

STATE OF TEXAS

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS AMENDING VARIOUS SECTIONS OF CHAPTER 4, SUBDIVISIONS, OF THE UNIFIED DEVELOPMENT CODE (UDC) TO ESTABLISH IMPROVED STANDARDS FOR FLOOD PROTECTION FOR RESIDENTIAL DEVELOPMENTS; ESTABLISHING NEW ASSOCIATED FEES IN APPENDIX C, FEE SCHEDULE, OF THE UDC; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AUTHORIZING CITY STAFF TO PREPARE THIS ORDINANCE FOR SUBMISSION AS A SUPPLEMENT TO THE CODE OF ORDINANCES; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the aftermath of storm events has demonstrated the need to increase flood protections for existing and future residential property owners; and

**WHEREAS**, Chapter 4, Subdivisions, of the Unified Development Code provide standards pertaining to floodplain protection and flood hazard mitigation; and

**WHEREAS**, the amendments to Chapter 4 will provide stronger requirements for development intending to increase density within the areas prone to flooding and to ensure developments are designed in such ways so as to minimize flood risks and hazards to existing and new residents;

**WHEREAS**, after conducting a public hearing, the Planning and Zoning Commission voted to recommend to City Council that the amendments to Chapter 4 of the UDC as described herein be adopted; and

**WHEREAS**, the amendments to Chapter 4 are in the interest of the health, safety and welfare of residents and the public.

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

**PART ONE.** Chapter 4, Subdivisions, of the Unified Development Code is hereby amended in parts as set forth below (underlining indicates added text, strikethroughs indicate deleted text):

**PART TWO.** Section 4.1.4 of the Unified Development Code is hereby amended to read as follows:

4.1.4. *General Principles of Acceptability for Subdivision Design.* Subdivision lot configuration shall follow the following principles of acceptability for Subdivision Design:

- A. The subdivision shall conform to the City of Seguin Comprehensive Master Plan. The subdivision layout shall be in accordance with existing easements, rights-of-way, restrictions and conditions. Where parks, trails, or roadways are identified on a City-adopted master plan the developer for which the park, trail, or roadway traverses through a specific property shall incorporate the park, trail, or roadway into the proposed concept.
- B. The subdivision layout shall make reasonable provisions for development of and connection to adjacent land. All parcels shall have frontage on a public right-of-way. Land locked parcels shall not be permitted.
- C. Lot sizes must conform to the minimum lot area, minimum lot width, and minimum yard standards required in the underlying zoning district; ETJ lots shall conform to the

requirements of the interlocal cooperation agreement between Guadalupe County and the City of Seguin.

- D. Lots that front on more than one street other than corner lots, resulting in the need for a large development perimeter walls along a roadway, shall be minimal or avoided.
- E. The street pattern shall provide for adequate circulation within the subdivision and in a manner so as to discourage excessive through traffic on minor streets. The arrangement, character, extent, width, grade, and location of all streets shall conform to the comprehensive master plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public safety and convenience, and in their appropriate relation to the proposed uses of the land to be served by such streets. If any portion of a collector or major street, as depicted by the City's master plan, traverses any part of the land being subdivided, that portion of the major or collector street as planned shall be incorporated into the subdivision plan.
- F. The street layout shall be devised for the most advantageous development of the entire subdivision and shall conform to connecting streets in land adjacent to the new subdivision. Provision shall be made within the subdivision to provide street access to adjacent undeveloped acreage in such a way as to assure adequate circulation for future development. Dead-end streets and those which do not conform to adjacent established streets are to be avoided.
- G. The street system layout shall be designed (insofar as practicable) to preserve natural features such as vegetation, creeks, views, and related amenities.
- H. If the subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Guadalupe County, Texas and Incorporated Areas," dated November 2, 2007, with accompanying Flood Insurance Rate Maps dated November 2, 2007 the subdivision is subject to the standards of Chapter 54, Floods of the City Code.
- I. New "island" subdivisions, lots, or streets that would be surrounded by floodwater of the one percent annual chance storm shall not be allowed unless the area is accessible to high ground by a street elevated above the one percent annual chance storm elevation.
- J. Proposed subdivisions or development shall be developed to assure that all such proposals are consistent to minimize flood damage; all public utilities and facilities, such as sewer, gas, electric and water systems are located, elevated and constructed to minimize or eliminate flood damage; and adequate drainage is provided so as to reduce exposure to flood hazards.

**PART THREE.** Sections 4.3.2 and 4.3.3 of the Unified Development Code are hereby amended to read as follows:

- 4.3.2. *Drainage Easement (DE).* Where conditions require, there shall be provided an adequate stormwater drainage easement. In areas where there is an approved and/or mapped floodway, the subdivider or developer shall designate a drainage easement(s) for the floodway. Where such easement is adjacent to lots, tracts, or reserves, the easement shall be noted on the final plat as follows: "The easement indicated shall be kept clear of fences, buildings, planting, and other obstructions to the operation and maintenance of the drainage facility, and abutting property shall not be permitted to drain into this easement except by approved means." For one- and two-family

residential subdivisions, drainage easements crossing lots and property lines are prohibited. Drainage easements shall be placed in separate common area lots.

- 4.3.3. *Public Utility Easements (PUE)*. The location and width of necessary public utility easement shall be determined by utilities staff, or, in the instance of private utilities, by the private utility company concerned. Where necessary, adequate easements shall be provided for underground street lighting service lines. **A PUE shall be provided parallel to the public right of way located within the front yard and side yard for corner lots. The minimum width of the PUE for new developments shall be no less than 10 feet.** The location and width of easements shall be determined by utilities staff.

**PART FOUR.** Section 4.4.3 of the Unified Development Code is hereby amended to read as follows:

- 4.4.3. *Half Streets*. Partial or Half Streets shall **only** be **provided** **permitted only** on divided **streets** **roadway sections** **and** with the approval of the City Engineer. Additional plat notes may be required.

**PART FIVE.** Section 4.6.1 of the Unified Development Code is hereby amended to read as follows:

- 4.6.1. *General Requirements*. All proposed developments shall provide for new drainage facilities, the improvement of existing drainage facilities, channel improvements, grading, driveway adjustments, culvert improvements or other drainage improvements determined by the City Engineer to provide for the stormwater drainage needs of the development and the downstream areas impacted for a distance of 2,000 feet downstream from the proposed development; provided however, that if any appreciable adverse impact still exists at that distance, the City Engineer may require that additional drainage facilities be constructed to the point where any remaining adverse impacts are **de minimis minimis**. The developer shall verify and provide to the City Engineer all necessary information and calculations to demonstrate that the capacities of these systems are not exceeded as a result of the proposed development and the developer shall be responsible for constructing the needed improvements (at no cost to the City).

It is the responsibility of the developer to provide for conveyance of off-site **storm**water. The developer's design package submitted to the City shall include a description of all potential off-site impacts caused by the development and the proposed mitigation procedures for the impacts, including, but not limited to:

- Alteration of existing upstream drainage areas and/or conveyance systems due to the proposed development.
- The detention facility discharge shall be located to provide the least impact on downstream conditions, including requirements for the discharge to be routed to street curbs, bar ditches, storm sewer or other drainage way.
- The impact of flow concentration from the detention facility discharge point on existing drainage areas and/or conveyance systems.
- Extension of existing conveyance systems through the development.
- The altering of existing on-site conveyance systems.

In order to mitigate the impact of the proposed development, the phasing of development, the use of off-site control methods or the construction of off-site drainage improvements may be necessary. Calculations to verify downstream adequacy shall be performed to the nearest receiving waterway(s). Should projected stormwater runoff from the proposed development exceed the

capacity of the existing drainage facilities and/or natural channels, the developer shall be responsible for improving the existing facilities at its own cost.

**PART SIX.** Section 4.6.3 of the Unified Development Code is hereby amended to read as follows:

4.6.3. *Stormwater Management.* Stormwater management shall be designed and constructed to prevent adverse conditions from arising on property adjoining and downstream of the subdivision site. Adverse conditions include increases in peak flows, water surface elevations, concentration of flow and flow velocity. The drainage report shall show that mitigation of the impacts of development on the drainage system will be provided as part of the development. Mitigation may include detention, retention, infiltration, channel improvements, and other means acceptable to the City Engineer. Stormwater Management facilities shall be designed to reduce post-development peak flow rates of discharge to pre-development rates for the 2-, 10-, 25-, 50- and 100-year storm events at all points of discharge. The drainage report shall also include an evaluation of downstream conditions. Drainage improvements shall accommodate runoff from the upstream drainage area in its anticipated maximum "build-out" or "fully developed" condition and shall be designed to prevent overloading the capacity of the downstream drainage system. No person, individual, partnership, firm or corporation shall deepen, widen, fill, reclaim, reroute or change the course or location of any existing ditch, channel, stream or drainageway without first obtaining written permission (or approved engineering and drainage studies) and a grading permit from the city engineer and any other applicable agency having jurisdiction, such as FEMA or the U.S. Army Corps of Engineers. The costs of such study, if required, shall be borne by the developer.

**PART SEVEN.** Section 4.6.5 of the Unified Development Code is hereby amended to read as follows:

4.6.5. Floodplain. When a proposed subdivision or development has within it a drainageway where no regulatory floodway has been designated, no new construction, substantial improvements or other development, including fill, shall be permitted in an area that may have flood hazards, unless it is demonstrated that the cumulative effect of the proposed development or improvements, when combined with all other existing and anticipated development and improvements will not substantially increase the water surface elevation. In areas where there is an approved and/or mapped floodway, the subdivider or developer shall designate a drainage easement(s) for the floodway. In areas where a floodway is mapped and approved by the city, a flood study or demonstration of "no flood height increase" shall be required.

If a proposed subdivision is within an area where flooding may occur, where there is no floodplain shown on a city-approved floodplain map, or where there is located an approved floodplain but no floodway, the subdivider shall:

- Conduct a study of where the base flood elevation would be, assuming a fully developed watershed, show a drainage easement on the plat, and show the elevation of the flood plain at intervals of every 500 lineal feet, designate the area equivalent to the floodway to be a drainage easement;
- Conduct a study, using HEC or similar modeling that is approved by the city engineer, to ensure that the proposed development would not increase the elevation of the one percent annual chance base flood and the area equivalent to the floodway will be designated as a drainage easement; or
- Request a waiver from the above requirements. The request for waiver shall be assessed with respect to proposed density, land use, lot sizes, building sizes, anticipated impervious cover, and

the width and depth of the existing floodplain. All waiver requests shall be considered and decided by the planning commission.

**PART EIGHT.** Appendix C, Fee Schedule, of the Unified Development Code is hereby amended to read as follows:

## APPENDIX C FEE SCHEDULE

### Appendix A. Unified Development Code

(a) <i>Subdivision, Zoning and Site Development Fees:</i>			
	Subdivision	0—5 Acres	5+ Acres
1.	Final plats (including minor plats)	\$500.00	\$500.00 plus \$50.00 per acre
2.	Replat (requires public notification)	\$500.00	\$500.00 plus \$5.00 per lot
3.	Amending plats	\$500.00	\$500.00
4.	Plat variance (requires 200 ft. notification and public hearing)	\$400.00	\$400.00
5.	Subdivision construction plans	\$500.00 plus \$50.00 per acre	\$1,500.00 plus \$50.00 per acre
6.	Subdivision concept plans	\$500.00	\$500.00 plus \$50.00 per acre
7.	Minor (administrative) revisions to subdivision concept plans	\$300.00	\$300.00
8.	Master stormwater drainage report	\$500.00 plus \$50.00 per acre	\$1,000.00 plus \$50.00 per acre
9.	Site plan review:		
	Less than 1 acre	\$350.00	
	1—5 acres	\$500.00	
	5.01—20 acres	\$750.00	
	20.01+ acres	\$1,000.00	
10.	Traffic Impact Analysis (TIA) review:		
	Level 1 TIA	\$500.00	
	Level 2 TIA	\$750.00	
	Level 3 TIA	\$1,000.00	
11.	Tree survey and mitigation study		
	\$200.00 plus \$5.00 per acre		
Note:			
	(a) Same fee applies to both in city limits or in the city's extraterritorial jurisdiction.		
	(b) Plus county recording fees in the amount of the current published county fees schedule.		
12.	Floodplain development fees:-		
	Floodplain permit application fee - Residential		\$100.00
	Floodplain permit application fee – Non-residential		\$250.00
	Floodplain plan review		\$1,500.00
	CLOMR		\$2,500.00
	LOMR without CLOMR		\$3,000.00
	LOMR with CLOMR		\$1,500.00
	LOMA		\$500.00
	Revision review		\$500.00
	Flood zone verification letter		\$25.00
	Percentage of the actual cost of a city initiated flood plain study and preparation of a LOMR based on the		

	linear feet of developer's property along water course and contributing drainage basin with consideration of the square feet of land contributing to the runoff in that floodplain.
	<b>Note:</b>
	(a) Based on city floodplain study conducted within 10 years of the date that developer files plat.
	(b) Percentage basis determined by city engineer.
	(c) For properties not requiring a plat, fee shall be paid with the first permit application.
	(d) Active flood plain studies: Little Mill Creek—2018.

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

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

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

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

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

**PASSED AND APPROVED** on first reading on January 3, 2023.

**PASSED AND APPROVED AND ADOPTED** on the second reading on January 17, 2023.

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Donna Dodgen, Mayor

ATTEST:

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Naomi Manski  
City Secretary