

CITY OF SEGUIN

ORDINANCE NO. \_\_\_\_\_

STATE OF TEXAS

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS AMENDING THE UNIFIED DEVELOPMENT CODE (UDC), SECTION 2.1.3 DEVELOPMENT PROCESS, AND OTHER ASSOCIATED SECTIONS, TO INCLUDE 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 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 in rural areas; and

**WHEREAS**, the City of Seguin desires to modify the development process to allow concurrent reviews of certain development steps and to create the option to submit Preliminary Plats for review in phased developments; and

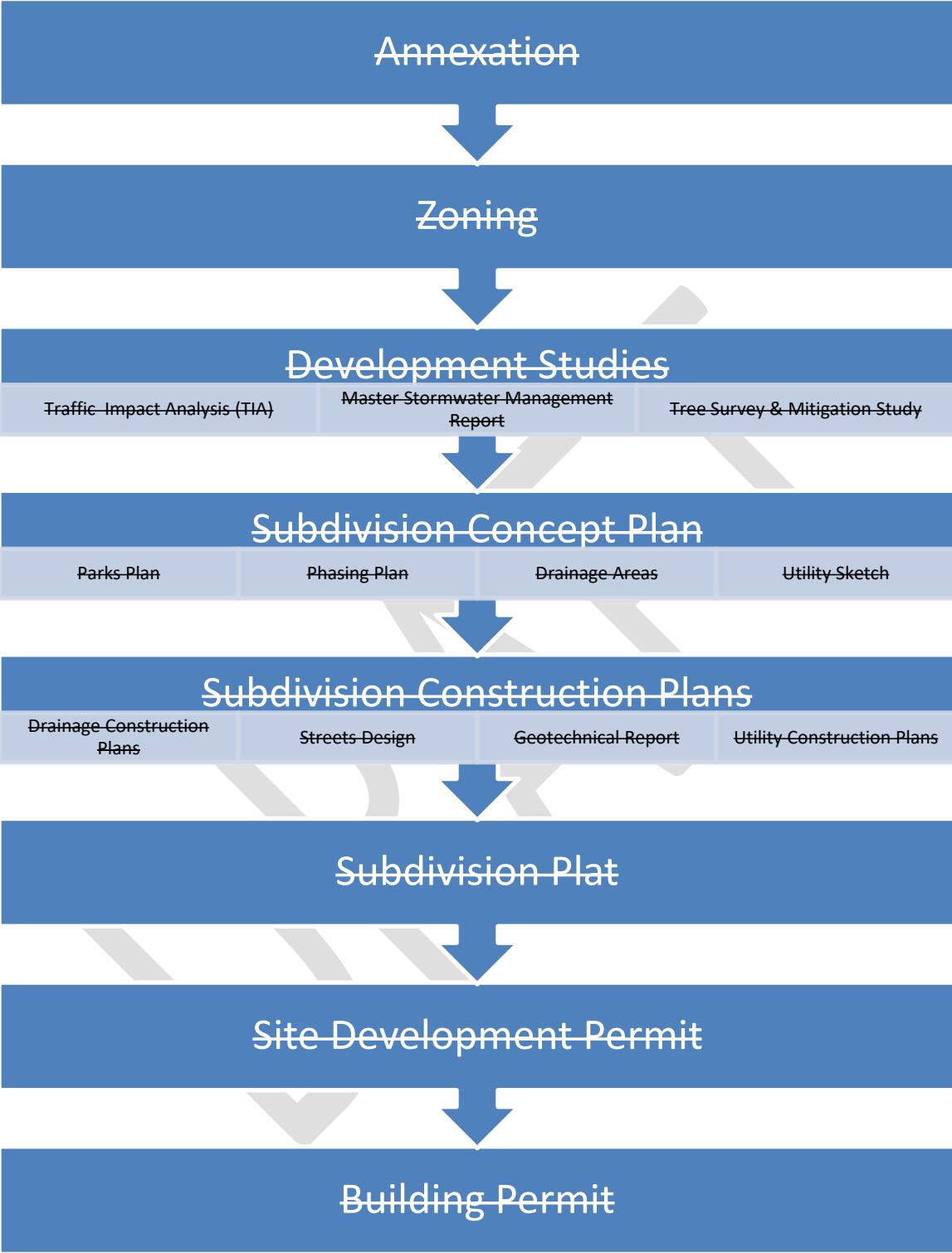
**WHEREAS**, on December 13, 2022, after conducting a public hearing, the Planning and Zoning Commission voted to recommend to City Council that the amendments to Section 2.1.3 and associated sections of the UDC as described herein be adopted.

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

**PART ONE.** Section 2.1.3 – Development Process and other associated sections, of the Seguin Unified Development Code is hereby amended as follows (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

**2.1.3 Development Process**

Below is an outline of the general development process.



## Annexation & Zoning



## Development Studies & Concept Plan - concurrent review

TIA & Prelim Stormwater  
Management Plan

Phasing, Parks, Utility Layout, Tree  
Survey (requires DS approval first)



## Preliminary Plat

Preliminary Plat for one phase of the subdivision.



## Public Infrastructure Permit

Off-site public infrastructure  
improvements

On-site public infrastructure  
improvements



## Final Plat



## Site Development & Building Permits - concurrent review

Site Plan Review

Building Permit Review (requires site  
plan approval first before issuance)

### **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
- Specific Use Permits
- Limited Use Permits
- **Variances (Board of Adjustments)**
- Certificates 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 2.2 Annexation (Voluntary)**

### **2.2.4 Process**

City staff will evaluate the request for the above criteria and prepare a recommendation to the City Council. Conditions may be imposed on an annexation request, to ensure conformance to this code and any community, neighborhood and other applicable land use and development plans. Initial zoning is established as Agricultural Ranch (A-R) unless a specific request is made by the property owners. Initial zoning must conform to the comprehensive plan. **A request for a specific zoning classification can be submitted concurrently with the voluntary annexation petition.**

## **Section 2.9.F Time for Decision and General Process**

### **Completeness Reviews:**

All subdivision development studies, concept plans, and plats are subject to a completeness review in which City staff will verify that all required documents and information have been submitted in order to confirm that the application is ready to be filed for review by the City. Completeness reviews will be completed within 5 business days of receipt. The official filing date of the application is the date the completeness review is approved and the applications is accepted for review by the City of Seguin.

### **Development Studies:**

Development studies are reviewed by staff and are administratively approved by the City Engineer ~~and Planning Director~~. These reviews ~~must be approved prior to submitting subdivision concept plans or subdivision plats~~ **can be conducted concurrently with the Subdivision Concept Plan but only if the 30-day waiver for the Concept Plan is completed.** *(Development studies are not subject to Section 212.009 of the Texas Local Government Code.)*

### **Subdivision Concept Plans:**

Concept Plans are required to be submitted, reviewed, and approved prior to submitting ~~Subdivision Construction Plans~~ **a Public Infrastructure Permit**. Subdivision Concept Plans are

reviewed by staff and are administratively approved by the Planning Director and the City Engineer. Applicants can choose one of two submittal options:

- Submit in writing a waiver to Section 212.009 of the Texas Local Government Code to allow for time to address any outstanding issues that are not in compliance with the applicable regulations and development requirements. Multiple reviews will be allowed without disapproval and the applicant can re-submit without additional review fees.
- Forego a waiver to Section 212.009 of the Texas Local Government Code and staff will complete a 30-day review of the original filing. If the Concept Plan does not meet all applicable regulations and development requirements, the plan 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 Concept Plan will be disapproved, 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 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.

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.

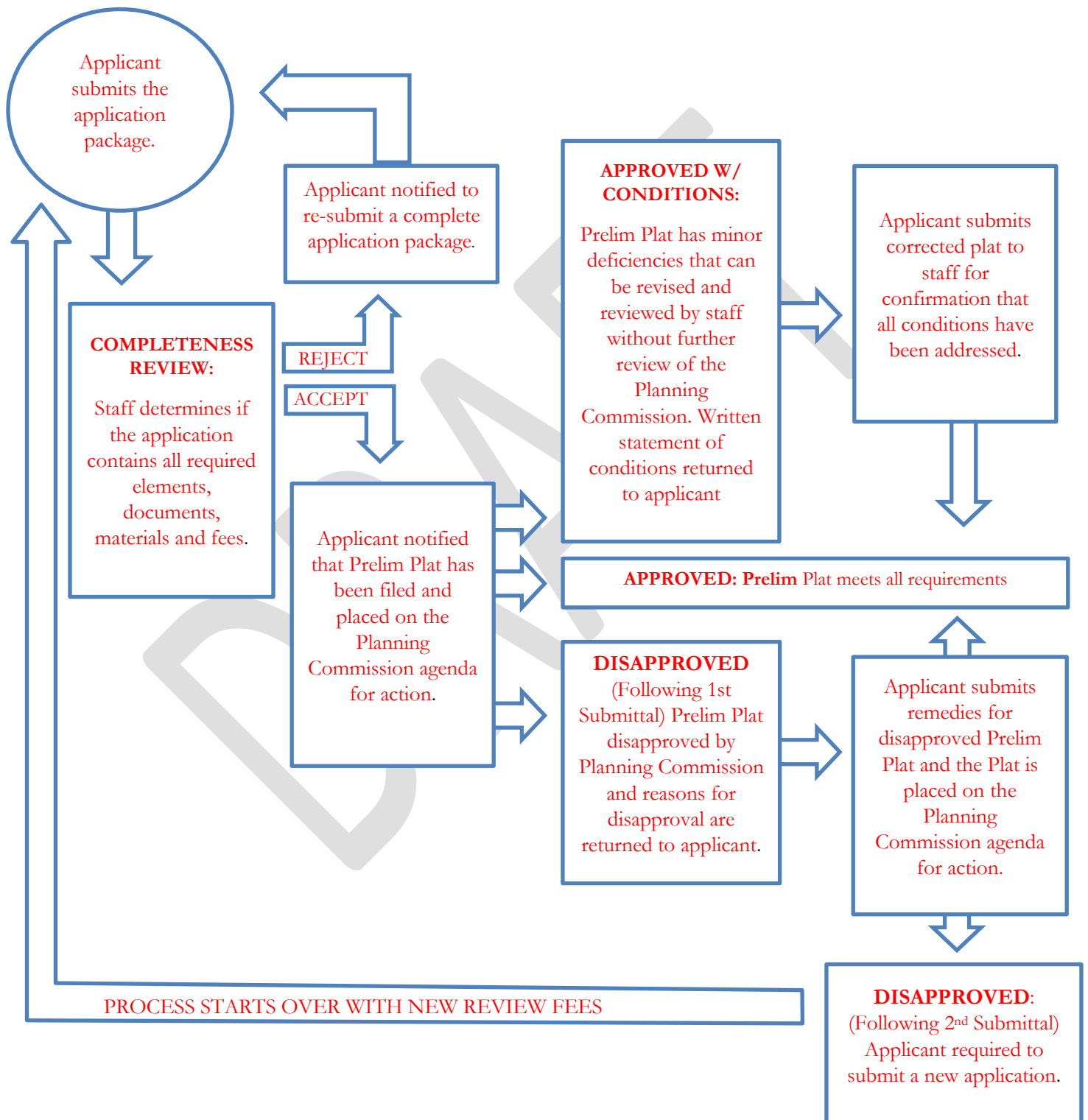
~~Subdivision Construction Plans~~ **Public Infrastructure Permit:**

~~Construction Plans are~~ A **Public Infrastructure Permit** is required to be submitted, reviewed, and approved prior to submitting Final Plats. ~~Subdivision Construction Plans~~ **Public Infrastructure Permits** are reviewed by staff and are administratively approved by the City Engineer. ~~Applicants can choose one of two submittal options:~~ *(Public Infrastructure Permits are not subject to Section 212.900 of the Texas Local Government Code.)*

- ~~• Submit in writing a waiver to Section 212.009 of the Texas Local Government Code to allow for time to address any outstanding issues that are not in compliance with the applicable regulations and development requirements. Multiple reviews will be allowed without disapproval and the applicant can re-submit without additional review fees.~~
- ~~• Forego a waiver to Section 212.009 of the Texas Local Government Code and staff will complete a 30-day review of the original filing. If the Construction Plans do not meet all applicable regulations and development requirements, the plan 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 Construction Plans will be disapproved, and the process will start over with a new application and new review fees.~~

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

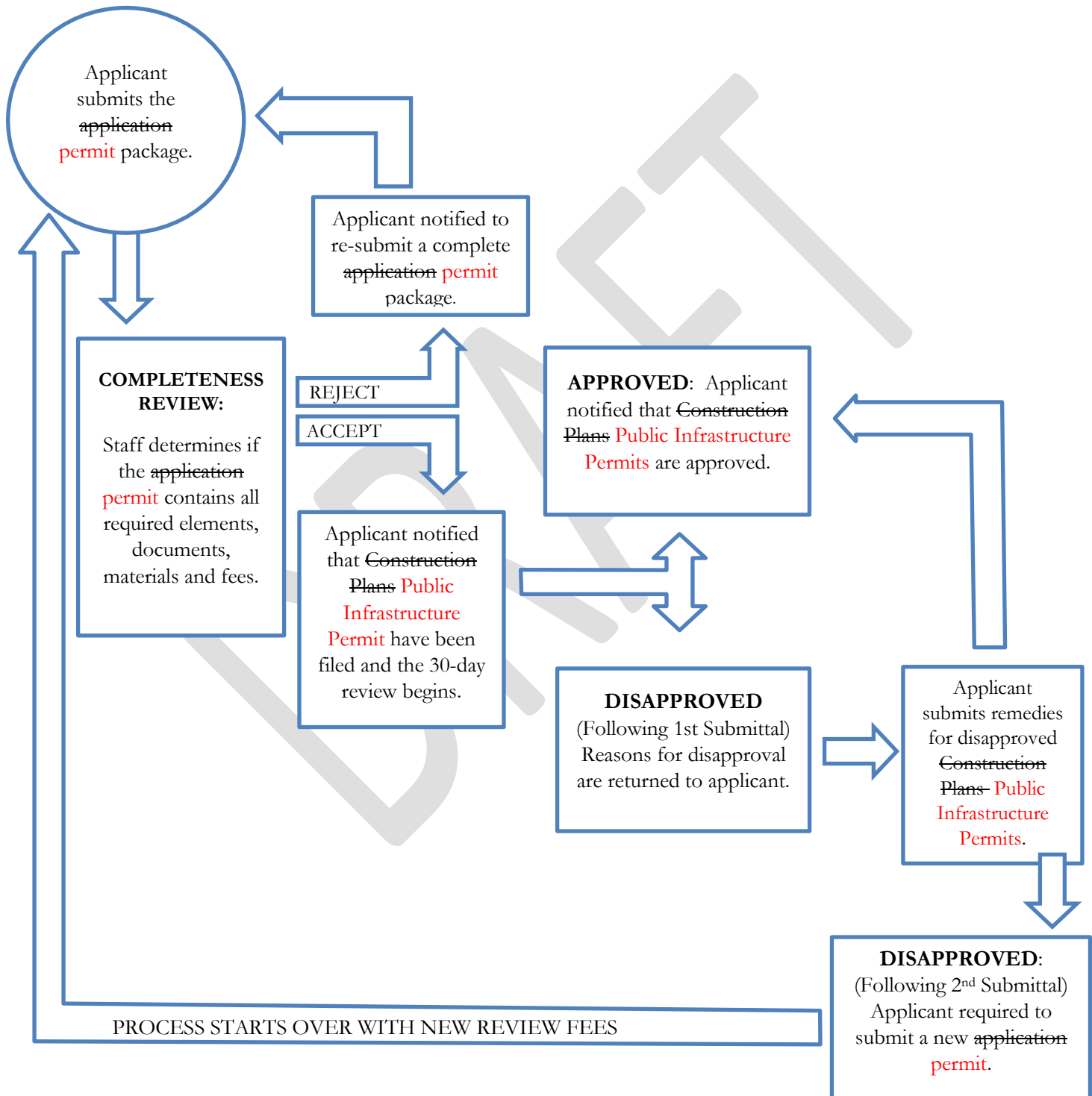
\* Waiver prohibited by Section 212.0097 of the Texas Local Government Code



## ~~Subdivision Construction Plans~~ **Public Infrastructure Permit: General Process**

\* If a wavier is signed, the documents can be resubmitted for review without disapproval until all comments are addressed and the Constructions Plans are approved.

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## **Section 2.9.2 Final Subdivision Plat**

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

The Planning and Zoning Commission, in considering final action on a Final Plat, should 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 ~~construction plans~~ **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 approval, approval with conditions or disapproval will be submitted to the Planning and Zoning Commission for formal action on the plat. If staff presents the 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 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) 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 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 ~~subdivision construction plans~~ **public infrastructure permits**.

## **Section 2.9.5 Replatting without vacating previous plat**

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

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

1. Requirements of the Texas Local Government Code are met.
2. The plat does not attempt to amend or remove any covenants or restrictions.
3. If located within the City limits the 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.
4. If located in the ETJ- the plat meets any county standards to be applied under an interlocal agreement between the City and Guadalupe County.

5. The final layout of the subdivision meets all standards for adequacy of public facilities contained in this UDC and the ~~public improvement construction plans~~ **public infrastructure permits** required for the proposed subdivision plat have been approved by the City Engineer and Utilities Directors.

#### Section 2.9.10 ~~Subdivision Construction Plans~~ **Public Infrastructure Permits** - Submittal of Plans through City Acceptance of Improvements

##### **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  | YES                                |

##### **B. General**

~~Subdivision Construction Plans~~, commonly called “~~Construction Plans~~”, **Public Infrastructure Permits** are complete and detailed construction plans and written specifications indicating the method of construction and the materials to be used for the installation of subdivision improvements (including but not limited to water distribution system, sanitary sewer system, stormwater drainage system, proposed bridges or culverts, existing and proposed streets, alleys, sidewalks, trails electrical distribution system, and street lighting system).

##### **C. Intent**

The purpose of ~~construction plans~~ **public infrastructure permit** is to assure that subdivision improvements required to be installed in order to serve a subdivision or a development are constructed in accordance with all standards of this Unified Development Code and the accompanying technical manual.

##### **D. Criteria for Approval**

The City Engineer shall render a decision on the ~~construction plans~~ **public infrastructure permit** in accordance with the following criteria:

- The ~~plans~~ **permits** are consistent with the approved Subdivision Concept Plan;
- The ~~plans~~ **permits** conform to the standards of this Unified Development Code, City Standards, Technical Criteria, and other Federal and State criteria.

##### **E. Process**

1. **Application.** Applications for a ~~subdivision construction plans~~ **public infrastructure permit** 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. **Processing and Decision.** All ~~construction plans~~ **public infrastructure permits** must be approved prior to the submittal of a final plat. ~~Construction plans~~ **Public Infrastructure Permits** are approved for a period of 2 years unless fiscal surety has

been posted for the improvements. The applicant may request an extension to the approval should the construction of the improvements take longer than the 2 year time period to start.

3. **Post Plan Approval.** If the applicant chooses to construct the required improvements prior to recordation of the final plat, all such construction shall be inspected while in progress by the appropriate City department and must be approved upon completion by the City Engineer, City Staff, and any other public utility if that utility provides service to the development. Written notification by such officials stating that the construction conforms to the specifications and standards contained in or referred to in this chapter must be presented to the Planning Director prior to recordation of the final plat. If the applicant chooses to file security in lieu of completing construction prior to the recording of the plat the applicant may provide a:

- Performance bond or surety bond;
- Letter of credit; or
- Escrow funds equal to the total installation cost of the required improvements

Security shall be in an amount equal to 115 percent of the estimated cost of completion of the required subdivision improvements. The issuer of any surety bond or letter of credit shall be licensed and approved to conduct business in the State of Texas and subject to the approval of the City Engineer and the City Attorney.

Performance bonds.

- a) All performance bonds must be executed by such sureties as are named in the current list of "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies", as published in Circular 570, as may be amended by the Financial Management Service, Surety Bond Branch, US Department of the Treasury.
- b) All performance bonds must be signed by an agent and must be accompanied by a certified copy of the authority for him or her to act.
- c) All performance bonds shall be obtained from surety or insurance companies that are duly licensed or authorized to conduct business in Texas to issue performance bonds for limits and coverage required.
- d) In cases of dispute the Court of Jurisdiction shall be located in Guadalupe County, Texas.

Letter of credit.

- a) All letters of credit shall be irrevocable and renewable for the life of the project.
- b) Be for a term sufficient to cover the completion of the required subdivision improvements; and
- c) Require only that the City present the issuer with a sight draft and a certificate by the issuer of the letter of credit.
- d) The issuer shall be licensed to conduct business in Texas and be approved by both the State of Texas and the City of Seguin.
- e) In case of dispute the Court of Jurisdiction shall be located in Guadalupe County, Texas

Escrow account.

- a) The subdivider shall deposit cash or other instrument readily convertible into cash at face value, either with the City, or in escrow with a bank or savings and loan institution.

- b) The use of any instrument other than cash shall be subject to the approval of the City. The amount of the deposit shall equal 115 percent of the estimated construction costs for all remaining required improvements.
- c) In the case of any escrow account, the developer shall file with the City an agreement between the financial institution and the developer guaranteeing the following:
  - That the funds of said escrow account shall be held in trust until released by the City and may not be used or pledged by the developer as security in any other matter during that period.
  - That in the case of a failure on the part of the developer to complete said improvements, the financial institution shall immediately make the funds in said account available to the City for use in the completion of those improvements.

**F. Partial Completion.** As portions of the subdivision improvements are completed in accordance with the approved engineering plans, the applicant may make written application with the City Engineer to reduce the amount of the original security. If the City Engineer is satisfied that such portion of the improvements has been completed in accordance with City standards, the City may, but is not required to, cause the amount of the security to be reduced by such amounts that it deems to be appropriate. Letters of credit may not be reduced more frequently than quarterly, so that the remaining amount of the security adequately insures the completion of the remaining subdivision improvements.

**G. Guarantee of materials and workmanship**

1. The applicant or developer shall require of the construction contractors with whom he contracts and shall himself be responsible for guaranteeing that all materials required under this code and workmanship in connection with such improvements are free of defects for a period of two years after acceptance of the improvements by the City Engineer and any other utility provider.
2. Prior to the acceptance of subdivision improvements or approval of private improvements for each phase a maintenance bond or other surety instrument shall be accepted by the City in compliance with the following:
  - a) Shall be in an amount equal to fifteen percent of the cost of improvements for the first two calendar years following acceptance of said improvements.
  - b) Shall cover all street, drainage and utility improvements. The construction value and final pay applications shall be provided to the City Engineer to support said warranty and maintenance bonds amounts
  - c) Shall be satisfactory to the City Attorney as to form, sufficiency and manner of execution.
  - d) In an instance where a maintenance bond or other surety instrument has been posted and defect or failure of any required improvement occurs within the period of coverage, the City may declare said bond or surety instrument to be in default and require that the improvements be repaired and replaced.
  - e) Whenever a defect or failure of any required improvement occurs within the period of coverage, the City shall require that a new maintenance bond or surety instrument be posted for a period of one full calendar year after the date of acceptance by the City of the corrected defect or failure sufficient to cover the corrected defect or failure.
  - f) In case of dispute the Court of record shall be in Guadalupe County, Texas.
3. The City shall inspect all required improvements to ensure that construction is being accomplished in accordance with the plans and specifications approved by the City. The City shall have the right to inspect any construction work being performed to ensure that it is proceeding in accordance with the intent of the provisions of this chapter. Any change in

design that is required during construction should be made by the licensed professional engineer whose seal and signature are shown on the plans. Another engineer may make revisions to the original engineering plans if so authorized by the owner of the plans, and if those revisions are noted on the plans or documents. All revisions shall be approved by the City Engineer. If the City Engineer finds, upon inspection, that any of the required subdivision improvements have not been constructed in accordance with the plans and specifications approved by the City then the developer shall be responsible for completing and correcting the deficiencies at the developer's expense.

4. The developer/applicant shall pay for testing services that verify conformance with the approved plans and specifications. All expenses for tests that fail to meet these specifications shall also be paid for by the developer.
5. Upon completion, inspection, and acceptance of the required utility improvements, utility provider(s) shall submit a letter to the City Engineer and the developer/applicant stating that all required utility improvements have been satisfactorily completed and accepted by the utility provider.
6. The City may withhold all City services and improvements of whatsoever nature, including the maintenance of streets and the furnishing of all other City services from any subdivision or property until all of the street, utility, storm drainage and other subdivision improvements are properly constructed according to the approved ~~construction plans~~ **public infrastructure permit**, and until such subdivision improvements are dedicated to and accepted by the City.
7. If the surety on any performance bond furnished by the applicant is declared bankrupt, or becomes insolvent, or its right to do business is terminated in the state, or the surety ceases to meet the requirements listed in Circular 570, the developer shall, within 20 business days thereafter, substitute another performance bond and surety, both of which must be acceptable to the City.
8. When all of the improvements are found to be constructed and completed in accordance with the approved plans and specifications and with the City's standards, and upon receipt of one set of "record drawing" plans, and a digital copy of all plans (in a format as determined by the City Engineer) the City Engineer shall accept such improvements for the City, subject to the guaranty of material and workmanship provisions in this section. The City Engineer may withhold approval for reasonable cause to include failure to construct subdivision improvements to code or City specifications, for violations of this Code, for failure to provide accurate or complete data as required by the City Engineer, or for failure to correct subdivision improvements which fail within two years of their acceptance in accordance with this chapter.

#### **H. Temporary Improvements**

1. The applicant shall build and pay for all costs of temporary improvements required by the City and shall maintain those temporary improvements for the period specified by the City.
2. Any temporary subdivision improvement (e.g., a temporary cul-de-sac, alley turnout, drainage swale, erosion control device, etc.) shall be placed within an easement established specifically for that purpose. The recording information of the instrument establishing the temporary easement shall be by instrument and approved by the City Engineer. A temporary easement for a required subdivision improvement shall not be abandoned without the City Engineer's approval and without written consent by the City.

#### **I. Government units**

Governmental units to which these contract and security provisions apply may file, in lieu of the contract and security, a certified resolution or ordinance from officers or agents authorized to act in their behalf, agreeing to comply with the provisions of this chapter.

#### **J. Acceptance**

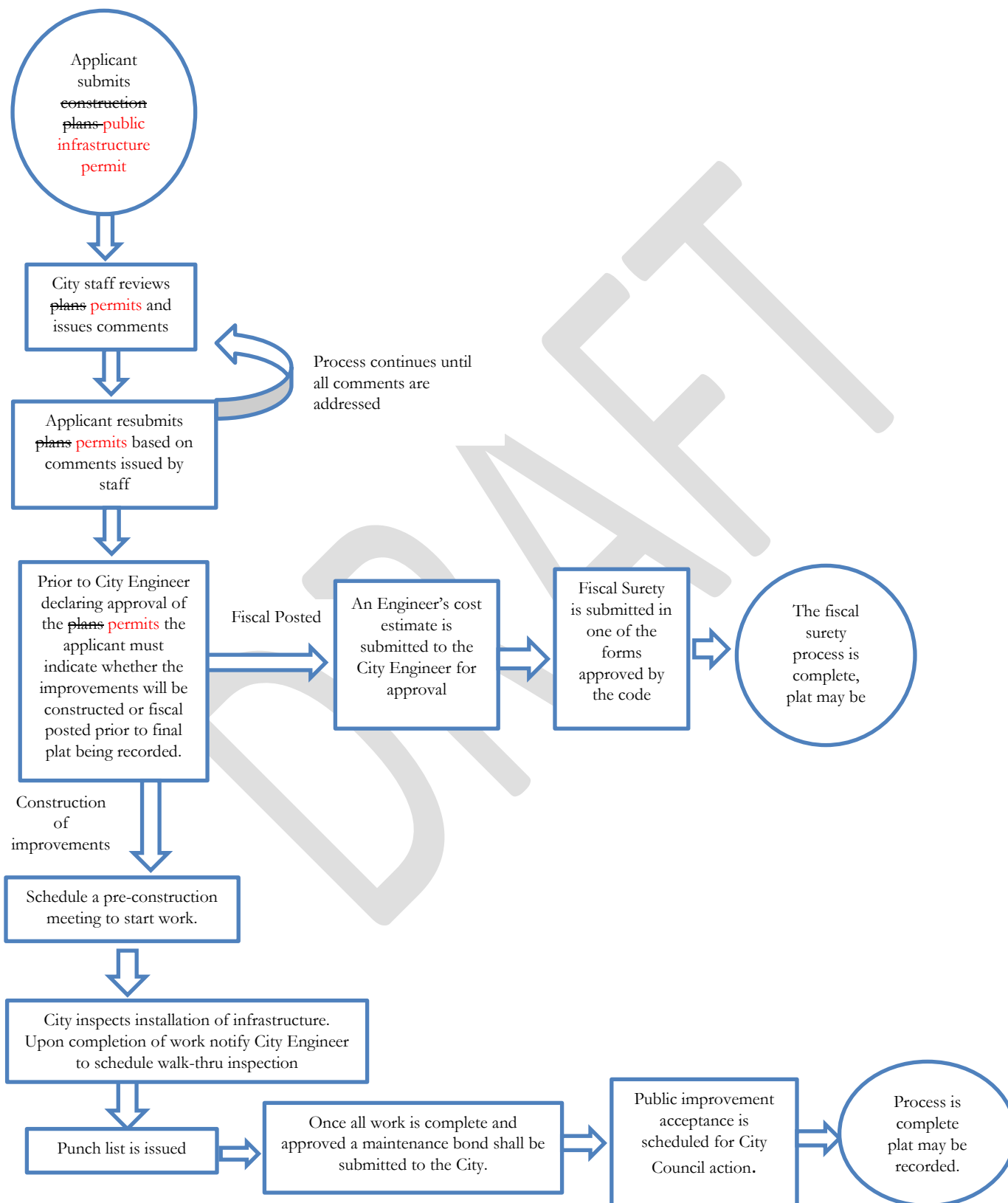
1. Acceptance of dedication offers. Acceptance of formal offers for the dedication of streets, public areas, easements, or parks shall be by authorization of the City Engineer. The approval by the ~~P~~Planning ~~C~~Commission of a final plat shall not, in and of itself, be deemed to constitute or imply the acceptance by the City of any subdivision improvements required by the plat. The City may require the plat to be endorsed with appropriate notes to this effect.
2. No applicant or contractor shall begin construction of subdivision improvements, including grading, within a subdivision until the ~~construction plans~~ public infrastructure permits are approved by the City Engineer. The developer/applicant shall notify the City Engineer prior to commencement of construction. This notice shall give the location and date of the start of construction.
3. Acceptance of the development shall mean that the developer has transferred all rights to all the subdivision improvements to the City for use and maintenance. The City Engineer may, at his option, accept dedication of a portion of the required public improvements if the remaining subdivision improvements are not immediately required for health and safety reasons; and if the property owner has posted a performance bond, letter of credit or cash bond in the amount of 115 percent of the estimated cost of those remaining improvements for a length of time to be determined by the City Engineer.
4. Upon acceptance of the required subdivision improvements, the City Engineer (or designee) shall issue a letter of acceptance (LOA) to the developer/applicant stating that all required subdivision improvements have been satisfactorily completed and accepted by the City.

#### **K. Deferral of required improvements**

1. The Planning Commission may upon petition of the property owner and favorable recommendation of the City Engineer defer at the time of plat approval, subject to appropriate conditions, the provision of any or all subdivision improvements as in its judgment, are not required in the immediate interests of the public health, safety and general welfare.
2. Whenever a petition to defer the construction of any subdivision improvements required under this chapter is granted by the Planning and Zoning Commission, the property owner shall deposit in escrow with the City their share of the costs of the future subdivision improvements as approved by the City Engineer prior to filing of the plat, or the property owner may execute a separate improvement agreement secured by a cash escrow or, where authorized, a letter of credit, including a contingency of 15 percent guaranteeing completion of the deferred subdivision improvements upon demand of the City.

#### **L. General Process.**

Below is a description of the general ~~subdivision improvement construction~~ public infrastructure permit process.





### **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, in considering final action on a Preliminary Plat, 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 approval, approval with conditions or disapproval will be submitted to the Planning and Zoning Commission for formal action on the plat. If staff presents the 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 and Zoning Commission shall approve the plat request for a period of one year 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. **Extension.** The approval of a Preliminary Subdivision Plat application shall remain in effect for a period of two year from the date the application was approved or approved with



conditions by the Planning 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 and Zoning Commission, shall expire and the applicable plat shall be deemed null and void.

## **Section 2.11 Site Development Permit**

### **2.11.6 Exception**

A site grading permit may be issued prior to the approval of a site development permit if ~~subdivision improvement construction plans~~ **public infrastructure permits** are substantially approved by the City Engineer.

## **Section 2.12.3 Building Permits 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.**

## **Unified Development Code – Table of Contents**

- **Chapter 2- Development Applications/ Development Review Process**
  - Intent
  - Chapter Components
  - Development Process
  - Development Applications
    - Annexation (Voluntary)
    - Zoning
      - Rezoning Request
      - Specific Use Permits
      - Limited Use Permits
      - Variances (Zoning Board of Adjustments)
    - Certificates of Appropriate Design
    - Subdivision Development
      - Subdivision Concept Plans
      - Final Subdivision Plat
      - Minor Plat
      - Amending Plat
      - Replatting without vacating previous plat
      - Plat Vacation
      - Unity of Title Agreement
    - Subdivision Variances
    - ~~Subdivision Construction Plans~~ **Public Infrastructure Permits**

- Floodplain Development Permit
- Site Development Permit
- Preliminary Plat
- Building Permits
- Certificates of Occupancy
- Temporary Certificates of Occupancy
- Outdoor Festival Permit
- Variance for on-site consumption of alcohol
- Amendments to the Comprehensive Master Plan

### **1.2.7 Administrative Authority**

#### **A. Planning Director**

Duties of the Planning Director or his/her designees include, but are not limited to the following:

- Administer, interpret and enforce this code, and other plans, policies and rules affecting development.
- Serve as a case manager for development requests.
- Prepare and update the City's Comprehensive Master Plan, Unified Development Code, and other planning policy and regulatory documents.
- Provide technical help with planning and land use issues to customers, City staff and officials.
- Work with other local government agencies to promote good planning practices.
- Final decision maker for application for Administrative Plats.
- Final decision maker along with the City Engineer for application for a Subdivision Concept Plan
- ~~Final decision maker along with the City Engineer for approval of Development Studies~~
- Final decision maker for Limited Use Permits
- Review and Approval with the City Engineer for Site Development Permit
- Jointly responsible for Technical Manual criteria along with the City Engineer

#### **D. City Engineer**

Duties of the City Engineer or his/her designees include, but are not limited to the following:

- Final decision maker along with the Planning Director for application for a Subdivision Concept Plan
- ~~Final decision maker along with the Planning Director for approval of Development Studies~~
- Review and approval of all ~~Subdivision Construction Plans~~ **Public Infrastructure Permits**
- Review and approval with the Planning Director of all Site Development Permits
- Review and approval of Utility Extension Requests
- Review and approval of Drainage Plans
- Jointly responsible for Technical Manual criteria along with the Planning Director

### **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 Planning Director and 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.   |
| <del>Subdivision Construction Plans</del> Public Infrastructure Permit | 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. |
| Zoning Change              | n/a                                     | n/a   |

#### **4.4.5 Street Classifications**

Proposed roads serving new development shall provide a complete, safe and functional system for vehicular, bicycle and pedestrian circulation and shall be properly designed based on the context of the current and anticipated development within the area. Streets shall be extended to the boundary lines of the tract as necessary for eventual extension to the adjacent tract(s) to ensure that block lengths do not, in general, exceed the limits defined by this code and to provide access to adjacent property. Provisions shall be made for the appropriate extension of existing and proposed streets. Streets intended to be extended from an adjacent tract shall be extended. Street right-of-way shall be dedicated with the plat, and the street shall be constructed with the ~~subdivision/public improvement construction plans~~ **public infrastructure permits** for the plat, for the full length and/or width of the lots in the subdivision adjacent to such street, unless otherwise approved. Exceptions may be granted by the Planning and Zoning Commission to allow a lesser width in townhouse or cluster developments.

#### **4.7.4 Timing and inspection of improvements**

Unless otherwise stated, a developer cannot begin construction activities in the City's jurisdiction, including clearing and/or rough grading, before first obtaining all City approvals and permits. For detailed information on the ~~subdivision improvements construction plan~~ **public infrastructure permit** application process or post ~~plan~~ **permit** approval please refer to Chapter 2. For applications materials and information please refer to the UDC Technical Manual.

#### **4.7.5 Phasing plan requirements**

Proposals for projects to be developed in multiple phases must meet all the following requirements unless otherwise approved by the City Engineer and Planning Director:

- A. A Subdivision Concept Plan outlining the proposed phases of the development must be submitted and approved in accordance with the process identified in Chapter 2 of this UDC;
- B. Each phase of a development needs to be "stand alone" for utilities, fire protection, streets and stormwater and drainage management. **It is highly recommended that a preliminary plat be submitted and approved to ensure lot layout consistency with the infrastructure layout;**
- C. ~~Subdivision Improvement Construction Plans~~ **Public Infrastructure Permits** for each standalone phase shall be approved by the City Engineer in accordance with the process identified in Chapter 2 of this UDC;
- D. Phase lines must follow reasonable and logical boundaries, such a terminating at intersections or following topographical breaks;
- E. Phases must be constructed in the approved manner to ensure orderly and planned development;
- F. Phases must be planned to ensure the efficient construction of adjacent future phases (phases immediately next to the subject phase, sharing a common boundary line), and to ensure that phased development is contiguous;
- G. Right-of-way and/or easements for public infrastructure servicing the respective phase must be recorded with the first plat.

## **CHAPTER 7 DEFINITIONS**

35. ~~Construction plans (Subdivision construction plans)~~. **Public Infrastructure Permits** - The drawings and technical specifications, including bid documents and contract conditions, where applicable, providing a graphic and written description of the character and scope of the work to be performed in construction of a subdivision. Detailed specifications for requirements can be found in the UDC Technical Manual.

117 Preliminary Plat – A plat submitted for final approval to the Planning 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.

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

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

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

**PART FIVE.** This ordinance shall be effective on January 30, 2023.

**PASSED AND APPROVED** on the first reading this 3rd day of January 2023.

**PASSED AND APPROVED AND ADOPTED** on the second reading this 17th day of January 2023.

\_\_\_\_\_  
Donna Dodgen, Mayor

ATTEST:

\_\_\_\_\_  
Naomi Manski  
City Secretary