

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEGUIN, AMENDING THE FOLLOWING SECTIONS OF THE SEGUIN UNIFIED DEVELOPMENT CODE (UDC) AS HEREIN DESCRIBED: SECTION 4.9.4 – GENERAL PROVISIONS TO THIS SECTION, SECTION 4.9.5.E – FEE-IN-LIEU OF PARKLAND DEDICATION AND PARK DEVELOPMENT, AND SECTION 4.9.8.B – CONVEYED PARKLAND; 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**, the Seguin City Council adopted the Unified Development Code (UDC) in order to encourage better planning and development throughout the city; and

**WHEREAS**, the Seguin City Council 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 March 14, 2017, after conducting a public hearing, the Planning and Zoning Commission voted to recommend to City Council that amendments to the Unified Development Code as described herein be adopted.

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

**PART ONE.** Section 4.9.4 – *General Provisions to this Section* is hereby amended by the addition of a new subsection D to read as follows (underlining indicates added text, ~~striketrough~~ indicates deleted text):

D. Park Development Agreement. When the requirements of this section are proposed to be met by floodplain property, private parkland, offsite conveyance/improvements, a combination of dedication and fee-in-lieu, phased compliance, or any other means described in this section other than parkland dedication via subdivision plat along with associated parkland improvements or fee-in-lieu of dedication or improvement, the City may require a park development agreement between the City and the applicant to outline terms of compliance. City Council shall consider park development agreements based on criteria for parks and parkland in this section and general health, safety, and welfare.

**PART TWO.** Section 4.9.5.E – Required Parkland Dedication or Contribution, of the Unified Development Code is hereby amended as follows (underlining indicates added text, ~~striketrough~~ indicates deleted text):

E. *Fee In-Lieu-Of Parkland Dedication and Park Development.* The City may, at its option, require a fee to satisfy the parkland dedication and park development required under the following circumstances:

1. When less than two acres of parkland is required to be conveyed.
2. When a replat or amending plat within the City limits is submitted with increased density.

3. When the City determines that the potential for that subdivision would be better served by expanding or improving an existing nearby park or constructing and/or improving a larger community or regional park suitable for several neighborhoods.
4. When the development is located in the ETJ.
5. When the density on an existing lot is being increased.
6. Any multifamily project.

**PART THREE.** Section 4.9.8.B – Conveyed Parkland, of the Unified Development Code is hereby amended as follows (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

B. *Conveyed Parkland.* Parkland conveyed to the City shall be improved as required by this paragraph with a recommendation of the Parks and Recreation Advisory Board to the Planning and Zoning Commission for approval. At a minimum, park improvements shall be of a value equivalent to the amount of the fee in-lieu-of park development, as described below. Construction receipts shall be submitted to the Director of Parks and Recreation, or designee, to ensure that the value of park improvements is equivalent to the amount of the fee in-lieu-of park development. The subdivider shall indicate the proposed parkland improvement(s), which shall be constructed in accordance with the Park Development Plan. Please refer to the UDC Technical Manual for requirements for a park development plan and associated specifications. ~~An improved park shall include some or all of the following per City specifications:~~

- ~~1. A playscape structure with a concrete edged rubberized or artificial turf fall safety surface area per industry standards.~~
- ~~2. Covered pavilion(s) with picnic table(s), grill(s), and decorative trash container(s).~~
- ~~3. Drinking fountain(s).~~
- ~~4. Park bench(s).~~
- ~~5. Walking trail(s).~~
- ~~6. Practice sports field(s) with irrigation such as soccer and baseball/softball with appropriate goal(s) and/or backstop(s).~~
- ~~7. Proper grading of the site, adding soil and soil amendments, and installation of Bermuda grass with irrigation.~~
- ~~8. Signage designating the area as parkland shall be installed in accordance with specifications provided by the Director of Parks and Recreation, or designee.~~
- ~~9. Ample overhead and/or bollard pedestrian lighting throughout the park to provide for a safe and secure environment.~~
- ~~10. Permanently constructed restroom facility built to City standards and the requirements of the American's with Disabilities Act (ADA).~~
- ~~11. On site paved and lighting parking, in compliance with the Technical Manual. The number of spaces shall be in conformance with the Off Street Parking Requirements of the Unified Development Code.~~

Should the subdivider/developer choose to dedicate and improve parkland to meet the requirements of this code a Park Development Plan must be submitted to the Director of Parks and Recreation, or designee, for review, with a recommendation by the Parks and Recreation Advisory Board to the Planning and Zoning Commission for approval. A complete list of requirements for a Park Development Plan can be found in the UDC Technical Manual.

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

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

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

**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 4<sup>th</sup> day of April, 2017.

**PASSED AND APPROVED AND ADOPTED** on the second reading this 18<sup>th</sup> day of April, 2017.

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DON KEIL  
Mayor

ATTEST:

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Naomi Manski  
City Secretary