

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS AMENDING THE UNIFIED DEVELOPMENT CODE (UDC), SECTION 2.9.F – SUBDIVISION DEVELOPMENT, TIME FOR DECISION AND GENERAL PROCESS, AND SECTION 2.9.2 – SUBDIVISION DEVELOPMENT, FINAL SUBDIVISION PLAT; 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, subdivision development in Seguin is regulated by the Unified Development Code in order to promote sound planning in the subdivision of land; and

WHEREAS, Section 212 of the Texas Local Government Code requires that municipalities shall approve, approve with conditions, or disapprove a plat within 30 days after the date the plat is filed with the municipality; and

WHEREAS, minor deficiencies on Final Plats that do not require significant modifications to the layout of the subdivision can create delays under the current platting process; and

WHEREAS, the City of Seguin desires to create a conditional approval process in order to eliminate potential delays caused by minor deficiencies that are easily corrected without additional review by the Planning & Zoning Commission; and

WHEREAS, on January 12, 2021, after conducting a public hearing, the Planning and Zoning Commission voted to recommend to City Council that the amendments to Section 2.9 of the UDC as described herein be adopted.

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

PART ONE. Section 2.9.F – Subdivision Development, Time for Decision and General Process, of the Seguin Unified Development Code is hereby amended as follows (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

F. Time for Decision and General Process

Completeness Reviews:

All subdivision development studies, concept plans, and plats are subject to a completeness review in which City staff will verify that all required documents and information have been submitted in order to confirm that the application is ready to be filed for review by the City. Completeness reviews will be completed within 5 business days of receipt. The official filing date of the application is the date the completeness review is approved and the applications is accepted for review by the City of Seguin.

Development Studies:

Development studies are reviewed by staff and are administratively approved by the City Engineer and Planning Director. These reviews must be approved prior to submitting subdivision concept plans or subdivision plats. (*Development studies are not subject to Section 212.009 of the Texas Local Government Code.*)

Subdivision Concept Plans:

Concept Plans are required to be submitted, reviewed, and approved prior to submitting Subdivision Construction Plans. Subdivision Concept Plans are reviewed by staff and are administratively approved by the Planning Director and the City Engineer. Applicants can choose one of two submittal options:

- Submit in writing a waiver to Section 212.009 of the Texas Local Government Code to allow for time to address any outstanding issues that are not in compliance with the applicable regulations and development requirements. Multiple reviews will be allowed without disapproval and the applicant can re-submit without additional review fees.
- Forego a waiver to Section 212.009 of the Texas Local Government Code and staff will complete a 30-day review of the original filing. If the Concept Plan does not meet all applicable regulations and development requirements, the plan will be disapproved with written comments addressing specific reasons for disapproval. The applicant will be given one opportunity to address the comments by submitting a written response that remedies all comments on the disapproved plan. City staff will complete the review of the applicant's written response within 15 days. If the applicant's written response does not adequately address all comments, the Concept Plan will be disapproved, and the process will start over with a new application and new review fees.

Subdivision Construction Plans:

Construction Plans are required to be submitted, reviewed, and approved prior to submitting Final Plats. Subdivision Construction Plans are reviewed by staff and are administratively approved by the City Engineer. Applicants can choose one of two submittal options:

- Submit in writing a waiver to Section 212.009 of the Texas Local Government Code to allow for time to address any outstanding issues that are not in compliance with the applicable regulations and development requirements. Multiple reviews will be allowed without disapproval and the applicant can re-submit without additional review fees.
- Forego a waiver to Section 212.009 of the Texas Local Government Code and staff will complete a 30-day review of the original filing. If the Construction Plans do not meet all applicable regulations and development requirements, the plan will be disapproved with written comments addressing specific reasons for disapproval. The applicant will be given one opportunity to address the comments by submitting a written response that remedies all comments on the disapproved plan. City staff will complete the review of the applicant's written response within 15 days. If the applicant's written response does not adequately address all comments, the Construction Plans will be disapproved, and the process will start over with a new application and new review fees.

Administrative Plats (minor plats, minor re-plats, amending plats, and vacating plats): Administrative plats are reviewed by staff and are administratively approved by the Planning Director and the City Engineer. Following the completeness review staff will conduct a 30-day review of the plat. If the plat does not meet all applicable regulations and development requirements, it will be disapproved with written comments addressing specific reasons for disapproval. The applicant will be given one opportunity to address the comments by submitting a written response that remedies all comments on the disapproved plan. City staff will complete the review of the applicant's written response within 15 days. If the applicant's written response does not adequately address all comments, the plat will be disapproved, and the process will start over with a new application and new review fees.

Final Plats (including replats with more than four buildable lots):

Final plats are reviewed by staff for compliance but require approval from the Planning Commission within 30 days of the plat filing. Submittal dates in which the City will accept applications for Final Plats will be established no more than 30 days prior to the monthly Planning Commission meetings. Following the required completeness review staff will conduct a review of the plat.

The Commission will approve, approve with conditions, or disapprove the plat as follows:

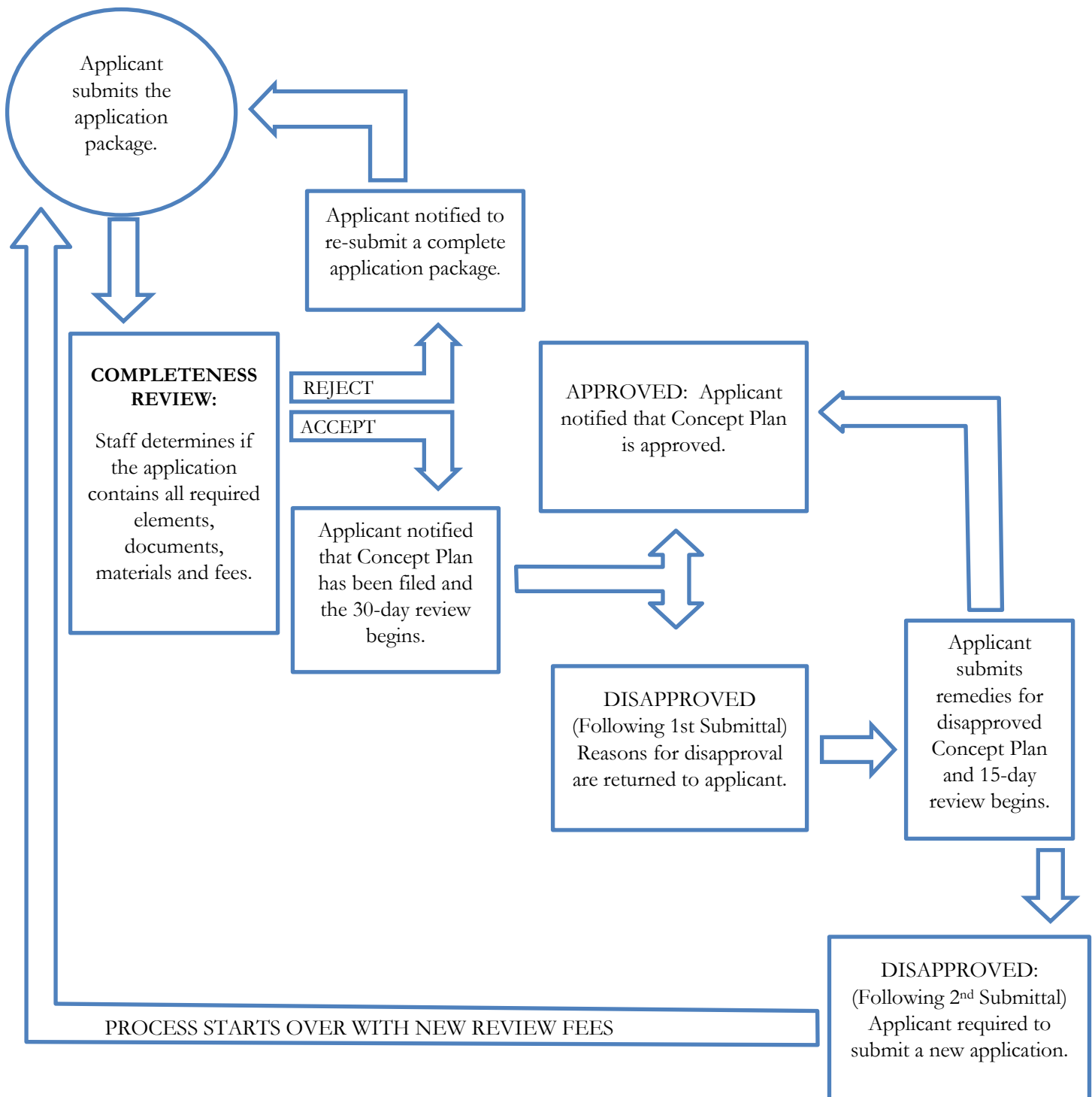
Approve: The Plat meets all of the requirements of the Unified Development Code, Technical Manual, and other applicable regulations and development requirements.

Approve with Conditions: The Plat has minor deficiencies that can be revised by the applicant and reviewed by staff without further review of the Planning Commission. Minor deficiencies include plat notes, easement locations, signature blocks, missing measurements, or any other deficiencies that the Planning Director or City Engineer determine can be fully corrected without additional review of the Commission.

Disapprove: If the plat does not meet all applicable regulations and development requirements and the deficiencies require significant modifications to the layout of the subdivision, staff will recommend to the Planning Commission that the plat be disapproved with written comments addressing specific reasons for disapproval. The applicant will be given one opportunity to address the comments by submitting a written response that remedies all comments on the disapproved plan. Re-submittal dates in which the City will accept written responses for disapproved Final Plats will be established no more than 15 days prior to the monthly Planning Commission meetings. If the applicant's written response does not adequately address all comments, staff will recommend that the plat be disapproved, and the process will start over with a new application and new review fees.

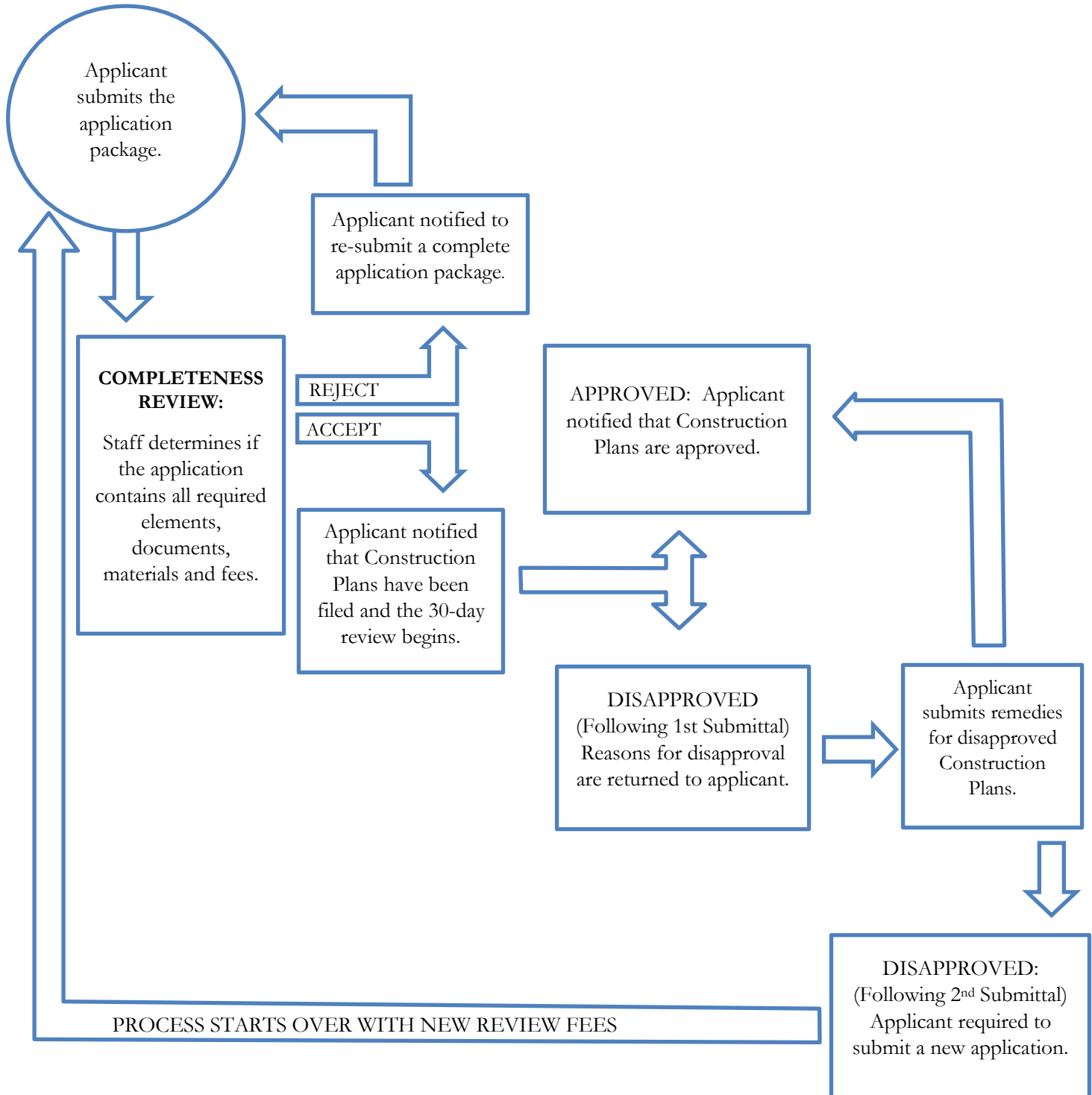
Subdivision Concept Plan: General Process

* If a wavier is signed, the documents can be resubmitted for review without disapproval until all comments are addressed and the Concept plan is approved.



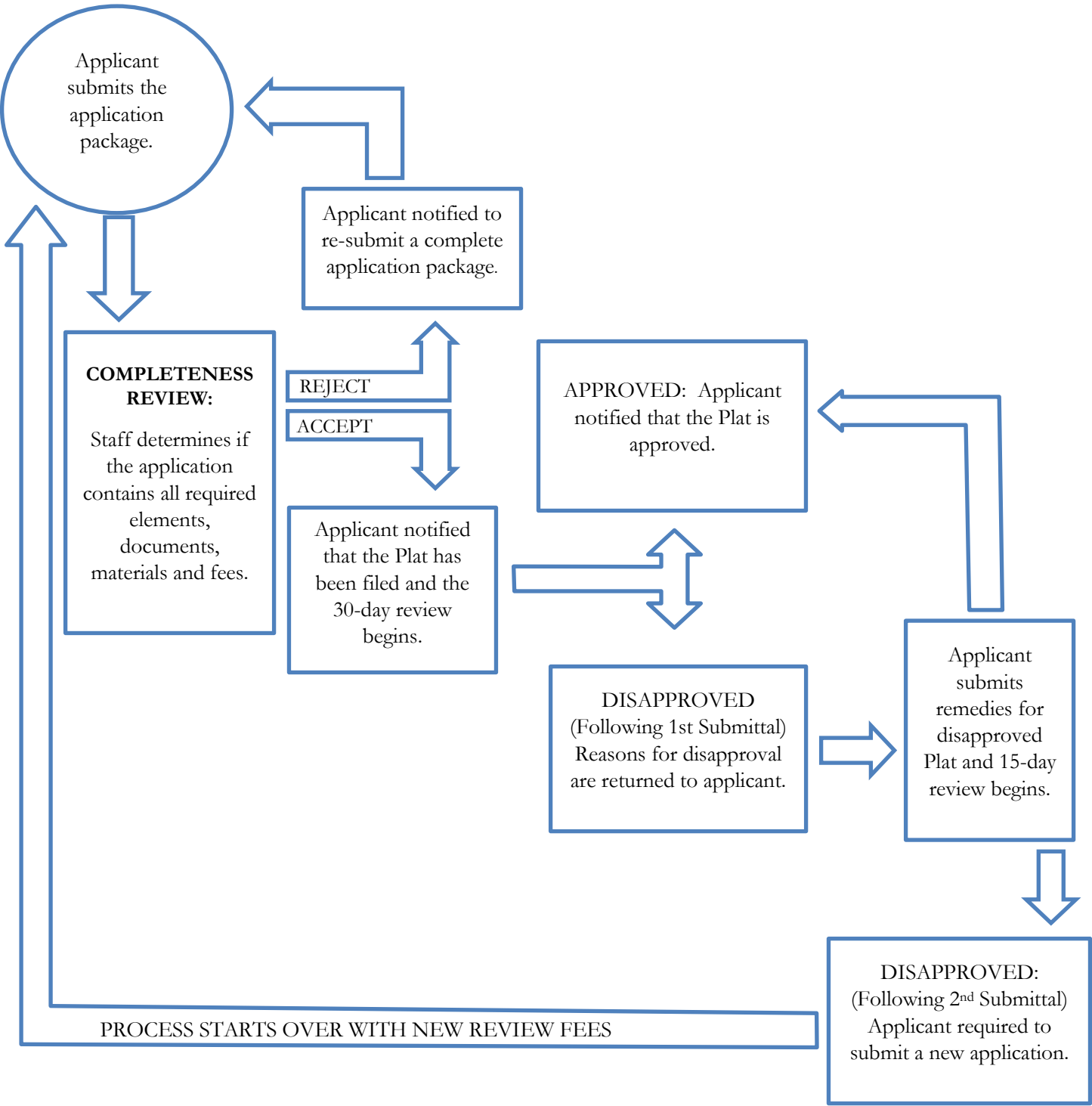
Subdivision Construction Plans: General Process

* If a wavier is signed, the documents can be resubmitted for review without disapproval until all comments are addressed and the Construction Plans are approved.



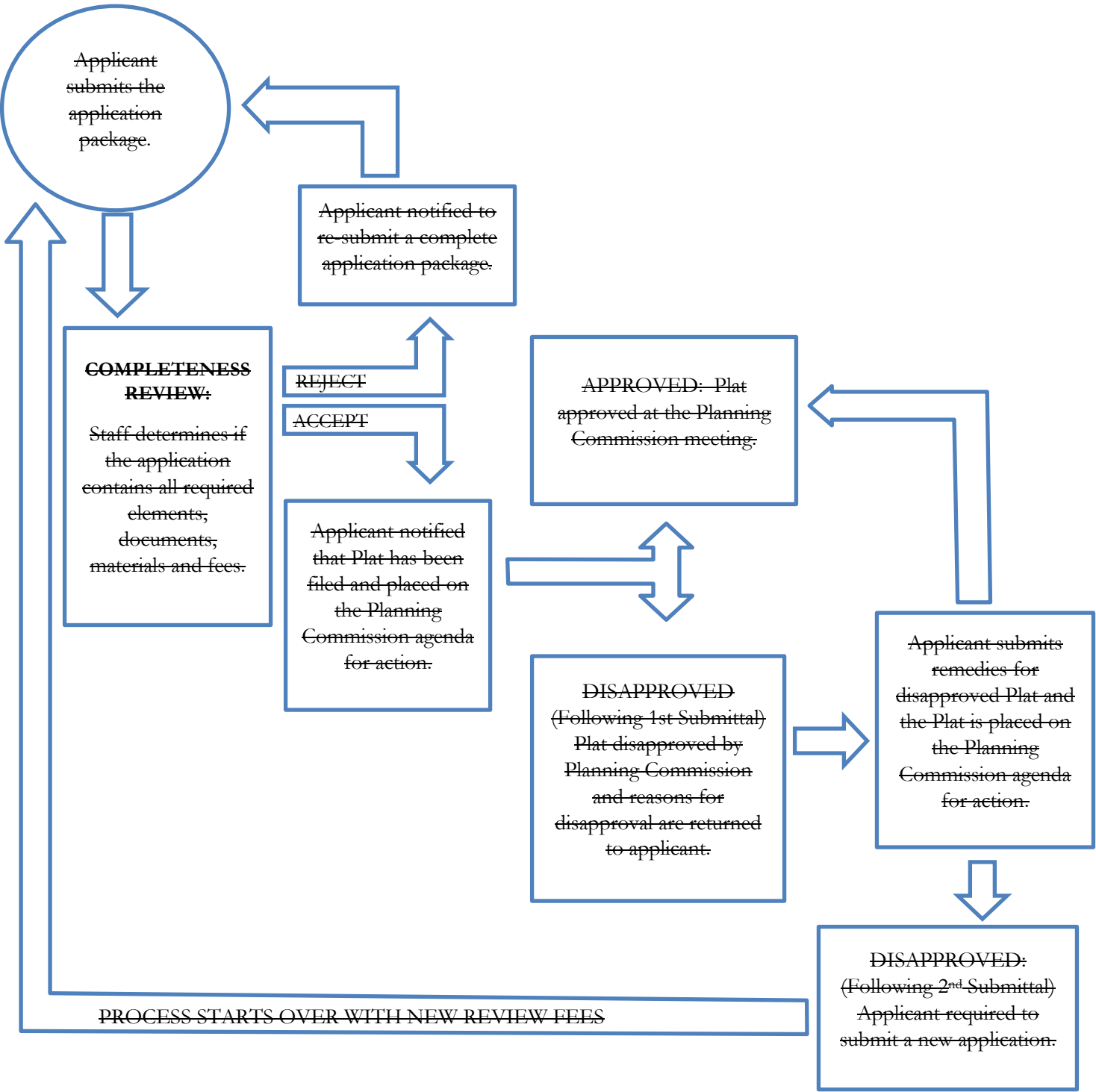
Administrative Plat: General Process

**Waiver prohibited by Section 212.0097 of the Texas Local Government Code*



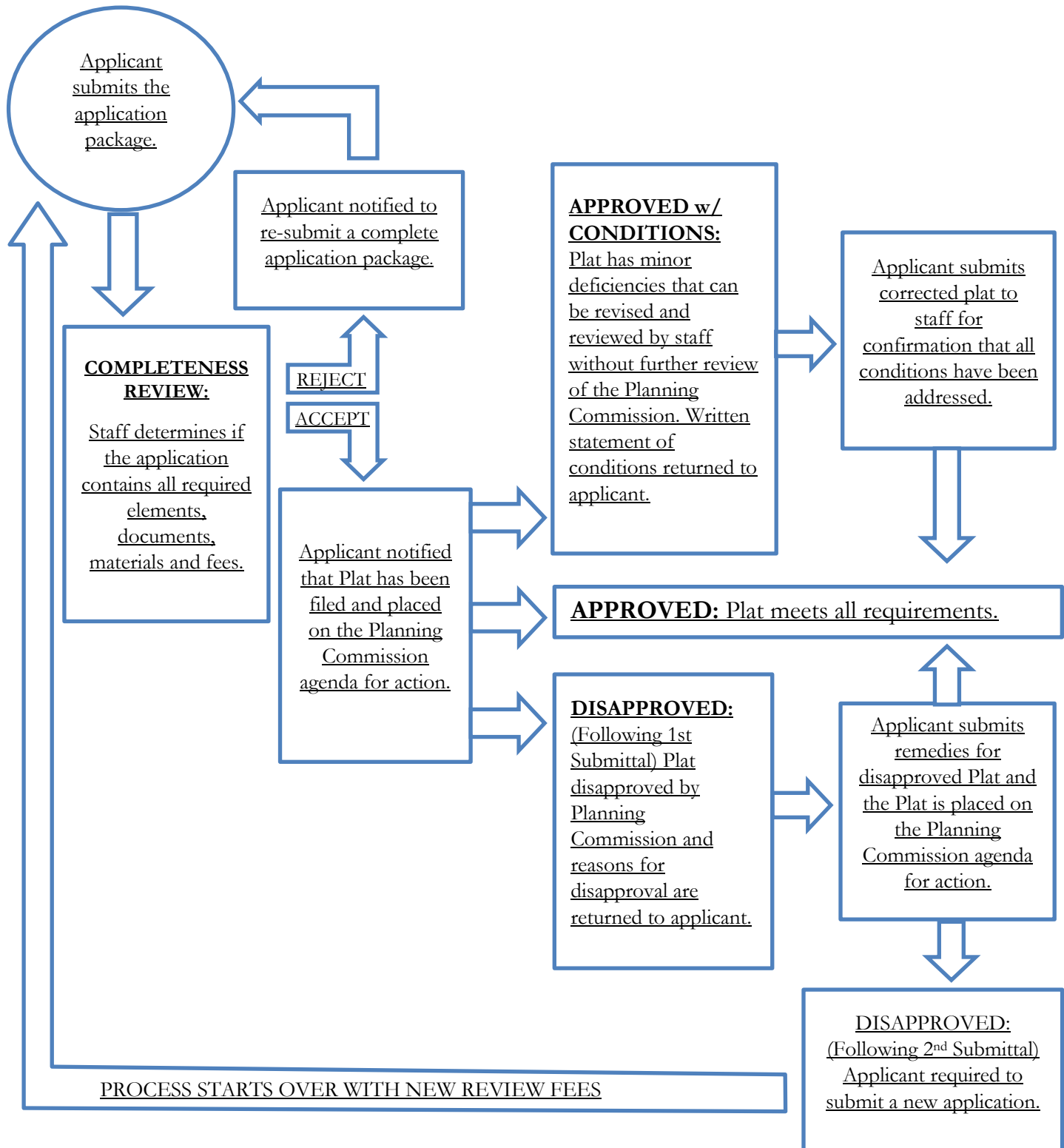
Final Plat: General Process

** Waiver prohibited by Section 212.0097 of the Texas Local Government Code*



Final Plat: General Process

* Waiver prohibited by Section 212.0097 of the Texas Local Government Code



PART TWO. Section 2.9.2 – Final Subdivision Plat, of the Seguin Unified Development Code is hereby amended as follows (underlining indicates added text, ~~striketrough~~ indicates deleted text):

Section 2.9.2 Final Subdivision Plat

A. Intent

A Final Plat is required to assure that the division or development of the land subject to the plat is consistent with all standards of this UDC, including but not limited to the following:

1. Adequacy of public facilities;
2. All other requirements and conditions have been satisfied or provided for to allow the plat to be recorded, and to assure that the subdivision meets all other standards of this UDC to enable initiation of site preparation activities for any lot or tract subject to the plat.

B. Applicability

Approval of a Final Plat shall be required prior to any non-exempt division of land and prior to any site development permit or building permit being issued for a development. Replats that qualify as final plats will follow the same review and approval process as final plats.

C. Criteria for Approval

The Planning and Zoning Commission, in considering final action on a Final Plat, should consider the following criteria:

1. The final plat shall conform to the approved Concept Plan as approved by the Planning Director and City Engineer; and
2. The final plat shall conform to all of the requirements outlined in the UDC and the technical manual.
3. The final layout of the subdivision or development meets all standards for adequacy of public facilities contained in this UDC and the construction plans required for the proposed subdivision plat have been approved by the City Engineer.

D. Process

1. **Application.** Applications for a final plat shall be made on forms provided by the City and must contain legal authorization by the property owner for the City to proceed with the request. Requirements for a complete application can be found in the technical manual and on the application.
2. **Staff Review.** The plat shall be reviewed by staff to identify deficiencies that do not meet the regulations adopted for subdivision development. Within 30 days of the plat filing date a letter recommending approval, approval with conditions, or disapproval ~~or approval~~ will be submitted to the Planning and Zoning Commission for formal action on the plat. If staff presents the Commission with a letter recommending approval with conditions or disapproval, the letter shall articulate the specific reasons and deficiencies for which a conditional approval or disapproval ~~are~~ is necessary.
3. **Action.** If the subdivision plat meets the requirements of this UDC and any applicable regulations, development requirements, or agreements (interlocal agreement applicable to ETJ properties and/or any development agreements applicable to the property) the Planning and Zoning Commission shall approve the plat request for a

period of two years from the date of the final approval. If the subdivision plat does not meet all of the requirements the Commission shall approve with conditions or disapprove the plat as directed in Section 2.9.F of the UDC.

4. **Subdivision Improvements.** Prior to recordation of a plat all subdivision improvements must be either constructed, accepted by the City Engineer and the appropriate maintenance bonds must be in place or fiscal posted for the required improvements. Please see section on subdivision construction plans.
5. **Extension.** The approval of a Final Subdivision Plat application shall remain in effect for a period of two years from the date the application was approved or approved with conditions by the Planning and Zoning Commission, during which period the applicant shall submit any required revisions for approval and make all other changes needed to record the plat. If the final Subdivision Plat has not been recorded within the two-year period, the final plat unless extended by the Planning and Zoning Commission, shall expire and the applicable plat shall be deemed null and void.

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

PART FOUR. 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 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 2nd day of February 2021.

PASSED AND APPROVED AND ADOPTED on the second reading this 23rd day of February 2021.

Donna Dodgen, Mayor

ATTEST:

Naomi Manski
City Secretary