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Chapter 1- General Provisions

conflicts with another applicable local, county, state or federal law, the more restrictive standard applies. Photos are not considered official, adopted parts of this code. Photos and drawings used in the printed version of this code are examples intended to explain certain design concept, processes, or concepts. Some features shown in photos and drawings may not conform to other sections of this code. If there is a conflict of meaning or implication between the text of this code and any heading, drawing, table, figure, or illustration, the text will control.

Section 1.2 Officials- Authority and Responsibilities

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, **conditional use permits**, 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.

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, **conditional use permits**, 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. Residential Replats that require a variance.
- 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.
- D. Appeals on Limited Use Permits
- E. Appeals on Disapproved Plats

1.2.3 Zoning Board of Adjustments (ZBA)

The regulations and restrictions of the Board of Adjustment (ZBA) for the City of Seguin will be pursuant to the provisions of applicable statutory requirements of the State of Texas. It shall consist of five (5) regular 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 regular members shall reside within the corporate limits of the City of Seguin. All cases to be heard by the Board of Adjustments will be heard by a minimum number of four (4) members. Vacancies shall be filled for the unexpired term of any member by appointment by the City Council. In accordance with state law, each case before the ZBA must be heard by at-least seventy-five percent (75%) of the members.

1.2.4 Historic Preservation & Design Commission (HPDC)

There is hereby created a Commission to be known as the Historic Preservation & Design Commission, hereafter referred to as the “HPDC”. The HPDC shall consist of seven (7) members appointed by the

Chapter 1- General Provisions

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.
Conditional Use Permit	2 years, unless alternative expiration is specified by the City Council	A permit holder may request an extension of one year unless alternative expiration is specified by the City Council
Development Studies	2 years unless alternative expiration is specified by 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 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

Chapter 2- Development Applications/ Development Review Process

Section 2.1

2.1.1 Intent

The purpose of this chapter is to establish application procedures, internal review procedures, public notice and hearing procedures, and review criteria for the processing of applications and actions that affect the development and use of property subject to the jurisdiction of the City of Seguin.

2.1.2 Chapter Components

This chapter reviews in general each of the following development applications, process, and criteria for approval:

- Voluntary Annexation
- Zoning Change
- **Conditional Use Permits**
- Specific Use Permits
- Limited Use Permits
- Variances (Board of Adjustments)
- Certificate of Appropriate Design
- Subdivision Development
- Development Studies
- Subdivision Concept Plans
- Public Infrastructure Permits
- Floodplain Permits
- Site Plans
- Building Permits
- Certificate of Occupancy
- Temporary Certificate of Occupancy
- Outdoor Festival Permit
- Variance from onsite alcohol consumption distance requirements

Section 2.3 Zoning

2.3.1 Intent

The zoning designation for a parcel does not always permit the most appropriate and desired use for the site. This section of the code will outline the steps that may be required in order to entitle a particular property to a proposed use.

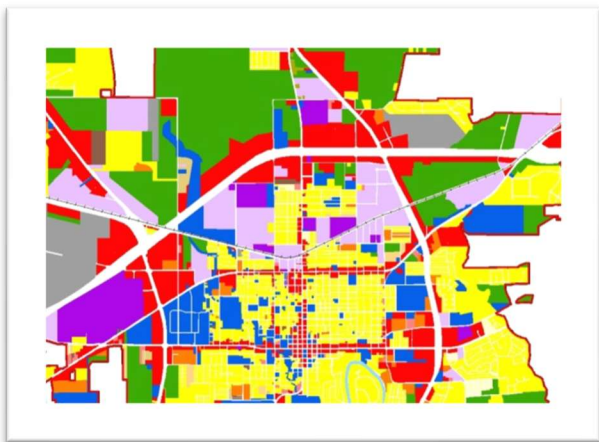
2.3.2 Applicability

The following applications are described in this section.

- Petition for Zoning Map Amendments
- Conditional Use Permits
- Specific Use Permits
- Limited Use Permits
- Petition for Planned Unit Development
- Overlay Districts
- Certificates of Appropriateness

2.3.3 Criteria

Please refer to each section and each development application for criteria for approval and development process for each.



Zoning Checklist

- Step 1-** Identify your current zoning designation and identify if the property is located in an overlay district. (Official zoning map can be found on City website).
- Step 2-** Review zoning use chart in Chapter 3 to see if proposed use is permitted under current zoning designation.
- Step 3-** Is your property zoned for the specific use you are proposing?
 - If yes, you may not need to apply for any zoning permits. Please see step 4.
 - If no, please review requirement zoning map amendment process and requirements
- Step 4-** Is your proposed use entitled by right or is it identified as Specific Use or a Limited Use?
 - Uses allowed by right, no additional zoning permits are needed.
 - Use requires Specific Use Permit, please review requirements for Special Use Permits
 - Use requires Limited Use Permit, please review requirements for Limited Use Permits

Section 2.4 2.3.4 Zoning Map Amendment/Rezoning/Zoning Change

2.4.1 A. Application of Requirements.

This section applies in the following areas:

Property within City of Seguin City Limits	Property within City of Seguin ETJ
YES	NO

2.4.2 B. Intent

The purpose of a petition for a zoning map amendment is to establish the initial zoning district classification of land, or to change the zoning map designation currently assigned to a property.

2.4.3 C. Applicability

Where a property owner seeks to establish an initial zoning district classification for land, or request a rezone the property owner must submit an application for a zoning map amendment before any action can be taken.

2.4.4 D. Criteria

Zoning map amendment requests are evaluated using the following criteria:

1. The proposed zoning is consistent with the comprehensive plan and any community, neighborhood and other applicable land use and development plans;
2. The proposed zoning is compatible with existing and permitted uses of surrounding properties;
3. The proposed zoning does not have an adverse impact on surrounding properties or the natural environment;
4. The proposed zoning results in a logical and orderly development pattern;
5. Other factors that impact public health, safety, or welfare.

2.4.5 E. General Process

A- 1. Application. Applications for a zoning change 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. The same zoning request shall not be considered on any parcel more than once in any twelve (12) month period of time unless the Planning and Zoning 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.

B- 2. Notice.

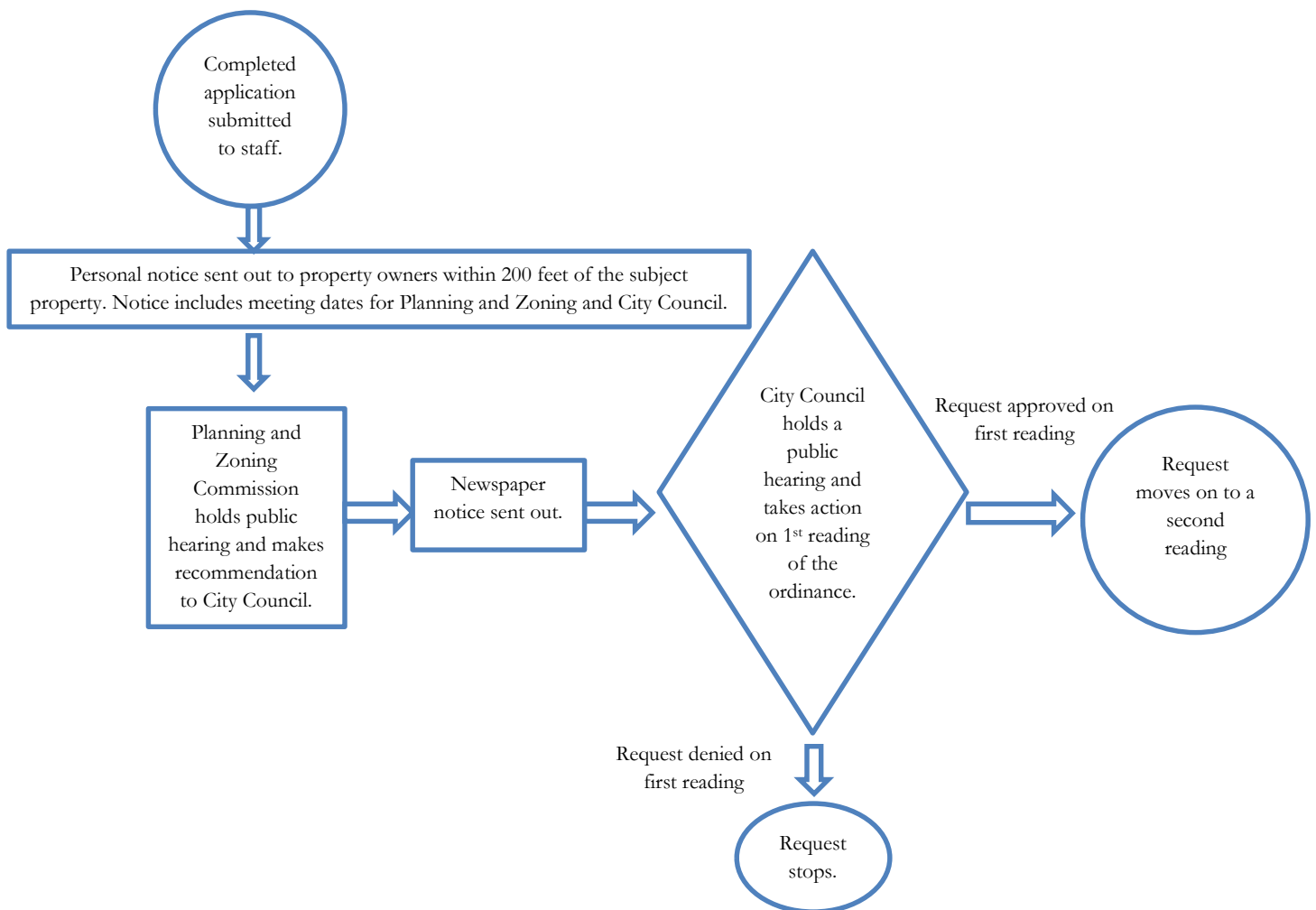
1. **a.) Personal Notice.** Written notice of all Planning and Zoning Commission and City Council hearings on proposed changes to the official zoning map shall be sent to all owners of property located within two hundred (200) feet of the subject property seeking a change in zoning. All notices shall be mailed via the US Post Office within not less than ten (10) days before any such hearing is held. Property owner information based on County Appraisal District records.
2. **b.) Published Notice.** Notice of City Council 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.

3. Public hearings and Decision.

Staff shall review all zoning requests and provide the Planning and Zoning Commission with a staff analysis of the request. The Planning Commission shall hold a public hearing and provide a recommendation to the City Council. After receipt of the Planning and Zoning Commission recommendation, a public hearing shall be held by the City Council before taking action on a request for a zoning map amendment.

4. Protests and Recommendations for Denial:

- a.) 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 changes, or of the lots or land immediately adjoining the same and extending two hundred (200) feet there from, such amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all members of the City Council of the City of Seguin.
- b.) A vote of three-fourths (3/4) of all members of the City Council of the City of Seguin I also required to overrule a recommendation of the Commission that the proposed amendment, supplement, or change be denied.



Section 2.4 Conditional Use Permits

A. Application of Requirements.

This section applies in the following areas:

Property within City of Seguin City Limits	Property within City of Seguin ETJ
YES	NO

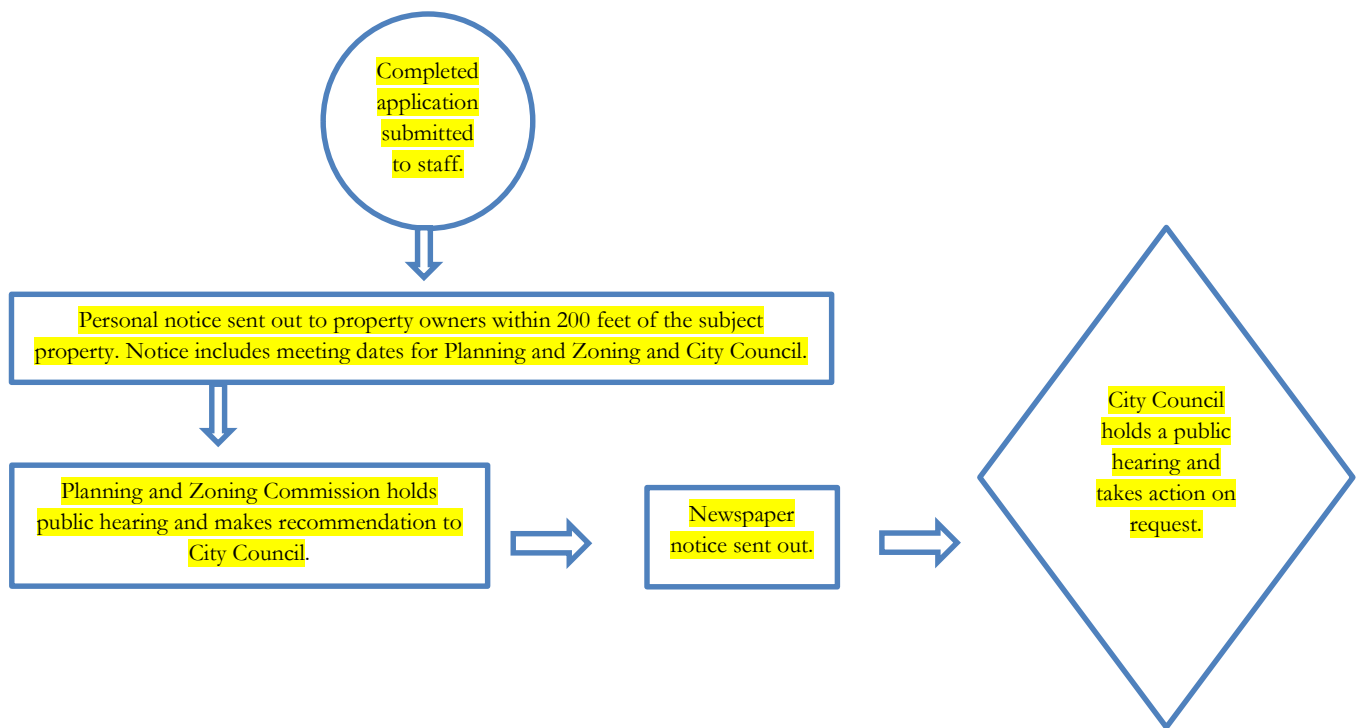
B. General

Conditional Use Permits, commonly called “CUP”s, allow uses and/or structures that, with special conditions and development restrictions, may be considered compatible in a Zoning District in which they are not allowed by right. These uses require approval from the City Council due to potential impacts to surrounding properties and the community in general.

C. Intent

The purpose of this section is to outline the criteria for approval for Conditional Use Permits.

D. General Process for Conditional Use Permits



- 1. Application.** An application for a Conditional 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 Conditional Use Permit, if approved. The requirements for application materials can be found on the conditional use permit application.

2. Notice.

- Personal Notice. Written notice of all Planning & Zoning Commission and City Council public hearings on conditional use permits shall be sent to all owners of property located within two hundred (200) feet of the subject property seeking the request. All notices shall be mailed via the US Post Office not less than ten (10) days before any such hearing is held.
- Published Notice. Notice of the City Council 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.

3. Recommendation.

The Planning Commission shall hold a public hearing and provide a recommendation to the City Council. After receipt of the Planning and Zoning Commission recommendation, a public hearing shall be held by the City Council before taking action on a request for a conditional use permit.

4. Time Limit

A Conditional Use Permit issued under this section shall become null and void unless construction or use is substantially underway within two years from the date of approval, unless an extension of time is approved by the City Council. A Conditional Use Permit issued by the City Council 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.

5. Transferability

Conditional Use Permits are non-transferable unless specifically allowed by City Council as a condition of the permit.

6. Revocation

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

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

7. Amendments.

No building, premises, or land used under a Conditional Use Permit may be enlarged, modified, structurally altered, or significantly changed from the approved plan unless an amendment to the original Conditional Use Permit is obtained. The procedure for amendment of a Conditional Use Permit shall be the same as for a new application.

Section 2.12 Building Permits

2.12.1 Application of Requirements

This section applies in the following areas:

Property within City of Seguin City Limits	Property within City of Seguin ETJ
YES	No

2.12.2 Applicability

Any owner, authorized agent or contractor who desires to construct, enlarge, alter, repair, move, demolish, roof, reroof or change the occupancy of a building or structure or to cause any such work to be done shall first make application to the Building Official and obtain the required permit for the work.

2.12.3 Prior Approvals

An application for a building permit shall not be approved unless the following have been approved and remain in effect for the subject property:

- A. The property is zoned to allow the proposed development.
- B. Any variances required to allow a proposed development have been approved.
- C. The subject property is platted or qualifies for a plat exception.
- D. Site development permit has been approved (if required). A building permit and a site plan can be concurrently reviewed, but the site plan must be approved before the building permit can be issued.

2.12.4 Criteria and Process

Building permit requests are evaluated by the Building Official, or his or her designee, using all the following criteria:

- A. The project conforms to this code, the Building Code, the Fire Code, and other applicable regulations.
- B. The parcel does not have any violations of this code or other applicable City or State regulations.
- C. The building permit is consistent with the following:
 - 1. zoning designation
 - 2. special use permits ~~and/or limited use permits~~ (limited, specific, and/or conditional) if applicable
 - 3. variances if applicable
 - 4. subdivision plat
 - 5. site plans

2.12.5 Expiration

A building permit shall become invalid unless work has commenced within 180 days from issuance date.

2.12.6 Exception

Model Home Exception for Single-Family Residential or Duplex Development. Within a phase containing public improvements that have not yet been finally accepted, the City will issue building permits for no more than two (2) model homes of differencing floor plans, prior

Section 3.4 Use

3.4.1 Permitted, Limited, Specific, Conditional, Unlisted and Prohibited Uses

The use of land and/or buildings shall be in accordance with those listed in the following Land Use Matrix. No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which it is located or for activities consistent with the nonconforming provisions of this Chapter.

3.4.2 Unlisted Uses

It is recognized that new types of land use will arise in the future, and forms of land use not presently anticipated may seek to locate in the City. A new and unlisted use may be interpreted by the Planning Director as similar to a listed use if the unlisted use possesses the majority of characteristics of the listed use. If the unlisted use is deemed similar to a listed use by the Planning Director, no amendment of the Land Use Matrix is required. If the use is not deemed by the Planning Director to be similar to an existing listed use the unlisted use determination must be submitted to the Planning and Zoning Commission and City Council and shall subsequently is treated as an ordinance amendment.

A person requesting the addition of a new or unlisted use shall submit to the Planning Director or his/her designee, all information necessary for the classification of the use, including but not limited to the following:

- A. The nature of the use and whether the use involves residential activity, sales, services, or processing;
- B. The type of product sold or produced;
- C. Whether the use has enclosed or open storage and the amount and nature of the storage;
- D. Anticipated employment typically anticipated with the use;
- E. Transportation requirements- estimate of number of trips per day;
- F. The nature and time of occupancy and operation of use;
- G. The parking and loading requirements;
- H. The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated;
- I. General description of development needs for use (impervious cover, utilities, etc.).

3.4.3 Land Use Matrix

P	Designates the use as a permitted in the zoning district indicated.
-	Designates use prohibited in the zoning district indicated.
C	Designates use may be permitted in the zoning district with a Conditional Use Permit
S	Designates use may be permitted in the zoning district with a Specific Use Permit
L	Designates the use as a limited use . This means the use is permitted in the zoning district if additional site and/or building requirements (in addition to base development requirements) are met.

Definitions

19. **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.
20. **City.** The City of Seguin, Guadalupe County, Texas.
21. **City attorney.** A licensed attorney employed or designated by the City of Seguin to provide legal services for and in behalf of the City.
22. **City Council/Council.** The words "City Council" or "Council" shall refer to the City Council of the City of Seguin, Texas.
23. **City Engineer.** A registered professional engineer employed or designated by the City of Seguin to provide professional engineering services for and in behalf of the City.
24. **City standards.** As referred to in this ordinance, shall mean the City's standards and specifications, together with all tables, drawings and other attachments hereinafter approved by the Council.
25. **Clinic.** An institution or station for the examination and treatment of ill and afflicted outpatients by a physician or group of physicians.
26. **Cluster development.** See "Subdivision, cluster."
27. **Columbarium.** A structure of vaults lined with recesses for cinerary urns operated as part of a cemetery, funeral home, or church.
28. **Commission.** The Planning and Zoning Commission of the City of Seguin, Guadalupe County, Texas.
29. **Community Center.** A central social and recreational building as part of a housing project, subdivision or planned unit development.
30. **Communication Tower.** A device 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. For communication tower purposes a monopole is a single, slender and typically cylindrical, vertical structure to which antennae are affixed.
31. **Commercial trimming/cutting.** Any individual or business that practices tree trimming, cutting or removal, for hire, within the City limits of the City of Seguin, Texas.
32. **Comprehensive plan.** The comprehensive 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. Also Comprehensive Master Plan, Master Plan.
33. **Concept plan, subdivision.** A plan depicting the layout of a proposed subdivision that identifies the location of proposed parks, open space lots, drainage ways and drainage lots, streets and street alignments, and utilities that will serve the development.
34. **Conditional use.** A use which may be suitable in certain locations in a zoning district if developed and operated under conditions imposed by City Council.