

STATE OF TEXAS

AN ORDINANCE OF THE CITY COUNCIL OF SEGUIN, TEXAS AMENDING SECTION 35 of THE ZONING ORDINANCE FOR SEGUIN TEXAS TO UPDATE PLANNED UNIT DEVELOPMENT REGULATIONS; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE

WHEREAS, one purpose behind a Planned Unit Development category is to create a zoning area where higher quality development can occur without necessarily meeting all of the criteria set out in the applicable zoning regulations; and

WHEREAS, another purpose behind Planned Unit Development is to allow a different mix of businesses, residences, or a combination thereof, on a tract of land than normally occurs; and

WHEREAS, a Planned Unit Development can allow a developer to master plan a larger tract of land; and

WHEREAS, the City's present Planned Unit Development regulations do not adequately address both the City's interest and the developer's interests.

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

PART ONE. Subsection A, Purpose, of Section 35, P.U.D., Planned Unit Development District, of the Zoning Ordinance of the City of Seguin is hereby amended as follows (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

A. Purpose: ~~The Planned Unit Development District is established for the following purposes:~~

- ~~1. To accommodate the development of planned units which do not conform in all respects with the land use pattern designated on the zoning map, the district regulations prescribed by the zoning ordinance, or the requirements of the subdivision ordinance.~~
- ~~2. To encourage the creative development of land, provide locations for well planned comprehensive developments, and provide for variety in the development pattern of the City of Seguin which conform with the purpose of the Master Plan.~~
- ~~3. To protect against fire and explosions, pollution and other environmental hazards.~~
- ~~4. To promote housing densities appropriate to and compatible with existing and proposed public support facilities.~~
- ~~5. To protect, as far as possible, against congestion, and to provide for vehicular and pedestrian circulation.~~

6. To promote the most desirable uses of land and the direction of building development in accord with the Master Plan.

7. To promote the stability of developments; to strengthen the economic base of the City; to protect the character of the district and adjacent districts; to conserve the value of land and buildings; and to protect the City's tax base.

8. To promote the most efficient use of City facilities and services.

A-1. Regulations for PUD subdivision. The regulations set forth in this section or as set forth elsewhere in this chapter when referred to in this section are regulations in the planned unit development (PUD) subdivision. They may be created only within the city limits.

A-2 Purposes of planned unit development. In certain instances the purposes of this chapter may be achieved by the development of planned unit development that do not conform in all respects with the land use pattern designated on the zoning map, the district regulations prescribed by the zoning ordinance, or the requirements of this chapter. A planned unit development (PUD) may include a combination of different dwelling types and/or a variety of land uses, which creatively complement each other and harmonize with existing and proposed land uses in the vicinity. In order to encourage creative development of the land, provide locations for well-planned comprehensive developments, and provide for variety in the development pattern of the city, which conforms, with the purposes of the comprehensive plan, the planning commission is empowered to approve planned unit development subdivisions.

A-3. Planned Unit Development subdivision requirements.

(1) It is the intent of this section that subdivision review under the subdivision regulations be carried out simultaneously with the review of a planned unit development plan under the zoning ordinance.

(2) The detail plans required in the zoning ordinance must be submitted in a form that will satisfy the requirements of this chapter for final plats.

(3) The final plat and PUD Standards Document must be in conformance with the approved detail plans before they may be approved by the planning commission. Approval and recording of the final plat and construction of an approved subdivision shall be in accordance with the applicable provisions of this chapter and terms and conditions of the PUD Standards Documents, including the General Land Use Plan, stormwater management plan, traffic control and access plan, signage plan, development design standards. This includes, but is not limited to, the types of façade, building material including the percent of masonry or stone, glazing, landscaping, building articulation and design, parks, parking, amenities, open space, wetland, tree

preservation, open space corridors, LEED and LID strategies, and Green Infrastructure use, density, redevelopment, and any other written terms and conditions necessary to meet the intent of the PUD which is Standards and Designs that exceed the quality of development that can be obtained in a standard zoning category.

(4) The planning commission may vary the specific requirements of this chapter if, on the basis of the PUD concept and detail plan and the evidence submitted, the planning commission makes the following findings:

a. That the proposed modifications to the requirements of this chapter for the planned unit development are in accord with the purposes of this chapter and **meets, or exceeds,** the objectives of the comprehensive plan;

b. That the proposed modification provides for a **superior** quality project design than can be obtained through the adopted zoning districts and design standards;

c. That the standards of population density, site area and dimensions, site coverage, yard spaces, heights of structures, distances between structures, usable open space, off-street parking and off-street loading facilities will be such that the development will not generate more traffic than the streets in the vicinity, can carry without congestion and will not overload the utilities or increase the volume of stormwater runoff and or diminish the quality of the stormwater runoff by increasing the pollutant load;

d. That the development is planned with adequate provisions for light, air, **stormwater management,** vehicular and pedestrian circulation, and recreational facilities **that exceed the minimum requirements of this chapter;**

e. That the combination of different dwelling types and/or the variety of land uses in the development will complement each other and will harmonize with existing and proposed land uses in the vicinity;

f. Financial reasons shall not be the sole reason for modification of standards.

PART TWO. Subsection F, Procedure, of Section 35, P.U.D., Planned Unit Development District, of the Zoning Ordinance of the City of Seguin is hereby amended as follows (underlining indicates added text, ~~striketrough~~ indicates deleted text):

F. Procedure:

1. Any proposed use in the Planned Unit Development District shall be based upon a General Land Use Plan (GLUP), and related PUD documents as described above in Section A-3, approved by the Planning & Zoning Commission. A complete application and site plan shall be submitted to the Planning Department at least fifteen (15) days prior to the public hearing and notice mailed to all parties affected within 200' of the site within the Seguin city limits.
2. All amendments to the GLUP, and related PUD documents, must be approved by the Planning & Zoning Commission and shall be submitted in the same manner as the original application.
3. The Building Official shall review every building permit application within the Planned Unit Development District for conformance with the GLUP and related documents.
4. An applicant making application for the approval of a General Land Use Plan shall accompany his application with a site plan consisting of the following:
 - (a) Existing topography of the property.
 - (b) Existing & proposed land uses and their location.
 - (c) Location of all streets, alleys, sidewalks, parking.
 - (d) Location of all proposed public uses, such as schools, parks, playgrounds, open spaces, landscaping.
 - (e) Drainage plan.
 - (f) Present ownership & any planned change in ownership.
 - (g) Schedule of development.
 - (h) All agreements, covenants & deed restrictions.
5. The Planning & Zoning Commission may, in the interest of the public welfare and to assure compliance with the intent of this ordinance, require such modifications as are deemed to be important to the welfare and protection of adjacent property and the community as a whole.
6. No building permit shall be issued on the land within the Planned Unit Development District until a ~~GLUP has been approved by the Planning & Zoning Commission~~ has approved all required documents.
7. Where applicable, all City of Seguin subdivision requirements shall be followed.
8. If no construction has commenced or no use established within one (1) year from the approval of the ~~GLUP PUD,~~ the PUD ~~GLUP~~ shall lapse and be of no further effect. Reapplication shall be the same as an original application.

PART THREE. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

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

PART FIVE. In accordance with Section 3.10 of the Seguin City Charter, this Ordinance shall become effective upon ten (10) days following passage on second reading and shall be published in a newspaper of general circulation.

PASSED AND APPROVED on first reading on the 20th day of May, 2014.

PASSED AND APPROVED on second reading on the 17th day of June 2014.

DON KEIL
Mayor

ATTEST:

Thalia Stautzenberger
City Secretary