

STATE OF TEXAS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS AMENDING THE SEGUIN CODE OF ORDINANCES APPENDIX C FEE SCHEDULE, APPENDIX A, UNIFIED DEVELOPMENT CODE, TO ADD A FEMA FLOODPLAIN RECOVERY FEE FOR THE DEVELOPMENT OF CERTAIN BENEFITING PROPERTIES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; DECLARING AN EFFECTIVE DATE; AND AUTHORIZING CITY STAFF TO SUBMIT THIS ORDINANCE AS A SUPPLEMENT TO THE SEGUIN CODE OF ORDINANCES

WHEREAS, in order to develop land along various creeks and tributaries existing within the City, a flood plain study is required; and

WHEREAS, a limited flood plain study is required to the construction and reconstruction of city roads that cross contributing flood plains; and

WHEREAS, it is more economically feasible to perform studies on larger sections of land making a single application to FEMA for a Letter of Map Revision ("LOMR"); and

WHEREAS, in the absence of a flood plain study a developer would be required to perform such a study and submit a LOMR to FEMA; and

WHEREAS, requiring a developer to pay a fee related to the costs expended by the City's FEMA flood plain study covering the developer's land is sound public policy.

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

SECTION ONE. The Seguin Code of Ordinances, Appendix C – Fee Schedule, Appendix A, Unified Development Code, Subsection (a), Subdivision, Zoning and Site Development Fees is amended by the addition of a new section 9 to read as follows:

9. Floodplain development fee.

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.

Notes:

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

Section 2. This Ordinance shall become effective 10 days after publication of this ordinance.

Section 3. If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portions of the Ordinance, which shall continue to have full force and effect.

Section 4. City Staff is hereby authorized to submit this Ordinance as a supplement to the Seguin Code of Ordinances.

PASSED UPON FIRST READING on January 17, 2018.

PASSED UPON SECOND READING on February 6, 2018.

DON KEIL, Mayor

ATTEST:

Naomi Manski, City Secretary