

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS
AMENDING SECTION 4.8 OF THE SEGUIN UNIFIED DEVELOPMENT CODE, ROAD
ADEQUACY STANDARDS, AS DESCRIBED HEREIN; 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) to encourage better planning and development throughout the city; and

WHEREAS, the Seguin City Council desires to provide for the orderly, safe and healthful development of land located within the community; and

WHEREAS, the Seguin City Council desires to provide adequate circulation of traffic through the community, having particular regard to the avoidance of congestions on the streets and highways for proposed new developments, and providing for the proper location and width of streets; and

WHEREAS, on August 8, 2017, 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 4.8 Roadway Adequacy Standards is hereby amended as follows (underlining indicates added text, ~~striketrough~~ indicates deleted text):

Sec. 4.8. - Road adequacy standards.

4.8.1. *General.* New development must be supported by an adequate roadway network. It is necessary and desirable to obtain rights-of-way for off-site, abutting, and internal streets to support new development at the time of platting or development of the land. There must be a rough proportionality between the traffic impacts created by a new development and requirements placed on the property owner to dedicate and improve off-site and abutting street rights-of-way. The method for determining proportionality shall be identified in the Technical Manual. The City desires to assure both that development impacts are mitigated through contributions of street rights-of-way and improvements and that a development project contribute no more than its fair share of street costs.

4.8.2. *Boundary Street Improvements.*

A. *Applicability.* The developer's obligations concerning boundary streets are as follows:

1. For developments adjacent to minor streets and collector streets the developer shall be responsible for dedicating land for one-half of the required right-of-way of an adjacent minor street and/or collector street; and ~~pay for the improvements of~~ constructing improvements for one-half of the required width of adjacent minor street and/or collector streets, including curbs, gutters and storm drainage (if the applicable cross section requires curb and gutter). The City may allow ~~construction cash payment~~ in lieu of ~~cash payment construction~~ upon approval by the City Engineer.
2. For developments adjacent to major thoroughfare/arterials and larger streets the development shall be responsible for dedicating land for one-half of the required right-of-way (up to the developments proportional share of the right-of-way); and ~~pay for the improvements of~~ constructing the proportional share of the required street, including curb, gutter and storm drainage (if the applicable cross section requires curb and gutter). The City may allow ~~construction cash payment~~ in lieu of ~~cash payment construction~~ upon approval by the City Engineer.
3. When a roadway or other improvement listed in #1 or #2 above is included in the Capital Improvement Plan for Roadway Impact Fees, the developer may request offset or credits against capital recovery fees for roadways in accordance with the City's Code of Ordinances dealing with Capital Recovery Fees [102-364].

B. *Exemptions for Boundary Street Construction Payment and/or Construction.*

1. For developments adjacent to designated, state or federal roadways no financial contribution other than dedication of right-of-way is required.
2. Developments in the ETJ that create 4 lots or less.
3. Development in the ETJ which front on a street which is not identified on the Thoroughfare Plan.
4. Developments in the City that create 4 single-family lots or less and front on a street which has not been identified as a collector, major or minor thoroughfare (only applicable to streets already improved and accepted by the City).

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

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

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

PART SIX. 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 5th day of September, 2017.

PASSED AND APPROVED AND ADOPTED on the second reading this 12th day of September, 2017.

DON KEIL
Mayor

ATTEST:

Naomi Manski
City Secretary