established no more than 30 days prior to the monthly Planning Commission meetings. Following the required completeness review, staff will conduct a review of the preliminary plat.~~

Following the completeness review, staff will conduct a review of the plat. City staff will approve, approve with conditions, or disapprove the plat as follows:

Approve: The plat meets all of the requirements of the Unified Development Code, Technical Manual, and other applicable regulations and development requirements.

Approve with Conditions: The plat has minor deficiencies that can be revised by the applicant and reviewed by staff without significant changes to the proposed lot configurations or street alignments. Minor deficiencies include plat notes, easement locations, signature blocks, missing measurements, lot dimensions, or any other deficiencies that the Planning Director or City Engineer determine can be fully corrected without a significant impact to the design of the subdivision plat. The applicant shall address the comments and re-submit the plat to the City for review until all deficiencies have been corrected. City staff will complete each subsequent review of the corrected plat within 15 days.

Disapprove: If the plat does not meet all applicable regulations and development requirements and the deficiencies require significant modifications to the layout of the subdivision, staff will disapprove the plat with written comments addressing specific reasons for the disapproval. The applicant will be given one opportunity to address the comments by re-submitting the plat with remedies that address all of the comments on the disapproved plat. If the applicant does not adequately address all comments, staff will disapprove the plat and the process will start over with a new application and new review fees.

~~The Commission will approve, approve with conditions, or disapprove the plat as follows:~~

~~Approve: The Preliminary Plat meets all the requirements of the Unified Development Code Section 3.6 Lot Dimensional and Development Standards.~~

~~Approve with Conditions: The Preliminary Plat has minor deficiencies that can be revised by the applicant and reviewed by staff without further review of the Planning Commission. Minor deficiencies include slight shifts in lot lines to meet minimum dimension requirements, missing measurements, or any other deficiencies that the Planning Director determines can be fully corrected without additional review of the Commission.~~

~~Disapprove: If the Preliminary Plat doesn't meet all applicable requirements of Section 3.6 and deficiencies require significant modifications to the layout of the subdivision, staff will recommend to the Planning Commission that the plat be disapproved with written comments addressing specific reasons for disapproval. The applicant will be given one opportunity to address the comments by submitting a written response that remedies all comments on the disapproved plan. Re-submittal dates in which the City will accept written responses for disapproved Preliminary Plat will be established no more than 15 days prior to the monthly Planning Commission meetings. If the applicant's written response does not adequately address all comments, staff will recommend that the plat be disapproved, and the process will start over with a new application and new review fees.~~

Final Plats (including replats with more than four buildable lots):

~~Final plats are reviewed by staff for compliance but require approval from the Planning Commission within 30 days of the plat filing administrative plats that are reviewed by staff and are administratively approved by the Planning Director and the City Engineer. If public improvements are required for the proposed final plat, a Public Infrastructure Permit shall be submitted reviewed, and approved prior to submitting the final to the City of Seguin. Submittal dates in which the City will accept applications for Final Plats will be established no more than 30 days prior to the monthly Planning Commission meetings. Following the required completeness review staff will conduct a review of the plat.~~

~~The Commission will approve, approve with conditions, or disapprove the plat as follows:~~

~~Approve: The Plat meets all of the requirements of the Unified Development Code, Technical Manual, and other applicable regulations and development requirements.~~

~~Approve with Conditions: The Plat has minor deficiencies that can be revised by the applicant and reviewed by staff without further review of the Planning Commission. Minor deficiencies include plat notes, easement locations, signature blocks, missing measurements, or any other deficiencies that the Planning Director or City Engineer determine can be fully corrected without additional review of the Commission.~~

~~Disapprove: If the plat does not meet all applicable regulations and development requirements and the deficiencies require significant modifications to the layout of the subdivision, staff will recommend to the Planning Commission that the plat be disapproved with written comments addressing specific reasons for disapproval. The applicant will be given one opportunity to address the comments by submitting a written response that remedies all comments on the disapproved plan. Re-submittal dates in which the City will accept written responses for disapproved Final Plats will be established no more than 15 days prior to the monthly Planning Commission meetings. If the applicant's written response does not adequately address all comments, staff will recommend that the plat be disapproved, and the process will start over with a new application and new review fees.~~

~~Following the completeness review, staff will conduct a review of the plat. City staff will approve, approve with conditions, or disapprove the plat as follows:~~

~~Approve: The plat meets all of the requirements of the Unified Development Code, Technical Manual, and other applicable regulations and development requirements.~~

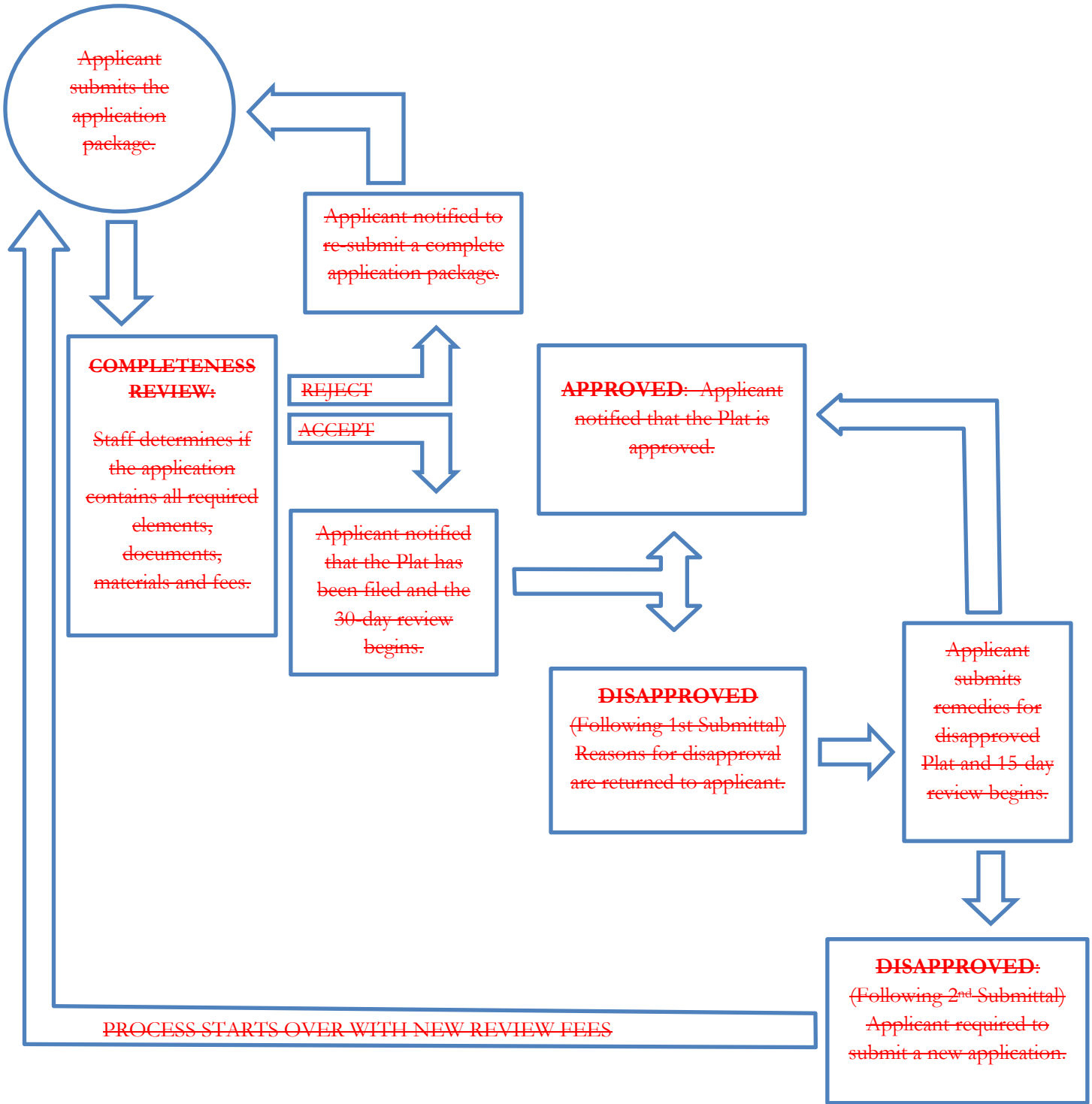
~~Approve with Conditions: The plat has minor deficiencies that can be revised by the applicant and reviewed by staff without significant changes to the proposed lot configurations or street alignments. Minor deficiencies include plat notes, easement locations, signature blocks, missing measurements, lot dimensions, or any other deficiencies that the Planning Director or City Engineer determine can be fully corrected without a significant impact to the design of the subdivision plat. The applicant shall address the comments and re-submit the plat to the City for review until all deficiencies have been corrected. City staff will complete each subsequent review of the corrected plat within 15 days.~~

~~Disapprove: If the plat does not meet all applicable regulations and development requirements and the deficiencies require significant modifications to the layout of the subdivision, staff will disapprove the plat with written comments addressing specific reasons for the disapproval. The applicant will be given one opportunity to address the comments by re-submitting the plat with remedies that address all of the comments on the disapproved plat. If the applicant does not adequately address all comments, staff will disapprove the plat and the process will start over with a new application and new review fees.~~

**Administrative Plat: General Process**

\*Waiver prohibited by Section 212.0097 of the Texas Local Government Code

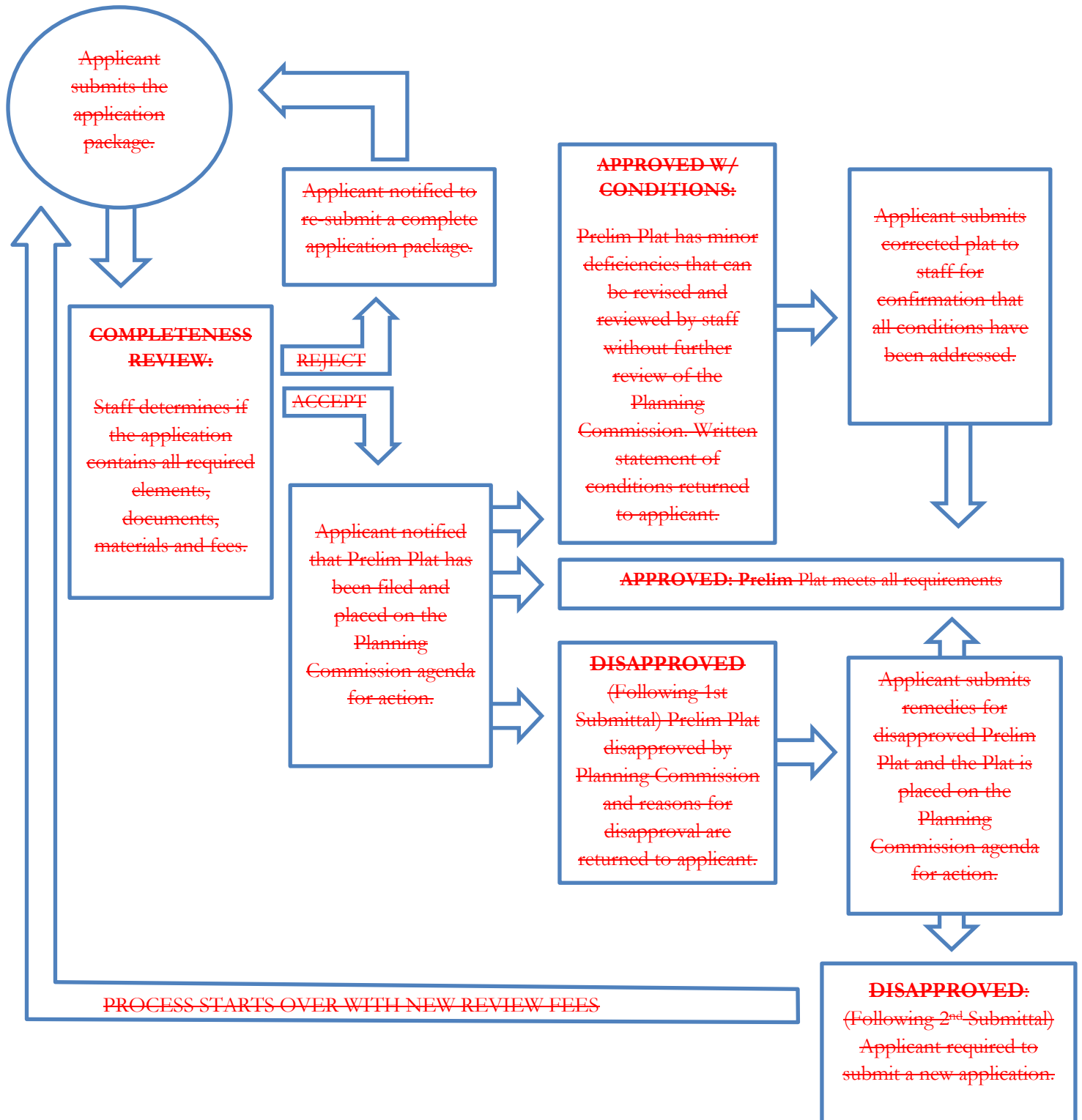
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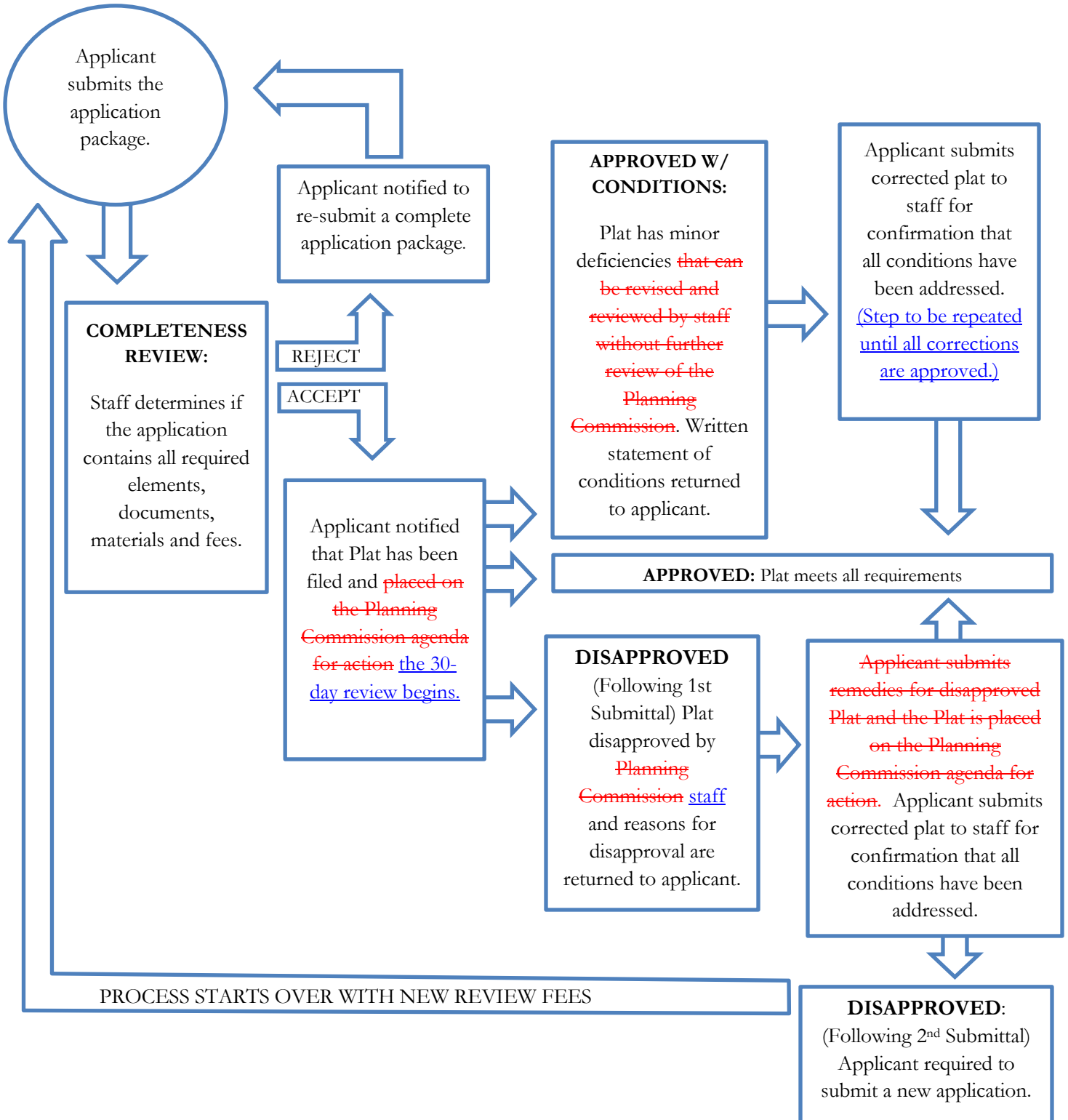
**Preliminary Plat: General Process**  
*(Optional, but strongly recommended)*

\*Waiver prohibited by Section 212.0097 of the Texas Local Government Code



**Final Plat: General Process (All Plats)**

\* Waiver prohibited by Section 212.0097 of the Texas Local Government Code



## Section 2.9.1 Subdivision Concept Plan

### **B. Applicability**

A Subdivision Concept Plan is required for all subdivisions that require a Final Plat that proposes phases, new streets, parks, open space, drainage lots, or utility extensions, as determined by the Director of Planning & Codes and City Engineer. ~~Replats that qualify as final plats will follow the same review and approval process as final plats and will therefore require a concept plan.~~ ~~Administrative~~ Minor plats, minor re-plats, amending plats, and vacating plats do not require the submittal of a concept plan.

## Section 2.9.2 Final Subdivision Plat

### **A. Intent**

A Final Plat is required to assure that the division or development of the land subject to the plat is consistent with all standards of this UDC, including but not limited to the following:

1. Adequacy of public facilities;
2. All other requirements and conditions have been satisfied or provided for to allow the plat to be recorded, and to assure that the subdivision meets all other standards of this UDC to enable initiation of site preparation activities for any lot or tract subject to the plat.

### **B. Applicability**

Approval of a Final Plat shall be required prior to any non-exempt division of land and prior to any site development permit or building permit being issued for a development. Replats that qualify as final plats will follow the same review and approval process as final plats.

### **C. Criteria for Approval**

~~The Planning and Zoning Commission, in considering final action on~~ A Final Plat, ~~should~~ shall consider the following criteria:

1. The final plat shall conform to the approved Concept Plan as approved by the Planning Director and City Engineer; and
2. The final plat shall conform to all of the requirements outlined in the UDC and the technical manual.
3. The final layout of the subdivision or development meets all standards for adequacy of public facilities contained in this UDC and the public infrastructure permits required for the proposed subdivision plat have been approved by the City Engineer.

### **D. Process**

1. **Application.** Applications for a final plat shall be made on forms provided by the City and must contain legal authorization by the property owner for the City to proceed with the request. Requirements for a complete application can be found in the technical manual and on the application.
2. **Staff Review.** The plat shall be reviewed by staff to identify deficiencies that do not meet the regulations adopted for subdivision development. Within 30 days of the plat filing date a letter ~~recommending of~~ approval, approval with conditions or disapproval will be submitted to the applicant ~~Planning and Zoning Commission~~ for formal action

- on the plat. If staff presents the [applicant](#) ~~Commission~~ with a letter ~~recommending for~~ approval with conditions or disapproval, the letter shall articulate the specific reasons and deficiencies for which a conditional approval or disapproval are necessary.
3. **Action.** If the subdivision plat meets the requirements of this UDC and any applicable regulations, development requirements or agreements (interlocal agreement applicable to ETJ properties and/or any development agreements applicable to the property) ~~staff the Planning and Zoning Commission~~ shall approve the plat request for a period of two years from the date of the final approval. If the subdivision plat does not meet all of the requirements ~~staff the Commission~~ shall approve with conditions or disapprove the plat as directed in Section 2.9.F of the UDC.
  4. **Subdivision Improvements.** Prior to recordation of a plat all subdivision improvements must be either constructed, accepted by the City Engineer and the appropriate maintenance bonds must be in place or fiscal posted for the required improvements. Please see section on public infrastructure permits.
  5. **Extension.** The approval of a Final Subdivision Plat application shall remain in effect for a period of two years from the date the application was approved or approved with conditions by the [Planning Director](#) ~~and Zoning Commission~~, during which period the applicant shall submit any required revisions for approval and make all other changes needed to record the plat. If the final Subdivision Plat has not been recorded within the two-year period, the final plat unless extended by the [Planning Director](#) ~~and Zoning Commission~~, shall expire and the applicable plat shall be deemed null and void.

### **Section 2.9.3 Minor Plat**

#### **A. Intent**

The purpose of a Minor Subdivision Plat is to allow for the administrative approval of plat in which number of lots is limited and the extension of public infrastructure is not needed.

#### **B. Applicability**

The Planning Director is authorized to approve minor plats involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities. Replats that qualify as minor plats will follow the same review and approval process as minor plats.

#### **C. Criteria for Approval**

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

1. If located within the City limits the minor subdivision plat is consistent with all zoning requirements for the property and all other requirements of this Unified Development Code that apply to the plat.
2. If located in the ETJ- the plat meets any county standards to be applied under an interlocal agreement between the City and Guadalupe County.
3. All lots to be created by the plat are adequately served by all required City utilities and services, and do not require the extension of any municipal facilities to serve any lot within the subdivision.

## D. Process

1. Application. Applications for a minor plat shall be made on forms provided by the City and must contain legal authorization by the property owner for the City to proceed with the request. Requirements for a complete application can be found in the technical manual and on the application.
2. Staff Review ~~and Action~~. The plat shall be reviewed by staff to identify deficiencies that do not meet the regulations adopted for subdivision development. Within 30 days of the plat filing date a letter of approval, approval with conditions or disapproval will be submitted to the applicant for formal action on the plat. If staff presents the applicant with a letter for approval with conditions or disapproval, the letter shall articulate the specific reasons and deficiencies for which a conditional approval or disapproval are necessary. ~~staff will approve the plat or issue a letter of disapproval articulating the specific reasons and deficiencies for which a disapproval is necessary. All comments must be addressed prior to the Planning Director and City Engineer approving the request. The approval of a Minor Subdivision Plat application shall remain in effect for a period of two years from the date that the application was approved by the Director or the Planning. The applicant may request an extension of 1 year.~~
3. Action. If the subdivision plat meets the requirements of this UDC and any applicable regulations, development requirements or agreements (interlocal agreement applicable to ETJ properties and/or any development agreements applicable to the property) staff shall approve the plat request for a period of two years from the date of the final approval. If the subdivision plat does not meet all of the requirements staff shall approve with conditions or disapprove the plat as directed in Section 2.9.F of the UDC.
4. Extension. The approval of a Minor Plat application shall remain in effect for a period of two years from the date the application was approved or approved with conditions by the Planning Director, during which period the applicant shall submit any required revisions for approval and make all other changes needed to record the plat. If the plat has not been recorded within the two-year period, the plat (unless extended by the Planning Director), shall expire and the applicable plat shall be deemed null and void.

## Section 2.9.11 Preliminary Subdivision Plat

### A. Intent

A Preliminary Plat assures that the division or development of the land subject to the plat is consistent with all standards of Section 3.6 Lot Dimensional and Development Standards and that all appropriate easements are identified. Preliminary plats are optional, but strongly encouraged because lot standards are not reviewed as part of the Public Infrastructure Permit process.

### B. Applicability

If a Preliminary Plat is submitted, approval shall be required prior to the submittal of a Public Infrastructure Permit. Preliminary plats shall only be submitted for the phase/unit currently being developed. Each phase is a separate plat and cannot be combined. Approval of lot layout and placement of easements will ensure consistency with the Public Infrastructure

Permits. Preliminary plats need only be submitted for phased development with public infrastructure.

### C. Criteria for Approval

~~The Planning and Zoning Commission, I~~ in considering final action on a Preliminary Plat, ~~staff shall should~~ consider the following criteria:

1. The preliminary plat shall conform to the approved Subdivision Concept Plan as approved by the Planning Director and City Engineer; and
2. The preliminary plat shall conform to all of the requirements outlined in the UDC Section 3.6.
3. The preliminary plat shall identify all easements.

### D. Process

1. **Application.** Applications for a preliminary plat shall be made on forms provided by the City and must contain legal authorization by the property owner for the City to proceed with the request. Requirements for a complete application can be found in the technical manual and on the application. The deadline for applications can be found on the City's website.
2. **Staff Review.** The preliminary plat shall be reviewed by staff to identify deficiencies that do not meet the regulations adopted for subdivision development. Within 30 days of the plat filing date a letter ~~recommending of~~ approval, approval with conditions or disapproval will be submitted to the ~~applicant Planning and Zoning Commission~~ for formal action on the plat. If staff presents the ~~applicant Commission~~ with a letter recommending approval with conditions or disapproval, the letter shall articulate the specific reasons and deficiencies for which a conditional approval or disapproval are necessary.
3. **Action.** If the preliminary plat meets the requirements of UDC Section 3.6 and any applicable regulations, development requirements or agreements (interlocal agreement applicable to ETJ properties and/or any development agreements applicable to the property) the Planning ~~Director and Zoning Commission~~ shall approve the plat request for a period of two years from the date of the final approval. If the subdivision plat does not meet all of the requirements the Commission shall approve with conditions or disapprove the plat as directed in Section 2.9.F of the UDC.
4. **Expiration and Extension.** The approval of a Preliminary Subdivision Plat application shall remain in effect for a period of two years from the date the application was approved or approved with conditions by the Planning ~~Director and Zoning Commission~~, during which period the applicant shall submit any required revisions for approval and make all other changes required. If the Public Infrastructure Permit has not been approved within the two-year period, the preliminary plat unless extended by the Planning ~~Director and Zoning Commission~~ for one more year, shall expire and the applicable plat shall be deemed null and void.

## Chapter 7- Definitions

**Plat.** A map of a subdivision showing the exact layout and proposed development of a proposed subdivision into lots, blocks, streets, parks, school sites, commercial or industrial sites, drainageways, easements, alleys and/or any other elements as required by this ordinance, and which a subdivider shall submit for approval in accordance with this ordinance. A plat is prepared in a form suitable to be filed of record in the plats records of Guadalupe County with the necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets, alleys, public areas and other dimensions of land. Specifically the term “plat” refers to ~~administrative~~ preliminary plats, final plats, minor plats, amending plats, replats, and vacating plats.

**Plat, administrative.** A plat that is approved through an administrative action as allowed by the Texas Local Government Code without the approval of the Planning and Zoning Commission. ~~Minor plats, amending plats, certain plats, and certain vacating~~ All plats are administrative plats that the Planning Director has the authority to take administrative action on.

**Plat, final.** A plat ~~submitted for final approval to the Planning and Zoning Commission, and which shall be prepared and submitted in accordance with this code.~~ involving five or more lots or a plat that requires the creation of new streets or the extension of municipal facilities.

**Plat, minor.** A plat involving four or fewer lots fronting on an existing street and not requiring the creation of any new streets or the extension of municipal facilities. ~~A minor plat is an administrative plat.~~

**Plat, preliminary.** A plat submitted for final approval to the Planning Director ~~and Zoning Commission~~, and which shall be prepared and submitted in accordance with Section 3.6 and all applicable easements. An approved preliminary plat is highly recommended before the submittal of a Public Infrastructure Permit and is not filed with the plat records of Guadalupe County.

**Plat amendment (amending plat).** A minor change of an existing subdivision to a lot line or setback contained within. No new lots are created, existing lots are combined or the size of any one lot substantially increased. ~~An amending plat is an administrative plat.~~