

## STATE OF TEXAS

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS AMENDING THE UNIFIED DEVELOPMENT CODE (UDC), SECTION 5.6 SCREENING, SUBDIVISION PERIMETER WALLS; 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 are 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 through the City, especially along major thoroughfares; and

**WHEREAS**, the City of Seguin desires to provide screening buffers and safety measures for any new single-family residential and two-family residential developments that abut a collector or higher classification of thoroughfare as existing or as identified on the City's Master Thoroughfare Plan; and

**WHEREAS**, on November 8, 2022, after conducting a public hearing, the Planning and Zoning Commission voted to recommend to City Council that the amendments to Section 5.6 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 5.6 – Screening, of the Seguin Unified Development Code is hereby amended as follows (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

**Subdivision Perimeter Fences/Walls**

**5.6.14 Intent** - The intent is to provide screening buffers and safety measures for any single-family and two-family residential development directly adjacent to a major thoroughfare that is either as identified on the ~~City's of Seguin~~ City of Seguin's Master Thoroughfare Plan or is classified as an existing collector or higher classification roadway.

**5.6.15 Applicability** - The requirement for subdivision perimeter fences/walls applies to any new ~~single-family and~~ one-family or two-family residential development in the City of Seguin.

**5.6.16 General Standards** - Any residential or open space lots that abut a collector or higher classification roadway shall provide a perimeter fence/wall and buffer per the following schedule: ~~Lots that abut collectors within the subdivision development are exempt from the requirement.~~

|                              | <u>20'-35' Buffer</u>  | <u>40' – 55' Buffer</u>   | <u>60' &amp; over Buffer</u>   |
|------------------------------|--|---|--|
| <u>Collector (60')</u>       | <u>FENCE/WALL:</u><br><u>Minimum Height: 6'</u><br><u>Maximum Height: 8'</u><br><br><u>MATERIALS: Masonry</u><br><br><u>LANDSCAPING:</u><br><u>One large evergreen tree per 75 linear feet</u> | <u>FENCE/WALL:</u><br><u>Minimum Height: 6'</u><br><u>Maximum Height: 8'</u><br><br><u>MATERIALS: Masonry or Composite w/ Masonry Columns every 100'</u><br><br><u>LANDSCAPING:</u><br><u>One large evergreen tree per 75 linear feet</u> | <u>FENCE/WALL:</u><br><u>Minimum Height: 6'</u><br><u>Maximum Height: 8'</u><br><br><u>MATERIALS: Masonry or Composite w/ Masonry Columns every 150'</u><br><br><u>LANDSCAPING:</u><br><u>One large evergreen tree per 100 linear feet</u> |
| <u>Major Collector (80')</u> | <u>FENCE/WALL</u><br><u>Minimum Height: 8'</u><br><u>Maximum Height: 10'</u><br><br><u>MATERIALS: Masonry</u><br><br><u>LANDSCAPING:</u><br><u>One large evergreen tree per 75 linear feet</u> | <u>FENCE/WALL</u><br><u>Minimum Height: 8'</u><br><u>Maximum Height: 10'</u><br><br><u>MATERIALS: Masonry or Composite w/ Masonry Columns every 100'</u><br><br><u>LANDSCAPING:</u><br><u>One large evergreen tree per 75 linear feet</u> | <u>FENCE/WALL</u><br><u>Minimum Height: 6'</u><br><u>Maximum Height: 10'</u><br><br><u>MATERIALS: Masonry or Composite w/ Masonry Columns every 150'</u><br><br><u>LANDSCAPING:</u><br><u>One large evergreen tree per 100 linear feet</u> |
| <u>Arterial (90' – 120')</u> | <u>FENCE/WALL:</u><br><u>Minimum Height: 8'</u><br><u>Maximum Height: 10'</u>  | <u>FENCE/WALL:</u><br><u>Minimum Height: 8'</u><br><u>Maximum Height: 10'</u>   | <u>FENCE/WALL:</u><br><u>Minimum Height: 6'</u><br><u>Maximum Height: 10'</u>  |
| <u>Major Arterial (120')</u> | <u>MATERIALS: Masonry</u><br><br><u>LANDSCAPING:</u><br><u>One large evergreen tree per 50 linear feet</u>   | <u>MATERIALS: Masonry</u><br><br><u>LANDSCAPING:</u><br><u>One large evergreen tree per 75 linear feet</u>  | <u>MATERIALS: Masonry</u><br><br><u>LANDSCAPING:</u><br><u>One large evergreen tree per 75 linear feet</u>   |
| <u>Parkway (120' – 180')</u> |  |   |  |

**5.6.17 Materials & Design & Timing Additional Standards**

- A. A screening wall of ten (10) feet in height Subdivision perimeter fences/walls shall be built at the time of public infrastructure construction.
- B. Subdivision perimeter fences/walls shall be designed as not to interfere with drainage.
- C. ~~A landscaping buffer will be required between the walls and the roadway. The buffer shall consist of a combination of small trees and shrubs with one tree and five shrubs required for every 75 ft of road frontage. The landscaping buffer shall be irrigated.~~
- D. ~~Materials — The perimeter wall shall be constructed out of masonry. Prohibited fencing materials from Section 5.7.4.B apply to subdivision perimeter~~ fences/walls.

- E. Masonry fences/walls shall be defined as brick, natural stone, stucco, or architecturally finished reinforced concrete. Composite fences shall be in a natural tone flat color such as rust, tan, or a similar color.
- F. Buffer areas shall be measured from the right-of-way line of the adjacent roadway to the property line of the residential lot(s) within the subdivision that are adjacent to the roadway as identified by the subdivision plat; or in the case in which a right-of-way reservation is identified, the measurement shall be from the edge of the reservation line to the property line of the residential lot(s) within the subdivision that are adjacent to the roadway.
- G. All trees shall be selected from the City of Seguin's List of Preferred Plants.
- H. Trees shall not be planted within utility easements or drainage easements/lots.

**5.6.18 Maintenance** - The maintenance of the subdivision perimeter fences/walls and the landscaping buffer shall be the responsibility of the property or home owner's association or any equivalent.

**5.6.19 Exemptions** – ~~These subdivision perimeter walls are exempt from the fence height regulations adopted in Section 5.7.5.F.~~

- A. Lots that abut collectors within the subdivision development, in which the lots on both sides of the roadway are within that subdivision, are exempt from the requirement.
- B. These subdivision perimeter fences/walls are exempt from the fence height regulations adopted in Section 5.7.5.F.

**5.6.20 Variances** - Variances to the requirements of this section shall be processed as a subdivision variance per Section 2.9.8 and shall be under the authority of the Planning & Zoning Commission.

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

**PART THREE.** Subdivisions in which Concept Plans were filed with the City of Seguin on or after June 3, 2022 (Ord. No. 2022-041) and public infrastructure construction that has started facility construction may construct subdivision perimeter fences/walls in accordance with the amendments as adopted herein.

**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 6th day of December, 2022.

**PASSED AND APPROVED AND ADOPTED** on the second reading this 20th day of December, 2022.

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Donna Dodgen, Mayor

ATTEST:

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Naomi Manski, City Secretary

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