

CITY OF SEGUIN

ORDINANCE NO. _____

STATE OF TEXAS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS AMENDING SECTION 2.7.5 VARIANCES (BOARD OF ADJUSTMENTS) - GENERAL PROCESS, SECTION 2.9.8.E SUBDIVISION VARIANCE REQUEST - GENERAL PROCESS, AND SECTION 3.6.2 LOT DIMENSIONAL AND DEVELOPMENT STANDARDS, NON-RESIDENTIAL DISTRICTS, OF THE SEGUIN UNIFIED DEVELOPMENT CODE AS DESCRIBED HEREIN; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; AND AUTHORIZING CITY STAFF TO PREPARE THIS ORDINANCE FOR SUBMISSION AS A SUPPLEMENT TO THE CODE OF ORDINANCES

WHEREAS, the Seguin City Council adopted the Unified Development Code (UDC) to encourage better planning and development throughout the city; and

WHEREAS, the City Council of the City of Seguin desires to promote the health, safety, morals and general welfare of the citizens of the city, by regulating the land uses within the Seguin City Limits and subdivision development within the Seguin City Limits and Extraterritorial Jurisdiction; and

WHEREAS, on August 9, 2016, after conducting a public hearing, the Planning and Zoning Commission voted to recommend to City Council that the amendments to the UDC as described herein be adopted.

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

PART ONE. Section 2.7.5, Variances (Board of Adjustments) - General Process, of the Unified Development Code is hereby amended as follows (underlining indicates added text, ~~strike through~~ indicates deleted text):

2.7.5 General Process

An application for a variance shall be submitted to the Planning Director for review. The applicant shall submit written findings of fact supporting the request for a variance. Staff shall review all variance requests and provide the Board of Adjustments with a staff analysis of the request. Written notice of all Board of Adjustments hearings on proposed ~~changes to the official zoning map~~ variances shall be sent to all owners of property located within two hundred (200) feet of the subject property seeking a ~~change in zoning~~ variance. 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 is based on County Appraisal District records.

PART TWO. Section 2.9.8, Subdivision Variance Request- General Process, of the Unified Development Code is hereby amended as follows (underlining indicates added text, ~~striketrough~~ indicates deleted text):

2.9.8.E General Process

An application for a variance shall be submitted to the Planning Director for review. The applicant shall submit written findings of fact supporting the request for a variance. Staff shall review all variance requests and provide the Planning and Zoning Commission with a staff analysis of the request. Written notice of all Planning and Zoning Commission hearings on proposed ~~changes to the official zoning map~~ variances shall be sent to all owners of property located within two hundred (200) feet of the subject property seeking a ~~change in zoning~~ variance. 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 is based on County Appraisal District records.

PART THREE Section 3.6.2, Standards- Non-residential Districts, of the Unified Development Code is hereby amended as follows (underlining indicates added text, ~~striketrough~~ indicates deleted text):

Section 3.6.2 Standards- Non-residential Districts

- Setbacks shall not apply to uncovered steps, uncovered balconies, uncovered porches, or roof eaves projecting not to exceed twenty-four (24") inches, and ordinary projections of window sills and other architectural features lying completely under the roof eave;
- ~~For accessory structures 200 square feet or larger the rear yard setback for a primary building shall apply;~~
- Edge of in ground or above ground pool or spa shall be at least 10 feet from primary structure and at least 5 feet from side and rear lot;
- See MHP and DHD zoning district sections for setback requirements.

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

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

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

PART SEVEN. 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 4th day of October, 2016.

PASSED AND APPROVED AND ADOPTED on the second reading this 18th day of October, 2016.

DON KEIL
Mayor

ATTEST:

Thalia Stautzenberger
City Secretary