CITY OF CIBOLO

UNIFIED DEVELOPMENT CODE

The City of Cibolo

Unified Development Code

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The

City of Cibolo
Unified Development Code

Adopted February 26, 2013

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1089……..February 25, 2014
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DEDICATION

This document is dedicated in the memory of Fritz Schlather and all of the other pioneering men, women and families that settled Cibolo and built the foundation on which we all stand here today. This document is also dedicated to each member of the UDC committee who devoted long and tireless hours to give the community the gift of their professional wisdom and common sense.

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ARTICLE 1. GENERAL PROVISIONS

Section 1.1 Short Title

Appendix A of the City of Cibolo Code of Ordinances shall be known and may be cited as the Unified Development Code of the City of Cibolo, Texas or simply as the Unified Development Code or the UDC.

Section 1.2 Purpose and Intent

This UDC is adopted to:

1. Protect, promote, improve and provide for the public health, safety and general welfare of the citizens of the City;
2. Ensure the safe, orderly and efficient development and expansion of the City in accordance with and pursuant to its Comprehensive Land Plan;
3. Conserve, develop, protect and utilize natural resources, in keeping with the public interest;
4. Prevent the overcrowding of land and avoid undue concentration or diffusion of population;
5. Protect and conserve the value of land throughout the City and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings;
6. Provide for open space;
7. Minimize pollution of air and water, assure the adequacy of drainage facilities, safeguard water resources and preserve the integrity and aesthetic quality of the community;
8. Lessen congestion in the streets and provide convenient, safe and efficient circulation for vehicular and pedestrian traffic and any other form of circulation; and
9. Facilitate the adequate and efficient provision of transportation, water, wastewater, schools, parks, public safety and recreational facilities, and other public facilities and services.

Section 1.3 Authority

The UDC is adopted pursuant to the powers granted to the City and subject to any limitations imposed by the constitution and other laws of the State of Texas and the City Charter.

Section 1.4 Jurisdiction

The provisions of the UDC apply to all property within the corporate limits of the City and generally to all land subject to its jurisdiction as conferred by State law.

A. Jurisdiction within City Limits

The City has the statutory authority to exercise a broad range of powers within its corporate boundaries and its extraterritorial jurisdiction. Many of those powers are specifically authorized by Chapters 211, 212, and 216 of Texas Local Government Code, as amended (LGC). Pursuant to such authority, all sections of the UDC shall apply to all areas within the City Limits of Cibolo. All structures, land uses, businesses, subdivisions, or property development constructed or commenced after the effective date of this UDC and all enlargements of, additions to, changes in, reductions to or relocations of existing structures, land uses, businesses, subdivisions, or property developments occurring after the effective date of this UDC are therefore subject thereto.

B. Jurisdiction within Extraterritorial Jurisdiction

The City extends to its extraterritorial jurisdiction (ETJ) the regulation of subdivisions and property development adopted under LGC Chapter 212. Unless otherwise authorized by State law, within its ETJ, the City may not regulate:

1. The use of any building or property for business, industrial, residential, or other purposes;
2. The bulk, height, or number of buildings constructed on a particular tract of land;
3. The size of a building that can be constructed on a particular tract of land, including without limitation any restriction on the ratio of building floor space to the land square footage;
4. The number of residential units that can be built per acre of land; or

5. The size, type, or method of construction of a water or wastewater facility that can be constructed to serve a developed tract of land if:

   a. The facility meets the minimum standards established for water or wastewater facilities by state and federal regulatory entities; and

   b. The developed tract of land is:

      i. Located in a county with a population of 2.8 million or more; and
      ii. Served by:

         (a) On-site septic systems constructed before September 1, 2001, that fail to provide adequate services; or
         (b) On-site water wells constructed before September 1, 2001, that fails to provide an adequate supply of safe drinking water.

Section 1.5 Consistency with Comprehensive Land Plan

This UDC is intended to implement the policies and objectives contained in the Comprehensive Land Plan and Master Thoroughfare Plan for the City and to affect the City's plan for provision of public facilities and service within the City limits and within the City's ETJ. Any application for development shall be consistent with the City's Comprehensive Land Plan, Future Land Use Map and Future Thoroughfare Plan, as each may be amended from time to time. The following General Land Use Policies have been used in the development of this UDC in order to ensure that land development within the City's jurisdictional area is in accordance with the City's Comprehensive Land Plan, Future Land Use Map and Future Thoroughfare Plan. These policies act as a guideline and should not be construed as development regulations.

A. Growth Management

1. New development should be compatible with existing development and community character.
2. New development should maintain the character, look and feel of the City.
3. New development should occur in a fiscally responsible manner for the City.

B. Environmental Protection

1. Development should preserve and protect waterways and floodplains.
2. Development should preserve and protect surface & ground water resources and active hydrologic areas.
3. Developers should cooperate with local governmental entities to ensure water quality.
4. Development should promote and encourage water conservation practices.
5. Development should preserve and protect air quality.
6. Development should seek public acquisition of open space or develop conservative development options for areas of environmental concern.
7. Agricultural and ranch lands should be priority areas for open space preservation.
8. Development should promote awareness and implementation of Best Management Practices (BMPs) for purposes of water quality and land conservation.
9. Development should preserve and protect unique species of wildlife habitat and shall employ appropriate measures to minimize disturbances to wildlife habitats on surrounding properties and properties that will be preserved for conservation or floodplain management purposes.

C. Housing

1. Development should provide housing alternatives for all income levels within the City's jurisdiction.
2. Development should encourage housing that is compatible with existing neighborhoods and land uses.
3. Development should promote cluster development when and where appropriate.

D. Economic Development

1. Development should promote economic development along I-35, I-10, FM 3009, FM 1103, FM 465, Loop 539, Main Street and other arterials identified by the Future Thoroughfare Plan.
2. Development should promote economic development consistent with other land use policies.
3. Development should promote quality development that is compatible with neighboring areas.

E. Historic Preservation

1. Development should preserve and enhance historic areas of the City's jurisdiction.
2. Development should preserve significant archaeological sites throughout the City's jurisdiction.
3. Development should use community history to promote tourism and economic development.

F. Parks and Recreation

1. Development should connect existing & future parks in accordance with the Park Master Plan.
2. Development should provide and preserve open space and parkland in new neighborhood.
3. Development should encourage maintenance and safety of parks and recreation resources.

G. Circulation

1. Development should improve access to major thoroughfares identified by the City.
2. Development should encourage streets and street network designs to be interconnected to provide ample, safe, and appropriately scaled access through and between neighborhoods and to commercial centers.
3. Development should provide safe and efficient vehicular connectivity.
4. Development should provide for safe and effective hike and bike trails.
5. Development should ensure that access is safely managed and integrated into land use and site designs.
6. Development should encourage adequate parking and layouts of parking to be provided for new commercial, office and retail development, provided that the parking fields do not deter ease of pedestrian access into and through new developments, and do not deter or detract from community character.
7. Development should provide for safe and ample pedestrian connectivity throughout new and/or existing developments, including schools, park sites, and commercial areas.

H. Urban Design

1. Development should encourage and provide incentives for blending of land uses and mixed-use development.
2. Development should utilize streetscape design criteria to encourage safe and desirable pedestrian access and community attractiveness.
3. Development should utilize appropriate building area and bulk regulations, configurations, project scales and architectural design for new developments within the community.
4. Signage should not detract from the visual integrity of the community.
5. Lighting associated with signage, buildings or area-wide development should not pose a safety or environmental concern, and should be addressed in an aesthetically pleasing manner, when possible and appropriate – particularly as it relates to the impact on existing or new residential development.

I. Civic and Public Spaces

1. Civic buildings and civic spaces should be given prominent sites.
2. School sites should be provided as new neighborhood developments are approved, so as to be within walking distance of a majority of the dwelling units in adjoining neighborhoods. This should be coordinated with the appropriate school district.

Section 1.6 Vested Rights "Issuance of Local Permits"

Property owners who have filed a completed application or have obtained approval of any project or permit prior to the effective date of this UDC shall be considered in compliance with LGC Chapter 245.

Section 1.7 Minimum Requirements

A. The provisions of this UDC shall be interpreted and applied as the minimum requirements for the promotion of public health, safety and general welfare.

B. Whenever the requirements of this UDC are in conflict with the requirements of any other lawfully adopted rules, regulations, codes, or ordinances, the requirement that is most restrictive or that imposes the higher standards, as determined by the City Manager or his/her designee shall apply.

C. The issuance of any permit, certificate or approval in accordance with the standards and requirements of this UDC shall not relieve the recipient of such permit, certificate or approval from the responsibility of complying with all other applicable requirements of any other municipality, county, special district, State or Federal agency having jurisdiction over the structures or land uses for which the permit, certificate or approval was issued.

Section 1.8 Effective Date

This UDC amends and restates the original Unified Development Code of the City, which had an effective date of February 26, 2013 (Ordinance 1048). This amended and restated UDC shall take effect upon adoption by the City Council, as reflected on the cover page hereof. Except as otherwise provided in this UDC, on the effective date and thereafter, this UDC shall supersede all prior development regulations governing the development of land within the City and its ETJ. All development applications and proposals filed on or after the effective date of this UDC, whether for new developments or amendments to plats and plans shall be required to meet the standards of this UDC and shall be processed in accordance with the procedures herein.

Section 1.9 Severability

All sections, paragraphs, sentences, clauses, and phrases of this UDC are severable, and if any such section, paragraph, sentence, clause or phrase is declared unconstitutional or otherwise invalid in any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not cause any remaining section, paragraph, sentence, clause, or phrase of this UDC to fail or become invalid.

Section 1.10 Violations and Penalties

A. The owner of a building or premises in or upon which a violation of any provision of this ordinance has been committed or shall exist, or the lessee or tenant of an entire building or entire premises in or upon which a violation has been committed or shall exist, or the agent, architect, building contractor, or any other person, firm or corporation who commits, takes part or assist in any violation, or who maintains any building or premises in or upon which such violation exists, shall, upon conviction, be fined not more than two-thousand dollars ($2000.00) per offense. Each day that such violation occurs continues as a separate offense.

B. If a building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or if a building, other structure, or land is used in violation of this ordinance, the appropriate City authority, in addition to other remedies, may institute appropriate action to:

1. Prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use;
2. Restrain, correct, or abate the violation;
3. Prevent the occupancy of the building, structure, or land; or
4. Prevent any illegal act, conduct, business, or use on or about the premises.

C. No person shall erect or construct or proceed with the erection or construction of any building or structure, nor add to, enlarge, move, improve, alter, repair, convert, extend or demolish any building or structure or cause the same to be done in any zoned district in the City of Cibolo without first applying for and obtaining a building permit.

D. All applications for such permits shall be in accordance with the requirements of this ordinance and building code for the City of Cibolo unless upon written order of the City Council acting as the Board of Adjustment; no such building permit or certificate of occupancy shall be issued for any building where such construction, addition, alteration or use thereof would be in violation of any of the provisions of this ordinance

E. No building permit or certificate of occupancy shall be issued except where the provisions of this ordinance have been complied with.

F. No oversight or dereliction on the part of any City Official or employee of the City shall legalize, authorize, or excuse the violation of any of the provisions of this ordinance.

G. In interpreting and applying the provisions of this UDC, they shall be held to the minimum requirements for the promotion of the public health, safety, and/or welfare of the public.

H. It is not intended by this ordinance to interfere with or annul any easement covenants or other agreements between parties, except if this ordinance imposes a greater restriction.

Section 1.11 Validity

The issuance or granting of a permit or approval of plans or plats, site or facility designs, or specifications shall not be construed to be a permit for, or an approval of, any violation of any provision of this UDC or any other City ordinance. No permit purporting to give authority to violate or cancel the provisions of this UDC shall be valid, except insofar as the work or use that it authorizes is lawful and conforms to the requirements of this UDC or a variance, exception, or modification granted pursuant to this UDC.

Section 1.12 Unified Development Code Definitions

The following words, terms and phrases, when used in this UDC, shall have the meanings ascribed to them in this UDC, except where the context clearly indicates a different meaning. Those terms not expressly defined in this Article are to be defined in accordance with the City of Cibolo UDC or other applicable Ordinances or the City of Cibolo Code of Ordinances or in the absence of ordinances in accordance with customary usage in municipal planning and engineering practices.

Accessory, Agricultural
Relating to the science or art of cultivating soil or producing crops to be used or consumed directly or indirectly by man or livestock.

Accessory Building
An enclosed structure on the same lot with a principal structure that is of a nature that is incidental and subordinate to the principal structure.

Accessory Living Quarters
An accessory building used solely as the temporary dwelling of guests of the occupants of the premises; such dwellings having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.

Accessory Residential Units, Commercial District
The residential occupancy of a portion of the principal use, not exceeding one-third of the gross floor area, and is owner-occupied. If intended to serve for security it may include a full kitchen and must comply with all building and fire codes.

Accessory Residential Units, Residential District
The residential occupancy of a portion of the principal use, not exceeding one-third of the gross floor area, and is owner-occupied. Commonly referred to as "mother-in-law flat", it may include a full kitchen and must comply with all building and fire codes. One additional off-street parking space is required.

Accessory Structure
An unenclosed structure on the same lot with a principal structure that is incidental and subordinate to the principal structure. Patios, decks, pergolas, trellises, and swimming pools are examples.

Accessory Use
A use that is incidental and subordinate to that of the principal use of a building or land and that is located on the same lot and under the same ownership in all respects.

Acreage, Gross
Refers to the total acreage of a site development, land study or subdivision.

Acreage, Net
Total acreage of a subdivision less recreation areas and those areas dedicated to public use such as street and alley rights-of-way.

Administrative and Business Offices
Offices, firms or organizations that provide executive, management or administrative services. Typical uses include administrative offices and services; including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, photocopy and reproduction, and business offices or public utilities, organizations and associations, or other use classifications when the service rendered is that customarily associated with administrative office services.

Administrative Officers
Refers to *a*ny officer of the City referred to in this UDC by title, including but not limited to the City Planner, Director of Planning and Development Services, City Engineer, Building Official, City Secretary, Police Chief, Fire Chief, Fire Marshal, and City Manager, or his or her duly authorized representative. This definition also includes engineering, planning, legal, finance, or any consultants retained by the City.

Administrative Services
Offices, administrative, clerical or public contact services that deal directly with the citizens, together with incidental storage and maintenance of necessary vehicles, such as federal, state, county, and city offices.

Adult/Community Group Home
A dwelling unit for sixteen (16) or fewer people in which food, shelter, and minor medical treatment under the direction and supervision of a physician, or services which meet some need beyond boarding or lodging are provided to residents of that dwelling unit, but not including care provided to any family member residing with his family in a one-family dwelling. Residents of an Adult Group Home depend on staff to provide various degrees of assistance in everyday living, but are not considered dangerous to themselves or others and require only occasional or temporary services by professional medical or nursing personnel which are provided through individual arrangement with each resident, per UDC Article 6.

Advisory Body
Refers to any Commission, Board, Committee or other group of persons appointed by City Council for any purpose to provide recommendations and direction on any matter that pertains to the City of Cibolo.

Agricultural
The use of land for the production and primary processing of food and fibers for sale, including cultivating, dairying, horticulture, pasturing, floriculture, silviculture, viticulture, animal and poultry husbandry, and such incidental accessory facilities as greenhouses and nurseries, provided that the operation of such accessory facilities shall be clearly secondary to normal agricultural activities. Agriculture includes, but is not limited to, the related activities of tillage, fertilization, pest control, harvesting, and marketing. It also includes, but is not limited to, the activities of feeding, housing, and maintaining of animals such as cattle, dairy cows, sheep, goats, hogs, horses, and poultry and handling their by-products. Establishments primarily engaged in supplying equipment, pesticides, landscaping, food processing and warehousing on a commercial or industrial scale; shall not be considered to be an agricultural use.

Agricultural Sales and Services
Establishments or places of business engaged in sale (from the premises) of feed, grain, fertilizers, pesticides and similar goods or in the provision of agricultural related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, feed and grain stores and tree service firms.

Alley
A minor public right-of-way not intended to serve as the primary access to lots; but rather as a secondary means of vehicular service access to the back or sides of properties that abut a street.

Alteration
Any change, addition or modification in construction.

Amended or Amending Plat
A revised plat correcting errors or making minor changes to a recorded plat.

Amendment
A change in the wording, context, or substance of this ordinance, or a change to zoning district boundary of the Cibolo Zoning Map, which map is incorporated in this UDC by reference.

Amenity
An improvement to be dedicated to the public or to the common ownership of the lot owners of the subdivision and providing aesthetic, recreational or other benefits.

Amenity Center
A private facility associated with a specific development that provides social gathering areas, recreational facilities, or other types of common space for the exclusive benefit of residents of the development.

Amusement Center
An establishment offering five (5) or more amusement devices, including, but not limited to, coin-operated electronic games, table games & similar recreational diversions in an enclosed building.

Apartment Residential
The use of a site for three (3) or more dwelling units, within one (1) or more buildings.

Applicant
A person or entity who submits an application for an approval required by this ordinance, who sometime may also be referred to as “developer”, “subdivider”, or other similar term.

Application
A written request, on forms provided by the City, for an approval required by this UDC.

Artisan Sales
The sale of hand-crafted wares such as pottery, jewelry, art, and similar products of craftsmanship.

Assembly, Large scale
Religious, cultural or fraternal activity that is conducted primarily within an enclosed facility of 10,000 square foot or grosser floor area.

Automobile Dealership
Includes new and used car, pick-up truck and motorcycle sales/display and associated maintenance facilities.

Automotive Rentals
Rental of automobiles, noncommercial trucks, trailers and recreational vehicles, including incidental parking and servicing of vehicles available for rent or lease. Typical uses include auto rental agencies, trailer rental agencies and taxi cab parking and dispatching.

Automotive Repair, Major
An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and similar large mechanical equipment, including paint, body and fender, and major engine and engine part overhaul, which may require the outdoor storage of wrecked or damaged vehicles or the repair of trucks and large scale equipment, such as trailers.

Automotive Repair, Minor
An establishment primarily engaged in the repair, maintenance or washing of automobiles and pick-up trucks and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups, washing and transmission work, which is conducted within a completely enclosed building.

Automotive Sales & Rentals
Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance and servicing. Typical uses include new and used car dealerships, motorcycle dealerships and boat, trailer and recreational vehicle dealerships.

Automotive service station
That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles. Accessory activities shall be permitted to include an automatic car wash and convenience food and beverage sales. Refer to Article 6 of this UDC for additional requirements.

Automotive washing
Refers to establishments where the primary use is the washing, cleaning and detailing of automobiles and related light equipment. Typical uses include auto laundries or car washes.

Aviation Facilities
Landing fields, aircraft parking service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security.

Bar
A use engaged in the preparation and retail sales of alcohol beverages for consumption on the premises, including taverns, cocktail lounges and similar uses.

Base Flood
Refers to a flood that has a one percent (1%) chance of being equaled or exceeded in any given year, as determined by the Federal Emergency Management Agency on a Flood Insurance Rate Map.

Basement
Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

Basic Industry
A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials or a use utilizing flammable explosive or commonly recognized offensive conditions or materials.

Billboard
A structure for the purpose of leasing advertising space to promote an interest other than that of an individual, business, product or service available on the premises on which the billboard is located.

Block
A tract of land bounded by streets or a combination of streets, public parks or corporate boundaries.

Block Length or Street Length
Refers to distances measured along the centerline of the street from the intersecting center point of one through street to the intersecting center point of another street, or to the midpoint of a cul-de-sac. The through street

referred to above shall not be a cul-de-sac, a dead-end street, or a looped street, but shall be a street which clearly has points of ingress from two different directions.

Boarding House
A dwelling containing a single dwelling unit and not more than 10 (ten) guest rooms or suites of rooms, where lodging is provided with or without meals, for compensation for more than 1 week.

Buffering
The installation of walls, fences berms and/or planting of trees and/or shrubs designed to minimize the transmission of unwanted noise, light, vibration, dust, traffic or activity from one property to adjoining public or private properties.

Building
Any structure used or intended for supporting or sheltering any use or occupancy.

Building Code
Refers to all current building, fire and accessibility codes adopted by the City of Cibolo.

Building Coverage
All areas covered by principal and accessory buildings or roofed areas, as measured along the outside wall at ground level, and including all projections other than open porches, canopies and the first two feet of a roof overhang.

Building Height
The vertical distance above the average existing grade measured to the highest point of the building. The height of a stepped or terraced building shall be the maximum height of any segment of the building.

Building Line
The perimeter of that portion of a building or structure nearest a property line, but excluding open steps, terraces, cornices and other ornamental features projecting from the walls of the building or structure.

Building Lot
A tract of land which, at the time of filing for a building permit, is intended by its owner or developer to be used, developed, or built upon as a unit, under single ownership or control, fronting on a dedicated street.

Building Maintenance Services
Establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance or window cleaning services.

Building, Commercial/Recreation
Any building designed for or occupied by, bowling alleys, health clubs, swimming pools, ice skating, billiards or like uses.

Building, Detached
A building or structure that is surrounded by open yards or open space.

Building, Primary
A building or structure where the principal use of a site is conducted.

Building Setback Line
Refers to a boundary governing the placement of buildings, structures or accessory buildings relative to property lines.

Building, Temporary
A building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction.

Business & Financial Services
An establishment intended for the conduct or service or administration by a commercial enterprise, or offices for the conduct of professional or business service.

Business Day
Refers to Monday through Friday, excluding an official city, state or federal holiday.

Business Support Services
Establishments or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, excluding automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms.

Business or Trade school
A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university or public or private educational facility.

Campground
Facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks.

Canopy
A roofed structure constructed of fabric or other material supported by the building or by support extending to the ground directly under the canopy placed so as to extend outward from the building providing a protective shield for doors, windows and other openings.

Capital Improvements Program (CIP)
The official schedule of all future public projects listed together with cost estimates and the anticipated means of financing each project, as adopted by City Council.

Cemetery Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Change of Use
Any alteration in the primary use of a lot for zoning purposes that may entail the need for additional parking or loading facilities.

City
The City of Cibolo, Texas.

City Attorney
Refers to only such attorney, or firm of attorneys, that has been specifically employed by the City to represent the City in legal matters and offer legal opinions to the City.

City Council or "Council"
The duly elected governing body of the City of Cibolo, Texas.

City Engineer
Refers to the only such engineer, or firm of engineers, that has been specifically employed by the City to represent assist in engineering matters and to offer engineering recommendations to the City.

City Manager
Refers to the City Manager of the City of Cibolo, or his/her designee, as appointed by City Council.

City Planner
Refers to the duly authorized employee or representative of the City who administrates all requirements of this UDC, providing planning function for the City and who is charged with implementing the platting, zoning and other growth related ordinances of the City of Cibolo.

City Standards
Refers to the City of Cibolo Design and Construction Standards and specifications, together with all tables, drawings and other attachments as may be approved by the City Council, and those standards, adopted by reference as a part of this UDC.

Clinic
An establishment or offices in which a group of physicians, dentists, or other practitioners of the healing arts, and allied professional assistants are associated for the purpose of diagnosing and treatment of ill or injured persons on an outpatient basis only. A clinic may include a medical or dental laboratory, but may not include facilities for providing room or board for patients, nor may a clinic include offices or facilities for veterinarians.

Club or Lodge
A use providing meeting, recreational, or social facilities for a private or non-profit association, primarily for use by members and guests. Typical uses include private social clubs and fraternal organizations. An association of persons for the promotion of a non-profit common objective, such as literature, science, politics, good fellowship and similar objectives which meets periodically and which is limited to members.

Cluster Housing
Any dwellings arranged according to an approved site plan in a configuration which may depart from the conventional zoning district lot or yard requirements. A cluster housing development shall be considered a single-use occupying a single lot for zoning purposes.

College and University Facilities
An academic institution of higher learning accredited or recognized by the state and offering a program or series of programs of academic study. This category shall also include technical institutions offering associate degrees and similar professional credentials.

Commercial, Heavy
An establishment or business that generally uses open sales yards, outside equipment storage or outside activities that generate noise or other impacts considered incompatible with less-intense uses. Typical businesses in this definition are lumberyards, construction specialty services, heavy equipment suppliers or building contractors.

Commercial, Light
An establishment or businesses that generally have retail or wholesale sales, office uses, or services, conducted completely indoors and do not generate noise or other impacts considered incompatible with less-intense uses.

Commercial, Recreation
Any building designed for or occupied by, bowling alleys, health clubs, swimming pools, ice skating, billiards, or similar uses.

Commercial Center, Community
A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A community commercial center shall provide for the sale of general merchandise, and may include a variety store, discount store or supermarket.

Commercial Center, Convenience
A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services.

Commercial Center, Neighborhood
A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services

Commercial Center, Regional
A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services.

Commercial Off-Street Parking
Parking of motor vehicles on a temporary basis within a privately owned off-street parking facility, other than accessory to a principal use. Typical uses include commercial parking lots or parking garages.

Commercial Retail Sales and Services
Establishments that engage in the sale of general retail goods and accessory services. Businesses within this definition include those that conduct sales and storage entirely within an enclosed structure (with the exception of occasional outdoor sidewalk" promotions); businesses specializing in the sale of either general merchandise or convenience goods.

Commission
The Planning and Zoning Commission of the City of Cibolo, Texas.

Communications Services
Establishments primarily engaged in the provision of broadcasting and other information relay service accomplished through the use of electronic and telephonic mechanisms but excludes those classified as major utility facilities. Typical uses include television studios, telecommunication service centers or telegraph service offices.

Community Hall
A building and related grounds used for social, civic, or recreational purposes and owned and operated by a nonprofit group serving the area in which it is located and open to the general public on equal basis.

Community Swimming Pool
An outdoor or indoor pool owned jointly by two (2) or more property owners, designed to be used by residents of a subdivision or community, and not operated for a profit. A community swimming pool shall not include an individual's private pool, a semi-public pool, a pubic pool, or a pool operated for a profit.

Community Treatment Facility
Any dwelling or place licensed, certified or authorized by state, federal or local authorities as a residence and treatment facility for children or adults with mental disabilities, alcoholism or drug abuse problems needing a supervised living arrangement and rehabilitation services on a short-term or long-term basis. This definition does not include detoxification centers, but would allow alcohol and/or drug abuse treatment facilities and adult treatment facilities.

Community Recreation
A non-profit recreational facility for use by residents and guests of a particular residential development or limited residential neighborhood, including both indoor and outdoor facilities.

Community Residential Facility
Any dwelling licensed, certified or authorized by state, federal or local authorities as a residence for children or adults with physical, developmental or mental disabilities, dependent children or elderly individuals in need of supervision, support and/or independent living training. May include specialized group home for the developmentally disabled, group care for children or a boarding home.

Comprehensive Plan
Refers to the Comprehensive Plan of the City of Cibolo and includes any unit or a part of such unit separately adopted and any amendment to such plan or parts thereof, such as the Future Thoroughfare Plan, Future Land Use Map and Master Park Plan.

Concrete/Asphalt Batching Plant
Implies a temporary, short term use, until a particular construction project or projects are completed. City Council may stipulate a condition of time to allow this temporary use and may decide to renew the CUP for a specific term.

Conditional Use
A use or occupancy of a structure, or a use of land, permitted only upon issuance of a conditional use permit and subject to stated conditions required to make the use compatible with other uses permitted in the same zone or vicinity.

Condominium
A form of real property with portions of the real property designated for separate ownership or occupancy, and the remainder of the real property designated for common ownership or occupancy solely by the owners of the portions. Real property is a condominium only if one or more of the common elements are directly owned in undivided interests by the unit owners. Real property is not a condominium if all of the common elements are owned by a legal entity separate from the unit owners, such as a corporation, even if the separate legal entity is owned by the unit owners.

Condominium Residential
A single-dwelling unit in a multi-unit dwelling or structure that is separately owned and may be combined with an undivided interest in the common areas and facilities of the property.

Construction Plans
Technical drawings and specifications, including bid documents and contract conditions, where applicable, providing a graphic and written description of the character and scope of the work to be performed in construction of a subdivision.

Construction Sales and Services
Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale sale, from the premises, of materials used in the construction of buildings to other structures other than retail sale of paint, fixtures and hardware excluding those classified as one of the automotive and equipment services use types. Typical uses included building materials stores, tool and equipment rental or sales or building contractors.

Consumer Repair Services
Establishments primarily engaged in the provision or repair services to individuals and households rather than firms, but excluding automotive and equipment use types. Typical uses included appliance repair shops, watch or jewelry repair or musical instrument repair firms. All incidental storage shall be enclosed.

Contiguous Lots
Lots that have at least one boundary line or point of one lot touches a boundary line, or lines, or point of another lot are considered to be contiguous.

Convalescent Services
A use providing bed care and in-patient services for persons requiring regular medical attention, but excluding a facility providing surgical or emergency medical services, and excluding a facility providing care for alcoholism, drug addition, mental disease, or communicable disease.

County
Guadalupe County, Texas.

Court
A space, open and unobstructed to the sky, located at or above grade level on a lot.

Court, Inner
A court entirely surrounded by the exterior walls of a building.

Court, Outer
A court that has one side open to a street, alley, yard or other permanent open space.

Cul-de-Sac
A short, minor street that terminates on the opposite end with a vehicular turnaround.

Cultural Services
A library, museum, art gallery, or similar non-profit use affording display, preservation and exhibition of objects of permanent interest in one (1) or more of the arts and sciences.

Custom Manufacturing
Establishments primarily engaged in the on-site, indoor production and storage of goods by hand manufacturing which involves only the use of hand tools or mechanical equipment not exceeding two (2) horsepower or a single kiln not exceeding eight (8) kilowatts. Basic industrial processing activities are excluded.

Day(s)
Applies to all calendar days unless otherwise specified.

Day care services (Residentially Based; Family/Group)
A facility, or use of a building or portion thereof, for daytime care of six (6) or fewer individuals. This term includes nursery school, pre-schools, day care centers for children or adults, and similar uses. Refer to Article 6 of this UDC for additional requirements.

Day care services (Group)
Group Day Care homes provide regular care for between five (5) & twelve (12) adults or children for less than 24 hours a day. This shall include nurseries, preschools & adult care facilities. Refer to Article 6 of this UDC for additional requirements.

Day care services (General Commercial).
A facility or use of a dwelling unit or portion thereof for daytime care of seven (7) or more individuals. This term includes nursery school, pre-schools, day care centers for children or adults and similar uses. Refer to Article 6 of this UDC for additional requirements.

Dead-End Street
A street, other than a cul-de-sac, with only one outlet.

Dedication
A conveyance or donation of property by the owner to the City, Guadalupe County, Texas Department of Transportation, or any other public or private utility provider or other entity within the jurisdiction.

Density
The amount of land per dwelling unit excluding the area for roads, parks, churches and schools, common open space, public/private capital facilities, and dedicated public lands, and any other nonresidential use except tax-exempt open space.

Depth of Rear Yard
The horizontal distance between the rear line of the main building and the rear lot line.

Detention Facilities
A publicly operated use providing housing and care for individuals confined by law, as defined by Section 1.07 of the Texas Penal Code.

Developer
An individual, partnership, corporation, or governmental entity undertaking the subdivision or improvement of land and other activities covered by this UDC, including the preparation of a subdivision or development plat showing the layout of the land and the public improvements involved therein. The term "developer" is intended to include the term "subdivider" even though personnel in successive stages of a project may vary.

Development
The construction of one or more new buildings or structures on one or more building lots, the moving of an existing building to another lot, or the use of open land for a new use. "To develop" shall mean to create development.

Development Agreement
A contract entered into by the applicant and the City, by which the applicant promises to complete the required public improvements or perform other required obligations within the subdivision or addition within a specified time period following final plat approval. A Development Agreement may be used to deal with current and future platting issues for a proposed project or in conjunction with annexation.

Development Application
See "Application" definition.

District
Any section of the City of Cibolo for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

Driveway
A private access road, the use of that is limited to persons residing, employed, or otherwise using or visiting the parcel in which it is located.

Dry Cleaning Plant
A large scale establishment primarily engaged in the large scale industrial scale cleaning of textiles and garments in large revolving washers where they are washed with the cleansing fluid and special soaps, rinsed with pure cleansing fluid, and then spun to remove most of the fluid. They are then dried with warm air in a tumbler where cleansing fluids are reclaimed and used again.

Duplex residential
The use of a site for two (2) dwelling units within a single building.

Dwelling
A building or portion thereof, designed exclusively for residential occupancy, including one-family, two-family, and multifamily dwellings, but not including boarding and lodging houses, apartment hotels, hotels, tourist courts and motels.

Dwelling unit
One (1) or more rooms in a dwelling, designed, occupied or intended for occupancy as separate living quarters, with an individual entrance, cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of 1 (one) family maintaining a household.

Dwelling, Multi-Family (Low Income)
A multi-family dwelling designed and constructed primarily serve persons of low income as defined by the U. S. Census Bureau.

Dwelling, Multi-Family
A building designed for occupancy by three (3) or more families living independently of each other within three (3) or more dwelling units.

Dwelling, Multiple Units
A building or portion thereof designed for occupancy by three or more families living independently in which they may or may not share common entrances and/or other spaces. Individual dwelling units may be owned as condominiums, or offered for rent.

Dwelling, Single Family
A detached dwelling unit with kitchen and sleeping facilities, designed for occupancy by 1 (one) family.

Dwelling, Two-Family
A building designed for or occupied exclusively by two (2) families.

Easement
An area for restricted use on private property upon which the City or a utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs and other improvements or growths which in any

way endanger or interfere with the construction, maintenance or efficiency of its respective systems in said easements.

Eating and drinking places
A retail establishment primarily engaged in the sale of food and drinks for consumption on the premises.

Educational Facilities
A public, private or parochial school offering instruction at the junior and senior high school levels in the branches of learning and study required to be taught in a public school of the State of Texas.

Engineer
A professional duly authorized under the provisions of the Texas Engineering Registration Act, as amended, to practice the profession of engineering.

Equipment Repair Services
Repair of trucks, tractors, construction equipment, agricultural implements and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services and machine shops, but exclude dismantling or salvage.

Equipment Sales
Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, similar heavy equipment, including incidental storage, maintenance and servicing. Typical uses include truck dealerships, construction equipment dealerships and mobile home sales establishments.

Escrow
A deposit of cash with the City in accordance with this UDC.

Extraterritorial Jurisdiction (ETJ)
The unincorporated area, not a part of any other City, which is contiguous to the corporate limits of the City of Cibolo, the outer limits of which are measured from the extremities of the corporate limits of the City outward for a distance stipulated in the Texas Local Government Code Chapter 42.021 as may be amended from time to time in accordance with the total population of the incorporated City, and in which area, within the terms of the act, the City may enjoin the violation of this UDC.

Face of Building, Primary
A façade of a building facing a public street or right-of-way, excluding any appurtenances such as projecting fins, columns, pilasters, canopies, marquees, showcases or decorations.

Farmers Market
Places of business primarily engaged in the retail sale of farm grown food. Use is allowed on a day to day or part time basis with the permission of the property owner on whose property the sales will be conducted.

Farm Animals
Animals other than household pets that shall be permitted to, where permitted, be kept and maintained for commercial production & sale and/or family food production, education or recreation. Farm animals are identified by these categories: large animals, e.g., horses & cattle; medium animals, e.g., sheep & goats; or small animals, e.g., rabbits, chinchillas, chickens, turkeys, pheasants, geese, ducks and pigeons.

Final Plat
The one official & authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a surveyor or engineer, with the subdivision location referenced to a survey corner, and with all boundaries, corners and curves of the land division sufficiently described so that they can be reproduced without additional references. An amended plat is also a final plat.

Financial Services
Establishments primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, loan and lending activities and similar services.

Fire Lane
An access designed for emergency escape from an entrance to a parcel of land or its improvements.

Flea Market; Outdoor Open Air Sales
Buildings or open areas in which sales areas or stalls are set aside or rented and which are intended for use by two or more individuals or by educational, religious or charitable organizations to sell articles that are either homemade, homegrown, handcrafted, or antique.

Floodplain
Any and all land area adjoining the channel of a river, stream, lake, watercourse, marshy area, or other drainage element, which has been or may be inundated by stormwater runoff. The extent of the floodplain shall be determined by the crest of a flood having a 1% chance of occurrence in one year (see "Base Flood" definition).

Floodway
The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor Area, Gross (GFA)
The sum of the horizontal areas of floors of a building measured from the exterior face of exterior walls or, if appropriate, from the center line of dividing walls; this includes courts and decks or porches when covered by a roof.

Floor Area, Net (NFA)
Gross floor area minus vents, shafts, courts, elevators, stairways, exterior walls & similar facilities.

Food Sales
Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets and bakeries.

Frontage
The width of a lot or parcel abutting a public right-of-way measured at the front property line.

Front Building Setback Line
A line parallel to the street right-of-way which the building faces, & takes its primary access from & that is the required minimum distance establishing the area within which the principle must be exited or placed.

Funeral Services
Establishments engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals.

Future Acquisition Area
The land area between the existing road or street right-of-way boundary and the future street right-of-way. This area will be used for future right-of-way acquisition, roadway improvements and utilities improvements as the area-wide vicinity develops and increased traffic warrants the roadway expansion.

Garage, Detached
A garage wholly separated and independent of the principal building.

Garage, Private
A building or a portion of a building in which only private or pleasure-type motor vehicles used by the tenants of the building or buildings on the premises are stored or kept.

Garage, Public
A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles.

General Contractor Services
General contractor services are permitted subject to compliance with all environmental performance standards of this UDC.

General Plan
A term synonymous with the definitions of **"**Master Plan" and "Land Study".

General retail sales; neighborhood scale
Sales or rental of commonly used goods and merchandise for personal or household uses for surrounding neighborhoods.

General retail sales; regional scale
Sales or rental of commonly used goods and merchandise for personal or household use. Typical uses include department stores, apparel stores, furniture stores, mail order stores or similar establishments.

Governing Authority
Shall refer to City Council of the City of Cibolo, Texas.

Grade (Adjacent Ground Elevation)
The lowest point of elevation of the existing surface of the ground, within the area between the building and a line 5' (five feet) from the building.

Greenbelt
A natural or relatively undeveloped area near or surrounding an urban area which remains undeveloped through restrictions on building. Greenbelts typically provide a buffer between differing land uses, preserve the natural features of an area, or provide recreation space. Greenbelts tend to be linear and are thus ideal sites for trail development.

Gross Density
The number of dwelling units per gross acre within the subdivision.

Gross Floor Area (GFA)
The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage, which excludes attics and underground parking areas.

Group Care Facility
A facility, required to be licensed by the state, which provides training, care, supervision, treatment and/or rehabilitation to the aged, disabled, those convicted of crimes, or those suffering the effects of drugs or alcohol; this does not include day care centers, family day care homes, foster homes, schools, hospitals, jails or prisons.

Group Residential
The residential occupancy of living accommodations by groups of more than five (5) persons (not defined as a family) on a weekly or longer basis. Typical uses include occupancy of fraternity or sorority houses, dormitories, residence halls, or boarding house.

Guidance Services
A use providing counseling, guidance, recuperative, vocational or similar services to persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, family violence or similar conditions, either on a residential or daytime care basis.

Habitable Space (Room)
Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

Hazardous Waste Storage
The holding of hazardous waste for a temporary period, as regulated by the TCEQ.

Hazardous Waste Treatment
The physical, chemical or biological processing of hazardous waste for the purpose of rendering these wastes non-dangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.

Hazardous Waste
All dangerous and extremely hazardous waste as defined in Section 70.105.010 (15) RCW, except for moderate risk waste as set forth in Section 70.105.010 (17) RCW.

Heavy Industry
An establishment engaged in the manufacture, processing, assembly, compacting, packaging, or compounding and/or treatment of raw materials.

Health Care Offices
A use providing consultation, diagnosis, therapeutic, preventative or corrective personal treatment services by physicians, dentists, medical and dental laboratories and similar medical practitioners.

Height
Shall mean when referring to a tower or other structure, the distance measured from the natural ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

Hospital
An institution designed for the diagnosis, treatment and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient departments, training facilities and staff offices.

Hospital services
A facility providing medical, psychiatric or similar service for sick or injured persons primarily on an inpatient basis including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration and services to patients, employees or visitors.

Home Profession
A profession or craft, excluding an adult retail use establishment or adult entertainment establishment, carried on within a residence by the occupants, which activity is clearly incidental to the use of said residence as a dwelling and does not change the residential character of the dwelling or neighborhood, and is conducted in such a manner as to not give any outward appearance of a business in the ordinary meaning of the term.

Hotel-motel
Lodging services involving the provision of room and/or board. Typical uses include hotels, motels or transient boarding houses.

Household Pets
Dogs, cats, rabbits, birds, and the like for family use only (noncommercial).

Hospital Services
A facility providing medical, psychiatric or similar service for sick or injured persons primarily on an inpatient basis including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration and services to patients, employees or visitors.

House and Apartments
Any building which is designated or occupied as the home or residence of more than two (2) families living independently of each other and doing their own cooking in the said building and shall include flats and other multi-family buildings.

Ice Dispensing; Portable Building/Structure
Refers to an automatic self contained portable ice dispensing structure that produces and dispenses ice for retail sale as a primary or secondary use of site. This does not include typical ice machines that sell packages bags of ice (typical ice machine).

Impervious Surface/Cover
Any hard surface, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, graveled areas, sidewalks and other paved areas.

Indoor Entertainment
Predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, meeting halls and dance halls.

Indoor sports and recreation
Uses conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice and roller skating rinks and arcades.

Indoor Gun Range
Permitted subject to building being soundproofed and a building design that will prevent ammunition from leaving the building, as per the Cibolo building codes.

Industrial or Research Park
A tract of land developed according to a master site plan for the use of a family of industries and their related commercial uses, and that is of sufficient size and physical improvement to protect surrounding areas and the general community and to ensure a harmonious integration into the neighborhood.

Jurisdiction
As used in this UDC, jurisdiction is the corporate limits and ETJ of the City of Cibolo.

Kennels
The domicile of a person or persons who own or breed 5 (five) or more dogs and/or cats but less than 11 (eleven) dogs and/or cats over 6 (six) months of age, primarily for personal recreational use, such as participation in recognized conformation shows, field or obedience trials, racing, scenting, puling, specialized hunting or working trials, and water trials, search and rescue, tracking and for the purpose of improving the physical soundness, temperament, and conformation of a given breed to a standard.

Kitchen
Any room or portion of a room within a building designed and extended to be used for the cooking or preparation of food.

Landfill
A method of disposing solid waste by utilizing land in a manner that allows the disposal of solid waste without creating hazards to public health, significant impacts to the environment, or nuisances.

Landscaping
The finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements such as grass, trees, shrubs and flowers.

Land Study
A term synonymous with the definition of **"**Master Plan".

Laundromat; dry cleaning
Establishments primarily engaged in the provision of laundering, dry cleaning or dyeing services as personal services.

Laundry Services
Establishments primarily engaged in the provision of laundering, dry cleaning or dyeing services other than those classified as personal services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.

Legislative Body
The political entity of the adopting jurisdiction, which is the City Council of the City of Cibolo.

Life Care Services
Retirement housing for the elderly providing residential housing and care for retired, elderly, and/or disabled people including congregate housing with common meals and/or community facilities for social events, community recreation, convalescent services, guidance services, personal services and personal improvement services, or self-contained dwelling units specifically designated for the needs of the elderly, either rented or owner-occupied. To qualify as life care housing or facilities, a minimum of 80% of the total units shall have a household head 55 years of age or greater and no long term or permanent skilled nursing care or related services are provided.

Light Manufacturing
A use engaged in the manufacture, predominantly from previously prepared materials, or finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and storage, sales and distribution of such products, but excluding basic industrial processing.

Limited Manufacturing
Establishments primarily engaged in the on-site, indoor production and storage of goods by hand manufacturing equipment not exceeding two (2) HP of a single kiln not exceeding eight (8) kilowatts.

Liquor Sales
Establishments or places of business engaged in retail sale for consumption (off the premises) of alcoholic beverages. Typical uses include liquor stores, bottle shops or any licensed sales for off-site consumption.

Livestock
Includes, but is not limited to, horses, bovine animals, sheep, goats, swine, reindeer, donkeys, mules and any other hoofed animals.

Loading Space
A space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks and trailers.

Local Convenience Store
A commercial activity engaged in the sale of commonly used goods & merchandise, including petroleum products, for personal or household use in a structure five thousand (5,000) square feet or more in size. Refer to Article 6 of this UDC for additional requirements for fuel sales and stores exceeding 5,000 square feet.

Local Utility Services
Services which are necessary to support principal development and involve only minor structures such as lines and poles which are necessary to support principal development.

Lot
An undivided tract or parcel of land having frontage on a street or an approved open space having direct street access, and which is, or in the future may be, offered for sale, conveyance, transfer or improvement, which is designated as a distinct and separate tract, and which is identified by a tract, or lot number, or symbol in a duly approved subdivision plat which has been properly filed of record.

Lot Area
The area of a lot between lot lines, including any portion of an easement which may exist within such lot lines, exclusive of any area in a public or private way open to public use.

Lot, Corner
A lot situated at the intersection of 2 (two) or more streets, the street frontage of which lot form an angle not greater than 1 (one) hundred and twenty-eight degrees, and not less than 45° (forty-five degrees).

Lot/Impervious Coverage
That portion of a lot, parcel or tract covered by the primary structure and inclusive of all area enclosed under a permanent roof including attached and detached garages. Lot coverage includes driveways, sidewalks, accessory buildings, unenclosed porches and patios, similar paved areas, and pools.

Lot Depth
The length of a line connecting the midpoints of the front and rear lot lines.

Lot, Double Frontage
A lot with frontage on two streets parallel to each other or within 45 degrees of being parallel.

Lot Frontage
The length of street frontage between side property lines.

Lot Front Line
A line separating the lot from the street or public right-of-way other than an alley of a street does not exist. In the case of a corner lot, the shortest continuous line separating the lot from the street or public right-of-way shall be the lot front line. In the case of corner lots having equal lines abutting a street or public right-of-way, that property line which when extended creates the front property line for the greatest number of interior lots in the same block shall be considered as the lot front line of such corner lot. Where a lot does not abut a public right-of-way or street, the front line shall be the lot line nearest to a street or right-of-way.

Lot, Interior
A lot other than a corner lot.

Lot, Irregular
Any lot not having equal front and rear lot lines, or equal side lot lines; a lot, the opposite lot lines of which vary in dimension and the corners of which have an angle of either more or less than 90 degrees.

Lot Lines
The lines bounding a lot as defined herein.

Lot of Record
A lot which is part of a subdivision, the map of which has been recorded in the office of the County Clerk of Guadalupe County; or a parcel of land with a deed recorded by the County Clerk of Guadalupe County.

Lot, Rear Line
The boundary line which is most distant and opposite from the street

Lot, Through
An interior lot with frontage on two (2) streets.

Lot Width
The horizontal distance between side lines, measured at the front building line.

Maintenance and Service Facilities
A facility supporting maintenance, repair, vehicular or equipment servicing, materials storage and similar activities, including corporation yards, equipment service centers and similar uses having characteristics of commercial services or contracting or industrial activities.

Major Utility Facilities
Generating plants, electrical switching facilities and primary substations, refuse collection or disposable facilities, water and wastewater treatment plants and similar facilities of public agencies or public utility firms having potentially significant impact upon surrounding uses.

Manufactured Home Residential
The residential occupancy of HUD-code manufactured homes on small lots owned by residents and are typically meant for more permanent habitation than the following mobile home use.

Manufactured Housing Park
Any lot upon which are located one or more manufactured homes, occupied for dwelling purposes regardless of whether or not a change is made for each accommodation.

Manufactured Modular Housing
Structures that are constructed in one or more modules or modular components built at a location other than the permanent site that are transported to the permanent site and are erected or installed on a permanent foundation system. The term includes plumbing, heating, air conditioning, and electrical systems. Per the Texas Department of Licensing and Regulation, examples of such housing include one-family and two-family (duplex) dwellings, apartment complexes, equipment shelters, restaurants, offices, classrooms, medical complexes, and hazardous storage buildings.

Manufacturing, Heavy
All other types of manufacturing not included in the definitions of light & medium manufacturing

Manufacturing, Light
The manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment, including research activities, conducted entirely within an enclosed structure, with no outside storage, serviced by a modest volume of trucks or vans and imposing a negligible impact on the surrounding environment by noise, vibration, smoke, dust or pollutants.

Manufacturing, Medium
The manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment within an enclosed structure or an open yard that is capable of being screened from neighboring properties, serviced by a modest volume of trucks or other vehicles.

Master Plan, Subdivision
The first or introductory plan of a proposed subdivision, in such case where the developer intends to develop and record only an individual portion to such subdivision, and which exhibits the proposed development of the balance of the subdivision. The Master Plan is synonymous with Land Study and General Plan.

Minor Plat
A subdivision resulting in four (4) or fewer lots that will not create a new street or necessitate the extension of any municipal facilities. Properties proposed to be subdivided as a minor plat shall already be adequately served by all required City utilities and services, and all lots will have frontage on a public roadway.

Mixed Use District
A zoning district that allows land uses from multiple base zoning classifications.

Mobile Home Community/ Mobile Home Park
A unified development of mobile home spaces restricted to mobile home use, with community facilities and permitted permanent buildings; this development being located on a single tract of land under 1 (one) ownership and meeting the requirements of all applicable ordinances.

Mobile Home Subdivision
A mobile home subdivision is any parcel of land changed, re-subdivided or rearranged into 2 (two) or more parts, for the purpose of accommodating the location of mobile homes thereon.

Mobile Home
A structure that was constructed before June 15, 1976, transportable in 1 (one) or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on-site is 320 (three hundred and twenty) or more square feet, and which is built on a permanent chassis designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems.

Mobile Home Residential
The residential occupancy of a mobile home by an individual or families on a weekly basis, or longer, typically in a mobile home park or mobile home subdivision.

Mortuary, Funeral Home
An establishment in which the dead are prepared for burial or cremation and may a chapel or other suitable rooms to conduct funeral services, memorial services and the display of funeral equipment.

Motel/Hotel
Any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests and which are not intended as a permanent residence.

Multiple-Family Residential
The use of a lot for two (2) or more dwelling units, in one or more buildings.

Loading Space
A space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks, and having a minimum dimension of 12' (twelve feet) by 35' (thirty five feet) and a vertical clearance of at least 14' (fourteen feet).

Municipal Infrastructure
Water, wastewater, drainage, road, pedestrian and bicycle, utility, and communication easements, rights-of-way and facilities.

Nonconforming
A lot, use, building, or structure, which was legal when commenced or built, but which does not conform to this UDC.

Nursery School
A private agency, school, or institution engaged in educational work with preschool children. Enrollment for four or more hours per day shall classify the facility as a "Day Care Facility" or "Kindergarten."

Occupancy
The use or intended use of the land or buildings by proprietors or tenants.

Off-street Parking
Space occupied by automobiles on premises other than streets.

On-Site Facilities or Improvements
Existing or proposed facilities or improvements constructed within the property boundaries of the plat. Facilities and improvements include, but are not limited to, streets, alleys, water lines, sewer lines, storm drainage facilities, sidewalks, screening devices, and curbs and gutters.

Off-Site Facilities or Improvements
Existing or proposed facilities or improvements that are required to serve a site or subdivision that are not located within the boundaries of the site or plat.

Open Space
Private property designated for recreational area, private park (for use of property owners within the subdivision), play lot area, plaza area, building setbacks, other than those required by City Ordinance, and ornamental areas open to the general view within the subdivision. "Open space" does not include streets, alleys, utility easements, public parks or required setbacks.

Outdoor Entertainment
Predominantly spectator uses conducted in open facilities. Typical uses include sports arenas, racing facilities and amusement parks.

Outdoor Sports and Recreation
Uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, racquetball courts and marinas.

Outdoor Storage
The storage of any material, personal or business for a period greater than 24 consecutive hours, including items for sale, lease, processing and repair not in an enclosed building. This definition does not include automobile sales, leasing or rental.

Overlay District
A district established to prescribe special regulations to be applied to a site in combination with the underlying or base-zoning district.

Owner (also known as "Applicant" or "Subdivider" or "Developer")
Any person or legal entity that has sufficient proprietary interest in the land proposed to be subdivided or developed.

Paint Shop (Non-Retail)
Establishments primarily engaged in the painting of cars, motorcycles, RV's and other materials.

Park (or Parkland)
Land dedicated to, or otherwise owned by, the City for the purpose of providing public or private recreational and/or open areas and may include improvements dedicated to the public.

Parking Aisle
The clear space for traffic movement and maneuvering between rows of parking stalls.

Park and recreation services
Publicly owned and operated parks, playgrounds, recreation facilities and open spaces.

Park-and-Ride Facility
A parking area or structure used for the specific purpose of storing motor vehicles in order that the occupants can transfer to a higher occupancy vehicle (HOV) (e.g., buses, vans, carpool autos) to complete a trip.

Parking Lot
An open area, other than a street, used for the parking of automobiles.

Parking Space, Automobile
A paved space within a building or private or public parking lot, exclusive of driveways, ramps, columns, office and work areas, for the parking of an automobile.

Patio Home
A detached, single-family unit typically situated on a reduced-sized lot that orients outdoor activity within the rear or side patio areas for better use of the site for outdoor living space.

Paved Area
An area surfaced with asphalt, concrete or similar all weather surfaces, not including gravel.

Pavement Width
The portion of street available for traffic; measured curb face to curb face or from the edges of pavement.

Pedestrian Way
The area which provides pedestrian access.

Performance Standard
Regulations that permit uses based on a particular set of standards of operation rather than on a particular type of use. Performance standards provide criteria limiting noise, air pollution, emissions, odors, vibration, dust, dirt, glare, heat, fire hazards, wastes, traffic impacts and visual impact of land uses.

Perimeter Street
Any existing or planned street which is adjacent to the subdivision or addition to be platted.

Permitted Use
A use which is permitted by right in a district without the need for special administrative review and approval upon satisfaction of the standards and requirements of this Ordinance.

Person
A natural person, heirs, executors, administrators or assigns, and includes a firm, partnership or corporation, it's or their successors or assigns, or the agent of any of the aforesaid. The term "person" shall include both singular and plural, and the masculine shall embrace the feminine gender.

Personal Improvement Services
Establishments primarily engaged in the provision of informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include photography studios, driving schools, health or fitness studios, reducing salons, dance studios, handicraft and hobby instruction.

Personal Services
Establishments or places of business primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops, seamstress, tailor, shoe repair shops and self-service laundry or self-service apparel cleaning services.

Pet Services
Retail sales and grooming of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, dog bathing and clipping salons or pet grooming shops.

Place
An open, unoccupied space other than a street or alley permanently established or dedicated as the principal means of access to property abutting thereon.

Planned Development or Planned Unit Development (PUD)
A tract or subdivision that may consist of a variety of land use types, incorporating a single or variety of types of residential dwelling units, and/or compatible commercial and industrial land uses, and may include public land uses and common open space and recreational areas, adequate to service the needs of the tract when fully developed and populated, and which is to be developed as a single entity under unified control.

Plat
A map, drawing, chart or plan showing the exact layout and proposed construction of a proposed subdivision into lots, blocks, streets, and may include parks, school sites, drainage ways, easements, alleys, and/or any other elements as required by this UDC and which an applicant shall submit for approval in accordance with this UDC.

Plat, Final
A plat submitted to provide for subdivision or combination of properties for development in conformance with all requirements of this UDC. The final plat and the review thereof are intended to produce a subdivision design in which all planning factors are recognized and reconciled prior to final plat submittal.

Plat, Preliminary
A plat submitted to provide for subdivision or combination of properties for development in conformance with all requirements of this UDC. The preliminary plat and the review thereof are intended to produce a subdivision design in which all planning factors are recognized and reconciled prior to final plat submittal.

Plat Revision, Replat, Resubdivision
A plat that modifies an existing subdivision in lieu of a new pattern of development, the subdivision of an existing or duly recorded lot or lots, the combining of two or more lots to create one lot, or the subdividing of an existing platted but undeveloped subdivision into a new pattern of lots and blocks, or the abandonment or dedication of public rights-of-way and/or easements.

Plot Plan; Site Plan
A lot plan drawn to scale showing the measurements, size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, and other such information.

Portable Building Sales
This use is applicable to the outdoor display and/or sale of heavy machinery and equipment.

Postal Facilities
Postal services, including post offices, bulk mail processing or sorting centers, operated by the United States Postal Service or private enterprise.

Preliminary Approval
Approval expressed by the City of Cibolo as to the arrangement and approximate size of streets, alleys, parks, reserves, easements, blocks and lots indicated on a preliminary plat.

Primary educational facilities
A public, private or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools of the State of Texas.

Principal Use
The main use to which a premise devoted and the primary purpose for which a premise exists.

Principal Structure
A structure in which is conducted the principal use of the lot on which it is located.

Private Recreational Amenities
Any recreational, social and multipurpose uses within a subdivision or other residential development which are operated and maintained by a property owner association or other designated management agency for the benefit and enjoyment of members and their guests. Typical uses include clubhouses, tennis courts, playgrounds and swimming pools.

Private Street
A privately owned vehicular access way, including an alley, that is shared by and that serves two or more lots, which is not dedicated to the public and which is not publicly maintained.

Professional Office
A use providing professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions.

Prohibited Use
A use not specifically enumerated as a permitted use, conditional use or nonconforming use. Prohibited uses include, but are not limited to, the enumerated "prohibited uses" within each district of this UDC.

Project
An endeavor over which the City exerts its jurisdiction and for which one or more permits may be required to initiate, continue, or complete a development.

Public Assembly
Publicly owned or operated facilities for major public assembly, recreation, sports, amusement or entertainment, including civic or community auditoriums, sports stadiums, convention facilities, fairgrounds and exhibition facilities.

Public Improvements (also referred to as “Subdivision Improvements”)
Refers to facilities, infrastructure and other appurtenances, typically owned and maintained by the City (but not necessarily located upon City-owned property or right-of-way, as public improvements can be located on private property), which serve a public purpose in providing a needed service or commodity, such as wastewater collection and water storage and distribution, and which are for the purpose or protection of the general health, safety, welfare and convenience of the City’s citizens, including efficiency in traffic circulation and access for

emergency services. Required public improvements may include, but shall not be limited to, street and alley paving, including any necessary median openings and left turn lanes on major thoroughfares; water lines and pumping stations; sanitary sewer lines and lift stations; storm drainage structures and storm water management devices; water quality and erosion controls; screening and retaining walls; fire lane paving and fire hydrants; landscaping, where such is used for required screening or other required landscaped area, and associated irrigation system; and any required public sidewalks, street lights and street name signs. The term "public improvements" shall not include facilities or infrastructure of private providers of utility services other than water and wastewater, but shall be deemed to include facilities and infrastructure that the City would normally require of a development but which will be owned and maintained by an entity such as a homeowners association.

Public Services
Uses operated by a unit of government to serve public needs, such as police (with or without jail), fire service, ambulance, judicial court or government offices, but not including public utility stations or maintenance facilities.

Public Use
Any use controlled by the City, County, State, Federal or any other governmental entity.

Public Utility Station
A structure or facility used by a public or quasi-public utility agency to store, distribute, generate electricity, gas, telecommunications, and related equipment, or to pump or chemically treated water. This does not include storage or treatment of sewage, solid waste or hazardous waste.

Public Way; Public Right-of-Way
Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

Railroad Facilities
Railroad yards, equipment servicing facilities, and terminal facilities.

Rear Yard Area
The total square foot of area as measured from the rear of the main structure on the lot to the rear property line multiplied by the width of the lot, as measured from 1 (one) side property line to the other side property line, subtracting all easement area.

Recreation, Indoor
An establishment providing completely enclosed recreation activities. Accessory uses shall be permitted to include the preparation and serving of food and/or the sale of equipment related to the enclosed uses. Included in this definition shall be bowling, roller-skating or ice skating, billiards, pool, motion picture theatres, and related amusements.

Recreation, Outdoor
An area free of buildings except for restrooms, dressing rooms, equipment storage, maintenance buildings, open-air pavilions and similar structures used primarily for recreational activities.

Recreational Area, Commercial
An indoor and/or outdoor area or structure(s) operated for profit and devoted to facilities and equipment for recreational purposes, including, but not limited to, swimming pools, tennis courts, racquet ball courts, dance and other similar uses whether the use of such area is limited to private membership or whether open to the public upon the payment of a fee.

Recreational Vehicle (RV)
A vehicular type portable structure without permanent foundation, primarily designed as temporary living quarters for recreational, camping, or travel use, with or without motor power, This includes, but is not limited to, travel trailers, truck campers, camping trailers & self-propelled motor homes.

Recreational Vehicle Park
An area where facilities are provided for recreational or camping vehicles or travel trailers, tents or other portable habitation, utilized by the public as a place for camping, vacationing, or temporary usage. The park may include

certain recreational or service facilities for the use of the residents of the park. Recreational or camping vehicle parks shall comply with all applicable State and County regulations.

Recycling Facility
Any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled or handled, including, but not limited to, scrap metals, paper, rags, tires and bottles, and other such materials.

Registered Design Professional
An architect, engineer or land surveyor registered or licensed to practice professional architecture, engineering or surveying as defined by statutory requirements of registration laws of the State of Texas.

Rehabilitation Center; Halfway House
An establishment whose primary purpose is the rehabilitation of persons. Such services include drug and alcohol rehabilitation, assistance to emotionally and mentally disturbed persons, and halfway houses for prison parolees and juveniles.

Regulatory Agency
The governing body of, or a bureau, department, division, board, commission or other agency acting in its capacity of processing, approving, or issuing a permit.

Religious, Cultural and Fraternal Activity
A use or building owned or maintained by organized religious organizations or nonprofit associations for social, civic or philanthropic purposes, or the purpose for which persons regularly assemble for worship.

Renovation
Interior or exterior remodeling of a structure, other than ordinary repair.

Replatting or Replat
The re-subdivision of any part or all of a previously platted subdivision, addition, lot or tract.

Research Services
Establishments primarily engaged in research of an industrial or scientific nature but exclude product testing. Typical uses include electronics research laboratories, space research and development firms, or pharmaceutical research labs.

Reserve Strip
A privately owned strip of land adjacent to public right-of-way to prevent access from a street onto said private property.

Residence
A building or structure, or portion thereof, designed and used as a place of abode for human beings, but not including hotels or motel units, or places of abode having no kitchen within each unit.

Residential Use
Any use consisting principally of dwelling units.

Restaurant-Convenience
A use engaged in the preparation and retail sale of food and beverages (excluding alcoholic beverages), for on-premise consumption. Typical uses include soda shops, ice cream parlors, and coffee shops.

Restaurant, Fast Food
A use engaged in the retail sale of prepared or rapidly prepared food and beverages directly to customers (excluding alcoholic beverages), for on-and off-premise consumption, commonly referred to as having "take-out" service. Typical uses have drive-thru window service and have extended hours of operation.

Restaurant-Neighborhood
A use engaged in the preparation and retail sale of food and beverages, including the sale of alcoholic beverages when conducted as an accessory or secondary feature producing less than twenty five (25) percent of the gross income. For a neighborhood restaurant including outdoor entertainment, see Article 6 of this UDC for additional requirements.

Right-of-Way
A parcel of land occupied, or intended to be occupied, by a public road, street or alley or some other public purpose, such as drainage. Where appropriate, right-of-way may include other facilities and utilities such as sidewalks; electrical, communication, oil and natural gas lines and facilities; and water and sanitary and storm sewer facilities. The use of right-of-way shall also include parkways and medians outside of the paved portion of the street. The usage of the term right-of-way for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way.

Roof
A structural covering over any portion of a building or structure, including the projections beyond the walls or supports of the building or structure.

RV Park
An area where facilities are provided for recreational or camping vehicles or travel trailers, tents or other portable habitation, utilized by the public as a place for camping, vacationing, or temporary usage, which are in place for not more than 30 (thirty) days.

Safety Services
Facilities for conduct of public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.

School, Commercial
A school establishment to provide for the teaching of industrial, clerical, managerial or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum (e.g., beauty school or modeling school).

Scrap and Salvage Services
Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junk yards or paper salvage yards.

Self Service Storage Facility
A facility including buildings or structures containing space of varying sizes leased/rented on an individual basis and used exclusively for the storage of excess property & outdoor storage of vehicles & boats.

Septic Tank
Refers to a watertight receptacle that receives the discharge of sewage from a building, sewer or part thereof, and is designed and constructed so as to permit settling of solids from this liquid, digestion of the organic matter, and discharge of the treated liquid portion into a disposal area.

Service Station
An establishment where the sale of petroleum products is the principal use but may also offer incidental indoor automobile service and repair. All services provided and all storage supplies, parts, equipment shall be kept indoors.

Sewerage Disposal System, Individual Private
Any system designed to provide on-site treatment and disposal of sewage flows from individual residences, duplexes, businesses, or any other buildings. The system may be anaerobic, e.g., a septic transpiration bed, or other. Said system must not require a permit from the State of Texas.

Sewerage System, Public
A system designed for the wastewater collection, treatment and disposal that is wholly owned and operated by the City or any other legally incorporated town or City or public system approved by the State of Texas, such as Cibolo Creek Municipal Authority and Green Valley Special Utility District.

Sexually Oriented Businesses
Refers to those acts, services and businesses described in Cibolo Ordinance Number 744.

Shall/May
The word "shall" is always mandatory, while the word "may" is merely permissive.

Shopping Center
A group of commercial establishments planned and constructed as a total entity that will typically have multiple regional scale retail establishments and/or multiple neighborhood scale retail buildings.

Sidewalk
A pedestrian way generally located in the public or private street right-of-way, but outside of the roadway.

Sign
Any visual communication device which is visible from any right-of-way advertising a message, announcement, declaration, demonstration, display, illustration, insignia, surface or space erected or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, product or service, including the sign structure, supports, lighting system and any attachments, ornaments or other features used to draw the attention of observers.

Sign, Advertising
Poster panel, painted bulletins or other advertising devices which promote and advertise commodities or services not limited to being offered on the premises on which such signs are located.

Sign, Business
A graphic device, which advertises only commodities or services, offered on the premises of the sign.

Sign, Church and School
Name plates and bulletin board for schools and churches located on premises, but not exceeding 30 (thirty) square feet in area and not a flashing intermittent, revolving or similarly lighted type.

Signs, Community
Temporary, on-or off-premises signs, generally made of a woven material or durable synthetic materials primarily attached to or hung from light poles or on buildings. These signs are solely of a decorative, festive and/or informative nature announcing activities, promotions or events with seasonal or traditional themes having broad community interest, and which are sponsored or supported by a jurisdiction-based nonprofit organization.

Sign Pole
A free-standing sign supported by a single vertical support anchored or set in the ground.

Sign, Real Estate
Temporary signs pertaining to the sale or rental of property upon which they are located.

Single-Family Residential
The use of a site for one (1) dwelling unit.

Site Plan
Refers to a plan, or plans, drawn to scale, showing uses and structures proposed for a parcel of land as required by the regulations

Solid Fence
A fence, including entrance and exit gates, constructed of materials that creates an opaque view of property from adjoining properties, streets, alleys or public rights of way.

Stable, Private
An accessory building for the keeping of horses, ponies, donkeys or mules owned by occupants of the premises, and not kept for remuneration, hire or sale.

Stable, Riding
A structure in which horses, ponies, donkeys or mules, used exclusively for pleasure riding or driving, are housed, boarded, or kept for hire.

Standard Street is any street or road that meets or exceeds the minimum construction and design specifications in the City and which is constructed to the ultimate configuration for the type of roadway designated by the Future Thoroughfare Plan.

Steep Slope
Areas with slopes over 15% grade and that have increased runoff, erosion and sediment hazards levels.

Story
That portion of building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than 6' (six feet) above grade as defined herein for more than 50 percent of the total perimeter or is more than 12' (twelve feet) above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

Story, Half
A partial story under a gable, hip, or gambrel roof, the wall plates of which on at least 2 (two) opposite exterior walls are not more that 4 (four) feet above the floor of such story, except that any partial story used for residence purposes, it shall be deemed a full story

Street, Arterial
A thoroughfare designated as a freeway, expressway, major arterial, or minor arterial by the Future Thoroughfare Plan with a primary function to accommodate a high degree of safe and quick progression of traffic across the City. The term "arterial" is also commonly known as a "major thoroughfare."

Street, Collector or Sub-Collector
A street that primarily carries traffic from local or residential streets to major thoroughfares and highways, including the principal entrance streets for circulation to schools, parks, and other community facilities within such a development, and to adjacent commercial or industrial areas.

Street, Local or Residential
A street used primarily for access to abutting residential property and circulation of traffic within residential neighborhoods. It is of a width and design to discourage through traffic to protect the residential area. A local street may serves the same purpose in a commercial or industrial district.

Street, Marginal Access
A street that is parallel and adjacent to an arterial street and which primarily provides vehicular access to abutting properties and protection from through traffic.

Street Improvements
Any street or thoroughfare, together with all appurtenances required by City design and construction requirements to be provided with such street or thoroughfare, and including but not limited to curbs and gutters, sidewalks, drainage facilities to be situated in the right-of-way for such street or thoroughfare, traffic control devices, street lights, traffic control signs, and street signs, for which facilities the City will ultimately assume the responsibility for maintenance and operation.

Street, Private
A right-of-way or easement in private ownership that is not dedicated or maintained as a public street, which affords the principal means of access to abutting property.

Street, Public
A public thoroughfare recorded with the County Recorder which affords primary means of access to abutting property.

Street Side Yard
The portion of a yard which abuts the street right of way(s).

Structural Alteration
Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders; provided, however, that modifications that are of a cosmetic nature shall not be considered a structural alteration.

Structure
Refers to any improvement built or constructed as an edifice or building of any kind, or any piece of work built up or composed of parts joined together in some definite manner.

Subdivider
Any person or any agent thereof dividing or proposing to divide land so as to constitute a subdivision as that term is defined in this section. In any event, the term "subdivider" shall be restricted to include only the owner, equity owner, or authorized agent of such owner or equity owner, of land to be subdivided.

Subdivision
The division, combination or redivision of any tract of land situated within the City's corporate limits or its extraterritorial jurisdiction, lots or sites, for the purpose, whether immediate or future, of sale, division of ownership, or building development. Subdivision includes resubdivisions of land or lots which are part of a previously recorded subdivision, or the combination of more than one lot into a lesser number of lots.

Substandard Street
An existing street or road that does not meet the minimum specifications in the City's standard street design and construction specifications, or which is not constructed to the ultimate configuration for the type of roadway designated for that street on the Comprehensive Plan and/or Future Thoroughfare Plan.

Surveyor
A licensed state land surveyor or a registered professional land surveyor as authorized by State of Texas statutes to practice the profession of surveying.

Temporary Building
An enclosed building, the use of which is incidental to work on the premises, and is removed upon the completion or abandonment of the work.

Temporary Construction Office A portable building used as an office for construction personnel during construction of a principal building on the premises or during construction of houses in a new subdivision.

Temporary Improvements
Improvements built and maintained by the property owner that are needed to remedy a circumstance that is temporary in nature, such as a temporary drainage easement or erosion control device, that will be removed upon completion of the subdivision or development or shortly thereafter.

Temporary Real Estate Sales Office
A structure or building used as a sales office for the sale of homes in a new subdivision.

Temporary Use
Land uses and/or structures that are needed or are in place for only short periods of time.

Theater
A building used primarily for the presentation of live stage productions, performances or motion pictures.

Thoroughfare Plan
Refers to the Future Thoroughfare Plan, which is an element of the City of Cibolo Comprehensive Plan.

Tower
Any structure that is designed and constructed primarily for the purpose of supporting 1 (one) or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, cellular telephone towers, and the like.

Townhouse or Rowhouse
One of a group of not less than four nor more than eight adjoining single-family dwelling units sharing a common wall with one or more adjoining dwelling units, with each unit located on a separate lot.

Transportation Terminal
A facility for loading, unloading, and/or interchange of passengers, baggage and incidental freight or package express between modes of transportation.

Transitional Homes, Rehabilitation Centers & Halfway Houses
A facility in which persons live for a short period of time while receiving physical, social, or psychological therapy and counseling, as is more particularly defined and regulated in Article 6 of this UDC.

Use
Any purpose for which a lot, building, structure or a tract of land may be designated, arranged, maintained or occupied; or any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

Use, Change of
The change within the classified use of a structure or premise.

Utility
A term inclusive of all water, sanitary sewer, electrical telephone, natural gas, CATV, storm sewer, and all other services, as determined by the City of Cibolo, inclusive of Cibolo Creek Municipal Authority, Green Valley Special Utility District and all other public/private utility providers.

Vacation
An action intended to cancel, rescind or render an act that has the effect of voiding a subdivision plat as recorded in the county recorder's office.

Variance
A deviation from the requirements established by this UDC.

Vehicle Storage
Long term storage of operating or non-operating vehicles. Typical uses include storage of private parking for towed vehicles or as an impound yard, but would exclude dismantling or salvage.

Veterinary Services
Refers to medical service for all animals and shall include animal clinics and hospitals. Veterinary services shall not include the boarding of large animals.

Warehousing and Distribution
Establishments or places of business primarily engaged in wholesaling, storage, distribution & handling of materials & equipment other than live animals & plants. The following are wholesale, storage & use types:

A. Convenience storage. Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.
B. General warehousing and distribution. Open-air storage, distribution and handling of materials and equipment. Typical uses include monument or stone yards, or open storage yards.

C. Limited warehousing & distribution. Wholesaling, storage and warehousing services within enclosed structures. Typical moving and storage firms, retail mail and internet order distribution centers.

Wastewater Service
The collection of waste-bearing water requiring treatment prior to its return to nature & the system of equipment used to collect & transmit water to treatment facilities; also called sanitary sewer service.

Wrecking or Salvage Yard
A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment when conducted entirely within a completely enclosed building, sale of used cars in operating condition, or salvaged materials incidental to a manufacturing operation.

Xeriscape
A landscaping method developed for arid and semi-arid climates that use water conservation techniques, such as drought-resistant and native plants, mulch, native stone and gravel, and efficient irrigation.

Yard
Required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from the general ground level of the graded lot upward; provided however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture are not deemed to be obstructions if height limitations and requirements limiting obstruction of visibility are observed.

Yard, Front
A yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the street or place line and the main building or any projections of the usual uncovered steps, uncovered balconies, or uncovered porch. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, Rear
A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies, or unenclosed porches. On all lots, the rear yard shall be in the rear of the front yard.

Yard, Side
An open, unoccupied space on the same lot, between the building a side lot line.

Zero Lot Line Lot
A lot where no setback is required on one or more sides of a lot.

Zoning District
Any section of the City for which the regulations uniformly govern the use, placement, density, bulk, height and coverage of land and buildings.

ARTICLE 2. ADMINISTRATIVE AUTHORITY

Section 2.1 Authority Granted

The City Manager or his/her designees shall have such powers and authority as granted by State law, the City Charter, the Code of Ordinances, and this UDC to initiate, undertake, and decide any matters pertaining to the regulation of the use and development of land as identified in this UDC and are authorized to take all actions necessary to carry out their responsibilities in accordance with the requirements and limitations prescribed therein.

Section 2.2 Administrative Structure

The City Manager is designated as the chief administrative official of the City. The City Manager, at his/her discretion, may designate the director of any department or other employee as the administrative authority responsible for consideration of any item deemed appropriate by the City Manager.

Section 2.3 Duties and Approval Authority

1. The City Manager or his/her designee shall have the authority to review and make a recommendation to the City Council and the appropriate Advisory body designated by City Council to review the following applications:

a. Amendment to the text or maps in the Comprehensive Land Plan;
b. Amendment to the text of this UDC;
c. Annexation;
d. Establishment/amendment of a zoning district map classification;
f. Conceptual plan as part of a Planned Development District;
g. Specific Use Permit;
h. Development Agreement within the City's corporate boundaries and in the City's ETJ;
i. Request to extend City utilities to land located in the City's ETJ
j. Appeal of the decision of any Board, Commission, Committee or staff authorized by this UDC;
k. An application for a Subdivision Land Study or Land Study/Master Plan;
l. Preliminary plat;
m. Final plat;
n. Amending plat;
o. Minor plat;
p. Replat;
q. Site Plan;
r. Protected/Heritage Tree Deferral;
s. Variance, appeal or other application to be considered by the Board of Adjustment; and
t. Any other responsibility designated by this UDC, the Cibolo City Council or State of Texas.

2. The City Manager or his/her designee may have final approval authority on the following applications:

a. an application for a minor plat, as authorized by this UDC;
b. an application for an Amending Plat, as authorized by this UDC;
c. an application for a site plan; and
d. other applications as authorized by this UDC.

3. A record of any action taken with respect to final approval of a development application shall be provided to the appropriate Board, Commission, Committee or City Council for review.

Section 2.4 Administrative Rules

A. Authority

The City Planner or designee is authorized to create and interpret Administrative Rules and provide written opinions of same. The City Planner or a designee shall create appropriate rules, which contain policies, criteria and standards and shall be responsible for making determinations on the application and interpretation of same,

Administrative rules apply and are the implementation of the ordinances and policies of the City. This ordinance shall cause these Administrative Rules to be prepared, interpreted, and enforced administratively.

B. Adoption

Administrative Rules are hereby established and adopted as an enforceable administrative element of this Article.

C. Administrative rules may contain:

a. Design and construction standards and/or manuals;
b. Policies and Guidelines;
c. Application deadlines and schedules;
d. Fees and fines;
e. Applications;
f. Checklists;
g. Interpretations;
h. Processes; and,
i. Other information necessary to enforce, or interpret the provisions of the UDC to protect the health, safety and welfare of the community.

D. Amendments to Administrative Rules

1. Administrative Rules of the City may be updated or amended from time to time. It is the responsibility of the applicant to be aware of any changes. Administrative Rules are available through the City Secretary, the Building Official, and City Planner offices.

2. Notice of amendments to Administrative Rules shall be posted for ten (10) calendar days prior to their effective date. Posting shall occur at City Hall on the City's Official Bulletin Board or at the Community Development Department, indicating that the document is available for review. Such notice shall also be placed on the City's web site.

3. The City Planner or designee and the City Secretary shall maintain a copy of all Administrative Rules which will be updated as amendments occur.

4. Amendments to the Administration Rules shall be automatically enjoined, have the full authority of this ordinance and become effective via these administrative rulemaking procedures.

5. The City Manager or his/her designee will notify City Council or the appropriate advisory body designated by City Council of any administrative rules amendments.

E. Appeal of Determination

An applicant may appeal the determination of the City Planner or designee to the City Manager, showing cause for their appeal in writing within 10-days of the City Planner's determination, the City Manager will make a determination regarding the appeal within 30-days. The decision of the City Manager may be appealed to the City Council in writing within 10-days of that determination. All appeals shall be delivered to the City Secretary's office. Appeals to the City Council will be placed on an agenda within 30-days. The decision of the City Council is final.

F. Planning and Development Services Department Fee Schedule

The Community Development Service Department Fee Schedule, as may be amended from time to time, is incorporated by reference into this UDC.

ARTICLE 3. PROCEDURES AND APPLICATIONS

Section 3.1 Purpose and Intent

The purpose of this Article is to establish application procedures, internal review procedures, public notice and hearing procedures, and review criteria for the processing of applications and actions that affect the development and use of property subject to the jurisdiction of the City of Cibolo.

Section 3.2 Initiation of Application

A. Application Submittal

All development applications to be considered by any advisory body or by the City Council shall be initiated by the filing of the application by the owner of the property on which the permit is applicable or by the owner's designated agent. In the event an application is submitted by a designated agent, the application must be accompanied by a written statement, signed by the owner, authorizing the agent to file the application on the owner's behalf.

B. Determination of Application Completeness

1. All development applications shall be subject to a determination of completeness by the director of the appropriate City Department.

2. No application shall be deemed complete and accepted for processing unless it is accompanied by all documents required by and prepared in accordance with the requirements of this UDC. For a determination of completeness to be issued, an application must include the following:

a. Payment of the appropriate fee;
b. An accurate metes and bounds description of the subject property (or other suitable legal description, identifying the property as a lot of record);
c. A survey exhibit and other appropriate exhibits as identified in this Article for the individual permit;
d. Any additional documents, forms or other materials required by the City Manager or his/her designee or identified in this UDC for the processing of a specific development application.

3. The City may from time to time identify additional requirements for a complete application that are not contained within but are consistent with the application contents and standards set forth in this UDC.

4. A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this UDC.

5. Not later than the tenth (10th) business day after the date an application is submitted, the director of the appropriate City department shall make a written determination whether the application constitutes a complete application. This shall include a determination that all information and documents required by this UDC for the type of permit being requested or other requirements have been submitted. A determination that the application is incomplete shall be mailed to the applicant within such time period by United States Mail at the address listed on the application. The determination shall specify the documents or other information needed to complete the application and shall state that the application will expire if the documents or other information are not submitted within forty-five (45) days after the date the application was submitted.

6. An application filed on or after the effective date of this amended and restated UDC shall be deemed complete on the eleventh (11th) business day after the application is received, unless the applicant is notified that the application is incomplete. The applicant shall be deemed to have been notified if the City has mailed a copy of the determination as provided in paragraph 5 above.

7. The processing of an application by any City employee prior to the time the application is determined to be complete shall not be binding on the City as the official acceptance of the application for filing. However, this application may be denied for incompleteness within the forty-five (45) day period.

8. A development application shall be deemed to expire on the forty-fifth (45th) day after the application is submitted to the City Manager or his/her designee for processing if the applicant fails to provide documents or other information necessary to meet the requirements of this UDC or other requirements as specified in the determination provided to the applicant. Upon expiration, the application will be returned to the applicant together with any accompanying documents. Thereafter, a new application must be submitted.

C. Application Withdrawal

Any request for withdrawal of an application must be submitted in writing to the director of the appropriate City department. If notification is required for the application and has been properly given via publication in the newspaper and/or written notification to surrounding property owners, such application must be placed on the agenda. The staff representative shall notify the advisory body or the City Council of the request for withdrawal. The advisory body or the City Council may, at its discretion, accept the request for withdrawal of the application by general consent of the members. Application fees are not refundable unless reimbursement is otherwise authorized by the director of the appropriate City department.

Section 3.3 Notice Requirements

A. Published Notice

Whenever published notice of a public hearing before an advisory body or City Council is required, the City Secretary or his/her designee shall cause notice to be published in an official newspaper or a newspaper of general circulation in the City on or before the sixteenth (16th) day before the date of the required hearing. Said notice shall set forth the date, time, place and purpose of the hearing.

B. Written Notice

Whenever written notice of a public hearing before an advisory body or the City Council is required, on or before the eleventh (11th) day before the hearing date, the City Secretary or his/her designee shall cause written notice to be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the exterior boundary of the property in question. Said notice shall set forth the date, time, place and purpose of the hearing. The notice may be served by its deposit, properly addressed with postage paid, in the United States mail. If the property within 200 feet of the property in question is located in territory within the City and is not included on the most recently approved municipal tax roll, notice to such owners shall be given by one (1) publication in an official newspaper or a newspaper of general circulation in the municipality at least fifteen (15) days before the date of the hearing. Failure of owners to receive notice of hearing shall in no way affect the validity of the action taken.

Section 3.4 Public Hearings

A. Public Hearing Required

When a public hearing is required, the City Secretary or designee shall establish the date, time & place of the public hearing & shall cause any notice required by this UDC & the Texas Local Government Code.

B. Conduct of Hearing

Any person may appear at the public hearing and submit evidence, either individually or as a representative of an organization. Each person who appears at a public hearing shall state his or her name, address, and if appearing on behalf of an organization, state the name and mailing address of the organization for the record. Subject to the chairperson's inherent authority to conduct meetings, public hearings shall generally be conducted as follows.

1. The City staff may present a description of the proposed project and a written or oral recommendation. Any written recommendation shall be available to the public at the time that the agenda packet for the body conducting the hearing is compiled.
2. The applicant may present any information it deems appropriate.
3. Testimony in support of the application may be presented by any individual who expresses an interest in the proposed project.

4. Testimony in opposition to the application may be presented by any individual who expresses an interest in the proposed project.
5. At the discretion of the chairperson, the City staff and the applicant may respond to any statement by the public.
6. The body conducting the hearing may exclude testimony or evidence that it finds to be irrelevant, immaterial or unduly repetitious.
7. At the discretion of the chairperson of the body conducting the hearing, an individual may be permitted to pose relevant questions to staff, the applicant or the body conducting the hearing.
8. The public hearing shall be closed.
9. The advisory body shall make a recommendation.
10. A written report with its recommendations to the City Council shall be prepared.

C. Continuance of Hearing

The body conducting the hearing may, on its own motion or at the request of any person, for good cause, continue the hearing to a fixed date, time and place. Except as required by the Texas Open Meetings Act, or any other applicable law, additional notice shall not be required if a hearing is continued. Once a public hearing is closed, no further public testimony shall be taken.

D. Additional Rules

The body conducting the hearing may adopt additional rules of procedure, or by-laws, and apply such rules to govern the public hearing. If by-laws are not adopted, Robert's Rules of Order will govern the conduct of all meetings and hearings.

E. Joint Public Hearing

Unless otherwise prescribed in this UDC, whenever an application must be preceded by a public hearing both before an advisory body and before the City Council, the advisory body and the Council may conduct a joint public hearing and take action on the application in the following manner.

1. The City Council shall establish the date of the joint public hearing by motion at a regular or special meeting.

2. The City Council shall cause notice of the joint public hearing to be provided as required by this UDC and the Texas Open Meetings Act and, by a vote of two-thirds of its members, may prescribe the type of notice for the joint public hearing.

3. The advisory body and the City Council shall be convened for the hearing and for any action to be taken on the petition or application.

4. The advisory body and the City Council may take action on the application at the same meeting, provided that the City Council shall not take action until the written report and recommendation of the advisory body has been received.

Section 3.5 Post-Decision Procedures

A. Notification Required

Within ten (10) business days following final action on any development application, the appropriate City Department shall provide written notification to the applicant of the decision. If an application has been denied, the notification should include the reasons for denial as well as any information relating to reapplication procedures for the appropriate application.

B. Reapplication Following Denial

Whenever any development application, with the exception of any plat application, is denied, a development application for all or a part of the same property shall not be accepted for filing for a period of six (6) months after the date of denial unless the subsequent application involves a proposal that is substantially different from the

previously denied proposal. For the purpose of this section, a request may be considered substantially different if the change is to a different zoning classification, there is a change in conditions relating to zoning principles of the property or surrounding properties or there is a change in the nature of the development of the property or surrounding properties. The City Manager or his/her designee shall resolve any questions concerning the similarity of the reapplication. The final decision-maker may, at its option, waive the six (6) month waiting period if, after due consideration of the matter at a scheduled and posted meeting, it is determined that denial of the request was based upon erroneous or omitted information, or if substantial new information pertaining to the request is discovered.

C. Amendments and Revisions to Approved Application

Unless otherwise expressly provided by this UDC, any request to amend or revise an approved development application shall be considered a new application, which must be decided in accordance with the procedures governing at the time such new application is filed with the City.

Section 3.6 Comprehensive Land Plan Amendment

A. Applicability

The City Council may, from time to time, on its own motion, by request of the City staff, or by application from a property owner, may amend, supplement, change, modify or repeal the text of the Comprehensive Land Plan or may amend the boundaries shown on the Future Land Use Map, Master Thoroughfare Plan or any other applicable maps contained in the Comprehensive Land Plan.

B. Application Requirements

1. Application Required

Any request for an amendment to the Comprehensive Land Plan shall be accompanied by a completed Planning and Engineering Services Department Development Application.

2. Accompanying Applications

Any request for amendment of the Future Land Use Map submitted by a property owner may be accompanied by an application for a zoning change consistent with requested Future Land Use Map amendment for land within the City Limits.

C. Processing of Application and Decision

1. Submittal

An application for an amendment to the Comprehensive Land Plan shall be submitted to the Planning and Engineering Services Department with the appropriate application fees. The City shall review the application for completeness in accordance with this UDC. The City Manager or his/her designee may, at its option, request a recommendation from any other City Department or consultant. The City Manager or his/her designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the City Manager or his/her designee shall forward a written recommendation to the Planning and Zoning Commission for consideration.

2. Commission Recommendation

The Planning and Zoning Commission shall consider the proposed amendment and make a written recommendation regarding a proposed amendment to the Comprehensive Land Plan to the City Council.

3. Decision by City Council
The City Council shall receive the written recommendation of the Planning and Zoning Commission regarding a proposed amendment and take action on the request.

D. Criteria for Approval

In considering an amendment to the Comprehensive Plan, the following criteria should be considered:

1. The proposed amendment promotes the health, safety, or general welfare of the City and the safe, orderly, efficient and healthful development of the City;
2. An amendment to the text is consistent with other policies of the Comprehensive Land Plan, taking into account the nature of any proposed map amendment associated with the text amendment;
3. An amendment to the Future Land Use Map, Master Thoroughfare Plan or any other applicable maps contained in the Comprehensive Land Plan is consistent with the policies of the Comprehensive Land Plan that apply to the map being amended, taking into account the nature of any proposed land use associated with the map amendment;
4. Any proposed amendment is consistent with the goals and objectives of the Comprehensive Land Plan;
5. Any proposed amendment addresses circumstances that have changed since the last time the plan map or text was considered, implements plan policies better than the current plan map or text corrects a mapping error or addresses a deficiency in the plan; and
6. Other criteria which, at the discretion of the Planning and Zoning Commission and City Council, are deemed relevant and important in the consideration of the amendment.

Section 3.7 Unified Development Code Amendments

A. Applicability

The provisions of this section apply to any request for an amendment to the UDC, with the exception of zoning and subdivision regulations. The City Council may, from time to time, on its own motion, or at the request of the City staff, amend, supplement, change, modify or repeal the text of any portion of this UDC in order to establish and maintain sound, stable and desirable development within the jurisdiction of the City. The provisions of this section shall exclude amendments to any appendix adopted as a part of this UDC, or by reference, which may only be amended by general consent of City Council.

B. Application Requirements

Requests for amendments to the text of this UDC may be initiated by the request of the Planning and Zoning Commission, the City Council or the City Manager.

C. Processing of Application and Decision

1. Submittal

An application for an amendment to the text of this UDC shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review the application and may direct the proposed amendment to any other City Departments or consultant for review and recommendation. After appropriate review, the City Manager or his/her designee shall forward a recommendation to the Planning and Zoning Commission for consideration.

2. Commission Recommendation

The Planning and Zoning Commission shall hold a public hearing and make a written recommendation regarding a proposed amendment to the text of this UDC to the City Council.

3. Decision by City Council

The City Council shall receive the written recommendation of the Planning and Zoning Commission regarding a proposed amendment to the text of this UDC and shall hold a public hearing and take action on the request.

D. Criteria for Approval

The following criteria should be considered in consideration of a proposed amendment to this UDC:

1. The proposed amendment promotes the health, safety, or general welfare of the City and the safe, orderly, efficient and healthful development of the City;
2. An amendment to the text is consistent with other policies of this UDC and the City;
3. Any proposed amendment is consistent with the goals and objectives of this UDC and the City; and
4. Other criteria which, at the discretion of the Planning and Zoning Commission and the City Council, are deemed relevant and important in the consideration of the amendment.

E. Non-Substantive Amendments

Notwithstanding the other provisions of this section, the City Council may by resolution correct spelling or punctuation errors, cross-reference errors, and other matters herein determined by the City Attorney to be non-substantive without complying with the foregoing provisions of this section. The number of any such resolution shall be noted on the cover of this UDC.

Section 3.8 Annexation

A. Applicability

Annexation may be voluntary or involuntary and shall be required to meet all requirements of the TLGC for each type of annexation. The provisions of this section apply to any request for voluntary annexation by a property owner wishing to extend the corporate limits of the City to incorporate property adjacent to the City's existing municipal boundaries.

B. Application Requirements

1. Application Required

A request for annexation shall be accompanied by an application.

2. Accompanying Applications

Any request for annexation shall be accompanied by an application to establish the initial zoning on the property. An application to establish the zoning may be considered at the same meeting as the annexation request so long as the ordinance providing for annexation is acted on prior to any action on the zoning request. In the event that an application for annexation is considered concurrently with the application for zoning, the Planning and Zoning Commission may consider the zoning request and provide a written recommendation to the City Council so long as the City Council has adopted the annexation ordinance.

C. Processing of Application and Decision

1. Submittal

An application for annexation shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review the application for completeness in accordance with this UDC and the Texas Local Government Code. The City Manager or his/her designee may, at its option, request a recommendation from any other City Department or consultant. The City Manager or his/her designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the City Manager or his/her designee shall forward a written recommendation to the City Council for consideration.

2. Compliance with TLGC & City Charter

A request for annexation is subject to all applicable rules and procedures required by State Law. In the event of a conflict between the requirements of this UDC and State law, the requirements of State law shall apply.

It is the expressed policy of the City Council to not annex properties that would need to be included in a 3-Year Annexation Plan, as defined in TLGC Section 43.052 (Subchapter C). By virtue of this policy, the Annexation Plan requirements of TLGC Section 43.052 (Subchapter C) are not applicable because the City of Cibolo has not specifically identified any annexation(s) where the provisions of TLGC 43.053 (Chapter C) would be applicable.

D. Criteria for Approval

When considering a request for voluntary annexation, the City Council should consider the following criteria:

1. The application is consistent with the requirements of State law and this UDC;
2. The annexation promotes the health, safety, or general welfare of the City and the safe, orderly, efficient and healthful development of the City;
3. The property owners and residents of the area consent to the annexation;
4. The application includes a service plan as required by TLGC;
5. The annexation is consistent with the goals and objectives of the Comprehensive Land Plan; and
6. Other criteria which, at the discretion of the City Council, are deemed relevant and important.

Section 3.9 Development Agreements

A. Applicability

The purpose of a Development Agreement is to determine whether the City wishes to authorize a plan of development for land located within its ETJ, to prescribe land uses, environmental standards, development standards and public facilities standards governing development of the land for the term of the agreement, to provide for the delivery of public facilities to the property and to provide for annexation of the property to the City. A Development Agreement may be approved for land located in the ETJ of the City.

B. Application Requirements

1. Application Required

When applicable, an application for a Development Agreement shall be accompanied by a development application and any required application fees.

2. Accompanying Applications

An application for a Development Agreement shall be accompanied by a Preliminary Plat prepared in accordance with this UDC. Approval of a Preliminary Plat as part of a Development Agreement shall meet the requirements for Preliminary Plat approval specified in this UDC.

C. Processing of Application and Decision

1. Submittal

An application for a Development Agreement shall be submitted to the City, which shall review the application for completeness in compliance with the requirements of this UDC.

2. Preparation and Negotiation of Development Agreement

An application for a Development Agreement shall be prepared in accordance with the TLGC. After review by the City staff, the application and accompanying plans shall be transmitted to the office of the City Attorney for review. After appropriate review, a recommendation shall be forwarded to the Planning and Engineering Department for negotiations on recommendations.

3. Final Approval

Upon the completion of negotiations of a development agreement, the development agreement shall be submitted to the City Council for approval.

Section 3.10 Extensions of Water and Sewer Mains

A. Applicability in the City of Cibolo Extra-Territorial Jurisdiction (ETJ)

1. Application Required.

When a property owner requests the extension of water or wastewater services from the City of Cibolo into the Cibolo ETJ for the purpose of providing utilities to a development project, said request shall only be considered by the City of Cibolo in conjunction with a development application & concurrent request for voluntary annexation into the City of Cibolo. Development applications must be prepared in accordance with all requirements of this UDC & must be consistent with the capacity of the facilities proposed to be extended. Upon approval of the development applications, construction of utility facilities shall be completed in accordance with the terms of the approved utility service extension request & this UDC.

2. Decision by City Council.

In considering the concurrent requests for a service extension and voluntary annexation, the City may, at its option, elect to annex the property upon request or delay the annexation until such time the City deems necessary to promote the health, safety or general welfare of the City and the safe, orderly, efficient and healthful development of the City.

B. Applicability in the City of Cibolo

1. Application Required

Any application for Utility Service Extension shall be accompanied by a Development Application, as may be applicable.

2. Accompanying Applications

An application for Utility Service Extension may be accompanied by a concurrent application for a Preliminary Plat or site plan, in accordance with this UDC. A plat or site plan may not be approved until final approval of the Utility Service Extension by the City Council.

3. Processing of Application and Decision

a. Submittal

A request for Utility Service Extension shall be submitted to the City Engineer. The City Engineer shall review the application for completeness in accordance with all requirements this UDC.

b. Review and Processing of Request

The City Engineer shall circulate the application among applicable City Departments for review and recommendation. The City Engineer shall evaluate the request for consistency with the approval criteria and shall prepare a written recommendation to be forwarded to the City Council. The recommendation should include any comments received from other departments including, but not limited to, an analysis of the financial feasibility of extending services and any fiscal impacts on existing utilities from the extension.

c. Decision by City Council

The City Council shall receive the written recommendation of the City Engineer and shall decide whether to approve, approve with conditions, or deny the request for Utility Service Extension.

4. Criteria for Approval

The City Council, in considering final action on a request for Utility Service Extension, should consider the following criteria:

a. The proposed development to be served is consistent with the Comprehensive Land Plan;
b. The proposed extension must be constructed in accordance with all applicable City requirements;
c. Would the utility extension compromise the ability of the City to provide adequate and timely water or wastewater facilities to property inside the City;
d. Would a utility extension result in premature development that cannot be served efficiently by the City;
e. Would the utility extension be financially feasible given the proposed means of financing the extension;

f. Would a utility extension lead to significant degradation of water quality or other environmental resources, either from construction of the water or wastewater improvements, development of the property owner's land, or development of other land that may be served through the extended facilities;
g. Does the property owner propose to extend non-City utilities to serve the property; and
h. Would the proposed agreement promote the health, safety or general welfare of the City and the safe, orderly, efficient and healthful development of the City.

5. Required Extensions

a. All developments shall be required to extend water and sanitary sewer mains across the full width of the development, as defined by the plat or lot of record or the site plan in which development is proposed, in such an alignment to allow for the extension of services to adjoining properties in accordance with the utility service plans of the city and the Cibolo Design and Construction Manual.

b. Properties with existing water and/or sanitary sewer service shall not be required to install additional facilities unless the existing lines do not have adequate capacity to serve the proposed development or unless the existing lines do not have adequate capacity to serve the zoning of a property that was rezoned to accommodate higher intensity uses after the original installation of a water or sewer line. In either instance, the developer shall be required to provide additional water and/or sewer capacity necessary to meet the requirements of this UDC and the Cibolo Design and Construction Manual.

6. Cost Policies to New Subdivisions & New Development

a. Development Main and Facilities

Developers, including individuals, subdividers, shall be responsible for actual cost of all water and sewer main extensions, lift stations or other necessary facilities required to serve their development in accordance with the Cibolo Capital Improvements Program and Cibolo Design and Construction Manual.

b. Oversized Mains

The City shall participate in the oversizing of water and sewer mains subject to the availability of funds and approval by City Council. Oversized mains are defined as water mains and sanitary sewer mains that are required by the City for the future expansion of the utility system but which additional capacity is not required for the proposed development project.

c. Authority to Extend Utilities

The City Manager may approve an extension of existing city water and sanitary sewer facilities if the extension is less than 600 feet, provided that funds are available and that the said extension addresses long term goals of the City to expand its utility service facilities and network. Service extensions longer than 600 feet shall only be permitted upon the approval of City Council.

d. Request to Connect to City of Cibolo Utilities Required

It shall be the policy of the City Council to require that all developments located within the City of Cibolo request City of Cibolo water and sanitary sewer service. If a development is located in the CCN boundaries of another utility purveyor, the applicant shall invoke applicable state statutes, as amended, and formally request that the City of Cibolo provide utility service(s). The City of Cibolo shall determine, upon receiving a formal request in writing or by a plat submittal, if the City can provide the requested utility service(s) to the development.

e. Compliance with Fire and Building Codes Required

It shall be the policy of the City Council to require all utility purveyors providing utility service within the City of Cibolo to comply with all applicable City of Cibolo Fire and Building Codes, as amended, by the date in which a service connection is requested. If a utility provider cannot supply utility services in accordance with the City of Cibolo Fire and Building Codes, as amended, on the date in which said utility service is requested, the City of Cibolo reserves the right to provide said utility service if the City of Cibolo has the ability to provide said service in

accordance with the City of Cibolo Fire and Building Codes, as amended.

Section 3.11 Development Application Appeals

A. Purpose

The purpose of an appeal is to contest an initial decision on a Development Application other than zoning based upon alleged misapplication of the regulations contained within this UDC and the criteria for approval of the Development Application. An appeal may not be used to amend, vary or otherwise modify the standards of this UDC that apply to the Development Application. Any decision on a Development Application required by this UDC may be appealed to the Board, Commission or the City Council indicated within the procedures for each Development Application. The granting of an appeal supersedes the decision from which the appeal was taken and results in approval, conditional approval or denial of the Development Application for which the approval was sought.

B. Appeal Requirements

Any person or persons aggrieved by any decision on a Development Application other than zoning may appeal a decision on a Development Application to the advisory body or the City Council responsible for consideration of the appeal as indicated in this UDC. An appeal shall contain a written statement of the reasons why the decision is erroneous, and shall be accompanied by a fee established by the City Council. An appeal by an applicant shall be accompanied by a copy of the Development Application on which the initial decision was rendered. An appeal may include any other documents that support the position of the appellant. A written appeal must be filed with the City Manager or his/her designee within ten (10) working days after the date of notification of the decision on the Development Application.

C. Processing of Appeal and Decision

1. Submittal

An appeal shall be submitted to the City Manager or his/her designee for processing of the Development Application being appealed. Upon receipt of a written appeal, the City Manager or his/her designee shall compile all documents constituting the record of the decision subject to appeal and transmit the record to the Board, Commission or the City Council responsible for considering the appeal.

2. Stay of Proceedings

Receipt of a written appeal of a decision on a Development Application stays all proceedings of the City in furtherance of the decision from which appeal is taken, including without limitation acceptance, processing or issuance of any subsequent Development Applications, and any development activities authorized by initial approval of the Development Application. The stay shall be lifted only if the City Manager or his/her designee certifies in writing to the advisory body or the City Council responsible for consideration of the appeal that a stay would cause imminent peril to life or property. Thereafter, the stay may be reinstated only by order of the advisory body or the City Council responsible for consideration of the appeal or a court of record, on application, after notice to the City Manager or his/her designee, for due cause shown.

3. Notification Requirements

Legal Notice of an appeal shall be required only in those instances where Legal Notice was required by the TLGC as a requirement of the original application for which the appeal is being requested.

4. Decision on Appeal

The advisory body or the City Council responsible for consideration of the appeal shall hold a public hearing and decide the appeal within thirty (30) days after written receipt of the request for the appeal. The advisory body or the City Council responsible for consideration of the appeal shall affirm, reverse or modify the decision from which the appeal was taken.

5. Notification of Decision on Appeal

The property owner and the applicant for the Development Application under appeal shall be notified of the decision on the appeal in accordance with this UDC.

D. Criteria for Approval

In deciding the appeal, the body responsible to consider the appeal shall apply the same criteria that govern the initial decision on the Development Application under the provisions of this UDC.

E. Expiration and Extension

1. For purposes of determining expiration or extension periods under this UDC, the date in which the body considering the appeal grants relief is the date on which the Development Application is deemed to be approved.

2. Once relief is granted, a new Development Application or permit application shall be submitted within 180 days of the date of such approval or the appeal shall become null and void.

3. When applicable, disapproval of an appeal shall require compliance by the applicant within fifteen (15) days of the date of disapproval.

Section 3.12 Public Infrastructure Improvements, Construction Plans & Facility Agreements

A. Applicability

Every subdivision or development which requires the installation of public infrastructure improvements to serve the proposed subdivision or development is required to submit construction plans to ensure that the required improvements are constructed in accordance with all applicable standards of this UDC or any other codes of the City pertaining to the construction and installation of the improvements. All public infrastructure improvement construction plans shall be submitted and approved prior to an application for a final plat.

B. Application Requirements

Any request for an approval of construction plans shall be accompanied by an application prepared in accordance with the requirements of the UDC, Cibolo Design and Construction Manual and City Engineer. This UDC and the City Engineer shall determine the form and content of the construction plans.

C. Processing of Application and Decision

1. Submittal

Construction plans shall be submitted to the City prior to, or concurrently with, an application for Final Plat. If construction plans are submitted with an application for Preliminary Plat, the City is not obligated to approve Construction Plans prior to taking action on a Preliminary Plat. The City shall transmit the plans to the City Engineer and appropriate City staff and consultants for review. The City Engineer shall provide written notification of any items requiring correction or attention within thirty (30) days after a “complete” submittal of construction plans.

2. Decision by the City Engineer

The City Engineer is responsible for the final approval of any construction plans and may approve, approve with conditions, or deny said construction plans. Once the construction plans are approved, the property owner shall provide additional sets of the approved plans to the City, as required by the City Engineer, for use during construction. A full set of the City-approved and stamped construction plans must be available for inspection on the job site at all times.

3. Revisions to Construction Plans

If the conditions of approval require revision(s) to the construction plans, one (1) set shall be marked with objections noted (on the plans themselves and in memo format) and returned to the applicant for correction,

whereupon the applicant's engineer shall correct the plans as requested and resubmit them for decision. A properly revised set of construction plans shall be submitted to the City Engineer. The City Engineer shall approve or deny the revised set of plans.

4. Appeals

Any person or persons aggrieved by any decision of the City Engineer may appeal the decision of the City Engineer to the City Council and shall be decided prior to action on a Final Plat. An appeal of the City Engineer decision must be accompanied by a written statement regarding the grounds for appeal and shall be certified and documented by a professional engineer licensed in the State of Texas.

D. Criteria for Approval

When considering final action on public infrastructure improvement construction plans, the City Engineer, or the City Council on appeal, should consider the following criteria:

1. The plans are consistent with the approved preliminary plat or the proposed final plat;
2. The plans conform to all applicable regulations pertaining to the construction and installation of public infrastructure improvements and the Cibolo Design and Construction Manual; and
3. The plans have been reviewed and approved by the City Engineer.
4. All plans & surveys shall be completed and sealed in accordance with all requirements and standards of the Texas Board of Professional Engineering & Texas Board of Professional Land Surveying.

E. Timing of Public Infrastructure Improvement Construction

1. Completion Prior to Final Plat Recordation

After approval of a preliminary plat and prior to recordation of an approved final plat, the installation of all public infrastructure improvements required to serve the subdivision, whether to be located off-site or on-site, including but not limited to water, wastewater, drainage, road and park improvements, shall be completed in accordance with the approved public infrastructure improvement construction plans, except as provided in Section 2 below. The installation of improvements required for proper drainage and prevention of soil erosion on individual residential lots, and improvements on any common areas shall be completed prior to recordation of the final plat in accordance with the approved construction plans.

2. Installation after Final Plat Approval

The property owner or applicant may request to defer the obligation to construct and install one (1) or more public improvements to serve the subdivision until after final plat recordation, in accordance with Article 20 (Subdivision Regulations) of this UDC. The request shall be submitted with an application for preliminary plat approval to provide fair notice of the intent of the developer. Deferral of the obligation to install public improvements shall be conditioned on execution of a subdivision improvement agreement and sufficient surety to secure the obligations defined in the agreement.

3. Off-Site Easements

All necessary off site easements required for installation of off-site public improvements to serve the subdivision or development shall be acquired by the subdivider or developer and conveyed solely to the City by an instrument approved by the City Attorney.

F. Security for Completion of Improvements

1. Security

Whenever the obligation to install public improvements to serve a subdivision or development is deferred until after recordation of the final plat, the property owner shall provide sufficient security to ensure completion of the required public improvements, in accordance with Article 20 (Subdivision Regulations) of this UDC. The security shall be in the form specified by this UDC.

2. Amount and Acceptability

The security shall be issued in the amount of 125% of the cost estimate approved by the City Engineer and Director of Public Works for all public improvements associated with the subdivision. The terms of the security agreement shall be subject to the approval of the City Attorney.

3. Building Permits

No building permit shall be released until all public improvements within the development have been accepted by the City.

4. Remedies

Where a community facilities agreement has been executed and security has been posted and required public improvements have not been installed in accordance with the terms of the agreement, the City may:

a. Declare the agreement to be in default and require that all the public improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default;
b. Obtain funds under the security and complete the improvements itself or through a third party; or
c. Assign its right to receive funds under the security to any third party, including a subsequent owner of the development in exchange for the subsequent owner's agreement and posting of security to complete the public improvements serving the tract.

G. Inspection and Acceptance of Public Improvements

1. Inspections

Construction inspection shall be supervised by the City Engineer and Public Works Department. Construction shall be in accordance with the approved construction plans. Any significant change in design required during construction shall be made by the subdivider's engineer, and shall be subject to approval by the City Engineer. If the City Engineer and Public Works Director find upon inspection that any of the required public improvements have not been constructed properly and in accordance with the approved construction plans, the property owner shall be responsible for completing and/or correcting the public improvements.

2. Submission of As-Built Plans or Record Drawings

The City shall not accept dedication of required public improvements until the applicant's engineer has certified to City through submission of detailed "as-built" record drawings and survey plat of the property and any off-site easements, the location, dimensions, materials, and other information establishing that the public improvements have been built in accordance with the approved construction plans. Each "as-built" sheet shall show all changes made in the plans during construction and on each sheet there shall be an as-built stamp bearing the signature of the engineer and date. "As-built" items required are as follows:

a. Two (2) sets of full size "approved construction plans" and "as' built" plans;
b. Electronic (digital) copies of all plans in GIS, CAD .dxf or .dwg format and .pdf format;
c. Design Engineer's Certificate of Review; and
d. Letter with guaranties and costs of all infrastructure being dedicated to the City to include information regarding: linear feet of streets, public drainage, sewer lines and water lines.
e. Two (2) true & correct copies of field density tests, material source tests & geotechnical reports; each certified by a recognized testing laboratory and PDF's of the same on CD/DVD.
f. A DVD and complete log of the televised inspection(s) of sewer lines.
g. Acceptance letters from all applicable utility providers.

3. Acceptance of Improvements

When the City Engineer determines that public improvements have been installed in accordance with the approved construction plans, the City Engineer shall recommend acceptance of such improvements on behalf of

the City. Acceptance of improvements shall mean that the property owner has transferred all rights to all the public improvements to the City for use and maintenance. The City may accept dedication of a portion of the required public improvements, provided adequate surety has been given for the completion of all of the other improvements. Upon acceptance of the required public improvements, the City shall certify to the property owner that public improvements have been satisfactorily completed.

4. Disclaimer

Approval of a preliminary or final plat by the City shall not constitute acceptance of any of the public improvements required to serve the subdivision or development. No public improvements shall be accepted for dedication by the City except in accordance with this UDC.

5. Stop Work Order

a. Authority. Whenever any duly authorized agent of the City of Cibolo determines that any work regulated by this UDC is being installed or completed in a manner contrary to the provisions of this UDC or any other applicable City of Cibolo Code, contrary to approved Construction Plans, or in a dangerous or unsafe manner, the City of Cibolo is authorized to issue a stop work order immediately and to not allow work to progress until the issue(s) that resulted in the stop work order is/are remediated at the expense of the developer.

b. Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved; or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

c. Order. Whenever any code violations are discovered or when a City official finds that work regulated by the UDC or any other applicable City Code is being performed or completed in a manner contrary to the provisions of the UDC or another applicable City Code or in a dangerous or unsafe manner, the City is authorized to issue a stop work order.

d. Emergencies. Where a verifiable emergency exists, the City shall not be required to give a written notice prior to stopping the work.

e. Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to the fines and penalties prescribed by Article 1 of this UDC.

H. Maintenance and Warranty of Improvements

1. Maintenance During Construction

The developer shall maintain all required public improvements during construction of the development.

2. Bond

The developer or owner shall covenant to warranty the required public improvements for a period of one (1) year following acceptance by the City of all required public improvements and shall provide a maintenance bond in the amount of 25%, with a minimum amount of $25,000, of the costs of the improvements for such period. All improvements located within an easement or right-of-way shall be bonded.

Section 3.13 Building Permits

A. Applicability

An application for a building permit is required within the City corporate limits, or where provided for in a Development Agreement in the City ETJ, prior to the placement, construction or alteration of a building or structure. Approval of an application for a building permit authorizes the property owner to construct, alter or place

a structure on the lot, tract or parcel. Approval of the building permit authorizes the property owner, upon completion of a structure, to make application for a Certificate of Occupancy.

B. Provisional Field Permits

Upon an affirmative finding by the City Engineer that required public improvements have been completed in accordance with this UDC and the Design and Construction requirements of the City of Cibolo, the Planning and Engineering Services Director may authorize the issuance of Provisional Field Permits to allow the issuance of building permits. Provisional Field Permits shall be issued "at risk" to the developer and does not preclude the City Council from denying, or deferring, Preliminary Acceptance, upon the discovery of any defect in the public improvements after the issuance of any provisional field permit. Provisional Field Permits shall be subject to all regular permitting requirements. Certificates of Occupancy shall not be issued until Preliminary Acceptance of all public improvements is granted by City Council.

C. Application Requirements

Any request for a building permit shall be accompanied by an application prepared in accordance with requirements of the Building Inspections Division. The Planning and Engineering Services Director or his/her designee shall be responsible for determining the form and content of the building permit application.

D. Processing of Application and Decision

1. Submittal

An application for a building permit shall be submitted to the Building Inspections Division, who shall review the application for compliance with all adopted building codes and regulations.

2. Decision by the Director of Planning and Engineering Services

The Director of Planning and Engineering Services or his/her designee may approve, approve with conditions, or deny the building permit.

3. Appeals

Any person or persons aggrieved by any decision of the Planning and Engineering Services Director or any officer, department, or board of the City may appeal the decision to the Planning & Zoning Commission and/or City Council, as specified in this UDC, unless the cause for the permit denial relates to a zoning related sections of this UDC; in which case the appeal shall be made to the Board of Adjustment.

E. Criteria for Approval

The following criteria shall be used in deciding the application for a building permit:

1. The application generally conforms to all prior approved development applications for the property and any variance petition authorizing variation from the standards otherwise applicable to the permit;
2. The location of the structure is in accordance with all prior approved development applications;
3. Construction plans conform to all applicable construction codes, as amended, adopted by the City;
4. All applicable fees, including impact fees, have been paid;
5. A final plat of the property has been recorded in the appropriate County plat records; and
6. Required public infrastructure has been installed and accepted by the City.

F. Issuance

No building permit shall be issued on property that is a lot of record unless; 1) Additions to existing structures don't exceed 25% of the building gross floor area at the time of the adoption of this UDC **and/or** 2) for interior finish outs on improvements to existing structures.

Section 3.14 Certificate of Occupancy

A. No vacant land shall be occupied or used except for agricultural purposes unless otherwise authorized by this UDC and no building hereafter erected or structurally altered shall be used or occupied until a certificate of occupancy shall have been issued by the Building Official of the City stating that the building or proposed use thereof complies with the provisions of this ordinance and all other existing building and sanitation ordinances.

B. No non-conforming use shall be maintained, renewed, changed or extended without a certificate of occupancy having first been issued by the Building Official of the City of Cibolo.

C. Application for a certificate of occupancy shall be made in writing coincident with the application for a building permit, or may be directly applied for where no building permit is necessary and shall be issued or refused in writing within 5 (five) days after the Building Official has been notified that the building or premises is ready for occupancy.

D. The Building Official shall maintain a record of all certificates and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.

E. No permanent water, sewer, electrical or gas utility connections shall be made to the land, building, or structure until and after a certificate of occupancy has been issued by the Building Official of the City of Cibolo.

F. Upon request of the owner or authorized representative, the Building Official may issue a temporary certificate of occupancy for the temporary use and occupancy of a portion of a building prior to the completion and occupancy of the entire building, provided such temporary occupancy or use will not in any way or manner jeopardize life or property. Such temporary certificate may be issued for a period not exceeding six months. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners relating to the use or occupancy of the premises, or in any other matter covered by this ordinance, and such temporary certificate shall not be issued except under such restrictions and provisions.

ARTICLE 4. ZONING REGULATIONS

Section 4.1 General Provisions

4.1.1 Purposes and Intent

The purpose of this Article is to promote the public health, safety, general welfare and quality of life of the present and future citizens of the City.

4.1.2 Consistency with Comprehensive Plan

The City of Cibolo's Comprehensive Plan, as adopted and as amended and periodically updated, is the policy guide for the development of this Article.

4.1.3 Minimum Requirements

The provisions of this Article shall be interpreted and applied as the minimum requirements for the promotion of public health, safety, and general welfare.

Whenever the requirements of this UDC are in conflict with the requirements of any other lawfully adopted rules, regulations, or ordinances, the requirement that is most restrictive or that imposes higher standards will apply.

The issuance of any permit, certificate or approval in accordance with the standards and requirements of this UDC shall not relieve the recipient of such permit, certificate or approval from the responsibility of complying with all other applicable requirements of any other municipality, special district, state or federal agency having jurisdiction over the structures or land uses for which the permit, certificate or approval was issued.

Section 4.2 Zoning Authority and Roles

4.2.1 Planning and Zoning Commission

4.2.1.1. Planning and Zoning Commission created

A. A Commission of the City Council of the City of Cibolo, Texas, is hereby created which shall be known as the Cibolo Planning and Zoning Commission. The Commission shall consist of seven members.
B. A chairperson, vice-chairperson and secretary shall be elected annually among the commission members. In the absence of both the chairperson and vice-chairperson, the Commission shall appoint an acting chairperson.
C. There shall be seven places on the commission being defined as Place #1, Place #2, Place #3, Place #4, Place #5, Place #6, and Place #7.

4.2.1.2. Meetings

A. Regular meetings shall be held monthly unless a lack of agenda items allows for a meeting not to be held. Special meetings may be required at the request of the chairperson or at the request of Mayor and/or City Council. The time and place of both special and regular meetings are subject to change upon proper notification of all members of the Commission.

4.2.1.3. Parliamentary procedure; meetings open to public

A. The commission will conduct its meetings in conformance to "Robert's Rules of Order," latest revision, which shall be the commission's final authority on all questions of procedure and parliamentary law.
B. A quorum shall consist of a majority of the entire membership of the Commission and any issue to be voted on shall be resolved by a majority of those present.

4.2.2 Role of City Council

The City Council is responsible for appointing and removing members of the Planning and Zoning Commission. The City Council shall, after first receiving a report from P& Z, hear and render decisions on applications for original zoning, render decisions on proposed amendments to the official zoning map, as well as take final action on amendments of the text of the UDC and certain appeals and non-zoning related variances from the UDC, and where defined in this UDC, decisions by the Planning and Zoning Commission and City staff in the administration of this UDC.

4.2.3 Role of City Staff

City staff designated by the City Manager will administrate the duties and procedures provided in this UDC. The provisions of this ordinance will ordinarily be carried out by said officials, or a designee such as assistants, deputies, or department heads.

4.2.4 Role of Board of Adjustments

The Board of Adjustment (BOA) has the powers and duties set forth in Chapter 211 of the Texas Local Government Code. The Board of Adjustment's jurisdiction extends to and includes the following specific powers and duties:

A. Zoning Variance from Zoning standards of this UDC
B. Appeal of an Administrative Decision, where defined by this UDC and TLGC §211.010.

4.2.4.1 Membership

The Board of Adjustment shall consist of seven (7) regular members and two (2) alternate members, each to be appointed for a term of two (2) years and removable for cause by the City Council. The two (2) alternate members shall serve in the absence of one (1) or more regular members when requested to do so by the City Manager or his/her designee.

4.2.5 Role of the Building Official or his/her Designee

A. Whenever any building work is being done contrary to the provisions of this UDC, the Building Official may order the work stopped and also revoke the building permit theretofore issued by notice in writing served on any person owning such property or their agent or on any person engaged in the doing or causing of such work to be done, and any such person shall forthwith stop and cause to be stopped such work until authorized by the Building Official to recommence and proceed with the work or upon issuance of a building permit in those cases in which the building permit has been revoked, and further such stop work order and revocation of permit shall be posted on work being done in violation of this ordinance.

B. Whenever any building or portion thereof is being used or occupied contrary to the provisions of this UDC, the Building Official shall order such use or occupancy discontinued and the building or portion thereof vacated by notice served on any person using or causing such use or occupancy to be continued, and such person shall vacate such building or portion thereof within 10 (ten) days after receipt of such notice, or make the building or portion thereof comply with the requirements of this ordinance.

Section 4.3 Processes

4.3.1 Zoning Map Amendment Process (Rezoning)

The Official Zoning Map may be amended based upon changed or changing conditions in a particular area or in the City generally, or to rezone an area, or to extend the boundary of an existing zoning district. All amendments must be in accordance with the Future Land Use Plan. The City Council is responsible for final action on Zoning Map Amendments.

4.3.1.1 Submittal Requirements

An application for Zoning Map Amendment shall be deemed complete when the applicant or agent has provided on or before the application submittal date prescribed by the City Planner or his/her designee:

A. A letter or application form, signed by the property owner(s), stating the current and requested zoning classifications.
B. A copy of the current deed, indicating ownership and authority to file the application.
C. A legal description of the property, whether by Lot and Block, or by metes and bounds
D. The full required fee for processing the application.
E. A list of property owners within two hundred (200) feet of the property for which the change in district boundary is proposed.

4.3.1.2 City Staff Review

A. The City Planner shall review the application and make a determination of completeness of the application.
B. A complete application will be reviewed by the City Planner and his/her designees for consideration of applicable criteria and prepare a report to the Planning & Zoning Commission and City Council.
C. The City Planner's report may include a recommendation for final action.

4.3.1.3 Planning and Zoning Commission Required Notice, Hearing, and Action

The Planning and Zoning Commission shall hold a public hearing to consider proposed changes in district boundaries or amendments to regulations. Written notice of any such public hearing shall be mailed to all owners of real property, according to the most current, approved County tax rolls, lying within two hundred (200) feet of the property for which a change in district boundaries is proposed. Such notice shall be mailed not less than eleven (11) days before the date set for hearing. If an application or petition has been filed, the party responsible shall appear in person or by agent. The Commission shall act upon changes and amendments as originally submitted or modified. If the Commission is satisfied that a proposed change or amendment is justified, it shall recommend City Council approval. If modifications are required, such modifications shall be included in the recommendation to the City Council. If the Commission is not satisfied that a proposed change or amendment is justified, it shall recommend City Council disapproval. The reasons for disapproval shall be included in the recommendation to the City Council.

4.3.1.4 City Council Required Notice, Hearing

A public hearing shall be held by the City Council before adopting any proposed supplement, amendment or change. Notice of such hearing shall be given before the 15th day before the date of the hearing. Notice of the time and place of the hearing must be published in an official newspaper or a newspaper of general circulation in the municipality. If an application or petition has been filed, the owner shall appear in person or by agent.

4.3.1.5 Approval Criteria

In determining whether to approve, approve with modifications, or disapprove a proposed amendment, the City Council shall consider the following:

A. The application is complete and the information contained within the application is sufficient and correct enough to allow adequate review and final action;
B. The Zoning Map Amendment is consistent with the City's adopted Comprehensive Plan;
C. The Zoning Map Amendment promotes the health, safety, or general welfare of the city and the safe and orderly development of the City;
D. The Zoning Map Amendment is compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood; and,
E. The property to be rezoned is suitable for uses permitted by the District that would be applied by the proposed amendment.

4.3.2 Conditional Use Permit

A Conditional Use Permit is intended to provide some flexibility to traditional zoning by offering a mechanism to balance specific site constraints and development plans with the larger interest of the community and the integrity of the UDC. An application for Conditional Use Permit follows the same process as a Zoning Map Amendment Process (Rezoning), as described above, in all respects. The Permit, if granted, may include conditions placed upon the development of the property. The Planning and Zoning Commission and City Council shall consider the following, at a minimum, in conjunction with its deliberations for approval or denial of the application and the establishment of conditions:

A. Consistency with the Comprehensive Plan.
B. Conformance with applicable regulations in this UDC and standards established by the UDC.
C. Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk, scale, setbacks and open spaces, landscaping and site development, and access/circulation.
D. Potential unfavorable impacts on existing or permitted uses on abutting sites, to the extent that such impacts exceed those which reasonably may result from use of the site by a permitted use.
E. Modifications to the site plan which would result in increased compatibility or would mitigate potentially unfavorable impacts or would be necessary to conform to applicable regulations and standards and to protect the public health, safety, morals and general welfare.
F. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use.

The Planning and Zoning Commission, in recommending favorably upon an application for a Conditional Use Permit, must make all of the following findings of fact:

A. The proposed use is in accord with the objectives of these regulations and the purposes of the district in which the site is located.
B. That the proposed use will comply with each of the applicable provisions of these regulations.
C. That the proposed use and site development, together with any modifications applicable thereto, will be completely compatible with existing or permitted uses in the vicinity.
D. That the conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and ensure compatibility with existing or permitted uses in the same district and the surrounding area, and that the prescribed zoning standards do not provide enough mitigation of the impacts identified, thus warranting stricter standards, if so recommended.
E. The Commission gave due consideration to all technical information supplied by the applicant.
F. That the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.
G. For Sexually Oriented Businesses, the Commission or Council may require any information that may be necessary to determine if the proposed business will comply with all requirements of City of Cibolo Ordinance Number 744.

4.3.3 Post Decision Procedures for Zoning Map Amendment Process and Conditional Use Permits

A. Notification Required

Within ten (10) business days following final action on any development application, the City shall provide written notification to the applicant of the decision of the City Council considering the request. If an application has been denied, the notification should include the reasons for denial as well as any information relating to reapplication procedures for the appropriate application.

B. Reapplication Following Denial

When a rezoning or conditional use permit application is denied, a new rezoning or conditional use permit application for all or a part of the same property shall not be accepted for filing for a period of six (6) months after the date of denial unless the subsequent application involves a proposal that is substantially different from the previously denied proposal. For the purpose of this section, a request may be considered substantially different if the change is to a different zoning classification, there is a change in conditions relating to zoning principles of the property or surrounding properties or there is a change in the nature of the development of the property or

surrounding properties. The City Manager or his/her designee shall resolve any questions concerning the similarity of the reapplication. The final decision-maker may, at its option, waive the six (6) month waiting period if, after due consideration of the matter at a scheduled and posted meeting, it is determined that denial of the request was based upon erroneous or omitted information, or if substantial new information pertaining to the request is discovered.

C. Amendments and Revisions to Approved Application

Unless otherwise expressly provided by this UDC, any request to amend or revise an approved development application shall be considered a new application, which must be decided in accordance with the procedures governing the original application and the standards in effect at the time such new application is filed with the City.

D. Amendments Required

Whenever a subsequent development application differs substantially from a previously approved development application to which the subsequent application must conform, the applicant shall submit an amended development application for the initial development application, which shall be decided prior to the subsequent application. The applicant's failure to comply with this section shall result in denial of the subsequent application

4.3.4 Appeal of Administrative Decision

The Board of Adjustment shall have the authority to hear requests for the appeal of decision made by the City pursuant to Texas Local Government Code §211.010.

4.3.5 Zoning Variance

The Board of Adjustment shall have the authority to hear requests for zoning variances in accordance with the terms of this UDC and Texas Local Government Code §211.010.

4.3.5.1 Application Requirements for Zoning Variances

The following terms prescribe the initiation and initial process of a variance application:

A. Applications must be made in a format and in a manner consistent with requirements determined by the City. Applications must include all materials determined necessary by the City. Information regarding format requirements and submittal materials required for the application will be made available by the City in advance of any application.
B. Upon submission of an application and payment of the applicable fee, the City will determine whether the application is complete.

4.3.5.2 Consideration

The City Staff shall prepare a report, which may include a recommendation for final action. The BOA will review the application, the Staff report, conduct a hearing in accordance with the BOA's established procedures and state law, and take final action on the application. In accordance with Texas Local Government Code 211.009, the concurring vote of 75 percent of the total members of the Board is necessary to authorize a variance from the terms of the Zoning Ordinance articles of this UDC.

4.3.5.3 Criteria for Granting a Zoning Variance, Findings Required

The Board of Adjustment shall prescribe only conditions that it deems not prejudicial to the public interest, and shall enumerate its decision with findings of fact. In making the required findings, the Board of Adjustment shall take into account the nature of the proposed use of the land involved, the existing use of land in the vicinity, the number of persons who will reside or work in the proposed development, the possibility that a nuisance may be created, and the probable effect of such variance upon traffic conditions and upon public health, convenience, and welfare of the vicinity. No variance shall be granted unless the Board of Adjustment finds all of the following:

A. Extraordinary Conditions - That there are extraordinary or special conditions affecting the land involved such that strict application of the provisions of this Code will deprive the applicant of a reasonable use of the land. For example, a variance might be justified because of topographic, or other special conditions unique to the property and development involved, while it would not be justified due to inconvenience or financial disadvantage.

B. Substantial Detriment - That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area, or to the City in administering this Code.

C. Other Property - That the conditions that create the need for the variance do not generally apply to other property in the vicinity.

D. Applicant's Actions - That the conditions that create the need for the variance are not the result of the applicant's own actions.

E. Comprehensive Plan - That the granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of this Code.

4.3.5.4 Insufficient Findings

The following types of possible findings do not constitute sufficient grounds for granting a variance:

A. That the property cannot be used for its highest and best use.
B. That there is only a financial or economic hardship.
C. That there is a self-created hardship by the property owner or its agent.
D. That the development objectives of the property owner are or will be frustrated.
E. The fact that property may be utilized more profitably should a variance be granted.

4.3.5.5 Limitations

The Board of Adjustment may not grant a variance when the effect of a variance would be any of the following:

A. To allow the establishment of a use not otherwise permitted in the applicable zoning district.
B. To increase the density of a use above that permitted by the applicable district.
C. To extend physically a nonconforming use of land.
D. To change the zoning district boundaries shown on the Official Zoning Map.

4.3.5.6 A variance shall not be valid if action authorized is not begun within a period of ninety (90) days. Action begins with the issuance of a building permit.

Section 4.4 Establishment of Zoning Districts

The following Zoning Districts are hereby established for the City of Cibolo as authorized by the City Charter and Chapter 211 of the Texas Local Government Code:

DISTRICT CODE	DISTRICT NAME
AG	Agricultural
SF-1	Low Density Single-Family Residential
SF-2	Medium Density Single-Family Residential
SF-3	Mixed Density Single-Family Residential
TF-1	Duplex
MF-1	Multi Family
MF-2	Multi Family
MH-1	Manufactured Housing
MH-2	Mobile Home Park
C-1	Neighborhood Commercial
C-2	Old Town / Town Center

C-3	Retail / Office
C-4	General Commercial
PF	Public Facilities (Parks and Institutional Facilities)
I-1	Light Industrial
I-2	Heavy Industrial
MURE	Mixed Use Regional Employment Center
OT	Old Town Mixed Use Overlay
78	FM 78 Mixed Use Overlay
TC	Town Center Mixed Use Overlay

4.4.1 Official Zoning Map

The City is hereby divided into the above Zoning Districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of the Code of Ordinances of the City of Cibolo. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Secretary, and bear the Seal of the City of Cibolo under the following words:

"This is to certify that this is the Official Zoning Map referred to in City of Cibolo Code of Ordinances, Appendix A, commonly referred to as the Unified Development Code (UDC)."

If, in accordance with the provisions of this UDC, as amended, changes are made in the District boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map, within thirty business days after the amendment has been approved by the City Council and signed by the Mayor.

Approved zoning changes shall be entered on Zoning Map Amendment archive map and each change shall be identified on the map by the ordinance number making the change.

No change of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with procedures set forth in this Ordinance. Any unauthorized change shall be null and void and have no force or effect.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the City Secretary, shall be the final authority as to the current zoning status of all areas in the City.

4.4.2 Digital Mapping

Digital maps, created through the use of geographical information system technology, containing registration points recorded on the Texas State Plane Coordinate System, as amended, may be used in the administration and enforcement of this Ordinance, but will not replace the paper originals of official maps required by this Ordinance.

4.4.3 Replacement of Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature and/or number of changes and additions, the City Council shall, by ordinance, adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Secretary, and bearing the Seal of the City and date under the following words:

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of Ordinance No. 1048 of the City of Cibolo, Texas."

Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment. The City shall initiate creation of a revised Official Zoning Map consistent with the provisions of this Ordinance.

4.4.4 Rules for Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of Districts as shown on the Official Zoning Map, the following rules shall apply:

A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
C. Boundaries indicated as approximately following city limits shall be construed as following such city limits.
D. Boundaries indicated as following railroad lines shall be construed to be midway between the rails of the main line.
E. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
F. Boundaries indicated as parallel to or extensions of features indicated above shall be so construed. Distances not specifically indicated in a classification amendment shall be determined by the scale of the map.
G. Where physical features, such as streets, railroad lines, rivers, streams and such, existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered above, the Planning and Engineering Services Director shall make a written interpretation of the District boundaries, for approval by the City Manager.

4.4.5 Uniform Application of District Regulations

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the zoning regulations herein specified for the District in which it is located.

4.4.6 Overlay District Applicability

The Mixed Use Overlay Districts defined herein (OT, 78, TC) include requirements specific to the designated areas as defined on the Official Zoning Map. The requirements in the overlay districts are in addition to existing zoning requirements in the corresponding zoning districts. Standards and requirements not specifically addressed in the mixed use overlay requirements but provided for in this UDC for similar development shall apply. In the case of conflicting zoning requirements between existing zoning and the overlay district, the most restrictive requirements shall apply.

4.4.7 Classification of New and Unlisted Uses

It is recognized that new types of land uses will develop and forms of land use not anticipated may seek to locate in the City of Cibolo. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

1. The question concerning any new or unlisted use shall be determined by the City Planner. The City Planner may choose to refer the matter to the Planning & Zoning Commission for an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated, and the general requirement for public utilities such as water and sanitary sewer. An applicant may appeal the decision of the City Planner with respect to the classification of a new or unlisted.

2. The Planning & Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use should be permitted.

3. If the Planning & Zoning Commission determines that the proposed use should be added to the Schedule of Permitted Uses (Article 13 of this UDC), the UDC shall be amended after public hearings before the Planning & Zoning Commission and the City Council. If the Planning & Zoning Commission determines that the proposed use

fits within the definition of a use currently listed in the Schedule of Permitted Uses, it shall transmit such finding, together with an appropriate parking requirement, in recommendation form to the City Council. The City Council shall by simple majority vote with respect to the recommendation of the Planning and Zoning Commission or make such determination concerning the classification of such use as is determined appropriate based on its findings and direct staff accordingly.

4.4.8 Prohibited Uses

No land or building shall be used or occupied for a use which will in any manner create an unreasonable potential hazard to the general public, health, safety and welfare, as, for example, but not by way of limitation, any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazardous conditions; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness, movement of air, electrical or other disturbances; glare; or liquid or solid wastes in a manner or amount not conforming to the appropriate performance standards of this UDC.

4.4.9 Annexation

All territory which may hereafter be annexed into the City of Cibolo shall automatically be classified as Agricultural (AG) until such time as permanent zoning is requested, per the Zoning Map Amendment Process, as prescribed by this ordinance. The City Council shall assign permanent zoning to annexed properties within eighteen (18) months of the completion of annexation proceedings, or as soon as is practical following annexation. The City Council can consider the Agricultural district as a permanent zoning designation through the Zoning Map Amendment Process, as prescribed by this UDC.

Section 4.5 Zoning District Purpose Statements

4.5.1 <u>Residential Districts</u>

4.5.1.1 Low Density Single-Family Residential District (SF-1)

This district is established for large-lot single-family residential housing and is consistent with a very low density suburban/exurban development with housing arranged in conventional detached format with a maximum density of 2 units per acre, to create a semi-rural setting of the City.

4.5.1.2 Medium Density Single-Family Residential District (SF-2)

This district is established for traditional suburban development of single-family detached dwellings in a medium density setting of 2-4 units per acre. Higher intensity residential development serves as a buffer to protect this area from incompatible and nuisance issues.

4.5.1.3 Mixed Density Single-Family Residential District (SF-3)

The mixed-density residential district enables a mix of residential densities (up to 5.5 units per acre). The district is intended to complement the suburban district and allow a mixture of different density neighborhoods.

4.5.1.4 Two-Family Residential District (TF-1)

The two-family residential district enables duplex residential development. The district is intended to serve as a transitional or buffer use.

4.5.1.5 Multi-Family District (MF-1)

This district provides for attached, multiple family residential use to a maximum density of 18 units per acre, situated with access to an arterial roadway. It is intended to be located near retail and office use to provide convenient service and serve as a transitional or buffer use.

4.5.1.6 Multi-Family District (MF-2)

This district provides for attached, multiple family residential use to a maximum density of 24 units per acre, situated with access to a major arterial roadway or highway. It is intended to be located near retail and office use to provide convenient service, and access to regional facilities for its residents and serve as a transitional or buffer use.

4.5.1.7 Manufactured Home District (MH-1)

The Manufactured Home District, MH-1, is established to provide a single family residential zoning district most appropriate to an established neighborhood that contains predominantly manufactured home residences. This district allows for HUD-Code manufactured homes, modular homes, or other site-built homes on individual lots and provides for a diversity of housing options.

4.5.1.8 Mobile Home Park District (MH-2)

The MH-2 Mobile Home Park District is intended to provide locations for development of mobile home residence parks. Homes in this district shall be restricted to mobile homes as defined by the U.S. Department of Housing And Urban Development.

4.5.1.9 Agricultural District (AG)

The Agricultural district is intended to serve as an initial temporary zoning designation for newly annexed properties into the City and as a permanent zoning designation for those rural properties of the City that are ideally suited for agricultural purposes. Since single-family residences are permitted in this district, this district is considered to be a residential district.

4.5.2 Mixed Use Districts

The Mixed-Use Districts are intended to ensure harmonious development, redevelopment, and rehabilitation of uses by integrating an appropriate mix of residential retail, office, entertainment, civic uses commensurate with traditional values of the city, its citizens, and the surrounding area. The establishing of these Mixed-Use Districts serve to reinforce and reinvigorate downtown Cibolo's mixed-use residential, light retail and services, preserve the historical traditions and monuments of the "Old Town" and to create a Mixed Use District to expand a central core to the geographic center of Cibolo.

4.5.3 Non-Residential Districts

4.5.3.1 Neighborhood Commercial District (C-1)

The Neighborhood Commercial district is established to provide for a limited variety of commercial uses and services associated with neighborhood storefront retail, service, financial, and office activities which are compatible and designed in scale with surrounding residential areas. The intent of this District is to provide convenient neighborhood access to commercial services, and buffer neighborhoods from undesirable impacts of high intensity uses, such as noise, traffic & odors through performance standards.

4.5.3.2 Retail/Office District (C-3)

The Retail/Office District establishes a broad range of business operations, services and commercial development requiring arterial or collector street access. This district is intended for a variety of office, institutional and indoor retail uses that are designed to make the most efficient use of existing infrastructure and provide for orderly transitions and buffers between districts and uses. This district should facilitate economic development activities that will strengthen neighborhoods; promote the development of targeted industries and provide community balance; provide educational and employment opportunities; and encourage local economic investment for citizens of Cibolo.

4.5.3.3 General Commercial District (C-4)

The General Commercial district is established to provide for a broad range of commercial uses and activities in high visibility areas to serve the needs of the surrounding region. It is the most intensive commercial zoning district and generally situated along a highway or major roadways.

4.5.3.4 Light Industrial District (I-1)

The I-1 district is established to permit most commercial uses, office park, flex-space, and low impact industrial uses which are compatible with surrounding commercial districts. Limited retail and services uses that serve the industrial development zone are also permitted.

4.5.3.5 Heavy Industrial District (I-2)

The I-2 district is established to provide for a broad range of industrial uses. It is the least restrictive industrial zoning district and is intended for the grouping of industrial uses in locations that have adequate and convenient access to major arterials, highways, and rail lines.

4.5.3.6 Public Facilities District (PF)

The Public Facilities District is intended to provide for public, semi-public and institutional facilities within close proximity to various neighborhood and commercial land uses and to serve as a transitional or buffer use.

4.5.4 Special Districts

Generally, Special Districts are provided as follows in order to further goals and objectives of the City's Comprehensive Plan.

4.5.4.1 Planned Unit Development District (PUD)

Planned Unit Development zoning is intended to allow flexibility in planning and designing for unique or environmentally sensitive properties that are three acres in size or greater and which are to be developed in accordance with a common development scheme of planned associations of uses. PUD zoning is designed to accommodate various types of development, such as single-family residential, multiple housing development, neighborhood and community shopping centers, professional and administrative areas, industrial and business parks, and other uses or a combination or mix of uses. A PUD may be used to permit new or innovative concepts in land use and standards not permitted or accommodated by the zoning or subdivision standards in this UDC.

4.5.4.2 Mixed Use Regional Employment Center District (MURE)

This zoning district is reserved for areas suitable to provide a mix of very high density residential, retail, office, service, research and development, institutional and clean light industrial uses along major highway corridors. The purpose of this district is to promote economic development and retail activity, while promoting traffic circulation and safety, protecting adjacent residential neighborhoods, and promoting a positive image of the community. It is expressly intended that no low density residential dwellings will be allowed in this mixed use district and any existing dwellings will remain as legal non-conforming dwellings. Medium density residential uses shall only be considered in the form of apartment or condominium uses on upper levels of buildings where higher intensity uses are provided on the ground level.

4.5.4.3 FM 78 Mixed Use Overlay District (FM 78)

The "78" Overlay District (78) intends to provide a cohesive set of design and use standards for properties within its boundaries. The District recognizes the importance of the FM 78 corridor through Cibolo as a local and regional commercial center, and emphasizes traffic management, mixed commercial and residential use opportunities, and management of visual clutter through signage control, screening and buffering. Architectural design standards are part of the 78 Overlay District to promote the development of pedestrian-scale buildings and define the corridor as a cohesive district.

4.5.4.4 Old Town Mixed Use Overlay District (OT)

The Old Town Overlay District (OT) is intended to provide a cohesive set of design and use standards for properties within its boundaries. The OT District recognizes the historical fabric of Old Town Cibolo and seeks to preserve the character, pedestrian scale, and architecture of the area surrounding Main Street. Additionally, it seeks to provide a pedestrian-oriented environment and flexibility for harmonious residential, civic, and commercial uses, as well as context-sensitive design standards to integrate new development with the City's original core.

4.5.4.5 Town Center Mixed Use Overlay District (TC)

The Town Center Overlay District is intended to provide a cohesive set of design and use standards for properties within its boundaries. The TC District recognizes the current and future importance of this area adjacent to the Old Town District, the future extension of FM 1103 and Haeckerville Road, and generally the area's central location with respect to the ultimate city limits. The TC District provides additional flexibility to mix residential, commercial, and civic uses. Additionally, it seeks to provide a pedestrian-oriented building environment and manage visual clutter through signage control, screening and buffering.

Section 4.6 Zoning Use Regulations

4.6.1 Zoning Use Table

4.6.1.1 Authority

The provisions of this Chapter are adopted pursuant to Texas Local Government Code Chapter 211 and the City Charter.

4.6.1.2 Types of Use

All of the uses listed and described in the Zoning Regulation of this UDC are defined and described in Article 1 of this UDC. The following paragraphs serve as a key to the summary table and indicate how each specific use is treated.

4.6.1.2.1 Uses Permitted By Right

A “P” indicates that a use is allowed by right. Such uses are subject to all other applicable Ordinances.

4.6.1.2.2 Conditional Use Permit Required

A “C” indicates that a use is allowed only if approved by a Conditional Use Permit by the City Council in accordance with the procedures of this Article. Conditional uses are subject to all other applicable regulations of this UDC.

4.6.1.2.3 Supplemental Use Standards

An “S” indicates that a use is allowed subject to supplemental use standards of this UDC. There are some “S” uses that are permitted by right designates as “P-S” and other uses that require a Conditional Uses Permit by this UDC, Those uses are designated as “C-S”.

4.6.1.2.4 Performance Standards for Sexually Oriented Businesses

Sexually oriented business shall only be permitted only in those zoning districts identified in Article 13 (Use Tables) of this UDC and subject to the granting of a Conditional Use Permit, per the Conditional Use Permit requirements of Section 4.3.2 (Conditional Use Permit) of this UDC and subject to compliance with all requirements of City of Cibolo Ordinance Number 744 (Sexually Oriented Businesses).

4.6.1.2.5 Uses Not Allowed

A cell that is blank indicates that a use is not allowed.

4.6.1.2.6 Article 13 Use Tables

Article 13 (Use Tables) of this UDC, presents the uses that are allowed in each Zoning District, in accordance with all Zoning Regulation standards and regulations of this UDC.

Section 4.7 Lot Design Regulations

The purpose of this section is to describe lot development standards for both residential and non-residential lots. This section contains standards on lot size, minimum setback requirements, and maximum building heights in order to provide for a variety of housing and land development patterns and to meet the diverse needs of the current and future residents of Cibolo, in a manner consistent with the goals and objectives set forth in the Future Land Use Plan.

4.7.1 Density and Maximum Lot Coverage Standards

Article 14; Lot Design Standards of this UDC, identifies the following development standards for lots in all zoning districts.

4.7.1.1 Maximum Development Density

Each residential Zoning District provides a maximum number of dwelling units per acre that can be placed on a tract. In many cases, the total number of units that can be placed on a site, after considering the land area needed to accommodate infrastructure and environmental factors (right-of-way, drainage, floodplains, steep slopes, impervious cover limitations, minimum lot size standards, yard setbacks, and maximum lot coverage) will be less than based simply on the maximum development density.

4.7.1.2 Maximum Lot/Impervious Coverage

Each development lot has a Maximum Lot/Impervious Cover, expressed as a percentage, which represents the maximum percent of impervious surface area allowed on a lot within each particular Zoning District. It is computed as the total amount of impervious surface on the lot divided by the total lot area. Impervious surfaces on a lot include buildings, driveways, garages, porches, patios, private walks, accessory buildings, and any other impervious surfaces constructed on the lot. Building coverage is measured from the faces of the walls, not the eaves of the roof.

4.7.1.3 Lot Dimension Standards

4.7.1.3.1 Minimum Lot Area / Maximum Lot Area

Minimum Lot Area is the minimum amount of square footage allowed within a lot, based on its zoning district classification. Maximum Lot Area applies only to multifamily zoning districts, in order to insure against undue concentrations of multi-family developments.

4.7.1.3.2 Minimum Lot Width

The Minimum Lot Width is the minimum width of a lot measured parallel to & along the front property line.

4.7.1.3.3 Setback Measurements

Side yard setbacks are measured from the side lot line with no vertical obstructions within the setback. Front and rear yard setbacks are measured from the front and rear lot lines, respectively.

4.7.1.3.4 Width to Depth Ratio

The average depth of any lot shall not exceed four times the average width of the lot. This requirement shall not apply to lots platted prior to the adoption of this UDC.

4.7.1.3.5 Exceptions

A. Platted subdivisions established by a duly approved plat approved by City Council prior to July 27, 2010 shall be exempt from meeting the lot width, depth, and/or square footage requirements of this UDC and shall instead be subject to the lot design requirements in effect at the time the property was platted. This exemption shall also apply to those developments that obtained the approval of a Master Plan or Land Study prior to July 27, 2011, that are being platted in accordance with the approved Master Plan. Those developments may continue to be platted using the lot design requirements in effect when the Master Plan was approved. This exemption shall not pertain to expired Master Plans.

B. The front yard setback shall be measured from the property line to the front face of the building, Covered porch, covered terrace, or attached accessory building. Eaves and roof extensions may project into the required front yard, not to exceed two feet (2'). Ordinary projections of window sills, belt courses, chimneys, bay windows, cornices and other architectural features may project into the required front yard a depth not to exceed twelve inches (12").

C. Side Yards: Every part of a required side yard shall be open and unobstructed except for accessory buildings and HVAC equipment, as permitted herein, and the ordinary projections of window sills, belt courses, chimneys, bay windows, cornices and other architectural features, which may project up to, but not to exceed,

twelve inches (12") into the required side yard. Roof eave projections may not exceed twenty-four inches (24") into the required side yard**.**

4.7.2 Accessory Building Lot Coverage Standards

Article 15; Accessory Building Standards of this UDC depict the minimum lot standards by zoning district.

4.7.3 Accessory Building Standards

4.7.3.1 General

An accessory building refers to a detached subordinate structure, the use of which is incidental to that of the principal building. The size, bulk, and location of accessory buildings are limited according to Article 15 of this UDC. In every case, the maximum lot/impervious coverage specified for each district under Article 14 of this UDC shall apply.

4.7.3.2 Easements

General Note 2 in Article 15 allows the placement of accessory structures built on skids within three (3.0) feet of a rear or side property line, provided that the building does not interfere with the use of any easement present. In the event that an easement is present, permits may not be issued for the building unless the following language is stipulated to on the building permit:

The owner, and any future assigns, understand and acknowledge that the proposed building is located in a legally designated easement and was informed of that fact by the City. As such, the owner and any future assigns do hereby indemnify the City of Cibolo and entity with easement rights against any damages that may occur to this structure in the event that the structure needs to be removed by whatever means necessary to maintain the easement. This indemnification clause may only be voided by the removal of this building outside of the said easement.

4.7.4 SPECIAL DISTRICT REGULATIONS

4.7.4.1 Planned Unit Development (PUD) District Regulations

4.7.4.1.1 Purpose

The Planned development district is designed to provide for the development of land as an integral unit for single or mixed uses in accordance with a plan that may vary from the established regulations of other zoning districts. It is the intent in such a district to insure compliance with good zoning practices while allowing certain desirable departures from the strict provisions of specific zoning classifications.
4.7.4.1.2 Application

An application for a planned development district shall be processed in accordance with this Chapter and Section. A pre-planning conference is required between the applicant and the planning director prior to the actual filing of the application.

4.7.4.1.3 District Plans and Requirements

There are two (2) types of plans that are used in the planned development process. The general purpose and use of each plan is described as follows:

1. Master Plan. The Master Plan is intended to serve a general land arrangement plan as the first step in the planned development process when a PUD district is created. It establishes the most general guidelines for the district by identifying land use types, thoroughfare locations, if applicable, and project boundaries and illustrates the integration of these elements into a Master Plan for the whole PUD district. The Master Plan will become an exhibit to the ordinance creating the PUD district. Where appropriate, it is acceptable for the Master Plan and PUD Ordinance to be supplemented with a detailed written narrative and any other exhibits, as necessary, to convey to the manner in which the PUD will be developed. Since each PUD is unique, the required information necessary to review each PUD will vary depending on the size & nature of the

development and the particular mix of proposed uses. When written narratives and/or exhibits are utilized, the City may include such information as conditions of the PUD ordinance.

As may be pertinent to the request, the Master Plan shall include the following minimum information:

A. A general statement setting forth how the proposed district will relate to the Cibolo Comprehensive Plan, Future Land Use Map, Future Thoroughfare Plan and Master Park Plan and the degree to which the project is consistent with those plans.
B. The total acreage within the proposed district.
C. An accurate survey of the boundaries of the district.
D. Proposed general land uses and the acreage for each use, including open space. For residential development, the total number of units and the number of units per acre shall be provided.
E. Proposed arterial or collector streets, or conceptual driveways, as appropriate. Showing local streets or private ring roads accessing the development is optional.
F. A statement or narrative that describes the applicable development standards that are proposed to govern the development of the proposed PUD. It is acceptable to include a general note or narrative statement reference such as "Pod 1 shall be developed in accordance with all of the development standards of a particular zoning district and that Pod 2 shall be developed in accordance with all of the development standards of another zoning district. As an alternative, the developer may propose development standards unique to the proposed PUD and reference other requirements of the UDC that shall be applicable, such as buffering, landscaping or the like. Regardless of the method that an applicant selects, the applicant shall clearly delineate each of the following regulations for the PUD:
    - Minimum lot area.
    - Minimum lot width and depth.
    - Minimum front, side, and rear setbacks.
    - Maximum height of buildings.
    - Maximum building coverage.
    - Minimum parking standards for each general land use.

G. As a separate exhibit supporting the Master Plan, the applicant shall provide a scaled plan and/or a detailed aerial photo of the area surrounding the proposed PUD, to be titled as **Context Plan**, The Context Plan shall include sufficient details depicting existing land uses, transportation networks and related contextual details of the area surrounding the proposed PUD. The Context Plan shall be reviewed with the Master Plan to determine if the Master Plan is appropriate as proposed or if development standards applicable to the proposed PUD should be incorporated into the PUD Ordinance.

   The purpose of the Context Plan is to facilitate the review of the PUD application and determine if the proposed PUD will be compatible with surrounding development. Failure to properly relate the proposed PUD Master Plan to the Context Map may be used as a basis for denying a proposed PUD application.

   The following elements shall be shown, or highlighted, on the **Context Plan** for the area surrounding the PUD, with details demonstrating how the proposed PUD will relate to these existing elements. As a minimum, the following details must be provided:

   1. Existing streets.
   2. Existing 100-year floodplain, floodway, major drainage ways or linear park elements.
   3. City limits and E.T.J. boundaries.
   4. Zoning districts within and adjacent to the proposed district land use.
   5. Utility Locations, including water, wastewater and electric.
   6. Existing and proposed building locations if known.

H. In lieu of submitting a Master Plan, an applicant may submit a combined Master Plan/Detailed Plan to be adopted with the PUD ordinance. If an applicant proposes a combined Master Plan/Detailed Plan, the plan shall both be subject to Planning and Zoning Commission review and City Council approval. A Context Plan, as described above, must also be submitted.

I. The City Council may impose conditions of approval, as necessary, to ensure that the PUD is compatible with surrounding uses or the goals, plans and policies of the City of Cibolo.

2. Detail Plan. The detail plan is the final step of the planned development process containing the details of development. For small PUD's, or where final development plan is known, the detail plan may be used to establish the district, and serving as the Master Plan & Detailed Plan and be the only required plan in the PUD process, provided that the Detail Plan addresses all of the requirements for a Master Plan and Context Plan, as well as those requirements described blow for a Detail Plan.

A. Detail Plan Requirements

The application for a Planned Unit Development Detail Plan shall include the following:

1. The acreage in the plan as shown by a survey certified by a registered surveyor.
2. Permitted uses, specified in detail, and the acreage for each use.
3. Adjacent or surrounding land uses, zoning, streets, drainage facilities and other existing or proposed off-site improvements, as specified by the department, sufficient to demonstrate the relationship and compatibility of the district to the surrounding properties, uses, and facilities.
4. The location and size of all streets, alleys, parking lots and parking spaces, loading areas or other areas to be used for vehicular traffic; the proposed access and connection to existing or proposed streets adjacent to the district; and the traffic generated by the proposed uses.
5. The locations, maximum height, maximum floor area and minimum setbacks for all buildings.
6. The numbers, location, and dimensions of the lots, the minimum setbacks, the number of dwelling units, and number of units per acre (density).
7. The location of all creeks, ponds, lakes, floodplains or other water retention or major drainage facilities and improvements.
8. The location and route of all utilities to serve the district.
9. The approximate location and size of buffer yards, greenbelts, common space or recreation areas, the proposed use of all areas, and whether they are to be used for public or private use.
10. Public sidewalks or other improved ways for pedestrian or bicycle use.
11. All applicable development standards, including but not limited to maximum height, lot width, lot depth, floor area, lot area, setbacks, and design elements.

4.7.4.1.4 Maximum Off-Street Parking and Loading Requirements

Required parking shall be based on the use mix proposed for each planning development district based upon the particular merits of the development design and layout. Such standards and requirements shall comply with or be more restrictive than the standards established for the specific type uses in the particular districts in which they would ordinarily be permitted under the general UDC, except that modifications in these regulations may be granted if it shall be found that such modifications are in the public interest, are in harmony with the purposes of this ordinance and will not adversely affect nearby properties.

4.7.4.1.5 Creation of PUD Districts

The City Council may, after receiving the report of the Planning and Zoning Commission, approve by ordinance the creation of a PUD district based upon a Master Plan and/or a Detail Plan, as described above. The approved plan shall be made part of the ordinance establishing the district. Upon approval said change shall be indicated on the zoning maps of the city. If the PUD is approved by a Master Plan, the applicant will be required to submit Detail Plans in the future as the PUD is developed.

4.7.4.1.6 Commission Approval of PUD Detail Plan

The Commission is authorized to approve a Detail Plan, or the amendment to an approved Detail or Detail Plan for property for which a Master Plan has been approved by the City Council. The approved detail plan shall be permanently filed with the City Planner. The Commission may approve the detail plan if it finds that:

A. The plan complies with the PUD Master Plan approved for that property;

B. The plan provides for a compatible arrangement of buildings and land uses and would not adversely affect adjoining neighborhood or properties outside the plan; and
C. The plan provides for the adequate and safe circulation of vehicular traffic.

If the Commission determines that the detailed plan is inconsistent with the spirit and intent of the PUD Master Plan, the Commission may deny the Detailed Development Plan. The applicant, in turn, may appeal the denial of the Development Plan to the City Council.

4.7.4.1.7 Expiration of Approved Plans

A. If no detail plan has been approved for the property within 3 (three) years of the date of approval of a PUD Master Plan, a Detailed Plan may still be filed within one (1) year of the five year time period expiration, but said Detail Plan must be approved by the City Council, after receiving the report of the Commission and after notice and hearing. As a condition of reinstating an expired Detail Plan, the City may require that a reinstated Detail Plan comply with any new development regulations adopted by the City after the expiration date of the Detail Plan. If no Detail Plan is submitted after this six (6) year window, the PUD Detail Plan will expire and the City shall initiate a zoning case to revert the area back to its prior zoning.
B. An approved Detail Plan shall be valid for 24 months from the date of its approval. If a building permit has not been issued or construction begun on the detail plan within the 24 months, the detail plan shall automatically expire and no longer be valid. The Commission may, prior to expiration of the detail plan, for good cause shown, extend up to one (1) twelve (12) month extension for which the detail plan is valid. Any additional extension for up to one (1) year may be considered by City Council, but in no case shall any extension be granted for a total time period that exceeds four (4) years from original approval date of the Detail Plan.
C. If the Commission disapproves a detail plan over which it has final approval authority, or imposes conditions, or refuses to grant an extension of time for which there is an established detail plan, the applicant may appeal the decision to the City Council by filing a written request with the City Planner within ten (10) business days of the decision.
D. Changes in the detail plan shall be considered the same as changes in the UDC. Those changes which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the Uses permitted or increase the density, floor area ratio, height, or coverage of the site, or which do not decrease the off-street parking ratio or reduce the yards provided at the boundary of the site, as indicated on the approved detail plan, may be authorized by the City Planner. An applicant may appeal the decision of the City Planner to the Planning and Zoning Commission as to whether an amendment to the PUD is required.
E. A Planned Development district may be approved for any use or combination of uses enumerated in those approved by the City Council. The total initial development of any Planned Development district shall not be less than 2 (two) acres, unless good cause is demonstrated to allow for the consideration of a smaller PUD.

4.7.4.2 Mixed Use District Summary and Mixed Use Overlay Definitions

The following sections of this Article create a Mixed Use zoning district and Mixed Use Overlay zoning districts. Below is summary table showing all Mixed Use District and a list of definitions that shall specifically pertain to these Mixed Uses.

Mixed Use District	Type	Boundaries Fixed	Approval Mechanism
Regional Employment Center (MURE)	Created by Zoning Map Amendment, sited in accordance with the MURE "Purpose" statement.	No, Expandable at City Council Discretion	Mixed Use Concept Plan Approved by P&Z and City Council

Old Town	Overlay District	Yes, Per Zoning Map	• < 1 acre by staff • 1-3 acres, Mixed Use Concept Plan approved by staff, with staff having discretion to refer the plan to P&Z & the applicant the right to appeal a P&Z denial to City Council • >3 acres requires P&Z and City Council approval
Town Center	Overlay District	Yes, Per Zoning Map	Mixed Use Concept Plan Approved by P&Z and City Council
FM 78	Overlay District	Yes, Per Zoning Map	Mixed Use Concept Plan Approved by P&Z/City Council

ACTIVITY CENTER: "Activity center" is a general term for a Mixed Use development that integrates a range of complementary and mutually supporting uses and activities. Typically, an activity center includes a predominant type of use, such as commercial or employment-related, that is then supported by a mix of one or more other uses, such as residential, civic, or institutional. Activity centers may vary in size, intensity, scale, and their mix of supportive uses, depending on their purpose, location, and context. In each case, activity centers are intended to be mixed-use and pedestrian-oriented with good connections and transitions to surrounding areas. Residences are a component of all activity centers, whether on-site or immediately adjacent. The activity center should support a range of housing types and densities within the individual neighborhoods. There are three (3) distinct types of activity centers:

NEIGHBORHOOD CENTER: Neighborhood centers are small, low-impact, limited activity centers intended to primarily service the needs of immediately adjacent neighborhoods, in a service area typically ranging from one half (½) to two (2) miles. Principal uses contribute to the efficient functioning and attractiveness of neighborhoods, relate to and accommodate walkup pedestrian traffic, and do not generate noxious fumes, excessive light or noise. The mix of uses may include neighborhood-serving retail, convenience or specialty food sales, restaurants, dwelling units above the first floor, live/work units, single-family attached dwellings, general offices, or medical offices. The Old Town and Town Center Overlay districts are examples of a Neighborhood Center.

COMMERCIAL CENTER: Commercial centers are activity centers that primarily accommodate large retail establishments, which may provide major durable goods shopping, and serve a number of residential areas over a significant portion of the city. Commercial centers contain a mix of supporting uses, including multi-family dwellings, office, entertainment and retail uses, medical offices and clinics, and civic uses. The mix enables combined trip destinations and supports more effective transit service, and provides viable pedestrian and bicycle access and circulation. The FM 78 Overlay district is an example of a Commercial Center.

REGIONAL/EMPLOYMENT CENTER: A regional/employment center is a large (thirty (30) or more acres), intensive activity center that combines the uses of commercial centers and employment centers and that serves the city and region as a whole. A regional activity center may be a regional shopping mall, corporate office headquarters, or a major concentration of employment supported by a mix of uses that meets the needs of employees, visitors and residents. Primary uses include major commercial and/or employment uses, supported by a full range and mix of uses including large and small retail establishments, general offices and office complexes, governmental and civic uses, business services, research and development, major service uses, restaurants, lodging, child care, personal services, and higher density housing, as well as warehousing and industrial uses or educational facilities. These centers are generally located at the intersection of or along major arterials, or in close proximity to limited access freeways and Interstates 10 and 35. The Mixed Use Regional Employment Center (MURE) district is an example of this mixed use district.

BUILD-TO LINE: Unlike a setback line, a build-to line is the line at which construction of a building façade must occur on a lot. A build-to line runs parallel to, and is measured from, the front property line and is established to create an even (or more or less even) building façade line on a street.

CONCEPT PLAN, MIXED USE: A narrative and graphic representation drawn to scale of the proposed development of a particular site which delineates the basic zoning and subdivision requirements including, but not limited to, the intended lot lines, general uses, ranges of square footages of the proposed uses and the general location of building and parking areas, points of access, primary internal circulation, contour lines, easements and required dedication areas for public facilities. The Concept Plan will also provide the graphic details required on a preliminary plat for those instances when it will be used as a substitute for a preliminary plat. The Concept plan shall not be used as a preliminary plat when the property is located in a Planned Unit Development (PUD) zone, in a Mixed Use Zone District.

CONTEXTUAL AREA: A mapped part of the City that is characterized by a general similarity of development age, street types and patterns, and block sizes. There are two (2) contextual areas in the City: (1) The "older/established" contextual area, known as Old Town Cibolo and (2) the "newer/developing" contextual area.

ENHANCED DRIVE AISLE: An element of a parking area in a Mixed Use zone district intended to provide access to parking areas, and connections for vehicles and pedestrians. It serves to define a block structure in parking areas.

FACADE: That portion of any exterior elevation on the building extending from grade to top of the parapet wall or eaves and the entire width of the building elevation.

FOCAL POINT: A visual landmark. It commonly identifies the center of a development or area for public gathering, and contributes to establishing the character of the development. The Focal Point may be a statue, a plaza, a pavilion or some other structure or focused area.

HUMAN-SCALE: The relationship between the dimensions of the human body and the proportion of the spaces that people use. This is underscored by surface texture, activity patterns, colors, materials and details. The understanding of walking distances and spatial perceptions at a human scale determines the most positive placement of buildings, and the physical layout of the community. Buildings ranging in height from two (2) to six (6) stories, trees and pedestrian-scaled signs and street lights, textured pedestrian paths and semi-private spaces all enhance this positive scale.

INFILL or INFILL DEVELOPMENT: Development of vacant parcels within a built-up area. Parks and open space are considered infill development, since they are permanent uses for vacant parcels.

INTERNAL STREET OR INTERNAL STREET SYSTEM: The system of public or private streets located internal to a development site, and which may connect at one or both ends to a perimeter public street. The internal street system is intended to provide vehicle, pedestrian, and bicycle access and circulation to all uses within a development site.

LARGE FORMAT BUILDING: A building in a Mixed Use zone district characterized by a footprint equal to or greater than one hundred thousand (100,000) square feet, or by a continuous building frontage equal to or greater than four hundred (400) linear feet.

LIVE/WORK UNIT: A residential use type that combines a dwelling and a commercial space under single ownership in a structure. The residential portion of the unit shall contain at least four hundred (400) square feet of gross floor area. The commercial space shall allow activities compatible with residential use with respect to noise, smoke, vibration, smell, electrical interference, and fire hazard, and may include such uses as professional services and offices, and the creation, display and sale of art, craftwork, jewelry, fabrication of cloth goods and similar activities.

MIXED-USE DEVELOPMENT: Development that combines and integrates two or more principal land uses, such as commercial, office, civic, industrial, or residential uses with a strong pedestrian orientation. The mix of uses

may be combined in a vertical Mixed Use building(s) or combined in separate buildings located on one property and/or under unified control.

MIXED USE ZONING DISTRICT. Any or all of the following zone districts: MURE district and the Old Town Overlay, Town Center Overlay and FM 78 Overlay zoning districts.

PAD SITE: A "pad site" is a building or building site located in a retail center that is physically separate from the principal building located within the same center. Pad sites are reserved for free-standing, single commercial uses, and accommodate buildings that are smaller than the principal building in the center. Typical pad site uses include buildings that contain restaurants, banks, and automotive services.

PEDESTRIAN PASSTHROUGH: A feature providing unrestricted public pedestrian access through a building or structure or between buildings or structures.

PERIMETER STREET OR PERIMETER STREET SYSTEM: The system of public streets that abut the perimeter of a development site, zone district, or activity center. Perimeter streets provide access to the internal street system, thus providing access and circulation to principal uses located in the interior of the development site, district, or activity center.

PHASING PLAN: A graphic and narrative document that displays the sequence and/or timing of intended development. Phasing is used to sequence the provision of public facilities. Phasing may be specified in a sequential order (1, 2, 3,) or by time period (2004, 2005).

TRANSITIONS: Generally, an array of tools and techniques designed to achieve compatibility between adjoining land uses that may differ by type and intensity.

TRANSITION USES: A land use that may be appropriate to be located between land uses of different types and intensities within a mixed use project or in the context of surrounding land uses.

SITE AND BUILDING TRANSITIONS: Designing and adapting the form and mass of a building to take into consideration neighboring buildings and land uses.

LANDSCAPE BUFFER & SCREENING TRANSITIONS: The use of landscaping, berms, fences, walls, or any combination of these, to buffer & screen a more intense land use from an adjacent, less intense use.

VERTICAL MIXED-USE BUILDING: A multi-story building containing a vertical mix of two or more principal uses.

WALKWAY OR PEDESTRIAN WALKWAY: An on-site path for pedestrians and/or bicyclists that is not part of the public right-of-way and is not a public (dedicated) sidewalk or public (dedicated) trail. "Walkways" as defined herein are private sidewalks that typically combine to form a network providing internal pedestrian and bicyclist access and circulation on a development site, and typically connect to the public sidewalk system.

WRAPPED USE: A retail, service or other commercial use type that occupies the ground floor of a structure, and extends on both sides of a corner of a structure.

4.7.4.3 Mixed Use Regional Employment Center (MURE) District Regulations

A. PURPOSE

This zoning district is reserved for areas suitable to provide a mix of very high density residential, retail, office, service, research and development, institutional and clean light industrial uses along major highway corridors. The purpose of this district is to promote economic development and retail activity, while promoting traffic circulation and safety, protecting adjacent residential neighborhoods, and promoting a positive image of the community. It is expressly intended that no low density residential dwellings will be allowed in this district and that any existing dwellings will remain as legal non-conforming dwellings. Medium density residential uses shall only be considered in the form of apartments or condominiums on upper stories of buildings where higher intensity uses are provided on the ground level.

This district is intended to accommodate development of regional/employment centers. The district is for large, intensive activity centers that combine the uses of commercial centers and employment centers and serve the city

and region as a whole. The district should be utilized for significant and mutually supportive combinations of commercial and employment activities. Because of their size, both sets of activities function as regional centers in terms of market for retail and employment opportunities. Higher density residential use is also a critical component of a regional/employment center in order to assure extended hours of activity within the district and provide support for a mix of uses. Uses should include a mix of commercial and employment uses integrated in a single, mutually supportive regional destination. These uses may range from regional mall anchor stores, government offices, and corporate headquarters to specialty retail and higher density housing. They may also include research and development uses, major service and office center complexes, and major educational facilities, as well as warehousing and industrial uses that will not diminish the suitability of the district for less intensive uses. Supporting uses may include restaurants, hotels, entertainment, childcare, civic activities, business services, lodging for business travelers, and multifamily residential uses. Uses should be concentrated and mixed to create more diversity and synergy among uses, combine destinations, support more effective transit service, and provide viable pedestrian and bicycle access and circulation. Mobility choices should be integrated by providing pedestrian and bicycle connectivity within the center and to adjoining areas.

B. LOCATION

A MURE zoning district should typically be located at the intersection of two major highways or arterial streets, along the city's planned arterial system, or in close proximity to limited access freeways and interstate highways. Concentrated employment activities should be located within MURE zone districts whenever possible. Sites with direct access to existing or planned major transportation facilities and compatibility with adjacent land uses are appropriate for the MURE zone district.

C. INCENTIVES

Regulatory incentives are provided in the MURE zoning districts to encourage and facilitate creative MURE development. Following is a summary, but not an all-inclusive, description of incentives provided herein:

1. Broader application of staff authority to grant administrative relief from specified development and design standards to development in the MURE zoning district provided that such relief is consistent with the guidelines of this district and the Mixed Use Concept Plan of the MURE approved by the City Council.
2. Alternative Compliance: An applicant may propose alternative compliance to the strict application of design standards, such that the alternative:
    (1) Achieves the intent of the subject design standard to the same or better degree than the subject standard;
    (2) Achieves the mixed-use goals and policies in the comprehensive plan to the same or better degree than the subject standard; and
    (3) Results in equivalent or better benefits to the community than compliance with the subject design standard.
    (4) The procedures and criteria for alternative compliance are described below.
3. A longer term of approval for concept plans.
4. Longer vesting of property rights connected with an approved development plan.
5. A greater number and variety of uses allowed in the MURE district.

D. PROCESS

1. <u>Establishment of MURE Districts</u>

The establishment of a MURE district shall require compliance with the Zoning Map amendment process of this UDC, and the submittal of a Mixed Use Concept Plan demonstrating compliance with the MURE standards described herein. The City Council also reserves the right to create Zoning Map amendments, in accordance with the Zoning Map amendment process established by this UDC, at any location where the City Council determines that it would be in the best interest of the City of Cibolo to create a MURE district. Where such districts are created, it shall be the responsibility of the developer to subsequently submit a Mixed Use Concept Plan for Planning and Zoning Commission review and City Council approval to develop a property in a MURE district.

2. Mixed Use Concept Plan

The application to establish a MURE zone district shall include a Mixed Use Concept Plan that describes and illustrates, in written and graphic format, the intended locations and quantities of proposed uses, the layout of proposed vehicle and pedestrian access and circulation systems and areas designated to meet the transitional requirements and other pertinent aspects of the MURE district described herein. In addition, the Mixed Use Concept Plan shall indicate how the proposed uses will relate to the surrounding properties. Compliance with this requirement must include a conceptual graphic concept plan that may be supplemented with a conceptual narrative or statement describing the project.

3. Mixed Use Concept Plan Review Criteria

The following review criteria shall apply to the review of Mixed Use Concept Plan:

a. General

- Is the proposed mixed use concept plan consistent with the City of Cibolo Comprehensive Plan, Future Land Use Map and Future Thoroughfare Plan?
- Is the proposed mixed use concept plan consistent any applicable City-approved master plan?

b. Mix of Uses

- Are the mix and location of principal uses consistent with the intent and standards of the MURE district?
- Are any proposed residential uses well integrated with other uses, sited in a manner that is safe well transitioned from surrounding non-residential uses and is proposed housing types and densities consistent with the purpose of the MURE district?
- Do open spaces serve as amenities and support transportation modes such as walking and bicycling?
- Are build-to lines established along perimeter streets to support a pedestrian-oriented streetscape?

c. Access and Circulation Systems

- Do proposed vehicle, pedestrian, bike ways and linear parks provide logical and convenient connections between proposed uses and to existing or proposed uses located outside of the MURE zone and will they establish a high level of connectivity with existing networks and proposed networks shown on the Future Transportation Plan?
- Does the hierarchy of perimeter and internal streets disperse development-generated vehicular traffic to a variety of access points, discourage through traffic in adjacent residential neighborhoods, and provide neighborhood access to on-site uses?

d. Parking

- Are automobile and bicycle parking areas located to support principal uses, minimize potential negative impacts on adjacent properties, discourage an exclusive automobile orientation and provide a safe environment for pedestrians, motorists, and cyclists?

e. General Utility Infrastructure

- Do the general utility layout, proposed right-of-ways, utility corridors and easements show appropriate points of connection for water, wastewater, natural gas, electric and telecommunication utilities?
- Is the capacity, age and condition of utility infrastructure sufficient to meet the needs of the MURE center at build-out, and if not, have proper relocation, replacement or other modifications been shown?
- Are utilities deigned in a manner to allow for the expansion and extension of utility networks to adjoining off-site properties and the potential expansion of the MURE district?
- Is the utility design adequate to ensure public health and safety and fire protection.

f. On-Site Amenities and Landscaping

- Do the general location and type of on-site amenities provide desirable open space, create an inviting image, enhance the pedestrian environment and offer spaces for people to gather interact and rest?
- Do landscaping themes that relate to individual streetscapes, internal landscaping, parking lot landscaping and buffers contribute ecologically and aesthetically to the character of the MURE center and support a pedestrian-friendly environment?
- Are areas of unique or significant natural features integrated into the MURE center?

g. Signage and Lighting Systems

- Does the lighting system unify the development and is it compatible with, or complementary to, any surrounding neighborhoods?
- Are signage themes designed to unify the MURE center?

h. Consideration of Context and Transitions to Adjacent Areas

- Does the Mixed Use Concept Plan propose appropriate transitions between different land uses within the MURE and with existing or proposed uses outside of the MURE to ease the progression from more intense to less intense land uses and building masses and mitigate visual impact, uses or activities that could be reasonably regarded as nuisances by neighbors?

4. Mixed Use Concept Plan Amendments

An Amended Mixed Use Concept Plan application shall be submitted when:

- There is a proposed change in the general location of an approved principal use, or
- There is a proposed change in the amount, type or density of residential uses, or
- There is a proposed change in pedestrian or vehicular circulation systems, right-of-ways, utility corridors or easements, or
- There is a proposed change of use that would change the location or amount of required parking, or
- There is a proposed change in uses that would change trip generation calculations, or
- There is a proposed change to an existing phasing plan.

An Amended Mixed Use Concept Plan shall include maps of the entire mixed use project and shall update all development information in written and graphic format since the adoption of the original MURE Concept Plan and/or the most recent amendment(s).

If the proposed amendment is minor in nature and generally consistent with the spirit and intent of the original Mixed Use Concept Plan, the City Planner may approve the amended plan administratively. If the amendment is more substantive in scope or in the spirit and intent of the original approved Mixed Use Concept Plan, the amended plan must be reviewed by the Planning and Zoning Commission and approved by City Council.

5. Expiration of a Mixed Use Concept Plan

A Mixed Use Concept Plan shall expire under any of the following circumstances:

- Six (6) years have occurred since approval of the Mixed Use Concept Plan and no development plan implementing the Mixed Use Concept Plan has been approved; or
- Six (6) years have occurred since approval of a development plan implementing the Mixed Use Concept Plan and no building permit has been issued or any development commenced.

6. Extension of a Mixed Use Concept Plan

A one (1) year extension may be issued by the Planning and Development Services Director, provided that a written request has been received prior to the expiration of the Mixed Use Concept Plan and the Director has determined that no major changes in the City's development standards, or changes in the development pattern of the surrounding properties has occurred. If a change occurs to the use of any surrounding property that affects a Mixed Use Concept Plan that has expired, or that is about to expire, an extension of time may only be granted

after Planning and Zoning Commission review and City Council approval, with the extension being subject to any conditions of approve that address the changes to the surrounding properties that may have occurred.

7. Phasing Plan

An application to establish a Mixed Use district shall include a phasing plan that describes and illustrates, in written and graphic format, implementation of the Mixed Use Concept Plan when development is anticipated to occur in multiple phases over a number of years. A phasing plan shall be a working document used to identify the sequence, timing and responsibility for construction of necessary utilities and infrastructure. The requirement for a phasing plan is waived if a complete development plan for the entire zone district is submitted. The phasing plan shall show how the project is to be incrementally and sequentially developed. It shall show the phasing of principal uses, transition tools, pedestrian improvements, streets, utilities, drainage improvements, building areas, parking, and interim uses. It shall relate the development phases to infrastructure requirements for each phase.

8. Site Plan

Before building permits may be issued in a Mixed Use district, a site plan that implements the approved Mixed Use Concept Plan must be approved. Changes in ownership shall not be considered a valid basis or justification for a variance or an amendment to any previously approved site plan. All development in a Mixed Use district shall be in conformance with the approved site plan.

9. Site Plan Review Criteria

In addition to the Site Plan review criteria for all development plans in the City of Cibolo as set forth in the UDC, and compliance with all applicable sections of the UDC, including but not limited to the building design, environmental performance standards, landscaping and tree preservation and all platting requirements. The following additional review criteria shall apply:

- The proposed development plan will implement the Mixed Use Concept Plan and all mixed use requirements.
- The proposed development plan will implement the mixed use phasing plan.
- The proposed development plan will demonstrate how all mixed use district purposes, requirements, and standards as set forth below will be met.

10. Procedures and Criteria for Alternative Compliance

Alternative compliance is a procedure that allows development to propose alternative design concepts that will fully implement the spirit and intent of any design standard for mixed use development through an alternative design. It is not a general waiver of regulations, but is rather a site-specific plan to incorporate an alternative design that is equal to, or better than, the strict application of a design standard in meeting the intent of both the particular mixed use zone district and the applicable standard.

If a mixed use concept plan or site plan is to include a request for approval of alternative compliance, a pre-submittal conference is required to determine the preliminary response from the City Planner. Based on that response, the application for a concept plan or site plan shall include sufficient explanation and justification, in both written and graphic form, for the alternative compliance requested. A request for approval of alternative compliance may include proposed alternatives to one or more design standards.

To grant an alternative compliance request, the City Planner must find that the following criteria are met:

1. The proposed alternative achieves the intent of the subject design standard to the same or better degree than the subject standard.
2. The proposed alternative achieves the mixed-use goals and policies in the Comprehensive Plan to the same or better degree than the subject standard.
3. The proposed alternative results in benefits to the community that are equivalent to, or better than, compliance with the subject design standard.

If the City Planner determines that all three criteria are not met, an applicant may appeal that determination to the Planning and Zoning Commission.

Alternative compliance shall apply to the specific site for which it is requested and does not establish a precedent for assured approval of any other request at any other location in the City of Cibolo.

E. USE REGULATIONS

In the "MURE" Mixed Use Regional Employment district, no buildings or land shall be used and no buildings shall be hereafter erected, reconstructed, altered, or enlarged, unless otherwise provided in these regulations, as described below:

1. PERMITTED USES

a. Uses permitted by right in the MF-1, MF-2, C-1, and C-3 Districts shall be permitted, except as may be expressly prohibited below. Institutional uses such as technical schools, hospitals and utilities are also permitted by right.

2. PERMITTED USES SUBJECT TO SUPPLEMENTAL USE REQUIREMENTS

a. Heavy commercial uses in the C-4 district and clean light industrial uses and research and development uses, as are permitted in the I-1 district shall also be permitted subject to adherence to the Environmental Performance Standards of the UDC and Performance standards described in this district. For terms of enforcing these regulations, clean light industrial shall be defined as an industrial use that has little to no environmental impact related to noise, heat, vibration, odor, and the other environmental performance standards described in this UDC, with aspects of industrial processes being contained within an industrial building and/or structure. Semi-truck docks and related loading, storage and distribution functions of permitted clean light industrial uses would be focused toward site locations that are not visible to surrounding rights-of-way and that are hidden by principal buildings or other screening techniques. Any outdoor operations or outdoor storage shall be completely screened and buffered from public rights-of-way and any adjoining residential zoning districts and be placed on a surface that will not create dust or non-compliance with any Environmental Performance Standard of this UDC.

3. CONDITIONAL USE PERMIT (CUP) REQUIRED

a. Any use permitted in the I-1 and I-2 district that may fall outside the definition of clean light industrial may be considered subject to the issuance of a Conditional Use Permit (CUP) by the City Council, after Planning & Zoning Commission review and recommendation. The criteria for the approval of any CUP for an I-2 will be the suitability of such a use in the context of the surrounding uses and the ability of the I-2 use to contain all industrial processes to the interior of buildings and not pose a significant risk to any residential uses that may be in the MURE development. Any outdoor storage or other outdoor uses shall be completely screened and buffered from public rights-of-way and any adjoining residential zoning districts and shall be limited to an incidental percentage of the total operations. Any prospective I-2 use shall demonstrate the measures proposed to be implemented to comply with all Environmental Performance Standards of this UDC, including, but not limited to the prevention of dust. The City reserves the right to deny any CUP request for an I-1 or I-2 for a non-clean light industrial use on the basis that such requested use would be detrimental to overall development of the highway corridor or adversely affect any adjoining or nearby properties.

4. PROHIBITED USES

a. The following uses are expressly prohibited: sexually oriented businesses, liquor sales, fireworks stands, mini-warehouse storage, general outdoor storage, auto impound yards, kennels, pawn shops, surplus sales, or outdoor advertising signs (billboards) or any other use that is not consistent with creating a positive image for the City of Cibolo. Any use that is not expressly listed as a prohibited use that is denied by staff may be appealed to the Planning and Zoning Commission and City Council in accordance procedural requirements of this UDC and the Fee Schedule for Administrative Appeals.

F. HEIGHT, AREA & GENERAL BUILDING PLACEMENT DEVELOPMENT STANDARDS

In the "MURE" Mixed Use Regional Employment district, the following development standards shall be applicable:

1. Floor Space: No limit on floor space for shops, stores, or businesses except as specified herein.
2. Height: No building hereafter erected, reconstructed, altered, or enlarged shall exceed sixty-five (65) feet. Building height is limited to two and one-half (2 ½) stories, or thirty-five feet (35') when they are located within one hundred feet (100') of a property zoned SF-1, SF-2 or SF-3.
3. Front Yard: There shall be a front yard of not less than twenty (20) feet for uses permitted in the MF-1, MF-2, C-1, and C-3 districts and fifty feet (50') for uses permitted in the C-4, I-1 and I-2 district. Corner lots shall have a minimum exterior side yard of twenty-five feet (25') on the second front yard, the yard generally parallel to the street with the greatest frontage, unless reversed frontage is approved by the City Planner. Frontage on third streets shall be considered as second front yards and shall be subject to the primary front yard setback requirement.
4. Rear Yard: There shall be no rear yard setback imposed, except on those lots that border AG, SF-1, SF-2 or SF-3 zoning districts. In those instances, the rear yard setback shall be twenty-five (25) feet for MF-1, MF-2, C-1, or C-3 uses, thirty-five (35) feet for C-4 uses and fifty (50) feet for industrial uses. As a condition of CUP approval, the City may require a greater setback for any I-2 uses, as appropriate.
5. Side Yard: There shall be no side yard setback, except on lots that border AG, SF-1, SF-2 or SF-3 zoning districts, in which case side yard setback shall be twenty-five feet (25') for MF-1, MF-2, C-1, and C-3 district uses, thirty-five (35’) feet for C-4 uses and fifty (50’) feet for industrial uses. As a condition of CUP approval, the City may require a greater setback for any uses, as appropriate.
6. Zero Lot Line Setback Permitted: The City Planner may consider zero lot line development where appropriate on those side and rear property lines within the interior of the Highway Commercial zoning district where same uses adjoin one another, subject to compliance with all applicable City of Cibolo Building and Fire Codes, as amended. The allowance for zero lot line setbacks does not supersede any requirements for landscaping, or buffering required by this UDC or any applicable City Building or Fire Codes. The zero lot line setback option shall not apply to uses allowed by right in C-4, I-1 and I-2 districts except uses in those districts that adjoin uses in the same C-4, I-1 or I-2 districts.. If the City Planner denies a request for a zero lot line setback, the developer may appeal this decision to the Planning & Zoning Commission.
7. Width of Lot: The minimum lot width standards listed in Article 14 of this UDC shall be applicable.
8. Driveways: Drive approaches shall comply with all driveway standards of the UDC and the TIA approved as an element of the Mixed Use Concept Plan and/or the site plan.
9. Compliance with UDC: Except as stipulated above, all other requirements of this UDC shall be applicable. This shall include, but not be limited to; landscaping, building design, environmental performance standards, drainage, off-street parking, outdoor display & storage, buffering and/or the need for a Traffic Impact Analysis.
10. Signs: Outdoor advertising signs (billboards) shall be prohibited. On-site signs shall be permitted in accordance with the City of Cibolo Sign Ordinance, as amended. In those instances where a development has multiple street frontages, or have multiple uses, the developer shall have the right to submit a Master Sign Program to govern the entire development. Approval of the Master Sign Program shall be subject to Planning & Zoning Commission approval Sign Programs are designed to allow an appropriate mix of signage necessary for way-finding, identification of the name of the overall development project and for major anchor tenants. Master Sign Programs shall create a unifying sign design for the entire development. If the Commission denies a request for a Master Sign Program, the developer may appeal this decision to the City Council.
11. Minimum Size of MURE District: The minimum size of acreage that may be considered for MURE zoning shall be 25 acres. The City Council has the discretion to approve smaller size tracts for MURE zoning if an applicant can demonstrate by the submittal of a Mixed Use Concept Plan how the provisions of the MURE district on a smaller scale project would benefit the City or would assist the City. The City may also assign MURE zoning to smaller sized properties in order to achieve the goal of assembling properties for the purpose of creating a conventionally sized MURE district.

G. BLOCKS, ACCESS AND STREET DESIGN STANDARDS

The single most important element in the physical and functional integration of mixed use development is vehicular and pedestrian transportation networks and orientation. The overall layout of a mixed use project is built around a viable transportation network that provides for superior movement of automobile and truck traffic and includes pedestrian-friendly improvements to generate a high level of pedestrian activity and connectivity between different land uses. The framework for a pedestrian-oriented layout has three main components: 1) a block

structure that reflects a walkable arrangement and positioning of uses, 2) building placement, orientation, and design to enhance the pedestrian environment and streetscape within that structure, and 3) a street network to define the block edges, create continuous pedestrian connections, and integrate pedestrian travel with other modes of transportation.

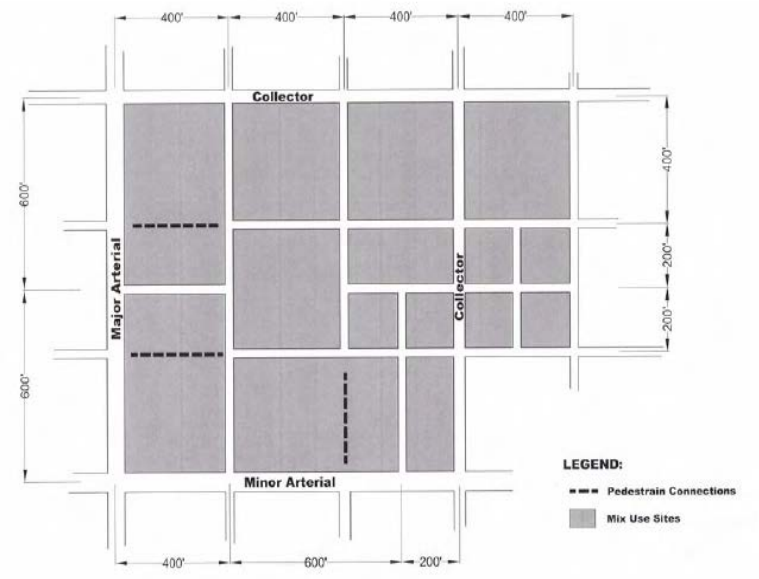
1. Block Design

The following block design guidelines are intended to provide for enhanced automobile and truck access efficiencies and create pedestrian-oriented development by establishing a well-defined pattern of walkable blocks and intersecting streets, attractive and well-designed streetscapes that are human-scaled and pedestrian friendly. Buildings must relate appropriately to surrounding mixed uses and create a heightened sense of place, by providing safe, efficient and convenient vehicular access and circulation patterns, in concert with pedestrian-friendly development designs.

a. Block Standards

1. Block standards shall apply to all developments contains four (4) acres or more of gross land area.
2. All development shall be arranged in patterns of interconnecting streets & blocks, while maintaining respect for the natural landscape and floodplain.
3. Each block shall range between a minimum of 200 feet and a maximum of 600 feet.
4. The average block length standard across each development site and the entire MURE district shall be a maximum of five hundred (500) feet, except for those uses where the scale of operations require additional block length.
5. For block lengths that exceed 400 feet, a mid-block pedestrian pass through shall be provided, where practical, connecting opposite sides of block faces. For large scale industrial operations, this requirement may be waived if this requirement is not practical.
6. An applicant may submit alternative block standards, provided that such alternative achieves the intent of the above standards and the procedures and criteria of this section.
7. An enhanced drive aisle should be used to frame block frontages that consist entirely of surface parking areas.
8. For blocks that contain non-residential uses, midblock through-alleys are encouraged to enable secondary vehicle access.
9. A block is defined as a tract of land bounded by streets, or a combination of streets, driveways, open space, or easements right of way, shorelines of waterways, or boundary lines of municipalities. Blocks shall generally adhere to the design standards depicted in Diagram 1 below, subject to permitted design deviations created by needs of specific large scale uses or developments that result in private streets and/or internal access drives.

Mixed Use Diagram 1 Street Design & Pedestrian Connection Concepts



b. Vehicle Access, Circulation, and Connectivity Standards

1. Vehicle access, circulation, and connectivity in all Mixed Use districts shall be subject to the approval of a Traffic Impact Analysis (TIA) prepared in accordance AASSHTO standards and generally accepted traffic engineering standards.
2. Streets and access shall be provided in accordance with the Future Thoroughfare Plan, all transportation requirements of the UDC and the Cibolo Design and Construction Manual.
3. Streets and access shall be provided in a manner that relates appropriately to existing roads, perimeter streets and driveways.
4. Within any mixed use district, cross access easements and/or common shared driveways shall be required to ensure access between uses and to reduce traffic congestion on public streets.
5. Where the entire frontage along an internal block face consists of parking areas, an enhanced drive aisle may be utilized in lieu of a street to provide access to the parking area provided that the TIA demonstrates that the throat length is sufficient to provide adequate stacking space and driving lanes into and out of the enhanced drive aisle to allow safe ingress & egress and minimize traffic congestion.
6. Development in Mixed Use districts shall be based on a block structure that is consistent with the block standards contained herein, in accordance with the UDC and in a manner compatible with existing streets and blocks.
7. Internal streets in Mixed Use districts shall be aligned to connect with existing or proposed external streets of equivalent functional classification in order to create through street connections from mixed use development to adjacent development. When necessary to prevent cut-through traffic from entering adjoining residential areas, street alignments shall be discontinuous and traffic calming improvements shall be utilized.
8. For new Mixed Use developments that are four (4) acres or more in total gross land area, internal circulation shall be provided through an internal street system and multiple blocks.
9. Internal streets provided according to this section may be public or private. All public and private streets shall be designed and constructed according to the policies, standards, and guidelines governing street design of this section, the UDC and the Cibolo Design and Construction Manual.

H. PEDESTRIAN AND BICYCLE ACCESS, CIRCULATION & CONNECTIONS

1. Pedestrian friendly design is integral to efficient circulation in a mixed use development. Mixed use center visitors and residents should be encouraged to walk via a carefully designed, safe and enjoyable network of sidewalks and walkways. Easy, reasonably direct access should be provided to buildings, amenities, parking, and bike paths. There should be frequent, well placed connections to adjacent land uses to encourage neighbors to use alternative means of transportation to visit the center. Pedestrian crosswalks should be designed so that pedestrians are as safe as possible. Development of appropriately designed crosswalks is encouraged for the safety and convenience of pedestrian street-crossings. The goal is to place at least as much emphasis on alternative modes of transportation as on auto access

2. These standards are intended to ensure a safe and convenient system of well-connected pedestrian ways and bikeways. These facilities shall be designed to link MURE developments with adjacent uses, including residential areas, shopping, employment centers, recreational facilities, open space, parks, transit stops, and schools. Within individual developments, safe and convenient pedestrian and bikeway systems shall be provided that directly connect buildings, parking areas, open space, transit stops, services, on-site amenities, and other areas of interest.

3. Mixed Use developments shall provide and contribute to an on-site system of pedestrian walkways, sidewalks, and bikeways to provide continuous access to all uses within a development site and to land uses on adjacent properties, per the UDC and Cibolo Design and Construction Manual.

4. Connectivity Standards

All new development shall provide pedestrian and bicycle systems that provide continuous connections with off-site destinations according to the following standards:

a. Safe and convenient bicycle and pedestrian access from the development site shall be provided to existing and designated public bike paths or greenways located on or adjacent to the development site.

b. Connections shall be made to provide direct pedestrian and bicycle travel from within the development to adjacent uses and perimeter sidewalks.
c. Where a Mixed Use district is located adjacent to a signalized street intersection, a pedestrian walkway shall connect the on-site pedestrian system with the intersection.
d. Connections from a perimeter public sidewalk system to the on-site sidewalks shall be made at the same block length interval as exists within the development site to the greatest extent practical.
e. Within all Mixed Use districts, each development shall provide an on-site system of pedestrian walkways or public sidewalks throughout the Mixed Use district. On-site pedestrian circulation systems shall provide the most efficient access route between the intended points of travel. Specifically, on-site pedestrian connections shall be provided to and between the following points:

- The primary entrance or entrances to each building containing a principal use;
- Greenways or trail systems; and
- On-site amenities.

f. Pedestrian networks must be provided that provide linkages to primary Mixed Use development destinations to prevent short cuts through landscape areas or unnecessary driving. Consequently, sidewalks should be planned early in the site design process and should be broadly depicted on the Mixed Use Concept Plan.
g. All developments served by on-site parking in surface lots or parking structures shall provide either a sidewalk along the perimeter of the block or a designated pedestrian walkways through the parking lot, extending from the rows of parking furthest from the building served to either a building entrance or to a sidewalk or walkway leading to such entrance.
h. Where an internal block face exists or is proposed greater than four hundred feet (400’), a pedestrian walkway shall be included through the parking lot, separate from streets, such that the four hundred foot (400’) minimum distance between walkways is achieved. Alternative compliance may be allowed as described in this section.
i. Where an enhanced drive aisle forms the perimeter of a block, sidewalks shall be provided on both sides of the drive aisle.

I. PARKING

The purpose of this section is to ensure the provision, location, and design of off-street parking areas that accommodate motor vehicles while balancing the needs of pedestrians, bicyclists, and transit users with the use of the automobile. Parking areas are secondary & supportive of the primary land uses on the site.

1. Generally, the parking requirements of the UDC shall be applicable to all Mixed Use districts. The City of Cibolo, however, recognized that the unique nature of mixed use development poses challenges to providing adequate number of parking for mixed use projects or a wasteful surplus of parking spaces and impervious cover. This is particularly an issue in mixed developments that combine residential and non-residential uses that have unique parking needs, such as hotels, restaurants, medical uses and high density residential. Consequently, the City will allow the submittal of a Parking Demand Analysis developed specifically to quantify the off-street parking requirements for a specific land use or mix of land uses. Such a parking analysis shall be prepared by qualified professionals and shall be subject to City approval through the Mixed Use Concept Plan process, without the need for variances from the parking standards of the UDC.

2. Exemption for Off-Street Parking in Structures

Required off-street parking spaces provided within a parking structure (either above or below-grade) shall be exempt from the maximum off-street parking amount established above.

3. Shared Parking Standards

The amount of off-street parking required for a Mixed Use development may be reduced by an amount determined by the City Planner when it can be demonstrated through a parking demand study that sufficient parking is or can be met by the subject uses through shared parking. The parking demand study shall provide information and evidence about the anticipated parking demand at peak times during a day and the distance relationship between available shared parking spaces and the specific uses served.

4. Shared Parking Encouraged

To promote an overall reduction in parking, the use of shared parking shall be required when the development is under the control of a single owner/developer and contains commercial, retail, office, institutional, or other uses with staggered peak parking demands.

5. Shared Parking and Cross Access Agreements

Where shared parking is provided, a shared parking and cross access agreement between the cooperating property owners shall be approved by the City Planner and recorded prior to issuance of a building permit. This agreement must be recorded as a deed restriction on both properties and cannot be modified or revoked without the consent of the City Planner. If any requirements for shared parking are violated, the affected property owners must provide a remedy satisfactory to the City Planner or provide the full amount of required parking for each use, in accordance with the requirements of the UDC.

6. Maximum Total Reductions

Total cumulative reductions to the minimum off-street parking requirements shall not exceed twenty-five percent (25%) of the total number of spaces required by the UDC, unless an additional reduction in spaces is quantified in a parking demand study approved by the City of Cibolo.

7. Parking Location and Layout

The purpose of these standards is to ensure that the location & design of off-street parking areas balance the needs of pedestrians and automobiles on the site. The location and layout of parking areas should support the pedestrian environment as well as contribute to efficient automobile access and circulation.

8. On-site, Off-Street Surface Parking Standards and Building Orientation

Off-street surface parking provided on-site for development within a Mixed Use district shall be located according to the following standards:

a. Off-street parking shall be context sensitive. In Mixed Use districts where buildings are located close to public rights-of-way, parking shall be provided on the rear side of the building.
b. Off-street, surface parking areas shall be located at the side, to the rear, or at the face of a building that does not front along a street. No off-street parking shall be located between a building and the adjacent street frontage unless the parking field is buffered from the right-of-way view by berms and landscaping or decorative monumentation.
c. All off-street surface parking areas shall be located within a designated block. For block faces that are composed entirely of surface parking lot areas, a street or enhanced drive aisle (Figure IV.44) that provides a detached sidewalk, defined pedestrian crossings, and street or parking lot trees along the block face shall border the block face.
d. Rear sides of buildings with associated parking fields that back up to public rights-of-way shall be permitted subject to back of the building having a decorative design and limited service areas, such as truck docks, to ensure an attractive streetscape.
e. Off-street surface parking areas that serve buildings fronting on an entry/spine street should be located to provide the earliest possible access to automobiles after they have entered the site.
f. The use of alternative pervious parking surface materials, such as geo-block, may be utilized.

9. Parking Structures Standards

a. Off-street parking facilities in above-grade structures shall comply with the following standards:

- Blank walls are prohibited. Parking structures shall be visually similar in character and scale to adjacent buildings.
- Except on sides abutting an alley, all floors above the ground floor of the parking structure shall have architecturally articulated facades designed to screen the view of parked cars.

b. Vehicle entries/access to off-street parking structures shall be integrated into the placement and design of adjacent buildings or oriented away from the primary street frontage. At a minimum, parking structure facilities shall have user vehicle access from locations that minimize conflicts with pedestrian circulation.

c. Ground Floor Use and Design -- Nonresidential Parking Structures

When a parking structure provides commercial parking or is integrated into a building containing primarily nonresidential uses, at least eighty percent (80%) of the ground floor of any side of an above-grade parking structure that is adjacent to a public street (except an alley) or adjacent to a public open space/plaza shall be constructed to an adequate depth to permit future occupancy by any commercial or other non-parking principal use allowed in the district. The ground-level facade of the structure for at least the lowest twelve (12) vertical feet (1st story) of the structure and shall include at least three (3) of the following features designed to create an attractive ground level garage design appropriate for the MURE:

- Facade articulation and modulation through changes in vertical wall plane and/or a change in building material;
- Use of real windows with glazing that may be translucent, but shall not include black or mirrored glass or similar opaque glazing;
- Integration of multiple building entrances.
- Use of false windows defined by frames or lintels and sills;
- Buffering of the street edge with landscaping, berms, or landscaped planters.

d. Ground Floor Use and Design -- Residential Parking Structures

When a parking structure provides parking for residential uses in the area, or when the structure is integrated into a residential building, the applicant shall either:

1. Follow the design standard for Nonresidential Parking Structures described above; or
2. Integrate non-residential uses into the ground level of the parking structure
3. Use a combination non-residential uses the ground-level façade of the structure elements described above for at least the lowest twelve (12) vertical feet (1st story) of the structure and shall include at least three (3) of the listed design elements to create an attractive ground level design of land uses and design elements appropriate for the MURE:

e. Incentive for Parking Structures

Subject to approval by the City Planner, if off-street parking is provided in a structure (above or below grade) that is integrated into the design of a building containing a principal use, the maximum building height may be increased by up to 25% of the height limitation of the Mixed Use district.

J. LANDSCAPING & SCREENING

1. In addition to on-site amenities, landscaping in mixed use developments is applied primarily in three settings: parking lots, streetscapes and walkways, and at the edges of a site. In all three cases, a thematic approach to landscape design can enhance the pedestrian environment, unify the different elements of the project, and impart a well-defined character and image. Landscaping shall be provided in accordance with all landscaping, screening and buffer requirements of the UDC, with an emphasis placed on the appearance of the site from rights-of-way and from any adjoining residential uses within, or outside, of the Mixed Use development.

2. Required parking lot screening requirements shall apply to both perimeter and internal streets. Surface parking spaces shall be screened from right-of-way views to a minimum height of forty-two (42) inches by the use of berms, plantings, and/or decorative structures.

3. Use of Screening Structures In Lieu of Plantings

The use of structures such as masonry walls or ornamental fencing for street-side parking lot screening purposes shall be permitted in lieu of plantings. Structures shall be a minimum of forty-two inches (42”) in height.

4. In order to encourage infill and redevelopment in Mixed Use districts on constrained sites containing less than ten (10) acres and bordered by developed land along the entire perimeter (excluding intervening public streets), the following exceptions to the parking lot landscaping requirements above are available to such infill and redevelopment occurring in an Older/Established Contextual Area:

- The City Planner may reduce the 20% landscaping requirement up to fifty percent (50%) of landscaping requirements provided that trees planted along the site perimeter also serve to screen and shade the interior of the parking lot and fully buffer any protected use.

5. Tree Preservation as Administrative Relief: The preservation of valuable protected or heritage trees may serve as a credit in lieu of required shade trees as provided in the UDC
6. All screening and buffering requirements of the UDC shall be fully applicable. Outdoor storage, where permitted, shall be fully screened and shall only be permitted on a dust free surface material.
7. Required street trees in mixed use zone districts may be located in the public right-of-way at locations that will not damage sidewalks, curbs, street or utility improvements. Street trees shall be planted along all streets in a Mixed Use district.

K. USE CONTEXT AND USE TRANSITIONS

One essential element to provide for the long term success and viability of Mixed Use districts in the City of Cibolo is the provision of transitional uses and use context between different land uses. This is essential to ensure public safety, maintain livability for residential uses within Mixed Use districts and ensure the long term viability of the Mixed Use district. Transitional context sensitive measures are also essential to ensure that a Mixed Use district will not adversely affect the viability of existing or proposed uses outside of, but adjoining, a Mixed Use district. Appropriate transition measure between variable land uses within and outside of the Mixed Use development must be developed at the conceptual stage of developing a Mixed Use Concept Plan. For that reason, all Mixed Use Concept Plan must clearly designate the techniques that are proposed to provide appropriate transitions and to ensure that the Mixed Use development is contextually sensitive to existing development outside of the Mixed Use development.

1. Transitions can be provided by the developer by using any of the following techniques, or by a combination of techniques:
    - -Space (Distance)
    - -Earthen Landscaped Berms
    - -Landscaping (Dense Evergreen Shrubs and a Mix of Trees in Layers)
    - -Decorative Fences/Walls
    - - Decorative Building Designs, Quiet Building Sides, Limiting Upper Story Windows
    - -Road (Tree Line Boulevard or Parkway Design)
    - -Green Belt/Tree Preserve, Common Amenity Area or a Wet or Dry Stormwater Pond or Linear Park
    - -Reduced Building Height/Building Bulk Step-downs
    - -Land Use Transitions from Higher to Lower Use Intensities
    - -Implement Green/LEED Design Concepts
    - -Building Layout and Screening Techniques that confine or internalize impacts of more intensive uses on less intensives uses
    - -Innovative Spatial Land Use Planning Techniques such as creating common areas or pedestrian ways between various intensities of land uses
    - -Any other alternative measure(s) that will provide a suitable transition & ensure safety & compatibility between uses
    - -Limit Uses to those businesses that generally operate between 8 am to 5 p.m., disallowing uses with outdoor operations and other activities in certain use areas or limiting any other operational aspect(s) of development.

Transitions between adjacent land uses with different intensities are typically achieved through back-to-back building orientation, attractive building design, large distances between uses, and heavily landscaped buffer areas, often with fences and walls. Accordingly, the following standards and guidelines encourage the use of alternative transition tools, including site/building transitions (such as reducing the scale of commercial building mass next to residential), and development of less intense land uses between commercial and single-family residential areas (such as lower-intensity office, civic/open space, or multi-family land uses). Limited operational compatibility standards are offered as a tool to further ease transitions from more intense to less intense land uses. Landscaped buffers, walls, and fences are used only when these other alternative transitions are not effective or not possible, given site conditions and constraints, or not desirable given prevailing development patterns in a specific area.

2. Transitional Standards

a. Development of a more intensive land use adjacent to an existing, planned or zoned less-intensive land use, either inside or outside the Mixed Use district boundary. The City Planner shall have the authority to make a final determination regarding relative intensity of adjacent land uses, taking into consideration, at a minimum, the relative size, design, operations and traffic generation patterns of the adjacent land uses; and
b. Require mitigation techniques to mitigate negative impacts, uses or activities on a project that, as determined by the City Planner, could reasonably be regarded as a nuisance for neighbors.
c. Transitional determinations made the City Planner may be appealed to the Planning and Zoning Commission.

3. General Transition Tool Guidelines

a. When a transition tool is required, an applicant shall incorporate site and building transition tools, green/open space transition tools, and transition uses before using landscape buffers or screens.
b. The following are approaches, methods and techniques that are permitted transition tools under this part:

- Site and building transition tools, including but not limited to, building setbacks as established by surrounding development, building placement and orientation as established by surrounding development, similar building height, similar building width, similar roof form, similar building materials, and facade articulation
- Green/open space transition tools, including but not limited to the use of courts, squares, parks & plazas, and use of natural features such as topography, waterways, and existing stands of trees.
- Transition uses and other community serving uses as transitions, such as, but not limited to the transition uses and siting lesser intensive uses at the perimeter of the Mixed Use district.
- Parkways, streets and streetscapes;
- Operational standards, and
- Landscape buffers and screens.

c. Mixed use development should employ the following techniques as applicable to ensure compatibility with surrounding development. For purposes of these transition tools, the term “surrounding development” shall mean (1) immediately adjacent development on the same block face or on facing blocks as the subject site, as well as (2) prevalent patterns established in the existing neighborhood located within one-quarter mile of the subject development site.
d. Use similar building setbacks, as established by surrounding development;
e. Use similar building placement and orientation, as prevalent in surrounding development;
f. Use similar building height as exists for immediately adjacent development (e.g., step down the building height of the more intensive land use to approximately match the building height of an adjacent, less intensive land use);
g. Use similar building width, as prevalent in surrounding development;
h. Use similar roof form and building materials, as found on immediately adjacent development;
i. Mitigate the larger mass of commercial, civic, and industrial buildings with façade articulation;
j. Use front-to-front nonresidential to residential building orientations, especially with commercial uses that are pedestrian intensive (e.g., restaurants, banks);
k. Orient land uses with potentially adverse impacts, features, or uses away from neighboring uses. For example, avoid placing garages, parking lots, or service areas facing the fronts of neighboring buildings.

4. Green/Open Space Transitions: Mixed use development may employ the following techniques to provide transitions and ensure compatibility with surrounding development:
   - Use small green spaces, courts, squares, parks, plazas, and similar spaces as transition areas that can also function as community gathering places
   - Use existing natural features as transitions, including natural differences in topography (not retaining walls), streams, existing stands of trees, and similar features. When existing natural features are used as transitions, the City may still require that adequate pedestrian connections to adjacent land uses be accommodated.

5. Transition Uses and Other Community-Serving Uses as Transitions.
   - An applicant may site a transition use, as specified on the Mixed Use Concept Plan, or any other similar use, as transitions to lower intensity adjacent uses, such as residential.

- For example, when office, small-scale retail, pedestrian-intensive retail, civic, or public uses are planned as part of the same development containing more intensive commercial uses, the applicant may site the less intensive uses or more community-serving uses as transitions to lower intensity, adjacent uses, such as residential. Banks, and restaurants—all of which are community-serving uses—may be sited next to, and/or fronting, adjacent medium-density residential uses.

6. Parkways, Streets, and Streetscapes: The distance and separation afforded by the public right-of-way, together with similar or the same type of streetscape improvements on both sides of parkway or street may be utilized as a transition to adjacent development.

7. Landscape Buffers and Screening Transitions. Where application of the transitions tools listed above are not possible, or where the City Planner determines these transition tools by themselves do not create an adequate transition to or buffer for less intensive land uses, the landscape buffer and screening requirements of the UDC may be utilized.

8. Operational Compatibility Standard

The City Planner may impose conditions that impose operational compatibility standards, or accept formally recorded Deeds, Restrictions and Covenants that regulate discretionary development actions of end users to ensure that development in a Mixed Use zone district will be compatible with existing and planned neighborhoods and uses, including but not limited to conditions regarding the following:

- The availability or ability to develop specific uses otherwise allowed by the UDC;
- Hours of operation;
- Hours of deliveries and other similar uses;
- Location, intensity and hours of operation of exterior lighting, including security lighting;
- Placement of trash receptacles;
- Amplification of music in a place of entertainment;
- Location of delivery and loading zones; and
- Placement and illumination of outdoor vending machines.

9. Transitions Along the Public Right-of-Way

a. Within a mixed use zone district or other commercial center or mixed use development, vehicle drivers on the adjacent public rights-of-way should be able to recognize the increased presence of pedestrians and bicyclists, who in turn should perceive the improved accommodation of alternate-mode travel and increased personal safety in these places.
b. Incorporate medians and islands into streets for pedestrian refuge;
c. Enhance mid-block and intersection crosswalks with respect to paving treatments, signal activation, curb cuts, and similar elements; and
d. Integrate a sidewalk and pedestrian walkway system into the development's on-site circulation patterns. Emphasis should be placed on connections between front doors, parking, and transit.

L. SIGNAGE

Signage in a mixed use center is important not only for effectively guiding vehicular and pedestrian circulation, but also for establishing a project identity. Locational, directional, and tenant signage provide necessary orientation for users. It is also important for marketing the various uses and creating a positive image of the development. Signage that is designed according to a theme consistent with the overall design of the development serves to unify the center.
1. The signage in a mixed use center is to be coordinated to provide a unified signage design. Signage is to be planned to clearly identify different use areas, complement the pedestrian nature of the center and shall be integrated to complement the architectural consistency with the overall design of the building that the sign identifies or of the center. The unified sign design elements should identify a recognizable character for sign design that contributes to the character of the center. Signs should reflect the character through consistency of materials, illumination, sizes, proportions and locations.

2. Signs should be carefully integrated within the site, landscape and architectural design context within which they are located. Size, shape and proportions should be compatible with the size and scale of the surroundings and should not compete with or obscure other design features of the site, landscape or structures. Signage should also provide attractive and appropriately placed designation of primary entrances
3. In the vicinity of residential uses, lighting should be reduced or extinguished during nonbusiness hours or at a certain hour in the evening, to reduce adverse impacts of commercial lighting on residential use. Internally illuminated signs or awnings are generally discouraged.

M. ROADWAYS/TRANSPORTATION

Mixed use centers will incorporate all modes of transportation (motorized vehicles, bicycles, and pedestrians) both safely and efficiently by meeting the design standards outlined in the UDC and Cibolo Design and Construction Manual.

Since mixed use developments tend to create higher traffic impacts than those that are strictly residential, mixed use centers will be limited to locations along arterial and collector streets, with the cross-street for an arterial being no less than a collector. This will minimize the impact on adjacent residential neighborhoods.

1. Access and Connectivity

Access and connectivity for all modes of transportation is key to developing viable mixed use centers. Access to mixed use centers needs to be safe for both vehicles and pedestrians. Mixed use centers must also maintain good connectivity and safe pedestrian crossings while not overburdening the regional transportation system with traffic signals. The following access standards are to be met for a mixed use development:

a. A minimum of one access point per property ownership shall be permitted, which may be jointly shared with adjacent properties.
b. Signalized access will only be allowed where approved by the City Engineer based on the recommendations of an approved TIA and in accordance with all AASHTO standards and only when traffic impacts are forecast to meet signal warrants as identified in the *Manual on Uniform Traffic Control Devices* (MUTCD). Pedestrian signals will be allowed when traffic and/or pedestrian impacts are forecast by the Traffic Study to meet signal warrants as defined in the MUTCD. The installation of traffic and pedestrian signals for proposed development will not be the responsibility of the City of Cibolo.
c. To determine the placement of a signalized access when warrants are met, a progression analysis shall be conducted within a traffic study for existing plus site generated traffic and for twenty-year horizon conditions in order to meet City standards for traffic flow along an arterial or collector street corridor.
d. Signalized access will only be allowed for streets constructed to City standards.
e. Mixed use developments will be based on a block structure to provide connectivity and to allow block length combinations that will provide flexibility in providing pedestrian access and signalized access when warranted. Block lengths, as measured from curb face to curb face, will be a minimum of two hundred (200) feet and a maximum of six hundred (600) feet, with the average of all block lengths in a mixed-use development not to exceed five hundred (500) feet. No vehicular access will be allowed into mixed use centers within six hundred (600) feet of two intersecting principal arterials or higher classified roadways. Pedestrian and/or bicycle access into the site will be required within two hundred (200) feet of two intersecting principal arterials.
f. Left- or right-turn storage lanes may be required along arterials or parkways and along entry/spine streets that provide access to a mixed use center. The specific design of such lanes shall be based on twenty-year traffic projections for that roadway and meet the guidelines outlined in the Cibolo UDC and Design and Construction Manual.
g. Driveways that provide access to parking lots from perimeter streets into mixed use centers shall be of sufficient length to allow vehicles to enter the center and not be obstructed from on-site conflicts in which traffic queues onto the public or private street system. The greater the peak hour traffic demand for the mixed use center, the longer the unobstructed driveway must be. The unobstructed length shall be measured from the back of the sidewalk or the stop bar exiting the site to the first intersection back of curb or parking drive aisle. The minimum driveway lengths are as follows:
h. Pedestrian access shall consist of sidewalks and an on-site system of pedestrian walkways as identified in both the pedestrian assessment portion of the Traffic Study and in the pedestrian circulation plan submitted as part of the Mixed Use Concept Plan. Sidewalks and on-site walkways shall provide direct, continuous access between

the intended points of travel. Specifically, pedestrian connections shall be provided to and between the following points:

• From parking to the primary entrance or entrances to each building housing a principal use,
• Any sidewalk or walkway on adjacent properties that extends to the boundaries shared with the development,
• Any public sidewalk system along the perimeter streets adjacent to the development site., and
• Any public amenities.

i. All sidewalks, pedestrian walkways, or trails shall have and maintain a minimum unobstructed pathway width of six (6) feet and be detached from the back of curb, unless otherwise referenced.

2. Pedestrian Environment

Following are the pedestrian standards to be maintained for a mixed-use development:

a. A pedestrian assessment study will be conducted as part of the traffic study for a mixed use center. In addition to the other information required as part of the traffic study, the pedestrian assessment shall provide information on estimated hourly pedestrian and vehicular traffic for the mixed use development.
b. Entry/spine streets shall be required for all mixed use developments. Entry/spine streets are intended to provide the main access from arterial streets into the center and are intended to identify that a motorist has entered a “unique” area. Entry/spine streets are also intended to concentrate and provide a safe route for pedestrian and bicycle ingress and egress into and out of the mixed use development. .
3. Clear sight distances free from obstructions must be maintained to allow vehicles to safely make turns at intersections and for pedestrians to have adequate time to cross the street. Therefore the UDC Site Distance Requirements will be applied to proposed projects. Intersection design shall meet MUTCD guidelines and may include enhanced crosswalks with directional ramps, pavement treatment, median refuge islands and pedestrian indicators.
4. Pedestrian refuge areas or medians will be required on all roadways classified as major collector and above.
5. All pedestrian crossings shall comply with the standards set forth in the Americans with Disabilities Act (ADA), UDC, or Cibolo Design and Construction Manual, whichever is the stricter rule. Pedestrian ramps shall be oriented directionally only.
6. Delineated crosswalks with patterned surface can be effective traffic control devices; however, they should not be used indiscriminately. It has been shown that pedestrians may develop a false sense of security regarding their use of a marked location and step into the crossing without adequately checking for oncoming vehicles. Information from the pedestrian assessment will be evaluated based on AASHTO standards and generally accepted transportation engineering standards.

N. UTILITIES

The design of a mixed use development is to occur in a comprehensive manner, where land uses, site layout, utility corridors, landscaping, lighting and other infrastructure are designed in concert with one another. This will especially apply to utility design work, where advance planning and layout will facilitate construction, operation and maintenance, both from a functional and aesthetic standpoint.

When submitting the Mixed Use Concept Plan the following information shall be provided:

a. A plan identifying the points of interconnection for water, wastewater, gas, and electric.
b. A map showing the general corridor and initial layout for each utility.
c. Demand calculations for each utility under full build-out conditions.
d. A summary describing current utility infrastructure in the area of development. This summary shall include the age and condition of the infrastructure, and any proposed modifications (including relocation and replacement). Capacity issues and load requirement of the proposed mixed use shall also be identified, including any impacts on existing infrastructure.

A. Supply & General Standards

1. Each utility will determine if existing mains and service lines are adequate to serve the proposed uses. Modification of existing utility lines used to support the new development, if required, shall be at the developer's expense.
2. Fire service and hydrant lines installed for commercial or multi-family residential use require independent connections to the water mains.
3. Where available, recycled or reclaimed water should be used for landscape irrigation. The City of Cibolo encourages the creation and/or extension of recycled or reclaimed water mains and the use of recycled or reclaimed water for irrigation.
4. Consideration for wastewater hydraulics should be included in the Mixed Use Concept Plan. Modifications of existing infrastructure to achieve the required flow rate should be at the developer's expense.
5. Private main agreements may be required for parcels with limited access to public facilities.
6. Access to utility infrastructure is of prime importance and shall be maintained to City standards for all public streets and utility easements.
7. The initial Mixed Use Concept Plan should show all proposed rights-of-way and utility corridors and easements.
8. Easements shall be provided for all public water lines and hydrants not located in a public right-of-way. Changes in location of utilities or final transformer, fire hydrant or meter locations may require granting of additional easements.

B. Street Lighting

1. Street lighting systems, when provided, should be located in the utility corridor of the parkway area of the ROW. To the extent possible, public streetlights should be limited to public roadways and utility easements in private roadways.
2. Public street lighting should be installed and maintained by GVEC (and CPS where applicable). All other lighting for onsite streets, pedestrian walkways, bikeways and parking lots should be installed and maintained by the developer. The spacing, location, height, fixture style, light source and level of illumination shall be subject to the standards and review of GVEC or CPS. Other types of light poles or luminaires/fixtures may be installed, subject to the approval of GVEC or CPS.

C. Landscaping

1. Fences and substantially sized landscaping shall be prohibited in utility easements. Flowers, grass and groundcovers shall be required to cover all easements. Small shrubs may be planted at the developers risk in the event that the easement needs to be maintained. No trees shall be placed within 15 feet of the centerline of any wet utility.
2. Cibolo main and service lines that run under decorative rock, landscaping, or specialty paving may be required to be sleeved or encased to protect the integrity of the main and service lines and minimize damage to landscaping in the event of required maintenance.

D. Cable & Telecom

Cable &telecommunications facilities may be included in a joint dry trench, subject to the agreement of each utility.

E. Storm Water Ponds and Drainage Easements

The Mixed Use Concept Plan should show stormwater ponds and easements necessary to comply with the UDC and City of Cibolo Design and Development Manual.

O. COMBINING MURE DESIGN ELEMENTS INTO A MIXED USE CONCEPT PLAN

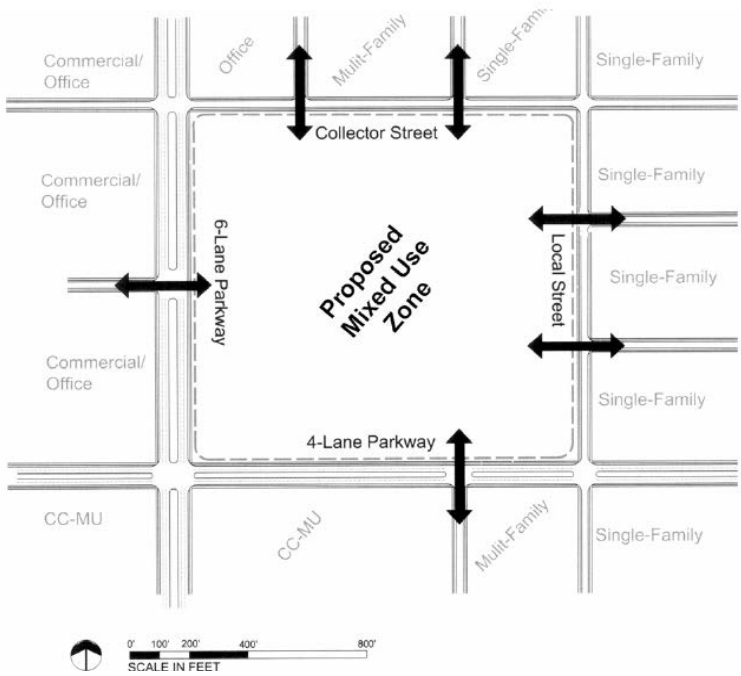
This section shows a potential layout for a mixed use development to demonstrate how the various provisions, standards, and guidelines in this section can be applied in concert to a mixed use development. Given the potential range of site sizes, conditions, locations, contexts, uses, intensities, building types, and transitions, there is no limit to the possible variations in layouts of mixed sites in Mixed Use districts. The purpose of this

hypothetical design is to take just one possibility as an illustrative example for applying specific code sections, design standards, and guidelines within the context of a unified site plan for a mixed use development.

The illustrations are in the order of an idealized planning and design process:

1. Identify the Mixed Use site and place its size & location into the context of existing uses, access, and connections.
2. Develop the proposed mixed use development in terms of land use mix, acreage, square footage & parking; with particular emphasis on:.
   - Block Structure and Street Network
   - Building Placement and Parking
   - Context and Transitions to existing development
3. Develop a Mixed Use Concept Plan to show use locations, streets, storm ponds and other major project elements.
4. Refine the Mixed Use Concept Plan into a detailed site development plan.

Mixed Use Diagram 2: Context Plan (Surrounding Land Uses and Roads)



Mixed Use Diagram 3: Proposed Mixed Use Plan (Land Use Mix, Acreage & Square Footage)

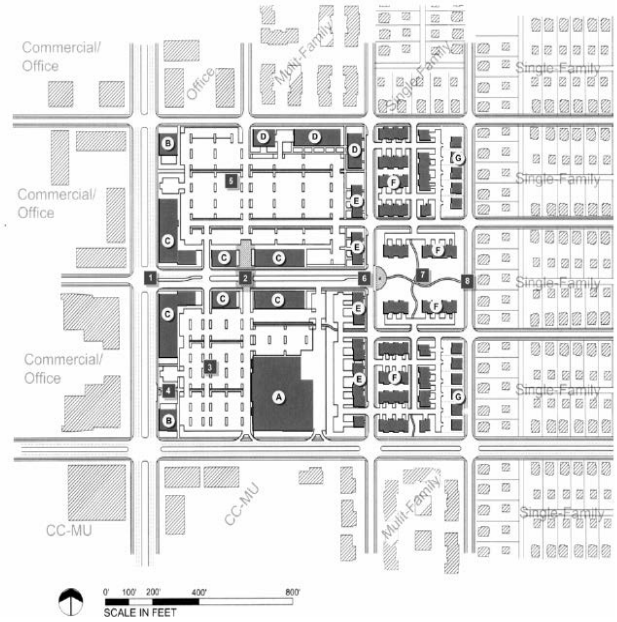
The below information shall be provided to support and define the Mixed Use Concept Plan

Site Area	36.5 acres
Zoning	Mixed Use Commercial Center (MU-CC)
Floor Area Ratio	3.9
Residential Density	9.87 units/acre (148 units on 15 acres of residential area)

Buildings by Type	Uses	Gross Square Feet Floor Area	Residential Units
A	Grocery/Retail	72,000	
B	Restaurant	13,800	
C (2-story)	Commercial/Office	178,400	
D	Neighborhood Commercial	48,500	
	Subtotal Nonresidential	312,700	
E (2-story)	Live/Work	57,600	32
F (2-story)	Town House	177,660	94
G.	Duplex	22,000	22
	Subtotal Residential	257,260	148
	Total	569,960	

Parking	Spaces Required	Spaces Provided
Off-street		
Non Residential (shared)	1042 (@1 sp/300 GSF)	1528
Residential (dedicated)	296 (@2 sp/unit)	323
On-street		188
Total	1,338	2,039
Off-street Parking Ratio for Nonresidential Uses		4.9 spaces/1000 GSF or 1 space/205 GSF

Mixed Use Diagram 4: Detailed Site Development Plan



Mixed Use Diagram 5: Example of a Mixed Use Regional Employment Center (MURE) Concept

4.7.4.4 Old Town Mixed Use Overlay District Regulations

The Old Town Mixed Use Overlay District (OT) is intended to provide performance standards that direct the redevelopment of properties within the district. The focus of the performance standards is to limit specific impacts to adjacent properties, while enabling flexibility in planning to the developing owner. Transition of use, buffering, and internal circulation are emphasized. Where these standards conflict with other standards or regulations of this or other City Ordinances, or with private restrictive covenants, the more restrictive standard shall apply.

4.7.4.4.1 Permitted Uses

The uses of the underlying C-2 district of the zoning map are permitted, to the extent that all applicable performance standards of this section are met. In addition to the permitted uses of the underlying district, the following uses are permitted within the OT district boundary:

A. Single-family residential and duplex residential, provided that this use takes access from a local public street.
B. Upper-story residential use is permitted, provided that the residential use is clearly secondary to the primary commercial use, and the gross floor area of the entire building does not include more than 50 percent residential uses.
C. Institutional uses such as, but not limited to parks, government offices, churches, schools, technical schools, hospitals shall be permitted.
D. Townhouse residential, condominium residential to 12 units per acre development density is permitted subject to the granting of a Conditional Use Permit, per the CUP requirements of Article 3 and 4.3.2 of this UDC.

4.7.4.4.2 Performance Standards

Any use permitted within the base district of the Old Town Overlay District, or as permitted above, shall conform to the following performance standards:

A. Lighting and Glare

No use or operation shall be located or conducted so as to produce intense glare or direct illumination across the bounding property line from a visible source of illumination nor shall any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property.

B. Open Storage

No open storage of materials or commodities, or equipment shall be permitted except as an accessory use to a main use which is located in a building. No open storage operation or refuse disposal containers shall be located in the front of the main building and no storage use shall constitute a wrecking, junk, or salvage yard. All open storage areas and refuse disposal containers shall be screened from view of the public by a fence or wall (minimum height 6 feet, maximum height 8 feet), and shrubs, trees or other landscaping as approved by the Building Official; and no allowed open storage shall extend above the specified screening fence or wall. A Dust Control Plan, demonstrating compliance with the Environmental Performance Standards of this UDC, shall be required for any outdoor storage areas.

C. Parking

Off-street parking shall meet the standards of the UDC. However, shared parking may be utilized within the Old Town Overlay district provided a Shared Parking Study is prepared and submitted with the Site Plan Application that clearly demonstrates the feasibility of shared parking. The study must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces. Old Town parking standards may be further relaxed in the event that a public parking facility is located within reasonable proximity to the proposed use.

D. Internal Circulation and Connectivity

The site plan shall provide for a logical system of internal circulation which minimizes access to adjacent arterial streets. Street, driveway and alley connectivity shall be provided to all adjacent non-residential properties, regardless if the existing adjacent tracts offer a receiving connection point. Pedestrian connectivity (i.e. sidewalks) shall be provided to adjacent tracts, regardless if the existing adjacent tracts provide a connection point.

E. Setbacks

Front yard setbacks may be reduced to the average front yard setback of existing buildings on the same side of the street block. Building separation must be maintained pursuant to the Fire Code.

F. Maximum Lot Coverage

The maximum allowable impervious cover may be increased by way of a waiver request to 95%, provided that storm water management facilities are available to mitigate increased peak runoff, or adequate conveyance is provided consistent with adopted drainage criteria. This waiver may be granted at the discretion of the City Manager, upon consultation with the City Engineer.

G. Buffering

A buffer yard is required where a non-residential use is adjacent to any residential use. The buffer yard must consist of one of the following options:

1. A 10-foot wide planting with an average of two evergreen trees for each 50 linear feet of buffer yard, spaced no more than 30 feet apart to provide additional screening above the wall. In addition, this option requires a solid six-foot screening wall constructed of brick, stone, reinforced concrete or other similar two-sided masonry materials; or
2. A 30-foot wide planting with a berm at least three feet tall and eight feet wide, with an average of two deciduous shrubs and two evergreen shrubs at the top of the berm per 50 linear feet.

H. Building Design

Buildings in the Old Town, shall be governed by the following standards:

1. Modifications to the exterior façade(s) of any existing building shall first be approved by the City subject to a finding that the proposed design, fenestration, (windows), height, color palette and exterior building materials are consistent with surrounding buildings and general design themes of the Old Town.

2. All new buildings in the Old Town shall incorporate a design, height, fenestration (windows), color palette and exterior building materials that are comparable with those on surrounding buildings and are consistent with the general design theme of the Old Town.

3. Building design shall preserve or enhance the historical fabric, character, pedestrian scale and architecture of Old Town Cibolo and shall be context-sensitive.

4. Residential development shall be consistent with the scale, height, exterior building materials, design, colors, roof pitches, setbacks and related characteristics of surrounding residences and the consistent with the general Old Town style.

I. Creation of a Unified Activity Center and Central City Focal Point

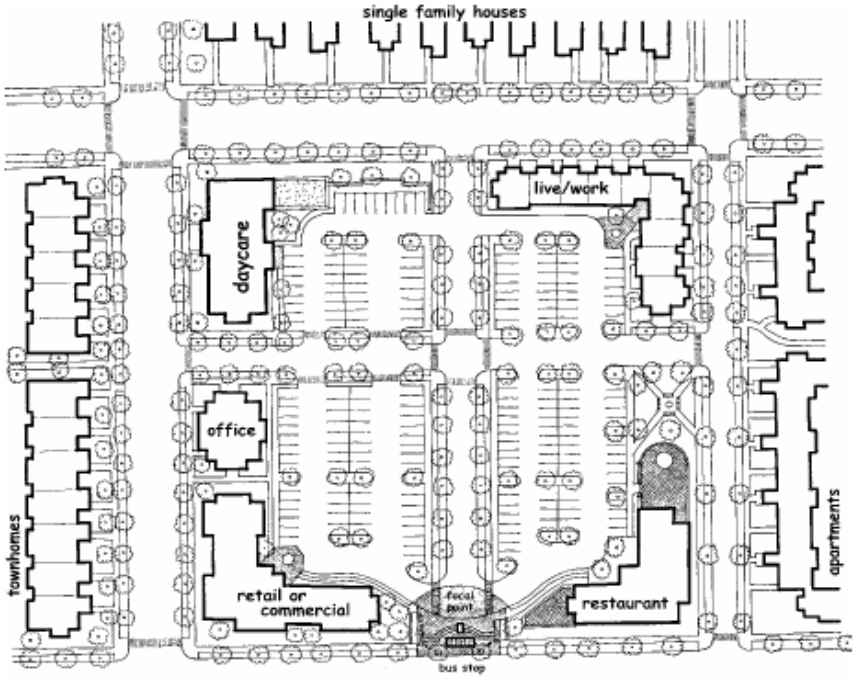
The Old Town and Town Center Overlays districts are located at the confluence of existing and proposed regional streets, proposed bicycle pathways, proposed linear park and existing creeks, floodplains and drainage networks. For that reason, the City of Cibolo, when reviewing projects in these districts, will have the right to impose conditions of approval that will ensure that the Old Town and Town Center Overlays function as two halves of unified Activity Center and that creates a single integrated core City environment that integrates all of the existing and proposed streets, park, bike ways, floodplains and drainage networks into forms that will maintain the viability of Old Town Cibolo for residential development, result in an expansion of residential, commercial and institutional opportunities east of Town Creek, the maintenance and design floodplains and drainage systems into forms that results in conservation, parks and recreation opportunities and creating transportation networks that integrate the Old Town and Town Center areas with existing development and linear park north of FM 1103 and emerging development south of FM 78.

J. Elements of Section 4.7.4.3 (MURE) of this Article of the UDC were written to be applicable to all Mixed Use districts of Cibolo. Specifically all of the general land use, transportation planning concepts, principals and general design guidelines described in Section 4.7.4.3 Subsections D.3 (a-h), D.4, D.7, D-10 and Subjects G-O shall be applicable to the Old Town and Town Center Overlay districts.

4.7.4.4.3 Approval Process

1. For individual commercial or residential lots less than 1.0 acre in area, a site plan shall be submitted demonstrating compliance with the requirements of this overlay district for City staff approval.
2. For commercial or residential projects greater than 1.0 acre in area but less than 3.0 acres in area, a Mixed Use Concept Plan, as described in the MURE district of this UDC, shall be submitted demonstrating compliance with the requirements of this overlay district for City Planner approval. All transitional and contextual requirements and standards of the MURE district shall be applicable. The City Planner shall have the prerogative to refer the Mixed Use Concept Plan to the Planning and Zoning Commission for review and approval. If the Mixed Use Concept Plan is denied by the Commission, the applicant may appeal the decision to the City Council.
3. For any commercial or residential projects greater than 3.0 acre in area, a Mixed Use Concept Plan, as described in the MURE district of this UDC, shall be submitted demonstrating compliance with the requirements of this overlay district for Commission review and City Council approval. All transitional and contextual requirements and standards of the MURE district shall be applicable. The Mixed Use Concept Plan must be reviewed by the Planning and Zoning Commission and considered for approval by City Council.

Mixed Use Diagram 6: Example of a "Mock" Old Town Cibolo Redevelopment Concept that Shows Sensitivity to Existing Single-Family Residences



4.7.4.5 FM 78 Mixed Use Overlay District Regulations

The FM 78 Mixed Use Overlay (FM 78) district is intended to provide for the development of the area adjacent to FM 78, as defined on the Official Zoning Map. The further intent of this overlay district is to preserve the scale, dimension and proportion of the existing development while facilitating retail and civic uses and diversity of residential offerings.

4.7.4.5.1 Permitted and Prohibited Uses

1. All uses described in the MURE district shall be permitted in this mixed use district, with the exception of uses permitted in the I-1 and I-2 districts and any expressly prohibited MURE use; subject to all of the performance standards, guidelines and standards of the MURE district, including setbacks, building height, buffers, and transitional standards. In addition to the permitted uses of the underlying district, the following uses are permitted within the FM 78 District boundary:

A. Townhouse, apartment and condominium residential development may be permitted in this overlay district only subject to the granting of a Conditional Use Permit (CUP) by City Council in accordance with all of the Conditional Use Permit procedural requirements specified in Article 3 and 4.3.2 of this UDC.

B. Vertical Mixed Use: Upper-story residential use is permitted, provided that the ground level of the building is occupied by non-residential uses, and subject to the granting of a Conditional Use Permit for said residential uses as described in Section 4.7.4.5.1.A of this UDC.

2. The following uses are expressly prohibited: sexually oriented businesses, liquor sales, fireworks stands, mini-warehouse storage, general outdoor storage, kennels, pawn shops, surplus sales, outdoor advertising signs (billboards) or any specifically proposed use that the City Council may consider as being inconsistent with creating a positive image of the City of Cibolo and FM 78 Overlay district.

4.7.4.5.2 Performance Standards

Any use permitted within the base district of the FM 78 Overlay District, shall adhere to all performance standards described in the MURE district.

A. Parking

Off-street parking shall meet the standards defined in Article 10 of this UDC, except as modified by the performance standards of the MURE district.

B. Internal Circulation and Connectivity

The Mixed Use Concept Plan shall provide for a logical system of internal circulation which minimizes access to adjacent arterial streets. Driveway or alley connectivity shall be provided to all adjacent non-residential properties, regardless if the existing adjacent tracts offer a receiving connection point. Pedestrian connectivity shall be provided to adjacent tracts, regardless if the existing adjacent tracts provide a connection point. All MURE circulation & connectivity standards are applicable.

C. Elements of Section 4.7.4.3 (MURE) of this Article of the UDC were written to be applicable to all Mixed Use districts of Cibolo. Specifically all of the general land use, transportation planning concepts, principals and general design guidelines described in Section 4.7.4.3 Subsections D.3 (a-h), D.4, D.7, D-10 and Section 4.7.4.3 Subsections G-O shall be applicable to the FM 78 Overlay district.

4.7.4.5.3 Approval Process

1. A Mixed Use Concept Plan, as described in the MURE district, shall be submitted demonstrating compliance with the requirements of this overlay district for Commission review and City Council approval. All MURE district transitional & contextual requirements and standards shall be applicable. The Mixed Use Concept Plan must be reviewed by the Commission and approved by City Council.

Mixed Use Diagram 6: Example of a Commercial/High Density Residential Concept

4.7.4.6 Town Center Mixed Use Overlay (TC) District Regulations

The Town Center Mixed Use Overlay (TC) District is intended to provide performance standards that direct the development of properties within the district in a form similar to Old Town Cibolo, with residential, duplex, retail, services, office and institutional uses. The focus of the performance standards is to limit specific impacts to adjacent properties, while enabling flexibility in planning to the developing owner. Transition of use, buffering, and internal circulation are emphasized. Where these standards conflict with other standards or regulations of this or other City Ordinances, or with private restrictive covenants, the more restrictive standard shall apply.

4.7.4.6.1 Permitted Uses

A. The permitted use section of the C-2 district and Old Town Mixed Use Overlay district shall govern the uses permitted by right and by CUP in the TC district.

B. Uses permitted in the C-3 zoning district shall not be permitted by right, but may be permitted upon City Council approval of a Mixed Use Concept Plan that demonstrates that C-3 uses are appropriate based on factors such as, but not limited to the location of property adjacent to a railroad right-of-way, adjacent to a proposed TxDOT right-of-way or at a location adjacent to any street depicted on the Future Thoroughfare Plan; subject to an applicant demonstrating that C-3 uses will be cited in a manner with appropriate transitions, as described in the MURE district in this Article, to transition C-3 development to other existing or proposed land uses in the C-2/TC Overlay districts. The City Council reserves the right to deny any request for C-3 uses that is not consistent with the purpose of the TC district.

C. Prohibited Uses

The following uses are expressly prohibited: sexually oriented businesses, liquor sales, fireworks stands, mini-warehouse storage, general outdoor storage, kennels, pawn shops, surplus sales, convenience stores, gasoline service stations, automobile related uses, outdoor advertising signs (billboards) or any other C-3 use that the City Council may consider as being inconsistent with creating a positive image of the City of Cibolo and Town Center Overlay district.

D. Appeals

Any use that is not expressly listed as a prohibited use that is denied by staff can be appealed to the Planning and Zoning Commission and City Council in accordance with the procedural requirements of this UDC and the Fee Schedule for Administrative Appeals.

4.7.4.6.2 Performance Standards

All performance standards in C-2 district and those described in the OT district shall be applicable. In addition, the following standards shall be applicable:

A. Creation of a Unified Activity Center and Central Regional Focal Point

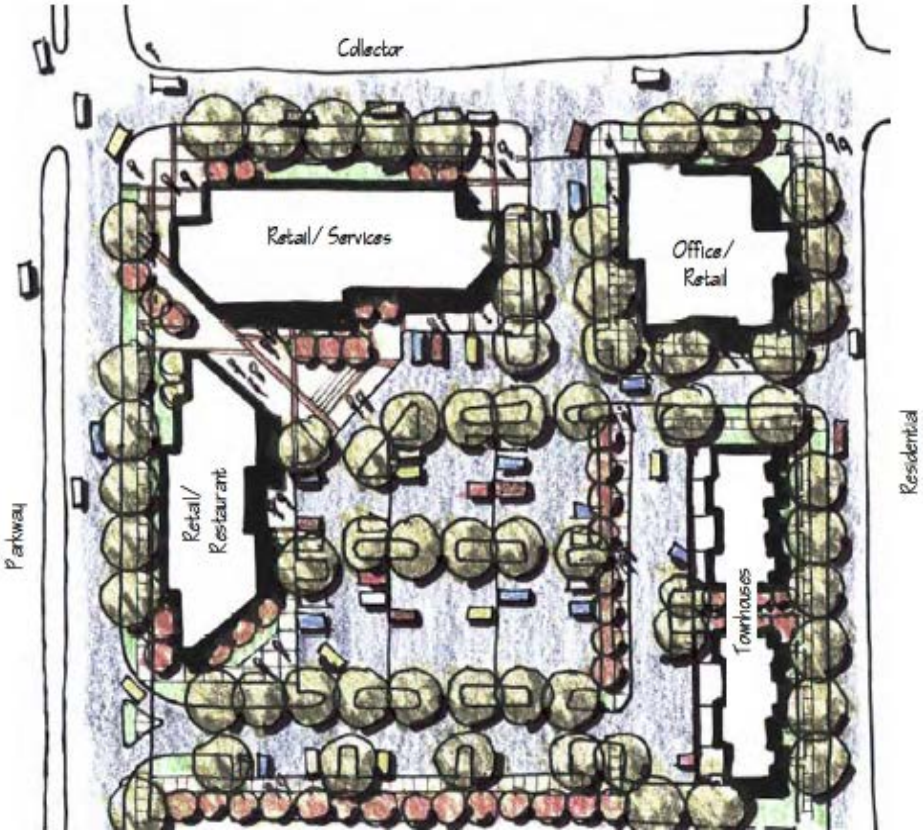
The Old Town & Town Center Overlay districts are located at the confluence of existing & proposed regional streets, proposed bicycle pathways, proposed linear park & existing creeks, floodplains & drainage networks. Accordingly, the City of Cibolo, when reviewing projects in these districts, may impose conditions of approval to ensure that the Old Town & Town Center Overlays function as two halves of a unified Activity Center to create a single integrated core City of Cibolo setting that integrates existing and proposed streets, linear parks, bike ways, floodplains and drainage networks into forms that will maintain the viability of Old Town Cibolo for residential development, result in an expansion of residential, commercial and institutional opportunities east of Town Creek, the maintenance and design floodplains and drainage systems into forms that result in conservation, park & recreation opportunities and a unified transportation network that integrate Old Town and Town Center with existing streets and parks north of FM 1103 and new development south of FM 78.

B. Elements of Section 4.7.4.3 (MURE) of this Article of the UDC were written to be applicable to all Mixed Use districts of Cibolo. Specifically all of the general land use, transportation planning concepts, principals and general design guidelines described in Section 4.7.4.3 Subsections D.3 (a-h), D.4, D.7, D-10 and Subjects G-O shall be applicable to the Old Town and Town Center Overlay districts.

4.7.4.6.3 Approval Process

1. For any commercial or residential projects, a Mixed Use Concept Plan, as described in the MURE district of this UDC, shall be submitted demonstrating compliance with the requirements of this overlay district for P & Z review and City Council approval. All transitional and contextual requirements and standards of the MURE district shall be applicable. The Mixed Use Concept Plan must be reviewed by the P & Z and approved by City Council.

Mixed Use Diagram 7: Prototypical Town Center Concept



Article 5. Nonconforming Uses & Structures

Section 5.1 Intent of Provisions

5.1.1 Intent & Definition

A. **Continuance.** Within the districts established by this UDC or amendments thereto, there may exist lots, structures, uses of land and structures, and characteristics of use which were lawfully in existence and operating before this Code was enacted, amended or otherwise made applicable to such lots, structures or uses, but which do not now conform to the regulations of the district in which they are located. It is the intent of this Code to permit such nonconforming uses to continue, as long as the standards within this article are met.

B. **Expansions/Enlargements.** It is further the intent of this UDC that nonconforming uses or structures shall not be enlarged, expanded or extended, and shall not be used as a basis for adding other structures or uses prohibited elsewhere in the same district.

C. **Incompatibility.** Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.

D. **Construction Underway.** Nothing contained herein shall be construed to require any change in the overall plans, construction or designated use of any structure or part thereof where official approval and the required building permits were granted before the enactment of this UDC or any amendment thereto where the construction thereof, conforming with such plans, shall have been started prior to the effective date of this UDC or such amendment, and where such construction shall have been completed in a normal manner within a six(6)-month period following the effective date of this UDC with no interruption except for reasons beyond the builders' control.

5.1.2 Classification of Nonconformities

<u>5.1.2.1 Nonconforming Use</u>

A. **Criteria.** Any use that does not conform to the regulations of this Code on the effective date hereof or any amendment hereto shall be deemed a nonconforming use provided that:

1. Such use was in existence under and in compliance with provisions of the immediately prior UDC; or
2. Such use was a lawful, nonconforming use under the immediately prior UDC; or
3. Such use was in existence at the time of annexation into the City, and was a legal use of the land at such time, and has been in regular and continuous use since such time.

B. **Conformance to a Zoning District.** Any other use that does not conform to the regulations of the Zoning District in which it is located on the effective date of this UDC or any amendment hereto shall be deemed to be in violation of this UDC, and the City shall be entitled to enforce fully the terms of this UDC with respect to such use.

C. **Proving a Legal Nonconformity.** It shall be the property owner's responsibility to provide information to the City that his/her property represents a legal nonconforming use or structure, granting the property owner rights to use and enjoy his/her property as a legal conformity as outlined within this article.

<u>5.1.2.2 Nonconforming Structure</u>

A. **Criteria.** Any structure that does not conform to the regulations of this UDC on the effective date hereof or any amendment hereto shall be deemed a nonconforming structure provided that:

1. Such structure was in existence under and in compliance with provisions of the immediately prior UDC; or
2. Such structure was a lawful, nonconforming structure under the immediately prior UDC regulations; or
3. Such structure was in existence at the time of annexation into the City, and was a legal structure at such time, and has been in regular and continuous use since such time.

B. **Conformance to a Zoning District.** Any other structure that does not conform to the regulations of the Zoning District in which it is located on the effective date of this UDC or any amendment hereto shall be deemed to be in violation of this UDC, and the City shall be entitled to enforce fully the terms of this UDC with respect to such structure.

C. **Proving a Legal Nonconformity.** It shall be the property owner's responsibility to provide information to the City that his/her property represents a legal nonconforming use or structure, granting the property owner rights to use and enjoy his/her property as a legal conformity as outlined within this article.

5.1.2.3 Nonconforming Lot

A. **Criteria.** Any platted lot that does not conform with the regulations of this UDC on the effective date hereof or any amendment hereto, except as expressly provided in subsection (c) below, shall be deemed a nonconforming platted lot provided that:

1. Such platted lot was in existence under and in compliance with the provisions of the immediately prior UDC regulations; or
2. Such platted lot was a lawful, nonconforming platted lot under the immediately prior UDC regulations; or
3. Such platted lot was in existence at the time of annexation into the City, and
4. Was a legally platted subdivision of the land at such time.

B. **Conformance to a Zoning District.** Any other platted lot that does not conform with the regulations of the Zoning District in which it is located on the effective date of this Code or any amendment hereto, and except as provided in subsection (c) below, shall be deemed to be in violation of this Code, and the City shall be entitled to enforce fully the terms of this Code with respect to such platted lot.

C. **Conforming Platted Lots.** The following types of platted lots shall be deemed in conformance with the provisions of this Code and nothing in this Code shall be construed to prohibit the use of such lots, notwithstanding the fact that such lots do not meet the standards of this UDC in the district in which it is located:

1. Any vacant lot that conformed to the City s UDC regulations at the time that it was platted; or
2. Any lot occupied by a single-family dwelling authorized under the zoning district regulations in which the lot is located.

Section 5.2 Continuance of Nonconformities

A. **Criteria.**

1. The lawful use of any building, structure, or land in accordance with the terms of the UDC regulations by which the use was established, or in the case of annexed property, in accordance with the regulations under which the use was created may be continued.

2. Abatement of such use or structure within a given period of time may be required by the City, provided, however, the right to continue such nonconforming use or use of such structure shall be subject to regulations prohibiting nuisances and shall be terminated when such use or structure constitutes a nuisance.

3. Such nonconforming use or structure shall be subject to such reasonable regulations as the Board of Adjustment (BOA) may be required to protect adjacent property.

4. A nonconforming structure occupied by a nonconforming use may be reoccupied by a conforming use. Once such change is made, the use shall not thereafter be changed to a nonconforming use.

5. No nonconforming use shall be changed to another nonconforming use except as permitted by the Board of Adjustment.

Section 5.3 Expansion of Nonconformities

A. **Criteria.** A nonconforming use may be extended throughout the structure in which it is located, provided that:

1. The structure or its premises shall not be enlarged or increased in height, in floor area or in land area to accommodate extension of the nonconforming use;

2. No alteration shall be made to the structure occupied by the nonconforming use, except those alterations that are required by law to preserve the integrity of the structure and alterations that would upgrade the quality, safety or aesthetic appeal of the structure; and

3. The number of dwelling units occupying the structure shall not exceed the number of dwelling units existing at the time the use became nonconforming.

B. **Use Expansion Outside of Structure.** A non-conforming use occupying a structure shall not be extended to occupy land outside the structure.

C. **Use or Structure Expansion.** A nonconforming use or structure shall not be enlarged, increased or extended to occupy a greater area of land than was occupied at the time the use or structure became nonconforming, except:

1. To provide additional off-street parking or loading areas required by this UDC.

2. Enlargement of a building housing a nonconforming use, for the purpose of storage only, shall not be deemed the extension of a nonconforming use.

3. Construction of a detached accessory building for the purpose of storage, on a lot occupied by a nonconforming use, shall not be deemed the extension of a nonconforming use.

Section 5.4 Repairs & Alterations

A. **Moving a Nonconforming Structure.** No nonconforming structure or building shall be moved in whole or in part to any other location on the lot, or to any other location or lot, unless every portion of such structure is in compliance with all the regulations of the zoning district wherein the structure is to be relocated.

B. **Right to Repair Maintained.** Nothing in this UDC shall be construed to prohibit the normal maintenance or repair of any part of any buildings or structures declared unsafe by the City of Cibolo unless such repairs or maintenance exceeds fifty percent (50%) of the structure s appraised value, as determined by the applicable county appraisal district.

1. Structural Alterations Allowed Only if Changed to Conforming Use: No structural alterations shall be made except those required by law or ordinance, unless the use within the building is changed to a conforming use, and provided that no additional dwelling units shall be added where the nonconforming use results from there being more dwelling units on the lot than is permissible in the district in which the building is located.

C. **Substandard Nonconforming Structure.** The right to operate and maintain any nonconforming structure shall terminate and shall cease to exist whenever the nonconforming structure becomes substandard under any applicable ordinance of the City and the cost of placing such structure in lawful compliance when the applicable ordinance exceeds fifty percent (50%) of the replacement cost of such structure on the date in which the City determines that such structure is substandard.

Section 5.5 Reconstruction Following Damage or Destruction

A. **Structure Totally Destroyed.** If a nonconforming structure or a structure occupied by a nonconforming use is totally destroyed by the forces of nature, war or acts of God; such structure may not be reconstructed or rebuilt except in conformance with provisions herein. Damages from any cause exceeding fifty percent (50%) of the value of such structure at the time of damage shall necessitate the discontinuance of use of such structure and same shall not be restored or reconstructed except in conformity with the current provisions of this UDC applicable to such structure.

B. **Structure Partially Destroyed.**

1. Nonconforming structures damaged by the forces of nature, war or acts of God may be restored to their former condition if such damages do not exceed fifty percent (50%) of the value of such structure at the time of damage.

2. Such restoration or reconstruction shall be completed within twelve (12) months of the damaging event. If reconstruction is delayed by contested insurance claims, litigation, or some other similar cause, then the twelve (12) month reconstruction period may be extended by the City.

C. **Replacement Cost.** In determining the replacement cost of any nonconforming structure, there shall not be included therein the cost of land or any factors other than the nonconforming structure itself including foundation.

Section 5.6 Changing to a Conforming Use

A. **Changing to a Conforming Use.**

1. A nonconforming use may be changed to a conforming use provided that, once such change is made, the use shall not be changed back to a nonconforming use.

2. A conforming use located in a nonconforming structure may be changed to another conforming use, but shall not be changed to a nonconforming use.

Section 5.7 Abandonment

A. **Considered Abandoned.** A nonconforming use of any building or structure which has been abandoned shall not thereafter be returned to any nonconforming use. A nonconforming use shall be considered abandoned when:

1. It has been replaced with a conforming use; or

2. Such building or structure is or hereafter becomes vacant and remains unoccupied or out of use for a continuous period of six (6) months, or the special equipment and furnishings peculiar to the nonconforming use have been removed from the premises and have not been replaced within such six (6) month period; or

3. In the case of a temporary use, the use is moved from the premises for any length of time.

B. **Future Use After Abandonment.** If a nonconforming use or structure is abandoned, any future use of the premises shall be in conformity with the provisions of this Code, as amended, and with any other applicable City codes or ordinances that are in effect at the time the use is resumed or the structure is re-occupied.

ARTICLE 6. ACCESSORY, TEMPORARY & SUPPLEMENTAL USE REQUIREMENTS

Section 6.1 Accessory Uses

6.1.1 General

Any accessory use may be permitted provided that it is customarily associated with a primary use that may be permitted by right consistent with this Ordinance. The establishment of such accessory uses shall be consistent with the following standards:

A. The accessory use shall be subordinate to and serve a primary use or principal structure;
B. The accessory use shall be subordinate in area, extent or purpose to the primary use served;
C. The accessory use shall be located within the same Zoning District as the primary use; and
D. Accessory uses located in Residential Districts shall not be used for commercial purposes other than Home Occupations in compliance with zoning and other applicable regulations.

6.1.2 Home Occupations

6.1.2.1 General

A Home Occupation is that accessory use of a dwelling that shall constitute all or some portion of the livelihood of a person or persons living in the dwelling. The Home Occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling or adversely affect the uses permitted in the District of which it is a part.

6.1.2.2 Home Occupation Types

Home Occupations are permitted subject to the occupation meeting the following provisions.

A. Be conducted entirely within a dwelling or integral part thereof and have no outside storage of any kind related to the home occupation;
B. Be clearly incidental and secondary to the principal use of the dwelling;
C. Be conducted only by persons residing on the premises (nonresident employees are not permitted);
D. Does not affect the residential character of the dwelling;
E. Deliveries by commercial vehicle occur only between the hours of 8 a.m. and 6 p.m.;
F. Create no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, unhealthy or unsightly condition, traffic, or parking problem;
G. The home occupation shall not result in the off-street or on-street parking of more than two vehicles at any one time not owned by members of the occupant family;
H. No interior or exterior business sign shall be permitted.
I. No mechanical equipment shall be used except of a type that is similar in character to that normally used for domestic purposes.
J. Home occupations shall not use electrical or mechanical equipment that results in:

    1. A change to the fire rating of the structure;
    2. Visual or audible interference in off-site radio, television or electronic equipment;
    3. Off-site fluctuations in line voltage;

K. No more than one home occupation shall be permitted within a single dwelling unit;
L. All home occupations may be subject to periodic inspections by the City;
M. Retail sales shall be limited to internet, mail order and telephone sales; with off-site delivery and the sale of products assembled at the residence;
N. Services to patrons shall be arranged by appointment or provided off-site;
O. There shall be no more than three deliveries per week to the residence by suppliers, except through the delivery of mail by the United States Postal Service or via private delivery services that typically provide neighborhood deliveries;

P. The following activities shall be prohibited as a home occupation:

1. Outdoor automobile, truck and heavy equipment repair,
2. Outdoor auto body work;
3. Auto body painting;
4. Parking and storage of heavy equipment; and
5. Storage of building materials for use on other properties

Q. The sale of firearms shall only be permitted subject to the following conditions:

1. Issue of a license by the Bureau of Alcohol, Tobacco and Firearms;
2. Installation of a monitored home security system;
3. Installation of security lights that do not adversely affect adjoining residences;
4. Installation of a safe, or an equivalent storage system, to store all firearms;
5. Notification to the Police and Fire Chiefs of the City of Cibolo;
6. Final Inspection and the Issuance of a Certificate of Occupancy*;*

R. Exemptions from the provisions of this chapter are:

1. Garage sales;
2. For-profit production of produce or other food products grown on the premises. This may include temporary or seasonal sale of produce or other food products grown on the premises;
3. Hobbies which result in payment to those engaged in such activity;

S. Home occupation shall comply with all applicable Federal, State and Local laws and regulations.

Section 6.2 Temporary Uses

(1) **General.** The director of development services may authorize the temporary use of a structure or property for a purpose that is not specifically permitted by the regulations prescribed for the zoning district in which the property is located, provided that such use does not involve the erection of a substantial structure or substantial alteration of the premises and is in accordance with the regulations specified below. The director may require that traffic control and/or security be approved by the police department as a prerequisite for approving any temporary use. A temporary use permit may be granted for the period of time indicated, subject to such conditions as will safeguard the public health, safety, convenience, and welfare of the general public and surrounding uses. All temporary uses shall comply with the noise limitations of the set out in Chapter 46 of the City of Cibolo Code of Ordinances. Except as otherwise provided herein; a temporary use permit shall not exceed thirty (30) days. Establishment of a temporary use shall not confer any subsequent nonconforming rights on a property.

(2) **Circuses and Carnivals.** These uses may be permitted in nonresidential districts in accordance with the following criteria:

(A) No structure, tent, equipment, or mechanical ride shall be located within five hundred (500) feet of property used for residential purposes.

(B) The site shall be a minimum of one (1) acre in size.

(C) The maximum permitted time period shall be two (2) weeks.

(D) The hours of operation shall be limited from 9:00 a.m. to 10:00 p.m.

(E) An improved surface shall be provided in accordance with the requirements of the UDC.

(F) Public restroom facilities shall be provided.

(3) **Christmas Tree Sales.** This use is permitted within nonresidential zoning districts for a period not to exceed forty-five (45) days. A site plan shall be submitted to the Planning and Engineering Department for review to ensure that setbacks, clear vision area and code requirements are met.

(4) **Construction Offices and Equipment Sheds.** These uses may be permitted in any zoning district incidental to a construction project. The office or shed shall not contain sleeping or cooking accommodations and shall be removed within ten (10) days after completion of the construction project.

A mobile home may be permitted as a temporary construction office in accordance with the stipulations listed above. However, in no case shall a mobile home be permitted for commercial purposes on a temporary or permanent basis. Modular manufactured units, as described below in this Article, may be permitted as a temporary use until such time as when a permanent structure is completed on the same site in which modular manufactured unit is located as a temporary use.

(5) **Outdoor Meetings.** Tent & open air meetings may be permitted in nonresidential districts for a maximum period of 30 days between the hours of 8:00 a.m. & 10:00 p.m.

(6) **Tents.** Tents used for special events may be permitted for a period not to exceed one (1) week provided that applicable permits are obtained.

(7) **Portable classroom buildings.** Portable buildings may be situated on school property, provided that all other applicable codes and ordinances are met. Portable classroom buildings shall be inspected by the Building Official and may be granted up to a 24 month certificate of occupancy, which may be renewed. There is no limit to the number of extensions that may be granted.

(8) **Outdoor Seasonal Garden Center Sales.** Businesses shall be allowed to have outdoor seasonal garden center sales in parking lots provided that the sales area does not block any fire lane and is clearly defined on the site. If outdoor seasonal sales are contemplated, this area should be designated as such on the site plan.

Section 6.3 Supplemental Use Requirements

6.3.1 Purpose and Applicability

The City recognizes that there are certain land uses that may be regulated by the State of Texas or which may have characteristics which require certain controls in order to insure compatibility with other uses in the zoning districts in which these certain uses may be permitted. As such, the following Supplemental Use Requirements shall govern the operation of each of the following uses.

(a) Day Care Services (Residentially Based)

The following requirements apply to all registered family homes, group day care homes, residential nursery schools, group day care, group life care and family day care centers:

(1) **License and Registration.** All group day care homes, nursery schools, and day care centers shall have a current license issued by the Texas Department of Family and Protective Services. Registered family homes shall maintain a current registration with the Texas Department of Family and Protective Services.

(2) **Standards in Residential Districts.** Day care facilities shall comply with the following requirement when located within residential zoning districts:

a. Outdoor play space shall not be permitted within the front yard area.

b. No signs shall be permitted except for a name plate not exceeding one (1) square foot in size and attached flat to the main structure.

(3) **Outdoor Play Areas.** The outdoor play space for day care centers, group day care homes, and nurseries which abut or are located within a residential zoning district shall be enclosed by a six-foot solid (opaque) fence. If the adjacent property is zoned residential but is in use as a private/public school, church or park a fence shall be required. At the option of the applicant it may be predominantly open or a solid fence.

(4) **Required Residency.** The provision of day care in a single-family residence shall require that the owner of the property occupies the home as their primary residence.

(b) Day Care Services, Family

Family Day Care services shall be limited to no more than four children under 14 years of age, excluding children related to the caretaker, and provides care after school hours for not more than six additional elementary school children, but the total number of children, including those related to the caretaker, shall not exceed 12 at any given time.

(c) Day Care Services, Group

Group Day Care homes provide regular care for between five (5) & twelve (12) adults or children for less than 24 hours a day. This shall include nurseries, preschools & adult care facilities.

(d) Day Care Services, Commercial

Day care center provide regular care to an unlimited number of adults or children for less than 24 hours a day and are subject to the following requirements:

(a) Approval of Site Plan: Prior to the commencement of operation of any child care center, the owner and/or operator of the proposed center shall submit for review a site plan which indicates the design, location, and operation of the proposed child care center will be in compliance with this section

(b) General Development Requirements: All child care centers must be developed as follows:

(1) All passenger loading and unloading areas and outdoor play space shall be located so as to avoid conflict with vehicular traffic.

(2) Access from public streets and/or sidewalks to the facility must comply with the Texas Accessibility Standards adopted by the Texas Department of Licensing and Regulations.

(3) Except for child care centers which provide care for not more than four hours per day, outdoor play space must be provided at a rate of eighty (80) square feet per child, or the minimum established by federal or state law or regulation based on the maximum design capacity of the child care center.

(4) If the child care center is located in a residential zoning district, no more than one-half of the required play space may be provided off-site in a public or private park, but only if a the park is located no more than 100 feet of the child care center; and access to the park from the center does not require crossing at-grade any street classified as a thoroughfare, regardless of whether or not access can be obtained across a controlled intersection with crosswalk lights and street markings.

(5) No child care center may be located in whole or in part in a one-family or two-family dwelling except to the extent that the center qualifies as a home occupation pursuant to Article 6 of this UDC.

(6) No portion of a child care center site may be within 300 feet of gasoline pumps, above ground or underground gasoline storage tanks, or any other storage area for explosive materials.

(7) No child care center located in a residential zoning district may be located any closer than 1,500 lineal feet from a community home defined in Chapter 123 of the Texas Human Resources Code, as amended, adult group home, personal care facility, assisted living center, or another child care center.

(8) Any child care center authorized to be located in a residential zoning district must be designed and constructed in such a manner as to look like a residence of similar character and design to residential structures located on the adjacent properties and shall include pitched roofs and windows which constitute not less than 40% of the front facade.

(e) Group Care Facility

Group Care Facilities are required to be licensed by the state and are limited supervision, treatment and/or rehabilitation to the aged, disabled, those convicted of crimes, or those suffering the effects of drugs or alcohol. This category does not include day care centers, family day care homes, foster homes, schools, hospitals, jails or prisons.

(f) Group Residential

Group Residential facilities provide living accommodations to groups of more than five (5) persons (not defined as a family) on a weekly or longer basis. Typical uses include occupancy of fraternity or sorority houses, dormitories, residence halls, or boarding house.

(g) Life Care Services

Life Care Service and/or retirement housing for retired, elderly, and/or disabled persons, including congregate housing with common meals and/or community facilities for social events, community recreation, convalescent services, guidance services, personal services and personal improvement services, or self-contained dwelling units specifically designated for the needs of the elderly, either rented or owner-occupied. To qualify as life care housing or facilities, a minimum of 80% of the total units shall have a household head 55 years of age or greater and no long term or permanent skilled nursing care or related services are provided.

(h) Adult/Community Group Homes

Property used as an adult/community group home, as defined below, shall be subject to the following regulations:

(1) "Adult/Community Group Home" Defined: An Adult/Community Group Home is a dwelling unit for sixteen (16) or fewer people in which food, shelter, and minor medical treatment under the direction and supervision of a physician, or services which meet some need beyond boarding or lodging are provided to residents of that dwelling unit, but not including care provided to any family member residing with his family in a one-family dwelling. Residents of an Adult Group Home depend on staff to provide various degrees of assistance in everyday living, but are not considered dangerous to themselves or others and require only occasional or temporary services by professional medical or nursing personnel which are provided through individual arrangement with each resident. Adult Group Home includes any facility which requires a license issued by the Texas Department of Health or its successor agency as a Personal Care Facility, but does not include a facility which requires a license as a Special Care Facility.

(2) Approval of Site Plan: Prior to the commencement of operation of any Adult Group Home, the owner and/or operator of the proposed center shall submit for review a site plan which indicates the design, location, and operation of the proposed Adult Group Home will be in compliance with this Section (e.) and all other applicable provisions of this Chapter. Said site plan shall be approved as follows:

(i) if use of the property as an Adult Group Home does not require the approval of a conditional use permit or an ordinance changing the zoning regulations of the property, the site plan must be approved by the Commission prior to commencement of operation of the center; or

(ii) if use of the property as an Adult Group Home requires the approval of a conditional use permit or an ordinance changing the zoning regulations of the property, the site plan shall be approved by the City Council in accordance with the applicable procedures related to the adoption of a conditional use permit of ordinance changing the zoning of the property.

(3) General Development Requirements: All Adult Group Homes must be developed as follows:

(i) All passenger loading and unloading areas and outdoor recreation areas shall be located so as to avoid conflict with vehicular traffic.

(ii) Access from public streets and/or sidewalks to the facility must comply with the Texas Accessibility Standards adopted by the Texas Department of Licensing and Regulations.

(iii) Ingress and egress from the Adult/Community Group Home must be from a street with a pavement width of 30 feet or greater which is not classified as a dead-end street.

(iv) No Adult/Community Group Home located in a residential zoning district may be located any closer than 1,500 lineal feet from a community home defined in Chapter 123 of the Texas Human Resources Code, as amended, personal care facility, assisted living center, or a child care center.

(v) Any Adult/Community Group Home authorized to be located in a residential zoning district must be designed and constructed in such a manner as to look like a residence of similar character and design to residential structures located on the adjacent properties and shall include pitched roofs and windows which constitute not less than 40% of the front facade.

(4) <u>Application to Adult/Community Homes</u>: The provisions of this Adult Group Home section shall be applicable to the use and development of property as a community home, as defined in Chapter 123 of the Texas Human Resources Code, to the extent that the development of said community home is not exempt from municipal zoning regulations. In the event applicable provisions of state and federal law or regulation establish more restrictive regulations of community homes than this Chapter, including, but not limited to, spacing and occupancy regulations, the more restrictive state or federal law or regulation shall apply.

(i) <u>Transitional Homes, Rehabilitation Centers and Halfway Houses</u>

Transitional homes shall not be located within one thousand (1,000) feet of any public/private school or public/private children's day care facility and/or a public park.

(a) **Method of Measurement and Survey Requirements.**

(1) Measurements shall be in a straight line, without regard to intervening structures or objects, from the nearest point of the platted property line of the lot on which the transitional home is situated to the nearest point on the property line of a public/private school, public/private children's day care facility and/or a public park.

(2) A certified survey prepared by a licensed surveyor or licensed engineer showing distance measurements in accordance with this subsection shall be submitted to the City for all transitional homes as part of the application for the certificate of occupancy. Any certificate of occupancy issued for a building or facility used to conduct a transitional home without submission of the required survey shall be null and void.

(b) **Building Standards.**

(1) Separate beds must be available twenty-four (24) hours a day for each resident housed within the facility.

(2) Bedrooms shall have a minimum of twenty-five (25) contiguous square feet of unencumbered space per occupant. This square footage may not be obstructed by beds, other furniture, or fixed building structures.

(3) Bathroom facilities consisting of a tub and/or shower and one (1) toilet, and one (1) lavatory shall be provided for each ten (10) residents housed.

(4) Areas for leisure activities shall be provided at the rate of twenty (20) square feet for each resident.

(5) If food is prepared on-site a full kitchen must be maintained and will be subject to compliance with applicable codes and be subject to periodic health inspections.

(d) **Lot Standards.** A yard area of fifty (50) square feet per resident housed shall be provided for the occupants.

(e) **Staffing.** The transitional home shall have an overall client to program staff ratio of not less than eight (8) to one (1) & not less than one (1) attendant to thirty (30) residents on any given shift.

(f) **Parking.**

(1) All required parking shall be provided off-street.

(2) One (1) space per attendant and one (1) space per fifteen (15) residents shall be provided.

(g) **Outdoor Activities.** Outdoor leisure activities shall be limited to the hours of 6:00 a.m. until 9:30 p.m. seven (7) days a week.

(h) **Nuisance.** The transitional home may be considered a public nuisance if any of the following occurs:

(1) More than two (2) police disturbance calls are recorded within a thirty-day period involving residents housed at any single transitional facility.

(2) A code violation that is not brought into compliance within thirty (30) days of receiving notice; or

(3) More than five (5) nuisance complaints from adjoining property owners are received and validated by the police department within a six-month period. If the code enforcement services director determines that any of the three (3) provisions occur, he shall request that the city attorney take court action to abate the nuisance where appropriate under law.

(i) **Permissible Tenants.**

(1) No tenant or resident may occupy a transitional home in any capacity if previously convicted of a sex oriented crime, child molestation, and/or murder in any degree.

(2) No tenant or resident may occupy a transitional home without first being screened for tuberculosis. The operator of the transitional home must demonstrate that any tenant or resident testing positive for tuberculosis is of no danger to other tenants or residents relative to possible transference or infection of said residents.

(j) **Plan of Operation Required.**

(1) A Plan of Operation describing how services will be conducted and provided shall be submitted for purposes to demonstrating how the terms of this section.

(j) <u>Greenhouses (Non-Commercial)</u>

Greenhouses are permitted in residential zoning districts subject to the following regulations:

(a) They have no on-premises sales (either retail or wholesale),

(b) They display no advertising signs on the property,

(c) Accessory structures do not exceed a total of six hundred (600) square feet in size,

(d) The accessory structure or greenhouse shall comply with all applicable Lot Design Standards of this UDC, and

(e) There is no outdoor storage of equipment or other materials.

(k) Fuel Sale Businesses

Property used for the purpose of the sale of fuels shall be developed in accordance with the following regulations:

(1) Distance from Right-of-Way: Service stations may locate fuel pumps and pump islands beyond the setback, but in no case closer than fifteen (15) feet from any street right-of-way;

(2) Canopy Requirements: Any canopy placed over the pump island may not extend closer than five feet (5.0') to the right-of-way;

(3) Pumps Near Residential Zones: Fuel pumps and pump islands may not be located closer than one hundred feet (100.0') to any residential zoning district;

(4) Pumps Near Existing Residence: Fuel pumps and pump islands may not be located closer than one hundred feet (100.0') to a property currently being developed and used for residential purposes within a zoning district that permits fuel sales.

(5) Stores exceeding 5,000 Square Feet: If a structure exceeds 5,000 square feet in size, a Conditional Use Permit (CUP) will be required.

(l) Mini-Storage/Mini-warehouse Businesses:

The use of property for operating an indoor self-service storage facility shall comply with the following development regulations:

(1) Screening Required: No building shall be located so that the door of the self-storage unit faces the street unless screening is constructed along the entire length of the building, said screening to be in the form of:

(i) a screening fence is constructed in accordance with requirements of this UDC,

(ii) an opaque and evergreen landscape hedge with a height of 6' at the time of planting;

(iii) another building located between the self-storage units and the street; or

(iv) such other screening that may be approved by the Commission upon application of the developer or owner.

(2) Required Facade Materials: The sides of all self-storage unit buildings that face a street and/or an abutting residentially zoned property shall have exteriors that comply with the building design requirements of this UDC;

(3) Driveways: All driveways within the complex must be designed to accommodate appropriate fire fighting vehicles and be approved by the City Fire Chief;

(4) Setback Requirements: No building used as a self-storage unit may be located closer than twenty-five feet any residentially zoned property.

(5) Overhead doors: No overhead doors shall directly face a residentially zoned property or a public right-of-way.

(6) Outdoor Storage: When adjacent to public rights-of-way or residentially zoned properties, outdoor storage, where permitted by right or conditionally, cannot be visible from right-of-way or residential views, as measured from at grade line of sight viewpoints.

(m) Manufactured Modular Housing

Structures that are constructed in one or more modules or modular components built at a location other than the permanent site, are transported to the permanent site, and are erected or installed on a permanent foundation system. The term includes plumbing, heating, air conditioning, and electrical systems. Per the Texas Department of Licensing and Regulation, examples of industrialized housing and buildings include one-family and two-family (duplex) dwellings, apartment complexes, equipment shelters, restaurants, offices, classrooms, medical complexes, hazardous storage buildings, and more. Industrialized housing and buildings must meet or exceed the requirements of all adopted City Codes. A decal must be issued for certification of modular buildings and components. On the decal affixed to the module, a manufacturer certifies that the module is constructed and inspected in accordance with the mandatory construction standards used by the City. The decal shall provide documentation that a modular building meets all applicable code requirements.

(n) Recreational Vehicle

A vehicular type portable structure without permanent foundation primarily designed as temporary living quarters for recreational, camping, or travel use, with or without motor power. This includes, but is not limited to, travel trailers, truck campers, camping trailers & self-propelled motor homes. The use of a recreational vehicle as a permanent residence is prohibited except in a duly created Recreational Vehicle Park.

(o) Self Contained Retail Units/Kiosks

Refers to an automatic self-contained portable retail structures or kiosk, such as, but not limited to bottled water dispensers and an ice dispensing structure that produces and dispenses ice for retail sale, as a stand-alone primary use. These self-contained machines/buildings may be allowed subject to the machine and/or structure fully complying with all applicable building design requirements, screening requirements for mechanical equipment, be it roof or ground mounted, of this UDC. These units may not be placed over required parking spaces, driveways, fire lanes or landscape areas. Adequate off-street parking and vehicular maneuvering areas and car queuing (stacking) shall be provided. Compliance with all applicable building and fire codes, as amended, shall also be required.

(p) General Contractor Services

Contractor yards must comply with all Environmental Performance standards and screening requirements of this UDC. A dust control plan shall be submitted prior to the approval of a site plan to establish this use.

(q) Big Box Requirements

1. Big box uses are defined as a single tenant retail building over 100,000 square feet.
2. Big box uses proposed in the C-3 district on a property that adjoins property zoned SF-1, SF-2 or SF-3 shall only be permitted subject to the granting of a Conditional Use Permit (CUP); subject to all CUP criteria, standards and processes defined in Article 3 of this UDC. In consideration of a CUP to allow a big box use, the City Council may impose reasonable conditions of approval to ensure that the big box use does not diminish the use or value of the adjoining residential property for residential purposes or may deny the CUP request upon determining that the proposed big box would not be compatible with the adjoining residential zoning district.
3. Big boxes are permitted by right in the C-4 and MURE zoning districts and in the FM 78 Overlay District. Big boxes are permitted by right in the C-3 zoning district if the property on which the big box is proposed does not share a common border with any property zoned SF-1, SF-2, or SF-3. For purposes of enforcing this requirement, property zoned SF-1, SF-2 or SF-3 on the opposite side of a right-of-way from where a big box is proposed is considered to adjoin the property on which the big box is proposed and has a shared border.

ARTICLE 7. ENVIRONMENTAL PERFORMANCE STANDARDS

The use of land, buildings and other structures, wherever located, shall be established and conducted so as to conform to the following performance standards.

Section 7.1 Applicability

The use of land, buildings and other structures for non-residential purposes shall be established and conducted so as to conform to the performance standards hereinafter specified. The performance standards establish certain nuisance factors, which if violated in the use of land, buildings and other structures, will be detrimental to the use, enjoyment and value of other land, buildings and other structures and will be detrimental to the public health, safety and welfare of the citizens of Cibolo.

Section 7.2 Performance Standards

7.2.1 Noise

Any activity or operation of any use producing noise, other than ordinary vehicle noise, shall be conducted so that no noise from the activity shall be deemed a public nuisance, as defined in Section 46 Article II of the City of Cibolo Code of Ordinances.

7.2.2 Heat

Any activity or operation of any use producing heat shall be conducted so that no heat from the activity or operation shall be detectable at any point off the zoning lot on which the use is located.

7.2.3 Light & Glare

1. Purpose

   The purpose of these standards is to create criteria for outdoor lighting for non-residential uses which will provide for nighttime safety, security and utility while reducing light pollution, light trespass, and conserving energy.

   It is the intent of these criteria to establish appropriate lighting levels, efficient lighting sources, full cut-off lighting, and to minimize/discourage lighting glare, lighting pollution and lighting trespass.

2. Light and Glare Definitions

   For the purposes of applying the regulations of this section, the following definitions shall apply:

   a. Cutoff: The point at which all light rays emitted by a lamp, light source or luminaire is completely eliminated (cutoff) at a specific angle above the ground.
   b. Cutoff Angle: The maximum angle formed by a line drawn in the direction of emitted light rays at the light source and a line perpendicular to the ground from the light source.
   c. Full Cutoff-Type Luminaire: A luminaire constructed or shielded to direct all light at a cutoff angle of less than 90 degrees (also referred to as a Horizon Limited Luminaire).
   d. Foot-candle: A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one-candle.
   e. Glare: Direct light emitted from a light source which causes eye discomfort.
   f. Light Pollution: The shining of light produced by a luminaire above the height of the luminaire and into the sky.
   g. Light Trespass: The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.
   h. Luminaire: A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.

3. General Standards

a. General Standards for Lighting on Private Property

1. No flashing light shall be permitted. Flickering or intense sources of light shall be controlled or shielded so as not to cause a nuisance across lot lines.

2. Lighting shall be designed to function as a Full Cutoff Luminaire. Lighting which projects light into the sky shall be prohibited.

3. Light sources or luminaries shall not be located within required buffer yards except along pedestrian walkways.

4. All luminaries shall be designed so that the light source (bulb or lamp) is completely shielded from direct view of an observer standing a point five feet above grade on the lot line abutting a transitional yard or at any location on residentially zoned property. The height of light standards in parking lots storage areas shall be limited to 35-feet, as measured from existing grade to the height of the luminaire. This requirement shall not be applicable to those exempted uses described in this section below.

   Subject to Planning and Zoning Commission review and City Council approval, requests for taller light standards may be requested for uses that have special lighting needs or for a use where taller lights may be necessary for a public health or safety concern. This requirement shall not be applicable to light standards erected along public rights-of-way by any public agency or entity.

5. All luminaries shall be designed or positioned so that the maximum illumination at property lines will not exceed one (1.0) foot candle.

6. Lighting for canopies covering fueling stations at automobile service stations and drive-thru facilities shall not illuminate abutting properties and the luminaries shall be designed so that the light source (bulb or lamp) is completely shielded from direct view of an observer standing at the property line at a point five feet above grade.

7. Because of their unique requirement for nighttime visibility and their limited hours of operations, ball diamonds, playing fields and tennis courts are exempted from the general standards of this section. Lighting for these outdoor recreational uses shall be shielded to minimize light and glare from spilling over onto adjacent residential properties.

8. As part of the approval of a public project, the City Council may vary from the requirements of this section.

9. The illumination levels contained in the Lighting Handbook, Illuminating Engineering Society of North America, as amended from time to time, shall be used as a guide for providing adequate and safe illumination levels.

b. Method of Measurement

1. Illumination levels shall be measured in foot candles with a meter sensor in a horizontal position at an approximate height of three feet above grade. Maximum illumination readings are to be taken directly beneath the luminaire.

2. To determine minimum permitted illumination, illumination levels shall be measured in foot candles with a meter sensor in a horizontal position at an approximate height of three feet above grade. The point at which readings shall be taken is dependent upon the area classification and fixture arrangements.

4. Exemptions

The following forms of lighting are exempt from the standards contained in this ordinance:

A. Decorative seasonal lighting.
B. Emergency lighting used by police, fire fighters, or other emergency services.
C. Hazard warning luminaries which are required by regulatory agencies.
D. Lighting utilized for the purpose of illuminating flags of the United States of America and the State of Texas.
E. Lights installed by government agencies and utilities along public street right-of-ways and other public places for the purpose of public health and safety.

5. Nonconforming Luminaries

Exterior lighting luminaries in existence on the effective date of this chapter shall be exempt from the standards of this chapter and shall be considered legally nonconforming. Such fixtures may be repaired and maintained. However, if any legal nonconforming luminaire is moved or damaged by any means to an extent that its total replacement is necessary, the luminaire, or replacement, shall comply with these requirements.

7.2.4 Dust and Particulate Matter

1. Dust. Dust and other types of particulates borne by the wind from sources such as storage areas, yards, roads, bulk materials, conveying equipment and the like within lot boundaries shall be kept to a minimum by appropriate landscaping, screening, sheltering, paving, fencing, wetting, collecting, or other acceptable means.

2. Fugitive Particulate Matter. No person shall cause or allow the emission or movement of fugitive particulate matter across a lot line onto an adjoining lot. This requirement shall not apply when the wind speed is greater than twenty-five (25) miles per hour. Fugitive particulate matter shall be defined as any solid particulate matter that becomes airborne, other than that emitted from an exhaust stack, directly or indirectly as a result of the activities of any person. The City may require the submittal of a Fugitive Dust Control Plan to ensure compliance with these standards.

3. Smoke. In all districts, unless otherwise covered by a specific visible emission limiting standard by the State of Texas or Federal EPA, every use shall be operated so as to prevent the emission of smoke from any source whatever, the density of which is equal to or greater than that designated as Number 1 on the Ringlemann Chart, or the opacity of which is equal to or grew than twenty (20) percent. For the purpose of grading the density of smoke, the Ringlemann Chart, as published and used by the United States Bureau of Mines, or Method 9, as published in Chapter 17-2 F.A.C. is incorporated herein by reference. All measurements shall be at the point of emission.

4. Dust and Particulates. Every use shall be operated to prevent the emission into the air of dust or other solid particulate matter which may cause danger to land and the health of persons or animals at or beyond the lot line of the premises on which the use is located.

5. Exemptions. The following uses shall be exempt from the fugitive particulate matter requirements: agricultural plowing and tilling, demolition activities, earth moving activities necessary to the initial preparation of a site for new construction, including new streets, new subdivisions, commercial developments and public works related projects.

6. Dust Control Plan Required. Any use that will be of a nature that will store stockpiled materials, dirt, sand, fill or like materials, or have unpaved storage, shall be required to submit a Dust Control Plan for approval as a part of the Site Plan process as a condition of site plan approval, building permit issuance and the issuance of a Certificate of Occupancy.

7.2.5 Electromagnetic Interference

Electromagnetic interference from any operations of any use in any district shall not adversely affect the operation of any equipment located off the zoning lot on which such interference originates.

7.2.6 Odors

No use shall be operated so as to produce the emission of objectionable or offensive odors in such concentration as to be readily perceptible at any point at or beyond the lot line of the land on which the use is located. Table III chapter 5, Air Pollution Abatement Manual of the Manufacturing Chemists' Associating, Inc., Washington, D.C., is hereby adopted as a guide in determining the quantities of offensive odors, as are the guides and standards of the prohibitions against air pollution of the FDER.

7.2.7 Toxic or Noxious Matter

No use shall for any period of time, discharge across the boundaries of a lot on which it is located, toxic or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or general welfare, or cause injury or damage to persons, land, or the use of land, or render unclean the waters or air to the extent of being harmful or inimical to the public health, or to animal or aquatic life, or to the use of such air or water.

7.2.8 Radiation

Any operation involving radiation, such as the use of gamma rays, X-rays, alpha and beta particles, high speed electrons, neutrons, protons, and other atomic or nuclear particles, shall be permitted only in accordance with the codes, rules, and regulations of the State Department of Health and Federal EPA.

7.2.9 Electromagnetic Radiation and Interference

1. Radiation. No person shall operate or cause to be operated for any purpose any planned or unplanned source of electromagnetic radiation which does not comply with the current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation.

2. Interference. No use, activity, or process shall be conducted which produces electromagnetic interference with normal telephone, radio or television reception in any district.

7.2.10 Vibration

No use shall be operated so as to produce ground vibration noticeable without instruments, at the lot line of an adjoining premise on which the use is located. This standard shall not be applicable to the construction or demolition of buildings or other structures, or the construction of government improvements, such as roads.

7.2.11 Open Outdoor Storage

1. In those areas where outdoor storage is expressly permitted, the City of Cibolo reserves the right to request an inventory of materials stored outdoors and make periodic inspections of outdoor storage areas to ensure that such materials are being stored in a manner that complies with all environmental performance standards contained in this section and may request proof of the issuance of permits from any applicable governmental agency that has jurisdiction over the stored materials.

2. Dust Control Plan Required. The City reserves the right to require the submittal of a Dust Control Plan for any open outdoor storage use that generates dust and can require dust remediation measures to mitigate dust control issues.

Section 7.3 Administration and Enforcement

1. Measurement

The determination of the existence of any objectionable elements shall be made at the location of the use creating the objectionable elements and at any points where the existence of such elements may be more apparent; provided, however, that the measurements necessary for enforcement of performance standards set forth in this section shall be taken at property line boundaries.

2. Notification

The City shall give written notice, by registered mail or other means ensuring a signed receipt for such notice, to the person responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the administrator within a time limit set by the administrator.

3. Costs of Determination

The notice shall further state that the cost for any technical determination that be made by the City to confirm the alleged violation shall be borne by those parties responsible for the violation if any violation is determined to be proven by empirical evidence; in addition to such other penalties as may be prescribed by the Zoning Ordinance. If is determined that no violation exists, the costs of the determination will be paid by the city.

4. Proof of Permits

The City of Cibolo reserves the right to make inspections to ensure compliance with all environmental performance standards and may request proof of the issuance of permits from any other applicable governmental agency with jurisdiction.

5. Enforcement

If the alleged violation is not corrected to the satisfaction of the administrator after within the time limit set, the Penalty and Enforcement Provisions of this UDC shall be applicable.

ARTICLE 8. FENCES, SCREENING & EXTERIOR DESIGN STANDARDS

Section 8.1 Fence requirements

The erection of a fence is not mandatory, with the following exceptions in which it is required:

A. As required to enclose a swimming pool area;

B. As required to enclose a day care center play area;

C. As required by other applicable sections of this UDC.

D. Residential Subdivision Perimeter Fencing

Fences that are constructed shall comply with the following regulations:

8.1.1 Fence location

A. Fences may be built on or along property lines in all districts. Fences may be installed within a residential district on the property line at a corner lot adjacent to a public street, provided there is no visual impairment of motorists and pedestrians, provided there is a visual clearance of as defined by Article 18 of this UDC and provided there is no interference with utility and/or drainage easements.

B. Fences may be built across other areas of private property, provided that the fence is not taller than any intersecting fence and in no case taller than eight feet (8') in total height.

C. Fences cannot cross onto any public or private property and may not block access to any fire hydrant or utility meter.

8.1.2 Maintenance

A. The owner or person in control of any property adjacent to any intersection where a traffic control device is erected shall not permit any vegetation, fences or other structures to obstruct any such intersection.

B. Any vegetation, fence or other structure in excess of twenty-four (24) inches above the roadway within the visibility triangle is hereby declared to be a public nuisance and a traffic hazard. In the event the developer, owner, tenant, lessee or agent fails to remove or remedy the condition within ten (10) days after notice has been served by the City, the city may do as necessary to remove or remedy the condition or cause same to be done, may issue a citation for violation of said offense and may charge the expense incurred in removing the violation to the developer, owner, agent or lessee of the subject lot or parcel

C. The owner or person in control of the property must maintain the integrity of the fence and the space between the fence and property line.

8.1.3 Fence Height and Types

A. Fences constructed in the front yard of properties in the SF-2 and SF-3 districts must be 3' or shorter; however, fences in the front yard may be increased by 1' if it is decorative and is less than 60% opaque.

B. Fences constructed in the front yards of properties in the AG and SF-1 districts must be 3' or shorter within 25-feet of a front property line. The height of fences within 25-feet of a front property line in AG and SF-1 districts can increase to a height of 5-feet provided that the fence is not opaque. A decorative wrought iron fence or chain link fence are examples of permitted 5-foot fences. In the AG district, the use of wire fencing, including barb wire fencing, is permitted. Barbed wired fencing is not permitted in the SF-1 district.

C. In the C-4 and Industrial zoning districts, the use of chain link fencing shall be permitted except where C-4 and Industrial districts adjoin or face residential zoning districts or institutional uses, in which case the buffer yard requirements would be applicable. The use of chain link fencing along public rights-of-way that face lower intensity zoning districts shall be prohibited, unless such fencing is located behind an opaque landscape hedge or berm.

D. Within an industrial park, the height of chain link fencing can be increased by 3-feet to allow wire security fencing, such as barb wire. The use of razor wired fencing and concertina razor wire fencing shall be expressly prohibited, unless such fencing is a requirement of the State of Texas or U.S. Government for certain uses for security purposes.

E. Fences in all other yards may not exceed 8-feet (8') in total height.

8.1.4 Building materials

A. Fences must be built of wood, metal, bricks, or masonry. Chain link fencing is prohibited in the C-1, C-2 and C-3 and Mixed Use zoning districts. Chain link fencing may be used in the C-4, I-1 & I-2 districts along property lines that do not border any residential zoning district.

B. Only two or less materials may be used to construct a fence.

C. Wood fences should be rot resistant

D. The use of barbed wire, electrically charged wire, chain link with slats, razor wire or other sharp-edged surfaces on fences within residential zoning districts is prohibited.

E. Finished sides of fence posts must face opposite private or public property.

8.1.5 Residential Subdivision Perimeter Fencing

A. Legislative Findings and Purpose

The city council finds that it is necessary for the public welfare to impose standards to improve and preserve the quality of a subdivision's perimeter fences in residential neighborhoods in order to avoid blighting influences on neighborhoods and public safety problems.

B. Applicability

The requirements of this subsection apply only to fences located along the perimeter of a tract or parcel subject to an application for subdivision plat approval which adjoins a collector or arterial street or a platted multiple lot residential subdivision that adjoins a collector or arterial street.

C. Standard

A fence constructed of wooden boards shall include at least one (1) of the following architectural or landscaping elements for every fifty (50) lineal feet:

1. An offset or column extending at least twelve (12) inches vertically and six (6) inches horizontally from the remainder of the fence; or
2. A minimum of 33% masonry from ground elevation at proposed fence line; or
3. Climbing vines, shrubs or trees shall be planted along the base of that portion of the fence that fronts a public street. The remaining setback area between the fence and property line shall be landscaped with grass or other low ground cover. All plants

shall be irrigated and maintained. Only living vegetation may be used to meet these landscaping requirements.

D. All perimeter fences, as defined above, shall be maintained by a homeowners association so as not to create a hazard, public nuisance or blight in the surrounding neighborhood.

8.2 Screening of Mechanical Equipment, Trash Areas, and Loading & Service Areas

8.2.1 Mechanical Equipment and Trash Storage Areas

All mechanical equipment, trash storage areas, layaway containers, semi-trailers and bale & pallet storage areas shall be fully screened from public view. This shall include equipment mounted on the roof, ground or otherwise attached to the building or location on the site. The following standards shall be met:

A. Mechanical Equipment Screening

1. Ground Mounted Mechanical Equipment – Mechanical equipment and similar items shall be fully screened from public view to a height equal to or greater than that of the mechanical equipment with a masonry screening wall constructed of like and similar materials to those of the primary structure.

2. Roof-Mounted Equipment

   a. Mechanical equipment and similar items mounted to the roof of a structure shall be fully screened on four sides to a height equal to or greater than that of the mechanical equipment.
   b. Said screen shall be of a design consistent with that of the primary structure and shall be of like and similar materials to those of the primary structure.
   c. Portions of elements that extend more than five feet (5') above the roof elevation shall be set back one foot (1') of height for every one foot (1') of height they exceed the roof elevation.

B. Trash Receptacle (Dumpster and Trash Compaction) Screening

1. Trash receptacles shall not be placed in a street yard.
2. Trash receptacles shall be fully screened by an eight-foot (8') screen constructed of masonry materials of like and similar materials to those of the primary structure on three (3) sides and an opaque gate on one (1) side.

C. Open Area Storage in the C-1, C-2, and C-3 and Mixed Use districts, such as an outdoor garden center, are permitted provided that outdoor storage area is completely enclosed within a decorative fence mounted on a knee wall and is screened. The use of a mesh cloth or shade cloth for screening is acceptable provided that the color of the cloth is complementary to the colors of the building. The use of chain link fencing to enclose such areas shall be prohibited, except at the rear of buildings where the back of the said building is fully screened or buffered.

8.2.2 Loading and Service Areas

A. Loading and service areas shall be located at the side or rear of the primary structure.

B. A minimum eight-foot (8') solid screening wall shall be required to screen views of loading docks and loading spaces intended for tractor/semi-trailer delivery from any public right-of-way. The screening wall shall also be provided adjacent to any property zoned or planned for residential use as specified by the City's Future Land Use Plan, as amended. The screening wall shall screen each entire loading dock or space. Screening materials shall be of masonry materials that are of like and similar materials to those of the primary structure. Screening walls constructed to meet other provisions of this UDC (i.e. buffering

and landscaping requirements) may be counted toward this requirement provided that the spirit and intent of this section is satisfied.

C. The accommodation of adequate access for service delivery trucks shall be evaluated to determine the extent of the screening required.

8.3 Exterior Design Requirements

8.3.1 Exterior Building Materials

A. All primary and accessory buildings constructed in the MF-1, MF-2, C-1, C-2, C-3, C-4, Mixed Use, PUD and PF zoning districts and *non-residential* buildings, such as schools and churches, in residential zoning districts, shall have all exterior walls clad in brick, stone, stucco, tile, cultured stone or split faced block for one hundred percent (100%) of the wall area, exclusive of all windows, doors, roofs, glass construction materials, or sidewalk and walkway covers. Additional building finish materials such as, but not limited to decorative metal, clay and/or concrete tiles, standing seam metal, exterior insulation finish system (EIFS), decorative cast stone, and block glass, may be considered as acceptable building materials. Building designs should incorporate accent materials that are typical of South Central Texas and Cibolo, such as, but not limited to, standing seam roofs, decorative stone (limestone) and the like. These accents can be used in wainscot, pilaster, and vestibule design elements.

B. Where building facades are not visible from any public right-of-way and not visible from any adjoining residential property, the use of painted smooth face block or painted tilt wall shall be permitted.

C. All primary and accessory buildings constructed in the I-1 and I-2 zoning districts, shall have all exterior walls clad in brick, stone, stucco, tile, cultured stone or split faced block for one hundred percent (100%) of the wall area, exclusive of all windows, doors, roofs, glass construction materials, or sidewalk and walkway covers for facades visible to the public right-of-way and where adjacent to any residential zoning district. Additional building finish materials such as, but not limited to decorative metal, clay and/or concrete tiles, standing seam metal, exterior insulation finish system (EIFS), decorative cast stone, and block glass, may be considered as acceptable building materials. Building designs should incorporate accent materials that are typical of South Central Texas and Cibolo, such as, but not limited to, standing seam roofs, decorative stone (limestone) and the like. These accents can be used in wainscot, pilaster, and vestibule design elements. This level of design shall wrap around façade corners visible from the right-of-way and any residential zoning district. Where building facades are not visible from any public right-of-way and not visible from any adjoining residential property, the use of painted smooth face block or painted tilt wall shall be permitted. Where proposed accessory building would not be visible to the public r.o.w. and adjoins a C-4, I-1, I-2 zoning district, metal facades are permitted.

8.3.2 Exterior Architectural Elements

The following architectural elements shall apply to all buildings constructed in the MF-1, MF-2, C-1, C-2, C-3, C-4**,** Mixed Use, PUD and PF zoning districts and all non-residential buildings within any residential zoning district for building elevations that front on any public street.

A. Windows (Fenestration)

1. Windows shall be provided with trim.
2. Windows shall not be flush with exterior wall treatment.
3. Windows shall be provided with architectural treatments, such as mullions.
4. Total transparent windows shall comprise a minimum of twenty percent (20%) of the gross square footage of exterior building elevations or a transparent opening shall be provided every fifteen feet (15'), measured from jamb to jamb or the edge of the building.
5. Windows shall not exceed thirty-five feet (35') as measured vertically along building elevations.
6. Glass curtain walls are prohibited. Glass shall not comprise more than seventy percent (70%) of the exterior building skin for any given elevation.

B. Building Colors

Building colors shall be compatible with the colors of buildings on surrounding properties. Where no surrounding color pallet exists, primary building colors should be earth tones and other colors typical for South Central Texas.

C. Vestibules/Canopies

1. Building entrances, vestibules and windows shall be accentuated with a canopy, awnings, upgraded building material or other accents to provide attractive building articulation elements.
2. Canopies shall be constructed of marine fabric or by approval of the Planning and Zoning Commission.
3. Canopies shall be discontinuous.
4. Canopies must provide a minimum vertical clearance of eight feet (8') above sidewalks and pedestrian circulation areas.

D. Vertical and Horizontal Articulation

1. The building design must provide for vertical and horizontal articulation. Said articulation may be achieved through the use of architectural elements such as reveals and shall address the visual impact of long uninterrupted walls. No uninterrupted length of any façade shall exceed one hundred feet (100'). A minimum of two (2) of the following elements must be included:

   a. Variation in color and materials;

   b. Wall plane projections or recesses having a depth of at least three percent (3%) of the length of the façade and extending a minimum of twenty percent (20%) of the length of the façade not to exceed one hundred feet (100');

   c. Variation of a minimum of two feet (2') in height of parapets. Variation to parapet height may include pilasters and projected raised entrance features;

      1. Pilasters projecting from the plane of the wall by a minimum of sixteen inches (16"). The use of pilasters to interrupt horizontal patterns such as accent banding is encouraged;
      2. Repetitive ornamentation including decorative applied features such as wall-mounted light fixtures or applied materials. Repetitive ornamentation shall be located with a maximum spacing of fifty feet (50').

   d. Exposed Columns (Structural or Decorative) – Exposed columns shall be constructed or clad with a material that is of like and similar material to that of the primary structure.

E. Roofs

1. Pitched Roofs – Pitched roofs shall have a minimum slope of seven (7) feet of rise for every twelve (12) feet of run (7:12). Installed roofing shingles must consist of dimensional shingles with a minimum manufacturers rating of thirty (30) years. Roofing systems or materials exceeding the standards established herein may be used pursuant to approval of the Chief Building Official, or his/her designee.
2. Flat Roofs – Building walls shall extend to parapets that enclose the roof area. Said parapets shall be of a sufficient height to fully screen the roof and any mechanical equipment located on the roof.
3. Pump islands and canopies for uses selling gasoline shall be subject to these design requirements.

D. Plaza or Public Space

1. Projects in the C-1, C-2, C-3, C-4 Mixed Use and PUD zoning districts that involve a gross floor area in excess of forty thousand (40,000) square feet shall provide one (1) square foot of plaza or public space for every ten (10) square feet of gross ground floor area. Plazas or public spaces shall incorporate at least three (3) of the following six (6) elements:

   a. Sitting Space – a minimum of one (1) sitting space for each two-hundred and fifty square feet shall be included in the plaza. Seating shall be a minimum of sixteen (16) inches in height and thirty (30) inches in width. Ledge benches shall have a minimum depth of thirty (30) inches.
   b. A mixture of areas that provide shade.
   c. Trees in proportion to the space at a minimum of one (1) tree per eight hundred (800) square feet.
   d. Water features or public art.
   e. Outdoor seating areas or food vendors or raised landscape planters/seating.
   f. Public areas may be located next to buildings or at any location on the site. This requirement can also be satisfied by preserving stands of existing trees, wetland, greenspace along streams or as a part of stormwater detention filtration areas.

E. City Planner Discretion

1. The City recognizes that all projects and buildings have unique attributes that do not readily allow for complete compliance with all as aspects of the requirements of this Article. In those instances, the City Planner is authorized to attempt to find design solutions that will satisfy the general spirit and intent of this Article. If a solution cannot be found relative to any requirement in Section 8.1 or 8.2, the request shall be heard by the Board of Adjustment as a variance, with the applicant required to follow all variance procedure described in Article 3 of this UDC. If the issue pertains to a requirement in Section 8.3, the applicant can request an appeal of the interpretation of the City Planner to the Planning & Zoning Commission. If the Planning and Zoning Commission denies the appeal, the applicant has ten (10) business days to file an appeal with the City Planner to request City Council consideration of the appeal.

ARTICLE 9. OUTDOOR DISPLAY AND STORAGE

Section 9.1 General

Any merchandise, material or equipment situated outdoors in the zoning districts described in this Article shall be subject to the requirements of this Article. For the purpose of this Article, outdoor storage and display shall be classified into three categories enumerated below.

Section 9.2 Allowed Outdoor Storage

The three types of storage shall be allowed in the Districts designated in the table below. A "P-S" designation indicates a permitted use subject to the supplemental requirements listed below. A "P" indicates a permitted use, subject to the general requirements listed below.

Category	C-1	C-2	C-3	C-4	I-1	I-2	AG
Outdoor Display		P-S	P-S	P-S			P
Limited Outdoor Storage			P-S	P-S	P	P	P
General Outdoor Storage				P-S	P	P	P

Section 9.3 Categories of Outdoor Storage and Display

9.3.1 Outdoor Display

A. Outdoor display is display of items actively for sale.

B. Outdoor display, which is associated with the primary business on the site, shall be allowed adjacent to a principal building wall, and may not extend into the right-of-way. Such storage shall not be permitted to block windows, entrances or exits, fire doors and shall not impair the ability of pedestrians to use the building.

C. Outdoor display may not occupy more than 30% of the linear distance of a principal building wall.

D. In the AG district, outdoor display is limited to items harvested on the property.

E. Outdoor display and sale of seasonal garden center items, outside of the general building footprint on a hard surfaced area, is permitted and is further regulated in Article 6 of this UDC.

9.3.2 Limited Outdoor Storage

A. Limited outdoor storage is temporary storage of goods in individual packaging and not in storage containers. Organic materials stored on pallets are considered limited outdoor storage.

B. In the C-2 and C-3 districts, outdoor storage and display is permitted subject to the Supplemental performance standards described in Article 8.2 of this UDC. The outdoor storage of lay away containers, semi-trailers and similar containers shall be prohibited in the C-1, C-2 and C-3 districts and in C-4 districts that share a boundary with a residential zoning district, in which case the trailers may only be permitted if they are completely screened from view from the adjoining residential properties and/or positioned on the site where they cannot be seen from right-of-way or residential views.

C. Limited outdoor storage shall not exceed 1,000 square feet or 10 percent of the total site area (whichever is greater), except in the C-3 and C-4 Districts where additional outdoor storage and display is allowed, so long as it is completely screened from view outside the site by a solid opaque wall or decorative fence. Items stored may not protrude above the height of the fence unless the overall design of the building compensates for this additional height with screening or a location screened by another portion of the building rendering the storage area not readily visible to public rights-of-way or residential uses. The

design of these areas must be integrated with the design of the building. Such area may extend from the primary building, but not for a distance greater than 50 feet.

D. No limited outdoor storage shall be permitted within the following areas:

1. A required front or side setback;
2. Between a front setback and the building front (excluding temporary outdoor seasonal sales); and
3. Between a side setback along a public right-of-way and any building or structure.
4. Within the public right-of-way or fire access lane.

E. General outdoor storage may not occupy more than 30 percent of the linear distance along any principal building wall facing a public right-of-way.

F. Limited outdoor storage shall not be allowed in off-street parking spaces.

G. In the AG district, outdoor storage is limited to any item necessary for the use of the property for agricultural purposes.

H. Dust Control Plan Required. It is preference of the City of Cibolo that all outdoor be located on hard surfaces that do not generate dust. The City recognizes that there are uses that do not lend themselves to such as standard. When storage is proposed on pervious cover or fill, the City reserves the right to require the submittal of a Dust Control Plan for any open outdoor storage use that may generate, with respect to the material being stored or the surface material on which storage is proposed. The City may require the implementation of dust remediation measures to mitigate dust control issues.

9.3.3 General Outdoor Storage

A. General outdoor storage consists of all remaining forms of outdoor storage not classified as outdoor display or limited outdoor storage, including items stored in shipping containers, conexes, and semi trailers not attached to a truck.

B. General outdoor storage is permitted in C-4, I-1 I-2 and AG districts. In the AG district, outdoor storage is limited to any item necessary for the use of the property for agricultural purposes.

C. Notwithstanding additional conditions of the Temporary Use Permit, general outdoor storage shall be allowed in unlimited quantity, provided that the storage area is screened from any public right-of-way by an seven foot tall (in overall height) wall for general screening made of materials that include, but are not limited to planting screens, masonry, redwood, cedar, preservative treated wood or other acceptable materials.

D. No general outdoor storage shall be permitted within the following areas:

1. A required front or side setback;
2. Between a front setback and the building front; and
3. Between a side setback along a public right-of-way and any building or structure.
4. General outdoor storage may not occupy more than 30 percent of the linear distance along any principal building wall facing a public right-of-way.
5. No general outdoor storage shall be allowed in off-street parking areas.

E. Outdoor storage areas and off-streets parking lots shall be designed where practical to minimize the installation of impervious surfaces that result in greater storm water volumes and higher, erosive velocities by allowing parking lots, service roads, and other suitable areas normally covered with concrete and asphalt, such as outdoor storage areas, to utilize porous pavement, pavers, and other “green” design solutions provided that such alternatives designs that are properly designed with highly durable materials in accordance with accepted engineering standards.

F. Dust Control Plan Required. It is preference of the City of Cibolo that all outdoor be located on hard surfaces that will not generate dust. The City recognizes that there are uses that do not lend themselves to such as standard. When storage is proposed on pervious cover or fill, the City reserves the right to require the submittal of a Dust Control Plan for any open outdoor storage use that may generate, with respect to the material being stored or the surface material on which storage is proposed. The City may require dust remediation measures to mitigate dust control issues.

9.3.4 Outdoor Display and Storage Requirements

9.3.4.1 All outdoor display and storage areas must be clearly shown in the submitted site plan.

9.3.4.2 Unless specifically authorized elsewhere in the UDC, all outdoor storage and display shall be located outside the public right-of-way and/or at least 15 feet from the back edge of the adjacent curb or street pavement and outside of any required landscape area.

9.3.4.3 No form of outdoor display and storage shall be allowed in required side setbacks or buffer yards.

9.3.4.4 The City reserves the right to require the submittal of a Dust Control Plan for any use that will have operations that can reasonably be expected to generate dust and can require dust remediation measures to mitigate dust control issues.

9.3.5 Exceptions

A. Vehicles for sale as part of a properly permitted vehicle sales use (including boats and manufactured housing) shall not be considered merchandise, material or equipment subject to the restrictions of this Article.
B. Such vehicles must be located and displayed on a paved vehicle use area, clearly indicated on the Site Plan, and screened under the same requirements for a parking lot.
C. Waste generated on-site and deposited in ordinary refuse containers shall not be subject to the restrictions of this Article, but shall be subject to the screening requirements of Article 8 of this UDC.

ARTICLE 10. OFF-STREET PARKING & LOADING

Section 10.1 General

10.1.1 Applicability

10.1.1.1 Off-Street Parking Required

The off-street parking and loading standards of this Article apply to all new construction and any new use established.

10.1.1.2 Expansions and Alterations

The off-street parking and loading standards of this Article apply when an existing structure or use is expanded or enlarged. Additional off-street parking and loading spaces will be required to serve the entire building or use. The number of off-street parking and loading spaces provided for the entire use (preexisting + expansion) shall equal at least 100 percent of the minimum requirement established in the Off-Street Parking Requirements tables.

10.1.2 Reduction to Below Requirements

As a general rule, existing parking and loading spaces may not be reduced below the requirements established in this Article. Any change in use that increases applicable off-street parking or loading requirements will be deemed a violation of this Article unless parking and loading spaces are provided in accordance with the provisions of this Article. However, should an applicant propose a reduction in these standards based on 1) the particular nature of a use, 2) quantifiable parking need data, 3) the desire to save protected trees or similar consideration; the City Manager or his/her designee shall have the discretion to consider such a request. If an applicant is aggrieved by the decision of the City Manager or his/her designee, the applicant would need to consider requesting a variance to deviate from the standards of this Article.

Section 10.2 Off-Street Parking Requirements

The following table lists minimum off-street parking requirements by use. In instances in which the listed use differs from the uses of Table 2 of this Article, the City Manager or his/her designee shall determine the appropriate classification for this table.

Table 2: Off-Street Parking Requirements

Use	General Requirement	Additional Requirement
Residential Uses		
SF; detached	2 per dwelling unit	2 garage enclosed parking spaces
Duplex	2 per dwelling unit	2 garage enclosed parking spaces
SF; attached	2 per dwelling unit	2 garage enclosed parking spaces
Townhouse	2 per dwelling unit	2 garage enclosed parking spaces
Apartment	1.5 per 1-bedroom unit 2 per 2-bedroom unit 2.5 per 2+ bedroom unit	Plus 5 percent of total number of required spaces
Upper story residential	1 per bedroom	
Group homes of six or less	1 per bedroom	Plus 10% of total bedrooms

Group homes of more than six persons	1 per 2 bedrooms	Plus 1.5 per 2 employees
All other Group Living	1 per 2 bedrooms	Plus 1.5 per 2 employees
Public and Civic Uses		
Day Care	1 per 250 ft2 GFA and 1 per 2.5 seats seating capacity for an auditorium or Gymnasium	On-site loading/unloading queue capacity for peak volume of children attending the day care; OR provision of a study that demonstrates that the peak demand can be met with the configuration provided.
Elementary Schools	3 per classroom, plus auditorium/gymnasium/outdoor sports venue requirement	On-site loading/unloading queue capacity for 40 vehicles; OR provision of a study that demonstrates that the peak demand can be met with the configuration provided.
Middle Schools	3 per classroom, plus auditorium/gymnasium/outdoor sports venue requirement	On-site loading/unloading queue capacity for 30 vehicles; OR provision of a study that demonstrates that the peak demand can be met with the configuration provided.
High Schools	10 per classroom, plus auditorium/gymnasium/outdoor sports venue requirement	On-site loading/unloading queue capacity for 20 vehicles; OR provision of a study that demonstrates that the peak demand can be met with the configuration provided.
All other Educational Facilities	20 per classroom	
Auditorium / Gymnasium	1 per 2.5 seats seating capacity	
Outdoor Sports Venue	1 per 4 seats seating capacity	
Government Facilities	1 per 250 ft2 GFA	1 per fleet vehicle
Hospitals	1 per 4 patient beds	
Community Parks	Varies	Parking based on park uses, as approved by City Planner
Amenity Centers	1.5 per 250 ft2 GFA	
Linear Parks/Linkages Trailheads	Varies	Parking requirement based on uses in park; must be reviewed and approved by Zoning Administrator
Golf courses and Country clubs	4 spaces per hole	1.5 per 250 ft2 GFA of accessory use structures
Cemeteries, Columbaria, Mausoleums, Memorial Parks, and Crematoria	1 per 50 internment plots (cemeteries and memorial parks); 1 per 350 ft2 GFA	

Funeral Home	1 per 100 ft2 GFA	Minimum of 20 spaces
Park and Ride Facility	Determined by Transit Authority	
All other Passenger Terminals	2 per 250 ft2 GFA	
Religious Assembly	1 per 3 seats	
Use	**General Requirement**	**Additional Requirement**
Commercial & Utilities		
Major Utilities	1 per facility	1 additional per 250 SF GFA, 1 per fleet vehicle
Minor Utilities	None	
Eating Establishments	1 per 100 ft2 GFA (includes any outdoor seating and waiting areas)	
Entertainment, Outdoor	1 per 250 ft2 GFA structural area	1 per two seats
Office	1 per 250 ft2 GFA	
Medical Office Building	1 per 200 ft2 GFA	
Bed and Breakfast	1 per bedroom	1.5 per 2 resident owners
All other Overnight Accommodation	1 per bedroom	1.5 per 2 employees;1 per 150 ft2 conference space
Parking, Commercial	None	
Indoor entertainment activities	1 per 250 ft2 GFA or, 1 per 4 seats for theaters	1 additional per 500 ft2 GFA up to 50,000 ft2 GFA; 1 per 1000 ft2 thereafter, excluding theaters
Equipment sales and leasing	1 per 250 ft2 GFA	1 additional per 500 ft2 GFA up to 50,000 ft2 GFA
Shopping Centers Larger than 100,00 Square Feet	1 per 225 ft2 GFA	
All other Retail Sales and Service	1 per 250 ft2 GFA	
Self-Service Storage	1 space per 50 storage units	
Car wash, full service	1 per 150 ft2 GFA	Shall meet off-street stacking space requirements from this Section.
Car wash, self-service	1 per facility	Shall meet off-street stacking space requirements from this Section.
Vehicle repair and body shop facilities	2 per service bay	Shall meet off-street stacking space requirements from this Section.
Auto service facilities	2 per service bay	Shall meet off-street stacking space requirements from this Section.

Vehicle sales, rental or leasing facilities	1 per 500 ft2 GFA indoor facility	1 additional per 1000 ft2 GFA outdoor lot area
All other Vehicle Sales and Service	1 per 250 ft2 GFA	5 per service bay
Industrial Uses		
Light Industrial Service, Manufacturing, and Assembly	1 per 500 ft2 GFA indoor facility, except indoor storage	1 additional per 1000 ft2 GFA outdoor facility; 1 per 2,500 ft2 indoor storage area
Warehouse and Freight Movement	1 per 500 ft2 GFA indoor facility, except indoor storage	1 additional per 1000 ft2 GFA outdoor facility; 1 per 2,500 ft2 indoor storage area
Mineral Extraction	1 per 300 ft2 GFA indoor facility	1.5 per 2 employees
Waste-Related Service	1 per 250 ft2 GFA	1 additional per 1000 ft2 GFA outdoor facility; 1 per 2,500 ft2 indoor storage area

Section 10.3 Alternative Parking Plan and Shared Parking

10.3.1 Alternative Parking Plan

An alternative parking plan may be approved by the City Manager or his/her designee for specific developments that are deemed to require a different amount of parking than the standards shown in the Off-Street Parking Requirements table. The City Manager or his/her designee shall establish conditions necessary to insure the adequacy of future on-site parking when approving an alternate parking plan. Any alternative standard shall meet the criteria below.

A. The use of the building is specific and occupied by a single user.
B. The applicant provides a detailed breakdown of his or her parking requirements indicating employee counts, shift distribution and visitor or customer needs.
C. The applicant provides a site plan showing how additional parking to meet standard requirements would be provided if the use changed or parking needs increase.

10.3.2 Shared Parking

Required parking for one use may satisfy the requirements for another use if the non-residential uses have different peak hour parking needs and the following:

A. The following documentation shall be submitted to the City as part of the review process if requesting shared parking:
   i. The names and addresses of the uses and the owners or tenants that are sharing the parking;
   ii. The location and number of parking spaces that are being shared;
   iii. An analysis showing that the peak parking demands for the different uses occur at different times and that the parking area will supply at least the minimum number of required spaces for each use during its respective peak parking time;
   iv. A legal instrument such as an easement that guarantees access to the joint parking for all uses;
   v. A shared parking agreement executed by all the users and the owner of the property proposed to be used for parking; and
   vi. The agreement shall be notarized and recorded, with a provision that the consent of the City must be obtained for termination of the agreement.

B. In the event of the termination of an existing shared parking agreement, a new shared parking agreement shall be executed within sixty (60) days prior to termination. If a new shared parking agreement is not executed, then documentation shall be submitted to the City Manager or his/her designee supporting that the uses on all affected properties meet their respective parking requirements. This process of amending

a shared parking agreement applies to all existing parking agreements impacted by sale, change of use, or expansions on any affected property.

10.3.3 Alternative Agreements

In limited cases, off-site parking agreements, reciprocal access, and parking agreements may be approved by the City Manager or his/her designee.

Section 10.4 Rules for Computing Requirements

The following rules apply when computing off-street parking and loading requirements.

10.4.1 Multiple Uses

Lots containing more than one use shall provide parking and loading in an amount equal to the total of the requirements for all uses.

10.4.2 Fractions

When measurements of the number of required spaces result in a fractional number, any fraction of ½ or less will be rounded down to the next lower whole number and any fraction of more than ½ will be rounded up to the next higher whole number.

10.4.3 Area Measurements

Unless otherwise expressly stated, all square-footage-based parking and loading standards shall be computed on the basis of gross floor area, which for purposes of computing off-street parking requirements, shall mean the gross floor area of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings and shall include the area of each floor of the structure including all attic space used for active commercial space.

10.4.4 Occupancy-Based Standards

For the purpose of computing parking requirements based on employees, residents or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.

10.4.5 Unlisted Uses

Upon receiving a development application for a use not specifically listed in the Off-Street Parking Requirements Table, the City Manager or his/her designee shall apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use or require a parking study in accordance with an Alternative Parking Plan, as described in Section 10.3, above.

Section 10.5 Location of Required Parking

Except where an alternative parking plan has been approved by the City Manager or his/her designee, all required off-street parking spaces shall be located on the same lot as the principal use.

Section 10.6 Parking Space and Parking Lot Design

10.6.1 Parking Space Dimensions

Required off-street parking spaces shall have minimum dimensions of 9 feet in width by 18 feet in length.

10.6.2 Aisle Widths

Drive aisle widths adjoining off-street parking spaces shall comply with the following standards in Table 3:

Table 3: Minimum Width for Specified Parking (in feet)

90°	75°	60°	45° or less
24	23	16	12

Note: Two-way aisles shall always require a minimum width of 24 feet, unless an aisle is designated as a fire lane. All of the above aisle standards assume that the aisle does not serve the dual purpose of being a fire lane.

10.6.3 Markings

A. Each required off-street parking space and off-street parking area shall be identified by surface markings at least 4 inches in width. Markings shall be visible at all times. Such markings shall be arranged to provide for orderly and safe loading, unloading, parking and storage of vehicles.

B. One-way and two-way accesses into required parking facilities shall be identified by directional arrows.

10.6.4 Surfacing and Maintenance

A. All off-street parking areas, drive aisles, internal roadways, and loading areas for all uses shall be paved and kept in a dust-free condition at all times. The use of pervious and/or semi-pervious materials is permitted provided the areas are kept in a dust free condition at all times.

B. Parking lot pavement shall be designed in accordance with the Pavement Specification requirements of the Cibolo Design and Construction Manual for a Type A street, without bus traffic. The City Engineer reserves the right to increase the pavement standards to a higher classification if the specific use of the site warrants a great pavement structure reliability level.

C. Off-street parking areas shall be designed where practical to minimize the installation of impervious surfaces that result in greater storm water volumes and higher, erosive velocities by allowing parking lots, service roads, and other suitable areas normally covered with concrete and asphalt, such as outdoor storage areas, to utilize porous pavement, pavers, and other “green” design solutions provided that such alternatives designs that are properly designed with highly durable materials in accordance with accepted engineering standards.

10.6.5 Access and Circulation

A. Required parking spaces shall not have direct access to a street or highway. Access to required parking spaces shall be provided by on-site driveways. Off street parking spaces shall be accessible without backing into or otherwise reentering a public right-of-way.
B. Site Plans for retail developments greater than a cumulative 50,000 gross square feet shall designate a primary vehicle circulation route entering and exiting the development.
C. Landscape median islands or end islands shall be immediately adjacent to the primary vehicle circulation route for the entire length of the route (excluding pedestrian access and the face of primary buildings).
D. Parking is not permitted along primary vehicle circulation routes in order to not cause overflow stacking onto rights-of-way and primary circulation routes. Parking is not permitted adjacent to the entire elevation of a building which includes the primary pedestrian access in order to not cause internal circulation conflicts.

10.6.6 Tandem Parking

Tandem parking in the Multifamily Districts shall be permitted only when it is located in front of a garage, which is attached to a dwelling unit and the tandem space is assigned only to the dwelling unit to which the garage is attached.

Section 10.7 Use of Required Parking Spaces

A. Required off-street parking areas shall be used solely for the parking of licensed, motor vehicles in operating condition. Required spaces may not be used for storage of trash dumpsters, the display of goods for sale or lease, for motor vehicle repair or service work of any kind, storage of vehicles, boats,

motor homes, campers, mobile homes, or building materials, or for display or storage of vehicles for lease, sale or rent. Seasonal outdoor seasonal sales shall be considered an exception from this requirement, if operated in accordance with the temporary use requirements described in Article 6 of this UDC.

B. Recreational vehicles shall not be stored on any lot (zoned SF-2, SF-3 or C-2) or street other than a residential lot of the owner or a site specifically designed for Vehicle Parking.

Section 10.8 Vehicle Stacking Areas

10.8.1 Minimum Number of Stacking Spaces

Off-street stacking spaces shall be provided as indicated in the following Table 4.

Table 4: Minimum Off-Street Stacking Spaces

Activity Type	Minimum Spaces	Measured Form
Bank teller lane	4	Teller or Window
Automated teller machine	3	Teller
Restaurant drive through	6	Order Box
Restaurant drive through	4	Order Box to Pick-Up Window
Auto service facility stalls; vehicle repair and body shop stalls	2	Entrance to stall
Car wash stall, automatic	4	Entrance to wash bay
Car wash stall, self-service	3	Entrance to wash bay
Gasoline pump island	2	Pump Island
Other	Determined by City Manager or his/her designee	

Section 10.9 Design and Layout

Required stacking spaces are subject to the following design and layout standards.

A. Size. Stacking spaces shall be a minimum of 10 feet by 20 feet in size.
B. Location. Stacking spaces may not impede on- or off-site traffic movements or movements into or out of off-street parking spaces.

Section 10.10 Parking and Storage of Large Vehicles and Equipment

Outdoor storage or overnight outdoor parking of tractor-trailers, semi-trucks, semi-trailers, or other vehicles having a gross vehicle weight rating of 17,000 pounds or more, shall not be permitted in any residential district or in the C-1, C-2, or C-3 and zoning districts. This prohibition shall apply to layaway storage containers, portable buildings, storage containers, any large scale equipment of materials for sale in the establishment and any truck trailers. This prohibition shall not apply to pick-up trucks, or personal recreational equipment. Construction equipment shall not be stored on lots in residential or commercial districts except during the period of permitted construction.

Screening from public rights-of-way or lower intensity residential uses shall be required in multifamily developments for areas designated or available for parking and storage of recreation vehicles, boats, small trailers and other non-commercial equipment. Such screening shall consist of permanent material such as concrete, masonry, wood, steel, etc.

Where practical, outdoor storage shall be designed to minimize the installation of impervious surfaces that result in greater storm water volumes and higher, erosive velocities by allowing parking lots, service roads, and other suitable areas normally covered with concrete and asphalt, such as outdoor storage areas, to utilize porous

pavement, pavers, and other “green” design solutions provided that such alternatives designs that are properly designed with highly durable materials in accordance with accepted engineering standards.

Section 10.11 Off-Street Loading

10.11.1 No Use of Public Right-of-Way

At no time shall goods be loaded or unloaded from the right-of-way of any street. No part of any vehicle shall be allowed to extend into the right-of-way of any street while being loaded or unloaded.

10.11.2 Site Plan Required

Plans for location, design and layout of all loading spaces shall be indicated on required site plans. Loading space size shall be based on need and in accordance with standard engineering requirements as determined by the City Manager or his/her designee.

Section 10.12 Pallets and Bundled Refuse

Pallets and related shipping items, as well as bundled refuse, shall be contained within a Concrete Masonry Unit or wooden structure and shall be screened from all public views.

ARTICLE 11. Wireless Communication Facilities, HAMN Radio Antenna, Satellite Dishes, Small-Scale Wind Energy Conversion Systems, Solar Arrays

[Reserved]

ARTICLE 12. SITE PLAN REVIEW

Section 12.1 Purpose

This Article establishes a review process for non-single-family residential development. The purpose is to ensure that a development project is in compliance with this UDC and any other applicable City codes, ordinances and guidelines prior to commencement of construction.

Section 12.2 Site Plan

12.2.1 Approval Process

A Site Plan shall be required for development within any nonresidential district or use and any multi-family residential district or use. The approval process for a Site Plan shall generally be reviewed by the City Planner and City Engineer. Any site plan denied by staff may be appealed to the Planning and Zoning Commission, for their final consideration, or to the Board of Adjustment if the reason (s) for denial would require a variance. For the purposes of this UDC, the term “required plan(s)” is intended to refer to any of the plans specified in this UDC, as applicable.

12.2.1.A Criteria for Approval

The Planning and Development Services Department, in review of site plans, shall adhere to the following criteria:

1. The Site Plan is consistent with the general purpose and intent of applicable zoning district regulations;
2. The Site Plan is compatible with adjacent developments and neighborhoods and includes improvements to mitigate development related adverse impacts;
3. The Site Plan does not generate pedestrian or vehicular traffic which will be hazardous or conflict with the existing traffic patterns in the area;
4. The Site Plan incorporates features to minimize adverse effects on adjacent properties;
5. Adequate capacity of public and/or private facilities for water, sewer, electricity and transportation to and through the development is provided to the site;
6. The proposed use and associated Site Plan promote the health, safety or general welfare of the City and the safe, orderly, efficient and healthful development of the City.

12.2.1.B Approval Procedures

1. A Site Plan shall be required for development in any nonresidential district, for any non-residential use and for any multi-family residential district or use. The review process for a Site Plan shall only begin once the City of Cibolo has determined that all application completeness requirements, site plan content requirements and submission requirements stipulated in Section 12.2 and 12.3 of this UDC have been satisfied.
2. Upon finding that the site plan is complete, the site plan shall be reviewed by the City Planner, Building Official, Fire Marshal, Public Works Department, City Engineer and any other pertinent reviewing agency with jurisdiction, in accordance with the criteria stated above. Upon the completion of the initial review process, the City of Cibolo will provide written comments citing any deficiencies with the site plan. The site plan may then be amended and resubmitted to correct any deficiencies.
3. If the site plan is complete and satisfies all applicable requirements, the site plan shall be administratively approved.
4. If the site plan is denied by the City of Cibolo, the City of Cibolo shall stipulate in writing the reason(s) for the denial of the site plan. If the cause for denial is based on any of the criteria described in Section 12.2.1, the applicant can appeal the decision of the City Planner to the Planning and Zoning Commission for a final determination. If a site plan is denied based on the failure of the site plan to comply with a specific

development standard of the UDC, the applicant may pursue variance relief through the Board of Adjustment.

12.2.2 Application Completeness

Applications for any required plan must include all required information listed here and all such required information must be submitted in order for a Site Plan application to be considered complete and to be accepted for official submission by the City.

A. An application for a Site Plan with notarized signatures of the owner or his/her designated representative if the applicant is not the owner of the subject property;
B. Application fee as established on the City schedule of fees;
C. Verification that all taxes and assessments on the subject property have been paid;
D. Copies of the Site Plan, including all information specified by this ordinance, on 24" x 36" sheet(s) drawn to a known engineering/architectural scale that is large enough to be clearly legible and other required information, the quantity of which shall be determined by the City Planner, or his/her designee;
E. General layout for the required public improvements (water, wastewater, grading/storm drainage, streets, water quality, fire lanes and hydrants, screening and landscaping, etc.), the quantity of which shall be determined by the City Planner, or his/her designee;
F. Reduced copies (11" x 17") of the site plan as required by the City Planner, or his/her designee;
G. Landscaping and irrigation plans, the quantity of which shall be determined by the City Planner, or his/her designee; and
H. Any additional information/materials (such as plans, maps, exhibits, legal description of property, information about proposed uses, etc.) as deemed necessary by the City Planner, or designee, in order to ensure that the development request is understood.

12.2.3 Supplemental Requirements

A. The city may require other information and data for specific conditional use permit applications. This data may include but is not limited to geologic information, water yields, flood data and/or hydrological studies, environmental information, traffic impact analysis, road capacities, economic data for the proposed development, hours of operation, and similar information.
B. Approval of a site plan and architectural elevations as required by this ordinance may establish conditions for design and construction based upon such information.

12.2.4 Pre-Application Conference

Prior to formal application for approval of a required site plan, the applicant(s) should consult with the City staff to become familiar with the City's development regulations and the development process. At the pre-application conference, the developer may be represented by a land planner, engineer, surveyor, or any other qualified professional.

12.2.5 Applicability

Submission and approval of a Site Plan shall be required for development as follows:

A. For new development in any nonresidential district & multi-family residential district or use.
B. For any increase in an existing non-residential or multi-family structure that is greater than twenty (20) percent of an existing building square footage; or
C. For that portion of a single-family residential development that contains a private amenity or facility - i.e. recreation center, park, horse stable, etc.

12.2.6 Building Permit and Certificate of Occupancy

No building permit shall be issued until a Site Plan, as required, and all other required architectural/engineering/construction plans are first approved by the City. No certificate of occupancy shall be issued until all construction and development conforms to the approved Site Plan and architectural/engineering/construction plans, as approved by the City.

12.2.7 Extent of Area That Should Be Included In a Site Plan

When the overall development project is to be developed in phases, the area included within the Site Plan shall include only the portion of the overall property that is to be developed or constructed.

Section 12.3 Application Requirements

12.3.1 Responsible Official:

The City Planner, or designee, shall be responsible for processing a site plan application.

12.3.2 Contents:

An application for approval of a site plan shall contain the following information and documents:

A. An application for a Site Plan with notarized signatures of the owner or their designated representative if the applicant is not the owner of the subject property;
B. Application fee as established by the city;
C. Verification that all taxes and assessments on the subject property have been paid (Certified Tax Certificate);
D. Copies of the plan(s), elevations, and pertinent studies (TIA, drainage, soils etc) including all information specified by this ordinance on 24" x 36" sheet(s) drawn to a known engineering and/or architectural scale respectively, that is large enough to be clearly legible and other required information, the quantity of which shall be determined by the city.
E. Reduced copies (11" x 17") of the required plan(s) and a CD containing all plans and elevations in AutoCAD and PDF file formats.
F. Any additional information/materials (such as plans, maps, exhibits, legal description of property, information about proposed uses, etc.) as deemed necessary by the city in order to ensure that the development request is understood.
G. General Site plan review and evaluation by the City Planner, or designee, shall be performed with respect to the following:

1. The plan's compliance with all provisions of the UDC and other ordinances of the City.
2. The impact of the development relating to the preservation of existing natural resources on the site and the impact on the surrounding properties and neighborhood.
3. The relationship of the development to adjacent uses in terms of harmonious design, setbacks, building materials, property values, and any possible negative impacts.
4. The provision of a safe and efficient vehicular and pedestrian circulation system.
5. The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
6. The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for fire fighting and emergency equipment.
7. The coordination of streets so as to arrange a convenient system consistent with the Thoroughfare Plan of the City, as amended.
8. The use of landscaping and screening to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties and to complement and integrate the design and location of buildings into the overall site design.
9. Exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection upon adjacent properties.
10. The location, size, accessibility, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
11. Protection and conservation of soils from erosion by wind or water or from excavation or grading.
12. Protection and conservation of watercourses and areas that are subject to flooding.
13. Provision of the adequate capacity of public or private facilities for water, sewer, paved access to and through the development, electricity, storm drainage, and adequate traffic management.
14. Consistency with the Comprehensive Plan of the City, as amended.
15. In approving a Site Plan, the City may impose any additional reasonable conditions necessary to protect the public interest and welfare of the community. When considering an application for

site design and use, the City may include any or all of the following conditions necessary to meet the intent and purpose of the standards of this UDC:

a. Require a maximum increase of up to twenty percent (20%) in the width or required plant materials for perimeter buffer-yards in order to ensure compatibility between different land uses.
b. Require such modifications in the landscaping plan to ensure proper screening and aesthetic appearance.
c. Require plantings and ground cover to be predominant, not accessory, to other inorganic or dead organic ground cover.
d. Require retention of significant physical features of a site. Said significant physical features include, but are not limited to: existing stands of trees, protected trees as specified by the City's tree preservation standards, bodies of water, watercourses, floodplains and other flood hazard areas, and other natural features.
e. Require the modification/revision of the placement, design or remodeling of structures, signs, accessory buildings, consistent with the standards of this UDC.
f. Specify the type and placement or shielding of lights for outdoor circulation, parking, and security.
g. Require new developments that produce more than one hundred (100) peak vehicle trips per hour to provide traffic mitigation by means of traffic signals, traffic controls, turning islands, landscaping or any other means necessary to insure the viability, safety, and integrity of existing and proposed thoroughfares, based upon the results of a Traffic Impact Analysis.
h. Require pedestrian access, separate pedestrian access ways, sidewalks and protection from rain for pedestrians in new developments.
i. Require developments to provide access to improved streets and, where possible, provide access to the lower order street rather than a major collector or arterial street as designated on the Thoroughfare Plan, as amended.

H. Submission Requirements for Site Plan Approval

1. A Site Plan shall be prepared by a qualified civil engineer, land planner, architect or surveyor, and it shall clearly show in detail how the site will be constructed (such as paving, buildings, landscaped areas, utilities, etc.). To ensure the submission of adequate information the following information and items shall be submitted with an application for Site Plan approval in addition to any additional specific requirements for the review of Site Plan applications that may be devised and amended from time to time. It shall be the applicant's responsibility to obtain and be familiar with the requirements for Site Plan approval.
   a. A title block within the upper right hand corner of the concept plan with the proposed name of the project/subdivision;
   b. The name and address of the owner/developer and the land planner, engineer architect or surveyor responsible for the design or survey;
   c. The scale of the drawing (written & graphic scale) and north arrow;
   d. The date the drawing was prepared;
   e. Total site acreage and the location of the property according to the abstract and survey records of Guadalupe County, Texas;
   f. A vicinity or location map that shows the location of the proposed development within the City (or ETJ) and in relationship to existing roadways;
   g. The boundary survey limits of the tract and scale distances with north clearly indicated;
   h. The names of adjacent subdivisions (or the name of the owners of record and recording information for adjacent parcels of unplatted land), including parcels on the other sides of roads, creeks, etc.;
   i. The existing uses of the subject property;
   j. The general arrangement of future land uses, including the approximate number of lots and any residential uses anticipated;

k. A generalized circulation plan for the subject property showing the proposed locations and patterns of motor vehicle and pedestrian traffic. Said circulation plan shall contain arrows indicating traffic flow;

l. The existing zoning and existing/proposed uses on adjacent land;

m. The location, width and names of all existing or platted streets or other public ways within or adjacent to the tract;

n. The location, type, size and recording information for any existing easements located on the subject property or within two hundred (200) feet of the subject property. In the event no existing easements have been dedicated, a note to that effect shall be provided;

o. The location and building footprints of existing buildings located on the property. Existing buildings shall be noted as to those that are to remain and those that are to be removed;

p. Railroad rights-of-way located within two hundred (200) feet of the subject property;

q. Topography, including contours at a minimum five-foot interval, with the location of the centerline of existing drainage channels or creeks;

r. Any 100-year flood plain as designated on the appropriate Flood Insurance Rate Map (FIRM) located on or within two hundred (200) feet of the subject tract. In the event that a 100-year floodplain is not located on the subject tract or within two hundred (200) feet of the subject tract, a note to that effect must be provided with the reference to appropriate panel number;

s. Any significant natural features such as rock outcroppings, caves, wildlife habitats, etc.;

t. All substantial natural vegetation;

u. Location of Gas/Oil/Water wells or pipelines;

v. Location, type, size, and ownership of all existing water and wastewater lines, including all appurtenances - i.e. valves, hydrants; as well as proposed FDC and other proposed fire prevention appurtenances;

w. Location, type, and size of all drainage & underground structures;

x. Proposed connection to water, wastewater, & drainage systems;

y. Adjacent political subdivisions, corporate limits, and school district boundaries;

z Proposed strategies for tree preservation in accordance with this UDC (showing individual trees or tree masses that will be preserved, and the techniques that will be used to protect them during construction);

aa. The layout and width (right-of-way lines) of existing and proposed thoroughfares, collector streets and/or intersections, and a general configuration of proposed streets, lots and blocks, including proposed median openings and left turn lanes on future divided roadways;

bb. Existing and planned driveways located within two hundred (200) feet of the subject tract, including those located on the opposite side of divided roadways;

cc. The arrangement of land uses and buildings, including but not limited to:

1. Proposed nonresidential and residential densities;
2. Building footprints for each proposed structure;
3. Building heights;
4. Building square footages for each proposed structure. For multi-tenant or multi-purpose buildings, show the square footage for each intended use;
5. Building massing and orientation;
6. Location of loading/service areas;
7. Location of recycling containers, compactors, dumpsters and their enclosures;
8. Sidewalks and pedestrian walkways;
9. Parking plan showing the proposed on-site parking stalls with dimensions and driveway aisles with dimensions;
10. Retention/detention ponds with proposed aesthetic treatments;
11. Screening walls;
12. Fences;
13. Location, lighting and type of signs; and relation of signs to traffic control and adverse effect on adjacent properties.
14. Fire lanes with dimensions for fire lane aisles and turn-arounds and other related Fire Prevention items, such as fire hydrant coverage areas;

15. A lighting plan for all external lighting demonstrating that the City's lighting standards have been met. Said lighting plan shall include the following:
    a. The location and type of all lighting fixtures including the height of all pole lights;
    b. A photometric analysis showing the estimated illumination at the property line;
    c. The type of illumination fixtures to be utilized;
    d. The type and method of shielding proposed;

dd. Visibility easements; and
ee. A landscape plan meeting the landscape standards of this UDC;
ff. An irrigation plan meeting the landscape standards of this UDC;
gg. Building façade (elevation) plans showing the type and color of the exterior building materials to be utilized for each building or structure and each screening wall. Said building elevations shall be drawn to a scale of one inch equals twenty feet (1" = 20') or any such similar architectural scale;
hh. All information and illustrations necessary to show the nature and effect of proposed variations to the standards in the zoning district;
ii. Dust Control Plan; if applicable;
jj. Information demonstrating compliance with the Environmental Performance Standards of this UDC; and
kk. Proposed outdoor storage areas, with a list of materials to be stored and the material of which the storage area will be constructed.

I. Provision of the above items shall conform to the principles and standards of this UDC and the Comprehensive Plan. To ensure the submission of adequate information, the City is hereby empowered to maintain and distribute a separate list of specific requirements for site plan review applications as well as other administrative rules and policies. Upon periodic review, the City Planner, or designee, shall have the authority to update such requirements pursuant to the Administrative Rules of this UDC.

J. All site plans shall include the following General Notes:

1. Fire lanes shall be designed and provided per city standards.
2. Handicapped parking areas shall be designed and provided per city standards and shall comply with requirements of the current, adopted Cibolo Building Codes, as amended.
3. Six -foot wide sidewalks shall be provided 2.0 feet off of the property line within the rights-of-way, unless a sidewalk easement is provided for a meandering sidewalk or an alternative design is approved by the city. Barrier-free ramps, per city standards, shall be provided on sidewalks at all curb crossings.
4. Mechanical units, dumpsters, and trash compactors shall be screened in accordance with the UDC.
5. This site plan does not constitute approval of any signage. All signage is contingent upon approval by Building Inspection Department and the issue of a Sign Permit.
6. Approval of the site plan is not final until all engineering plans are approved.
7. Open storage, where permitted, shall be screened in accordance with the UDC.
8. Building facades shall be compatible with surrounding development, as provided in the UDC.
9. Outdoor lighting shall comply with illumination standards of the UDC.
10. Contact the Building Inspection Department to determine the type of construction and occupancy group.
11. All electrical transmission, distribution, and service lines must be underground where required.
12. Uses shall conform in operation, location, and construction to all environmental performance standards in specified in this UDC, including, but not limited to noise, smoke and particulate matter, odorous matter, fire or explosive material, toxic and noxious matter, vibration, and/or other performance standards.

K. On the initial submittal, submit five (5) full size plan sets plus a disk and PDF files of all submitted plans and reports. Once all site plan comments are addressed submit three (3) sets of final reports, three (3) final plan sets at full size and one (1) 11 x 17 inch (half-size) copies. Staff will stamp 1 full size plan set as "approved" and return it to you for your files and will forward 1 full set to the Building Official to be included in the building permit plan set when the building permit is requested. The final submittal must also include a CD or DVD that contains all final plans and reports in PDF format, with all plans in a format that can be incorporated into the City of Cibolo GIS network. Plans may be submitted in AutoCAD, Arcview or any other approved format compatible with the City of Cibolo GIS platform. Acceptable graphical data must be formatted with: DWG (AutoCAD) or a Geographic Information System (GIS) shapefile submitted with the x,y coordinates projected to the following coordinate system: NAD 1983 State Plane Texas Central FIPS 4204 Feet.

ARTICLE 13. USE TABLES

Section 13.1 Residential Uses

All uses not expressly permitted by this UDC shall be expressly prohibited.

P = Permitted use **C = Conditional use** **S = Subject to supplemental use regulations of UDC Article 6**

Use (Sect. 13.1 Residential)	**SF1**	**SF2**	**SF3**	**TF-1**	**MF1**	**MF2**	**MH1**	**MH2**	**AG**
Accessory living quarters.	P	C	C	C			C		P
An accessory building used solely as the temporary dwelling of guests of the occupants of the premises; such dwellings having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.									
Accessory Residential Units, Residential District.	P	P	C	C			C		P
The residential occupancy of a portion of the principal use, not exceeding 33% of the gross floor area, and is owner-occupied. Commonly referred to as "mother-in-law flat", it may include a full kitchen and must comply with all building & fire codes & have 1 additional off-street parking space.									
Apartment residential.					P	P			
The use of a site for three (3) or more dwelling units, within one (1) or more buildings.									
Boarding house.					P	P			
A dwelling containing a single dwelling unit and not more than 10 (ten) guest rooms or suites of rooms, where lodging is provided with or without meals, for compensation for more than 1 week.									

Use (Sect. 13.1 Residential)	**SF1**	**SF2**	**SF3**	**TF-1**	**MF1**	**MF2**	**MH1**	**MH2**	**AG**
Community Residential Facility.					P-S	P-S			
Any dwelling licensed, certified or authorized by state, federal or local authorities as a residence for children or adults with physical, developmental or mental disabilities, dependent children or elderly individuals in need of supervision, support and/or independent living training. May include specialized group home for the developmentally disabled, group care for children or a boarding home.									
Condominium residential.			P		P	P			
A single-dwelling unit in a multi-unit dwelling or structure that is separately owned and may be combined with an undivided interest in the common areas and facilities of the property.									
Duplex residential.				P	P	P			
The use of a site for two (2) dwelling units within a single building.									
Greenhouse	P	P-S	P-S	P-S	P-S	P-S	P-S	P-S	P
Refer to the Greenhouse requirements in Section 6.3.									
Group residential.			C	C	P	P			
The residential occupancy of living accommodations by groups of more than five (5) persons (not defined as a family) on a weekly or longer basis. Typical uses include occupancy of fraternity or sorority houses, dormitories, residence halls, or boarding house.									

Use (Sect. 13.1 Residential)	**SF1**	**SF2**	**SF3**	**TF-1**	**MF1**	**MF2**	**MH1**	**MH2**	**AG**
Home Profession.	P-S	P-S	P-S	P-S	P-S	P-S	P-S	P-S	P-S
An activity carried on in a residence that is incidental to the use of the residence as a home and does not alter the residential character of the home or neighborhood and is conducted in accordance with the requirements of Article 6 of this UDC.									
Kennel	C								P
The domicile of a person or persons who own or breed 5 (five) or more dogs and/or cats but less than 11 (eleven) dogs and/or cats over 6 (six) months of age, primarily for personal recreational use, such as participation in recognized conformation shows, field or obedience trials, racing, scenting, puling, specialized hunting or working trials, and water trials, search and rescue, tracking and for the purpose of improving the physical soundness, temperament, and conformation of a given breed to a standard.									
Manufactured Home Residential.							P	P	
The residential occupancy of manufactured homes on small lots owned by residents and are typically meant for more permanent habitation than the following mobile home use.									
Mobile home residential.								P	
The residential occupancy of mobile homes by families on a weekly or longer basis. Typical uses include mobile home parks or mobile home subdivisions.									

Use (Sect. 13.1 Residential)	**SF1**	**SF2**	**SF3**	**TF-1**	**MF1**	**MF2**	**MH1**	**MH2**	**AG**
Manufactured Modular Housing.	P						P	P	P
Structures that are constructed in 1 (one) or more modules or modular components built at a location other than the permanent site, are transported to the permanent site, and are erected or installed on a permanent foundation system.									
Multiple-family residential.					P	P			
The use of a site for two (2) or more dwelling units, each in a separate building.									
Patio home.			C		P	P			
A detached, single-family unit typically situated on a reduced-sized lot that orients outdoor activity within the rear or side patio areas for better use of the site for outdoor living space.									
RV Park								P	
An area where facilities are provided for recreational or camping vehicles or travel trailers, tents or other portable habitation, utilized by the public as a place for camping, vacationing, or temporary usage, which are in place for not more than 30 (thirty) days.									
Single-family residential.	P	P	P				P		P
The use of a site for only one (1) dwelling unit.									
Townhouse residential.			C		P				
The use of a site for two (2) or more townhouse dwelling units, constructed with common or adjacent walls and each located on a separate ground parcel within the total development site, together with or without common area serving all dwelling units.									

Section 13.2 Commercial Uses

All uses not expressly permitted by this UDC shall be expressly prohibited.

P = Permitted use **C = Conditional use** **S = Subject to supplemental use regulations of UDC Article 6**

Use (Sect. 13.2 Commercial)	**C1**	**C2**	**C3**	**C4**	**I1**	**I2**
Administrative and business offices.	P	P	P	P	P	
Offices or private firms or organizations which are primarily used for the provision of executive, management or administrative services. Typical uses include administrative offices, and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, photocopy and reproduction, and business offices or public utilities, organizations and associations, or other use classifications when the service rendered is that customarily associated with administrative office services.						
Agricultural sales and services.				P	P	P
Establishments or places of business engaged in sale (from the premises) of feed, grain, fertilizers, pesticides and similar goods or in the provision of agricultural related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, feed and grain stores and tree service firms.						
Amusement center		C	P	P		
An establishment offering 5 (five) or more amusement devices, including, but not limited to, coin-operated electronic games, shooting galleries, table games and similar recreational diversions within an enclosed building.						
Artisan sales	P	P	P	P		
The manufacture and retail sale of hand-crafted wares such as pottery, jewelry, art, and similar products of craftsmanship.						
Automobile Dealership				P		
Includes new and used car, pick-up truck and motorcycle sales/display and associated maintenance facilities.						
Automotive rentals.			C	P	P	
Rental of automobiles, noncommercial trucks, trailers and recreational vehicles, including incidental parking and servicing of vehicles available for rent or lease. Typical uses include auto rental agencies, trailer rental agencies and taxi cab parking and dispatching.						

Use (Sect. 13.2 Commercial)	**C1**	**C2**	**C3**	**C4**	**I1**	**I2**
Automotive; Major Repairs/Service				P	P	P
Indoor and outdoor repair and service of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including the sale, installation and servicing of equipment and parts. Typical uses include muffler shops, auto repair garages, body and fender shops, painting and major repairs and service activities, but excluding dismantling or salvage.						
Automotive sales.				P	P	
Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance and servicing. Typical uses include new and used car dealerships, motorcycle dealerships and boat, trailer and recreational vehicle dealerships.						
Automotive service station		C-S	C-S	P-S	P-S	
That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles. Accessory activities shall be permitted to include an automatic car wash and convenience food and beverage sales. Refer to Article 6 of this UDC for additional requirements.						
Automotive washing.			P	P	P	
Refers to establishments where the primary use is the washing, cleaning and detailing of automobiles and related light equipment. Typical uses include auto laundries or car washes.						
Building maintenance services.			P	P	P	
Establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance or window cleaning services.						
Business or Financial Services	C	P	P	P		
An establishment intended for the conduct or service or administration by a commercial enterprise, or offices for the conduct of professional or business service.						
Business support services.	P	C	P	P	P	
Establishments or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, excluding automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms.						

Use (Sect. 13.2 Commercial)	**C1**	**C2**	**C3**	**C4**	**I1**	**I2**
Business or trade school.	C	C	P	P		
A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university or public or private educational facility.						
Bar.		P	P	P		
A use engaged in the preparation and retail sales of alcohol beverages for consumption on the premises, including taverns, bars, cocktail lounges and similar uses.						
Commercial off-street parking.		C	C	P	P	P
Parking of motor vehicles on a temporary basis within a privately owned off-street parking facility, other than accessory to a principal use. Typical uses include commercial parking lots or parking garages.						
Communications services.				P	P	P
Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as major utility facilities. Typical uses include television studios or telecommunication service centers.						
Concrete Asphalt Batching Plant (Permanent)				C	C	C
Construction sales and services.				P	P	P
Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale sale, from the premises, of materials used in the construction of buildings to other structures other than retail sale of paint, fixtures and hardware excluding those classified as one of the automotive and equipment services use types. Typical uses included building materials stores, tool and equipment rental or sales or building contractors.						
Consumer repair services.	P	P	P	P		
Establishments primarily engaged in the provision or repair services to individuals and households rather than firms, but excluding automotive and equipment use types. Typical uses included appliance repair shops, watch or jewelry repair or musical instrument repair firms. All incidental storage shall be enclosed.						

Use (Sect. 13.2 Commercial)	**C1**	**C2**	**C3**	**C4**	**I1**	**I2**
Dry Cleaning Plant					P	P
A large scale establishment primarily engaged in the large scale industrial scale cleaning of textiles and garments in large revolving washers where they are washed with the cleansing fluid and special soaps, rinsed with pure cleansing fluid, and then spun to remove most of the fluid. They are then dried with warm air in a tumbler where cleansing fluids are reclaimed and used again.						
Equipment repair services.				P	P	P
Repair of trucks, tractors, construction equipment, agricultural implements and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services and machine shops, but exclude dismantling or salvage.						
Farmers Market		P				
Places of business primarily engaged in the retail sale of farm grown food. Use is allowed on a day to day or part time basis with the permission of the property owner on whose property the sales will be conducted.						
Financial services.	P	P	P	P		
Establishments primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, loan and lending activities and similar services.						
Flea Market; Outdoor Open Air Sales				C		
Buildings or open areas in which sales areas or stalls are set aside or rented and which are intended for use by two or more individuals or by educational, religious or charitable organizations to sell articles that are either homemade, homegrown, handcrafted, or antique.						
Food sales; grocery	P	P	P	P		
Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries and candy shops.						
Funeral services.			P	P		
Establishments engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals.						
General retail sales; neighborhood scale	P	P	P	P		
Sales or rental of commonly used goods and merchandise for personal or household uses fir surrounding neighborhoods.						

Use (Sect. 13.2 Commercial)	**C1**	**C2**	**C3**	**C4**	**I1**	**I2**
General retail sales; regional			P-S	P		
Sales or rental of commonly used goods and merchandise for personal or household use. Typical uses include department stores, apparel stores, furniture stores, mail order stores or similar establishments. Refer to Article 6 of this UDC for additional requirements.						
Health care offices.	P	P	P	P		
A use providing consultation, diagnosis, therapeutic, preventative or corrective personal treatment services by physicians, dentists, medical and dental laboratories and similar health practitioners.						
Hotel-motel.			P	P		
Lodging services involving the provision of room and/or board. Typical uses include hotels, motels or transient boarding houses.						
Ice Dispensing; Portable Building/Structure			P-S	P-S		
Refers to an automatic self contained portable ice dispensing structure that produces and dispenses ice for retail sale as a primary or secondary use of site. This does not include typical ice machines that sell packages bags of ice (typical ice machine).						
Indoor entertainment.		C	P	P		
Predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, meeting halls and dance halls.						
Indoor Gun Range;			C	P	P	
Permitted subject to building being soundproofed and a building design that will prevent ammunition from leaving the building, as per the Cibolo building codes.						
Indoor sports and recreation.		C	P	P	C	
Uses conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice and roller skating rinks and arcades.						
Kennels.				P	P	
Boarding and care services for dogs, cats and similar small animals. Typical uses include boarding kennels, pet motels, or dog training centers.						
Laundromat; dry cleaning	P	P	P	P		
Establishments primarily engaged in the provision of laundering, dry cleaning or dyeing services as personal services.						

Use (Sect. 13.2 Commercial)	**C1**	**C2**	**C3**	**C4**	**I1**	**I2**
Laundry services.			P	P	P	
Establishments primarily engaged in the provision of laundering, dry cleaning or dyeing services other than those classified as personal services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.						
Local convenience store (Without Fuel Sales)	P	P	P	P		
A commercial activity engaged in the sale of commonly used goods & merchandise for personal or household use in a structure three thousand (3,000) square feet or less in size.						
Local convenience store (With Fuel Sales)	C	C	P	P		
A commercial activity engaged in the sale of commonly used goods & merchandise, including petroleum products, for personal or household use in a structure five thousand (5,000) square feet or more in size. Refer to Article 6 of this UDC for additional requirements for fuel sales and stores exceeding 5,000 square feet.						
Outdoor sports and recreation (Light)		P	P	P		
Uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, racquetball courts and marinas.						
Outdoor sports and recreation (Intensive)					C	
Intensive recreation uses that are conducted in the outdoors that generate considerable noise, vibration, heat, odor and other environmental impacts. Typical uses include race tracks, speedways, drag strips, gun firing ranges and the like.						
Paint Shop (Non-Retail)				P	P	P
Establishments primarily engaged in the painting of cars, motorcycles, RV's and other materials.						
Pawn Shop				P		
Personal services.	P	P	P	P		
Establishments or places of business primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops, seamstress, tailor, shoe repair shops and self-service laundry or self-service apparel cleaning services.						
Pet services.	P	P	P	P		
Retail sales and grooming of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, dog bathing and clipping salons or pet grooming shops.						

Use (Sect. 13.2 Commercial)	**C1**	**C2**	**C3**	**C4**	**I1**	**I2**
Portable Building Sales				P	P	
This use is applicable to the outdoor display and/or sale of heavy machinery and equipment.						
Professional office.	P	P	P	P	P	
A use providing professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions.						
Restaurant-convenience.	P	P	P	P		
A use engaged in the preparation and retail sale of food and beverages (excluding alcoholic beverages), for on-premise consumption only. Typical uses include soda fountains, ice cream parlors, sandwich shops and coffee shops.						
Restaurant-Fast Food		C	P	P		
A use engaged in the retail sale of prepared or rapidly prepared food and beverages directly to customers (excluding alcoholic beverages), for on-and off-premise consumption, commonly referred to as having "take-out" service. Typical uses have drive-thru window service and have extended hours of operation.						
Restaurant-neighborhood.	P	P	P	P		
A use engaged in the preparation and retail sale of food and beverages, including the sale of alcoholic beverages when conducted as an accessory or secondary feature producing less than twenty five (25) percent of the gross income. For a neighborhood restaurant including outdoor entertainment, see Article 6 of this UDC for additional requirements.						
Service station.		C-S	P-S	P-S		
An establishment where the sale of petroleum products is the principal use but may also offer incidental indoor automobile service and repair. All services provided and all storage supplies, parts, equipment shall be kept indoors.						
Sexually Oriented Businesses.				C	C	C
Refers to those acts, uses and services described more particularly in City of Cibolo Ordinance Number 774.						
Tire Dealer (No Open Storage)			P	P		
Tire Dealer with Open Storage					C	

Use (Sect. 13.2 Commercial)	**C1**	**C2**	**C3**	**C4**	**I1**	**I2**
Trailer/Mobile Home Display, Sales or Storage				P	P	
Truck/Trailer Rental and/or leasing				P	P	
Truck/Bus Repair				C	P	
Truck Sales (Heavy Trucks) and RV Sales				C	P	
Veterinary services.	C	P	P	P	P	P
Veterinary service for all animals. Typical uses include animal clinics and hospitals. Veterinary services shall not include the boarding of large animals.						
Wrecker Business associated with auto impounding and storage				C	C	C

Section 13.3 Industrial Uses

All uses not expressly permitted by this UDC shall be expressly prohibited.

P = Permitted use C = Conditional use S = Subject to supplemental use regulations UDC Article 6

Use (Sect. 13.3 Industrial)	**C1**	**C2**	**C3**	**C4**	**I1**	**I2**
Basic industry.						P
A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials or a use utilizing flammable explosive or commonly recognized offensive conditions or materials.						
Custom manufacturing.					P	P
Establishments primarily engaged in the on-site, indoor production and storage of goods by hand manufacturing which involves only the use of hand tools or mechanical equipment not exceeding two (2) horsepower or a single kiln not exceeding eight (8) kilowatts. The direct sale to consumers of those goods produced on-site is prohibited.						
General Contractor Services				P-S	P-S	P-S
General contractor services are permitted subject to compliance with all environmental performance standards of this UDC.						
Light manufacturing.					P	P
A use engaged in the manufacture, predominantly from previously prepared materials, or finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and storage, sales and distribution of such products, but excluding basic industrial processing.						
Sand, Gravel, Stone or Petroleum Extraction, Oil & Gas Wells					C	C

Use (Sect. 13.3 Industrial)	**C1**	**C2**	**C3**	**C4**	**I1**	**I2**
Warehousing and distribution.						
Establishments or places of business primarily engaged in wholesaling, storage, distribution and handling of materials and equipment other than live animals and plants. The following are wholesaling, storage and use types:						
A. *Convenience storage.* Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing. Refer to Article 6 Section 6.3 for additional requirements regulating this use.			C-S	P-S	P-S	P-S
B. *General warehousing and distribution.* Open-air storage, distribution and handling of materials and equipment. Typical uses include monument or stone yards, or open storage yards.				P	P	P
C. *Limited warehousing and distribution.* Wholesaling, storage and warehousing services within enclosed structures. Typical moving and storage firms and retail mail order distribution centers.					P	P
Research & Development Services		C	C	P	P	P
Establishments primarily engaged in research of an industrial or scientific nature but excludes product testing. Typical uses include electronics research laboratories, research and development firms, or pharmaceutical research labs.						
Scrap and salvage services and wrecking services.						C
Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junk yards or paper salvage yards.						
Vehicle storage.				C	P	P
Long term storage of operating or non-operating vehicles. Typical uses include storage of private parking towaways or impound yards, but exclude dismantling or salvage.						

Section 13.4 Civic and Other Uses

All uses not expressly permitted by this UDC shall be expressly prohibited.

P = Permitted use C = Conditional use S = Subject to supplemental use regulations of UDC Article 6

Use (Sect. 13.4 Civic & Other)	**SF1**	**SF2**	**SF3**	**TF-1**	**MF1**	**MF2**	**MH1**	**MH2**	**C1**	**C2**	**C3**	**C4**	**I1**	**I2**	**PF**	**AG**
Administrative services.									C	P	P	P	P		P	
Offices, administrative, clerical or public contact services that deal directly with the citizens, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county, and city offices.																
Adult/Community Group Home					C-S	C-S				C-S					P	P
A dwelling unit for sixteen (16) or fewer people in which food, shelter, and minor medical treatment under the direction and supervision of a physician, or services which meet some need beyond boarding or lodging are provided to residents of that dwelling unit, but not including care provided to any family member residing with his family in a one-family dwelling. Residents of an Adult Group Home depend on staff to provide various degrees of assistance in everyday living, but are not considered dangerous to themselves or others and require only occasional or temporary services by professional medical or nursing personnel which are provided through individual arrangement with each resident, per UDC Article 6.																
Assembly, Large scale	P	P	P		P	P	P	P	P	P			P	P	P	
Religious, cultural or fraternal activity that is conducted primarily within an enclosed facility of 10,000 square foot or grosser floor area.																

Use (Sect. 13.4 Civic & Other)	**SF1**	**SF2**	**SF3**	**TF-1**	**MF1**	**MF2**	**MH1**	**MH2**	**C1**	**C2**	**C3**	**C4**	**I1**	**I2**	**PF**	**AG**
Aviation facilities.														C	C	C
Landing fields, aircraft parking service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security. Subject to site plan review.																
Campground.															C	C
Campground facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks. Subject to site plan review.																
Cemetery.															P	C
Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.																
Clinic									P	P	P	P				
An establishment or offices in which a group of physicians, dentists, or other practitioners of the healing arts, and allied professional assistants are associated for the purpose of diagnosing and treatment of ill or injured persons on an outpatient basis only. A clinic may include a medical or dental laboratory, but may not include facilities for providing room or board for patients, nor may a clinic include offices or facilities for veterinarians.																
Club or lodge.									P	P	P	P			P	
A use providing meeting, recreational, or social facilities for a private or non-profit association, primarily for use by members and guests. Typical uses include private social clubs and fraternal organizations.																

Use (Sect. 13.4 Civic & Other)	**SF1**	**SF2**	**SF3**	**TF-1**	**MF1**	**MF2**	**MH1**	**MH2**	**C1**	**C2**	**C3**	**C4**	**I1**	**I2**	**PF**	**AG**
College and university facilities.					C	C				C	P	P			P	
An academic institution of higher learning, accredited or recognized by the state and offering a program or series of programs of academic study.																
Community recreation.	P	P	P	P	P	P	P	P							P	P
A non-profit recreational facility for use by residents and guests of a particular residential development or limited residential neighborhood, including both indoor and outdoor facilities.																
Community treatment facility					C-S	C-S			C-S	C-S	P-S	P-S			P-S	
Any dwelling or place licensed, certified or authorized by state, federal or local authorities as a residence and treatment facility for children or adults with mental disabilities, alcoholism or drug abuse problems needing a supervised living arrangement and rehabilitation services on a short-term or long-term basis. Does not include detoxification centers. May include alcohol and/or drug abuse treatment facilities and adult treatment facilities. Refer to the Transitional Homes, Rehabilitation and Halfway House requirements of Article 6 of this UDC for additional requirements.																
Convalescent services.									C	C	P	P				
A use providing bed care and in-patient services for persons requiring regular medical attention, but excluding a facility providing surgical or emergency medical services, and excluding a facility providing care for alcoholism, drug addition, mental disease, or communicable disease.																
Concrete/Asphalt Batching Plant	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Implies a temporary, short term use, until a particular construction project or projects are completed. City Council may stipulate a condition of time to allow this temporary use and may decide to renew the CUP for a specific term.																

Use (Sect. 13.4 Civic & Other)	**SF1**	**SF2**	**SF3**	**TF-1**	**MF1**	**MF2**	**MH1**	**MH2**	**C1**	**C2**	**C3**	**C4**	**I1**	**I2**	**PF**	**AG**
Cultural services.									P	P	P	P			P	P
A library, museum, art gallery, or similar non-profit use affording display, preservation and exhibition of objects of permanent interest in one (1) or more of the arts and sciences.																
Day care services (Residentially Based; Family/Group)	C-S	C-S	C-S	C-S	C-S	C-S	C-S			C-S						
A facility, or use of a building or portion thereof, for daytime care of six (6) or fewer individuals. This term includes nursery school, pre-schools, day care centers for children or adults, and similar uses. Refer to Article 6 of this UDC for additional requirements.																
Day care services (Group)	C-S	C-S	C-S	C-S	C-S	C-S	C-S		P	P						
Group Day Care homes provide regular care for between five (5) & twelve (12) adults or children for less than 24 hours a day. This shall include nurseries, preschools & adult care facilities. Refer to Article 6 of this UDC for additional requirements.																
Day care services (General Commercial).	C-S	C-S	C-S	C-S	C-S	C-S	C-S		P	P	P					
A facility or use of a dwelling unit or portion thereof for daytime care of seven (7) or more individuals. This term includes nursery school, pre-schools, day care centers for children or adults and similar uses. Refer to Article 6 of this UDC for additional requirements.																
Detention facilities.															P	P
A publicly operated use providing housing and care for individuals confined by law.																
Group Care Facility					C-S	C-S				C-S						
Group Care Facilities are required to be licensed by the state and are limited supervision, treatment and/or rehabilitation to the aged, disabled, those convicted of crimes, or those suffering the effects of drugs or alcohol. This category does not include day care centers, family day care homes, foster homes, schools, hospitals, jails or prisons.																

Use (Sect. 13.4 Civic & Other)	**SF1**	**SF2**	**SF3**	**TF-1**	**MF1**	**MF2**	**MH1**	**MH2**	**C1**	**C2**	**C3**	**C4**	**I1**	**I2**	**PF**	**AG**
Hospital services.										C	P	P	P		P	P
A facility providing medical, psychiatric or similar service for sick or injured persons primarily on an inpatient basis including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration and services to patients, employees or visitors.																
Life care services.	C-S	C-S	C-S		P-S	P-S			P-S	P-S	P-S	P-S			P-S	P-S
Retirement housing for the elderly providing residential housing and care for retired, elderly, and/or disabled people including congregate housing with common meals and/or community facilities for social events, community recreation, convalescent services, guidance services, personal services and personal improvement services, or self-contained dwelling units specifically designated for the needs of the elderly, either rented or owner-occupied. To qualify as life care housing or facilities, a minimum of 80% of the total units shall have a household head 55 years of age or greater and no long term or permanent skilled nursing care or related services are provided. Refer to Article 6 of this UDC for additional requirements.																
Local utility services.	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P
Services which are necessary to support principal development and involve only minor structures such as lines and poles which are necessary to support principal development.																
Maintenance and service facilities.												P	P	P	P	
A facility that supports maintenance, repair, vehicular or equipment servicing, materials storage and similar activities, including corporation yards, equipment service centers and similar uses having characteristics of commercial services or contracting or industrial activities.																

Use (Sect. 13.4 Civic & Other)	**SF1**	**SF2**	**SF3**	**TF-1**	**MF1**	**MF2**	**MH1**	**MH2**	**C1**	**C2**	**C3**	**C4**	**I1**	**I2**	**PF**	**AG**
Major utility facilities.														P	P	P
Generating plants, electrical switching facilities and primary substations, refuse collection or disposable facilities, water and wastewater treatment plants and similar facilities of public agencies or public utility firms having potentially significant impact upon surrounding uses. (Subject to site plan review).																
Nursery school	C-S	C-S	C-S	C-S	C-S	C-S			C	C						
A private agency, school, or institution engaged in educational work with preschool children and in which no child is enrolled on a regular basis for 4 (four) or more hours per day. Enrollment for 4 (four) or more hours per day shall classify the facility as a "Day Care Facility" or "Kindergarten." Refer to Article 6 of this UDC for additional requirements.																
Park and recreation services.	P	P	P	P	P	P	P	P							P	P
Publicly owned and operated parks, playgrounds, recreation facilities and open spaces.																
Postal facilities.									P	P	P	P	P		P	
Postal services, including post offices, bulk mail processing or sorting centers, operated by the United States Postal Service or private enterprise.																
Primary educational facilities.	P	P	P	P	P	P	P	P	C	C					P	
A public, private or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools of the State of Texas.																
Railroad facilities.													P	P	P	P
Railroad yards, equipment servicing facilities, and terminal facilities. (Subject to site plan review.)																
Safety services.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Facilities for conduct of public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.																

Use (Sect. 13.4 Civic & Other)	**SF1**	**SF2**	**SF3**	**TF-1**	**MF1**	**MF2**	**MH1**	**MH2**	**C1**	**C2**	**C3**	**C4**	**I1**	**I2**	**PF**	**AG**
Secondary educational facilities.	P	P	P	P	P	P	P		C	C					P	P
A public, private or parochial school offering instruction at the junior and senior high school levels in the branches of learning and study required to be taught in a public school of the State of Texas.																
Transitional Homes, Rehabilitation Centers & Halfway Houses					C-S	C-S				C-S						
A facility in which persons live for a short period of time while receiving physical, social, or psychological therapy and counseling, as is more particularly defined and regulated in Article 6 of this UDC.																
Transportation terminal.										C	C	P	P	P	P	
A facility for loading, unloading, and/or interchange of passengers, baggage and incidental freight or package express between modes of transportation, including bus terminals, railroad stations, airport terminals and public transit facilities.																

District Code	Zoning District	Article 14 Lot Design Standards							
					SETBACKS				
		Maximum Develop. Density (units/ac)	Minimum Lot Area (ft^2) / *Maximum Lot Area (ac)	Minimum Lot Width	Minimum Front BSL	Minimum Rear BSL	Minimum Side BSL	Maximum Building Height	Maximum Lot/Impervious Coverage (%)
	RESIDENTIAL								
AG	**Agricultural - Homestead**	None	None	None	35	10	10	35 [8]	35 [2]
SF1	**Low Density Residential**	2.00	21,000 [1]	85	35	25	10 [7]	35	35 [2]
SF2	**Medium Density Residential**	4.00	7,200	65	25	10 [9]	10 [6,7]	35	50 [5]
SF3	**Mixed Density Residential**	5.50	6,600	60	25 [3]	10 [9]	10 [7]	35	60
TF-1	**Two-Family Residential**	12.00	9,000	75	25	10	10	35	60
MF1	**Multi-Family Residential**	18.00	*20	100	15	10	10	45	75
MF2	**Multi-Family Residential**	24.00	*30	100	15	10	10	45	80
MH1	**Manufactured Home**	5.50	6,600	75	25	20	10	35	40
MH2	**Manufactured Housing Park**	12.00	43,560	55	20	10	5	35	50
	NON-RESIDENTIAL								
C1	**Neighborhood Retail/Service**	-	-	50	20	20	10	30	70
C2	**Old Town / Town Center**	-	-	70	15	15	15	45	70
C3	**Retail / Office**	-	-	70	25 [4]	15	15	35	75
C4	**General Commercial**	-	-	70	40	35	20	45	80
I1	**Light Industrial**	-	-	100	50	40	25	45	80
I2	**Heavy Industrial**	-	-	100	50	50	25	45	80

Notes:

1. Lots for which an on-site sewage facility is proposed are subject to Title 30, Texas Administrative Code, Chapter 285. The application of Chapter 285 may require larger minimum lot sizes than the City of Cibolo UDC. In such cases, the more restrictive shall apply.
2. Maximum lot coverage is 35%, not to exceed 15,000 square feet.
3. Minimum 18' front yard setback for garage, if not served from rear alley. (Pertains to vested SF-3 lots prior to Feb. 26, 2013)
4. May be reduced to 15' if parking provided at side or rear of building.
5. The maximum lot coverage for this district shall not restrict the placement of one (1) accessory structure of less than 100 square feet, provided such structure is placed on skids and complies with the requirements of Article 15, and does not interfere with the use of any easement present.
6. Minimum 15 feet between homes, but not less than 5 feet on either side of the common side lot line for lots vested prior to Feb. 26, 2013.
7. Corner lots: Any garage or carport facing the side street must be set back not less than 20 feet.
8. The maximum height pertains only to the height of a home. The height of accessory agricultural structures, such as barns, windmills and silos; is not restricted.
9. A side yard setback of 5.0' feet shall be permitted for any SF-2 and SF-3 lot vested prior to Feb. 26, 2013.

ARTICLE 15. ACCESSORY BUILDINGS

District Code	Zoning District	Article 15 Accessory Buildings				
			Setbacks (ft)			
		Maximum Height (ft)	From Principal Building	Side[1,2]	Rear[1,2]	Typical Accessory Buildings[3]
RESIDENTIAL						
SF1	**Low Denisty Residential**	12	5	10	10	Storage sheds, hobby workshops, non-commercial greenhouses
SF2	**Medium Denisty Residential**	12	5	5	10	
SF3	**Mixed-Density Residential**	10	5	5	5	
MF1	**Multi-Family**	10	5	5	5	On-site laundry facilities, activity center
MF2	**Multi-Family**	15	5	15	20	
MH1	**Manufactured Home**	10	5	5	10	Storage sheds
MH2	**Manufactured Housing Park**	-	-	-	-	-
AG	**Agricultural**	None	5	5	10	Silos, barns, windmills

Notes

General Note: The maximum lot coverage found in Appendix C, with specific exceptions noted therein, applies in all cases.

1 As listed, or the depths of the setbacks of existing lots on the same side of the street.

2 Buildings on skids may be placed within three (3) feet of the property line, provided the placement does not interfere with the use of any easements present.

3 Off-street parking, utility service, sidewalks, park use are always allowable and do not count towards the requirements of this table. Typical structures are provided for reference only. Actual determination of an accessory structure lies at the discretion of the Zoning Administrator.

ARTICLE 16. DEDICATION OF PARKLANDS

Prior to approval of a planned development or a final plat, each applicant shall be required to dedicate public park land, contribute cash or park improvements in lieu of land dedication, or any combination thereof as determined by the City Council.

Section 16.1 Definitions

For the purpose of this Article, certain words and terms are hereby defined; terms not defined herein shall be construed in accordance with this Article and this UDC, as amended, other codes and ordinances, or their customary usage and meaning:

1. Minor Subdivision means any residential subdivision or residential portion of a subdivision five (5) acres or less that does not include the planning or development of a new street.
2. Major Subdivision means any residential subdivision or residential portion of a subdivision greater than five (5) acres.
3. Park Improvements means any public improvements, which directly attribute to the development of parkland for the enjoyment and use by the public. Such improvements may include, but shall not be limited to the following:
   a. Curb/gutter and one-half (1/2) paving section costs bordering all park land;
   b. Water/sewer line costs bordering all park land; and
   c. Landforms created by the applicant or developer.
4. Holding Costs are any and all costs incidental to the respective tract of land borne by the respective landowner.

Section 16.2 Criteria for Parkland Dedication

1. Eligibility of Subdivisions for Parkland Dedication
   a. Minor Subdivision - The developer of any subdivision classified as a minor subdivision shall not be required to dedicate parkland. The developer of minor subdivisions shall pay a cash contribution in lieu of parkland dedication. Applicants may address an appeal to the City Council relative to cash contributions, and where undue hardship can be proved by the applicant, the City Council may mitigate the amount of contribution required by the applicant.
   b. Major Subdivision - The developer of any subdivision shall be required to dedicate public park land or a cash contribution in lieu of park land dedication as determined by the City Council. If a cash contribution is selected by the City Council it shall be as set according to the fees established by the City.
2. Land Dedication Guidelines
   a. A applicant or developer who is required to dedicate parkland shall make a total land dedication of at least eight (8%) percent of the total tract, excluding any commercial or industry land uses that may be in the tract. The City Council shall determine the suitability of the subject tract pursuant to recommended dedication criteria.
   b. On subdivisions of more than one section or phase, land dedication shall be made prior to the first phase reaching seventy-five (75%) percent of built-out (completion) or before a second phase is requested for final plat approval, whichever is occurs first.
3. Location and Size

   The Parks element of the Comprehensive Plan adopted by the City Council of Cibolo shall be used as a guide for location of park sites. All land intended for park purposes shall be inspected both on the plat and in the field by the Planning and Zoning Commission relative to suitability, size, potential use, and the physical characteristics of the site. The Planning and Zoning Commission shall make a recommendation to the City Council regarding acceptance or rejection of parkland. Parkland dedication shall be consistent

with the Parks and Recreation Master Plan. Where adjacent subdivision projects join together to create a park tract of at least twenty (20) or more acres, individual dedications of less than that specified by the Parks and Recreation Master Plan may be accepted by the City with a development agreement between the parties. The final decision on acceptance of parkland shall be made by the City Council.

4. Parkland and Facilities Credit

   Applicants may be allowed a credit against the parkland dedication requirement when improvements, such as recreational facilities are provided for the use of the public, as approved by the City Council, However, any allowed credit for improvements or recreational facilities shall be credited no more than twenty percent of the overall parkland dedication requirement of the project. Furthermore, the overall parkland dedicated must be contiguous through the development and reasonably located so as to provide reasonably equal access to all residents utilizing the facility.

5 Green Space Preservation Parkland Credit

   This UDC contains requirements for buffers between development projects and protected streams, wetlands, storm water detention facilities and other environmentally sensitive water features and provides parkland dedication incentives to preserve these natural green space areas in a natural condition. For developments where the criteria described in this UDC are applicable, the developer shall provide plans and specifications showing the natural and man-made facilities regulated and the natural buffers that are proposed to be maintained in a natural condition and quantify the amount of green space proposed to be maintained in order to receive parkland dedication credits. Similarly, developers are encouraged to maintain individual heritage trees, or stands of heritage trees, for credit(s) to be applied toward fulfilling the parkland dedication requirements of this section. Credits toward fulfilling the parkland dedication requirements will be determined on a case by case basis, with the type, size and numbers of trees proposed to be preserved, and the land area involved, to serve as the basis for assigning parkland dedication credits.

Section 16.3 Criteria for contributions in lieu of parkland

1. Cash Contributions

   a. The City may accept cash contributions in lieu of park land when such contribution is consistent with the intent of the Parks and Recreation Master Plan and this ordinance.

   b. Where the City rejects such contribution, the applicant may appeal the decision to the City Council after recommendation from the Planning and Zoning Commission. A letter from the applicant stating the reasons and circumstances for the appeal must be delivered to the City Secretary no more than ten (10) days from the date of the City decision to reject a cash contribution. The appeal must be placed on an agenda of the City Council within thirty (30) days from receipt of the appeal. The applicant or their representative must attend the appeal hearing before the City Council.

2. Deposition of Cash Contributions

   All cash contributions shall be received by the Planning and Development Services Department. The City shall deposit said funds directly into a special Park fund, as established by the Cibolo City Council.

3. Park Improvements in Lieu of Park Land

   The Planning and Zoning Commission may recommend to the City Council that an applicant provide publicly dedicated park improvements in lieu of the parkland equivalent of the cash contribution herein or the appraised value of the project land per acre, whichever is greater

4. All improvements shall be subject to adopted City specifications and codes. The City Council shall promulgate such specifications, especially in the case of park and playground equipment.

5. All public improvements made by the applicant may be given credit towards the suggested park contribution according to:

   a. The actual cost the city would have to pay for the equivalent park and playground equipment improvements at such time improvements is made.

b. The cost of improvements to provide utilities specifically to the park only where similar services are not provided to adjacent acreage by the development.

6. Combinations of Contributions in Lieu of Park Land

Where there is a combination of contributions considered by the applicant, the Parks and Recreation Commission may recommend to the City Council that an applicant make a contribution of parkland, cash, and/or park improvements. Determination of exact contribution amounts shall be determined by the Planning and Zoning Commission and recommended to the City Council or as proscribed in this section.

7. Letter of Credit

An irrevocable letter of credit equivalent to the dedicated park land assessed value shall be given to the City Manager or designee prior to final plat recordation. The issuer and form of said letter shall be subject to the approval of the City Council.

8. Reservation of Additional Park Land

In the event that the Master Plan for the City specifies a larger amount of parkland in a subdivision or planned development than the applicant or developer may be required to dedicate, the land required beyond the respective contribution shall be reserved for subsequent acquisition by the City. The City may choose to locate the park in another location within the vicinity that will similarly serve the needs of the public.

9. City May Elect to Hold Such Land By:

a. Purchasing an option to buy the property for a period of time and at a price as agreed upon by the City and applicant.

b. Indemnifying the land owner for all holding costs for a period of time, said costs and time period to be agreed upon by the City and applicant.

10. If the City and the applicant cannot agree on criteria for contributions in lieu of park land, then the City may elect to prohibit any development or improvement to the proposed parkland for a period not to exceed six (6) months, during which time the City shall use reasonable and diligent efforts to acquire the necessary funds or financing to purchase the subject tract or otherwise utilize tools at their disposal to take action on acquiring the land for the city. No provision herein shall in any way be construed as a limitation of the city's authority to acquire parkland by eminent domain.

11. Land Treatment

Upon preliminary platting of the parkland by the applicant dedicating the park land to the City, the applicant shall not cause or allow any fill material or construction debris to be dumped on the land, or otherwise alter, damage or impair the land, water or vegetation on the park site, without written permission from the City Council. The City Council may allow the applicant to fill the site with fill materials as designated by the City and take other respective actions specified in this subsection when such action would be beneficial to the parkland. In such cases, the City Manager or designee shall provide a letter to the respective applicant or developer stating the allowed materials and the degree of change allowed within the park site. The developer is encouraged to provide landscaping within that portion of the parkland to be dedicated that is located closest to all public rights-of-way to provide and attractive street corridor. Parkway sections of rights-of-way shall be covered with approved grass or turf, per this UDC, and approved street trees, in the parkland adjoining public rights-of-way to the greatest degree practical. Because of property variations, such landscaping treatments will be reviewed on a plat by plat basis.

12. Transfer of Land

a. The area to be dedicated as parkland shall be shown on the final plat as "Parkland Dedicated to the City of Cibolo" with the respective acreage of the parkland also shown. Dedication of parkland shall be included in the narrative portion of the plat where the applicant dedicates all easements, rights-of-way, etc., to the City of Cibolo.

b. The City Attorney shall prepare a warranty deed for the parkland depicted on the final plat that contains the dedicated park land, attaching a metes and bounds description of the land dedicated for the publicly dedicated park as provided by the applicant, and which shall be signed by the developer on or before the subdivision is fifty (50%) percent built out (completed) or before a second phase is requested for final plat approval whichever occurs first.

13. Payment of Fees in Lieu of Land

a. The applicant(s) shall pay the current park fees established by the City of Cibolo.

b. The applicant(s) shall pay any cash contributions to the City prior to recordation of a final plat.

c. Should the applicant(s) divide the subdivision into sections, the fee for the entire subdivision shall be prorated by the number of sections in the subdivision, and the fee attributable to each section shall be paid prior to recordation of the final plat and/or at building permit as established by the City of Cibolo.

14. Underground Utilities

All utilities in parkland shall be underground unless a variance is granted by the City Council. Utility connections, such as phone, cable, electricity, water and sanitary sewer stub outs shall be provided to all acreage dedicated as public parkland.

15. Parklands dedicated to the City of Cibolo, and improvements to those parklands that are to be dedicated to the City of Cibolo, shall be designed in accordance with all applicable TAS/ADA design requirement, particularly with respect to access provided to and from all dedicated parklands, signage identifying accessibility locations, accessibility parking, slopes, wheel chair turnaround locations and the like. Before the City of Cibolo accepts any parkland or parkland improvements the developer shall obtain plan approval from the Texas Department of Licensing and Regulation and shall provide the City of Cibolo a plan set that has been marked as “Approved” by the TDLR.

ARTICLE 17. LANDSCAPING, BUFFERING & PROTECTED TREES

Section 17.1 Landscaping and Buffering

A. General/Applicability

The Landscaping and Buffering requirements contained in this UDC are adopted pursuant to Texas Local Government Code Section 212 and shall apply to all new non-residential construction and multi-family construction other than duplex uses in the City of Cibolo and the City of Cibolo Extraterritorial Jurisdiction.

1. The standards and criteria contained within this subsection are deemed to be minimum standards and shall apply to all new construction or any construction that increases the existing square footage of a structure by more than thirty percent (30%).
2. The provisions of this section shall be administered and enforced by the City Planner or is/her designee.
3. The landscape standards in this subsection apply to nonresidential developments, including uses such as schools and churches within a residential zoning district(s).
4. If at any time after the issuance of a Certificate of Occupancy and/or a Site Development Permit, the approved landscaping is found not to be in conformance with the standards and criteria of this subsection, the City Planner or his/her designee, shall issue written notice to the property owner, citing the violation and describing the action(s) required to comply with this subsection. The owner, tenant or agent shall have thirty (30) days from date of said notice to establish/restore the landscaping as required. If the landscaping is not established or restored within the allotted time, then such person shall be in violation of this UDC.
5. Only that portion of a lot, tract or parcel being developed shall be required to meet these landscape requirements. Those portions of a lot, tract or parcel to be developed at a later time shall be required to meet the landscape requirements in effect at the time of their development.
6. Pad site developments: Pad site developments or ground lease developments shall be required to provide landscaping in accordance with the interior landscape requirements herein.
7. Expansions of Paved Areas: Any expansion or reconfiguration of paved areas shall comply with all requirements herein.

B. Purpose

The purpose of this section is to establish landscaping and buffering requirements to enhance the community's ecological, environmental, and beautification efforts as well as its aesthetic qualities. It is the intent of this section to reduce the negative effects of glare, noise, erosion, and sedimentation caused by expanses of impervious and un-vegetated surfaces within the urban environment. It is the intent of this section to preserve and improve the natural and urban environment by recognizing that the use of landscaping elements can contribute to the processes of air purification, oxygen regeneration, groundwater recharge, noise abatement, glare and heat, provision of habitats for wildlife, and enhance the overall beauty of the City and the Extraterritorial Jurisdiction of the City.

C. Installation and Maintenance

1. Prior to issuance of a Certificate of Occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan approved as part of the site plan

2. The property owner shall be responsible for the maintenance of all landscape areas. The areas shall be maintained so as to present a healthy, neat and orderly appearance at all times.

3. Should any of the plant materials used in any landscaping required under this section die, the owner of the property shall have ninety (90) days after notification from the City to obtain and install suitable replacement plant material. Synthetic or artificial lawn or plant material shall not be used to satisfy the requirements of this ordinance.
4. If seasonal weather conditions make it impractical to install landscaping, or replacement landscaping, as required herein, a deferral of the required plant installation may requested for a period not to exceed six (6) months. The applicant shall be required to provide a Letter of Credit, bond, or escrow deposit in an amount sufficient to cover the installation of the required landscape and irrigation requirements, plus a 10%

contingency. Such amount shall be evidenced by an itemized bid prepared by a qualified contractor. Upon the failure of the applicant to complete the installation requirements, the City shall have the right to draw upon the letter of credit or escrow. A deferral may not be requested for any required screening fence or wall.

5. Landscaped areas shall be kept free of trash, litter, weeds, and other material or plants not a part of the landscaping.

6. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year.

7. It shall be the duty of any person or persons owning or occupying real property bordering on any street to prune trees next to the street in such manner that they will not obstruct or shade any street lights, obstruct vision of traffic signs, or obstruct the view from any street intersection, pursuant to the City's visibility standards. The minimum clearance of any portion of a tree overhanging a public street right-of-way shall be fourteen (14) feet, and overhanging a public sidewalk shall be eight (8) feet. Landscaping within required sight visibility areas at street intersections and site access driveway shall not exceed a maximum height of two feet (2.0').

8. All landscape materials shall be installed according to American Nursery and Landscape Association (ANLA) standards.

9. Irrigation:

    a. All landscaped areas shall be irrigated with an approved automatic underground irrigation system unless the landscaped area has been designed utilizing xeriscaping methods. All irrigation systems shall be designed and sealed in accordance with the Texas Commission on Environmental Quality (TCEQ) and shall be professionally installed. Irrigation shall not be required for undisturbed natural areas or undisturbed existing trees.
    b. Flat spray heads should be utilized under shrubs rather than upward spray heads on risers above shrubs. Lawn spray heads should have low precipitation rates, run for longer periods of time, and water infrequently to promote deep root growth for grasses. Irrigation systems must be equipped with a rain/freeze sensor.
    c. The 20% landscaping requirement for multi-family or nonresidential development may be reduced to 10%, for those developments where 67% of the total required landscaping is devoted to any combination of the following:

        i. Undisturbed natural areas or undisturbed existing trees,
        ii. Xeriscape landscape design,
        iii. Incorporate porous hose, deep pipe, clay pot lid, porous capsule, perforated drain pipe, micro catchment, drip, wick or other comparable alternative irrigation systems for arid climates,
        iv. Utilize reclaimed, recycled, gray water, non-potable surface water, rainwater or alternative water harvesting systems in accordance with Texas Commission on Environmental Quality (TCEQ) standards and the adopted plumbing code, or

    d. In review of landscape plans for compliance with the above criteria to reduce the amount of required landscaping requirement, the City Planner may grant a pro-rata reduction between the required percentage and a reduced percentage. An applicant may appeal the pro-rata credit proposed by the City Planner to the Planning & Zoning Commission for a final determination.

    e. The 15% landscaping requirement for industrial development may be reduced to 7% for those developments where 67% of the total required landscaping is devoted to any combination of criteria listed in Section c above.

10. Vegetation other than approved grasses or ground cover six inches (6") in height is prohibited in any City right-of-way unless authorized by the City Planner.

D. Landscaping and Public Rights-of-Way

i. All unpaved portions of public right-of-way (R.O.W.) must be planted with an approved grass, as classified in Section L below. A maximum of ten percent (10%) of the required interior plant material may be placed within the R.O.W. parkway.

ii. The City shall have jurisdiction and supervision over all trees and plant materials planted or growing on City property or growing in, upon or over City property. The City shall have authority to plant, trim, spray, treat, preserve and remove such trees and plant materials to ensure the public safety or preserve the aesthetics of City property. The City, through its subdivision processes, may allow for the designation of medians within public rights-of-way for landscaping, and designate primary landscape installation and maintenance responsibilities to a duly authorized Homeowner or Property Owner Associations, but the City reserves the authority to plant, trim, spray, treat, preserve and remove such trees and plant materials to ensure the public safety or preserve the aesthetics of City property, or may require the said duly authorized Homeowner or Property Owner Associations to plant, trim, spray, treat, preserve and remove such trees and plant materials to ensure the public safety or preserve the aesthetics of City property.

1. The following acts are unlawful:

a. Damage, cut, carve, transplant or remove any trees on City property;
b. Attach a rope, nail, advertising poster, sign or other contrivance to any City tree;
c. Allow any gaseous liquid or solid substance harmful to trees to come into contact with City trees; or
d. Set or permit any fire to burn when such fire, or the heat from such fire, will injure any portion of a tree on City property.

2. Affect of Private Property Landscaping on Public Rights-of-Way

a. It is unlawful for any person owning or occupying real property to maintain or permit trees located on such property in a manner that the trees will obstruct or shade the streetlights, obstruct the passage of pedestrians, obstruct vision of traffic signs or obstruct the view of any street, sidewalk or alley intersection. The minimum clearance of an overhanging portion of a tree shall be:

(1) Eight (8) feet over sidewalks,
(2) Fourteen (14) feet over all streets and alleys, or
(3) Any such clearance as will provide an unobstructed view or passage.

b. It is unlawful for any person owning or occupying real property to maintain hedges and shrubbery adjacent to public sidewalks or curbs in such a manner that the hedges and/or shrubbery extend more than four (4) inches onto a public sidewalk or curb.

3. Removal of Landscaping Required

a. Upon finding that any tree, shrub, hedge or part thereof constitutes a nuisance and immediate danger exists to persons, property or other vegetation as a result of such nuisance, the City shall serve notice on the property owner to remove, trim or prune the tree, shrub or hedge.

b. The method of service shall be one or more of the following:

(1) By personal delivery of the notice to the property owner; or
(2) By leaving the notice with a person of suitable age and discretion on the premises; or
(3) By mailing the notice by registered mail to the last known address of the property owner; or
(4) By affixing or posting notice on the front door of any residential, commercial, or other structure located on the property, if the structure is occupied.

c. The notice shall set forth the time limit for compliance, which shall depend upon the degree of danger created by the tree, shrub or hedge, but shall in no case be longer than ten (10) calendar days. In cases of extreme danger, the City Manager shall have the authority to require immediate compliance.

d. If the owner of the property does not, within seven (7) days of notice of a violation, have, the tree, shrub or hedge removed, trimmed or pruned, it shall be declared a nuisance, and the City may go upon such property and do or cause to be done the work necessary to obtain compliance with this UDC.

e. Costs incurred by the City in abating a nuisance under this section, shall be assessed to the property owner. Notice of the costs of abatement shall be served on the property owner. The method of service shall be one or more of the following:

(1) By personal delivery of the notice to the property owner; or
(2) By leaving the notice with a person of suitable age and discretion on the premises; or
(3) By mailing the notice by registered mail to the last known address of the property owner; and
(4) By affixing or posting notice on the front door of any residential, commercial, or other structure located on the property, if the structure is occupied.

f. The property owner shall have sixty (60) days after receipt of notice to remit full payment of any costs of abatement to the City.

g. If the property owner or another person with an interest in the property fails to remit full payment for the costs of abatement within sixty (60) days, the City may file a lien against the property upon which the dangerous plant is located. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the county clerk in the county in which the property is located. The notice must contain the name and address of the owner if that information can be determined with a reasonable effort, a legal description of the real property on which the dangerous plant is located, the amount of expenses incurred by the City, and the balance due. The lien is extinguished if the property owner or another person having an interest in the property reimburses the City for the expenses.

h. A tree, shrub or hedge shall be deemed a nuisance if it or any part of it:

(1) Appears likely to fall on or otherwise harm a pedestrian or vehicle utilizing the Village streets, alleys, or sidewalks;
(2) In the case of trees, is not pruned to a height of fourteen (14) feet above the street to accommodate vehicles such as garbage trucks, buses and street maintenance trucks;
(3) In the case of trees, is not pruned to a height of eight (8) feet above the sidewalk;
(4) Obstructs a curb, gutter, street or sidewalk;
(5) Interferes with sewers;
(6) Is in dangerous proximity to interfere with public utilities; or
(7) Obstructs or interferes with the view or movement of pedestrian or vehicular traffic.

E. General Landscaping Requirements

1. Trees planted shall be a minimum of three inches (3.0”) caliper measured at four feet (4’) above ground level at the time of planting.

2. All trees planted to meet the minimum landscaping, mitigation or preservations requirements of this section shall be planted so as to provide for no impervious material within the drip line of the tree. For the purposes of determining the drip line to meet the requirements of this section, the drip line radius shall be measured as being ten (10) times the caliper of the tree. For example, a six inch (6”) tree will have a sixty inch (60”) or five foot (5’) radius or a ten foot (10’) diameter. Tree wells, alligator bags or tree grates may be utilized to meet the requirements of this section. The City may, at its option, require certification by a registered Arborist that adequate space has been provided for pervious cover beneath the drip line of a tree.

3. Shrubs, vines and ground cover planted pursuant to this section should be good, healthy nursery stock. Shrubs shall be a minimum of one-gallon container size at the time of planting.

4. Grass areas are encouraged to be planted in species normally grown as permanent lawns in the City, including Bermuda, Buffalo Grass, Zoysia, or other drought-tolerant grass. Grass areas may be sodded, plugged, sprigged or seeded, except in swales or other areas subject to erosion which shall require installation of solid sod. In the event that grass areas are seeded, plugged or seeded, the City of Cibolo can consider the issuance of a Temporary Certificate of Occupancy to ensure 100% grass coverage.

5. The use of St. Augustine grass is only permitted where structures or trees provide shade for more than 75% of the day.

6. New landscaped areas shall be prepared so as to achieve a soil depth of at least six inches (6").

7. The use of architectural planters in nonresidential districts is permitted to count toward the fulfillment of landscape requirements subject to approval.

8. Developers and homebuilders are encouraged to use xeriscape plant materials on model homes to promote use of water-wise landscaping.

9. Landscape planting shall not be erected or installed in such a manner as to interfere with traffic view or impose a safety hazard. Landscaping shall not interfere with clear sight lines at street intersections or ingress/egress drives to developments.

F. Landscape Installation Required

1. A minimum of twenty percent (20%) of the total land area of any proposed multifamily or nonresidential development, excluding industrial development, shall be landscaped and shall be comprised of trees, shrubs, sod or other ground cover. In the event of the construction of a phased development, the minimum twenty percent (20%) and ten (10%) requirements shall apply to each phase as it is developed.

2. For industrial development, a minimum of ten percent (10%) of the total land area shall be landscaped and shall be comprised of trees, shrubs, sod or other ground cover. In the event of the construction of a phased development, the minimum ten percent (10%) requirement shall apply to each phase as it is developed.

3. Landscaping required to satisfy the 20% and 10% landscaping requirements described above shall be provided in accordance with the following criteria:

    a. Not less than forty percent (40%) of the total required landscaping shall be located in the designated front yard, with the front yard defined as the area between the front property line and the front of the building. In the case of a corner lot, landscaping may be installed between the exterior side of the building and the corner street. The 40% requirement may be reduced as necessary where a lot abuts residential zoning and must install a buffer yard.

    b. Approved tree species listed in this Article shall be provided at a ratio of nine (9) trees per acre of gross lot area, at a minimum ratio of five (5) approved shade trees for every four (4) approved ornamental, evergreen & palm trees. Existing trees may be counted toward meeting the requirements of this section, provided that measures are taken to ensure that existing trees will survive the site development process.

    c. The use of native and adapted, drought tolerant plants is encouraged to meet the requirements of this section.

    d. Artificial plants or turf shall not be counted towards meeting the requirements of this section.

    e. Parking lots and vehicular use areas shall be landscaped in accordance with the parking lot landscaping criteria described below.

    f. Areas used for parking or vehicle storage that are under, on or within buildings are exempt from the landscaping requirements.

g. In no case shall the application of the minimum landscaping requirements contained herein, allows the City to require more than the 20% and 10% landscaping lot area requirements for any development that must be devoted to landscaping, except in those instances where public health, safety or general welfare may warrant additional landscaping or buffering. Additional landscaping may be installed at the discretion of a developer, but shall not be required by the City unless a special circumstance necessary to ensure public health and safety is documented.

G. Parking Lot Landscaping

A minimum of ten percent (10%) of the gross parking areas shall be devoted to living landscaping, which includes grass, ground covers, plants, shrubs and trees. Gross parking area is to be measured from the edge of the parking and/or driveway and sidewalks. This landscape area provided to meet this requirement shall be counted toward meeting to overall landscape requirement for the lot.

1. A minimum of ten percent (10%) of the gross area of parking lots visible to the public right-of-way shall be devoted to living landscaping, which includes grass, ground covers, plants, shrubs and trees. Gross parking area is to be measured from the edge of the parking and/or driveway and sidewalks. Landscaping may be planted at the perimeter of said parking lots, may be clustered, or be distributed into multiple landscaping islands. The below additional criteria shall apply to the interior of parking lots.

2. For industrial uses, the above 10% parking lot requirement shall only apply to customer/employee parking areas and vehicle storage areas visible from public rights-of-way. Required landscaping shall be installed as a screening buffer primarily along the perimeter of industrial lots that adjoin or face properties located on lower intensity zoning districts. When industrial development adjoins or faces other properties zoned I-1 or I-2, or a street right-of-way within an industrial park, the 10% landscape requirement shall not be applicable.

3. The following additional criteria shall apply to the interior of parking lots.

   a. Interior landscape areas shall be protected from vehicular encroachment of overhang through appropriate wheel stops or curbs.
   b. There shall be a minimum of one (1) shade tree planted for each 400 square feet or fraction thereof of required interior landscape area. The location(s) of required trees is flexible, and may be grouped in a few large areas of the parking or many small areas on the perimeter of parking areas.
   c. Interior areas of parking lots shall contain planting islands located so as to best relieve the expanse of paving. Such islands shall be a minimum of 200 square feet or ten feet (10') by twenty feet (20') in size. Smaller sized planting islands may be provided at the end of parking aisles where appropriate.
   d. Planter islands shall contain a combination of trees, shrubs, lawn, ground cover and other appropriate materials provided such landscaping does not cause visual interference within the parking area.
   e. When an off-street parking or vehicular use area abuts a public right-of-way, except a public alley, a perimeter landscape area of at least fifteen feet (15') in depth shall be maintained between the abutting right-of-way and the off-street parking or vehicular area. Appropriate landscaping shall be installed to create an attractive site presentation. Necessary access ways from the public right-of-way shall be permitted through this area.
   f. When an off-street parking or vehicular use area abuts an adjacent residential property line, all landscape buffer requirements described below shall be applicable.

H. Landscape Plan Required

A landscape plan demonstrating compliance with all landscaping requirements shall be submitted to the City for approval. The landscape plan may be submitted as a part of the site plan.

1. Qualifications to Prepare Landscape Plans

   For all lots greater than 30,000 square feet in area, Landscape Plans shall be prepared by a Registered Landscape Architect. For lots less than 30,000 square feet /.68 acres, a Landscape Designer or Landscape Contractor, knowledgeable in plant materials and landscape design may also prepare the landscape plan. Irrigation plans shall be prepared by a Licensed Irrigator or Landscape Architect. The

City may reject plans if deemed of insufficient quality or completeness and require that plans be prepared by a Registered Landscape Architect or a Licensed Landscape Contractor.

2. The landscape plan shall meet the following standards and contain the following information:

   a. Sheet size 24" x 36", or as approved.
   b. Acceptable scale: 1" = 10', 1" = 20', or as approved.
   c. North arrow, graphic and written scale in close proximity.
   d. Appropriate title (i.e. "Landscape Plan")
   e. Title block shall include the project street address, subdivision name, with lot and block numbers, date of plan preparation (and revisions).
   f. Name and address of owner.
   g. Name, address and phone of firm preparing plan.
   h. Property boundaries and dimensions.
   i. Any existing or proposed easements and utilities shown
   j. Width and type of bufferyards labeled on all sides.
   k. Location, caliper size and name of all existing trees with a caliper equal to, or greater than 6-inches, which are to be preserved.
   l. Location, quantity, size and name of all proposed plant materials.
   m. Provide Bufferyard and Interior Landscape Calculations.
   o. Visibility triangles shown.
   p. Landscape Architect seal signed and dated.
   q. Plant list, with the size and spacing of all plants.
   r. Location & footprint of proposed or existing buildings & parking lots.
   s. Any berms delineated with one-foot (1') contour intervals.
   t. Any proposed or existing sidewalks.
   u. Location of all existing trees with indication as to those to be preserved.
   v. Location of all landscaping material to be used including paving, benches, screens, fountains, statues, walls/fences or other landscaping features;
   w. Type of watering system and location of watering source, irrigation, sprinkler, or water system, including placement of water sources.
   x. Description of maintenance provisions of the landscaping plan.
   y. Description of how existing trees will be protected during construction.
   z. All General Landscaping Notes listed in Section 4.5.N of this Article.

I. Non-residential and Multi-family Landscape Buffer Requirements

1. A non-residential or multi-family use adjacent to, or directly facing, a single-family zoning district shall provide a minimum twenty foot (20') landscape buffer adjacent to the property line of the residential use or residentially zoned property. A minimum of one (1) shade tree shall be planted for each thirty linear feet (30') of landscape buffer. A minimum of ten (10) shrubs shall be planted for each forty linear feet (40') of landscape buffer. All other areas within the landscape buffer shall be covered with grass or another solid vegetative cover approved at the time of Site Plan approval. The buffer wall standards below shall also be applicable.

2. A non-residential, non-industrial use that is adjacent to, or facing, a multi-family zoning district shall provide a minimum ten foot (10') landscape buffer adjacent to the property line of the residential use or residentially zoned property. Industrial uses shall be required to install a twenty (20) foot buffer. A minimum of one (1) shade tree shall be planted for each thirty linear feet (30') of landscape buffer. A minimum of ten (10) shrubs shall be planted for each fifty linear feet (50') of landscape buffer. All other areas within the landscape buffer shall be covered with grass or another solid vegetative cover approved at the time of Site Plan approval. The buffer wall standards below shall also be applicable.

3. The following standards shall apply when a buffer wall is required:

   a. Fences and walls used as a buffer must have a minimum height of 6 feet (6') but may not exceed 8 feet (8') in height. If a fence is installed on top of a berm, the fence height shall be measured

from the grade level of the berm and not from the natural grade. The height restriction shall not apply to decorative or architectural ornamental elements, such as pilasters and pilaster caps.

b. Fencing & walls shall not be placed within a required Sight Triangle.

c. Fences and walls must be constructed of high quality materials, such as decorative block, brick, stone, woodcrete (decorative concrete), faux stone, wrought iron and comparable materials. The use of chain-link fencing, with or without slats, sheet metal, railroad ties or like materials may not be used as a screening wall or fence.

d. Breaks in the fence or wall may be made to provide pedestrian connections to the perimeter of the site and to adjacent development or to provide a means of access to maintain the buffer wall or required landscaping.

e. In lieu of a masonry or wood screen, a combination of trees and shrubs and/or an earthen berm, may be installed to satisfy the minimum six-foot height. If vegetation is used for screening, vegetation shall be a minimum of six (6) feet tall at the time of planting, shall be evergreen and shall create an opaque barrier immediately at the time of planting. Earthen berms shall be constructed with a maximum 1:3 (one vertical to three horizontal) slope. The entire length of the berm shall be vegetated with dense evergreen plant material. The incorporation of screening mesh, shade cloth or other acceptable screening techniques may also be considered. Depending upon the height of the items being screened, the distance from the buffer of items being stored and the proximity of residential lots, staff reserves the flexibility to increase or decrease these standards based upon site specific circumstances, An applicant may appeal the final decision of the City with respect to this requirement to the Planning and Zoning Commission.

4. A non-residential use adjacent to a multi-family zoning district shall provide a minimum ten foot (10') landscape buffer adjacent to the property line of the residential use or residentially zoned property. A minimum of one (1) shade tree shall be planted for each thirty linear feet (30') of landscape buffer. A minimum of ten (10) shrubs shall be planted for each fifty linear feet (50') of landscape buffer. All other areas within the landscape buffer shall be covered with grass or another solid vegetative cover approved at the time of Site Plan approval. The Buffer Wall Standards below shall also be applicable.

5. The following standards shall apply when a buffer wall is required:

a. Fences and walls used as a buffer must have a minimum height of 6 feet (6') but may not exceed eight feet (8') in height. The height restriction shall not apply to decorative or architectural ornamental elements, such as pilasters and pilaster caps.

b. Fencing and walls shall not be placed within the line of sight as determined by the Sight Triangle.

c. Fences and walls must be constructed of high quality materials, such as decorative block, brick, stone, woodcrete (decorative concrete), faux stone, wrought iron and comparable materials. The use of chain-link fencing, with or without slats, sheet metal, railroad ties or like materials may not be used as a screening wall or fence.

d. Breaks in the fence or wall may be made to provide pedestrian connections to the perimeter of the site and to adjacent development.

e. In lieu of the masonry or wood screening wall, a combination of screening trees, shrubs and earthen berms may be constructed to the minimum six-foot height. Earthen berms shall be constructed with a maximum 1:3 (one vertical to three horizontal) slope. The entire length of the berm shall be vegetated with dense evergreen plant material.

J. Existing Tree Credits

Credits shall only be granted if the trees are in healthy condition and all requirements of this UDC have been met, as determined by the City Planner at the time of submitting the Landscape Plan.

1. Existing Tree Credit Calculation

   Existing trees which are saved in landscape areas and that can provide protection for at least 75% of the 'Critical Root Zone' will be granted credits toward reducing the required plantings as follows:

   a. Undesirable Trees (Any Size) = 0.5 tree credit
   b. Approved Tree 6-12 inch Diameter at Breast Height (4.5 feet) = 1.5 Tree Credits
   c. Approved Tree 12-inch (or larger) Diameter at Breast Height (4.5 feet) = 2.5 Tree Credits

   Trees are classified as Approved or as Undesirable in Section L below.

K. Improvements in the Public Right-Of-Way

All unpaved portions of public right-of-way (R.O.W.) must be planted with an Approved grass, as classified in Section L below. A maximum of ten percent (10%) of the required interior plant material may be placed within the R.O.W. parkway. Should the applicant elect to provide plantings in the public R.O.W.

L. Approved Landscaping Plant List

Landscape plans shall incorporate plantings from the approved species listings. Plants species on the undesirable tree list shall not be incorporated into landscape plans. Existing undesirable trees, with a caliper of 6-inches (6”) or greater may be preserved and counted as 1 tree credit. Existing undesirable trees smaller the 6-inches (6”), if retained, shall count as 0.5 (1/2) of a tree credit.
The City Planner is authorized to consider other plant species not included in the approved landscaping plant lists if such plant is appropriate to the South Central Texas climate and is appropriate within the context of a proposed Landscape Plan.

1. Approved Shade Trees

Common Name	Scientific Name
American elm	Ulmus Americana
Anaqua	Ehretia anacua
Arizona Cypress	Cupressus arizonica
Bald Cypress	Taxodium distichum
Bigtooth Maple	Acer grandidentatum
Black Walnut	Juglans nigra
Bur Oak	Quercus macrocarpa
Canby's Oak	Quercus canbyi
Carolina Basswood	Tilia caroliana
Cedar elm	Ulmus crassifolia
Chinkapin or Chinquapin oak	Quercus muhlenbergii
Chisos red, Graves	Quercus gravesii
Durand oak	Quercus durandii
Fragrant ash	Fraxinus cuspidate
Green ash	Fraxinus Pennsylvania
Lacey oak	Quercus glaucoides
Little, Texas walnut	Juglans microcarpa
Mexican live or Monterrey oak	Quercus polymorpha
Mexican sycamore	Platanus mexicana
Nuttall Oak	Quercus nuttallii
Pecan	Carya illinoensis
Red oak	Quercus texana
Shin oak	Quercus mohriana
Southern live oak	Quercus virginiana
Texas ash	Fraxinus texansis
Texas red oak	Quercus buckleyi (texana)
Texas sycamore	Platanus occidentalis
Vasey oak	Quercus pungens var.vaseyana

2. Approved Ornamental, Evergreen and Palm Trees

Common Name	Scientific Name
Aleppo pine	Pinus halepensis
Anacacho orchid tree	Bauhinia congesta
Bradford Pear	Pyrus calleryana
California fan (exotic)	Washingtonia filifera
Carolina buckthorn	Rhamnus caroliniana
Condalia, brazil	Condalia hookeri
Crepe myrtle, etc. (exotic)	Lagerstroemia indica, fauriei, and X's
Desert willow	Chilopsis linearis
Dwarf Palmetto	Sabel minor
Eastern red cedar	Juniperus virginiana
Escarpment live oak	Quercus fusiformis
Evergreen Sumac	Rhus virens
Flameleaf sumac	Rhus lanceolata
Goldenball leadtree	Leaucaena retusa
Lavender tree	Vitex agnus-castus
Mediterranean fan palm (exotic)	Chamaerops humilius
Mexican buckeye	Ungnadia speciosa
Mexican Palmetto, sable	Sabal mexicana
Mexican pinyon pine/Remote pine	Pinus cembroides
Mexican redbud	Cercis reniformis
Mountain laurel or mescal bean	Sophora secundiflora
Possum-haw holly	Ilex deciduas
Rusty blackhaw	Viburnum rufidulum
Texas Crabapple	Mollis texana
Texas or Oklahoma redbud	Cercis canadensis var. texensis
Texas Palmetto, sable	Sabal texana
Texas persimmon	Diospyrus texana
Texas Pistache	Pistacia texana
Texas sophora or Eve's Necklace	Sophora affinis
Wild olive, Mexican wild olive	Cordia boissieri
Yaupon holly	Ilex vomitoria

3. Approved Shrubs, Vines, Perennials and Ground Cover

Common Name	Scientific Name
Agarita, Agarito	Berberis (Mahonia) trifoliata
Agarita, Tx. Barberry	Berberis spp.
Althea, Rose-of-Sharon	Hibiscus syriacus
American Beauty	Callicarpu americana
Artemesia	Artemesia spp.
Asian Jasmine	Trachelospermum asiaticum
Asparagus Fern	Asparagus sprengeri
Aster	Aster spp.
Autumn Sage	Salvia greggii
Bird of Paradise	Caesalpinia gilliesi
Blue Sage, Mealy Sage	Salvia farenaceae
Blue Shrub Sage	Salvia ballotaeflora
Bottlebrush	Callistemon spp
Bougainvillea	Bougainvillea
Brazilian Sky Flower	Duranta repens
Buckley Yucca	Yucca constricta
Bush Morning-Glory	Ipomea fitulosa
Butterfly Bush	Buddleia spp.
Butterfly Vine	Mascagnia spp.
Orchid Vine	Stigmaphyllon littorale
Cape Honeysuckle	Tecoma capensis
Caroline Jessamine	Gelsemium sempervirens
Cat Claw Mimosa, Fragrant Mimosa	Mimosa bluncifera
Century Plant	Agave americans
Cigar Plants	Cuphea spp.
Columbine	Aquilegia spp.
Confederate Jasmine, Star Jasmine	Trachelospermum jasminoides
Coppertone Loquat	Eriobotrya x "Coppertone"

Coral Honeysuckle	Lonicera sempervirens
Coral Vine, Rosa-De-Montana, Queens Wreath	Antigonon leptopus
Coralberry	Symphoricapus orbiculatus
Dwarf Nandina	Nandina domestics “nana” etc.
Dwarf Yaupon	Ilex vomitoria nana
Elderberry	Sambucus Canadensis
Evening Primrose	Oenothera speciosa
Fern Acacia	Acacia hirta
Firecracker Plant	Russelia equisetiformis
Fireman’s Cap, Coral Tree	Erythina crista-galli
Four-nerve Daisy	Hymenoxys scaposa
Frogfruit	Phyla humilis
Gayfeather	Liatris spp.
Giant Liriope	Liriope gigantea
Golden Shrub Daisy	Euryops pecinatus
African Bush Daisy	Gamolepis chrysanthemoides
Guara	Gaura spp
Hawthorn	Crataegus spp.
Heartleaf Hibiscus	Hibiscus cardiophyllus
Hibiscus, Texas Star	Hibiscus coccineus
Hummingbird Bush	Anisacanthus spp.
Illinois Bundleflower	Desmanthus illinoensis
Iris	Iris spp
Italian Jasmine	Jasminium floridum
Juniper	Juniper spp
Lady Banksia Rose	Rosa Banksiae
Lantana	Lantana spp.
Lily Turf, Liriope (Std., “Big Blue”)	Liriope muscari vars
Lindheimer Senna	Cassia lindheimeriana
Mexican Bird of Paradise	Caesalpinia mexicana
Mexican Butterfly Weed	Asclepias tuberosa
Mexican Flame Vine/Love Vine	Senecio confuses
Mexican Marigold	Tagetes llucida
Mexican Oregano	Poliomentha longiflora
Mexican Shrimp Plant	Justicia suberecta
Mist Flower	Eupatroium spp.
Mondo Grass, Monkey Grass	Ophiopogon japonica
Mountain Sage	Salvia regla
Nandina	Nandina domestics spp.
Narrow-leaf Yucca	Yucca agustifolia
Passion Vine	Passiflora allatocaerrulea (P.pfordtii)
Passionflower	Passifloria incarnate
Pigeonberry	Rivina humilis
Pink Skullcap	Scutelleria spp.
Pomegranate (Regular and Dwarf)	Puncia granatum
Prairie Phlox	Phlox spp.
Primrose Jasmine	Jasminum mesnyi
Primrose	Primrose spp.
Prostrate Rosemary	Rosemarinus officinales vars.
Purple Coneflower	Echinacea purpurea
Red Yucca	Hesperaloe parviflora
Rock Rose	Pavonia lasiopetala
Rosemary	Rosemarinus spp.
Salvia	Salvia spp.
Santolina	Santolina spp.
Shrimp Plant	Justicia spp.
Silk Tassel	Garrya ovata lindheimer
Softleaf Yucca	Yucca pendula
Sotol	Dasylirion spp.
Spanish Dagger	Yucca treculeana
St. John’s Wort	Hypericum spp
Texas Clematis, Scarlet Leatherflower	Clematis texensis
Texas Elbow Bush	Foresteriera pubeseebs
Texas Silverleaf, Sage, Cenizo	Leucophyllum frutescens
Texas Wisteria	Wisteria macrostachya
Thompson Yucca	Yucca thompsonia
Trumpet Vine, Trumpet Creeper	Campsis radicans x “Madame Galen”
Turk’s Cap	Malvaviscus drummondii

Twisted-leaf Yucca	Yucca rupicola
Verbena	Verbena spp.
Virginia Creeper	Parthenocissus quinquefolia
Wax Myrtle - Dwarf, Standard	Myrica cerifera
White Bush Honeysuckle	Lonicera albiflora
Winecup	Callirhoe involuerata
Wisteria, evergreen	Wisteria millettia veticulata
Witchhazel	Hamamelis virginiana
Yarrow	Achillea millefolium
Yew	Podocarpus macrophyllus
Yucca	Yucca spp.

4. Approved Ornamental Grasses

Common Name	Scientific Name
Bamboo Muhly	Muhlenbergia dumosa
Big Bluestern	Andropogon gerardii
Deer Muhly	Muhlenbergia rigens
Eastern Gama grass	Tripsacum dactyloides
Gulf Muhly	Muhlenbergia capillaris
Indian Grass	Sorghastrum natums
Inland Sea Oats	Chasmanthium latifolium
Lindheimer Muhly	Muhlenbergia lindheimer
Little Bluestem	Schizaachyrium scoparium
Mexican Feathergrass	Stipa tenuissima
Pine Muhly	Muhlenbergia dubia
Seep Muhly	Muhlenbergia reverehonii
Sideoats grama	Bouteloua curtipendula
Switch Grass	Panicum virgatum
Weeping Muhly	Muhlenbergia dubioides
Western Wheatgrass	Agropyron smithii

5. Approved Turf Grasses*

Common Name	Scientific Name
Bermuda grass	Cynodon dactylon var. dactylon
Buffalo grass	Buchloe dactyloides
Blue Grama	Bouteloua gracilis
Zoysia Grass Varieties	Zoysia sp.

*The City will consider additional varieties of turf grass that have summer dormancy characteristics. Summer dormancy is defined *a*s the ability of turf grass to survive without water for a period of sixty (60) consecutive days during the months of May through September.

6. Undesirable Trees

Common Name	Scientific Name
Arizona Ash	Fraxinus velut
Ashe-Juniper, Mountain Cedar	Juniperus ashei
Box Elder	Acer negundo
Chinaberry tree	Melia azedarach L.
Chinese Loquat or Loquat	Eriobotrya japonica
Chinese Parasol/Varnish Tree	Firmiana simplex
Chinese Tallow	Sapium sebiferum
Golden-Rain Tree	Koelrenteria paniculata
Huisache or Sweet Acacia	Acacia farnesiana
Japanese Plum	Prunus salicina
Ligustrum or Privet	Ligustrum japonicum
Lombardy Popular	Populus nigra “italica”
Mesquite	Prosopis glandulosa
Mimosa	Albizia julibrissin
Paper Mulberry	Broussonetia papyrifera (L.) L= (Her. ex. Vent.)
Saltcedar	Tamarix ramosissima Ledeb.
Sugarberry or Hackberry	Celtis laevigata
Tree of Heaven	Ailanthus altissima

M. Public and Private Schools, Churches, Landscaping Credits

The City recognizes the unique circumstances associated with school and church development and the fact each of these uses may have considerable open space devoted to playgrounds, ball fields, outdoor recreation or areas for future expansion of facilities. For these uses, the City Planner has the discretion to issue landscaping credit toward fulfilling the landscaping requirements of this UDC subject to the following criterion:

1. Open space is landscaped with approved turf grass designated by this section,
2. Open space contains recreational facilities, including, but not limited to playgrounds and tennis courts, on pervious or impervious surfaces;
3. More substantial tree and shrub landscaping is planted along the perimeter of the school or church property lines;
4. Landscape Plan complies with all Landscape Buffer requirements of this section for protected uses.

The decision of the City Planner may be appealed to the Planning and Zoning Commission.

N. Variances

The Planning and Zoning Commission shall have the authority to hear requests for variances to the Landscaping and Buffering requirements when the literal enforcement of these requirements would result in creation of an unnecessary hardship or impractical application of the plan considering the physical characteristics of the lot or parcel of land in question. All of the application requirements, variance hardship criteria, legal notice procedures, and application filing fee required for the granting of a zoning variance, as defined in this UDC, shall be applicable.

O. Miscellaneous Landscaping Requirements and Landscape Plan General Notes

Below are miscellaneous technical requirements pertaining to the installation and maintenance of required landscaping. The following General Notes stipulating these requirements shall be included on all required Landscape Plans:

- CONTRACTOR SHALL STAKE OUT TREE LOCATIONS & AND BEDS FOR OWNER APPROVAL PRIOR TO INSTALLATION.
- CONTRACTOR IS RESPONSIBLE FOR VERIFYING LOCATIONS OF UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION.
- IT IS THE RESPONSIBITY OF THE CONTRACTOR TO ADVISE THE OWNERS OF ANY CONDITION FOUND ON-SITE WHICH PROHIBITS INSTALLATION PER THESE PLANS.
- ALL SHRUB & GROUNDCOVER BEDS SHALL HAVE A MINIMUM OF TWO INCHES OF MULCH.
- LANDSCAPE EDGING SHALL BE LOCATED AS DEPICTED ON LANDSCAPE PLAN.
- TREES SHALL BE PLANTED A LEAST 5-FEET FROM ANY UTILITY LINE & OUTSIDE ALL UTILITY & DRAINAGE EASEMENTS. A 3-FOOT CLEAR DIAMETER AROUND FIRE HYDRANTS IS REQUIRED.
- ANY TREE PLANTED WITHIN 5 FEET OF A CURB, WALK OR DRIVE MUST INCLUDE AN APPROVED RIGID PLASTIC ROOT BARRIER APPROVED BY THE CITY OF CIBOLO.
- TREES OVERHANGING WALKS & PARKING AREAS SHALL HAVE A CLEAR TRUNK HEIGHT OF 8- FEET.
- TREES OVERHANGING VISIBILITY EASEMENTS OF RIGHT-OF-WAYS SHALL HAVE A MINIMUM CLEAR TRUNK HEIGHT OF EIGHT (8') FEET.
- TREES OVERHANGING PUBLIC STREET PAVEMENT, DRIVE AISLES, AND FIRELANES WILL HAVE A MINIMUM CLEAR TRUNK HEIGHT OF 14 FEET.
- TREES PLANTED ON SLOPES WILL HAVE THE SOIL STAIN AT AVERAGE GRADE OF SLOPE.
- NO SHRUBS SHALL BE PERMITTED IN A LANSCAPE BED LESS THAN 3 FEET (3') IN WIDTH. SUCH AREAS SHALL BE COVERED WITH GRASS, GROUNDCOVER OR PERMANENT FIXED MATERIALS SUCH AS PAVERS.
- MULTI-TRUNK AND ORNAMENTAL TREES WILL BE ALLOWED IN THE CITY'S RIGHT-OF-WAY SUBJECT TO CITY APPROVAL, BUT MUST BE LOCATED OUT OF CEAR SIGHT VISIBILITY AREAS.
- IN MEDIANS, LANDSCAPE MATERIAL, EXCEPT FOR TREES, SHALL NOT EXCEED 2'-6" IN HEIGHT.
- A VISIBILITY TRIANGLE MUST BE PROVIDED AT ALL INTERSECTIONS AS REQUIRED BY THE FUTURE THROUGHFARE PLAN. SHRUBS MAY NOT EXCEED 2'-6" IN HEIGHT. TREES WILL HAVE A MINIMUM CLEAR TRUNK BRANCHING HEIGHT OF EIGHT (8') FEET.

- PLANT MATERIALS SHALL BE MAINTAINED IN A HEALTHY AND GROWING CONDITION & BE REPLACED WITH PLANT MATERIAL OF SIMILAR VARIETY & SIZE, IF DAMAGED, DESTROYED OR REMOVED.
- LANDSCAPE AREAS SHALL BE KEPT FREE OF TRASH, LITTER AND WEEDS.
- ALL SIGNS & FENCING IS CONTINGENT ON THE ISSUE OF PERMITS & INSPECTIONS.
- WHERE IRRIGATION SYSTEMS ARE APPROVED, OVER SPRAY ON STREETS & WALKS IS PROHIBITED. A PERMIT FROM THE BUILDING INSPECTION DEPARTMENT IS REQUIRED

Section 17.2 Protected Tree & Heritage Tree Preservation

The provisions of this section shall apply to all developments including commercial, industrial, single- and multi-family residential, and all other development in the corporate limits of the City and the Cibolo ETJ.

A. Purpose and Intent

The purpose of this ordinance is to encourage the preservation of mature trees which once removed can be replaced only after generations, to preserve protected trees during construction and to control the removal of protected trees when necessary. It is the intent of this ordinance to achieve the following:

- Prohibit the indiscriminate clearing of property.
- Protect and increase the value of residential and commercial properties within the City.
- Maintain and enhance a positive image for the attraction of new business enterprises to the City.
- Protect healthy quality trees and promote the natural ecological environmental and aesthetic qualities of the City.
- Help provide needed shaded areas in order to provide relief from the heat by reducing the ambient temperature.

1. Affectivity

All developments for which a Master Plan has not yet been submitted as of the effective date of this ordinance shall be subject to the requirements for tree protection and replacement specified herein.

2. Private Property

Agricultural: Property zoned agricultural within the City Limits or appraised for agricultural in the City ETJ and being actively used for agricultural purposes shall be exempt from the requirements specified herein.

3. Homeowners

The owner of a residence of two acres or less who uses the residence as a homestead shall be exempt from the tree protection and replacement requirements of this ordinance as it pertains to that residential property.

4. Exceptions

A tree removal permit and tree protection and replacement requirements shall not be required under any of the following circumstances:

- Damaged/Diseased Trees: The tree is dead, diseased, damaged beyond the point of recovery, in danger of falling, or endangers the public health, welfare or safety as determined by the City Administrator/City Manager or their designee.
- Utility Service Interruption: The tree has disrupted a public utility service due to a tornado, storm, flood or other act of nature. Removal shall be limited to the portion of the tree reasonably necessary to reestablish and maintain reliable utility service.
- Business Interests: The following business ventures shall be exempt from the requirements specified herein as follows:
- Landscape Nursery: All licensed plant or tree nurseries shall be exempt from the tree protection and replacement requirements and from the tree removal permit requirements only in relation to those trees planted and growing on the premises which are so planted and growing for the sale to the general public.

- Golf Course: Golf courses shall be exempt from the tree protection and replacement requirements and from the tree removal permit requirements for removal of protected trees within areas designated as tee boxes, fairways or greens. All other areas shall be subject to these requirements.

5. Deferral

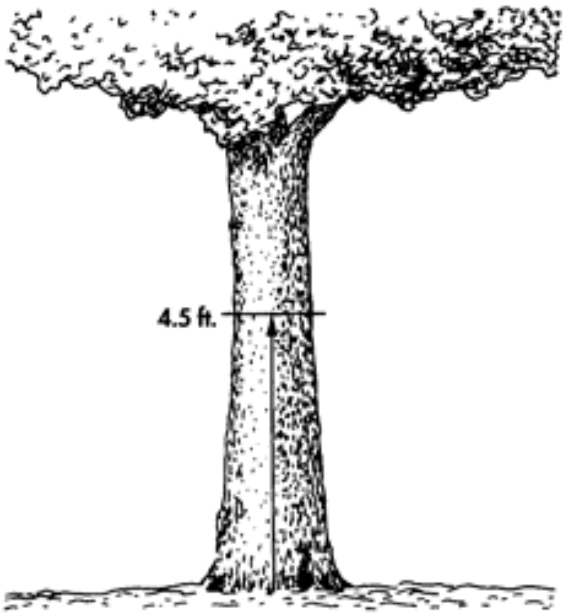
The City Planner and/or Planning and Zoning Commission may consider a "deferral" request from the requirement to maintain all protected heritage trees when the literal enforcement of this requirement would result in the creation of an unnecessary hardship on impractical application of the plan considering the physical characteristics of the lot or parcel of land in question.

B. Protected and Heritage Tree Definitions

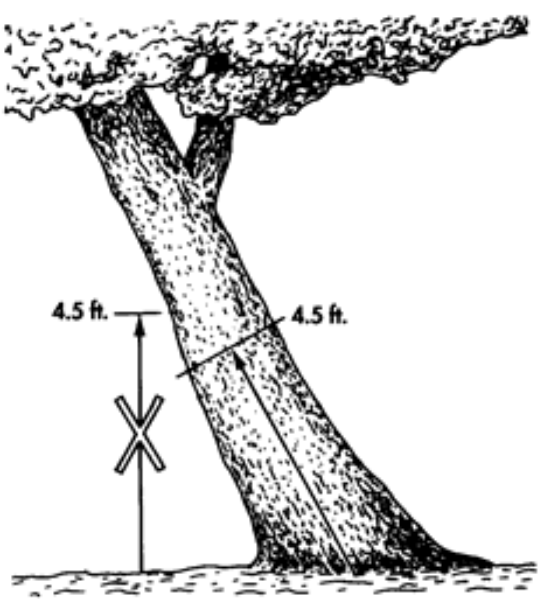
- *Contiguous Residential Lots*- Contiguous lots include three or more adjoining lots.
- *DBH -Diameter-at-breast-height (caliper)*- is a tree trunk diameter measured in inches at a height of 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet, the tree shall be measured in two places, the narrowest point beneath the split and ½ the sum of the calipers of the trunks immediately above the split. Whichever is the greater measurement is to be the measurement applied. If there is no single trunk above ground level to measure, the measurement shall be the sum of the main trunk, plus ½ of all other branches of the calipers of the various trunks at breast height.
- *Drip Line* - A vertical line run through the outermost portion of the canopy of a tree and extending to the ground.
- *Governmental Entity* - City of Cibolo, Independent School Districts, State and County property; property owned by the United States of America or other federal agencies. Examples of this would include City Hall, public parks, Corps of Engineers property, State R.O.W., library, fire stations, water tower sites or similar properties.
- *Mitigation* - Tree replacement with an authorized species.
- *Multi-Trunk Tree* - Tree with more than one trunk arising at or near the ground.
- *Protective Fencing* - Snow fencing, chain link fence, barbed wire fence, orange vinyl construction fencing or other similar fencing with a four foot (4') approximate height.
- *Pervious* - Water will permeate the surface.
- *Protected Trees* -Trees having a 6-inch DBH and not belonging to the unauthorized species list.
- *Heritage Trees* -Trees having a 24-inch DBH and not belonging to the unauthorized species list.
- *Root Protection Zone (RPZ)* - The area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line. As a practical matter, this is the acute portion of the tree's root system. Approximately ninety percent (90%) of the tree's root mass occurs within the top three feet of the soil and most of the fine feeder roots which collect moisture and nutrients are located in the top six inches (6") of the soil. Typically, a tree's root system extends as much as two to three times the distance from the trunk to the dripline.
- *Tree Affidavit* -Affirmation by the developer/land owner that there are not heritage or protected trees in a proposed development or subdivision.
- *Tree Crown* - Parts of the tree above the trunk including leaves, branches, limbs and scaffold: the uppermost part of the tree.
- *Tree Preservation/Removal Permit* - Permit required when heritage/protected trees are to be removed.

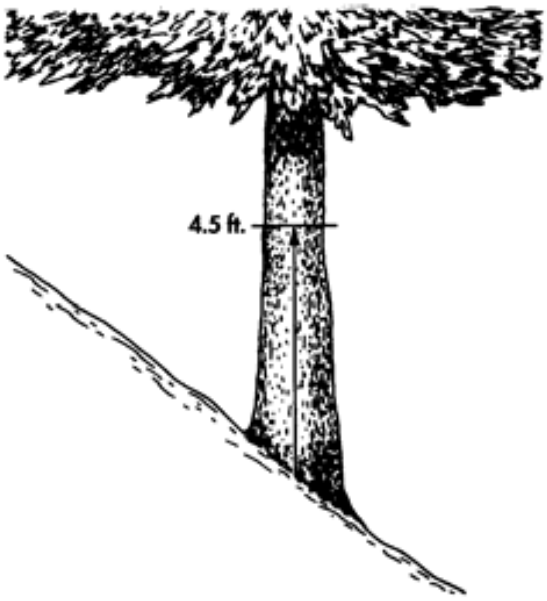
C. Tree Trunk Measurement

1. Straight Trunk: Trees with fairly straight, upright trunks should be measured four and a half (4.5) feet above the ground as shown below..



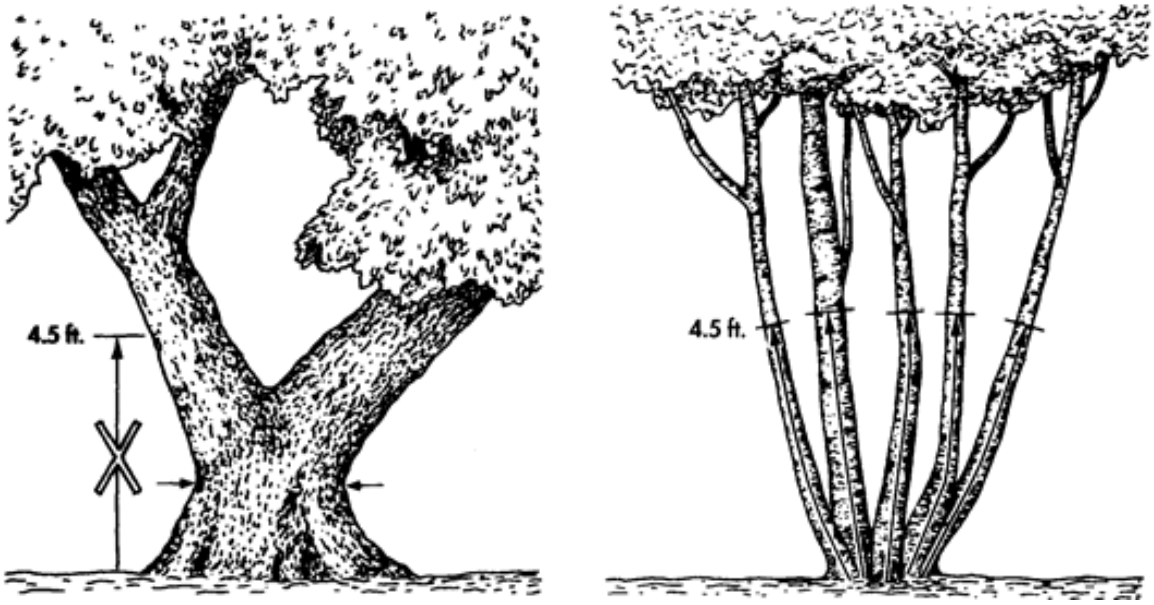
2. Trunk on an Angle or Slope: The trunk is measured at right angles to the trunk four and a half (4.5) feet along the center of the trunk axis, so the height is the average of the shortest and the longest sides of the trunk, as shown below:





3. Multi-Trunk Trees

To determine the diameter of a multi-trunk tree, measure each tree trunk larger than 1.0 inch (1”). Determine the diameter of the largest tree trunk. The diameter of the multi-trunk tree is then computed as the diameter of the largest tree trunk plus ½ of the composite diameters of each smaller tree trunk greater than 1.0 inch (1”). A multi-trunked tree is differentiated from individual trees growing from a common root stock if there is a visible connection between the trunks above ground.



D. Replacement and Protection of Existing Trees

1. Developers/subdividers must submit a tree affidavit or a tree preservation plan with their preliminary plat or development site plan.

2. Upon determining the number, size and location of any protected trees, the developer or subdivider must identify which of those protected trees can be preserved and which are proposed to be removed. A tree plan or tree survey showing these protected trees shall be submitted with the preliminary plat or site plan. The burden shall be upon the applicant to show the necessity for any protected tree to be removed.

3. When a protected tree is proposed to be removed, staff shall endeavor to seek any practical design solution that may be available in order to preserve any protected tree. If a design solution should necessitate the need for a variance from any requirement of this UDC, the Planning and Zoning Commission, City Council or Board of Adjustment, in consideration of such variance, shall have the authority to grant a variance upon determining that the preservation of the tree is in the public interest and that the variance proposal would not result in health or safety issues.

4. When design solutions are not available to preserve **protected trees**, or trees, the developer or subdivider shall be required to determine the composite caliper of the protected trees proposed to be removed. The composite caliper of protected trees to be removed shall be multiplied by eighty percent (0.8%) to determine the aggregate amount of tree caliper that must be installed to replace protected trees to be removed. Protected trees to be removed must be replaced with any of the protected tree species listed in Section G

below. The replacement tree requirement can be satisfied with the planting installation of many small trees or a few, or just one, large tree; provided that the aggregate replacement caliper is equal the existing aggregate proposed to be replaced times eighty percent (0.8%). For site plans, the aggregate caliper for replacement trees shall be *in addition* to the normal landscaping requirements of this UDC, with credits provided for maintaining protected trees.

5. For subdivisions, the aggregate caliper for replacement protected trees shall be in addition to the normal landscaping requirements of this UDC, which is two (2) trees per lot. The locations of where replacement trees will be planted shall be identified in a Tree Replacement Plan filed as a separate exhibit with the Preliminary Plat, Final Plat and site plan, with trees identified as an existing heritage/protected tree that may not be removed or a replacement tree. Ideally, replacement trees should be located in common HOA maintained greenbelts or a part of sedimentation and erosion control buffer to ensure the long term health and maintenance of these replacement trees.

6. No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging, any protected tree situated on property regulated by this UDC without first obtaining a tree-removal permit unless otherwise specified in this ordinance, except as follows:

a. Right-of-way owned or leased by a governmental entity as of the effective date of this ordinance.
b. Property owned or leased by a public utility excluding property used for administration offices or functions.

7. Any tree identified as a **heritage tree**, as defined herein, shall be integrated into the design of the development preserve these trees. If design solutions are not available to preserve a heritage tree, the developer shall be required to determine the caliper of the heritage trees proposed to be removed and multiply that figure by three (3.0), to determine the aggregate amount of tree caliper that must be installed to replace a heritage tree to be removed. A heritage tree to be removed must be replaced with any of the protected tree species listed in Section G below. The replacement tree requirement can be satisfied with the planting installation of many small trees or a few, or just one, large tree; provided that the aggregate replacement caliper is equal the existing aggregate proposed to be replaced times three (3.0). For site plans, the aggregate caliper for replacement trees shall be *in addition* to the normal landscaping requirements of this UDC, with credits provided for maintaining protected trees. Staff and the Planning and Zoning Commission have the authority to relax any standards of this UDC to preserve a heritage tree.

8. In those instances where **protected and heritage trees** cannot be replaced with like trees at the required 0.8:1 and 1:3 ratios, staff shall have the discretion to require the preservation of any existing **significant tree species**, excluding any undesirable tree species listed in this UDC, to compensate for lost protected or heritage tree caliper.

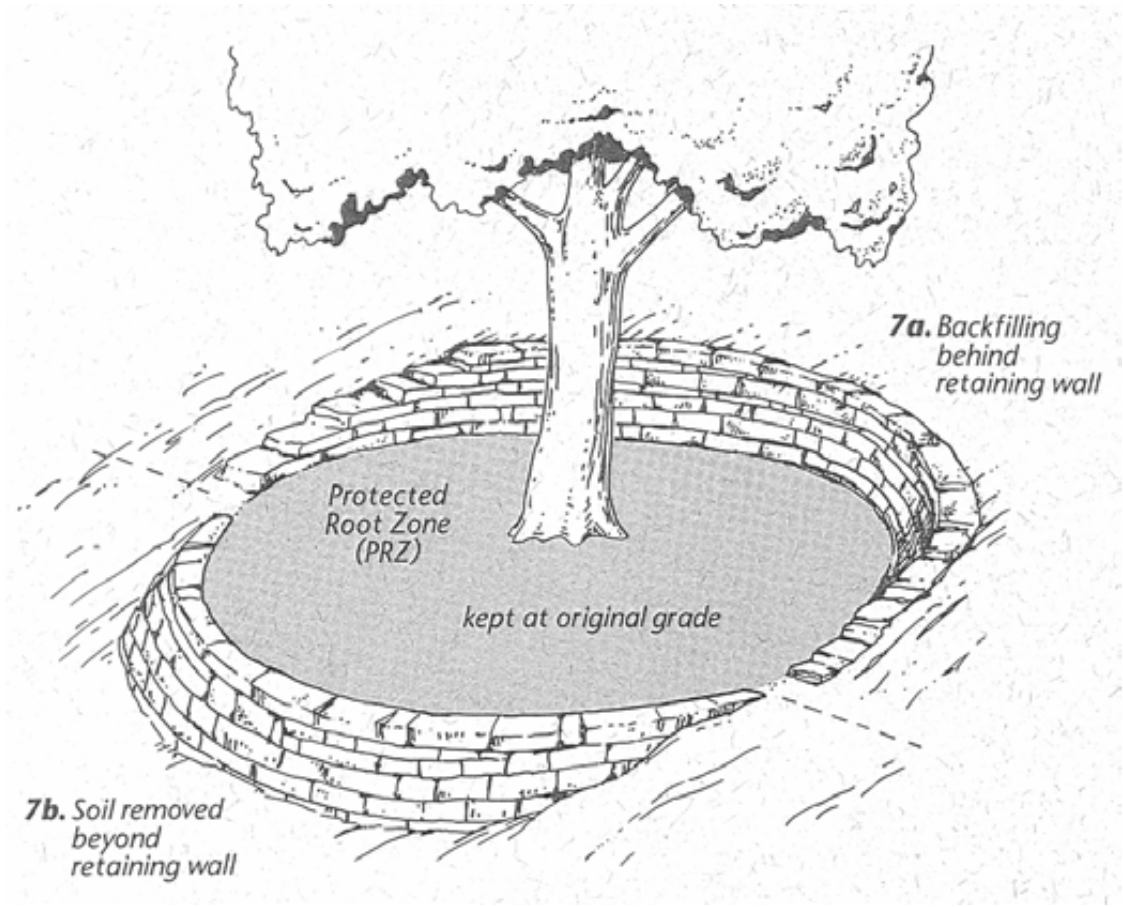
   For purposes of this section, a **significant tree** is defined as a tree of six (6) inches or greater DBH for any tree species listed in this section as an "Approved Tree". Mesquite are significant at ten (10) inches DBH and Arizona Ash and Hackberry are significant with at least one trunk being ten (10) inches or greater DHB and the following species are significant with at least one trunk being five (5) inches or greater DBH:

Texas Persimmon	Texas Redbud
Texas Mountain Laurel	Condalia
Possum Haw (in floodplain only)	Crabapple (in floodplain only)
Blue Wood Condalia	Brazil Tree

   If an applicant, after attempting to apply these alternative methods to tree preservation, still cannot comply with these requirements using these alternative methods, the applicant can utilize the tree deferral methods described below and request relief, or an alternative method for compliance, with the Planning and Zoning Commission.

E. Use of Retaining Walls To Preserve Trees

When using retaining wall when natural grade must be raised or lowered, the tree well shall be designed in accordance with the design concepts depicted below:



F. Tree Affidavit and Tree Removal Permit Required

1. A ***tree affidavit*** must be submitted to the City Planner prior to applying for any site plan or plat to affirm that there no heritage or protected trees in the proposed development; or, when no heritage tree will be damaged or removed; or when no protected tree will be damaged or removed, or inside the street rights-of-way and drainage and utility easements for residential development. On plats, this requirement can be satisfied by a General Plat Note that affirms this fact.

2. Existing protected and heritage trees shall not be removed without first submitting a “Tree Affidavit” and obtaining a “Tree Removal Permit” per the following requirements:

a. A *Tree Removal Permit* may not be issued until one of the following actions occurs:

(1) When a protected or heritage tree is located within the area of a proposed building footprints, or within the footprint of a building addition, the developer must tag these trees and request a meeting with the City Planner to assess the size, quality and locations of affected trees and determine if any development alternatives are available to preserve such trees and to determine if preservation of the protected tree is practical. If the City Planner determines that the preservation of the protected tree is not practical, or the

protected tree is of nominal size, health or form; the City Planner may grant a **"deferral"** from the requirements of this section or may require that a replacement protected tree species be installed in accordance with this Article, requiring two (2) times the existing caliper of protected tree(s) in addition to normal landscaping requirements of this Article.

(2) The City Planner reserves the right to require that the **"deferral"** determination be made by the Planning and Zoning Commission in those instances where the City Planner makes any one of the following findings:

1. The protected tree can be preserved by an alternative site design that is reasonable and practical;
2. The protected tree can be preserved by relaxing any other requirement of this UDC, such as, but not limited to a building setback, parking requirement.
3. The developer proposes an alternative preservation solution, such as preserving a stand of mature non-protected trees on the site, as an alternative to removing a protected or heritage tree(s).
4. The applicant is either unwilling or unable to modify their development plans to preserve a significant tree specimen.

(3) In review of a deferral request, the Planning and Zoning Commission has the power to relax any requirement of this UDC in order to preserve a protected or heritage tree or to impose conditions of approval on the plat or site plan to preserve a tree or to implement an alternative tree preservation solution that implements the purposes of these regulations. The applicant making the deferral request is not required to demonstrate a hardship, but is required to demonstrate that a "good faith" effort was made to comply with this Article of the UDC.

3. An application for a *tree preservation/removal permit* is submitted when protected trees will be removed except inside the setbacks, street rights-of-ways and drainage and utility easements for residential development. A tree preservation plan/removal permit is required for the removal of a heritage tree regardless of its location. A *tree preservation plan* with an inventory of existing trees is required in order to calculate diameter-inches that will be removed versus number of inches that will be preserved. In addition, a tree preservation plan includes notes on methods of tree protection during construction and justification for removing protected or heritage trees. This permit will be issued after the City Code Enforcement Office has evaluated and approved the tree preservation plan.

G. Tree Preservation Plan

1. At a minimum a *tree preservation plan* includes:

- Existing/proposed topography
- Location of property lines, easements, approaches, right-of-ways, setbacks, parking areas, and sidewalks;
- Location, species, and size in DBH of each heritage tree and each protected tree except those located inside the footprint of proposed structures (for commercial development). Driveways and parking facilities are included as structures.
- Tree inventory that summarizes total number of DBH inches to be removed and to be preserved (trees down to 1 and ½ inch DBH can be used in calculating preservation diameter inches).

2. Existing protected or heritage trees shall not be removed from the land without first obtaining a tree preservation/removal permit from the City. The land developer will submit a *tree preservation plan* and inventory to the City Planner.

3. The City has the approval authority for all tree preservation plans and will make note of the tree preservation plan approval on their plat review. Specifically, it will be noted that the tree preservation plan meets the City's requirements and is on file with the City Planner.

H. Tree Protection and Planting

1. Tree protection will be installed before any site work is initiated and maintained for the duration of the construction work. Tree protection will consist of the following:
   a. It will consist of fencing (orange mesh or chain link) placed around the RPZ.

b. No vehicles or construction materials/debris will be allowed in the RPZ.
c. No equipment shall be cleaned or other liquids deposited within the limits of the drip line of any Heritage/Protected Tree. This includes, but is not limited to, paint, oil, solvents, asphalt, concrete, mortar, or other materials;
d. No signs, wires, or other attachments, other than those of a protective nature, which have been approved in the Tree Disposition Plan, shall be attached to any Heritage/Protected Tree;
e. Trespassing or throwing trash into a Protective Fence area is prohibited.
f. Any damage done to tree crowns or roots will be repaired immediately and any wounds on live oaks will be painted with pruning paint within 60 minutes to prevent oak wilt.
g. Wells or retaining walls around the RPZ will be used if proposed finished grades will raise or lower the natural RPZ grade by more than 6 inches.
h. The finished RPZ will be pervious.
i. For commercial, multifamily and other developments; a minimum of 25% of the total DBH must be preserved.
j. For single family residential development of single or contiguous lots; contiguous lots include three or more lots, a minimum of 50% of total DBH must be preserved.
k. For individual lots, 45% of total DBH must be preserved.
l. Utility and flatwork per the original builder's plan are exempt for up to 45% of the RPZ.

2. A tree removal *permit shall be* required to remove heritage trees and protected trees. There is a mitigation requirement imposed for the removal of any and all heritage trees, and for the removal of any and all protected trees.

3. Residential home builders in the City of Cibolo are required to plant, or preserve, a minimum of 2 approved trees per dwelling lot. When mature, the species planted will have an average crown greater than 15 feet in diameter. Trees planted or allowed to remain shall have minimum 2 inch DBH and an overall height of at least 8 feet when planted. Trees may not be planted in the right of way.

4. For single family residential developments; each home will have at least 2 approved trees, each with a minimum 2 inch DBH minimum. All trees shall be of an approved/authorized species.

5. Site plans should accommodate existing trees by providing islands in parking lots, grading, and landscaping surrounding structures. In commercial, multifamily, and other developments, trees will be added to the landscape, as necessary, to have the equivalent of 4 inch DBH per 50 feet of street frontage.

I. Protected Tree Species

Live *oak- Quercus virginiana*
Chinquapin oak- *Quercus muehlenbergii*
Lacey Oak- *Quercus glauco ides*
Chinese pistache- *Pistacia chinensis*
Texas Red bud- *Cercis canadensis var texensis*
Monterrey Oak- *Quercus polymorpha*
Shumard red oak- *Quercus shumardii*
Burr oak- *Quercus macrocarpa*
Pecan- Carya illinoinensis
Cedar elm- *Ulmus crassifolia*
Persimmon- *Diospyros texana*
Texas Mountain Laurel- *Sophora secundiflora*

J. Summary of Replacement Tree and Existing Tree Protection Requirements

Summary of Replacement Tree and Existing Tree Protection Requirements		
	Single-Family Residential	**Multi-Family and Non-Residential Uses**
Protected Trees	80% for the entire development project, excluding street right of way & easements. Plus each single family dwelling lot shall also plant two new trees, which trees shall generally be native, large canopy trees.	80% within the entire site. Street rights-of-way and easements may considered by staff and the P & Z on a case by case basis to avoid tree deferrals.
Significant Trees	May be used on a case by case basis in accordance with this Article to meet the 80% protected tree requirement.	May be used on a case by case basis in accordance with this Article to meet the 80% protected tree requirement.
Heritage Trees	100% within each platted lot or the entire development.	100% within the entire site.
100 year flood plain(s)	80% of floodplain trees, which shall not apply toward preservation requirements on the remainder of the project. The 80% standard may be reduced as necessary for drainage considerations.	80% of floodplain trees, which shall not apply toward preservation requirements on the remainder of the project. The 80% standard may be reduced as necessary for drainage considerations.

ARTICLE 18. TRANSPORTATION

Section 18.1 Public Streets

Streets shall be designated, designed and constructed as necessary to comply with all requirements of the Cibolo Design and Construction Manual and the additional standards contained in this Article.

A. Street Layout

The arrangement, extent, character, width, grade and location of all streets shall conform to the Future Thoroughfare Plan and the Comprehensive Land Plan. Collector streets shall provide adequate circulation within the neighborhood and yet discourage through traffic. The street layout shall be arranged to achieve the most desirable development of the entire neighborhood unit with appropriate consideration of creeks, drainage channels, wooded areas and other topographical features, which lend themselves to special treatment. Permits must be obtained from TxDOT for driveways and streets accessing any State highway. The proposed location of driveways must comply with all applicable City and State safety requirements.

B. Relation to Adjoining Streets

Adjoining areas shall be continued and tied into the street layout.

C. Projection of Streets

When adjoining properties are not yet subdivided, the arrangement of streets shall provide for the proper projection of streets into the adjoining non-subdivided areas, and will be required to comply with the neighborhood pattern or conform to the Future Thoroughfare Plan and Future Land Use Map.

D. Right-of-Way and Pavement Widths

In newly developed subdivisions, right-of-way shall be dedicated by the developer and pavement width constructed in accordance with the Future Thoroughfare Plan, the City of Cibolo Design and Construction Manual and all other requirements of this UDC. The classifications of the streets shall be as determined by the City Engineer and approved by the City Council. The Cibolo Design and Construction Manual provides the requirements for right-of-way and pavement widths, median widths, crown or cross slope and related technical design standards of the City of Cibolo. In construction projects by the City of Cibolo, where the desired right-of-way is not available for the pavement width specified in the Cibolo Design and Construction Manual, the City Engineer will determine the pavement width to be used on the project. Said pavement width must be approved by the City Council.

E. Responsibilities of the Developer

The subdivider shall pay all design, engineering, labor, and construction costs for transportation related improvements required by this UDC, except to the extent that this section specifically provides for full or partial payment by the City of Cibolo. The provisions of this section shall apply to resubdivisions as well as to subdivisions. Specifically, the developer shall be responsible for the following:

1. Phasing of development or improvements in order to ensure the provision of adequate public facilities;
2. Extensions of public facilities and roadways, including any necessary on- and off-site facilities, to connect to existing public facilities;
3. Providing and/or procuring all necessary property interests, including rights-of-way and easements, for the facilities (whether on-site or off-site);
4. Providing proof to the City of adequate public facilities;
5. Making provisions for future expansion of the public facilities as needed to serve future developments, subject to the City s oversize participation policies, if applicable;
6. Providing for all operations and maintenance of the public facilities, or providing proof that a separate entity will be responsible for the operations and maintenance of the facilities;
7. Providing all fiscal security required for the construction of the public facilities;
8. Obtaining approvals from the applicable utility providers other than the City;

9. Complying with all requirements of the utility providers, including the City and applicable drainage districts; and
10. Nothing in this chapter shall be construed to require any dedication or construction that is not explicitly required by the standards within this UDC.

F. Off-Site/Perimeter Road Improvements

Where a subdivision is adjacent to or is served by a collector or arterial street(s) that does not meet the City's minimum standards for roadway construction and/or pavement/right-of-way width, the subdivider shall make the improvements to the substandard collector or arterial street(s) and intersections as are necessary to mitigate traffic impacts generated by the subdivision or related projects. Said improvements shall be established through the completion of a Traffic Impact Analysis that meets the minimum standards specified in this Article. The City may, at its discretion, participate in the costs to oversize the improvements with the subdivider as set out herein and subject to the City's participation policies regarding oversizing improvements.

G. Findings on Necessity for R.O.W. Dedication, Construction & Easement Dedication

1. Support for New Development

a. New development must be supported by adequate levels of public facilities and services, as required and defined herein, and as limited by Section 18.1.E.

b. It is necessary and desirable to provide for dedication of rights-of-way and easements for capital improvements, as limited by Section 18.1.E herein, to support new development at the earliest stage of the development process.

2. Essential Nexus

There is an essential nexus between the demand on public facilities systems created by a new development and the requirement to dedicate rights-of-way and easements and to construct capital improvements to offset such impacts.

3. Developer Obligations; Dedication and Construction of Improvements

The developer shall dedicate all rights-of-way and easements for capital improvements within the rights-of-way or easements for those transportation improvements needed to adequately serve a proposed development consistent with the applicable master facilities plans and construction design standards, as limited in Section 18.1.E, and shall construct said improvements, whether the facilities are located on, adjacent to or outside the boundaries of the property being developed in accordance with this UDC.

4. Timing of Dedication and Construction

a. Initial Provision for Dedication or Construction. The City shall require an initial demonstration that a proposed development shall be adequately served by public facilities and services, as limited in Section 18.1.E, at the time for approval of the first development application that portrays a specific plan of development, including but not limited to a petition for establishing a Planned Development (PD) zoning district, or other overlay zoning district; a petition for an annexation agreement or a development agreement; an application for a Land Study, or an application for a Preliminary Plat or Final Plat. As a condition of approval of the development application, the City may require provision for dedication of rights-of-way or easements for, and construction of, capital improvements to serve the proposed development.

b. Deferral of Obligation. The obligation to dedicate rights-of-way for or to construct one or more capital improvements to serve a new development may be deferred until approval of a subordinate development permit, or, in the case of a development proposed to be developed in phases, until a subsequent phase of the development, on the sole discretion of the City, upon written request of the property owner, or at the City initiative. As a condition of deferring the obligation, the City may require that the developer enter into a capital improvements agreement pursuant to Article 20 of this UDC, specifying the time for dedication of rights-of-way for or construction of capital improvements serving the development.

c. Relief from Obligations. In order to achieve proportionality between the demands created by a proposed development on public facilities and the obligation to provide adequate public facilities, as limited in Section 18.1.E, the City may participate in the costs of public facilities in accordance with this Article or relieve the property owner of some or part of the obligations in response to a petition for relief from a dedication or construction requirements.

5. Roadway Participation Policies - Improvement of Adjacent (Perimeter) Roads and Utilities

a. Improvement of Adjacent Substandard Road. When an area within a proposed plat, whether residential or nonresidential, abuts on one or both sides of an existing substandard road or utility facility, or a planned or future road or utility facility as shown on the City Thoroughfare Plan and/or adopted plans related to water and wastewater, the developer shall be required to improve the road (including appurtenant sidewalks, paths, bikeways, barrier-free ramps, storm drainage facilities, screening and landscaping, median openings, left turn lanes, and water quality or erosion controls) and utility facilities, to bring the facilities to City standards, or to replace them with standard City road or utility facilities at no cost to the City.

b. Calculation of Cost.

i. The developer's share of improvements to a substandard perimeter road is the equivalent of one-half of the pavement width of a collector street, per the Cibolo Design and Construction Manual requirements for collector street design, along the entire frontage of the subdivision.
ii. The developer's share of improvements to a roadway when a subdivision is to be located on both sides of a roadway is the full width of a primary collector street, per the Cibolo Design and Construction Manual requirements for collector street design. The roadway shall be improved by the developer on each side of the road along the entire length of the subdivision, per the Cibolo Design and Construction Manual.
iii. The City shall participate in the costs of perimeter roads in excess of the developer's fair share obligations and where such costs are not borne by another public entity, and in cases where the application of the standards in this Section result in a disproportional burden on the development, as determined by the City Engineer and approved by the City Council.

6. Improvements. All streets bordering subdivisions shall be improved, and/or rights-of-way platted, in accordance with standards prescribed herein. If the subdivider widens existing pavement, the existing pavement shall be cut back a distance required by the City Engineer to assure adequate sub-base and pavement joint before additional paving material is laid on top.

a. Existing Boundary Streets. For boundary streets which exist to some degree, for example, by previous partial dedication or prescriptive easement, the following standards shall apply.

i. For all classifications of such streets, the subdivider must dedicate additional right-of-way to complete the desired street width from the desired roadway centerline to the final edge of right-of-way. Dedication of more than half this additional increment may be required, in some instances, to maximize use of existing roadway and/or ensure a consistent street alignment with a minimum of undesirable curvature.

ii. For all classifications of such streets, except expressways, the subdivider must pave one-half the additional portion of street right-of-way remaining to be paved, according to the adopted Thoroughfare Plan of the City for improving that street alignment. In no instance, however, shall there be required any more than thirty-three feet (33') of additional paving, nor shall there result any less than a twenty-six-foot (26') paved roadway. In lieu of actual street improvement, the subdivider shall have the following options:

1. The subdivider shall contribute to the City an amount of money necessary to complete all paving and curbing required. These funds shall be held, and eventually disposed of, in the manner described within Article 20 of this UDC; or

2. If the subdivision includes no more than two lots, then the subdivider may execute a Developer Agreement or Public Improvements Agreement which runs with the ownership of the land and which obligates the landowner to pay the City of Cibolo on demand the amount of money necessary to cover the cost of all required public

street improvements. The said Agreement shall be on a City designated form, signed by the property owner, notarized, and filed with the official property records of the county in which the property is located.

3. If the right-of-way for an expressway lies adjacent to or forms part of the subdivision boundary, no paving improvements shall be required of the subdivider.

b. New Boundary Streets. For new boundary streets forming part of the subdivision boundary, the following standards shall apply.

i. Minor Streets and Subcollectors.

Where a minor street or subcollector forms part of the subdivision boundary, the subdivider shall dedicate right-of-way sufficient to make such street conform to requirements of this Division. The subdivider shall also improve such street in conformance with all standards and specifications of the City of Cibolo, including installation of curbs on both sides of the street.

ii. Other Streets.

Where a proposed thoroughfare (other than a minor street or subcollector) forms part of a subdivision boundary, the subdivider shall dedicate approximately one-half the additional right-of-way necessary to comprise the full street width required by this Division, up to a maximum of one hundred feet (100'). Dedication of more than half this additional increment may be required, in some instances, to maximize the use of existing streets and/or to ensure a consistent street alignment with a minimum of undesirable curvature.

iii. Partial Boundary Street.

If the right-of-way for an arterial or collector street forms part of the subdivision boundary, the subdivider shall comply with requirements of either one of the following two paragraphs:

1. The subdivider shall pave thirty-three feet (33') of the right-of-way in accordance with City standards and specifications.

2. The subdivider shall contribute to the City an amount of money equal to that necessary to complete paving and curbing as required by this UDC.

iv. Expressway.

If the right-of-way for an expressway lies adjacent to or forms part of the subdivision boundary, no paving improvements shall be required of the subdivider.

18.2 Private Streets

A. Intent and Purpose.

It is the intent of these private street regulations:

1. To allow private street developments to occur within the city on a limited and restrictive basis;
2. To provide for private street developments as one type of residential development mechanism to allow the city to continue to be competitive in the development market; and
3. To provide a broader variety of residential areas to meet the needs of the residents of the city.

B. General

1. There shall be no required minimum or maximum acreage size and/or number of lots within private street developments. However, minimums and maximums will be evaluated on a case-by-case basis through all applicable requirements of this UDC.

2. The location of each private street development will be subject to the approval of the City Council, through the specific use permit process, on a case-by-case basis, based on, among other matters, the criteria described in this article.

C. Administrative Procedures.

In order to qualify for consideration for private streets, the applicant must submit a Land Study of the proposed development demonstrating compliance with the criteria set forth below. For private street developments of twenty (20) or fewer lots, a Preliminary Plat of the proposed development may be submitted concurrently with the Land Study.

D. Private Street Design Standards.

1. Required. The design and construction of the infrastructure within a private street subdivision shall conform to the same rules, regulations, standards, and specifications established for public subdivisions and as regulated in the City of Cibolo UDC and Cibolo Design and Construction Manual.

2. Promulgation. The City Engineer is hereby authorized to promulgate rules, regulations, standards, and specifications for the design and construction of improvements unique to a private street subdivision in accordance with Article 2 of this UDC.

3. Amendments. An amendment may be made from time to time in accordance with Article 3 of this UDC.

4. Private Street Structures:

a. Project perimeter fences at project entry access points, entry monuments, and security stations, may be erected within the public utility and storm sewer easement, provided they do not impede the installation, maintenance, repair, or replacement of public utilities and storm sewers within the easement.

b. Where security stations are a part of a larger, multipurpose structure, only that portion of the structure, which functions as a security station, may encroach the building line adjacent to the private street.

E. Maintenance.

1. The property owners' association shall be responsible for periodic inspection and maintenance of all infrastructure except utilities (water, sanitary sewer, storm sewer, gas, cable, phone and electric lines).
2. The city has no obligation to inspect or maintain a private street.
3. In the event that the property owners' association fails to make repairs required by the city, the city shall have the right, but not the obligation, to cause the repairs to be completed and collect the cost of the same from the property owners' association for said work.
4. If the property owners' association fails to maintain access as required in this article, the city may enter the subdivision and remove any gate or device, which is a barrier to access, at the sole expense of the property owners' association.

F. Guidelines for Development.

The proposed development shall be evaluated with respect to the following guidelines as part of the review and approval process for all private street developments. Subsections 1-3 below are mandatory and shall be required for all private street developments. Subsections 4-7 below are recommended guidelines, the degree to which each is satisfied should be reviewed by Cibolo city staff, the Planning and Zoning Commission, and City Council, as a part of the determination of the merits of any individual proposed private street development.
1. The area shall be within the corporate limits of the city.
2. The development plan shall not impede the current or future street circulation needs of the area, especially any needed collector or arterial street route, or adequate access to any adjoining tract.
3. Area shall not disrupt an existing or proposed city public pedestrian pathway, hike & bike trail or park.
4. If the area is intended for residential use (may be an existing or proposed residential development), it should be zoned solely as a residential zoning district (that is, a zoning district the stated purpose of which is to provide

for primarily residential uses), except in the case of a PD (Planned Development) zoning district, in which case the area should be designated solely for residential use.

5. The area should be bounded on all sides by natural barriers, manmade barriers such as a greenbelt, hike and bike trail, golf course or park, screening walls, or collector thoroughfares.
6. Except where substantial existing natural or manmade barriers would render the requirement unreasonable, each such development should have direct access to a two-lane collector street width, unless a lesser width two-lane collector is determined adequate due to an absence of need for on-street parking), in addition to any access to one or more arterial streets that may be proposed. Any private street development of such limited size that it does not require direct collector street access for
appropriate traffic service may instead have access to a collector street within the neighborhood by way of another local street.
7. The proposed private street subdivision should not result in an overconcentration of such developments, to the extent of dominating the neighborhood development pattern.

G. General Design Requirements.

1. The private street system must comply with design standards of this UDC. All references in this UDC to "public right-of-way" shall apply to private street lots.
2. The private street system must provide access for emergency vehicles, public and private utility maintenance and service personnel, the U.S. Postal Service, and government employees in pursuit of their official duties.
3. The type of gate or controlled access mechanism is subject to the approval of the City Fire Marshal.

H. Specific Requirements.

1. Each private street development plat shall contain the following wording on the face of the plat:

> *"The streets have not been dedicated to the public for public access nor been accepted by the city as public improvements, and the streets shall be maintained by the property owners association within the subdivision. The streets shall always be open to emergency vehicles, public and private utility service personnel, the U.S. Postal Service and governmental employees in pursuit of their official duties."*

2. For gated communities, the type of gate or controlled access mechanism shall be subject to the approval of the Fire Chief.
3. Private streets shall be located in a public utility and storm sewer easement. The width of the easement shall be the same as the required right-of-way width for a public street.
4. *Easements.* Private street developments shall provide the following easements:

(a) Public utility and storm sewer easements containing private streets and public utilities;
(b) Additional public utility easements required by public agencies;
(c) Pre-existing easements unaffected by the platting process; and
(d) Such private service easements, including, but not limited to, utilities, fire lanes, street lighting, government vehicle access, mail collection and delivery access, and utility meter reading access, as may be necessary or convenient.

5. All private street developments shall be required to have a minimum of one point of access to a public street having a right-of-way width of at least 60 feet, unless specifically approved otherwise.
6. As applicable, impact fees will be required per the requirements of the City of Cibolo.
7. As applicable, park dedication requirements shall be made per this UDC.

I. Inspections and City Engineer Approval Required.

a. All private streets shall be subject to typical City of Cibolo inspections, as required by this UDC for public streets, to ensure that the private street is constructed in accordance with all public street construction requirements, as required by the City of Cibolo Design and Construction Manual.
b. Upon the completion of private streets, final City Engineer approval shall be required to certify that the private street complies with all requirements of this UDC and the City of Cibolo Design and Construction Manual.

c. Private streets shall be subject to periodic City of Cibolo inspections to ensure that private streets are being maintained in accordance with City of Cibolo street maintenance requirements. The City Manager, after consultation with the City Engineer, shall have the prerogative to require a repair to any private street to ensure that a private street in maintained in accordance with City of Cibolo street maintenance requirements.

J. Conversion of an Existing Public Street to a Private Street.

In order to convert an existing public street to a private street, the following criteria will be applicable:

a. A development application shall be submitted that contains the signatures of all owners of existing lots that would be part of the proposed private street subdivision;
b. An applicant must purchase installed infrastructure and right-of-way from the City, and establish a reserve fund, as described below, determined to be adequate and sufficient by the City Council; and
c. An applicant must conform to all other provisions of this UDC.

K. Relationship to the City of Cibolo Comprehensive Plan.

The following components shall be evaluated when reviewing potential private street developments. This evaluation will aid in logical implementation of the City of Cibolo Comprehensive Plan.

a. Future Land Use Plan. Impact on land uses, their configuration, and function shall be examined as part of each request for a private street development.
b. Future Thoroughfare Plan. The proposed private street development will be evaluated to assess its impact on the efficiency, convenience & safe functioning & implementation of the Thoroughfare Plan.

L. Property Owners' Association.

1. *Required.* Subdivisions with private streets shall have a property owners' association, the property owners' association shall own and be responsible for the maintenance of private streets and appurtenances. The property owners' association shall provide for the payment of dues and assessments required to maintain the private streets. The property owners' association documents must be acceptable to the city at the time of final plat approval. The approved document must be filed for record contemporaneously with the filing of the record plat.

2. *Reserve fund.* The property owners' association documents must establish a reserve fund for the maintenance of private streets and other improvements such as common greenbelts, security station structures and equipment, and other significant property owners' association infrastructure. This reserve fund shall not be commingled with any other property owners' association fund. The balance of the fund shall be equal to the total replacement cost of the private streets and other improvements divided by the average life expectancy of those improvements times the age of the improvements. The life expectancy for a subdivision with concrete streets shall be a minimum of 20 years.

3. The property owners' association shall have an annual review performed by a certified public accounting firm verifying the amount in the reserve fund. A copy of this review shall be provided to the City.

4. If the specific use permit is revoked or the private streets converted to public streets, the reserve fund shall become the property of the City.
5. *Membership requirements.* Every owner of a lot within the private street development shall be a member of the property owners' association.

6. *Required disclosures.* The property owners' association documents shall address, but shall not be limited to, the following four subsections:

(a) The property owners' association documents must indicate that the streets within the development are private, owned and maintained by the property owners' association and that the city has no obligation to maintain or reconstruct the private streets.

(b) The property owners' association documents shall include a statement indicating that the city may, but is not obligated to, inspect private streets, and require repairs necessary to ensure that the same are maintained to city standards.

(c) The property owners' association may not be dissolved without the prior written consent of the city.

(d) The Private Street Agreement stipulations shall be included in the property owners' association documents, to increase the opportunity for awareness of mandatory conversion of private streets to public streets.

7. *Assignment of property owners' association lien rights.* The property owners' association declaration shall provide that should the property owners' association fail to carry out its duties as specified in these regulations, the city or its lawful agents shall have the right and ability, after due notice to the property owners' association, to perform the responsibilities of the property owners' association if the property owners' association fails to do so in compliance with any of the provisions of these regulations or of any applicable city codes, regulations or agreements with the city and to assess the property owners' association or the lot owners for all costs incurred by the city in performing said responsibilities if the property owners' association fails to do so, and the city shall further have any and all liens and lien rights granted to the property owners' association to enforce the assessments required by the declaration, and/or to avail itself of any other enforcement actions available to the city pursuant to state or city codes and regulations. No portion of the property owners' association documents pertaining to the maintenance of the private streets may be amended without the written consent of the city.

8. *Services not provided.* The property owners' association documents shall note that certain city services shall not be provided on private streets. Among the services that will not be provided include: routine police patrols, enforcement of traffic and parking ordinances, and preparation of accident reports. Depending on the characteristics of the proposed development, other services may not be provided.

9. *Access required.* The property owners' association documents shall contain a provision that requires access to emergency vehicles, utility personnel, the U.S. Postal Service, and governmental employees in pursuit of their official duties.

18.3 Conversion of Private Streets to Public Streets

A. Voluntary Conversion

The City may, but is not obligated to, accept private streets for public access and maintenance. The procedure must conform to all of the following provisions:

1. The property owners' association must submit a petition signed by at least 51 percent of its members (or a greater number of signatures if required by the property owners' association document).
2. All of the infrastructure must be in a condition that is acceptable to the city.
3. All security stations, gates, and other structures not consistent with a public street development must be removed.
4. All monies in the reserve fund must be delivered to the city.
5. The subdivision plat shall be submitted to the city as a replat and upon review and approval, shall be filed with the County Recorder to dedicate the streets, public utility easements, storm sewer easements and any other public easements to the city. An ordinance converting the private streets to public streets must be approved by the City Council prior to the filing of said subdivision plat.
6. The property owners' association documents must be modified and refiled to remove requirements specific to private street subdivisions.

B. Mandatory Conversion

1. The city will notify the property owners' association of violations of the private street regulations. Failure to bring the subdivision into compliance with the all applicable regulations of this UDC may cause the city to revoke the right to maintain a private street

18.4 Condominium Drives

A. In order to provide for orderly development and provision of services, the City Manager or their designee may approve the creation of named condominium drives as part of a residential condominium project. These drives are not dedicated city streets and maintenance is solely the responsibility of the property owner.
B. If the City Manager does not approve the designation of the drives as condominium drives, the applicant may appeal the decision to City Council as part of the plat approval process.
C. Proposed condominium drives shall be located within access/fire lane/utility easements as determined necessary by the City Engineer and Fire Chief.
D. Condominium drive names shall be approved by the City Engineer.

18.5 Private Street Exemptions

A. A private street or road serving only one (1) residence is exempt from construction and maintenance standards for public streets.
B. The requirements of this section shall not pertain to private streets legally established prior to the effective of this UDC, provided that any such private street maintains its nonconformity and is not proposed to be expanded.
C. The requirements of this section shall not pertain to legally established private streets that are annexed into the City, provided that any such private street maintains its nonconformity and is not proposed to be expanded.

18.6 Arrangement of Streets Not Designated on the Future Thoroughfare Plan

A. Streets not shown on the Future Thoroughfare Plan shall be arranged and designed in accordance with the follow standards:

1. Provide for continuation and appropriate projection of existing streets from or into surrounding areas;
2. Conform to a neighborhood plan adopted by the City to meet a particular situation where topographical or other conditions make continuance or conformity to existing streets impractical;
3. Provide for future access to adjacent lots, tracts or parcels that will likely develop under a similar zoning classification and/or for a similar type of land use; and
4. Not conflict in any way with existing or proposed driveway openings.

B. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed by the City under conditions approved by the City Council through approval of the final plat.

C. Intersecting, undivided streets with intersection offsets of less than 150 feet shall be avoided. Intersecting streets onto a divided roadway must be configured such that the centerline offset will accommodate the appropriate left-turn lanes with required transition and stacking distances as determined by the City Engineer onto each of the two intersecting streets.

D. Dead-end streets shall be prohibited, except as short stubs projected to be continued in future subdivisions. Temporary all-weather turnarounds approved by the City Engineer and Fire Chief shall be provided on such streets until such time as they are extended. In the case of a dead-end street that will eventually be extended into an adjacent subdivision, no more than one (1) lot per side may front onto the dead-end street stub unless a temporary turn around bulb with an appropriate easement is provided for a turn around. A temporary dead-end street shall not exceed 150 feet in length and the temporary turn-around bulb must be constructed to cul-de-sac standards as described above. A note shall be placed on the final plat clearly labeling any dead-end streets that will at some point be extended into adjacent property and signage shall be placed at the end of the constructed street stub stating that the street will be extended in the future. Said signage shall be shown on the construction plans and shall be of a size and include lettering that must be large enough to be legible by a person with normal vision at a twenty-foot distance.

E. Cul-de-sac streets shall not exceed 500 feet in length and shall adhere to the following standards

1. <u>Single-Family and Duplex Residential</u>: Turnaround ROW of not less than 120 feet (120') outside diameter and a paving width of not less than 100 feet (100') outside diameter, measured curb to curb.

2. <u>Multi-Family Residential</u>: Turnaround ROW of not less than 150 feet (150') outside diameter and a paving width of not less than 130 feet (130') outside diameter, measured curb to curb.

3. Commercial and Industrial: Turnaround ROW of not less than 200 feet (200') outside diameter and a paving width of not less than 180 feet (180') outside diameter, measured curb to curb.
4. The paving diameter width in said cul-de-sacs may be modified upon approval of the Fire Chief and City Engineer only upon demonstration of cause and proof that public health and safety would not be compromised.

F. Single-family residential cul-de-sac street length may be extended up to a maximum length of 1,000 feet, as measured from the centerline of street intersecting the cul-de-sac to the center point of the cul-de-sac turnaround, provided that the number of lots located on the cul-de-sac street does not exceed 25 lots.

18.7 Street Design

A. Alignment

The alignment of all arterial and collector streets shall conform to the Future Thoroughfare Plan, this UDC and the requirements of the Cibolo Design and Construction Manual. Street alignment shall meet the requirements of the Cibolo Design and Construction Manual and in no case shall street jogs be offset less than 150 feet on centerline, except in the case of two local streets, which may have an off-set of 125 feet on centerline.

B. Intersections

All intersections on arterial and collector streets shall be at ninety degrees (90°), or within five degrees (5°) of that standard. The curb radius at street intersections shall conform to the specifications in the Cibolo Design and Construction Manual. Deviations from this requirement can be considered by City Council when streets are being realigned in order to comply with the Future Thoroughfare Plan or to avoid natural, or man-made features, such as, but not limited to, protected wetlands, bogs, floodplains, a stand of heritage trees, artifact areas, historic buildings or sites, pipelines, easements or existing development.

C. State Highway Alignment Criteria and Coordination

Prior to accessing or designing facilities within TxDOT ROW, the engineer of record shall contact the appropriate regulatory agency to determine any special design, construction requirements and/or permitting requirements and shall copy the Director of Engineering on all correspondence with each regulatory agency. Roadway and driveway connections within a TxDOT ROW shall meet the requirements of the TxDOT Area Office and the TxDOT Roadway Design Manual. Driveway permits for drives connecting to TxDOT rights-of-way shall be processed through the Director of Engineering.

D. Public Access to Subdivisions

1. All residential subdivisions shall have a minimum of two (2) locations accessing existing public streets. Access may be provided through the construction of a public street. The extent and location of all accesses is subject to review and approval by the City. The City Council shall not permit "island" subdivisions, lots or streets that would be surrounded by the flood waters.

2. All subdivisions containing more than thirty (30) lots must have at least two (2) points of vehicular access and must be connected to the City's improved thoroughfare and street system by one or more approach roads of such dimensions and constructed of such standards that are in accordance with the Cibolo Design and Construction Manual for public streets Two (2) points of vehicular access" shall be construed to mean that the subdivision has at least two (2) roads accessing the subdivision from the City's improved thoroughfare/street system. The City Council may, at its discretion and upon a finding that such will not compromise the public safety or impede emergency access, accept a single median-divided entrance from the City's improved thoroughfare/street system provided that the median extends into the subdivision for an unbroken length of at least one hundred and fifty (150) feet to an intersecting interior street that provides at least two (2) routes to the interior of the subdivision. The City Council shall have the discretion to approve a Phasing Plan as a part of a Land Study that specifies where and when a second point of access will be provide and/or to require a Maintenance Bond equal to the cost of proving a second access point to the development.

E. Access to Principal and Secondary Arterial Streets and Highways

Access to principal and secondary arterial streets should be limited to protect the flow of traffic from the lots. A one foot (1') non-access easement shall be provided along principal and secondary arterial streets and highways when lots have access to another public right-of-way.

F. Partial or Half Streets and Adjacent Streets

1. Wherever a half-street has already been provided adjacent to an area proposed to be subdivided, the subdivider of the other remaining portion of the street shall be platted with such subdivision. Where part of a street is being dedicated along a common property line where no roadway currently exists, the first dedication of ROW shall be of an adequate width so that the developer shall be responsible for at least 24 feet of clear pavement width, as considered necessary by the City Engineer. Additional R.O.W. and easements shall be dedicated as necessary to install signage and to perform grading activities and to conform to the requirements of this UDC, the Future Thoroughfare Plan and the Cibolo Design and Construction Manual, except as may be limited by Section 18.1.G of this Article.

2. New half streets that do not conform to the Future Thoroughfare Plan, this UDC and Cibolo Design and Construction Manual shall not be platted without the expressed approval of City Council as a part of a Public Improvements Phasing Schedule or proffer a Public Improvements Agreement for impact fee credits to complete road improvements designated on the Future Thoroughfare Plan.

3. Where a proposed subdivision abuts an existing street, or half street, that does not conform to the UDC, the Future Thoroughfare Plan of Cibolo Design and Construction Manual, the subdivider shall be required to dedicate any additional ½ right-of-way necessary to meet the street width requirement, except as may be limited by Section 18.1.G of this Article. The developer may submit a Public Improvements Phasing Schedule or proffer a Public Improvements Agreement for impact fee credits to complete road improvements designated on the Future Thoroughfare Plan.

4. Street improvements required by this section shall include right-of-way dedication, paving, curb and guttering, shoulder improvements and sidewalks, as required by this UDC and the Cibolo Design and Construction Manual.

5. In the event that a street stub is provided to connect to a future phase or a future adjoining development, the City Engineer and City Council may consider a temporary cul-de-sac, alternative turn around design, such as a hammer head, or a Maintenance Bond, as may be appropriate, to provide a temporary turn around or an eventual connection to the adjoining phase or an adjoining development.

G. Street Signs and Traffic Control Devices

1. Street signs in new subdivisions; including street name, speed limit, stop and yield signs, etc. shall be paid for by the developer, and shall be provided by and installed by the Cibolo Design and Construction Manual. Traffic control devices required within the subdivision per an approved Traffic Impact Analysis or as required by this UDC or Cibolo Design and Construction Manual, shall be installed in accordance with the latest revision of the Texas Manual on Uniform Traffic Control Devices for Streets and Highways.

2. The materials used for street name and street signage, the method of attaching the sign to the post, the details of lettering, painting, and method of installation, as well as the location of the sign at the intersection shall be in accordance with the specifications in the Cibolo Design and Construction Manual.

3. The criteria and specific design standards for all transportation related improvements shall be as described in this Article and the Cibolo Design and Construction Manual.

4. Any installation of speed control or traffic calming improvements may be considered by the City Manager and City Council in accordance accepted traffic engineering practices. City Council shall request recommendations for said improvements by the City Engineer and the Cibolo Police and Fire Chiefs. Any request made to

propose the installation of traffic calming improvements must be accompanied by Traffic Impact Analysis completed at the expense of the party requesting traffic calming improvements.

H. Medians

1. Medians in road rights-of-way will be considered on a case-by-case basis. The street right-of-way will be engineered to accommodate all emergency and utility vehicles, after coordination by the City Engineer and City Manager. At a minimum, medians shall provide at least twenty-four feet (24') of pavement on each side of the median.

2. Medians in street R.O.W. shall considered to be traffic control devices. However, should a developer want to install landscaping, walls fountains or any other aesthetic treatment, the plat shall include a general note specifying that the developer or its successors and/or assigns is responsible for the maintenance, repair of all improvement within the median. The maintenance of landscaping installed in a median shall be the responsibility of the developer or a duly authorized Home Owner Association and shall be irrigated and maintained in accordance with all Landscaping requirements contained in this UDC. Median landscaping shall be subject to the approval of a Landscape Plan and the issuance of permits for any electrical, irrigation or structural improvements. The City shall reserve the right to require the developer or its successors and/or assigns, to trim landscaping as necessary to ensure that the right-of-way is clear for traffic. Any islands that are not maintained in accordance with this section may be removed by the City and shall be removed at the expense of the developer or its successors and/or assigns, after due notice and the written recommendation by the City Engineer.

3. Foliage of hedges, trees, and shrubs located in or encroaching into public right-of-way shall be maintained such that the minimum overhang above a sidewalk shall be 8 feet and the minimum overhang above an arterial or collector street shall be 14 feet.

18.8 Street Names and Street Numbers

Names of new streets shall not duplicate the names of existing streets within the City and its ETJ unless the new street is a continuation of or part of a future continuation of such existing street. Street names shall be chosen to avoid name similarity or confusion. A new street name shall not differ from an existing street name solely by the addition of a different auxiliary designation such as "avenue", "way", "boulevard", etc. Names of all new streets shall be subject to coordination on an area and region wide basis. Street names shall have prior approval of the United States Postal Service, Bexar Metro 911, and the applicable County officials. Street addresses should also be coordinated with present existing addresses.

Proposed street names shall be submitted with a Land Study and Preliminary Plat. When a Final Plat is submitted, the applicant must submit a copy the names selected by the U.S. Postal Service as "approved" street names. The City reserves the right to request a name change prior to plat recordation to avoid name similarity and avoid confusion. The City, in concert with the U.S.P.S. and Bexar Metro 911, will determine street numbers and advise the subdivider as to the street numbers and sequencing.

18.9 Construction Standards

All public and private streets shall be constructed with reference to base, surfacing, curbs, grades, horizontal curves and intersection curve radius in accordance with the standards prescribed in the Cibolo Design and Construction Manual and any other applicable specifications of the City. The City Engineer can consider deviations from the City Construction Standards when a deviate is determined to acceptable and appropriate based on accepted engineering standards and practices and/or appropriate for the specific location based on specific circumstances of any improvement. Any other deviation from a Construction Standard of the City shall require City Council approval.

18.10 Street Drainage

The storm drainage for all local streets shall be designed to a 10-year storm capacity curb face to curb face and to a twenty-five (25) year flood frequency within right-of-way of each local street. All arterial and collector streets

designated as such on the Future Thoroughfare Plan shall be designed to a 20-year storm event curb face to curb face and to a twenty-five (25) year flood frequency within right-of-way of each collector and arterial street. Runoff rates shall be computed in all cases on the basis of ultimate development of the entire watershed contributing runoff water to the proposed subdivision, on the basis of concrete lined channels and streets carrying storm water in the contributing area. All necessary storm drainage improvements shall be in accordance with the Cibolo Design and Construction Manual.

18.11 Curb and Gutter

Curbs and gutters shall be installed by the subdivider on both sides of all streets within or forming part of the boundary of the subdivision. Curb and gutter shall be constructed in accordance with the Cibolo Design and Construction Manual. The City Engineer may vary the requirements for construction of curb and gutter or may approve an alternative curb and gutter construction when legitimate professional engineering standards and practices, local conditions, environmental considerations or factors relative to density and stormwater management warrant a deviation.

18.12 Street Lights and Electric Conduit Systems

A. The primary function of street lighting is to illuminate critical locations along the roadway to improve the maneuverability of traffic at night. In residential areas, street lights shall be are installed at intersections, cul-de-sacs, curves, and mid-block between intersections a maximum of 600 feet where the block length is longer than 900 feet and at the entrance to each development.

B. Along arterial roadways, street lights are placed at a spacing of 250 feet. The poles typically are located in the median. Streetlight poles located at the intersection of two arterials shall be installed with a double mast arm or two single mast arm poles at opposite corners of the intersection. Double mast arm poles shall be installed at median openings, and alternating single mast arms at all other locations.

C. On undivided arterial roadways, the poles shall be installed in the parkway with single mast arms placed on alternating sides at 250 feet and two poles at opposite corners at each intersection.

D. Developers shall furnish satisfactory easements for installation of services to street lights as required by the City and any applicable electric utility provider.

E. Street light number, type and size shall be determined by the City and any applicable electric utility provider and shall be designed to maximize the light directed toward the ground.

F. The developer shall pay the cost of purchasing and installing all street lighting equipment and the cost of all street lighting services for a period of two (2) years or until such time as seventy percent (70%) of the buildings for which building permits have been issued are completed, whichever is sooner.

G. A detailed lighting plan shall be submitted with the Public Infrastructure Improvement Plans for review and approval by the City and any applicable electric utility provider.

H. Developers will be required to install street lighting at the time of development prior to plat being filed at the Guadalupe County Clerk's office.

I. Conduit systems shall be installed for future franchise utilities, irrigation, traffic signals, traffic signal communication, and roadway lighting.

J. Traffic signal conduit and ground boxes for future traffic signals shall be installed at all arterial to arterial intersections and all arterial to major collector intersections. The traffic signal conduit system shall be installed in accordance with the Cibolo Design and Construction Manual.

K. All divided arterial roadways constructed in the City of Cibolo shall be built with a conduit system in the median. The conduit system will be used for traffic signal communications and street lighting. The traffic signal communication conduit system will be installed in accordance with the Cibolo Design and Construction Manual.

L. The street lighting conduit system will be installed in accordance with the Cibolo Design and Construction Manual and all requirements of the electric purveyor.

Section 18.13 Traffic Impact Analysis (TIA)

The purpose of a TIA is to assess the effects of specific development activity on the existing and planned roadway system. It is the intent of this ordinance to make traffic access planning an integral part of the development process. The thoroughfare network for Cibolo is based on operational values of Level of Service D or better as a criterion for design purpose. Level of Service D is the industry standard and balances vehicle movement, impact on neighborhoods, and costs.

1. Definitions

Background Traffic – Existing traffic not created or associated with traffic generated by the development.
Projected Traffic Volumes - The number of vehicles that are calculated to be present after a project is completed.
Study Area - The boundaries in which the study is conducted.
Traffic Impact Analysis (TIA) - An in depth analysis of existing and proposed traffic.
Traffic Queue - A line of vehicles stacking in line to make a traffic movement.
Trip Distribution – A percentage estimates trip distribution per turning movement from a development.
Trip Generation Summary - A table summarizing trip generation characteristics of a development for an entire day; including AM and PM peak periods, rates , units & assumptions used to calculate the number of trips.

2. TIA Requirement

A TIA is required to be submitted for City approval at the time of platting and/or site plan review for those developments that are expected to meet any traffic threshold level of change described below. The City reserves the right to require a TIA for land developments that do not meet the threshold requirements, but may impact a sensitive area with traffic issues or may be a known public concern.

- More than 100 Peak Hour Trip (PHT) generation
- More than 5,000 vehicle trips per day generation
- More than 100 acres of property is involved
- Any changes or alterations to the Cibolo Future Thoroughfare Plan
- Land uses that have unusually high traffic generation, or fleet vehicle, characteristics.

3. TIA Responsibility

The primary responsibility for assessing the traffic impacts associated with a proposed development rests with the applicant. The City serves in a review capacity for this process. Both the City of Cibolo and the developer share responsibility to consider all reasonable solutions in the mitigation of transportation problems identified through the study process. The TIA must be prepared, signed and sealed by a professional engineer registered to practice in Texas, with experience in Transportation Engineering sufficient to assess traffic impacts.

4. Compliance with Cibolo Design and Construction Manual

A TIA shall be completed in accordance with all TIA requirements specified in the Cibolo Design and Construction Manual.

5. TIA Scope Assessment

Prior to the submittal of any TIA, the developer, or the Civil or Traffic Engineer representing the developer, shall meet with the City Engineer, or his duly authorized agent, to formally determine the scope of the TIA. The scope of the TIA shall be sufficiently scaled to reflect the traffic impact of the proposed use that is causing the TIA to be submitted and may include pedestrian and bicycle elements depending on the nature and location of the proposed use(s). Once the scope of the TIA is established, the City Engineer, or his agent, shall formally stipulate said scope in writing. The City Engineer reserves the right to expand, or to contract, the scope of the TIA as additional details about the proposed use(s) causing the TIA to be prepared is ascertained, provided that such an expansion of scope is based on sound generally accepted traffic engineering practices.

6. TIA Threshold Analysis

In order to determine when a TIA is required, the TIA Threshold Analysis worksheet listed as Table 18.1 (PG. 233 of this UDC) shall be utilized.

7. TIA Review

The TIA shall be reviewed by the City Engineer and any other necessary review authorities. Review comments shall be provided to the applicant for response. Response by the applicant shall be in the form of a letter, technical memorandum, or other appropriate document. The applicant shall submit final copies of the TIA to the City Engineer containing all modifications prior to final approval of the application for which the TIA was conducted.

8. City Assistance in Development

During the course of providing for improvements, the City may cooperate with the developer in the use of its governmental powers to assist in the timely and cost effective implementation of improvements. Assistance shall not mean financial aid in actual easement acquisition, construction or engineering costs. Specifically, the City may agree to the following forms of assistance:

a. Assist in the acquisition of necessary right-of-way and easements;
b. Assist in the relocation of utilities;
c. Assist in obtaining approvals from applicable County entities;
d. Assist in obtaining approvals from TxDOT;
e. Enter into Public Improvement Agreements as consideration in lieu of impact fees; and
f. Assist in securing financial participation for major street improvements from applicable County entities, TxDOT or the Metropolitan Planning Organization.

9. TIA Revisions

It is recognized that the scope of the developer's plans may change from time to time. The monitoring reports may also demonstrate changes in the area street conditions and travel patterns within and around the City. Periodic updates to the TIA may be required to address these issues and identify changes to the level of service at study intersections and streets. These updates shall address modifications to the magnitude and timing of improvements recommended by the original TIA. Any TIA amendments must be acceptable to the City, and TxDOT, when applicable.

10. Off-Site Improvements

Based on the results of a TIA, and in those instances where the City believes public safety is at risk, the property owner shall make improvements to off-site collector and arterial streets and intersections necessary to mitigate traffic impacts generated by the development or in conjunction with related developments; with said improvements being roughly proportional to the impact of the proposed development. The City may participate in the costs of oversize improvements with the property owner as set out herein, and subject to the City's cost participation policies on oversized improvements.

11. Construction Easements

Construction easements, in addition to rights-of-way, may be required when adequate width for streets and/or utilities is not available.

12. Intersection Improvements and Traffic Control Devices.

Intersection improvements and traffic control devices shall be installed as may be required by the City based on the recommendations of an approved TIA for traffic safety and efficiency. Construction and design standards shall be in accordance with Cibolo Design and Construction Manual.

Table 18.1

Traffic Impact Analysis (TIA) Threshold Worksheet

Complete this form as an aid to determine if your project requires a Traffic Impact Analysis Study.

Project Name:	Threshold Worksheet Prepared by:	
Project Location:	Company:	□ Owner or □ Owner's Agent
	Address:	
Date:	Email:	Phone:

Permit Type or Reason for TIA Study/Worksheet (Check one and indicate the number if known)

	Zoning:		Site Plan:		Plat:		Mixed Use:		Other:

Proposed Type of Development (Multi building development or multi-occupancies may require additional tabulation sheets to determine total peak hour trips)

Anticipated Land/Building Use/Zoning	Project Size			Critical Peak Hour	Peak Hour Trip Rate (PHT) Rate	Peak Hour Trips (PHT)	Trip Rate Source
	Acres	GFA	# of Units				
							ITE Code:

Previous Development on Site (Required for land with previous/current buildings occupied within 1 year of submittal or if Re-zoning property)

Previous Land/Building Use/Zoning	Size			Critical Peak Hour	Peak Hour Trip Rate (PHT) Rate	Peak Hour Trips (PHT)	Trip Rate Source
	Acres	GFA	# of Units				
							ITE Code:

Previous TIA Report (If property has a TIA on file) _____

Peak Hour Trips Projected in TIA on File	Peak Hour Trips Projected in *Updated* Development Plan

Difference in PHT (Proposed PHT – Previous Development PHT or TIA PHT)

Increase in Peak Hour Trips (if an increase of 76 PHT or an increase of 10% of the total PHT, a new TIA is required)

Turn Lane Requirements for Developments with Less Than 76 PHT (for developments with 76 or more PHT, this analysis will be included in the TIA)

Requirement	Right-turn lanes required at: (identify street/driveway name)	Left-turn lanes required at: (identify street/driveway name)
Median Openings	N/A	□ _____ □ None □ _____
Driveways or streets with a daily entering right- or left-turn traffic volume of 500 vehicle trips or 50 vehicle peak hour trips	□ _____ □ None □ _____	□ _____ □ None □ _____
Required by TxDOT	□ _____ □ None □ _____	□ _____ □ None □ _____
Where unsafe conditions may exist (limited sight distance, high speed, uneven grade, etc.)	□ _____ □ None □ _____	□ _____ □ None □ _____

Comments

(For Official Use Only, Do Not Write in this Box)

□ TIA report is required. □ A TIA report is <u>not required</u>. The traffic generated by the proposed development does not exceed the threshold requirements.
□ The traffic impact analysis has been waived for the following reasons: _____
Reviewed by: _____ Date: _____

NOTE: GFA = Gross Floor Area (bldg. size). ITE = Institute of Transportation Engineers, *Trip Generation*, 8th Edition. 525 School Street, S.W., Suite 410, Washington, DC 20024-2729; (202) 554-8050.

13. Mitigation Improvements and Roughly Proportionate Determination

A. The purpose of the TIA is to identify if any mitigation improvements are necessitated by and attributable to the proposed development. Required mitigation improvements may include the following:

1. Implementation of the Future Thoroughfare Plan; including right-of-way dedication (right-of-way dedication value shall be determined using the most recent appraisal district land values) and/or construction in accordance with the Cibolo Design and Construction Manual.

2. Improvements identified by the TIA based on peak hour trip generation data, turn lane assessment and traffic impact analysis.

3. Other improvements may include, but are not limited to, pavement widening, turn lanes, median islands, access controls, curbs, sidewalks, traffic signalization, traffic signing & pavement markings..

4. Improvements to the TxDOT right-of-way required by the city, including right-of-way dedication, as approved by TxDOT.

Minimum Areas to be Addressed in Roughly Proportionate Determination

Right-of-way dedication for adjacent exterior streets
Improvements to substandard streets
Projecting streets
Right-of-way dedication & construction of Future Thoroughfare Plan streets
Dedication of arterial or major collector streets
Upgrade existing traffic signals
New traffic signal construction
Other improvements identified in the TIA
Right-of-way dedication and construction of left and/or right turn lanes

B. For phased development projects, implementation of the mitigation improvements must be completed no later than the completion of the project phase for which the TIA shows it was required. Plats for project phases subsequent to a phase for which a mitigation improvement is required may be approved only if the mitigation improvements are completed or bonded by the developer.

C. Following the identification of mitigation improvements and any other improvements necessitated by and attributable to the development, the applicant shall utilize the methodology developed and approved by the city to determine if the mitigation improvements identified are roughly proportionate to the impact of the proposed development.

1. At the conclusion of the TIA, the applicant will summarize all of the mitigation improvements identified in the TIA and the approximate total cost of all mitigation improvements including design, engineering and construction. Mitigation improvements that only serve the proposed development (such as site plan related recommendations and right-turn lanes into and out of a development) that provide minimal benefits to the study area roadway network shall not be included in the cost of the mitigation improvements (when compared to the maximum amount of improvements attributable to the proposed development).

2. The applicant will utilize the approved methodology made available by the city to determine the maximum amount of improvements (measured in dollars) that may be attributable to the proposed development.

3. The applicant shall then compare the cost of the mitigation improvements to the maximum probable amount of improvements that may be attributable to the development.

a. If the cost of the mitigation improvements is less than or equal to the maximum amount of improvements that may be attributable to the development, then the mitigation improvements identified in the traffic impact analysis are said to be roughly proportionate to the impact of the development.

b. If the cost of the mitigation improvements is greater than the maximum amount of improvements that may be attributable to the development, then the mitigation improvements identified in the traffic impact analysis are limited to an amount roughly equal to the maximum amount of improvements that may be attributable to the development.

4. The methodology utilized by the city shall be as follows. The maximum amount of improvements attributable to a development is roughly proportional to the demand created by a development. This value shall be determined (measured in dollars) by multiplying the following values together:

a. Intensity of the development (using independent variable identified in the ITE Trip Generation Manual, e.g. number of dwelling units, number of one thousand (1,000) square feet of leasable floor area, etc.);

b. Number of vehicles—the peak hour trip generation rate for the applicable peak hour (from the most current version of the ITE Trip Generation Manual Information);

c. Length of the trip—the anticipated trip length to/from the development on the city's thoroughfare network (a minimum value of 1.0 miles and a maximum value of 1.5 miles shall apply); and

d. Cost per vehicle-mile—the average cost per vehicle-mile for the City of Cibolo to deliver a typical roadway capacity improvement project based upon the current City Engineer estimates. The Average Unit Price List shall be reviewed by the City Engineer on a regular basis to ensure the Average Unit Price List is consistent with current construction costs.

5. The methodology shall be reviewed by the City Engineer on a regular basis to ensure the methodology is consistent with current construction costs and engineering criteria.

6. Projects in a valid master development plan or planned unit development where mitigation improvements have been previously constructed at the cost of the applicant shall receive credit for these improvements. The credit for improvements shall be determined using the cost of the improvements at the time they were constructed. This value shall be included with the total cost of the mitigation improvements required to serve the development. The land uses previously constructed or planned for shall also be included in the calculation of the maximum probable amount of improvements that may be attributable to the development.

D. **Limitations on Traffic Impact Mitigation.** Limitations on traffic impact mitigation requirements are as follows:

1. Improvements that have been planned and funded through a capital improvement project that exceed the proposed mitigation measures recommended in the TIA are not required. The capital improvement must be planned to be awarded to a contractor for construction within one (1) year following the completion of the project phase requiring the improvement to be considered as a mitigation improvement.

E. **Exemptions.** The city finds and determines that certain factors, such as interconnected street systems, mixed uses, and the availability of pedestrian facilities, can result in fewer trips than isolated, low-density subdivisions. Certain development patterns produce fewer trips and shorter trips than developments subject to conventional zoning or located on the fringe of the metropolitan area. The city hereby finds that traffic patterns and infrastructure within its urban core are established, and that there is a strong public policy to encourage reinvestment in the city's downtown areas. Further, the city hereby finds that there is a strong public policy to encourage infill development and that there is little opportunity to expand transportation

capacity in many infill areas without destroying the city's historic built environment. Accordingly, the Old Town Overlay zoning district is exempt from the provisions of this section.

Section 18.14 Clear Site Triangle

A. **Generally.**

No fence, wall, sign, foliage, berming or other structure or obstruction which will obstruct the driver's view (sight lines) of traffic approaching the intersection shall be placed in the sight triangle. These sight lines shall be unobstructed between a height of three (3) feet and eight (8) feet above the elevation of the street centerline and shall be placed on any corner lot in the areas specified by this subsection or the American Association of State Highway and Transportation Officials (AASHTO) standards; whichever is more stringent.

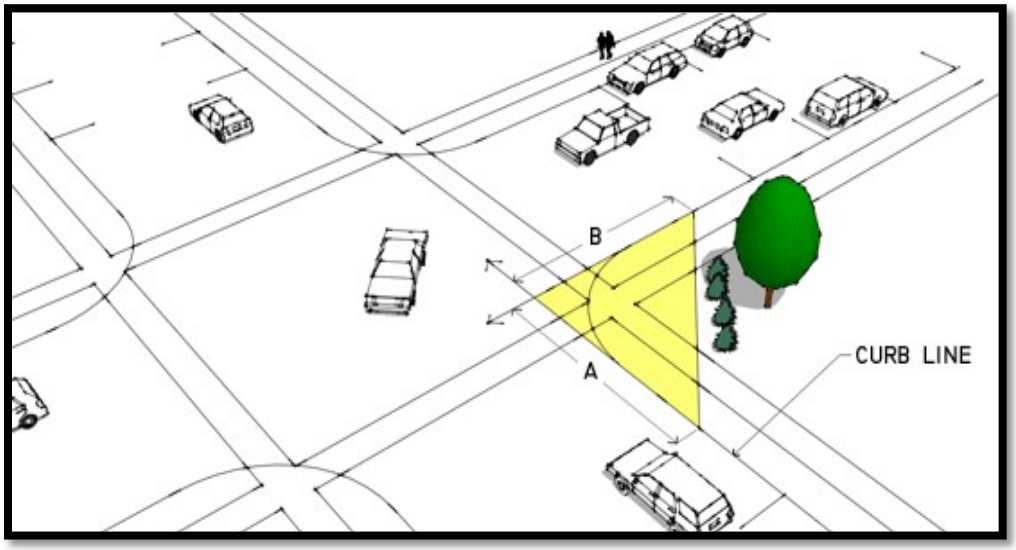
B. **Requirements.**

1. At the intersection of two public streets, regardless of classification, Distance A and Distance B (refer to Figures 18.1 and 18.2) shall not be less than thirty (30) feet.
2. Utility cabinets, including traffic signal cabinets, over three (3) feet in height (above the street centerline) are not allowed in a sight triangle.

C. **Exemptions.**

1. Utility poles, traffic control signs or other signs related to public safety, and trees eighteen inches or less in width that are devoid of branches and spaced to minimize visual obstruction are allowed in a sight triangle. Such structures are considered point obstructions and are permitted because a driver can adjust slightly to avoid or see around them.
2. Subject to approval by the City Engineer, a traffic signal cabinet may be located in a sight triangle only where no other location is feasible due to physical or fiscal constraints, and is located such that the side facing vehicle traffic is less than eighteen inches (18") in width to minimize the sight obstruction.

Figure 18.1 Sight Triangle Requirements for Street Intersections



Distance A and Distance B are measured from the point of intersection of lines that extend from either the edge of the curb line or edge of asphalt, whichever is closer to the property, away from the intersection. Only one of the four required street sight triangles is shown.

Figure 18.2 Sight Triangle Requirements for Street Intersections (Measurement)

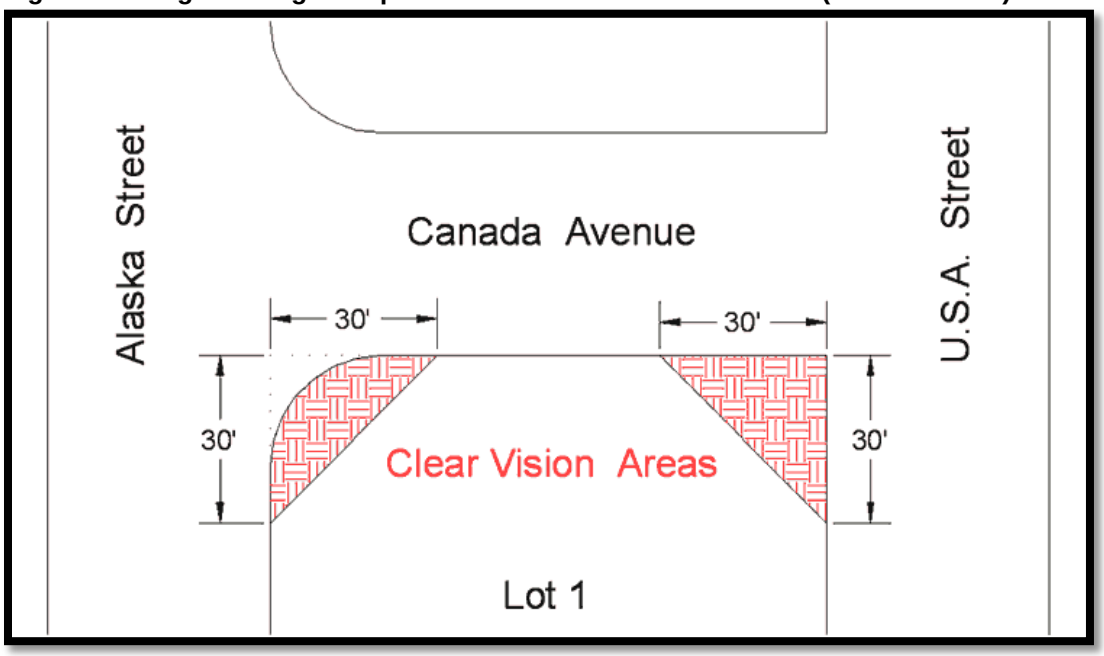
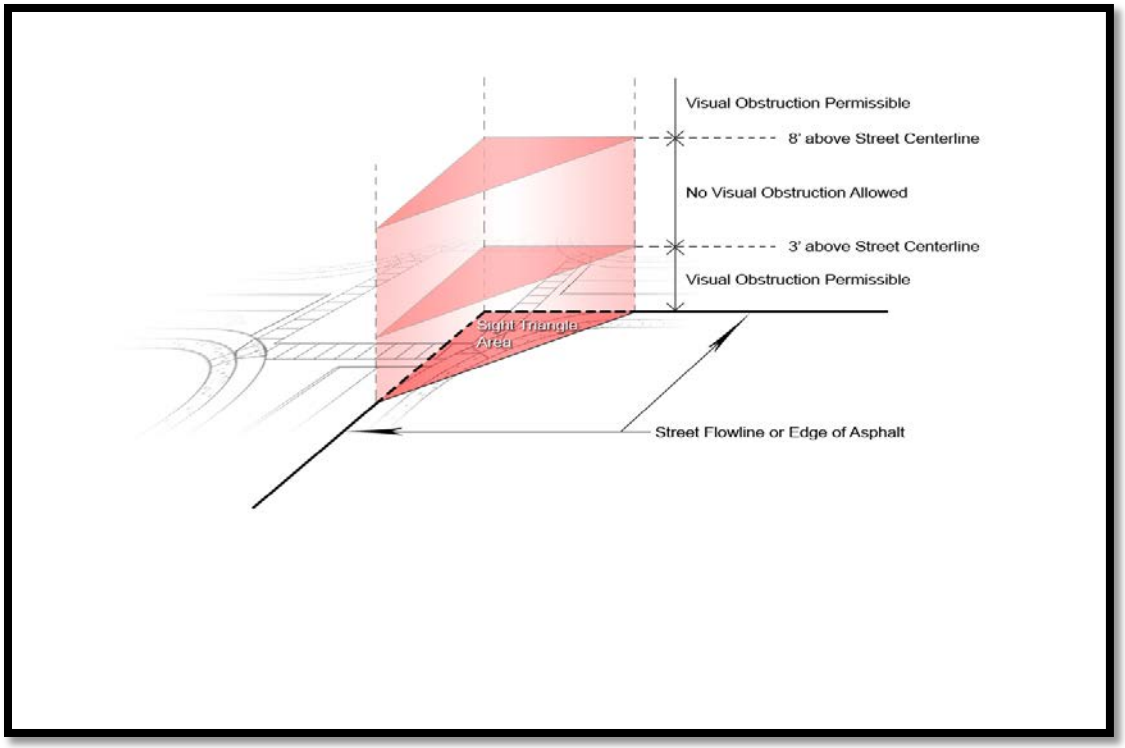


Figure 18.3 Sight Triangle Requirements for Street Intersections (Three Dimensional)



Section 18.15 Fire Lanes

Fire lanes shall be designated, designed and constructed as necessary to comply with all requirements of the City of Cibolo Fire Code and local amendments.

Section 18.16 Driveways

Driveways shall be designated, designed and constructed as necessary to comply with all requirements of the Cibolo Design and Construction Manual and the additional standards contained in this Article.

A. Residential Subdivisions

Direct access onto highways, arterials, and major collectors, as designated by the Future Thoroughfare Plan, shall be prohibited.

In those instances where a corner residential lot that was platted prior to the adoption of this UDC, with frontage on one or more streets designated as a highway, arterial or major collector street by the Future Thoroughfare Plan, driveway access to said lot shall be provide from the lesser street, with the driveway required to be located as far from the street intersection as practical. To maintain public health and safety, the City Engineer may require the installation of an on-site turn-around bay to provide vehicles with an alternative to backing out near street intersections or onto street designated by the Future Thoroughfare Plan.

B. Non-Residential Subdivisions/Site Plans

1. Direct access onto **highways and arterials** as designated on the Future Thoroughfare Plan shall be restricted as follows:
   a. A minimum distance of two hundred and fifty (250) feet must be maintained between driveways, as measured from the edge of pavement to the edge of pavement.
   b. Driveways shall not be located closer than one hundred and fifty (150) feet from a street intersection. Said separation shall be measured from the edge of pavement of the driveway to the property line adjacent to a highway or arterial.
   c. A common access easement and fire lane easement shall be dedicated between adjoining developments whenever practical along highways and arterial streets to facilitate shared access. Said easement shall contain a minimum width of twenty four (24) feet.
2. Direct access onto **major collector streets** designated on the Future Thoroughfare Plan, shall be restricted as follows:
   a. A minimum distance of one hundred and fifty (150) feet must be maintained between driveways. This minimum spacing shall be measured from the edge of pavement to the edge of pavement.
   b. Driveways shall not be located closer than seventy five (75) feet from a street intersection. Said separation shall be measured from the edge of pavement of the driveway to the property line adjacent to a highway or arterial.
   c. A common access easement and fire lane easement shall be dedicated along the roadways to facilitate shared access.
   d. Driveway access to residential lots from major collector streets shall be limited to the greatest extent practical.
3. Direct access onto **minor collectors** shall be restricted as follows:
   a. A minimum distance of one hundred (100) feet must be maintained between driveways. This minimum spacing shall be measured from the edge of pavement to the edge of pavement.
   b. Driveways shall not be located closer than fifty (50) feet from a street intersection. Said separation shall be measured from the edge of pavement of the driveway to the property line adjacent to a highway or arterial.

c. A common access easement and fire lane easement shall be dedicated along the roadways to facilitate shared access.

d. Driveway access to residential lots from minor collector streets is permitted, but should be limited to greatest extent practical.

4. Driveway approaches, curbs, gutters, pavements and appurtenances on public property and other facilities to provide access to abutting properties in the City and ETJ in connection with platting or building construction shall be constructed, provided, altered or repaired in accordance with the standards outlined below and the Cibolo Design and Construction Manual.

5. All driveway approaches shall comply with the following standards.

a. Sidewalk to Be Removed. Where a driveway approach is designed to cross an existing sidewalk, the sidewalk included in the driveway approach area shall be removed and reconstructed as a driveway approach unless the City Engineer has determined that the section of sidewalk fully complies with the requirements of this section for driveway approaches. The area across the driveway will be jointed and edged as a sidewalk. The depth and design for the sidewalk will be consistent with the driveway approved design and will be consistent with ADA regulations.

b. Removal of Curb and Gutter. Where a driveway approach is to be constructed at a location where a curb and gutter is in place, the curb and gutter shall be removed to the nearest existing construction joint or a new construction joint formed by other methods as may be approved by the City Engineer. The driveway approach shall be constructed in accordance with the Cibolo Design and Construction Manual.

c. Drainage. Driveway approaches shall be designed to prevent the entrance of water from the street onto private property, except that a drainage system may be provided within the property to handle water coming from the street. Driveway approaches and related drainage systems shall be constructed in accordance with the Cibolo Design and Construction Manual.

d. Radius. Driveway approaches shall be constructed with either flared side slopes or with return curbs having a rolled face disappearing at the sidewalks and joining the street curb with a radius to conform to the Cibolo Design and Construction Manual. Flared side slopes shall be used whenever a curb return may present an architectural barrier within a pedestrian path. Driveway flares shall not extend in front of the adjacent property. The radius shall continue beyond the sidewalk to the end of the required dimension.

6. Design Criteria. Driveway widths shall comply with the criteria listed below in Table 18-4. For commercial and industrial uses that will obtain driveway access from a state highway, driveway widths shall be governed by TxDOT standards and shall not be limited by the requirements of Table 18-4. Commercial and industrial uses on other rights-of-way may be allowed additional driveway width, subject the approval of the City Engineer and the findings of a professional traffic engineer licensed to practice in Texas to accommodate the needs of trucks or other oversized equipment that will utilize the proposed driveway. The Fire Chief shall also have the right to require additional driveway width based on the nature of any proposed use and the need to provide fire protection and emergency access.

TABLE 18-4

Width of Access

Use Classification	Standard	Minimum Access Width
Single Family Residential	One car garage	10 feet
	Two car garage	18 feet
	Three car garage	26 feet
Two Family Residential	Two, one car garages	25 feet
	Two, two car garages	40 feet
Commercial (two-way drive)	Recommended	30 feet
	Minimum	25 feet
	Maximum (up to 175' frontage)	35 feet
	Maximum (greater than 175' frontage)	52 feet
Commercial (one-way drive)	Recommended (Ingress)	18 feet
	Recommended (Egress)	18 feet
	Minimum	16 feet
	Maximum	25 feet

(a) Width of Driveway Approach. On local streets the width of any driveway approach shall conform to the dimensions as required by Table 3-6, and the width shall be as measured along the property line, except that driveway approaches for motor vehicle docks, within a building, shall not exceed sixty feet (60) in width at the property line. The width shall be measured to the centerline of the driveway at the property line where the curb return ends.

(b) Maximum Space to Be Occupied By Driveway Approaches. Driveway approaches shall not occupy more than seventy percent (70%) of the roadway abutting frontage of the tract of ground devoted to one particular use.

(c) Number of Driveway Approaches Allowed. On local streets not more than one (1) driveway approach shall be permitted on any parcel of property with a frontage of one hundred feet (100) or less, except that additional openings may be permitted with the approval of the City Engineer for the necessity and convenience of the public. For arterials the distances shall be 300 feet.

(d) Driveway Separation. When more than one (1) driveway approach is required to serve a parcel of property, the driveway approaches shall be separated by a minimum distance, as measured between the edge of the driveway and the adjacent driveway or street right-of-way, as required by this section. The minimum separation from an arterial or collector intersection shall be 100 feet.

7. Single-family and two-family developments are exempt from these standards on all local streets.

8. Where a property at a corner does not have the necessary frontage to accommodate the required spacing from the intersection, or an interior property does not have adequate width to meet the spacing requirements from an existing driveway on an adjacent property, a common access easement with an adjacent property may be utilized to obtain the necessary spacing. Where site limitations preclude such common access easements, or where cooperation of adjacent property owners cannot be obtained, the City Engineer

may authorize a non-compliant driveway, which should be spaced as far from the intersection as practical, provided that the applicant can demonstrate that the proposed drive would result in a traffic safety hazard.

9. Shared Driveways. Driveway approaches shall be located entirely within the frontage of the premises abutting the work, except that shared driveway access with an adjoining property owner may be permitted provided joint application is made by all interested parties and the requirements of section.

10. Angle of Driveway Approach. The angle of the driveway approach with the curbline shall be approximately ninety degrees (90) for two-way driveways, or forty-five degrees (45) to ninety degrees (90) for one-way driveways.

11. Obstruction of Driveway Approaches. Driveway approaches shall not be constructed or designed so that standing or parked vehicles may obstruct the driveway.

12. Cross Access and Internal Driveways. Cross access easements for internal driveways are encouraged to minimize the number of driveway cuts on streets, thereby maintaining street mobility, and to facilitate traffic flow between adjacent lots.

    (a) May Be Required. A cross access easement(s) for an internal driveway(s) may be required between adjacent lots;

    (b) Location and Dimension. The location and dimensions of such easement(s) shall be determined by the City Engineer and may be required to be shown on a plat when appropriate.

Section 18.17 Sidewalks

Sidewalks shall be designated, designed and constructed as necessary to comply with all requirements of the Cibolo Design and Construction Manual and the additional standards contained in this UDC.

A. Requirement

Sidewalks shall be required along both sides of all streets throughout the City, except along Interstate Highways 35 and 10. All lots must provide access to a concrete sidewalk.

B. Curb Ramps

Curb ramps shall be provided at all street intersections at the time of construction or reconstruction and shall comply with the provisions in the Federal Register 28, CFR part 36 (Americans with Disabilities Act or ADA) and Texas Accessibility Standards as amended from time to time.

ADA compliant access shall also be provided to all group, or community, mail boxes. Group mail boxes shall be positioned to allow access to all boxes in the group mailbox to persons who may be in wheelchairs.

C. Location and Width

Where sidewalks are required, they shall be installed in accordance with the Cibolo Design and Construction Manual and shall be a minimum of five feet (5') in width in residential areas and six feet (6') in width in commercial areas. Sidewalks shall be placed parallel to the street for the entire frontage(s) of the lot and shall be located a minimum of two feet (2') behind the curb.

D. Sidewalk Obstructions

Where utility poles, fire plugs or other utility installations occur within the sidewalk width, the walk shall be offset around the obstacle at its full width. If the available right-of-way is insufficient to offset the walk, the City Engineer must approve the solution to the problem. Either additional right-of-way must be dedicated to accommodate the sidewalk or a "Pedestrian and Sidewalk Easement" must be granted of sufficient width and depth to accommodate the sidewalk. In avoiding obstructions, the sidewalk design shall be required to comply with all ADA requirements.

E. Curbside Landscaping

Landscaping in the section of street right-of-way between the curb and sidewalk shall be limited to those "approved" grasses, groundcovers, annuals or perennials listed in Article 18 of this UDC. The use of mulch as a ground cover is also acceptable. All other plants, decorative gravel or stone, or other structural landscaping elements are acceptable alternatives.

F. Timing of Construction

Sidewalks shall generally be installed concurrently with the construction of the primary structure on a lot, except on primary or secondary arterials, where they shall be installed concurrently with the street. For new single-family residential development, this requirement may be deferred until the issuance of building permits.

G. Construction Concurrent with Street Construction

If a street is constructed which has no residential lot access, sidewalks must be installed concurrently with street construction.

H. At the time that that Final Acceptance is granted for any subdivision, or any unit or phase of a subdivision, the City shall require the developer to file a Sidewalk Installation Bond equal to valuation of sidewalks that are required to be installed by this UDC but that have not yet been constructed. The City shall release the Sidewalk Installation Bond at such time as all required sidewalks are constructed.

I. Corner Lot

Where sidewalks are installed on corner lots, sidewalks shall be installed along both street frontages and shall be extended to the curb with handicapped access ramps in accordance with ADA & TAS standards.

J. Waiver or Deferment of Sidewalk Installation

The City Engineer may recommend that the installation of certain sidewalk sections be deferred to a future date when topographic or other unique conditions exist that may preclude the immediate construction of a sidewalk. In those instances, the City Council may accept the City Engineer recommendation to defer the installation of such a sidewalk to a time deemed more appropriate. In the event that the installation of sidewalks is deferred, the developer shall provide a subdivision improvement agreement guaranteeing the installation of a deferred sidewalk.

K. Retrofitted & Reconstructed Sidewalks

1. The policy of the City of Cibolo is that continuous pedestrian sidewalks are important public infrastructure and that sidewalks should ordinarily be installed and maintained on both sides of every block of every City-maintained street, with exception as provided below.
2. Except as specifically authorized by the City Council, significant projects involving the construction and reconstruction of public sidewalks should be included in the annual Capital Improvement Plan. Funds to construct minor projects and perform general repairs of sidewalks may be allocated in the annual budget process.
3. Prior to installation of a new sidewalk on any street(s), at least 30 days' written notice shall be given to all adjacent property titleholders on both sides of the street and a public meeting scheduled to provide opportunity for public to provide comment regarding installation of sidewalk in the subject location(s). This section does not apply to new developments where sidewalks are installed by the developer to meet UDC requirements.
4. The City Council may decide by majority vote, based on good reasons including but not limited to the following criteria, to forego installation of sidewalk in a particular location if:

    a. A majority of the title-holders of properties on the block(s) attest by their signatures on a petition to be received by the City Secretary by the time of the public meeting that they are opposed to the installation of sidewalk on their block. This criterion must be accompanied by at least one of the following circumstances:

b. There is insufficient existing public right of way or easement available for installation of sidewalk and it is infeasible to either voluntarily acquire the necessary easement or to incorporate part of the existing roadway for the sidewalk [If the curb-to-curb footprint is to change by incorporating part of the existing roadway for the sidewalk addition or with expansion, then City Council's considerations will also take into account the impact on surrounding street traffic patterns;
c. The block(s) are not on a through street (must be accompanied by criterion a. above);
d. Construction of a sidewalk would present inordinate engineering challenges or costs;
e. Construction of a sidewalk would entail the loss of significant tree canopy.

5. The City shall make every reasonable effort to find creative solutions to problems cited in Section 4 above before deciding to forego installation of sidewalk.
6. The City shall endeavor to remove or minimize obstacles within new or existing sidewalks to the extent possible without incurring significant additional costs.
7. The City standard for sidewalk width is five feet and all sidewalks below that width shall ordinarily be reconstructed, where feasible according to criteria described above, to conform to the City standard, with the City Council considering the following exceptions:

    a. Streets in which City Council has previously approved a different width;
    b. Blocks identified by the City Council as having special need or special opportunity for wider sidewalks (e.g., blocks with commercial or other high-traffic frontage or where property owners bear all or part of the cost of installation).

8. New & reconstructed sidewalks shall comply with all applicable accessibility codes. Every attempt should be made to ensure a buffer between the sidewalk and the curb line of the adjoining street.
9. Sidewalk construction & reconstruction should be conducted in conjunction with Pavement Management & street resurfacing projects and also be coordinated with infrastructure development and rehabilitation projects (i.e. water, sewer, drainage projects) to ensure the projects do not conflict.
10. Property owners may petition the City Council for installation of sidewalks that exceed those provided for by this policy; however, City Council may require that property owners on the block(s) proposed, if such work is approved, be assessed for the cost of the work. Partial assessment of each property on a block may be required to provide sidewalks were there are unusual costs or difficult engineering requirements. In those instances the City will agree to pay for its share of the costs: work limited to routine sidewalk construction, but not for other required improvements.

Section 18.18 Bike Lanes

It is the policy of the City of Cibolo to require bike lanes along all arterial and collector streets designated on the Future Thoroughfare Plan of the City of Cibolo. Street sections for collector and arterial streets shall be designed to incorporate bike lanes designed in accordance with the Cibolo Design and Construction Manual.

Section 18.19 Linear Parks

It is the policy of the City of Cibolo to reserve appropriate spaces that may be interconnected into a linear park network. The City Council may require that any drainage or utility easement that provides a connection or connections to adjoining neighborhoods or an existing or proposed linear park network also be designated as a public access easement for the purpose of providing pedestrian and bicycle access and may request parkland dedication for this purpose in accordance with this UDC. Linear parks, when proposed or where required, must be designed in accordance with the Cibolo Design and Construction Manual.

ARTICLE 19. GENERAL SUBDIVISION STANDARDS

Section 19.1 General

A. Conformance to Adopted Plans & Studies

All subdivisions shall conform to the Comprehensive Plan, Future Thoroughfare Plan, Future Land Use Map, Capital Improvements Program and all Master Drainage and Water/Wastewater Plans and Studies for orderly and unified development of streets, utilities, neighborhood design, and public land and facilities, as well as other provisions of this UDC the Cibolo Design and Construction Manual any other applicable ordinance or code; all of which represent minimum values necessary for the health, safety and welfare of the community. The design engineer and developer are required to meet or exceed the requirements of these standards by providing more conservative design criteria but are not allowed to fall below the standards of this UDC. Where there is a conflict between the regulations contained within this Article and regulations or standards contained within any other ordinance, code or regulation of the City, the more restrictive regulation shall apply. Approval of plans and specifications by the City shall not be construed as relieving the design engineer/developer of responsibility for compliance with this UDC, nor with any other local, county or state authority having jurisdiction.

B. Achieving Desirable Neighborhood Development

Residential subdivisions shall be designed to take advantage of the principles and general designs for neighborhood development as established by the Comprehensive Land Plan and the Planning and Zoning Commission in order to achieve the most advantageous development of the entire neighborhood unit in which the subdivision is located.

C. Provision for Future Subdivision

All subdivisions shall be so arranged as to allow logical further subdivision and opening of future streets and shall coordinate with adjoining existing and/or future subdivisions.

D. Standards for Site Improvements

All streets, alleys, sidewalks, utility installations and other site improvements required to be installed by the subdivider under the provisions of these regulations shall conform to all requirements of this UDC, the Cibolo Design and Construction Manual and the standards and requirements of any other agency responsible for design, construction methods and standards, payments, refunds, credits and other financial arrangements.

E. Conformity with the City of Cibolo Design and Construction Manual

All public improvements shall be designated, designed and constructed as necessary to comply with all requirements of the Cibolo Design and Construction Manual. Land proposed for development in Cibolo and the Cibolo ETJ shall be served adequately by essential public facilities and services, limited to water facilities, wastewater facilities, transportation facilities, and drainage facilities, as set forth in this UDC. Land shall not be approved for platting or development unless and until adequate public facilities necessary to serve the development exist or provision has been made for the facilities, whether the facilities are to be located within the property being developed or offsite.

F. Adequate Service for Areas Proposed for Development

Land proposed for development in the City and in the City's ETJ must be served adequately by essential public facilities and services, limited to water facilities, wastewater facilities, transportation facilities, and drainage facilities, as set forth in this UDC. Land shall not be approved for platting or development unless and until adequate public facilities necessary to serve the development exist or provision has been made for the facilities, whether the facilities are to be located within the property being developed or offsite.

Section 19.2 Monuments and Lot Markers

A. Horizontal Survey Reference Monuments

Horizontal monuments shall be placed at all block corners, angle points, points of curve, and all corners of boundary lines of the subdivision. A monument shall be made of an iron stake one-half inch (1/2") in diameter and twenty-four inches (24") long centered in a minimum of six inches (6") in diameter and twelve inches (12") long. The iron stake should be left one-half inch (1/2") above grade with a surveyors' aluminum or plastic cap, stamped with the surveyors' registered number or firm. Monuments shall be identified on the plat with elevation and the elevation shall be stamped on top of the monument.

B. Other Markers

All other survey markers, such as lot corners, shall have an iron stake one-half inch (1/2") in diameter and twenty-four inches (24") long and shall be placed flush with the ground, or below ground, if necessary, in order to avoid being disturbed.

C. Monument Placement and Verification

Monuments and lot markers shall be set immediately after completion of all required infrastructure improvements. Prior to acceptance of subdivision improvements by the City, the developer's surveyor or engineer shall certify that all monuments and markers are in place and correctly positioned.

Section 19.3 Reservations

A. Permitted Purposes

No land contained within the City Limits and in a proposed subdivision shall be reserved for any use other than a use permitted by the Zoning requirements of this UDC for the district in which the land to be reserved is located. Land located in the extraterritorial jurisdiction is not subject to City zoning restrictions, but must follow the regulations of the Subdivision Ordinance and any required building codes adopted by the city and as allowed by the Texas Local Government Code.

B. Designation on Plat

The specific use for which each piece of land is to be reserved must be shown by appropriate label or description on the subdivision plat. Provision for future abandonment of a reservation as may be appropriate must likewise be shown on said plat. Vacation of a previously dedicated easement or right-of-way must likewise be indicated as a vacating instrument on the plat.

C. Schools

The location and size of school sites in accordance with the Interlocal Agreement executed between the City of Cibolo and Schertz-Cibolo Universal City Independent School District.

D. Minimum Size and Maintenance of Reserved Tracts

Reserve tracts shall have a minimum area of 5.0 acres. Smaller reserve tract sizes may be considered by the Planning and Zoning Commission upon the developer providing rationale for such a reservation. In all instances where reserve tracts are designated, the plat shall include a general note stating that it shall be responsibility of the developer, or a Homeowner or Property Owner Association to maintain the reserved tract.

E. Remnant Tracts Prohibited

When platting or developing property, the creation of a remnant, or undevelopable, tract of property shall be prohibited.

Section 19.4 Block Design

A. The length, width and shape of blocks will be determined with due regard to:

1. Provision of adequate building sites suitable to the special needs of the type of use contemplated (note that the Planning and Zoning Commission may require that the block and lot size bear reasonable relation to the planned use of the land);

2. Zoning requirements as to lot sizes and dimensions; and

3. Need for convenient access, circulation, control and safety of street traffic.

B. In general, intersecting streets shall be used to determine the block lengths and widths, and shall be provided at such intervals as to serve cross traffic adequately, and to meet existing streets or customary subdivision practices.

C. A deviation from the standards of this section may be considered in cases where physical barriers, property ownership or adjacent existing subdivisions create conditions where it is appropriate. The length may be increased or decreased to meet the existing conditions having due regard for connecting streets, circulation of traffic and public safety.

D. In general, block lengths along minor or secondary streets shall not exceed 1,400 feet or be less than 500 feet. Along arterial streets, blocks shall not exceed 1,800 feet or be less than 900 feet. For a residential subdivision, block length shall be that distance measured along the centerline of the street from the intersection centerpoint of one through street to the intersecting centerpoint of another through street, or to the mid-point of a cul-de-sac.

E. Blocks shall be numbered consecutively within the subdivision and/or sections of an overall plat.

Section 19.5 Lot Design

A. Lot sizes and dimensions shall conform to the minimum requirements of the appropriate zoning district. The lot area shall be computed including all easements. Changes in the required lot sizes and dimensions may only be allowed through rezoning or through the granting of a variance by the City Council. No lot shall be approved which does not meet the minimum requirements of the appropriate zoning district.

B. In residential subdivisions not served by public sewer, the City shall require the developer to cause a percolation test to be made to demonstrate that all requirements of Guadalupe County for private septic systems can be satisfied. In no case will the lot size in such subdivision be less than one acre.

C. Depth and width of properties to be used for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

D. Corner lots for residential development shall have sufficient width to permit the required building setbacks and proper orientation to both streets. In all single-family residential developments, corner lots shall be required to have a minimum of five (5) feet of additional lot width.

E. Where any lot backs up to a railroad right-of-way, regional scale gas line, regional scale electric transmission line, industrial area or any other land use which may have a dangerous effect on residential property, and where no marginal access street or other street is provided at the rear of such lot, an additional depth of twenty-five feet (25') shall be required. Where a lot sides to any of the above, an additional width of fifteen feet (15') shall be required. A planting screen, fence or non-access easement of at least ten feet (10') shall be provided along any lot line abutting any of the situations described in this section. Persons proposing developments that are adjacent to or traversed by major regional gas or electrical lines shall submit plats, construction plans or site plans to the affected utility and obtain a letter stating "no objection" to the proposed development before plats or site plans may be approved by the City of Cibolo.

F. Residential lots located on a cul-de-sac, or semi-cul-de-sac (commonly referred to as a knuckle) shall comply with the minimum lot width requirement at the required building setback line, with the lot width to be measured as a tangent line that connects the required building setback mark along each side lot line. Said lots shall also have a minimum arc length of thirty (30) feet along the cul-de-sac or knuckle in order to provide adequate driveway width.

G. Residential lots shall be oriented to take advantage of topography; the best relationship to the overall design of the neighborhood; and to minimize the effects of any surrounding depreciating land uses.

H. There shall be no residential lots facing directly upon an arterial street. Residential lots located along major collector streets should ideally back up to said streets, with primary access provided by a minor collector or minor street.

I. Side lot lines shall be as nearly perpendicular as practicable to the street or radial to curved streets, except where a waiver to this rule will provide a better street and lot layout. Every lot shall be provided with adequate access to a public street by direct frontage on such street. Rear and/or side driveway access to major streets shall be prohibited.

J. Every lot shall be provided with adequate access to a public street, either by direct frontage on such street, or by public access easement approved by the City Council. Rear and/or side driveway access to major arterial or collector streets shall be prohibited.

K. Minimum front setback lines from all streets shall be shown on all plats and shall conform to requirements of the applicable zoning district or Future Land Use Map designation for lots in the ETJ. The front line setback shall be measured from the point where the public right-of-way ends to the front face to the building, covered porch, covered terrace or attached accessory building.

L. Double frontage lots are prohibited, except when lots back up to highways, arterial streets or major collector thoroughfares.

M. All lots shall be numbered consecutively within each block. Lot numbering may be cumulative throughout the subdivision if the numbering continues from block to block in a uniform manner that has been approved on an overall street addressing plat. Lot numbers and address numbers must be approved by the city.

O. ETJ Lot Standards

Subdivisions outside the city but within the city's extraterritorial jurisdiction (ETJ) are not subject to the zoning requirements of this UDC. Based on the proposed use of property in the ETJ, developers are encouraged to follow the below standards when preparing development plans:

1. For the Purpose of this UDC, the City of Cibolo is divided into the following fifteen (15) districts, with each corresponding Future Land Use Map classification:

Zoning District	Future Land Use Map Designation
a. SF-1	Low Density Single-Family Residential (0 - 2.0 dwelling units per acre)
b. SF-2	Medium Density Single-Family Residential (2.0 to 4.0 dwelling units/acre)
c. SF-3	Mixed-Density Single-Family Residential (2.0 to 5.5 dwelling units/acre)
d. TF-1	Duplex Residential (Up to 12 dwelling units/acre)
e. MF-1	Multi-Family Residential (Max. Density 18 dwellings/acre)
f. MF-2	Multi-Family Residential (Max. Density 24 dwellings/acre)
g. MH-1	Manufactured Home Residential
h. MH-2	Mobile Home Residential
i. C-1	Neighborhood Commercial
j. C-2	Old Town/Town Center
k. C-3	Retail/Office
l. C-4	General Commercial
m. PF	Public Facilities (Parks and Institutional Facilities)
n. I-1	Light Industrial
o. I-2	Heavy Industrial
p. AG	Agricultural

2. Zoning District SF-1, Low Density Single-Family Residential

a. Intent - This district is established for large-lot single-family residential housing and agricultural use. It is consistent with a very low density suburban/exurban environment with housing arranged in

conventional detached format with a maximum density of 2.0 units per acre. These lots contribute to the semi-rural setting of the City and are protected from incompatible uses. Mobile/manufactured/ modular homes are not permitted.

b. Permitted uses - one (1) dwelling unit per lot, community recreational facilities, and farms.
c. Specific uses - subject to site plan approval, places of worship, schools, and private recreational amenities.
d. Lot Design Requirements

(1) Minimum Lot Area	21,000 sq. ft.
(2) Minimum Lot Width	85’
(3) Minimum Front Setback	35’
(4) Minimum Rear Setback	25’
(5) Minimum Side Setback	10’
(6) Maximum Height of Principal Building	35’
(7) Maximum Lot/Impervious Coverage	35%
(8) ETJ Classification	**Low-Density Residential**

3. Zoning District SF-2, Medium Density Single-Family Residential

a. Intent - This district is established for traditional suburban development of single-family detached dwellings in a medium density setting of 2.0 to 4.0 units per acre. Higher intensity residential development serves as a buffer to protect this area from incompatible and nuisance issues. Mobile/ manufactured/modular homes are not permitted.

b. Permitted uses - one (1) dwelling unit per lot, and community recreational facilities.
c. Specific uses - subject to site plan approval, private recreational amenities, places of worship, schools.
d. Lot Design Requirements

(1) Minimum Lot Area	7,200 sq. ft.
(2) Minimum Lot Width	65’
(3) Minimum Front Setback	25’
(4) Minimum Rear Setback	10’
(5) Minimum Side Setback	10’
(6) Maximum Height of Principal Building	35’
(7) Maximum Lot/Impervious Coverage	50%
(8) ETJ Classification	**Low - Medium-Density Residential**

4. Zoning District SF-3, Mixed Density Single-Family Residential

a. Intent - The mixed-density residential district enables higher density (2 to 5.5 units per acre) housing types, such as townhomes, garden homes, or duplex/triplex to be developed in closer proximity to collector streets. The district is intended to complement the suburban district and in infill areas of the Town Center, serving as a transitional use between commercial and single family uses. Mobile/ manufactured/modular homes are not permitted.

b. Permitted uses - one (1) dwelling unit per lot, and community recreational facilities.
c. Specific uses - subject to site plan approval, private recreational amenities, places of worship, schools.
d. Lot Design Requirements

(1) Minimum Lot Area	6,600 sq. ft.
(2) Minimum Lot Width	60’
(3) Minimum Front Setback	25’
(4) Minimum Rear Setback	10’
(5) Minimum Side Setback	10’
(6) Maximum Height of Principal Building	35’
(7) Maximum Lot/Impervious Coverage	60%
(8) ETJ Classification	**Medium - Medium High Density Residential**

5. Zoning District TF-1, Duplex Residential

a. Intent - The duplex residential district enables higher density (Up to 12 units per acre) housing types such as duplex/triplex to be developed in closer proximity to collector streets. The district is intended to complement the suburban district and in infill areas of the Town Center, serving as a transitional use between commercial and single family uses. Mobile/ manufactured/modular homes are not permitted.

b. Permitted uses – one (1) duplex or triplex per lot, and community recreational facilities.

c. Specific uses - subject to site plan approval, private recreation amenities, places of worship, schools.

d. Lot Design Requirements

(1) Minimum Lot Area	9,000 sq. ft.
(2) Minimum Lot Width	75’
(3) Minimum Front Setback	25’
(4) Minimum Rear Setback	10’
(5) Minimum Side Setback	10’
(6) Maximum Height of Principal Building	35’
(7) Maximum Lot/Impervious Coverage	60%
(8) ETJ Classification	**Medium - Medium High Density Residential**

6. Zoning District MF-1, Multi-Family Residential

a. Intent - This district provides for attached, multiple family residential use to a maximum density of 18.0 units per acre, situated with access to an arterial roadway. It is intended to be located near retail and office use to provide convenient service. Its scale is complementary to the Town Center and provides pedestrian access to surrounding service uses. Mobile/ manufactured/modular homes are not permitted.

b. Permitted uses - townhomes, condominiums and apartments not to exceed eighteen (18) dwelling units per acre, and cluster housing not to exceed fifteen (18) units per acre. Mobile/manufactured/modular homes are not permitted.

c. Specific uses - subject to site plan approval, private recreational amenities, places of worship, schools.

d. Lot Design Requirements

(1) Minimum Lot Area	None
(2) Minimum Lot Width	100’
(3) Minimum Front Setback	15’
(4) Minimum Rear Setback	10’
(5) Minimum Side Setback	10’
(6) Maximum Height of Principal Building	45’
(7) Maximum Lot/Impervious Coverage	75%
(8) **ETJ Classification**	**Medium High - High Density Residential**

7. Zoning District MF-2, Multi-Family Residential

a. Intent - This district provides for attached, multiple family residential use to a maximum density of 24 units per acre, situated with access to a major arterial roadway or highway. It is intended to be located near retail and office use to provide convenient service, and access to regional facilities for its residents.

b. Permitted uses - townhomes, condominiums and apartments not to exceed twenty-four (24) dwelling units per acre, and cluster housing not to exceed twenty-four (24) units per acre. Mobile/manufactured/modular homes are not permitted.

c. Specific uses - subject to site plan approval, private recreational amenities.

d. Lot Design Requirements

(1) Minimum Lot Area	None
(2) Minimum Lot Width	100’
(3) Minimum Front Setback	15’
(4) Minimum Rear Setback	10’
(5) Minimum Side Setback	10’
(6) Maximum Lot/Impervious Coverage	80%
(7) Maximum Height of Principal Building	45’

(8) ETJ Classification **High Density Residential**

8. Zoning District MH-1, Manufactured Home Residential

a. Intent - The Manufactured Home District is established to provide a single family residential zoning district most appropriate to an established neighborhood that contains predominantly manufactured home residences. This district allows for HUD-Code manufactured homes, modular homes, or other site-built homes on individual lots and provides for a diversity of housing options. Maximum density is limited to 5.5 dwelling units per acre.

b. Permitted uses – manufactured/modular homes.
c. Specific uses - subject to site plan approval, private recreational amenities.
d. Lot Design Requirements

(1) Minimum Lot Area	6,600 sq. ft.
(2) Minimum Lot Width	75’
(3) Minimum Front Setback	25’
(4) Minimum Rear Setback	10’
(5) Minimum Side Setback	10’
(6) Maximum Height of Principal Building	35’
(7) Maximum Lot/Impervious Coverage	60%
(8) ETJ Classification	**Manufactured/Modular Residential**

9. Zoning District MH-2, Mobile Home Park

a. Intent - The MH-2 Mobile Home Park District is intended to provide locations for development of mobile home residence parks. Homes in this district shall be restricted to mobile homes as defined by the U.S. Department of Housing And Urban Development. Maximum density is limited to 4.0 dwelling units per acre.

b. Permitted uses – mobile homes, as defined by the U.S. Department of Housing And Urban Development
c. Specific uses - subject to site plan approval, private recreational amenities.
d. Lot Design Requirements

(1) Minimum Lot Area	None
(2) Minimum Lot Width	None’
(3) Minimum Front Setback	20’
(4) Minimum Rear Setback	10’
(5) Minimum Side Setback	10’
(6) Maximum Height of Principal Building	35’
(7) Maximum Lot/Impervious Coverage	50%
(8) ETJ Classification	**Mobile Home Residential**

10. Zoning District C-1, Neighborhood Commercial

a. Intent - The Neighborhood Commercial district is established to provide for a limited variety of commercial uses and services associated with neighborhood storefront retail, service, financial, and office activities which are compatible and designed in scale with surrounding residential areas. The intent of this District is to provide convenient neighborhood access to commercial services, and minimize undesirable impacts such as noise, traffic and odors through performance standards.

b. Permitted uses – limited office and retail uses and services which are compatible and designed in scale with surrounding residential areas.
c. Specific uses - subject to site plan approval, limited office, retail and service uses which are compatible and designed in scale with surrounding residential areas.

d. Lot Design Requirements

(1) Minimum Lot Area	None
(2) Minimum Lot Width	50’
(3) Minimum Front Setback	20’
(4) Minimum Rear Setback	20’
(5) Minimum Side Setback	5’

(6) Maximum Lot/Impervious Coverage	70%
(7) Maximum Height of Principal Building	30'
(8) ETJ Classification	**Light Retail, Office & Services**

11. Zoning District C-2

a. Intent – This classification is established to reinforce and reinvigorate downtown Cibolo's historical traditions and monuments. The district is intended to ensure harmonious development, redevelopment, and rehabilitation of uses in the historic core by integrating an appropriate mix of retail, office, entertainment, civic, and residential uses commensurate with traditional values of the city, its citizens, and the surrounding area.

b. Permitted uses – a mix of retail, office, entertainment, civic, and residential uses

c. Specific uses - subject to site plan approval, office, retail and service uses which are compatible and designed in scale with Old Town Cibolo and a Town Center.

d. Lot Design Requirements

(1) Minimum Lot Area	None
(2) Minimum Lot Width	70'
(3) Minimum Front Setback	15'
(4) Minimum Rear Setback	15'
(5) Minimum Side Setback	15'
(6) Maximum Lot/Impervious Coverage	70%
(7) Maximum Height of Principal Building	45'
(8) ETJ Classification	**Retail, Office & Services**

12. Zoning District C-3, Retail/Office

a. Intent - The Retail/Office District establishes a broad range of business operations, services and commercial development requiring arterial or collector street access. This district is intended for a variety of office, institutional and indoor retail uses that are designed to make the most efficient use of existing infrastructure and provide for orderly transitions and buffers between districts and uses. This district should facilitate economic development activities that will strengthen neighborhoods; promote the development of targeted industries and provide community balance; provide educational and employment opportunities; and encourage local economic investment for citizens of Cibolo.

b. Permitted uses – general retail, office and service uses

c. Specific uses - subject to site plan approval, completely enclosed general retail, office and service uses

d. Lot Design Requirements

(1) Minimum Lot Area	None
(2) Minimum Lot Width	70'
(3) Minimum Front Setback	25'
(4) Minimum Rear Setback	15'
(5) Minimum Side Setback	15'
(6) Maximum Lot/Impervious Coverage	75%
(7) Maximum Height of Principal Building	35'
(8) ETJ Classification	**Indoor retail, office & services**

13. Zoning District C-4, General Commercial

a. Intent - The General Commercial district is established to provide for a broad range of commercial uses and activities in high visibility areas to serve the needs of the surrounding region. It is the most intensive commercial zoning district and generally situated along a highway or major roadway due to high traffic requirements.

b. Permitted uses – Commercial Uses

c. Specific uses - subject to site plan approval, retail, office, service and general commercial uses.

d. Lot Design Requirements

(1) Minimum Lot Area	None
(2) Minimum Lot Width	70'

(3) Minimum Front Setback	40’
(4) Minimum Rear Setback	35’
(5) Minimum Side Setback	20’
(6) Maximum Lot/Impervious Coverage	80%
(7) Maximum Height of Principal Building	45’
(8) ETJ Classification	**Commercial**

14. Zoning District I-1, Light Industrial

a. Intent – The I-1 district is established to permit most commercial uses, office park, flex-space, and low impact industrial uses which are compatible with surrounding commercial districts. Limited retail & services uses that serve the industrial development zone are also permitted.

b. Permitted uses – most commercial uses, office park, flex-space, and low impact industrial uses which are compatible with surrounding commercial districts. Limited retail and services uses that serve the industrial development zone are also permitted.

c. Specific uses - subject to site plan approval, most commercial uses, office park, flex-space, and low impact industrial uses which are compatible with surrounding commercial districts. Limited retail and services uses that serve the industrial development zone are also permitted.

d. Lot Design Requirements

(1) Minimum Lot Area	None
(2) Minimum Lot Width	100’
(3) Minimum Front Setback	50’
(4) Minimum Rear Setback	40’
(5) Minimum Side Setback	25’
(6) Maximum Lot/Impervious Coverage	80%
(7) Maximum Height of Principal Building	45’
(8) ETJ Classification	**Light Industrial**

15. Zoning District I-2, Heavy Industrial

a. Intent - The I-2 district is established to provide for a broad range of industrial uses. It is the least restrictive industrial zoning district and is intended for the grouping of industrial uses in locations that have adequate and convenient access to major arterials, highways, and rail lines.

b. Permitted uses – Light and Heavy Industrial Uses

c. Specific uses - subject to site plan approval, light and heavy industry uses provided that the external physical effects thereof are contained within the boundaries of the respective development sites.

d. Lot Design Requirements

(1) Minimum Lot Area	None
(2) Minimum Lot Width	100’
(3) Minimum Front Setback	50’
(4) Minimum Rear Setback	50’
(5) Minimum Side Setback	25’
(6) Maximum Lot/Impervious Coverage	80%
(7) Maximum Height of Principal Building	45’
(8) ETJ Classification	**Heavy Industrial**

16. Zoning District PF, Public Facilities

a. Intent - The Public Facilities District is intended to provide for public, semi-public and institutional facilities within close proximity to various neighborhood and commercial land uses.

b. Permitted uses – includes parks, green space, schools, governmental uses and other land intended for recreation in the city.

17. Zoning District Agricultural

a. Intent - The Agricultural district is intended to serve as an initial temporary zoning designation for newly annexed properties into the City and as a permanent zoning designation for those rural properties of the City that are ideally suited for agricultural purposes. Since single-family residences

are permitted in this district, this district is considered to be a very low density residential district. Such acreage contributes to the rural to semi-rural setting of the City and is protected from incompatible uses.

19.6 Easements and Utilities

A. General

The subdivider shall dedicate or grant easements for poles, wires, conduits, storm sewers, water lines, open drains, gas lines, or other utilities as follows:

1. All utilities, including, but not limited to, electrical wiring, natural gas, telephone, cable, internet and security systems, shall be located in the front yard, shall be installed underground and shall be maintained in accordance with all applicable City codes and regulations for such systems. Any utilities required to be placed above ground must be placed on steel poles or another material with comparable strength and durability, as approved by the City Engineer and affected utility provider, meeting the requirements of the City and the applicable utility provider. Routine maintenance of grass and weeds in all easements shall be the responsibility of the owner on whose property the easement is located, excepted where expressly stipulated to be maintained by some other party.
2. A minimum of a ten (10') foot utility easement shall be required across the front portion of lots (both street sides on corner lots) other than along boundary lines. Easements at other locations on a lot shall be determined by any utility provider franchised to provide service in Cibolo;
3. A drainage easement or right-of-way of sufficient width shall be provided where a creek, stream, or tributary flows through a subdivision to accommodate future access for construction and maintenance. Required width shall be determined by the City Engineer; and
4. Grant access easement at all bridges and street crossing large enough for City equipment and workers access for maintenance.
5. Easements and utilities shall be designated, designed and constructed as necessary to comply with all requirements of the Cibolo Design and Construction Manual.
6. Easements shall be considered a part of the lot area, for purposes of minimum lot size requirements and for purposes of property maintenance. Weeds and grass in all easements shall be maintained by the property owner, HOA, or Property Owner Association on which the easement is located in accordance the City of Cibolo Code of Ordinances provisions for high weeds and grass.
7. Unless expressly stated on a recorded plat, the day to day maintenance of all easements, with respect to mowing and related aesthetic considerations, shall be the responsibility of the owner on whose land the easement is located or an HOA designated by the Deeds, Restrictions and Covenant of the development in which the easement(s) is/are located.
8. A property owner whose property is subject to any easement, including but not limited to drainage, shall be responsible for its maintenance and shall keep it free and clear of any permanent building or structure. No building permits shall be issued to place any building or other improvement on, over, or within such easement, in whole or part.
9. The owner of the property upon which the utility easement is located may fence across the easement if such fencing is so desired, providing that by placing such fencing across the easement or by allowing such fence to remain across the easement, the owner shall be conclusively presumed to have consented to permit reasonable access to the utility easement and any utilities therein by any affected utility company over other unfenced portions of the landowner's property and to have indemnified the easement holder against any damages that may occur to a fence during the normal course of maintaining the said easement.

B. Utility Location Policies

1. It shall be the policy of the City Council to require that all developments located within the City of Cibolo to request City water and sanitary sewer service. Should a development be located in the CCN boundaries of another utility purveyor, the applicant shall invoke applicable state statutes, as amended, and formally request

that the City of Cibolo provide utility service(s). The City of Cibolo shall determine if the City can provide the requested utility service(s) to the development.

2. It is in the City's best interest to coordinate and regulate the placement of public and private utilities in the public right-of-way and in easements on private property. Such regulations and coordination shall be managed under the general guidelines of this UDC.

3. Utilities are to be placed in accordance with the Cibolo Design and Construction Manual.

4. The subdivider shall be responsible for insuring that utility providers are given a coordinated schedule for the installation of respective facilities, including sufficient notice of desired installation dates. Prior to the start of curb and pavement installation, the subdivider shall obtain a written release from each utility provider indicating that required utility installation is complete, or shall ensure that subsequent installation of these utilities is performed in a manner that does not cut or otherwise damage newly constructed streets that will be dedicated to the public.

5. The subdivider shall be responsible for providing the City Planner with adequate information to show the exact locations of all utilities installed. No public facilities or improvements shall be accepted for dedication until such as built plans or record drawings, as required herein.

6. In those instances where existing utilities in easements on private property need to be replaced, such utilities shall be relocated within nearby public rights-of-way in accordance with the location criteria of this UDC and Cibolo Design and Construction Manual.

7. There shall be sufficient right-of-way along local and collector streets for utilities and solid waste pick-up, except where alleys or other easements allow for these services to be located off-street.

8. There shall be sufficient right-of-way such that sidewalks and related pedestrian activity is not impeded by the location of utilities, including solid waste pick-up, fire hydrants, and utility poles.

9. In those instances where unusual circumstances arise, not specifically covered by foregoing provisions and/or referenced location criteria, the general intent of this UDC shall be used to guide the placement of utility facilities.

10. In accordance with Article 18 of this UDC, it is the policy of the City of Cibolo to reserve appropriate spaces that may be interconnected into a linear park network. The City Council may require that any drainage or utility easement that provides a connection or connections to adjoining neighborhoods or an existing or proposed linear park network also be designated as a public access easement for the purpose of providing pedestrian and bicycle access and may request parkland dedication for this purpose in accordance with this UDC. Linear parks, when proposed or where required, must be designed in accordance with the Cibolo Design and Construction Manual.

C. Roughly Proportional Responsibilities of Developer

The subdivider shall be responsible for the cost of all design, engineering, labor, and construction costs that are roughly proportional to the utility and drainage improvements required by this UDC, except to the extent that this section specifically provides for full or partial payment by the City of Cibolo. The provisions of this section shall apply to resubdivisions as well as to subdivisions. Specifically, the developer shall be responsible for the rough proportional costs of the following:

1. Phasing of development or improvements in order to ensure the provision of adequate public facilities;
2. Extensions of public facilities and roadways, including any necessary on- and off-site facilities, to connect to existing public facilities;
3. Providing and/or procuring all necessary property interests, including rights-of-way and easements, for the facilities (whether on-site or off-site);
4. Providing proof to the City of adequate public facilities;
5. Making provisions for future expansion of the public facilities as needed to serve future developments, subject to the City's oversize participation policies, if applicable;
6. Providing for all operations and maintenance of the public facilities, or providing proof that a separate entity will be responsible for the operations and maintenance of the facilities;
7. Providing fiscal security required for the construction of the public facilities;

8. Obtaining approvals from the applicable utility providers other than the City; and
9. Complying with all requirements of the utility providers, including the City and applicable drainage districts.

Nothing in this chapter shall be construed to require any dedication or construction that is not explicitly required by the standards within this UDC.

D. Roughly Proportional Developer Responsibilities for Off-Site Utility/Drainage Improvements

Where a subdivision is adjacent to or is served by utility and/or drainage facilities that do not meet the City's minimum standards for utility and/or drainage design or construction, the subdivider shall make the improvements to the substandard facilities as are roughly proportional to the utility and drainage impacts generated by the subdivision. Said improvements shall be established through the completion of a Utility and/or Drainage Impact Analysis that meets the minimum standards specified in this Article. The City may, at its discretion, participate in the costs to oversize the improvements with the subdivider as set out herein and subject to the City's participation policies regarding oversizing improvements.

E. Necessity for Easement Dedication & Construction

1. Support for New Development

a. New development must be supported by adequate levels of public facilities and services, as required and defined herein, and as limited by Section 19.6.C.

b. It is necessary and desirable to provide for dedication of rights-of-way and easements for capital improvements, as limited by Section 19.6.C herein, to support new development at the earliest stage of the development process.

2. Developer Obligations; Dedication and Construction of Improvements

The developer shall dedicate all rights-of-way and easements for capital improvements within the rights-of-way or easements for those water, wastewater, road or drainage improvements needed to adequately serve a proposed development consistent with the applicable master facilities plans and construction design standards, as limited in Section 19.6.C, and shall construct said improvements, whether the facilities are located on, adjacent to or outside the boundaries of the property being developed in accordance with this UDC.

3. Timing of Dedication and Construction

a. Initial Provision for Dedication or Construction. The City shall require an initial demonstration that a proposed development shall be adequately served by public facilities and services, as limited in Section 19.6.C, at the time for approval of the first development application that portrays a specific plan of development, including but not limited to a petition for establishing a Planned Development (PD) zoning district, or other overlay zoning district; a petition for an annexation agreement or a development agreement; an application for a Land Study, or an application for a Preliminary Plat or Final Plat. As a condition of approval of the development application, the City may require provision for dedication of rights-of-way or easements for, and construction of, capital improvements to serve the proposed development.

b. Deferral of Obligation. The obligation to dedicate easements or rights-of-way for or to construct one or more capital utility or drainage improvement to serve a new development may be deferred until approval of a subordinate development permit, or, in the case of a development proposed to be developed in phases, until a subsequent phase of the development, on the sole discretion of the City, upon written request of the property owner, or at the City s own initiative. As a condition of deferring the obligation, the City may require that the developer enter into a capital improvements agreement pursuant to Article 20 of this UDC, specifying the time for dedication of easement or rights-of-way for or construction of capital improvements serving the development.

c. Relief from Obligations. In order to achieve proportionality between the demands created by a proposed development on public facilities and the obligation to provide adequate public facilities, as limited in Section 19.6.C, the City may participate in the costs of public facilities in accordance with this Article or relieve the property owner of some or part of the obligations in response to a petition the City Manager for relief from a

dedication or construction requirements. Petitions seeking relief that are denied by the City Manager may be appealed to the City Council.

6. Utility/Drainage Participation Policies - Improvement to Adjacent Utilities & Drains

a. Improvement of Fair Share of Substandard Utility & Drainage Facilities. When an area within a proposed plat, whether residential or nonresidential, abuts on one or both sides of an existing substandard, or non-existent, utility and/or drainage facility, or a planned or future utility or drainage facility as shown on the City's adopted plans or capital improvements program related to water, wastewater and/or stormwater, the developer shall be required to improve its roughly proportional share of the utility and/or storm drainage facilities and water quality or erosion controls, and utility facilities, to bring the facilities to City standards, or to replace them with standard City utility or drainage facilities at no cost to the City.

b. Calculation Cost.

i. The developer's share of improvements to a substandard utility or drainage facility shall be the complete cost required to design and construct the utility or drainage facility to a level of service that complies with the standards and requirements of this UDC to adequately serve the proposed development.
ii. The City may participate in the costs of improvements in excess of the developer's fair share obligations and where such costs are not borne by another public entity, in cases where the application of the standards in this Section result in a developer paying more than their roughly proportional share of the cost, as determined in accordance by a City retained engineer or when the oversizing of required utility or drainage improvements is determined to be in the interest of the public to address health or safety issues or to complete public improvements to a level of service identified in the capital improvements program or an approved plan or study..

7. Improvements. All required utility and drainage improvements shall be constructed in accordance with the Cibolo Design and Construction Manual.

F. Utility Easements

Utility easements shall be provided for the installation of utilities in accordance with the requirements of the City and any utility provider. Weeds and grass in all easements shall be maintained by the property owner, HOA, or Property Owner Association on which the easement is located in accordance the City of Cibolo Code of Ordinances provisions for high weeds and grass.

G. Drainage Easements

1. When a subdivision is traversed by a watercourse, drainage way, channel, or stream, a storm water easement or drainage rights-of-way (ROW) shall be provided. Said easement or drainage ROW shall substantially encompass the boundaries of said water course and shall be of sufficient width, in accordance with the Design and Construction standards of this UDC.

2. Drainage or storm water easements may be constructed as open earth channels or concrete drainage structures. Grass lined earthen channels shall be maintained by the developer or their assigns.

3. The City of Cibolo shall only maintain concrete drainage structures constructed by the City of Cibolo and those structures formally accepted by the City per the provisions of UDC Section 20.3.6.

4. Routine maintenance of weeds and grass in all drainage and utility easements shall be maintained by the property owner, HOA, or Property Owner Association on which the easement is located in accordance the City of Cibolo Code of Ordinances provisions for high weeds and grass.

H. Access Easements

In an effort to reduce the congestion created by a number of driveways along street rights-of-way while maintaining adequate access to developments, the City may allow Access Easements to be dedicated within and

across developments of similar use. These easements shall be a minimum of twenty-four feet (24') in width and meet the minimum Cibolo Design and Construction Manual standards of this UDC.

I. Electricity

Electric connections are to be installed according to standards of franchised utilities authorized to provide service in Cibolo and all City Electrical Codes. All electric lines shall be placed underground and in the front of properties or at any other location deemed to be appropriate by the utility provider.

J. Natural Gas

Natural Gas connections are to be installed according to standards of the local utility company franchised to provide service in Cibolo and City Fuel Gas Codes. All natural gas lines shall be placed underground and in the front of properties or at any other location deemed to be appropriate by the utility provider.

K. Communications

Communication connections are to be installed according to standards of each local utility provider franchised to provide service in Cibolo. All utilities shall be placed underground and in the front of properties, or at any other location deemed to be appropriate by the utility provider.

L. Solid Waste and Sanitation

Solid waste collection to residential, commercial and industrial customers and for residential, commercial and industrial developers shall be provided by the utility provider(s) awarded the franchise(s) designated by the City Council, in accordance with Cibolo Code of Ordinances, Part 2, Chapter 62 (Solid Waste & Sanitation).

M. Flood Regulation

The City shall review each proposed subdivision, site plan and any other development application to ensure that:

1. All proposals are designed with the need to minimize flood damage.
2. All public utilities and facilities, such as sewage, gas, electrical and water systems are located and constructed to minimize flood damage.
3. Adequate drainage is provided so as to reduce exposure to flood hazards and to ensure compliance with this UDC, the Cibolo Design and Construction Manual and City of Cibolo Code of Ordinances Part 2, Chapter 30 (Floods).

SECTION 19.7 PUBLIC AND COMMUNITY FACILITIES

A. Specific Intent

1. Anticipate and evaluate the incremental and long-term impact of development on broader public and community facility needs.
2. Identify opportunities to integrate plans for public and community facilities into the planning and design of proposed land divisions.
3. Consider the location of public and community facilities with initial planning considerations for streets, open spaces, blocks, and lots, so that needed facilities are located conveniently in neighborhoods and districts and serve as focal points for the community.
4. Provide the opportunity to negotiate a fair and equitable price for land needed to develop public or community facilities, or alternatively to provide an incentive for land owners to dedicate land for needed facilities where the lack of facilities may otherwise constrain potential future development.
5. Ensure that the most appropriate locations of public and community facilities are identified and considered prior to the premature commitment of these areas to conflicting development patterns.

B. Dedication of Public Sites

The City Council may request the dedication of land to the City or other government entity with jurisdiction over public and community facilities, for parks, playgrounds, open space, public safety facilities, cultural facilities, or school sites wherever parcels proposed for division include locations identified for such facilities in an official

master plan for the jurisdiction. The Planning and Zoning Commission or council shall require that such dedication be in conformance with the Master Plan, or any similar official plan for parks, recreation, public safety, community, or education facilities.

C. Reservation of Land

Where the land area shown on such plan for such public sites is not dedicated and serves an impact beyond that caused by the proposed development, the City Council may require that the land be reserved for a specific time period to permit such land to be acquired by the appropriate public body.

D. Credits

Any land dedicated to a public entity for future public or community facilities may request City Council consideration of credits in proportion to the value of the land dedicated for public use. This requirement does not pertain to require parkland dedications or any easements. In order to receive credit, the site must be acceptable to the public entity.

E. Connection to Linear Parks

Per Article 18.19 of this UDC, it is the policy of the City of Cibolo to reserve appropriate spaces that may be interconnected into a linear park network. The City Council may require that any drainage or utility easement that provides a connection or connections to adjoining neighborhoods or an existing or proposed linear park network also be designated as a public access easement for the purpose of providing pedestrian and bicycle access and may request parkland dedication for this purpose in accordance with this UDC. Linear parks, when required or where proposed, must be designed in accordance with the Cibolo Design and Construction Manual.

Section 19.8 Water Systems

Water systems shall be designated, designed and constructed as necessary to comply with all requirements of the Cibolo Design and Construction Manual and the additional standards contained in this Article.

A. Installation of Water Facilities

All lots, tracts or parcels on which development is proposed shall be connected to a public water system which has capacity to provide water for domestic use and emergency purposes, including adequate fire protection. Where water is to be provided through the City system, the developer shall install adequate water facilities, including fire hydrants, in accordance with all applicable regulations of the State, the City and any other agency regulating public water systems. Where water is to be provided by Green Valley Special Utility District, or any other water utility, the developer shall install adequate water facilities, including fire hydrants, in accordance with all applicable regulations of that utility provider, the State, the City and any other agency regulating public water systems

B. Alternative Water Sources

1. An alternative source of non-potable water within a development may be used for irrigation or other similar purposes, subject to City approval and the obtaining of all appropriate permits from the City, State and any other applicable agency. An alternative water source may not be used for potable water supply under any circumstances. The design and construction of water system improvements and alternative water sources shall comply with the rules and regulations of the City, State or any other applicable agency.

2. Any alternative potable water facilities connected to the City water system shall be capable of providing water for health and emergency purposes, including fire protection. Water supply facilities shall be in accordance with all city code and design requirements. The design and construction of water system improvements and alternative water sources shall also comply with the following standards:

a. Design and construction of a water source on the site shall be in accordance with applicable regulations of the TCEQ.
b. Design and construction of water service from the City shall be in accordance with the standards in the Cibolo Design and Construction Manual.

c. Design and construction of fire protection and suppression systems shall be in accordance with the Cibolo Design and Construction Manual, building and fire codes and local amendments.

C. Location and Cost of Installation

The location of all fire hydrants, all water supply improvements and the boundary lines of special districts, private systems and certified water service areas, indicating all improvements proposed to be served, shall be shown on the construction plans. The cost of installing all water supply improvements to be made by the developer, including off-site improvements, shall be included in the performance guarantees furnished by the developer.

D. Extension of Lines

1. Extension of water and wastewater lines shall be made along the entire frontage of the subdivision adjacent to a street or thoroughfare.

2. If the subdivision is not adjacent to a thoroughfare, the extension of utilities shall be accomplished in such a manner as to allow future connections to said utilities by new subdivisions.

3. If new subdivisions will never be constructed beyond a developing subdivision due to physical constraints, the City may consider waiving the requirement for adjacent utility line construction at the time of final plat approval and prior to construction of the subdivision.

4. Except when expressly stipulated in an adopted Annexation Service Plan, the City of Cibolo is not obligated to extend water lines to provide water service at the expense of the City of Cibolo.

5. The City of Cibolo is obligated to allow owners to tie onto existing City of Cibolo water mains when a property owner bears the expense of extending the said water line to a property. Requests for such an extension must be provided to the Public Works Director. Appeals from the decision of the Public Works Director for such an extension may be considered by the City Council.

6. Uses, lots or acreage, in existence prior to their annexation into the City of Cibolo shall not be required to connect to a public or private water system purveyor unless the City determines that a water connection is necessary to:

a. Prevent imminent destruction of property or injury to persons,
b. Result in the removal or mitigation of a public nuisance,
c. Relate to the storage and use of hazardous substances or processes, or
d. Relate to the sale and use of fireworks.

If any of the above conditions exists and the City determines that a water connection is necessary, the City shall provide due notice to the affected property owner and allow the owner up to one (1) year from the date of sending the initial notice to make the required service connection.

7. Lots or acreage in existence prior to its annexation into the City of Cibolo shall not be required to connect to a public or private water system purveyor until such time as when the lot or acreage is subdivided or developed for any use other than one single-family residence or for agricultural purposes. The Planning and Development Services Director or City Manager shall have the discretion to waive this requirement when an opportunity for a connection to a public or private water system purveyor is not practical or possible.

E. Reimbursement for Required Excess Capacity

Where the size of water lines required to meet the ultimate requirements for the City is larger than the minimum size of line required to comply with the standards of this UDC, the City may enter into a contract with the owner, developer, or entity constructing the lines for reimbursement for the excess capacity as other users request and are granted service. The developer or entity requesting service from an existing line shall pay a utility extension fee on a prorated basis, as hereinafter set forth. The reimbursement to the owner, developer, or entity that paid for the line construction shall be made only from those utility extension fees paid to the City by users of the facility paid for by the said owner, developer, or entity. The pro-rata basis for the utility extension fee shall be computed

based upon the projected capacity in terms of dwelling units as specified by the engineering criteria approved by the City Engineer. The basis for cost shall be the actual total cost of the facility, which shall include, but shall not be limited to construction costs, engineering costs, and inspection costs. The total cost shall be divided by the projected capacity of dwelling units, to determine the base utility extension fee. The maximum period of time for which a reimbursement may be offered shall be limited to three (3) years.

F. Fire Hydrants

Fire hydrants shall be required in all developments in accordance with the City of Cibolo Fire Code and all local amendments, as well as applicable provisions of the Cibolo Design and Construction Manual.

G. Individual Wells

1. Within the City Limits, new development may not be served by individual wells. This requirement shall not pertain to tracts of property larger than five (5.0) acres in area on which a single residence is proposed to be constructed **and** where water service is not available.

2. Individual wells in the ETJ shall be subject to approval by the appropriate county health official. If a well is proposed with a plat, the developer must submit a certificate from a professional engineer registered in Texas or a geoscientist licensed to practice in Texas verifying the adequacy of the proposed source of well supply prior to plat approval. If the well water is intended to be the primary water source to meet adequate public facilities requirements, the developer must submit a certificate from a professional engineer registered in Texas or a geoscientist licensed to practice in this state, or a report from an independent testing laboratory, verifying the adequacy and quality of water for human consumption of the proposed source of well supply prior to plat approval.

3. Compliance with Other Regulations

Installation, operations and maintenance of individual wells shall comply with City standards, regulations of the TCEQ, any other applicable State rules and regulations, and applicable regulations of groundwater conservation districts. In the event of conflict among these regulations, whichever is the most stringent shall apply.

H. Design and Construction

All water facilities within a subdivision shall be designed and constructed to the standards as set forth in the Design and Construction standards of this UDC. Said facilities shall meet all State and federal regulations pertaining to approved public water systems including regulations regarding the preparation, submittal and approval of plans and specifications for water systems. Design of water facilities shall also be in conformance with all laws, policies, standards, rules and regulations for establishing the fire insurance key rate for the City.

Section 19.9 Wastewater Systems

Wastewater systems shall be designated, designed and constructed as necessary to comply with all requirements of the Cibolo Design and Construction Manual and the additional requirements of this Article.

A. General

All lots within a subdivision shall be provided with a connection to an approved public wastewater system unless otherwise approved by the City. Establishment of a private wastewater utility district within the City or within the City's ETJ shall be subject to City Council approval.

B. Installation of Wastewater Facilities

All lots, tracts or parcels on which development is proposed shall be connected to a public wastewater system which has adequate capacity for proper disposal and treatment of wastewater. Where wastewater is to be provided through a centralized system, the developer shall install adequate facilities, subject to the standards and specifications of the City and state design criteria for wastewater systems. Where insufficient capacity exists downstream of a proposed connection, the replacement and upsizing of the existing main is required of the developer. The installation of a parallel main shall be subject to approval by the City.

C. Location and Cost of Installation

The location of all wastewater improvements and the boundary lines of special districts, private systems and certified areas, indicating all improvements proposed to be served, shall be shown on construction plans. The cost of installing all wastewater improvements to be made by the developer, including off-site improvements, shall be included in the performance guarantees furnished by the developer.

D. Future Extension of Lines

Pipe stub-outs shall be located in manholes to facilitate the future extension of wastewater lines. The City Engineer will determine the location and size of the stub-outs.

E. Reimbursement for Required Excess Capacity

Where the sanitary sewer lines required to meet the ultimate requirements for the City is larger than the minimum size of lines required to comply with the standards of this UDC, the City may enter into a contract with the owner, developer, or entity constructing the lines for reimbursement for the excess capacity as other users request and are granted service. The developer or entity requesting service from an existing line shall pay a utility extension fee on a prorated basis, as hereinafter set forth. The reimbursement to the owner, developer, or entity that paid for the line construction shall be made only from those utility extension fees paid to the City by users of the facility paid for by the said owner, developer, or entity. The pro-rata basis for the utility extension fee shall be computed based upon the projected capacity in terms of dwelling units as specified by the engineering criteria approved by the City Engineer. The basis for cost shall be the actual total cost of the facility, which shall include, but shall not be limited to construction costs, engineering costs, and inspection costs. The total cost shall be divided by the projected capacity of dwelling units, to determine the base utility extension fee. The maximum period of time for which a reimbursement may be offered shall be limited to three (3) years.

F. On-Site Sewage Facilities (OSSF)

1. In the Cibolo ETJ, the use of OSSF for the treatment and disposal of wastewater shall be subject to the approval of Guadalupe County. The minimum lot area for residential subdivisions shall be a minimum one (1.0) acre (43,560 square feet). OSSF shall be installed on each lot concurrent with any development thereon and the design of such system and the method of installation shall conform in all respects to the standards and specifications of Guadalupe County and the State of Texas for OSSF.

2. In the City of Cibolo, the use of OSSF for the treatment and disposal of wastewater shall be permitted only if:

a. Sanitary sewer service is not available to the property;
b. Existing sanitary sewer service main is located more than 200 feet from the from the front of any building using an OSSF;
c. The extension of sanitary sewer service to the property is not included in a funded public or private infrastructure project; and
d. The proposed OSSF is approved by Guadalupe County and by the City of Cibolo.

3. The minimum lot area for residential subdivisions shall be a minimum one (1.0) acre (43,560 square feet). The OSSF shall be installed in accordance with all design standards and specifications of the City, County and State for OSSF.

4. For existing OSSF systems and those OSSF systems that may located on properties annexed into the City of Cibolo, those systems are entitled to continue to manage wastewater service provided that the OSSF complies with all applicable County and State standards and specifications until such time as when the OSSF needs to be refurbished or replaced. If the existing OSSF is located within two hundred feet (200-feet) of an existing or proposed sanitary sewer main, the property owner shall be required to tie onto the existing or proposed sanitary sewer main, at the property owners expense, when the cost of replacing or refurbishing the OSSF exceeds the cost of tying on to the sanitary sewer main.

5. In those instances where a sanitary sewer connection is necessary, the Planning and Development Services Director and affected property owner shall coordinate on a case by case basis to develop a time frame to complete the required service connection.

G. Extension of Lines

Except when expressly stipulated in an adopted Annexation Service Plan, the City of Cibolo is not obligated to extend sanitary sewer lines to provide sewage service at the expense of the City of Cibolo. The City of Cibolo is obligated to allow owners to tie onto existing City of Cibolo sanitary sewer mains when capacity is available and when a property owner bears the expense of extending the said sewer line to a property. Requests for such an extension must be provided to the City Manager or to the Director of Public Works. Appeals from the decision of the City Manager for such an extension may be considered by the City Council.

Section 19.10 Drainage and Flood Hazards

A. Specific Intent

a. Protect human life and health;
b. Minimize expenditure of public money for costly flood control projects;
c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
d. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;
e. Help maintain a stable tax base by providing for the sound use and development of all areas in such a manner as to minimize future flood blight areas;
f. Insure that potential buyers are notified that property is in a flood area;
g. Secure review and approval of the method for handling and disposing of stormwater runoff in the City of Cibolo and its ETJ, and securing review, analysis, and approval by the appropriate authority of the design, construction, and maintenance of drainageway facilities in conformance with the Cibolo Design and Construction Manual;
h. Impose standards and conditions upon the excavating, grading, filling, and berming of the land within the City of Cibolo in conformance with the Cibolo Design and Construction Manual;
i. Minimize the danger that materials may be swept onto other lands causing injury to others;
j. Insure the safety of access to property in time of flood for ordinary and emergency vehicles;
k. Minimize prolonged business interruptions.
l. Preserve & protect sensitive natural areas that serve an ecological function in minimizing flood damage.
m. Create a priority for maintaining natural drainage systems wherever possible, and emphasize the design and arrangement of storm water facilities as community amenities, appropriate to the planning context.
n. Minimize the amount of impervious surfaces directly connected to storm water systems, and reduce the amount of flow, speed of flow and level of contaminants entering both natural and manmade storm water systems.
o. Allow flexibility in site designs and cooperation among adjacent development sites, to allow the most efficient development of sites and encourage individual designs that support a more regional or watershed-based storm water solutions.
p. Integrate high-performance flood protection and storm water systems into the open space system.
q. Encourage creative design solutions that allow areas to perform multiple functions in terms of storm water management, flood protection, open space and recreation, landscape and urban design, or other site development support functions.
r. Create physical stream buffers to minimize the risk potential pollutants from entering streams, protected wetlands and other environmental sensitive area. Where practical and feasible, future park amenities should be incorporated into these buffers to further the City's park and recreation goals.
s. Minimize negative environmental impacts of site development on the air and water by developing technical criteria requiring responsible construction sequencing, criteria for silt fences and rock dams, dust control, construction site waste management, concrete washout systems and designated vehicle maintenance and washing, requirements for re-seeding/ re-vegetation, using geotextile matting and/or sodding; where appropriate, criteria for storm drain inlet protection and stabilized construction entrances and requirements for spoils and staging areas.

t. On a case by case basis, accepted professional engineering and geotechnical design considerations shall be applied to the specific characteristics of the property being developed to develop a stormwater management designs that limit stormwater discharge and excessive grading in order to create nonerosive drainage patterns and to provide development incentives to preserve existing high-value vegetation and provide vegetative filter strips in stormwater designs.

u. It is the policy of the City of Cibolo to reserve appropriate spaces that may be interconnected into a linear park network. The City Council may require that any drainage easement that provides a connection or connections to adjoining neighborhoods or an existing or proposed linear park network also be designated as a public access easement for the purpose of providing pedestrian and bicycle access and may request parkland dedication for this purpose in accordance with this UDC. Linear parks, where required or proposed, must be designed in accordance with the Cibolo Design and Construction Manual.

B. Methods for Reducing Flood Losses and Negative Environmental Impacts

a. Limit runoff from development to a level not to exceed that runoff that would exist under natural, undeveloped conditions unless provided for in a regional detention facility;

b. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flood, or cause increases in flood heights or velocities;

c. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

d. Control the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

e. Control filling, grading, dredging and other development which may increase flood damage;

f. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

g. Minimize the installation of impervious surfaces that result in greater storm water volumes and higher, erosive velocities by allowing parking lots, service roads, and other suitable areas normally covered with concrete and asphalt, such as outdoor storage areas, to utilize porous pavement, pavers, and other “green” design solutions provided that such alternatives designs that are properly designed with highly durable materials in accordance with accepted engineering standards.

h. Limit storm water discharges to less than 5 feet per second in natural waterways, provide landscaping and parkland dedication incentives to include vegetative filter strips, or ponds, to enable an integrated means of sediment removal and preserve existing high-value vegetation, particularly hardwoods and the surrounding vegetation for soil stability and natural filtration.

i. Require that construction plans include plan details or a narration that describes construction sequencing details.

j. Develop Include design details for silt fence, rock dams, and other erosion control devices and storm inlet protection.

j. Construction plans shall include a dust control plan, details showing where and how construction site waste management will be provided by the City of Cibolo’s franchised solid waste collection provider, details for the storage of fuel or any other hazardous material(s), and details for concrete washout systems,

k..Construction plans shall show plans for re-seeding/ re-vegetation; geotextile matting; or sodding; as appropriate

l. Construction plans shall show details of all storm drain inlet protection systems.

m. Stabilized construction entrances shall be required for all developments and shall be shown on the construction plan set.

n. Construction plans shall show protected spoils and staging areas and the methods proposed to contain the materials in these areas.

o. Discharge from fueling/vehicle washing areas. The purpose of this section to discourage the practice of discharging contaminated water or waste into the MS4 and reduce discharges of pollutants, such as detergents, sediments, oil, grease, heavy metals and oxygen demanding substances, from fueling and vehicle washing areas. No persons shall:

1. Introduce into the MS4 and/or water bodies of any contaminated water or waste from a commercial car wash facility, from any vehicle washing, cleaning, or maintenance area at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, maintenance facility, or from any washing, cleaning, or maintenance area of any commercial or public service vehicle, including any truck, bus, or piece of heavy equipment, by any business or public entity;

2. Introduce into the MS4 and/or water bodies any wash water from the washing, cleaning, deicing or other maintenance of aircraft; or
3. Discharge into the MS4 and/or water bodies any contaminated water or waste from commercial establishments including but not limited to gas stations, service stations, and auto repair shops with areas exposed to weather conditions.

p. Construction, development, redevelopment and land disturbance run-off. The purpose of this section to reduce the pollutants such as sediments, heavy metals, toxic material, and nutrients in the stormwater discharges from construction, development, redevelopment and land disturbance activities/sites. No persons shall:
1. Discharge from a construction site flow having a pH value lower than 6.0 or higher than 10.5;
2. Discharge any type of industrial waste from construction sites to the MS4 and/or water bodies;
3. Introduce any garbage, rubbish, or yard waste into the MS4 and/or water bodies;
4. Discharge, including, but not limited to, paint or paint brush cleaning water or solvents or thinners or turpentine or any other combination from single family dwelling or any construction;
5. Leave unused construction materials or used construction materials or debris on the construction, development, redevelopment, and land disturbance sites. All on site debris shall be properly disposed of in the landfill within thirty (30) days from the occupancy of the structures; or
6. Wash any type of trucks, including, but not limited to, ready mix trucks or material supply trucks on or around the construction site.

q. Ready mix concrete truck washing. The purpose of this section to reduce pollutants such as sediments, concrete, altered pH, and oxygen demanding substances in the wash water discharges from ready mix concrete trucks. No person shall wash residual ready mix concrete from concrete mixing trucks regardless of its location, in an area where discharges might enter the MS4 and/or water bodies.

C. General Provisions

a. **Lands to Which This Section Applies.** These requirements shall apply to all areas within the City of Cibolo and its extraterritorial jurisdiction.

b. **Proper Drainage, Plans, Approval.** All subdivisions shall be designed to convey the flow of stormwater without damage to persons or property. The subdivision shall be designed to ensure drainage at all points along streets and provide positive drainage away from building sites while, simultaneously, preventing discharge of runoff onto adjacent properties.

c. **Responsibility.** All drainage facilities required in accordance with this chapter shall be installed and paid for by the subdivider in accordance with applicable standards and specifications of the City of Cibolo, including those specified in City of Cibolo Code of Ordinances Part 2, Chapter 30 (Floods).

d. **Additional Standards and Requirements.** All plans for drainage control shall be consistent with requirements of this Article and all local and regional drainage plans. All plans for drainage control shall also be subject to approval by the City Engineer or his duly-authorized representative.

e. **Basis for Establishing the Areas of Special Flood Hazard.** The areas of special flood hazard identified by the Federal Emergency Management Agency, with accompanying Flood Insurance Rate Maps and Flood Hazard Boundary-Floodway Maps and any revision thereto are hereby adopted by reference and declared to be a part of this UDC.

f. **Drainage Standards.** The Floodplain Administrator shall apply standards, where applicable, for drainageway facilities and stormwater detention facilities which shall be adopted in the Cibolo Design and Construction Manual. Said standards shall be followed by every person, firm, corporation in the construction, installation, and maintenance of drainageway facilities and stormwater detention facilities and shall regulate the design, installation, utilization and maintenance of all detention and drainage facilities and structures; the design, installation, utilization and maintenance of sedimentation and erosion control procedures, facilities and structures; and shall establish acceptable methods for controlling soil sedimentation and erosion.

g. **Compliance.** No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this Division and other applicable regulations. The provisions of this Section shall apply to and be binding upon every person, firm, or corporation who seeks to develop, redevelop, grade, excavate, fill, berm, or dike land within the City of Cibolo.

h. **Abrogation and Greater Restrictions.** The requirements of this UDC are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

i. **Interpretation.** In the interpretation and application of all provisions shall be:
(1) Considered as minimum requirements;

(2) Liberally construed in favor of the purpose of this Article to minimize flooding; and,
(3) Deemed neither to limit nor repeal any other powers granted under State or Federal statutes.

j. **Warning and Disclaimer of Liability.** The degree of flood protection required by this UDC is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. The requirements of this Division shall not create liability on the part of the City of Cibolo or any official or employee thereof for any flood damages that result from reliance on the UDC or any administrative decision lawfully made there under.

k. **Localized Flooding Areas.** Flood Insurance Rate Maps (FIRM), as amended, defines drainage areas subject to general flooding problems. The City Council has the right to adopt a map that defines any known areas subject to "Localized Flooding". A Localized Flooding Map, if adopted by City Council, may be amended by City Council. Localized Flooding Maps & the FIRM maps shall collectively serve as the basis for application for the stormwater management criteria to individual developments.

D. Facilities Required

The subdivider shall provide an adequate storm drainage system to protect each lot throughout the subdivision from flooding. These drainage facilities may consist of a combination of natural features, swales, watercourse improvements, bridges and culverts, enclosed storm sewers and other man-made improvements to carry off stormwater within the subdivision. The drainage system shall use detention ponds, retention ponds and siltation ponds, individually or in concert, to control runoff and to protect downstream properties from any increase in flooding originating from the subdivision. The system shall be integrated with the overall drainage system of the city, and the design of the system must be approved by the City Engineer in accordance with the requirements of this UDC and the Cibolo Design and Construction Manual.

E. Standards for Subdivision Plats

a. **Consistency Required.** Subdivision plats shall be consistent with all provisions of this UDC.

b. **Requirements.** All plats shall meet Floodway Development Permit requirements, when applicable, and the provisions of the Cibolo Design and Construction Manual.

c. **Base Flood Elevation Data.** Base flood elevation data shall be provided for all subdivision plats and other proposed development, if applicable.

d. **Provisions Prior to Final Approval of Plats.** Prior to final approval of a Final Plat, the developer shall provide either actual construction of all approved drainage and detention facilities required by the City of Cibolo or sufficient surety bond, trust agreement, performance bond, or an irrevocable letter of credit; approved by the Floodplain Administrator and City Attorney guaranteeing the developer's pro-rata share of construction of all required drainageway and detention facilities in accordance with an approved Drainage Plan (in conjunction with approved Construction Plans) and Cibolo Design and Construction Manual.

F. Stormwater Management

Stormwater management facilities shall be provided prior to site construction or clearing, where design is required at the time of platting.

a. Stormwater management shall be designed and constructed to prevent adverse conditions from arising on property adjoining and downstream of the subdivision site. Adverse conditions include increases in peak flows, water surface elevations and flow velocity. The drainage report shall show that mitigation of the impacts of development on the drainage system will be provided as part of the development. Mitigation may include detention, retention, infiltration, channel improvements, and other means acceptable to the City Engineer. Stormwater Management facilities shall be designed to reduce post-development peak flow rates of discharge to pre-development rates for the 10, 25, and 100 year storm events at all points of discharge. The drainage report shall also include an evaluation of downstream conditions.

b. The City Council, after considering a recommendation from the City Engineer and staff, may waive the Stormwater Management requirements as outlined herein and approve subdivisions of land that have fewer than seven (7) residential lots with a density of two (2.0) dwelling units or less per acre.

G. Detention and Drainage Facilities

a. **Requirements and Standards.** On-site stormwater detention shall be required for all new developments to offset increased runoff resulting from new developments except for those developments for which approved regional detention facilities have been established or for which alternate plans have been approved by the City Engineer. Design standards for all stormwater detention and drainage facilities shall be established by adopted in the Cibolo Construction and Design Manual.

b. **Title Ownership and Maintenance.** Detention and drainage facilities herein provided for shall be dedicated to the public and maintained by the public unless such facilities are an integral, usable part of the development, in which case the ownership and maintenance of said facilities may remain with the private sector. These systems, when retained by the owner shall be maintained by the current and subsequent owners in a manner that will allow them to function as designed. The owner must execute a written maintenance agreement with the City before this option is used and such agreement shall be filed with the Guadalupe County Recorder. These agreements shall be as encumbrances upon the land.

1. Major drainage systems not retained by the owner shall be conveyed by title, easement or through the acceptance processes of this UDC to the City of Cibolo as required by the City Engineer and City Attorney.
2. The dedication of a detention facility shall provide that, in the event that the City Council determines that the detention facility is unneeded or unnecessary as a result of drainageway improvements, the same may revert to the party making such dedication, or the abutting owners, or their respective heirs, successors, or assigns.
3. The City of Cibolo shall only maintain concrete drainage structures that were either constructed by the City or which were formally accepted by the City of Cibolo, per Section 20.3.6 of this UDC.

c. **Private Drainage Facilities.** Roof drains, building drains, and parking lot drainageways may be located outside dedicated drainageways.

H. Alternative Design Standards

a. **Purpose.** It is the purpose of this section to provide for the consideration of detention and drainage facility designs which differ from the conventional design standards as outlined within this UDC, but which are based upon sound engineering judgment. Such alternative(s) shall meet the purpose and intent of the standard being varied. In this context, detention and drainage facilities shall mean physical improvements such as detention ponds, retention ponds, drainage swales, as well as any other infrastructure element of a proposed development.

b. **Approval Based on Engineering.** Decisions regarding design of such physical improvements in a subdivision should be based on engineering studies. Thus, while this UDC provides standards for design, the regulations are not a substitute for sound engineering judgment. Therefore, a licensed engineer may submit alternative designs to be reviewed and considered by the City Engineer, including the option of providing a downstream assessment.

c. **Relationship to UDC/Cibolo Design and Construction Manual.** If the proposed alternative design is approved by the City Engineer, then the all other applicable provisions of this UDC and the Cibolo Design and Construction Manual shall be deemed to have been met. If the proposed alternative design standards are not approved by the City Engineer, then the standards contained this UDC and the Cibolo Design and Construction Manual shall apply.

d. **Appeals to the Planning & Zoning Commission.** If a proposed alternative design is rejected by the City Engineer, the subdivider may appeal the decision to the Planning and Zoning Commission.

I. Construction Sequencing and Erosion Controls

Construction Plans required by this UDC shall be accompanied by a comprehensive and detailed report and plan for the control of erosion and sedimentation. The report shall include a construction sequencing plan which details the proposed placement, maintenance and removal of temporary erosion controls, the slope stabilization techniques which are to be employed and the restoration measures, including vegetative types, which are to be

employed as part of the process of subdivision development. The plan shall list and show the location of temporary erosion controls, show the physical details of the controls, and include a construction sequencing list which will govern the timing of the use of various controls in relation to distinct steps in subdivision construction.

J. Land Clearing Restrictions

No clear-cutting or rough-cutting of land shall be permitted unless approved by a construction sequencing and erosion control plan as required by this UDC and the issuance of a Site Development Permit, except for limited clearing and rough-cutting necessary for soil testing and surveying as required by this UDC. No other clearing or rough-cutting shall be permitted except as necessary for construction of temporary erosion and sedimentation controls until these controls are in place and approved by the City Engineer. Areas to be cleared for temporary storage of spoil or construction equipment, or for the permanent disposal of fill material or spoils, shall be shown on preliminary plat.

K. Enforcement of Erosion Controls and Clearing Restrictions

If a subdivider does not comply fully with an approved erosion control and construction sequencing plan, or violates the restrictions on land clearance in the preceding subsection, the City Manager shall notify the subdivider in writing that the City may correct the violation and revegetate the disturbed area at the subdivider's expense unless, within 30 days after the date of the notice, the subdivider complies, corrects the violation, provides the required erosion and sedimentation controls and provides continuing maintenance thereof acceptable to the City Manager.

L. Required Drainage Study

A. General

a. Drainage Plans shall be prepared by a registered professional engineer licensed by the State of Texas.
b. Drainage Plans submitted for final approval shall bear the signature of the submitting engineer and the following certification:

"I hereby certify that I am familiar with the adopted ordinances and regulations of the City of Cibolo governing detention and drainage facilities; that these plans have been prepared under my direct engineering supervision; and that the above and foregoing Drainage Plan complies with all governing ordinances and the adopted drainage standards of the City of Cibolo pertaining to detention and drainage facilities to the best of my knowledge, information and belief."

c. Upon completion of a required drainage facility improvement, a certification from a contractor or registered professional engineer shall be provided similar to the following certification:

"I hereby certify that the detention improvements were constructed and completed in accordance with the approved Drainage Plans."

d. **Plan Elements.** A Drainage Plan shall consist of engineering drawings, contour maps, and all supporting engineering calculations, as applicable to the land area covered by the Plan, as detailed in Section H below, which are required to demonstrate full compliance with the requirements of this UDC and the Cibolo Design and Construction Manual.

e. **Requirements in Areas of Special Flood Hazards.** Drainage Plans for developments in areas of special flood hazard shall adhere to all requirements of this UDC, the Cibolo Design and Construction Manual and the Special Flood Hazard requirements in the City of Cibolo Code of Ordinances Part 2, Chapter 30 (Floods).

f. **Administration of Drainage Plans.**

1. Processing of Drainage Plans. All Drainage Plans as required by this section shall be submitted to and received by the Floodplain Administrator. A conference to discuss the Drainage Plan may be held with the Floodplain Administrator, but only after Construction Plans have been officially submitted.
2. Within twenty (20) working days after receipt of a properly completed Drainage Plan, the Floodplain Administrator shall either approve or deny the submitted plan.

3. Approval of a submitted Drainage Plan shall only constitute acceptance by the Floodplain Administrator of the certification of the submitting engineer and such acceptance shall not operate to remove any requirement of Cibolo's adopted Drainage Standards which are not specifically considered in the approved plan.
4. Drainage Plans which meet the requirements of this ordinance and which conform to all requirements of the UDC and the Cibolo Design and Construction Manual shall be approved.
5. If the required findings cannot be made based upon the information contained in the submitted plan, such additional information as is required by the Floodplain Administrator to make such determination will be identified; in the event that the information deficiency is of a technical nature, the Floodplain Administrator may request an engineering conference with the submitting engineer.
6. If a submitted Drainage Plan is denied, the certifying engineer or applicant, as applicable, shall be advised in writing of the disapproval.

g. **Drainage Study Contents.** The subdivider shall submit a drainage study with the final construction plans for residential subdivisions, and wherever stormwater flow management facilities shall be regional and dedicated to the public. The required drainage studies in commercial subdivisions where facilities are site-specific and privately maintained may be submitted with building permit construction documents for each lot. The drainage study shall provide the following information, for both existing and fully developed conditions, for the entire watershed drainage area upstream of the lowest point(s) in the subdivision.

1 .The entire watershed drainage area(s) depicted on a 7.5 minute series U.S.G.S. map.
2. The drainage area(s) within the subdivision, depicted on a topographic map with two-foot contour intervals.
3. Composite runoff factors.
4. Times of concentration.
5. Related rainfall intensity factors.
6. 10-, 25- and 100-year flood flow quantities with the 10-, 25- and 100-year flood plain limits for the existing and fully developed watershed shown on the preliminary plat.
7. Preliminary street grades sufficient to determine high points, low points, and direction of runoff flows.
8. Proposed locations of inlets, storm sewers and culverts.
9. Proposed routing of drainage ways.
10. All proposed drainage easements, including width of easement and configuration of channel.
11. The calculations to determine the volume of proposed detention/retention/sedimentation ponds.
12. Roads, measured curb to curb, shall be designed for 10-year storm event, and right-of-way to right-of-way for a 25-year storm event. Underground drainage facilities and all above ground channels shall be designed to a full-flow 25-year storm event. Regional stormwater pond and the 100-year floodplain shall be designed to 100-year storm events. Stormwater designs shall ensure proper conveyance of the 1% annual storm event.

The above information shall be supplemented with narrative text describing the watershed and the subdivision, including their general soil conditions, downstream channel conditions, all weather access, and the presence of special flood hazard areas within the subdivision. The study shall be prepared by a professional engineer registered in the State of Texas. The drainage study shall be submitted along with the preliminary plat. The City Engineer shall review the submission and verify that all UDC requirements have been met.

h. Downstream Drainage Assessment. Downstream drainage assessment shall extend from the outfall of the subdivision to a point downstream, determined by one of two methods:

- ***Zone of Influence*** – Point downstream where the discharge from a proposed development no longer has a significant impact upon the receiving stream or storm drainage system
- ***Adequate Outfall*** – Location of acceptable outfall that does not create adverse flooding or erosion conditions downstream

These methods recognize the fact that a structural control providing detention has a "zone of influence" downstream where its effectiveness can be felt. Beyond this zone of influence the storm water effects of a structural control become relatively small and insignificant compared to the runoff from the total drainage area at that point. Based on studies and master planning results for a large number of sites, a general rule of thumb is that the zone of influence can be considered to be the point where the drainage area controlled by the detention or storage facility comprises 10% of the total drainage area. This is known as the *10% Rule*. As an example, if a

structural control drains 10 acres, the zone of influence ends at the point where the total drainage area is 100 acres or greater.

The downstream assessment shall include the following steps:

1. Determine the outfall location of the site and the pre- and post-development site conditions.
2. Using a topographic map, determine a preliminary lower limit of the zone of influence using the 10% Rule.
3. Using a hydrologic model determine the pre-development peak flows and velocities at each junction beginning at the development outfall and ending at the next junction beyond the preliminary lower limit of the zone of influence (10% point). Model all undeveloped off-site areas as "fully built-out" for both the pre- and post-development analyses. Use the City of Cibolo Future Land Use Map to determine future land uses for the model. Evaluate discharges and velocities for the 10-year, 25-year and 100-year storms. Use storm durations equal to 24-hours and two times the time of concentration calculated for the outfall of the subdivision.
4. Change the land use on the subdivision site to post-development conditions and rerun the model.
5. Compare the pre- and post-development peak discharges and velocities at the downstream end of the model. If the post-developed flows are higher than the pre-developed flows for the same frequency event, or the post-developed velocities are higher than the allowable velocity of the downstream receiving system, extend the model downstream. Repeat steps 3 and 4 until the post-development flows are less than the pre-developed flows, and the post-developed velocities are below the allowable velocity. Allowable velocities are provided in the Cibolo Design and Construction Manual.
6. Add proposed storm water management facilities to the model designed so that the model shows that adverse effects are mitigated. Adverse effects can be shown to be mitigated if flooding is not increased, velocities do not exceed the greater of allowable maximum velocities or pre-development velocities, and that the peak flow at the downstream limit of the zone of influence is not increased.

M. Drainage Easements

1. General Requirements

Natural waterways and channels should be used wherever practical to carry runoff. Any modifications to existing waterways and channels must be approved by the City Engineer. Where a subdivision is traversed by a watercourse, drainageway, natural channel or stream, an easement or right-of-way shall be provided conforming substantially to the 100-year floodway or channel limits of such watercourse, plus additional width to accommodate future needs.

2. Enclosed Systems

Storm drainage easements shall be provided for existing and proposed enclosed drainage systems. Easements shall be centered on the systems. The easement width shall have a minimum width of ten feet. Additional drainage easement width may be required based on the formula: $W = 5' + 2H + D$
(W =Easement Width; H = Depth of Soil Over Pipe/Box; D = Diameter/Width of Pipe/Box)

3. Open Channels

Storm drainage easements along proposed or existing open channels shall provide sufficient width for the required channel and such additional width as may be required to provide ingress and egress of maintenance equipment; to provide clearance from fences and space for utility poles; to allow maintenance of the channel bank; and to provide adequate slopes necessary along the bank.

The minimum easement width shall be the width of the channel plus 15 feet on one side (20 feet with utilities) and 2 feet on the opposite side unless approved by the City. The channel top width is determined by the locations where the channel side slopes intersect with adjacent grade with cross slopes less than 10 percent.

4. Overflow Drainage

Storm drainage easements shall be provided for emergency overflow drainage ways of sufficient width to contain within the easement storm water resulting from a 100-year frequency storm less the amount of storm water carried in an enclosed system.

N. Flood Hazards

1. General Policy.

All subdivisions shall conform to the "Flood Disaster Protection Act of 1973," Public Law 93-234, and the latest revisions thereof. Development shall adhere to all policies and requirements of the Federal Emergency Management Agency and Chapter 30 “Flooding” of the City of Cibolo Code of Ordinances.

2. Flood Plain Designations and General Restrictions.

Federal flood plains are based on a 1% annual occurrence frequency discharge, and apply only in those areas where official Federal Emergency Management Agency maps have been prepared, or where a 1% annual occurrence water and surface profile studies are available for the City and its extraterritorial jurisdiction. Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted in an area having special flood hazards as defined by Chapter 30 of the City of Cibolo Code of Ordinances, this UDC and the Cibolo Drainage and Construction Manual unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not substantially increase the water surface elevation of the a 1% annual occurrence flood at any point within the City's subdivision jurisdiction.

3. Flood Hazards to Water and Wastewater Systems.

New or replacement water supply systems and/or wastewater systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. On-site waste disposal systems shall be located so as to avoid impairment of them or contamination from them during flooding.

O. Green Space Preservation

1. Purpose and Definitions

The purpose of this section is to establish minimal acceptable requirements for the design of buffers to protect the streams, wetlands and floodplains of Cibolo, Texas; to protect the water courses, reservoirs, lakes and other significant water resources in Cibolo; to protect Cibolo’s riparian and aquatic ecosystems; and to provide for the environmentally sound land use.

The following definitions shall be used to define the terminology described in this “Green Space Preservation” section:

Best Management Practices or BMP – refers to schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMP’s also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Environmentally Sensitive Area- Any area wherein plant or animal life, listed in the Texas Endangered Species Act and/or the Federal Endangered Species Act, exists or there is evidence of their inhabitance.

Erosion- refers to the wearing away of land by the action of wind, water, gravity, ice or any combination of these forces.

First Order Stream - No defined tributaries drain into this stream and it normally originates from springs, seeps or rain runoff from the higher elevations in a watershed and conducts water into a higher order stream. First order streams appear on a USGS 1:24,000 Topographical Map.

Fourth Order Stream - is a stream formed by the confluence of two third order streams.

Ordinary High Water Mark or OHWM- shall mean "that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate

means that consider the characteristics of the surrounding areas," as defined in 33 CFR Part 328 Definition of Waters of the United States- Section 328.3 e.

Second Order Stream - is a stream formed by the confluence of two first order streams.

Stream Order- is a classification system for streams based on stream hierarchy, with the smallest stream having the lowest numerical classification.

Streams- are identified on U.S. Geological Survey (1:24,000) maps.

Stream System- means a stream channel of a given order together with one or more of the following: 1) 100-year floodplain; 2) Hydrologically related wetland; 3) Reservoir receiving water from one or more streams.

Third Order Stream- is a stream formed by the confluence of two second order streams.

Vegetative Buffer- A vegetated area, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system. A vegetative buffer for a stream system generally consists of a strip of land, with native vegetation, along both sides of a stream system.

2. Applicability

a. This section shall apply to development subject to the UDC. A development is exempt from this ordinance if it does not contain a stream system.

b. This ordinance shall apply to surface mining operations except that the design standards shall not apply to active surface mining operations that are operating in compliance with an approved U.S. Department of the Interior surface mining permit.

c. This ordinance shall apply to the City of Cibolo, a municipal corporation, and it's lawful ETJ.

d. This section applies to all development except for activities initiated prior to the effective date of this UDC and meeting any of the following criteria:

- Valid, unexpired permit in accordance with development regulations;
- A current, executed public works agreement;
- A valid, unexpired building permit;
- A complete, unexpired plat application;
- An approved and unexpired Master Plan;
- Platted property.

3. Preservation and Buffering Requirements

a. All third order and higher stream systems are required to be preserved and buffered in accordance with this section.

b. First and Second order stream systems, which include any of the following criteria, are required to be preserved and buffered in accordance with this section unless the "Conservation Plan Requirements" described in this section are satisfied:

- An environmentally sensitive area.
- Wetlands & Waters of the U.S. according to the Wetland Map.
- Existing trees with a caliper equal to or greater than 8 inches DBH within the stream channel or potential stream buffer, excluding the undesirable trees referenced in Article 17 of this UDC.

4. Design Standards for Stream Buffers

a. The width for vegetative buffers shall depend on the order of the stream being developed. First and Second order streams that are to be protected shall have a buffer originating from OHWM extending 50 feet on either side of the stream.

b. The required width of a buffer for a third order stream will be 50 feet on both sides measured from the OHWM, with 25 feet of buffer added for each level of increase in stream order. For example, a fourth order stream shall have a 75 foot buffer. A fifth order stream should have a 100 foot buffer.

c. Permanent boundary signs approved by the Planning and Development Services Director (CDS Director hereafter) shall be installed after construction is completed.

d. The following are permitted exceptions:

1. Regardless of the stream order, the maximum width of the buffer is 100 feet from the OHWM.
2. All development shall comply with the City of Cibolo Code of Ordinances Chapter 30 (Floods), this UDC and the Cibolo Design and Construction Manual.
3. The width of the buffer on each side of the stream maybe adjusted (both width and length) as long as the total square footage of the buffer remains the same for the stream order but in no event shall the buffer be less than 25 feet on any side.
4. The 25 feet of buffer immediately adjacent to the OHWM, containing undisturbed native vegetation, is restricted to permitted road, utility crossings, storm water management facilities and recreational facilities approved by the City. The remainder of the buffer, also containing native vegetation, is restricted to utility right of ways, designated biking/hiking paths, storm water management facilities, and recreational facilities by the City.

5. <u>Design Standards for Existing Ponds and Buffers</u>

a. Existing ponds may be used as storm water management facilities, in accordance with City of Cibolo Code of Ordinances Chapter 30 (Floods), the UDC and the Cibolo Design and Construction Manual if a conservation plan is submitted in accordance with this section. Existing ponds, to be used as a storm water management facility, shall have a buffer width of 20 feet.

b. The area of the 20 foot buffer may include the embankment as long as the total square footage is maintained.

6. <u>Green Space Plan Requirements</u>

a. Stream systems and buffers shall be shown on site-specific drainage maps.

b. Prior to construction, signs shall be placed every 100 feet on orange construction border fencing at the edge of the buffer zone to inform workers that the placing of construction materials in the buffer zones during the construction phase is prohibited.

7. <u>Conservation Plan Requirements</u>

Where disturbance of protected first or second order stream systems are proposed, the following shall be submitted:

a. A Green Space Plan.
b. A location or vicinity map of areas outlined in the section.
c. A summary of disturbance activities, and an in-depth detailed description of disturbances that affect or may affect areas outlined in this section.
d. A detailed description of mitigation activities, as outlined below:
    1. If Wetlands and/or Waters of the U.S. are affected:
        a. Section 404 Permit
        b. Wetland Mitigation Plan.
    2. If trees are removed:
        a. All 4 inch DBH caliper or greater trees removed must be replaced by an equal caliper sized tree of the same species, excluding the undesirable treed identified in this UDC; or smaller trees of the same tree species that equal the caliper of the removed tree (i.e.: four one-inch DBH trees to replace a 4 inch DBH caliper tree).

b. This/these tree(s) must be located within the stream system or buffer on the property where the removed tree was located.
c. Twenty-five percent (25%) of the original tree species must be replaced with the same species. The remaining 75% of original tree species may be replaced with “approved tree” species listed in this UDC.

8. Buffer Management and Maintenance

a. Protected stream systems and vegetative buffers shall be managed to enhance and maximize the unique value of these resources. Management includes specific limitations on alteration of the natural conditions of these resources. The following practices and activities are restricted within the vegetative buffer:

1. Clearing of any existing vegetation;
2. Soil disturbance by grading, stripping, or other practices;
3. Filling or dumping;
4. Use, storage, or application of herbicides.

b. The following structures, practices, and activities are permitted in the vegetative buffer, with specific design or maintenance features:

1. Roads, bridges, sidewalks, and utilities

a. These facilities may be constructed if such are required by the City; access to the property would be hindered or compromised because of the property's location; or if conditions specific to the land require it. In any of these instances, the CDS Director may administratively grant approval or deny the request for the construction of said structure(s). In the event of denial by the CDS Director, the issue may be appealed to the Planning and Zoning Commission, whose decision shall be final.
b. The right-of-way should be the minimum width needed to allow for maintenance access and installation.
c. The angle of the crossing shall be as near to perpendicular as allowed by the CDS Director. In the event of denial by the ESD Director the issue may be appealed to the Planning and Zoning Commission and City Council, whose decision shall be final.
d. Every effort shall be made to minimize the number of road crossings within each subdivision and no more than one road crossing is allowed for every 1,200 feet of buffer.

2. Storm Water Management

a. These facilities may be constructed, if such are required by the City for flood control or to improve water quality or habitat in the stream. In any of these instances, an applicant may request a waiver of the standards for Planning and Zoning review and City Council approval. A waiver may only be granted if the proposed “alternate stormwater design solution” is consistent the spirit and intent of this UDC and consistent with generally accepted engineering practices.
b. When constructing storm water management facilities, "best management practices" shall be observed. The area cleared will be limited to the area required for construction and adequate maintenance access as required in this UDC and the Cibolo Design and Construction Manual.
c. Material dredged or otherwise removed during construction or subsequent maintenance from a storm water management facility shall be stored outside the buffer.

3. Stream restoration projects approved by the CDS Director are permitted within the vegetative buffer.

4. Water quality monitoring and stream gauging are permitted within the vegetative buffer as approved by the CDS Director.

5. Individual trees within the buffer that are in danger of falling, causing damage to dwellings or other structures, or causing blockage of the stream, may be removed. Other tree cutting techniques approved by the CDS Director may be undertaken within the vegetative buffer under the advice and guidance of the Planning and Zoning Commission, if necessary to preserve the riparian forest from extensive pest infestation and disease infestation.

6. Selective clearing for health and safety purposes is allowed as determined by CDS Director.

c. The Final Plat and all right-of-way plans shall clearly show the extent of any vegetative buffer on the subject property.
d. All protected vegetative buffer areas and stream systems shall run with the land and continue in perpetuity. Protected vegetative buffer areas and stream systems may be dedicated to the public by separate instrument, which must be submitted to the City Engineer and CDS Director for approval and recorded in the land records, or by a Final Plat. If the owner property desires to keep the stream system and buffer as an amenity, there shall be a covenant, to be submitted to the City Engineer and CDS Director, for approval and recorded in the land records, that restricts the use of the stream system and buffer to uses set forth herein, and specifies that the owner, or an owner designee, must ensure that the stream system and buffer is maintained by the owner, his heirs successors and assigns for so long as the stream system and buffer remains in private ownership.
e. The CDS Director and City Engineer shall inspect the buffer annually and immediately following severe storms for evidence of sediment deposition, erosion, or concentrated flow channels. Corrective actions shall be taken to ensure the integrity and functions of the vegetative buffer.
f. The City of Cibolo will maintain all vegetative buffer and stream systems that are created pursuant to this section which have been dedicated to the public.
g. Weeds and grass shall be maintained by the property owner, HOA, or Property Owner Association on which the easement is located in accordance the City of Cibolo Code of Ordinances provisions for high weeds and grass.

9. Linear Parks

It is the policy of the City of Cibolo to reserve appropriate spaces that may be interconnected into a linear park network. The City Council may require that any drainage or utility easement that provides a connection or connections to adjoining neighborhoods or an existing or proposed linear park network also be designated as a public access easement for the purpose of providing pedestrian and bicycle access and may request parkland dedication for this purpose in accordance with this UDC. Linear parks, when provided, must be designed in accordance with the Cibolo Design and Construction Manual.

10. Incentives

a. If buffer widths on first and second order streams are strictly adhered to, the conservation plan requirement shall be waived.
b. Credit shall be given as determined by the CDS Director for the development of Linear Parks around natural drainage and wooded areas that provide potential recreational uses. Criteria for flood plain areas (based upon a hundred-year flood plain) that is dedicated as parkland, will be given credit as determined by the CDS Director by meeting the following requirements:

1. Flood plain and natural drainage area shall generally not exceed 75% of total park site.
2. At least 50% of required dedicated parkland shall have slopes in range of < 5%, well-drained and suitable for active use.
3. Additional flood plain acreage over 75% of required parkland may be dedicated at a (3:1) ratio in acres in lieu of non flood plain property and any such consideration of acreage shall be at the discretion of the Planning Director in compliance with the Parks and Open Space Master Plan.
4. The CDS Director shall determine whether land offered for dedication complies with the standards for dedication as provided in the Cibolo Master Parks Plan and Comprehensive Plan.

c. Storm water discharges into large creeks

1. For development adjacent to the main stem of Cibolo, Dietz, Town Creek East, Town Creek West, Town Creek or Santa Clara Creeks, storm water discharge may not require detention facilities, provided that the engineer is able to demonstrate that the increased direct discharge will not result in any adverse impacts to any downstream or adjacent property, and provided that there is compliance with the City of Cibolo Code of Ordinances Chapter 30 (Floods) and all other aspects of this UDC and Cibolo Design and Construction Manual.

d. On-site detention within the plat boundaries of a residential subdivision

1. For detention ponds in residential developments voluntarily created to enhance the protection of 1st & 2nd order streams, the required private maintenance shall extend to the warranty period as provided by other ordinances.
2. When a first or second order stream within development is voluntarily protected, a R.O.W. section may be similarly modified as provided herein.

e. Commercial subdivisions distributed detention

1. Distributed detention on commercial subdivisions where streams are to be voluntarily protected shall be allowed, deferring the construction of required storm water detention facilities to the building permit (construction) phase, so long as the deferral is approved at final platting and covered by a note on the face of the plat.
2. In cases where a development includes a protected stream system, the required detention volume may be distributed over the site provided the plat is annotated with a note indicating the "Q" (volumetric discharge) of each lot.
3. The required private maintenance period for off-line detention facilities shall extend to the warranty period. Warranties shall remain in effect as provided by this UDC.
4. For developments where all lots are at least one acre in area, minimum storage requirements for detention and the maximum discharge rate requirement shall be included on the plat for each lot, specifying the requirement for each lot to individually meet the requirements of this UDC and the Cibolo Design and Construction Manual during the building permit process. A General Note approved by the City Planner that specifies these requirements shall be included on the face of the plat. Calculations for said lot storage volumes and discharge rates shall be approved by the City Engineer in conjunction with their review of the improvement plans for the development during the platting process.

f. Park credit transferability

1. Voluntary protection of first and second order streams entitle the owner to a park credit for the stream system protected and its surrounding buffer on an equivalent square footage basis. If the following criteria are met:

   a. Flood plain and natural drainage area shall generally not exceed 75% of the site;
   b. At least 50% of the buffer shall have slopes in the range of 2% and not to exceed 5%, be well drained and suitable for active use;
   c. Additional park requirements, if any, shall be incorporated (be adjacent) to any buffer.
   d. The buffer and the park space shall be reviewed by the CDS Director to ensure that the buffer and park space requirement comply with the City Standards for Dedication as a park and buffer.
   e. If the buffer and park meet the requirements set forth herein the CDS Director shall make a recommendation to the City Council regarding the acceptance of said buffer and park.
2. Mandatory protected third order streams and higher qualify for a park credit for the surrounding buffer on an equivalent square footage basis. If the following criteria are met:

   a. Flood plain and natural drainage area shall generally not exceed 75% of the site;
   b. At least 50% of the buffer shall have slopes in the range of 2% and not to exceed 5%, well drained and suitable for active use;
   c. Additional park requirement, if any, shall be incorporated, or be adjacent to, any buffer.
   d. The buffer and the park space shall be reviewed by the City Planner to insure that the proposed buffer and park space complies with the City standards.
   e. If the buffer and park meet the requirements set forth herein, the City Planner shall make a recommendation to the City Council regarding the acceptance of said buffer and park.

3. Park credits obtained pursuant to this provision shall be transferable but may only be used for projects identified on the current City of Cibolo 5-Year CIP.

4. In the event there is first or second order stream systems located on a tract ten acres or smaller and the owner or said tract wishes to voluntarily preserve the stream system he shall be entitled to a park credit.

5. Any decision by the CDS Director or City Planner which does not favor the acceptance of park and buffer may be appealed to the Planning and Zoning Commission for a recommendation regarding the acceptance of the park and buffer to the City Council.

11. Waiver/Credit

a. The City Council, in consultation with the City Engineer, may grant a waiver for projects or activities for which it can be demonstrated that strict compliance with the ordinance would result in a practical difficulty or for those projects or activities serving a public need where no feasible alternative is available

b. The City of Cibolo may, as deemed appropriate by the CDS Director, give credit towards the average buffer width on the platted property for the restoration of riparian habitat and/or installation of a wetlands area within the property boundaries if such installations are ecologically integrated with the riparian system. The square footage of the restored area or wetlands area shall be credited toward the square footage required for the buffer zone.

c. The applicant shall submit a written request for any waiver to the CDS Director. The application shall include specific reasons justifying the waiver and any other information necessary to evaluate the request. The applicant shall demonstrate how strict application of the UDC results in a hardship. In consideration for a waiver, the CDS Director may recommend site design, landscape planting, fencing, and the like to compensate for a waiver. The Director shall formulate a recommendation for the Commission and Council to consider in their review and approval of the proposed waiver.

12. Connection to Cibolo Lineal Park System

The Planning and Zoning Commission and City may require the Green Space Preservation areas described herein to be dedicated or incorporated by some other appropriate legal instrument or plat reservation into the City of Cibolo Linear Park System described in this UDC.

Section 19.11 Political Subdivisions to Supply Water, Sewer, Roadways or Drainage Facilities in the Extraterritorial Jurisdiction

A. General

1. The formation of a political subdivision for the intended purpose of supplying fresh water for domestic or commercial use, or to furnish sanitary sewer services, roadways, or drainage facilities, may not be created in the extraterritorial jurisdiction of the City of Cibolo unless the City Council gives its written consent by ordinance or resolution in accordance with Section 42.042, 42.0425 and 42.043 of the Texas Local Government Code and the Texas Water Code. In giving its consent, the City Council may not place any conditions or other restrictions on the creation of the political subdivision other than those expressly permitted by Section 54.016(e), Water Code.

2. If the City Council fails or refuses to give its consent for the creation of the political subdivision on mutually agreeable terms within 90 days after the date it receives a written request for the consent, a majority of the qualified voters of the area of the proposed political subdivision and the owners of at least 50 percent of the land in the proposed political subdivision may petition the governing body to make available to the area the water, sanitary sewer services, or both that would be provided by the political subdivision.

3. If, within 120 days after the date the governing body receives the petition, the governing body fails to make a contract with a majority of the qualified voters of the area of the proposed political subdivision and the owners of at least 50 percent of the land in the proposed political subdivision to provide the services, that failure constitutes the governing body's consent to the creation of the proposed political subdivision.

4. City Council consent to the creation of the political subdivision is only an authorization to initiate proceedings to create the political subdivision as provided by law.

5. If the City Council fails or refuses to give its consent to the creation of the political subdivision or fails or refuses to execute a contract providing for the water or sanitary sewer services requested within the time limits prescribed by this section, the applicant may petition the TCEQ for the creation of the political subdivision or the inclusion of the land in a political subdivision.

B. TCEQ and Guadalupe County Approvals Required

For water and sanitary sewer systems provided by a non-City political subdivision, as described above, the following requirements shall apply:

1. At time of preliminary platting the applicant shall provide the City with a letter of approval from the TCEQ certifying that the water or sanitary sewer system serving the development is in compliance with the rules and regulations of the TCEQ and that the public water or sanitary sewer system provider holds a current valid Certificate of Convenience and Necessity (CCN) for the area proposed for development. The letter of approval from the TCEQ shall be accompanied by a map delineating the boundaries of the CCN in the vicinity of the development.

2. For a development in the ETJ where the water system will not be integrated into the City water system, the developer must:

a. Submit with the Preliminary Plat application a current letter from the TCEQ certifying that the public water system that will serve the subdivision is in compliance with TCEQ rules and regulations.

b. Submit Construction Plans and specifications for the subdivision's water system for City approval demonstrating that the water system will be built to the standards of this UDC and the Cibolo Design and Construction Manual to serve the subdivision.

c. If a water system cannot meet the standards of this section, the City Council, at its discretion, may approve the plat if arrangements, such as a developer's agreement, are made to provide an approved water system that meet City standards to serve the subdivision upon annexation by the City. This shall be arranged by means of a mutually acceptable contract with the City, unless a contract with another entity ensures compliance with the technical requirements of this chapter, as determined by the City Attorney.

3. For developments in the ETJ, the developer shall obtain approval and signature of the appropriate Guadalupe County health official on the water or sewer system statement as shown on the preliminary plat prior to Planning and Zoning Commission approval. The water system statement as shown on the plat shall indicate that the development will be served by a water system meeting City standards, as stated herein and the applicable standards of the water or sewer purveyor.
4. Plans and specifications for all water systems to serve the development shall be submitted as part of the subdivision construction plans submitted to the City of Cibolo for review and approval.

Section 19.12 Fill

A. Identification of Existing/Proposed Fill During Platting

Fill is frequently a factor in the construction of public improvements and foundation construction. Fill may be placed on a site at various times. As a requirement of the platting process, construction plans shall be submitted that clearly indicate which lots will be filled and which lots have existing fill. The type(s) of existing fill and proposed fill shall be identified on all Preliminary and Final Plats. Construction plans shall propose and develop a strategy for dealing with fills early on in the construction process.

B. Geotechnical Report Required for All Lots and Development

Fill may exist between borings or be undetected during the geotechnical investigation. The investigation is more accurate if borings are more closely spaced. Consequently, a Geotechnical Report prepared by a Professional Engineer licensed by the State of Texas and qualified to practice geotechnical engineering, shall be required for every building lot, including single-family residential. For residential development, foundations shall be designed in accordance with Recommended Practice for the Design of Residential Foundations, Version 2, as may be

amended, by the Texas Section American Society of Civil Engineers, and in accordance with the City of Cibolo Building Code, as may be amended.

C. Requirements for Fill Type

Fill is generally can be divided into three types: engineered fill, forming fill, and uncontrolled fill. These three types, and requirement of the City of Cibolo for each, is described below.

1. Engineered Fill

Engineered fill is designed by an engineer to act as a structural element of a constructed work and is placed under engineering inspection, with density testing. Engineered fill may be embankment fill, composed of the material randomly found on the site, or imported to no particular specification, other than that it be free of debris and trash or may be select fill. Embankment fill can be used many situations if it is properly placed and compacted. The term "select" simply means that the material meets some specification as to gradation and P.I., and possibly some other material specifications.

If engineered fill is proposed, a fill report shall be submitted for City Engineer approval addressing the following:

1. Fill Composition Report & Fill Design Specifications
2. Proposed Density Inspection and Testing Schedule
3. Fill Compaction Detail showing lift depths and proposed densities
4. Gradation requirements.
5. Underslab details, if applicable.
6. List requirements for fill placement, geometry, material, compaction and quality control.

2. Forming Fill

Forming fill is that which is typically used under residential foundation slabs and is variously known as sandy loam, river loam or fill dirt. Forming fill is normally not expected to be heavily compacted, and a designer should not rely on this material for support. The only requirements are that this material be non-expansive, clean, and that it works easily and stands when cut. If forming fill happened to be properly compacted and inspected in accordance with an engineering specification it could be engineered fill.

3. Uncontrolled Fill

Uncontrolled fill is fill that has been determined to be unsuitable (or has not been proven suitable) to support a slab-on-ground foundation. Any fill that has not been approved by a qualified geotechnical engineer in writing shall be considered uncontrolled fill. Uncontrolled fill may contain undesirable materials and/or has not been placed under compaction control. Some problems resulting from uncontrolled fill include gradual settlement, sudden collapse, attraction of wood ants and termites, corrosion of metallic plumbing pipes, and in some rare cases, site contamination with toxic or hazardous wastes.

D. Building on Non-Engineered Fill (Forming or Uncontrolled)

Foundations shall not be supported by non-engineered fill. To establish soil supported foundations on non-engineered fill, the typical grid beam stiffened slab foundation is required to penetrate the non-engineered fill with the perimeter and interior beam bottoms forming footings. Penetration will take the load supporting elements of the foundation below the unreliable fill. Penetration could be accomplished by deepened beams, spread footings or piers depending on the depth and the economics of the situation. Generally, piers are most cost effective once the fill to be penetrated exceeds about three feet, but this depends on the foundation engineer's judgment and local practice. Floor systems shall be designed to span between structurally supported foundation elements.

Pre-existing fill may be classified as engineered fill after investigation by the geotechnical engineer. The approval may depend on the fill thickness, existence of trash and debris, the age of the fill, and the results of testing and proof rolling. The geotechnical engineer must be able to expressly state after investigation that the fill is capable of supporting a residential slab-on-ground foundation.

ARTICLE 20 SUBDIVISION REGULATIONS

Section 20.1 General.

Section 20.1.1 Short title.

This Article shall be known, cited and referred to as "The City of Cibolo Subdivision Regulations."

Section 20.1.2 Definitions.

Applicable definitions are referenced in Article 1, Section 1.13 of this UDC.

Section 20.1.3 Authority of the City; Extension to Extraterritorial Jurisdiction (ETJ); Purpose.

a. This Article is adopted under the authority of the Constitution and laws of the State of Texas, including Chapter 212, Texas Local Government Code.

b. *Purpose*. In order to achieve orderly, efficient and environmentally sound development of land, the City must be provided with appropriate guidelines and development management mechanisms. This Article, in conjunction with any other land use control tool as may be adopted by the City, provides those guidelines and mechanisms.

c. The following rules and regulations are hereby adopted as the Subdivision Regulation of the City of Cibolo, Texas, also referred to herein as “this Article”. This Article shall be applicable to the filing of plats and to the subdivision of land, as that term is defined herein and in Chapter 212 of the Texas Local Government Code, within the corporate limits of the City of Cibolo and its extraterritorial jurisdiction as they may be from time to time adjusted by annexation or disannexation or population increases. The City shall have all remedies and rights provided by said Chapter 212 with regard to the control and approval of subdivisions and plats both within the City and within its extraterritorial jurisdiction.

Section 20.1.4 Development Agreements.

Development agreements affecting land in the city limits and the extraterritorial jurisdiction of the City may be used in accordance with Chapter 212 to do the following:

a. Contract for an areas continued extraterritorial jurisdiction status for up to an initial term of fifteen (15) years and up to two additional extensions for a maximum total term of forty-five (45) years.

b. Extend city planning authority over the land, including enforcement of not only the same land use, development and environmental regulations applicable in the City, but specific additional regulations for the land.

c. Provide for infrastructure for the land including streets, roads, drainage, water, wastewater and other utility systems.

d. Specify the uses and development of the land.

e. “Other lawful terms and considerations” as agreed to by the parties.

Section 20.1.5 Consistency with Comprehensive Plan and UDC.

It is the intent of the City that this Article shall be consistent with the adopted Comprehensive Plan of the City, this Unified Development Code (UDC) and any supplemental land use and community development policies that may be adopted by the City Council. No plat or subdivision of land within the City or its extraterritorial jurisdiction, as determined by the Local Government Code, shall be approved unless it conforms to such plans, policies and ordinances.

The City’s Comprehensive Plan was adopted as a guide, not as a mandate, for growth and development of the entire City and its extraterritorial jurisdiction. The Future Land Use Plan shall not be, nor be considered, a zoning map, nor constitute zoning regulations or establish zoning boundaries and is not site or parcel specific and shall be used to illustrate generalized locations. Also, the Future Thoroughfare Plan depicts generalized locations of

new alignments which are subject to modification to fit local conditions and are subject to refinement as development occurs.

Section 20.1.6 Special Provisions.

a. No permit shall be issued by the City for the installation of septic tanks upon any lot in a subdivision for which a final plat has not been approved and filed for record, or upon any lot in a subdivision in which the standards contained in this Article have not been complied with in full.

b. No building, repair, plumbing or electrical permit shall be issued by the City for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, nor for any structure on a lot within a subdivision in which the standards contained in this Article have not been complied with in full.

c. The City shall not repair, maintain, install or provide any streets or allow the provision of public utility services in any subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained in this UDC or referred to in this Article have not been complied with in full.

d. The City shall not permit the sale, supply or approval of any utility service within a subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained in this Article or referred to in this Article have not been complied with in full.

e. If any subdivision exists for which a final plat has not been approved or in which the standards contained in this Article or referred to in this Article have not been complied with in full, the City Council shall pass a resolution reciting the fact of such noncompliance or failure to secure final plat approval, and reciting the fact that the provisions of subsections (a), (b), (c) and (d) of this section will apply to the subdivision and the lots therein. The City Secretary shall, when directed by the City Council, cause a certified copy of such resolution under the corporate seal of the City to be filed in the deed records of the county or counties in which such subdivision or part thereof lies. If full compliance and final plat approval are secured after the filing of such resolution, the City Secretary shall forthwith file an instrument in the deed records of such county or counties stating that subsections (a), (b), (c) and (d) of this section no longer apply.

f. Notwithstanding any contrary provisions in this UDC, if an applicant meets all other applicable requirements of this UDC, and chooses to file security prior to recordation of the final plat, and meets all requirements for posting security in this UDC, then the special provisions of this section shall not apply and permits may be issued, and improvements may be installed and maintained.

Section 20.1.7 Conflicting Regulations.

Whenever the requirements of this Article are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive or that imposing the higher standards shall govern.

Section 20.1.8 Application of Article.

The provisions of this Article shall apply to the following forms of land subdivision and development activity within the City's limits and its extraterritorial jurisdiction; subject to the applicable provisions and exemptions of Chapter 212 of the Texas Local Government Code and exceptions to this Article:

a. The division of land into two or more tracts, lots, sites or parcels; or

b. All subdivisions of land whether by metes and bounds division or by plat, which were outside the jurisdiction of the City's subdivision regulations, and which subsequently came within the jurisdiction of the City's subdivision regulations through:

1. Annexation; or
2. Extension of the City's extraterritorial jurisdiction; or
3. Through adoption of inter-local agreements; or

c. The combining of two or more contiguous tracts, lots, sites or parcels for the purpose of creating one or more legal lots in order to achieve a more developable site, except as otherwise provided herein; or

d. When a building permit is required for the following uses on unplatted property.

1. Residential single-family:

(a) Construction of a new single-family dwelling unit; or

(b) Moving of a primary structure or a main building onto a piece of property; or

2. Nonresidential and multi-family:

(a) Construction of a new nonresidential or multi-family structure; or

(b) Moving a primary structure onto a piece of property; or

e. For tracts where any public improvements are proposed; or

f. Whenever a property owner proposes to divide land lying within the City or its extraterritorial jurisdiction into two or more tracts, and claims exemption from SubChapter A of Chapter 212 of the Texas Local Government Code for purposes of development, that results in parcels or lots all greater than five acres in size in the City limits or 10 acres in the ETJ; or in the event that development of any such tract is intended, and where no public improvement is proposed to be dedicated, he shall first obtain approval of a development plat that meets the requirements of Texas Local Government Code Chapter 212, Subchapter B, Regulation of Property Development, Sections 212.041 through 212.050, as may be amended.

Section 20.1.9 Platting Not Required.

The provisions of this Article shall not apply to:

a. Development of legally platted land (i.e., land having final plat approval and having a recorded or recordable final plat) and approved prior to the effective date of this Article, except as otherwise provided for herein (construction of facilities and structures shall conform to design and construction standards in effect at the time of construction) and for which no re-subdivision is sought; or

b. Development of land constituting a single tract, lot, site or parcel for which a legal deed of record describing the boundary of said tract, lot, site or parcel was filed of record in the Deed Records of Guadalupe County, Texas on or before January 23, 1984; or

c. Sale, inheritance, or gift of land by metes and bounds of tracts upon which no improvements, development, subdivision or alteration is occurring; or

d. Existing cemeteries complying with all State and local laws and regulations; or

e. A division of land created by order of a court of competent jurisdiction; or

f. When a building permit is requested for unplatted or already platted parcels for one or more of the following activities:

1. Replacement or reconstruction of an existing primary single-family or duplex structure, but not to exceed the square footage, nor deviate from the original location, of the original structure;

2. Building additions;

3. Accessory buildings; as defined in Article 15 of this UDC;

4. Remodeling or repair which involves no expansion of square footage; or

5. Moving a structure off a lot or parcel, or for demolition permits.

g. A division of land in the ETJ for which all lots or tracts in the subdivision or development are at least ten (10) acres in size and have at least sixty (60) feet of frontage on a public street. However a development plat may be required; or

h. A division of land within the corporate limits of the City into parts greater than five (5) acres, where each part has at least sixty (60) feet of frontage on a public street and no public improvement is being dedicated; provided, however, dedication of a public improvement pursuant to a development plat will not be deemed to require that the owner/developer obtain a subdivision plat. However a development plat may be required; or

i. The platting of land for which an application has been filed prior to the effective date of this UDC.

Section 20.1.10 City Participation in Cost.

a. The subdivider will be required to install, at his own expense, all water lines, streets, sewer lines, storm sewer lines and drainage facilities, and structures within the subdivision in accordance with the Cibolo Design and Construction Manual governing the same and as set forth herein, including all engineering costs covering design, layout, and construction.

b. There will be no participation by the City in the cost of any of the underground utility lines or drainage facilities within the subdivision except in the event of the requirement for oversize lines to serve land areas and improvements beyond the subdivision in question.

c. The developer will pay for all extensions of the City water and sanitary sewer systems and obtain and pay for all easements.

d. Engineering Review: The base engineering review fee for preliminary review and final review of any plat or Land Study submitted to the City Engineer shall be paid for by the developer or property owner. The fee for all changes or requests for further review from the developer or property owner by the City Engineer of any plat or plans shall be billed by the City at the standard rates charged by the City Engineer to said developer or property owner. All engineering charges must be paid before the subdivider will receive final plat approval by the City.

e. Legal Fees: All legal fees incurred by the City in the development or enforcement of the terms and conditions, such as preparing special legal agreements or instruments, as set forth by this Article shall be paid by the City to its Attorney. The City shall then bill the subdivider such fees. All legal fees must be paid to the City before the development shall receive final plat approval by the City, as described in the “Community Development Fee Schedule”, as amended.

Section 20.1.11 Waivers.

a. General. Where the City finds that undue hardships will result from strict compliance with a certain provision(s) of this Article, or where the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve a waiver from any portion of these regulations so that substantial justice may be done and the public interest is secured, provided that the waiver shall not have the effect of nullifying the intent and purpose of these regulations, and further provided that the City shall not approve a waiver unless it shall make findings based upon the evidence presented to it in each specific case that:

1. Granting the waiver will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owners of other property, and the waiver will not prevent the orderly subdivision of other property in the vicinity;

2. Because of the particular physical surroundings, shape and/or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; or an alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein;

3. The waiver will not in any manner vary the provisions of the UDC or other ordinance of the City.

b. Conditions. In approving a waiver from any provision of this Article, the City may require such conditions as will secure substantially the purposes described in this Article.

c. Procedures:

1. A petition for a waiver shall be submitted in writing to the Planning and Development Services Director by the property owner or agent before the plat is submitted for the consideration of the City. The petition shall explain the purpose of the waiver, state fully the grounds for the waiver, and all of the facts relied upon by the petitioner.

2. Waivers may be approved, disapproved or approved with conditions by the City Council.

3. The findings of the City Council, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the governing bodies reviewing and taking action on the waiver.

Section 20.1.12 Appeals of Administrative Decisions.

a. Except as appeals of decisions regarding the apportionment of municipal infrastructure, the decision of any City administrative official pursuant to an interpretation of this Article may be appealed to the City Council. Each appeal shall be submitted to the City in writing, and shall include a clear description of the reasons for the appeal. If the appeal involves technical design and/or construction standards, then the appeal shall be supported and accompanied by appropriate studies and data that support the appeal, which shall be prepared by an appropriate professional expert who is knowledgeable in the subject matter of the appeal. The City Council, at its discretion, shall have the right to have the supporting studies and data reviewed and evaluated by either appropriate City staff officials or by retained outside consulting experts, as the City Council deems appropriate the fees for which may be charged to the appellant. Each appeal shall be decided within sixty (60) days following receipt of the complete appeal request (including any necessary supporting studies and data) from the applicant.

b. If an appeal of an administrative decision is submitted with a subdivision Land Study (Master Plan) or plat, no application for appeal shall be considered unless the applicant waives in writing the requirement that a decision on the plan or plat be made within thirty (30) days of application.

Section 20.1.13 Appeal for Relief from Apportionment of Municipal Infrastructure Costs.

a. Purpose and applicability.

1. *Purpose*. The purpose of an appeal for relief from a dedication, reservation, construction, payment of fees, or payment of construction cost requirement is to assure that the application of uniform apportionment of municipal infrastructure costs to a proposed Master Plan or plat is roughly proportionate to the proposed development, taking into consideration the nature and extent of the demands created by the proposed development on municipal infrastructure.

2. *Applicability.* An appeal for relief under this Article may be filed only to contest the roughly proportionate nature of any apportionment that is imposed under this Article to a Master Plan or plat application or to any other development application authorized under this UDC, whether the requirement is pursuant to uniform standards, or attached as a condition to approval of the application. It is the developer's responsibility to determine the burden of proof of roughly proportionate. An appeal under this Article shall not be used to seek variation from a standard on grounds applicable to a petition for a waiver under this Article. Relief under this provision may not be sought for a recorded plat.

3. *Effect.* If the relief requested under the petition is granted in whole or in part by the City Council, the requirement initially imposed shall be modified accordingly, and the standards applied or the conditions attached to initial approval of the application shall be thereafter applied in accordance with the relief granted and the property owner will not be required to resubmit the application in order to get the benefit of the relief granted.

b. Appeal procedures.

1. *Roughly proportionate analysis.* If an applicant for Master Plan or plat approval disagrees with the roughly proportionate nature of the apportionment at any time in the Master Plan's or plat's review process, he should so advise the City in writing no later than two weeks before such Master Plan or plat would be considered by the Planning and Zoning Commission. The City Engineer or other professional engineer retained by the City shall prepare a roughly proportionate analysis prior to consideration of the Master Plan or plat by the Planning and Zoning Commission. If the City Engineer's analysis shows the apportionment of the municipal infrastructure costs to the applicant's development do not exceed the amount that is roughly proportionate to the development's impact and the applicant disagrees with such analysis, the applicant may appeal in accordance with this Article.

2. *Planning and Zoning Commission Action*. The Commission may not approve a Master plan or plat for which an appeal in accordance with this Section has been applied until the City Council has made its decision on the appeal.

3. *Form of appeal.* The appeal for relief from an Apportionment requirement shall be in the form of a petition to City Council and allege that application of the standard or the imposition of conditions relating to the Apportionment is not roughly proportional to the nature and extent of the impacts created by the proposed development on municipal infrastructure. The fee for this process shall be as provided for in the Planning and Development Services Fee Schedule, as amended.

4. *Evidence*. The petitioner shall demonstrate that the Apportionment requirement that was applied is not roughly proportional to the proposed development's impact on municipal infrastructure. Written evidence presented on behalf of an appellant at any appeal hearing may include evidence that addresses any of the following information that may be pertinent to the circumstances and any other information the appellant deems necessary to the appeal:

(a) Total capacity of the particular municipal infrastructure system to be utilized by the proposed development, employing standard measures of capacity and equivalency tables relating the type of development proposed to the quantity of system capacity to be consumed by the development. If the proposed development is to be developed in phases, such information also shall be provided for the entire development proposed, including any phases already developed.

(b) Total capacity to be supplied to the particular municipal infrastructure system by the proposed Apportionment. If the development application is part of a phased development, the information may include any capacity supplied by prior Apportionments.

(c) Comparison of the capacity of the municipal facilities system(s) to be consumed by the proposed development with the capacity to be supplied to such system(s) by the proposed Apportionment. In making this comparison, the impacts on the municipal infrastructure system(s) from the entire development shall be considered.

(d) The effect of any credits against any impact fees due the petitioner as a result of the Apportionment in accordance with City requirements.

(e) The effect of any City participation in the costs of over-sizing the capital improvement to be constructed.

5. *Time for filing petition and study.* The petition shall be filed with the City within ninety (90) days of the initial decision on the application. Where the Apportionment requirement is applicable to more than one requirement, the petition may be filed following a decision on any application in which the requirement is applied. The study and any evidence in support of the petition shall be filed within ninety (90) days of the date the petition was filed, unless the petitioner seeks an extension in writing. The City Engineer may extend the time for submitting the study or other evidence for a period not to exceed an additional sixty (60) days for good cause shown.

6. *Land in extraterritorial jurisdiction*. Where the subject municipal infrastructure are located in the extraterritorial jurisdiction of the City and are to be dedicated to the County pursuant to an inter-local agreement under Texas Local Government Code Chapter 242, a petition and evidence in support of the petition shall not be accepted as complete for filing by the City Engineer unless the petition or study or other evidence is accompanied by verification that a copy has been delivered to the County.

c. Processing of Petitions and Decision.

1. *Administrative official*. The Planning and Development Services Director is the administrative official responsible for processing an Apportionment. Where the petition is for the appeal from an Apportionment in the City's extraterritorial jurisdiction that is to be dedicated to the County pursuant to an inter-local agreement under Texas Local Government Code Chapter 242, the Community Services Director shall coordinate a recommendation with the appropriate County official responsible for reviewing plats in the County.

The Planning and Development Services Director shall submit the petition to the City Engineer who shall evaluate the petition and supporting study and other evidence, and shall make a recommendation to the City Council based upon the information contained in the study, any comments received from the County, and the appropriate City officials. In evaluating the petition and other evidence, the City Engineer shall take into account the maximum amount of any impact fees to be charged against the development for the type of municipal infrastructure improvement that is the subject of the petition, and any credits due the petitioner against impact fees, as well as any traffic impact, drainage or other adequate facilities studies evaluating the impacts of the development or similar developments on municipal infrastructure. The City Engineer must utilize generally accepted methodology in evaluating the petitioner's study, including but not limited to impact fee methodologies.

2. *Decision-Maker*. The City Council shall decide the appeal for relief based on the criteria set forth in item (d) below.

3. *Appeal hearing and decision time frames.*

a. The City Council shall consider the request after an appeal hearing on the subject is held.

b. The City Council shall hold the appeal hearing and consider the petition within thirty (30) days of the submission of the study and any other evidence submitted on behalf of the appellant in support of the appeal.

c. The City Council shall make a final decision within thirty (30) days following the final submission of any testimony or evidence by the developer at the appeal hearing.

4. *Decision*. The City Council shall consider the petition for relief, the analysis prepared by the City in accordance with this section and the evidence presented, and based upon the criteria set forth in "Criteria for Approval" subsection below, and shall take one of the following actions:

(a) Deny the appeal for relief, and impose the standard or condition in accordance with the initial decision; or

(b) Deny the appeal for relief, upon finding that the proposed requirements are inadequate to offset the impacts of the development on the municipal infrastructure, and either deny the application or require that additional Apportionments for municipal infrastructure be made as a condition of approval of the application; or

(c) Grant the appeal in part and add such conditions of approval to the application as it deems appropriate; or

(d) Grant the appeal for relief, and waive in whole or in part any Apportionment requirement necessary to meet the criteria for approval; or

(e) Grant the appeal for relief, in whole or in part, and direct that the City participate in the costs of the particular municipal infrastructure.

5. *Notification of decision on appeal*. The petitioner shall be notified in writing of the decision on the appeal for relief by the Community Services Director within 10 days following the decision.

d. Criteria for approval. In deciding the appeal for relief from an Apportionment, the City Council shall determine whether the petitioner has demonstrated that the City Apportionment is not roughly proportional to the proposed development's impact on municipal infrastructure. In making such determination, the City Council shall consider the evidence submitted by the petitioner, the staff's report and recommendation and, where the property is located within the city's extraterritorial jurisdiction, any recommendations from the County.

e. Implementation of appellate decision.

1. *When appeal for relief is granted.* When the City Council grants the appeal for relief, the date of the final decision will be deemed the date of approval of the application, and the City must process the application consistent with the relief granted.

2. *When appeal for relief is denied*. When the City Council denies the appeal for relief, the date of the final decision will be deemed the date of denial of the application, and the petitioner must either withdraw the application or be prepared to make the required Apportionment pursuant to the decision, as appropriate.

3. *Where approval of the appeal was conditioned.* The City may require the applicant to submit modified Master Plans, plats, construction plans, or supporting materials consistent with the relief granted and condition(s) imposed by the City Council on the petition.

4. *Period of relief*. The relief granted on a petition shall remain in effect for the period that the Master Plan or plat approval is in effect, and shall expire upon expiration of the Master Plan or plat approval. Extension of the Master Plan or plat approval also shall result in extension of the relief granted on the petition.

Section 20.1.14 Payment of all Indebtedness Attributable to a Specific Property.

No person who owes delinquent taxes, delinquent assessments, delinquent fees, or any other delinquent debts or obligations to the City of Cibolo, and that are directly attributable to a piece of property, shall be allowed to file any plat or re-plat until the taxes, assessments, debts or obligations directly attributable to said property and owed by the property owner or a previous owner thereof shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that all taxes, assessments, debts or obligations have been paid before any plat is filed.

Section 20.1.15 Right to Deny.

The City may deny a plat and any approval pursuant to this UDC if the applicant: 1) does not submit an administratively complete application in accordance with this Article within the required time frames of the Commission and City Council approved meeting schedule; or 2) pay a full filing fees.

Section 20.1.16 Misrepresentation of Facts.

It shall be a violation of this UDC for any person to knowingly or willfully misrepresent, or fail to include, any information required by this UDC in any plat application or during any public hearing or meeting of the Planning and Zoning Commission or City Council. Such a violation shall constitute grounds for denial of the plat.

Section 20.2 Administration

Section 20.2.1 Authority of City Engineer.

The City Engineer is hereby authorized and directed to promulgate City standards for the design, construction, installation, location and arrangement of streets, curbs, street signs, alleys, sidewalks, septic tanks, monuments, criteria for drainage easement requirements, drainage facilities, water delivery, waste water, pedestrian ways and for the compaction of utility ditches within the right-of-way. The City Engineer shall file such standards with the City Council for approval and, thereafter, file such standards with the City Secretary at least ten (10) days before they become effective. The City Engineer may amend the standards from time to time, upon the approval of the City Council, and such amendment shall be filed with the City Secretary at least ten (10) days before it becomes effective. No such rules, regulations, standards and specifications shall conflict with this Article, any other section of this UDC or any other Ordinance of the City. All such improvements shall be constructed, installed, designed, located and arranged by the applicant in accordance with such rules, regulations, standards and specifications.

Sec. 20.2.2 Schedule of fees, charges and expenses.

a. Until all applicable fees, related charges and expenses, if any, have been paid in full, no action shall be taken on any application or appeal under this Article.

b. The fee schedule for the purpose of recovering the administrative cost of processing platting and subdivision requests and the public hearings called for by this UDC are identified in the Planning and Development Services Fee Schedule. Such fees shall be paid by the applicant and shall not be designed to restrict an applicant's ability to seek a hearing and/or to generate revenue for other than the recovery of actual administrative cost incurred by the City. Immediately upon receipt of such application and fee, the Community Services Director shall note thereon the date of filing, and make a permanent record thereof.

c. Each plat shall be processed according to the procedures set forth in this Article, provided however that no plat shall be processed which attempts to amend or remove any covenant(s) or restriction(s) of the preceding plat until such preceding plat or portion of such preceding plat has been vacated or amended by re-plat in compliance with the provisions set forth in this UDC.

d. Upon receipt and completion of all appropriate application form(s) and fee(s) by the City, a determination shall be made as to whether the plat is a Type I, Type II, or Type III submission as defined below:

(1) *Type I plat submission*: A plat depicting a subdivision of land that has not been previously platted.

(2) *Type II plat submission*: A plat depicting a re-plat or re-subdivision of land, which at any time during the preceding five years was limited by an interim or permanent zoning classification or deed restriction to residential use of not more than two residential units per lot. A type II plat submission shall require public notice as provided for in this UDC.

(3) *Type III plat submission*: A re-plat designed to amend the preceding plat for which property owner notice is not required, minor plats, and development plats.

Section 20.3 General Platting and Development Procedures

Section 20.3.1 Pre-Application Process.

Prior to the official filing of any development application specified herein, the subdivider, at his/her option, may consult with and present a proposed plan for the subdivision to the City for comments and advice on the procedures, specifications, and standards required by the City for the subdivision of land. At such a meeting the, City staff may make any suggestions that would direct the proposed subdivision toward desirable objectives and possibly prevent unnecessary work and expense if objectives are not met. Since the purpose of this step is to facilitate the exchange of information and determine the appropriate development process for a prospective project, this step is voluntary and does not require a formal application or fees.

Section 20.3.2 Overall Development Concept Plan/Land Study/Master Plan/Mixed Use Concept Plan.

(1) All persons desiring to subdivide land within the area of jurisdiction of this Article shall first prepare and submit, not less than twenty (20) working days prior to any meeting at which the Land Study is to be considered, the following information:

a. Seven (7) hard copies and one (1) .pdf copy of the Land Study in compliance with all applicable provisions of this Article.
b. Seven (7) copies and one (1) .pdf copy of the preliminary utility plans. Topographic contours with intervals of not more than five (5) feet shall be shown on the Land Study.
c. Seven (7) copies and one (1) .pdf copy of the preliminary utility plans. Topographic contours with intervals of not more than five (5) feet shall be shown on the Land Study.
d. One (1) hard copy and one (1) .pdf of a tree survey showing all protected trees on the site, per the requirements of this UDC.
e. A completed application form.
f. A certificate or letter from a title guaranty company or from an attorney duly licensed to practice law in the State of Texas certifying the following concerning title to the land:
    1. A statement of records examined and date of examination; description of the property in question by metes and bounds; name of the fee owner as of the date of examination and the date, file number, and volume and page of the recording of the deed involved; the name of any lien holder together with the date of filing and volume and page of such lien; and a general description of any easements or fee strips granted, along with the file number, date of filing, and volume and page of recording.
g. A non-refundable check payable to the City of Cibolo in the amount as specified within the City of Cibolo fee schedule, as amended.
h. In cases where public streets, alleys, or easement are proposed to be platted across private easement or fee strips, a copy of the instrument establishing such private easement or fee strip shall be submitted. Where a private easement has no defined location, agreement on a defined easement must be reached before submission of final plat.
i. At the time that the Land Study is filed with the City, the applicant shall file a certificate showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property. The applicant shall also file proof of ownership documentation.
j. Applications shall comply with all applicable Administrative Rules with respect to submittal deadlines and schedules, policies and guidelines, fees and forms, applications, checklists, interpretations, processes, and all other information deemed necessary to enforce, interpret or explain the ordinances and provisions of the City of Cibolo and protect the health, safety and welfare of the community.

(2) The Land Study/Master Plan shall be prepared by a qualified professional engineer, certified land planner, registered architect or registered professional land surveyor at a scale no smaller than one inch (1”) equals two hundred feet (200’) and on sheets no larger than twenty-four inches (24”) by thirty-six inches (36”) in size (unless otherwise approved by the City Planner) The following information shall be submitted:

a. On all plan sheets:
    1. Title block on each page of the land study with the proposed name of the development, name and address of the owner/ and the person responsible for preparing the land study;
    2. Graphic and written scale of the drawing;
    3. North arrow;
    4. Date the drawing was prepared;
    5. Location of the tract per the abstract and survey records of Guadalupe County, Texas;
    6. Vicinity map or location map that shows the location of the subject tract within the City or its extraterritorial jurisdiction in relationship to existing major roadways;
    7. Limits of the subject tract in heavy lines;

8. Names of adjacent additions or subdivisions or the name of the owners of record and recording information for adjacent parcels of unplatted land, including parcels on each side of an adjoining road, creek, easement or the like.
9. Depiction of all contiguous holdings of the property owner(s);
10. Existing buildings located on the subject property and any protected trees, as prescribed in this UDC;

b. Existing use and conditions plan sheets shall show the following:

1. Existing uses of the subject property;
2. Existing buildings located on the subject property and any protected trees, as prescribed in this UDC;
3. Generalized existing vehicular and pedestrian circulation plan for the subject property;
4. Existing zoning for the subject property existing zoning and existing/proposed uses on adjacent land;
5. Existing/proposed driveways and median openings within two hundred feet (200') of the subject property and the location, width, paving material, and names of all existing or platted streets or other public ways within two hundred feet (200') of the subject property;
6. Existing easements located on or within two hundred feet (200') of the subject property. This information shall include the type, dimension, ownership, and recording information;
7. Existing railroad rights-of-way located on or within two hundred feet (200') of the subject property;
8. Existing topography at five foot (5') intervals with existing drainage channels or creeks;
9. Existing 100-year floodplain areas and floodways as shown on the Federal Insurance Rate Maps (FIRMs), or proposed CLOMR boundaries for the subject tract with a note on the drawing indicating the appropriate panel number and any known environmentally sensitive areas relative to wetlands, endangered or otherwise listed species, archeological indicators, predominant soil types of the properties and slope analysis;
10. Size and location of existing water mains, wastewater mains, and lift stations located on and within two hundred feet (200') of the subject property.

c. Proposed use and development plan sheets shall show the following:

1. Proposed phasing of the development and the order of platting;
2. Designation of those areas within the subject property covered by tree canopy areas of ten thousand (10,000) square feet or more;
3. The applicant shall depict the types of land uses, planned densities for residential areas, and any non-residential uses anticipated. This information shall not include a lot pattern nor specify lot sizes or lot dimensions;
4. Generalized proposed vehicular and pedestrian circulation plan for the subject property.

d. Additional information to be submitted under separate cover:

1. As necessary, depending upon the scope and nature of the Land Study, the City will require the filings of a Preliminary Engineering Report that provides a general and broad description of the following issues, as may be pertinent to the project: an assessment of how the Land Study will conform to the Future Land Use Map, Future Thoroughfare Plan, Parks Plan,and other applicable provisions of this UDC, and identify how the project will tie into existing and/or proposed drainage facilities and utilities.

e. The Land Study shall identify which level of Traffic Impact Analysis will be required and a proposed scope of the TIA to be submitted with the Preliminary Plat and indicate how the developer intends to comply with the Parkland Dedication requirements if a residential development is proposed.

f. The City Engineer and City Planner may require additional information as necessary to demonstrate compliance with this UDC and City Council policies.

(3) Procedures and Conditions

a. If a Land Study application is submitted in accordance with all of the above requirements, the Land Study shall be deemed to be "complete" and shall be reviewed by the City Engineer and the City of Cibolo. If all of the above requirements have not been satisfied, the Land Study will be deemed "incomplete" and will either be rejected without being docketed for Planning and Zoning Commission consideration.

Once the Land Study is docketed for Planning and Zoning Commission review, the applicant must submit seven (7) final hard copies of the Land Study, Drainage Plan and Utility Plan at the same size previously stipulated, and one (1) .pdf copy of each.

Once the Land Study addresses all City review comments, a final submittal of 7 full size plan sets, two (2) final copies of all engineering reports (if amended from the original submittal) and a DVD or CD providing PDF's of all submitted plans and reports is required. The final submittal must also include a CD or DVD that contains all final plans and reports as PDF files and all plans in a format that can be incorporated into the City of Cibolo GIS network. Plans may be submitted in AutoCAD, Arcview or any other approved format compatible with the City of Cibolo GIS platform. Acceptable graphical data must be formatted with: DWG (AutoCAD) or a Geographic Information System (GIS) shapefile submitted with the x,y coordinates projected to the following coordinate system: NAD 1983 State Plane Texas Central FIPS 4204 Feet.

b. The Planning and Zoning Commission and the City Council shall review and evaluate the Land Study to determine whether the proposed development conforms to the Future Land Use Plan, Future Thoroughfare Plan, the UDC and other applicable ordinances of the City.

c. The Planning and Zoning Commission may recommend, and the City Council require, conditions of approval that;

(1) Govern the timing (phasing) or sequencing of the development to ensure that the development is built-out in accordance with a schedule of public improvements to ensure that the development adequately adheres to the City's minimum design criteria for public improvements;

(2) Pertain to proposed parkland dedication;

(3) Pertain to the conformity of the proposed Land Study to this UDC.

(4) Pertains to any issue related to the public health, safety or general welfare of the City of Cibolo.

(5) Additional information to be submitted to supplement the submittal of a Preliminary Plat

d. A land study may be submitted for review concurrently with a preliminary plat application, provided that the respective requirements for both types of applications are satisfied as specified by this UDC as amended. If the preliminary plat cannot not be reviewed by the City in time for it to be scheduled on the same Planning and Zoning Commission agenda as the land study, then the preliminary plat shall be

denied on the basis of inadequate review time unless the applicant has executed a notarized written waiver of the 30-day review period for the preliminary plat.

(4) Effect of Review

a. The Land Study shall be used only as an aid to show the anticipate layout of the proposed development and to assess the adequacy of public facilities/services needed to serve the proposed development. Any proposed use or development depicted on the land study shall not be deemed formal authorization or approval by the City until Final Plat is approved by the City and recorded by the County Clerk of Guadalupe County. If the applicant chooses to plat only an initial phase or phases of the development, a new land study shall not be required for plat approval of subsequent phases if the proposed development layout, character, and/or other conditions affecting the development do not substantially change from one phase to the next or deviate from the spirit and intent or the original land study approved by the City.

b. An approved land study shall be valid for a period of five (5) years, or as otherwise specified by the Texas Local Government Code, from the date of land study approval by the City Council. Prior to the lapse of approval for a land study, the property owner may petition the City Council to extend the land study approval. Such petition shall be considered at a public meeting before the City Council and an extension may be granted by the City Council at such meeting. If no petition for extension of land study approval is submitted by the property owner prior to the expiration date, the land study shall be deemed to have expired and shall become null and void. In the case of a phased development, a land study will not be deemed to have expired if the development is progressing in accordance with the phasing schedule of the original land study approved by the City, or if the delay in completing the land study is necessitated by the timing of public improvements required to adequately serve properties in the affected property.

c. In determining whether to grant a request for extension, the City Council shall take into account the reasons for the lapse, the ability of the property owner to comply with the conditions attached to the original approval, and the extent to which the UDC in effect at the time of the extension request shall apply to the land study. In the event the City Council denies a request for extension, the property owner must thereafter submit a new land study application for approval, and shall conform to all applicable regulations then in effect.

d. The City Council may grant extension of the land study subject to additional conditions based upon the applicable City regulations and/or State legislation in effect at the time that the extension is requested, or such as are necessary to ensure compliance with the original conditions of approval. In granting an extension, the City Council may require that the land study adhere to all UDC requirements in effect at the time that the extension in requested, which shall include the Cibolo Design and Construction Manual.

e. The City Council may specify a shorter time for extension of the Land Study than the original five-year (5-year) approval period.

(5) Land Study Requirement Not Required

a. The requirement to obtain approval of a Land Study prior to beginning the platting process of a development may not be required when the City Planner determines that the scope of the development can fully be resolved through the platting and site plan review processes or in those instances where plats are filed in accordance with a previously approved Land Study.

Section 20.3.3 Preliminary Plat.

(1) All persons desiring to subdivide land within the area of jurisdiction of this Article shall first prepare and submit, not less than twenty (20) working days prior to any meeting at which the preliminary plat is to be considered, the following information:

a. Seven (7) hard copies and one (1) .pdf copy of the Preliminary Plat encompassing all land owned by the subdivider. The overall concept shall be in compliance with all applicable provisions of this Article.

b. Three (3) hard copies and one (1) .pdf copy of the proposed plans or reports for the furnishing of water, the installation of sanitary sewer facilities, and provisions for storm sewers, and general drainage facilities. Topographic contours with intervals of not more than two (2) feet shall be shown.

c. Three (3) hard copies and one (1) .pdf copy of the proposed Traffic Impact Analysis report, per the TIA requirements stipulated in Article 18 of this UDC.

d. Statement of the intent of the developer to provide parkland dedication in accordance with the requirements of this UDC or to pay fees in lieu of parkland dedication. If parkland will be provided, the plat shall include a General Note that states the amount of parkland required by the UDC and the amount of parkland proposed to be dedicated by the plat. Parkland dedicated for the exclusive use of the neighborhood being platted shall not qualify as fulfilling the parkland dedication requirement.

e. Three (3) hard copies and one (1) .pdf of a proposed Stormwater Management Report/Plan, per the requirements of Cibolo Design and Construction Manual.

f. One (1) hard copy and one (1) .pdf of a tree survey showing all protected and heritage trees on the site, per the requirements of this UDC.

g. A completed application form.

h. A certificate or letter from a title guaranty company or from an attorney duly licensed to practice law in the State of Texas certifying the following concerning title to the land:

1. A statement of records examined and date of examination; description of the property in question by metes and bounds; name of the fee owner as of the date of examination and the date, file number, and volume and page of the recording of the deed involved; the name of any lien holder together with the date of filing and volume and page of such lien; and a general description of any easements or fee strips granted, along with the file number, date of filing, and volume and page of recording.

i. A non-refundable check payable to the City of Cibolo in the amount as specified within the fee schedule of the City of Cibolo, as amended.

j. In cases where public streets, alleys, or easement are proposed to be platted across private easement or fee strips, a copy of the instrument establishing such private easement or fee strip shall be submitted. Where a private easement has no defined location, agreement on a defined easement must be reached before submission of final plat.

k. At the time that the preliminary plat is filed with the City, the applicant shall file a certificate showing that all taxes have been paid on the subject property and that no

delinquent taxes exist against the property. The applicant shall also file proof of ownership documentation.

l. Applications shall comply with all applicable Administrative Rules with respect to submittal deadlines and schedules, policies and guidelines, fees and forms, applications, checklists, interpretations, processes, and all other information deemed necessary to enforce, interpret or explain the ordinances and provisions of the City of Cibolo and protect the health, safety and welfare of the community.

m. Engineering/Construction Plans may be submitted concurrently with the Preliminary Plat. City Engineer approval of Engineering/Construction Plans is not required as a prerequisite to the approval of a Preliminary Plat. Engineering/Construction Plans shall be comply with all requirements specified in this UDC.

(2) The Preliminary Plat shall be prepared by a qualified professional engineer or registered professional land surveyor drawn on sheets of eighteen inches (18") by twenty-four inches (24") and drawn to a known engineering scale of not smaller than one inch equals one hundred feet (1"=100') or a larger scale, shall be submitted in a quantity as specified by the City Planner. In cases of large developments that would exceed the dimensions of the sheet at the one inch equals one hundred feet (1"=100') scale. A preliminary plat may be depicted on multiple sheets or to another known engineering scale, as approved by the City Planner.

(3) Preliminary plats shall utilize all of the standardized plat notes <u>described in Section 20.6 of this UDC, as applicable, and the Preliminary Plat shall be accompanied with reports, exhibits, studies, surveys, calculations and other information as necessary to demonstrate that the preliminary plat submittal, in its entirety, provides the information. described below. All of the reports, surveys, exhibit, calculations and other supporting information shall be incorporated by reference as a part of the Preliminary Plat.</u>

a. A preliminary plat may depict more than one phase, which, if so proposed, shall be clearly identified.

b. Vicinity or location map that shows the location of the proposed preliminary plat within the City or the ETJ, in relationship to existing major roadways and the existing/proposed zoning of the subject property and adjacent properties;

c. Boundary lines, abstract survey lines, corporate boundaries, ETJ boundaries, front building setbacks,

d. Bearings and distances sufficient to locate the exact area proposed for the subdivision, and all survey monuments identified and labeled;

e. Length and bearing of all straight lines, radii, arc lengths, tangent lengths, and central angles of all curves shall be indicated along the lines of each lot. Curve and line data may be placed in a table format;

f. Accurate reference ties via courses and distances to at least one recognizable abstract survey corner or existing subdivision corner shall be shown;

g. Name, location and recording information for all adjacent subdivisions, including those located on the other sides of roads or creeks. For unplatted properties, the name of property owners and recording information shall be shown;

h. Location, width and names of existing/proposed right-of-ways, property lines, subdivision name, section, block and lot information for properties; the location, type, dimension, ownership, and recording information for existing and proposed easements; and existing structures on and within two hundred feet (200') of the subject property; shall be depicted.

i. Title block, the title under which the proposed subdivision is to be recorded, the name and address of the owner/applicant, the name and address of the engineer or

registered public surveyor who prepared the plat and plans, graphic and written scale, date of preparation, north arrow, location of the property according to the abstract survey records of Guadalupe County, and number of lots, segregated by the intended use of each lot – i.e. single-family residential, open space, school, park;

j. Sites, if any, to be reserved or dedicated for parks, schools, playgrounds or other uses and the entity to which those sites are to be dedicated;

k. Contours with intervals of two (2) feet or less shown for the area with all elevations on the contour map referenced to sea level datum;

l. Minimum finished floor elevations of building foundations for all lots adjacent to or within a 100-year floodplain or within an area that may be susceptible to flooding;

m. Greenspace Preservation and Buffers and related drainage criteria described in Article 19 shall be depicted.

n. The plat shall include all standardized language contained in Section 20.6; including the ownership certificate, engineer and surveyor certifications, City of Cibolo signature blocks, approval dates by the Planning and Zoning Commission and City Council, and signature blocks for GVEC, CCMA, CPS and Green Valley Special Utility District (if applicable);

o. Plats must include the following general notes:

Notice: Selling a portion of this addition by metes and bounds is a violation of the Unified Development Code of the City of Cibolo and State platting statutes and is subject to fines and withholding of utilities and building permits.

Notice: Plat approval shall not be deemed to or presumed to give authority to violate, nullify, void, or cancel any provisions of local, state, or federal laws, ordinances, or codes.

Notice: The applicant is responsible for securing any Federal permits that may be necessary as the result of proposed development activity. The City of Cibolo is not responsible for determining the need for, or ensuring compliance with any Federal permit."

Notice: Approval of this plat does not constitute a verification of all data, information and calculations supplied by the applicant. The Engineer of Record or Registered Public Land Surveyor is solely responsible for the completeness, accuracy and adequacy of his/her submittal whether or not the application is reviewed for code compliance by the City Engineers.

Notice: All responsibility for the adequacy of this plat remains with the engineer or surveyor who prepared them. In approving these plans, the City of Cibolo must rely on the adequacy of the work of the Engineer and/or surveyor of record.

Notice: Routine maintenance of weeds and grass in all easements shall be the responsibility of the property owner, HOA, or Property Owner Association on which the easement is located in accordance with City of Cibolo Code of Ordinances provisions for high weeds and grass.

p. All residential plats shall contain a general note stating that a Geotechnical Report demonstrating compliance with all Recommended Practice for the Design of Residential Foundations, Version 1 standards of the Texas Section of the American Society of Civil Engineers, the Geotechnical standards of the City of Cibolo UDC and the City of Cibolo Building Code, each of which as may be amended, prior to the issuance of a building permit.

q. Additional General Notes may be required by the City as necessary (e.g. for drainage, public access or other special types of easements) and appropriate to protect public health, safety and welfare.

r. Street names must comply with all 911 Emergency Management criteria.

(4) With the Preliminary Plat Submittal additional reports, data and information, shall be submitted under separate cover identified as an Engineering Report and will include the following:

a. Utility and Drainage Reports with adequate information to determine conformity with the utility and drainage requirements of this UDC. Physical features, including the location and size of water courses,100-year flood plains per FIRM maps, proposed CLOMR boundaries, regulated wetlands and areas where water drains into and out of the subdivision;
b. A report indicating any known/studied environmentally sensitive areas relative to wetlands endangered or otherwise listed species, archeological indicators, soils, and slope analysis.
c. As pertinent' based on the scope, size and complexity of the project, the City may require the submittal of written and descriptive engineer reports or studies, such as a Phase 1 environmental report, slope or soil studies and calculations to determine if the plat complies with this UDC and other applicable ordinances of the City.
d. A proposed grading plan, depicting areas into and out of the proposed subdivision shall be shown. The preliminary drainage plan shall depict stormwater detention/retention areas, proposed surface and/or subsurface drainage improvements and locations for proposed drainage discharge from the site shall be shown;
e. A tree survey indicating all heritage trees and protected trees with a 6-inch DBH to be preserved and removed, their DBH in inches, botanic & common names, and locations clearly represented on a topographic survey. Protected and heritage trees stipulated in this UDC to be preserved and shall be physically tagged and protected from site construction.

(5) Preliminary plat applications that do not include all of the required data and submittal information described above will be considered <u>incomplete</u> and shall not be accepted for submission by the City, and shall not be docketed on a Planning and Zoning Commission agenda. If additional information is submitted to the City <u>after</u> an application deadline in order to complete the Preliminary Plat application, the City of Cibolo reserves the right to defer action on the plat until the Planning and Zoning Commission agenda of the following month to allow adequate time to review the completed application.

(6) Once a plat is submitted, the City has 10 business days to review the plat to determine if the application is complete. Once 10 business days pass after a submittal deadline, the plat will automatically be considered to be a "complete" submittal if the applicant has not been notified otherwise by the City. The 30-day review time frame stipulated by Texas LGC Section 212.009 shall commence on the 11th business day after a plat submittal deadline passes and the plat is determined to be "complete". The 30-day review period may only be stopped at written and notarized request of the applicant, or his/her duly authorized agent.

(7) Once the Preliminary Plat addresses all City review comments, a final submittal of 7 full size plan sets, two (2) final copies of all engineering reports (if amended from the original submittal) and a DVD or CD providing PDF's of all submitted plans and reports is required. The final submittal must also include a CD or DVD that contains all final plans and reports as PDF files and all plans in a format that can be incorporated into the City of Cibolo GIS network. Plans may be submitted in AutoCAD, Arcview or any other approved format compatible with the City of Cibolo GIS platform. Acceptable graphical data must be formatted with: DWG (AutoCAD) or a Geographic Information System (GIS) shapefile submitted with the x,y coordinates projected to the following coordinate system: NAD 1983 State Plane Texas Central FIPS 4204 Feet.

(8) Requirement Prior to Approval – Before consideration of the plat by the Planning and Zoning Commission and City Council, the City Engineer and City Planner shall certify the plat complies with all applicable requirements of this UDC.

(9) No preliminary plat shall be recommended for approval by the City Engineer, City Planner or City Manager to the Planning and Zoning Commission and City Council, unless the following standards are met:

(a) The plat must substantially comply with an approved Land Study, if applicable;

(b) The proposed plat must comply with all requirements of this UDC and the Cibolo Design and Construction Manual, unless a variance from a particular requirement is requested and determined to be acceptable based on just cause for the variance being demonstrated by the applicant; and

(c) The approval of the plat would be injurious to the health, safety or general welfare of the City of Cibolo.

(10) Approval of the Preliminary Plat

a. Upon receipt of the preliminary plat application, inclusive of all exhibits, reports, studies, surveys and all other information submitted in support of the plat, the Commission shall render a recommendation to the City Council concerning the plat within thirty (30) days from that date in which the plat is deemed to be a “complete” submittal, which shall be 10 days after the plat submittal deadline. Such recommendation may consist of approval, disapproval, or conditional approval. Conditional approval shall be considered to be approval of a plat subject to conformity with prescribed conditions, but shall be deemed to be disapproval of such plats until such conditions are complied with. All objections made to the preliminary plat, or conditions imposed, shall be furnished to the subdivider in writing.

b. Upon receipt of the Commission recommendation on the plat, the City Council shall take action on the plat application, inclusive of all exhibits, reports, studies and all other information submitted in support of the plat, within thirty (30) days from that date in which the plat was acted on by the Commission. Such final action may consist of approval, disapproval, or conditional approval. Conditional approval shall be considered to be approval of a plat subject to conformity with prescribed conditions, but shall be deemed to be disapproval of such plats until such conditions are complied with. All objections made to the preliminary plat, or conditions imposed, shall be furnished to the subdivider in writing.

c. If a plat is denied by City Council, the City Council shall adopt findings of fact that describe the defects of the plat submittal and any other rationale that constituted the basis for the denial of the plat.

d. When a preliminary plat has been approved, the subdivider may thereafter file a final plat of sections of the proposed subdivision upon which approval of the preliminary plat has been obtained, and upon the filing of a final plat covering a portion of such subdivision, the remainder of the preliminary plat shall be deemed as considered approved or conditionally approved; provided, however, that such approval or conditional approval of the remainder of the preliminary plat shall be limited to a three (3) year period from the date of final approval of a section or sections thereof; provided further; however, that the City Council may, upon application and at its discretion, extend such period of validity not to exceed two (2) years. When a preliminary plat has been approved and thereafter the subdivider fails to file a final plat of the subdivision or a section thereof within a period of two (2) years, the approval of the preliminary plat shall be void except; however, the Council may, upon application and at its discretion, extend such period of validity not to exceed one (1) additional year.

Section 20.3.4 Engineering/Construction Plans, Studies and Technical Reports.

A. Prior to filing a Final Plat, or Preliminary/Final Plat, the developer shall submit one (1) DVD and four (4) complete full sized paper sets of all signed and sealed engineering reports and studies and engineering/construction plans for all proposed streets, storm sewers, drainage structures, water and wastewater facilities, retaining walls, sidewalks, and any other required public improvements for the area covered or to be covered by the final plat in accordance with Article 20.5 of this UDC. Construction plans shall include all of the information, title page, engineering letters, technical reports and General Construction Notes and Special Notes listed in Article 20.5 to constitute a complete submittal. Piecemeal submittals will not be accepted.

a. Complete and detailed construction plans and written specifications indicating the method of construction and the materials to be used shall be submitted for:

1. The water distribution system showing the size and location of all existing and proposed water mains, service lines, valves, fire hydrants, and all other water distribution appurtenances within the proposed subdivision, as well as the location and method of connecting the proposed water lines, water mains, and water services to the City's existing system.

2. The sanitary sewer system showing by plan and profile the size, location, and the gradient of all existing and proposed sanitary trunk lines, laterals, manholes, and service within the proposed subdivision and the location and the method of connecting the proposed sewer system into the existing sanitary sewer system or the proposed location, type, capacity and schematic of operation of a temporary treatment plant.

3. The storm water drainage system showing by plans and profile the means and methods of draining the proposed subdivision, showing in detail all existing and proposed drainage structures and the means and method of connecting the proposed drainage system into the City's existing drainage system and the means and methods of sediment control shall be shown.

4. All proposed bridges or culverts within the proposed subdivision, showing in detail, by plan and/or profile, the structural members, connectors, railings, approaches, reinforcing steel and deck.

5. All existing and proposed streets and alleys within the proposed subdivisions, showing by plans and profiles the width of the rights-of-way: the widths of the proposed roadway; the gradient of all curb lines; the location and size of all drainage inlets; and the type of pavement.

6. For a development containing existing fill or that propose to use fill, plans, reports and detailed specifications shall be submitted demonstrating compliance with the Fill standards and requirements of this UDC. This standard pertains to fill to be used for infrastructure improvements to be dedicated to the public and to all lots where fill will be utilized. The following information shall be clearly depicted and described on the plans:

i. All areas that will have 24-inches of more of fill or imported materials;
ii. Locations of former & existing ponds that will require the removal of deleterious materials, as well as muck & organic materials, & compaction details for these features;
iii. Post construction and prior to inspections, 79G test reports, construction material testing and observation reports shall be provided to the City of Cibolo.
iv. For lots that contain more than 24-inches of fill, a geotechnical soils analysis shall be provided on the construction plans and provided to the City of Cibolo, with building pad preparation and foundation recommendations.

b. Construction Plans shall be submitted in accordance with standardized plat and construction plat notes, as applicable, described in this Article, and shall provide all of the technical information contained in this Article.

1. Construction Plans cover sheet shall include a signature block where the City Engineer will sign and date upon acceptance of the plans for construction. The Signature Block will be titled: "Accepted For Construction"; will have a place for the City Engineer to sign and date said block; and include the following language: "Note; The City Engineer's signature affixed to this document indicates that the City Engineer and City Staff has reviewed this document and has found it to be in general conformance with the City of Cibolo's UDC or approved variances to the same. The City Engineer, through the acceptance of this document, assumes no responsibility, other than stated above, for the completeness and/or accuracy of this document. Responsibility for the engineering adequacy of the facilities depicted in this document lies solely with the Registered/Licensed Professional Engineer whose seal and signature is affixed to this document."

B. Construction/engineering plans, reports and studies shall be prepared by a professional engineer licensed to practice in the State of Texas. All plans, studies and reports shall be signed and sealed by the engineer.

C. Cost estimates for all public improvements shall be submitted with the construction plans. Each public improvement shall be tabulated and quantified into terms of lineal road length, lineal sidewalk length, lineal water line length (per diameter of water line), lineal sanitary sewer line length (per diameter of sanitary sewer line), lineal drainage channel lengths, acreage of storm water pond acreage, and the like, to quantify the cost/valuation of each public improvement.

D. The City Engineer shall review the plans, specifications, reports and studies for compliance with this UDC and the Cibolo Design and Construction Manual. When plans approved, each of the three (3) complete sets of plans, studies and reports will be marked as "Accepted" and will be signed by the City Engineer. One (1) "Accepted" plan set shall be retained by the City Engineer. The other "Approved" plan sets will be provided to the developer and the Planning and Engineering Department.

E. Utility and Agency Comments or Approvals.

In addition to the acceptance of Construction Plans by the City Engineer, Construction Plans shall not be considered accepted until the City Engineer and City Planner have received letters or memos from all utilities that have jurisdiction over improvements required or desired in the subdivision, including:

A. City of Cibolo Public Works;
B. Guadalupe Valley Electric Cooperative (GVEC);
C. CPS (where applicable)
D. Cibolo Creek Municipal Authority (CCMA);
E. Green Valley Special Utility District (where applicable);
F. Texas Department of Transportation, if any state right-of-way is involved in streets or access points;
G. Cable and telephone utility providers;
H. Guadalupe County, if any county right-of-way is involved in streets or access points;
I. Any other State or public agency with approval with jurisdiction over improvements desired in the subdivision.

It shall be the responsibility of the developer to notify each affected utility provider or outside agency having jurisdiction over the development to provide said utility provider or agency with plans and specifications required to review the development. It shall also be the responsibility of the developer to provide the City Engineer and City Planner with letters or memos from each utility or agency

F. If plans are not accepted, one set shall be marked with the objections and note and returned to the applicant or developer for corrections. Once construction plans are accepted by the City Engineer, the owner/developer shall provide three (3) complete sets of plans, reports and studies to be signed and sealed by the City Engineer and distributed as prescribed above. .

G. A Final Plat for the development may not be submitted until Construction Plans have been accepted by the City Engineer.

H. The engineering/construction plans shall be valid for a period of one (1) year from the date on which they were accepted. The City Council may grant a one (1) year extension, but in no case shall be extended more than twice. If the plans expire, the City shall have the discretion to cause the plans to be subject to be

reapproved by the City in accordance with the current Cibolo Design and Construction Manual, as it may have been amended after the original acceptance of the construction plans, assuming that no construction has occurred.

I. Once the Construction Plans address all City review comments, a final submittal of 3 full size plan sets, two (2) final copies of all engineering reports (if amended from the original submittal) and a DVD or CD providing PDF's of all submitted plans and reports is required. The final submittal must also include a CD or DVD that contains all final plans and reports as PDF files and all plans in a format that can be incorporated into the City of Cibolo GIS network. Plans may be submitted in AutoCAD, Arcview or any other approved format compatible with the City of Cibolo GIS platform. Acceptable graphical data must be formatted with: DWG (AutoCAD) or a Geographic Information System (GIS) shapefile submitted with the x,y coordinates projected to the following coordinate system: NAD 1983 State Plane Texas Central FIPS 4204 Feet.

Section 20.3.5 Final Plat.

1. A Final Plat or Preliminary/Final Plat may not be submitted to the City until Construction Plans are approved by the City Engineer, in accordance with this Article, Section 20.5, of this UDC. Once Construction Plans are approved, a subdivider may submit a Final Plat or Preliminary/Final Plat not less than twenty (20) business days prior to any meeting at which the plat is to be considered. The following information must be submitted to constitute a complete submittal:

   a. Seven (7) hard copies and one (1) .pdf copy of the Final Plat or Preliminary/Final Plat encompassing all land owned by the subdivider.

   b. Three (3) hard copies and (1) .pdf copy of the Final Utility and the Final Storm water Management Report.

   c. Three (3) hard copies and (1) .pdf copy of the Final Traffic Impact Analysis report.

   d. Statement of the intent of the developer to provide parkland dedication in accordance with the requirements of this UDC or to pay fees in lieu of parkland dedication. If parkland will be provided, the plat shall include a General Note that states the amount of parkland required by the UDC and the amount of parkland proposed to be dedicated by the plat. Parkland dedicated for the exclusive use of the neighborhood being platted shall not qualify as fulfilling the parkland dedication requirement.

   e. One (1) hard copy and one (1) .pdf of a Final Tree Survey showing all protected trees and heritage trees and the methods proposed by the developer to tag and preserve these trees, per the requirements of this UDC. Heritage trees to be preserved will be designated as such and depicted as a "Heritage Tree" on the Construction Plans. A grading plan shall accompany the tree survey with all trees located. Protected trees stipulated in this UDC must be noted as a tree to be preserved and shall be physically tagged and protected from site construction.

   f. A completed application form.

   g. A non-refundable check payable to the City of Cibolo in the amount as specified within the City of Cibolo fee schedule, as amended.

   h. The owner, developer, or dedicator of any subdivision plat wherein public streets, alleys, or easements are shown crossing private easements or fee strips shall, by letter to the City, assume responsibility for any modifications and/or protection of existing pipelines, or other facilities prior to the approval of the plat by the City.

   i. At the time that the plat is filed with the City, the applicant shall file a certificate showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property. The applicant shall also file proof of ownership documentation.

j. Applications shall comply with all applicable Administrative Rules with respect to submittal deadlines and schedules, policies and guidelines, fees and forms, applications, checklists, interpretations, processes, and all other information deemed necessary to enforce, interpret or explain the ordinances and provisions of the City of Cibolo and protect the health, safety and welfare of the community.

k. The Final Plat or Preliminary/Final Plat shall have all required certifications and dedications specified by this UDC, include all required General Notes stipulated in the Preliminary Plat requirements of this Article and contain all standardized plat language described in Article 20.6 of this UDC.

l. All residential plats shall contain a general note stating that a Geotechnical Report demonstrating compliance with all Recommended Practice for the Design of Residential Foundations, Version 2 standards of the Texas Section of the American Society of Civil Engineers, the Geotechnical standards of the City of Cibolo UDC and the City of Cibolo Building Code, each of which as may be amended, prior to the issuance of a building permit.

2. The Final Plat or Preliminary/Final Plat shall be prepared by a qualified professional engineer or registered professional land surveyor drawn on sheets of eighteen inches (18") by twenty-four inches (24") and drawn to a known engineering scale of not smaller than one inch equals one hundred feet (1"=100') or a larger scale, shall be submitted in a quantity as specified by the City Planner. In cases of large developments that would exceed the dimensions of the sheet at the one inch equals one hundred feet (1"=100') scale. A plat may be depicted on multiple sheets or to another known engineering scale, as approved by the City Planner.

3. Final Plat or Preliminary/Final Plat submittals shall provide all of the following information on the plat or in supporting documents, exhibits and reports, surveys or calculations, as appropriate. All of the reports, surveys, exhibit, calculations and other supporting information submitted with the Final Plat or Preliminary/Final Plat shall be incorporated by reference as a part of the Final Plat or Preliminary/Final Plat and shall be subject to City review and approval.

   a. Accurate dimensions, both linear and angular, of all items on the plat shall be indicated and shown on the final plat at a scale of either one (1) inch = one hundred (100) or two hundred (200) feet. The boundary of the site shall close within one in ten thousand (1:10,000). Linear dimensions shall be expressed in feet and decimals of a foot; angular dimensions may be shown by bearing.
   b. The name of the subdivision, name and addresses of owners and/or subdividers, name and address of engineer or manager preparing plat, the legal description of the plat and dates of preparation or revision.
   c. North arrow and scale and key map.
   d. All certification statements, dedication restrictions & other inscriptions required by the UDC.
   e. All lots, blocks, streets, alleys, pipelines, fee strips, water courses, greenspace buffers, easements, reserves and total area, number of lots and number of blocks.
   f. Front setback lines.
   g. Street names, lot numbers, block numbers and alphabetical identification of reserves.
      1. Blocks are to be numbered consecutively within the overall plat/or sections of an overall plat as recorded.
      2. All lots are to be numbered consecutively within each block. Lot numbering may be cumulative throughout the subdivision if the numbering continues from block to block in a uniform manner that has been approved on an overall preliminary plat.
      3. Reserves (land to be used for other than residential purposes) are to be labeled as numbered blocks and lots.
   h. Locations of heritage trees that are to be preserved and maintained shall be designated as such and shown on all lots and common area and any other location where they may exist. Protected trees stipulated in this UDC must be noted as a tree to be preserved and shall be physically tagged and protected from site construction. Locations for where replacement heritage trees will be planted, per replacement tree caliper ratio stipulated in this UDC shall be designated with proper nomenclature added to designate that these trees are not be removed, except as permitted by this UDC.
   i. Dimensions of streets and alleys:
      1. Complete curve data (P.C., L.R.P.R.C., P.T.) shown on each side of streets and alleys.

2. Length and bearings of all tangents.
3. Dimensions from all angle points and points of curve to an adjacent side lot line.
4. Actual width of all streets and alleys, measured at right angles or radially where curved.
5. Complete bearings and dimensions for front, rear, and side lot lines. The following note for side lot lines may be used in lieu of bearings:
   "All side lot lines are either perpendicular or radial to street frontage unless otherwise noted."

j. Water courses and easements:
   1. Distances to be provided along the side lot lines from the front lot line to the point where the side line crosses the drainage easement line or the high bank of a stream.
   2. Traverse line shall be provided along the edge of all large water courses in a convenient location, preferably along a utility easement if paralleling the drainage easement of a stream.
   3. Green space Preservation and Buffers and related drainage criteria of Article 19 of this UDC shall be depicted.

k. Pipelines (oil, gas, flow-lines etc.):
   1. Pipelines having no defined easement location or width shall be tied by dimensions to all adjacent lot and tract corners. If no agreement can be reached on a defined easement, then building setback lines shall be shown at a distance of ten (10) feet from the parallel to the center line of the pipeline.

l. Boundaries:
   1. Ownership or outline of the tract or tracts the plat is proposed to subdivide shall be shown with very heavy, solid lines. The boundaries of the plat shall be described with complete and overall dimensions and bearings and be tied to an original corner of the original survey of which the subdivision is a part.

m. Extensional data:
   1. The location, width, and name of existing streets and subdivisions or property ownerships and the location and dimensions of existing lots, easements, pipelines, fee strips, survey lines, building lines, water courses, or other important information shall be shown on all sides of the subdivision for a distance of not less than two hundred (200) feet. The lines of such indication beyond the plat boundary shall be dashed.

n. Private restrictions:
   1. A copy of the private restrictions (covenants) to be recorded with the final plat may be requested by the City of Cibolo as necessary to ensure compliance with all requirements of this UDC. Reference to said private restrictions (covenants) will be noted on the plat(s).

o. All General Notes required to be included on the Preliminary Plat shall be included on the Final Plat.

4. Once the Final Plat or Preliminary/Final Plat addresses all City review comments, a final submittal of 7 full size plan sets, two (2) final copies of all engineering reports (if amended from the original submittal) and a DVD or CD providing PDF's of all submitted plans and reports is required. The final submittal must also include a CD or DVD that contains all final plans and reports as PDF files and all plans in a format that can be incorporated into the City of Cibolo GIS network. Plans may be submitted in AutoCAD, Arcview or any other approved format compatible with the City of Cibolo GIS platform. Acceptable graphical data must be formatted with: DWG (AutoCAD) or a Geographic Information System (GIS) shapefile submitted with the x,y coordinates projected to the following coordinate system: NAD 1983 State Plane Texas Central FIPS 4204 Feet.

5. Guarantee of Performance - The developer of the proposed plat, and his assigns, shall comply with Section 20.3.6 of this UDC.

6. Private Easements and Fee Strips

   The developer of any plat shall obtain from the holder of any private easement or fee strip within the plat crossed by proposed streets or alleys an instrument granting to the public the use of said public streets, alleys, or easements over and across said private easements or fee strips for construction, operation, and maintenance of those public facilities normally using the type of public streets, alleys, and easements indicated. A signed copy of this instrument shall be delivered to the City, and the original shall be filed for record along with the plat.

7. Approval of Final Plat

a. Upon receipt of the Final Plat or Preliminary/Final Plat application, inclusive of all exhibits reports, studies and all other information submitted in support of the plat, the Commission shall render a recommendation to the City Council concerning the plat within thirty (30) days from that date in which the plat is deemed to be a "complete" submittal, which shall be 10 days after the plat submittal deadline. Such recommendation may consist of approval, disapproval, or conditional approval. Conditional approval shall be considered to be approval of a plat subject to conformity with prescribed conditions, but shall be deemed to be disapproval of such plats until such conditions are complied with. All objections made to the plat, or conditions imposed, shall be furnished to the subdivider in writing.

b. Upon receipt of the Commission recommendation on the plat application, inclusive of all exhibits, reports, studies and all other information submitted in support of the plat, the City Council shall take action on the plat within thirty (30) days from that date in which the plat was acted on by the Commission. Such final action may consist of approval, disapproval, or conditional approval. Conditional approval shall be considered to be approval of a plat subject to conformity with prescribed conditions, but shall be deemed to be disapproval of such plats until such conditions are complied with. All objections made to the plat, or conditions imposed, shall be furnished to the subdivider in writing.

c. If a plat is denied by City Council, the City Council shall adopt findings of fact that describe the defects of the plat submittal and any other rationale that constituted the basis for the denial of the plat.

d. When a Final Plat has been approved, the subdivider may commence with the plat recordation process, provided that the City is furnished a current Certified Tax Certificate confirming that all taxes have been paid in full.

e. On approval of the plat, said plat being otherwise fully and properly endorsed, the Chairman of the Commission, the Commission Secretary, Mayor and City Secretary shall sign the Final Plat. However, in no case shall the plat be recorded nor signed by any agent of the City of Cibolo until the City Engineer has approved all plans and specifications for the subdivision as herein required.

f. Final Plat approval will expire two (2) years after City Council action granting approval of any plat unless the plat has been filed for record.

g. After final approval has been obtained and prior to recording the plat, five (5) mylar prints of the Final Plat shall be furnished to the City of Cibolo, at the developer's expense. The plat recording fees of the County Clerk shall also be submitted to the City of Cibolo.

h. Staking Plat on Ground – The engineer or surveyor shall place such monuments as required by the City set at all corners and angle points of the boundaries of the original tract to be subdivided and at all street intersections, angle points in street lines and points of curve, and at such intermediate points as shall be required by the City. Such monuments shall be of iron pipe not less than three-quarters (3/4) of an inch in diameter and three (3) feet in length, driven securely into solid earth with the grades of same being at grade with established sidewalk, or if the walk is not established, flush with natural grade.

The City recommends that staking be performed prior to recording the Final Plat to confirm that the plat accurately represents the survey and that all required monuments are accurately shown on the plat. Remedies to resolve any discrepancy between the staking survey and approved Final Plat are subject to the Amending Plat requirements of this Article, but the City has more latitude to administratively correct minor discrepancies on the Final Plat before the plat being recorded.

8. Expiration and Extension of a Final Plat

A. Expiration

The approval of a final plat shall remain in effect for a period of two (2) years after the date the application was approved or conditionally approved by the City Council, during which period the applicant shall submit any required revisions for approval and recordation of the plat. If the final plat has not been recorded within the two (2) year period, the final plat approval, unless extended, shall expire and the plat shall be null and void.

B. Extension

At the request of the property owner or their representative, the expiration date for approval of a final plat may be extended by the City Council for a period not to exceed six (6) months. A final plat is not subject to reinstatement following expiration.

Section 20.3.6 Guarantee of Performance, Inspection, Acceptance of Public Improvements; Licensing.

A. If the applicant chooses to construct the required improvements prior to recordation of the final plat, all such construction shall be inspected while in progress by the appropriate City department and must be approved upon completion by the City Engineer and any other public utility if that utility provides service to the development. Written notification by such officials stating that the construction conforms to the specifications and standards contained in or referred to in this UDC must be presented to City Planner prior to recordation of the final plat.

B. It the applicant chooses to file security in lieu of completing construction prior to the recording the plat the applicant may provide a:

1. Performance bond or surety bond; or

2. Letter of credit; or

3. Escrow funds equal to the total installation cost of the required improvements.

C. Security shall be in an amount equal to one hundred twenty-five (125) percent of the estimated cost of completion of the required public improvements. The issuer of any surety bond and letter of credit shall be subject to the approval of the City Engineer and the City Attorney.

D. ***Performance bond*.** The performance bond shall comply with the following requirements:

1. All performance bonds must be in the forms acceptable to the City Engineer and the City Attorney.

2. All performance bonds must be executed by such sureties as are named in the current list of "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies", as published in Circular 570, as may be amended, by the Financial Management Service, Surety Bond Branch, U.S. Department of the Treasury.

3. All performance bonds must be signed by an agent, and must be accompanied by a certified copy of the authority for him or her to act.
4. All performance bonds shall be obtained from surety or insurance companies that are duly licensed or authorized in the State of Texas to issue performance bonds for the limits and coverage required.

E. ***Letter of Credit***. The letter of credit shall:

1. Be irrevocable;

2. Be for a term sufficient to cover the completion of the required public improvements; and

3. Require only that the City present the issuer with a sight draft and a certificate signed by credit.

F. As portions of the public improvements are completed in accordance with the approved engineering plans, the applicant may make written application to the City to reduce the amount of the original security. If the City as approved by the City Engineer is satisfied that such portion of the improvements has been completed in accordance with City standards, the City may, but is not required to, cause the amount of the security to be reduced by such amount that it deems appropriate, so that the remaining amount of the security adequately insures the completion of the remaining public improvements.

G. Guarantee of materials and workmanship.

1. The applicant or developer shall require of the construction contractors with whom he contracts and shall himself be responsible for guaranteeing that all materials required under this Ordinance and workmanship in connection with such improvements are free of defects for a period of two years after acceptance of the improvements by the City and other utility.

2. The City may inspect all required improvements to ensure that construction is being accomplished in accordance with the plans and specifications approved by the City. The City shall have the right to inspect any construction work being performed to ensure that it is proceeding in accordance with the intent of the provisions of this UDC. Any change in design that is required during construction should be made by the licensed professional engineer whose seal and signature are shown on the plans. Another engineer may make revisions to the original engineering plans if so authorized by the owner of the plans, and if those revisions are noted on the plans or documents. All revisions shall be approved by the City Engineer. If the City's Engineer finds, upon inspection, that any of the required public improvements have not been constructed in accordance with the plans and specifications approved by the City then the developer shall be responsible for completing and correcting the deficiencies at the developer's expense.

3. The developer/applicant shall pay for testing services that verify conformance with the approved plans and specifications. All expenses for tests that fail to meet these specifications shall also be paid for by the developer.

4. Upon completion, inspection, and acceptance of the required utility improvements, the applicable utility provider, if any other than the City, shall submit a letter to the City, City Engineer and the developer/applicant stating that all required utility improvements have been satisfactorily completed and accepted by the applicable utility provider.

5. Subject to the provisions of this Article, the City may withhold City services and improvements of whatsoever nature, including the maintenance of streets and the furnishing of all other City services from any subdivision or property until all of the street, utility, storm drainage and other public improvements are properly constructed according to the approved construction plans, and until such public improvements are dedicated to and accepted by the City.

6. If the surety on any performance bond furnished by the applicant is declared bankrupt, or becomes insolvent, or its right to do business is terminated in the State of Texas, the developer shall, within twenty (20) business days thereafter, substitute another performance bond and surety, both of which must be acceptable to the City.

7. When all of the improvements are found to be constructed and completed in accordance with the approved plans and specifications and with the City's standards, and upon receipt of one set of "Record Drawing" plans, and a digital copy of all plans (in a format as determined by the City Engineer) the City Engineer shall accept such improvements for the City, subject to the guaranty of material and workmanship provisions in this Article.

8. ***Temporary improvements***. The applicant shall build and pay for all costs of temporary improvements required by the City, and shall maintain those temporary improvements for the period specified by the City. Any temporary public improvement (e.g., a temporary cul-de-sac, alley turnout, drainage swale, erosion control device, etc.) shall be placed within an easement established specifically for that purpose. The recording information of the instrument establishing the temporary easement shall be by Instrument and approved by the City Engineer. A temporary easement for a required public improvement shall not be abandoned without the City Engineer's approval and without written consent by the City.

9. ***Government units.*** Governmental units to which these contract and security provisions apply may file, in lieu of the contract and security, a certified resolution or ordinance from officers or agents authorized to act in their behalf, agreeing to comply with the provisions of this Ordinance.

10. ***Acceptance of dedication offers***. Acceptance of formal offers for the dedication of streets, public areas, easements or parks shall be by authorization of the City Engineer. The approval by the Commission of a preliminary or final plat shall not, in and of itself, be deemed to constitute or imply the acceptance by the City of any public improvements required by the plat. The City may require the plat to be endorsed with appropriate notes to this effect.

11. No applicant or contractor shall begin construction of public improvements, including grading, within a subdivision until the construction plans are approved by the City Engineer and a Site Development Permit issued by the City of Cibolo, in accordance with this UDC.

12. The developer/applicant shall notify the City prior to commencement of construction. This notice shall give the location and date of the start of construction.

13. Acceptance of the development shall mean that the developer has transferred all rights to all the public improvements to the City for use and maintenance. The City may, at its option and on recommendation of the City Engineer, accept dedication of a portion of the required public improvements if the remaining public improvements are not immediately required for health and safety reasons, and if the property owner has posted a performance bond, letter of credit or cash bond in the amount of one hundred (100) percent of the estimated cost of those remaining improvements for a length of time to be determined by the City Engineer.

14. Upon acceptance of the required public improvements, the City Engineer shall submit a letter to the developer/applicant stating that all required public improvements have been satisfactorily completed and accepted by the City. Upon receipt of the approval letter from the City Engineer, the developer shall submit a Maintenance/Warranty Bond and Public Improvement Acceptance Forms for City Engineer and City Council approval, per the requirements described in this UDC.

15. ***Contractor Licensing and Registration***. Any contractor wishing to construct a public improvement must be licensed in accordance with all applicable state statutes. In addition to the license requirements of State of Texas, contractors working on public improvements shall be registered and approved by the City. The City may deny or approve a public improvement contractor, approve with conditions, require reasonable bonding of the contractor's work, suspend or revoke a public improvement contractor's registration. The City may withhold approval of said registration for reasonable cause to include failure to construct public improvements to code or City specifications, for violations of any City Ordinances, for failure to provide accurate or complete data as required by the City, or for failure to correct subdivision public improvements which fail within a year of their acceptance in accordance with this UDC. The contractor may appeal the City's registration decisions to the City Council.

Section 20.3.7 Deferral of Required Improvements.

a. The City Council may, upon petition of the property owner and favorable recommendation of the City Planner, defer at the time of plat approval, subject to appropriate conditions, the provision of any or all public improvements as in its judgment, are not required in the immediate interests of the public health, safety and general welfare.

b. Whenever a petition to defer the construction of any public improvements required under this UDC is granted by the City Council , the property owner shall deposit in escrow with the City their share of the costs of the future public improvements as approved by the City Engineer and City Manager prior to filing of the plat, or the property owner may execute a separate improvement agreement secured by a cash escrow or, where authorized, a letter of credit guaranteeing completion of the deferred public improvements upon demand of the City.

Section 20.3.8 Recordation.

a. After the approval of a final plat, as prescribed by this UDC, and the receipt of letters of service from applicable utilities, the City Planner may begin the process to record such final plat with the county clerk upon the applicant's performance of the following:

1. Completion of the construction of required improvements prior to recordation in compliance with this UDC, and the granting of preliminary acceptance of the improvements by the City.

2. Filing of security in lieu of completing construction prior to recordation in a form approved by the City Attorney, and in compliance with this UDC.

b. In addition to the performance required under subsection (a) of this Article, the applicant shall provide as appropriate the following:

1. A check or checks payable to the county clerk in the amount of the recordation fee for filing the final plat.

2. A tax certificate from the City, county and school district showing that no taxes are currently due or delinquent against the property.

3. The applicant shall provide dedication of all streets, alleys, parks, easements and other land intended for public use, signed by the owner or owners and by all other persons owning an interest in the property subdivided and platted, which shall be acknowledged in the manner prescribed by the laws of the state for conveyance of real property, and which shall be submitted and attached to or placed in the final plat in accordance with the provisions in this Ordinance.

4. The City Planner shall cause such plat to be filed with the county clerk upon compliance with this UDC. After filing of the plat, the applicant shall provide the City with a mylar copy, sufficient paper copies as determined by the City Planner, and a digital copy of the final plat in a format acceptable to the City Planner.

Section 20.3.9 Site Development Permit Required.

1. General

A. The City will make no improvements nor will the City maintain any streets or any utility service in any addition or subdivision for which approved preliminary and final plats are not on file with the City of Cibolo and the County Recorder. Furthermore, no plat of a subdivision shall be filed in the office of the County Recorder without official approval as required by this UDC.

B. No construction work shall begin on the improvements in a proposed subdivision prior to approval of Construction Plans by the City Engineer, as specified by this UDC. No excavation, grading or site clearing activities shall occur prior to approval of construction plans. However, limited/preliminary grading or site preparation activities (i.e. excavation, filling, tree removal/clearing, etc.) may be authorized by the City Manager at his/her discretion upon recommendations by the City Engineer and the provided that:

(1) such request is submitted in writing and signed by the property owner and said request states that the property owner assumes all responsibility and liability relating to the proposed work;

(2) such activities will not be detrimental to the public health, safety or general welfare;

(3) such activities are within the area of an approved preliminary plat and all applicable conditions or stipulations relating to the preliminary plat approval have been met;

(4) engineering and construction plans have been submitted and approved by the City Engineer and Infrastructure Compliance Manager prior to the commencement of the construction work; and

(5) a Site Development Permit has been issued once the City Engineer and City Planner have confirmed compliance with all requirements of this UDC.

C A Site Development Permit is required from the City of Cibolo prior to beginning any work in the City or the Cibolo ETJ that affects erosion control, storm drainage, vegetation or tree removal, grading or excavation. Said permit shall be subject to all contractors participating in the proposed work attending a Preconstruction Conference with the City to discuss the project prior to release of a Site Development Permit and before any filling, excavation, clearing and/or removal of vegetation and trees is performed.

D. Prior to authorizing the release of a Site Development Permit, the City Engineer and Infrastructure Compliance Manager shall be satisfied that the following conditions have been met:

(1) Construction Plans have been approved by the City Engineer in accordance with this UDC;

(2) All necessary off-site easements and/or dedications required for public infrastructure have been conveyed solely to the entity for which the improvements are to be dedicated with the proper signatures attached. The original documents and the appropriate filing fees shall be returned to the City Engineer prior to approval and release of the engineering plans;

(3) All contractors participating in the construction work have been presented with a set of approved plans bearing the stamp of release by the City Engineer;

(4) A complete list of the contractors, their representatives on the work site, and telephone numbers where a responsible party, who may be reached at all times, must be submitted to the City Engineer and Infrastructure Compliance Manager; and

(5) All applicable fees Site Development Fees have been paid to the City.

2. Process

A. Once Construction Plans are approved by the City Engineer, the developer may authorize a contractor to commence install/construct the public improvements in accordance with the approved plans and the City's standard specifications, and at the developer's expense. The developer shall employ engineers, surveyors, and other professionals as necessary to design, stake, supervise, and perform the construction of such improvements, and shall cause his/her contractor to construct the said improvements in accordance with these regulations and with this UDC and the Cibolo Design and Construction Manual.

B. Pre-Construction Conference

Before any construction may begin, a pre-construction conference will be held for subdivisions for project coordination. The conference must be attended by the developer, all contractors and sub-contractors, utility companies, the City Engineer, the City Manager and/or an appointed representative and anyone concerned with the development of the subdivision.

C. A full set of the City Engineer approved engineering/construction plans must also be available for inspection on the job site at all times.

D. A drainage plan showing how the drainage of each lot relates to the overall drainage plan for the plat under consideration shall be available for inspection on the job site at all times and shall be made available to each builder in the development to ensure that all builders comply with the drainage plan.

Section 20.3.10 Issuance of Building Permits and Certificates of Occupancy.

a. No building permit shall be issued, street address assigned or utility connection allowed for a lot, building site, building or use unless the lot or building site has been officially recorded by a final plat approved by the City and filed for record at the County.

b. Upon application for a "foundation only" building permit, a building "foundation only" permit shall be issued provided that a final plat has been recorded. However the building permit shall not be issued and building construction shall not be allowed to surpass the construction of fire protection improvements until all required fire lanes have been completed and until all water lines serving fire hydrants have been completed, inspected and tested, within 500 feet of the lot where the building permit is sought.

c. Unless exempted by this UDC, no lot may be sold nor title conveyed until the final plat has been approved and recorded by the County Recorder of Guadalupe County, Texas.

d. No certificate of occupancy shall be issued for a building or the use of property unless all subdivision improvements have been completed and a final plat has been approved by the City and recorded by the County Recorder of Guadalupe County, Texas. Notwithstanding the above, the City may authorize the conditional occupancy of a structure provided that an agreement providing cash escrow, a letter of credit, or other sufficient surety is approved by the City Engineer for the completion of all remaining public improvements, and provided that the structure is safely habitable in accordance with the Cibolo Building Code, as amended.

Section 20.3.11 Public Improvements Acceptance/Warranty Required

1. It is expressly understood that as a condition to the approval of said subdivision, no Building Permits will be issued until all public infrastructure is installed and other improvements required by this UDC is accepted for the subdivision in which said lot is contained except as specified in this section.

2. Inspection and Acceptance of Public Improvements

   a. Inspection

      Construction inspection shall be supervised by the City of Cibolo Infrastructure Compliance Manager. Construction shall be in accordance with the approved construction plans. Any significant change in design required during construction shall be made by the applicant's engineer, and shall be subject to approval by the City Engineer. If the Infrastructure Compliance Manager finds upon inspection that any of the required public improvements have not been constructed properly and in accordance with the approved construction plans, the property owner shall be responsible for completing and/or correcting said public improvements.

   b. Acceptance of Public Improvements

      (1) Preliminary Acceptance (Part I)

         (a) When the City Engineer determines that public improvements have been installed in compliance with the approved construction plans, the developer may petition the City for preliminary acceptance of public improvements by completing Part I of the "Developer Petition for Acceptance of Public Improvements" shown in this UDC and forwarding it to the City in three (3) copies with required supporting documents as specified in the "Developer Petition for Preliminary Acceptance of Public Improvements."

         (b) After recommendation(s) by the City Engineer, the City shall accept or reject the petition for preliminary acceptance of public improvements and said acceptance or rejection shall be final. The City may provide for conditional acceptance of public improvements provided that the applicant guarantees that all materials and workmanship are to be in accordance with the approved plans and specifications prescribed by the City and to correct any and all deficiencies not in accordance with approved plans and specifications as may be noted until final acceptance by the City of Cibolo in accordance with Final Acceptance as specified below.

         (c) Each public improvement shall be tabulated and quantified into terms of lineal road length, lineal sidewalk length, lineal water line length (per diameter of water line), lineal sanitary sewer line length (per diameter of sanitary sewer line), lineal drainage channel lengths, acreage of storm water pond acreage, and the like, as well as the valuation for each public improvement.

         (d) In conjunction with the submittal of the Preliminary Acceptance instrument, the applicant shall submit the following: 1) Two (2) hard copies of the following items; construction plans approved by the City Engineer, as-built construction plans certified by a registered P.E., field density and material source tests by a recognized testing laboratory, and a geotechnical report; 2) DVD and complete log of the televised sewer line inspections, 3) acceptance letters from all utility providers and 4) a DVD with AutoCAD, GIS Shape Files and PDF's of the Items 1-3 in this list.

      (2) Final Acceptance (Part II)

         (a) After 1 year from the date of preliminary acceptance in accordance with Part I, the developer may petition the City for final acceptance of public improvements by completing Part II of the "Developer Petition for Acceptance of Public Improvements" as shown in this UDC and providing three (3) copies of the form to the City.

         (b) Upon the submission of a complete petition with all the required information and attachments specified in this UDC, the Infrastructure Compliance Manager, in conjunction with the City Engineer, shall perform acceptance inspections to determine that the owner

has maintained the public improvements in good condition and has corrected any and all deficiencies specified in the Preliminary Acceptance procedure.

(c) When the City Engineer determines that the owner has maintained the public improvements in good condition and has corrected any and all deficiencies specified in the Preliminary Acceptance procedure or any other deficiencies having arisen from the effective date of the acceptance of the petition for preliminary acceptance, the petition shall be forwarded to the Planning and Development Services Director for final acceptance of the public improvements. The effect of approval of a petition for final acceptance of public improvements by the City shall be the assumption of the responsibility for maintenance of the public improvements by the City of Cibolo.

(3) Notice of Deficiencies

(a) In the event required plans and/or specifications have not been complied with during either Phase I or Phase II of the public infrastructure inspection and acceptance processes, the City Engineer will so inform the developer in writing listing each discrepancy requiring correction. A copy of said notice to the developer shall be forwarded to the Planning and Development Services Director.

(b) When all of the listed discrepancies have been corrected the owner shall request re-inspection by the City Engineer and Infrastructure Compliance Manager. The developer shall pay all re-inspection costs prior to acceptance.

(c) When inspection or re-inspection determines that all plans and specifications have been complied with, the City Engineer shall complete the final acceptance certificate shall forward three (3) copies with supporting information to the Planning and Development Services Director Manager for consideration for approval.

(4) An affidavit from the applicant stating that to the best of his information and belief, the contractor(s) has complied with the regulations contained in this Article.

(5) Prior to Final Acceptance of any public improvements, “As Built” plan shall be submitted to the City of Cibolo.

3. Performance Bond, Maintenance/Warranty Bond, Preliminary/Final Acceptance Forms

A. In Section 20.6.C of this UDC are the forms for Performance & Maintenance/Warranty Bonds and Preliminary and Final Acceptance instruments submitted for all public improvements.

B. For each of these instruments, the developer shall submit three (3) original signature copies. Upon execution of each instrument, the owner/developer will receive an original executed copy.

C. Performance and Warranty Bonds may only be released by an affirmative action on the part of the City Engineer and Planning and Development Services Director.

D. The developer or owner shall covenant to warranty the required public improvements for a period of one (1) year following acceptance by the City of all required public improvements and shall provide a maintenance bond in the amount of 25%, with a minimum amount of $25,000, of the costs of the improvements for such period. All improvements located within an easement or right-of-way shall be bonded.

Section 20.3.12 Dormant Subdivisions.

Any master plan, land study, preliminary plat, final plat, replat, amending plat, conveyance plat or development plat that is dormant, per the provisions of Texas Local Government Code Section 245.005, shall expire upon the adoption date of this UDC and shall become null and void.

Section 20.3.13 Vacating Plat.

a. *Prior to the sale of any lot.* In cases where lots have not been sold, any plan, plat or re-plat may be vacated by the proprietors of the land covered thereby at any time before the sale of any lot therein by a written instrument

declaring the same to be vacated, duly executed, acknowledged and recorded in the same office as the plat to be vacated, provided the approval of the City has been obtained. On the execution and recording of the vacating instrument, the vacated plat shall have no effect.

b. *After the sale of any lot.* In cases where lots have been sold, the plan, plat or re-plat, or any part thereof, may be vacated upon the application of all the owners of lots in such plat and with the approval of the City. On the execution and recording of the vacating instrument, the vacated plat has no effect**.**

Section 20.3.14 Replatting.

a. *Re-plat required*. Unless otherwise expressly provided for herein, a property owner who proposes to re-plat any portion of an already approved and filed final plat, other than to amend or vacate the plat, must first obtain approval for the re-plat under the standards and procedures prescribed for the re-platting of land by this Ordinance. All improvements shall be constructed in accordance with the same requirements as for a final plat as provided herein. The City Planner may waive or modify requirements for a preliminary re-plat under certain circumstances where the proposed re-plat does not involve a large land parcel or an existing structure or business on the subject property, and where the proposed plat revisions are relatively simple in nature.

b. *Re-platting without vacating preceding plat***.** A re-plat of a final plat or portion of a final plat may be recorded and is controlling over the preceding plat without vacation of that plat if the re-plat:

1. Is signed and acknowledged by only the owners of the property being re-platted;

2. Is approved after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard by the Planning and Zoning Commission and City Council; and

3. Does not attempt to amend or remove any covenants or restrictions previously incorporated in the final plat.

Notice of the public hearing required under this section shall be given before the 15th calendar day before the date of the hearing by publication in an official newspaper or a newspaper of general circulation in the County. Notice of the public hearing shall also be given by written notice before the 15th calendar day before the date of the hearing, with a copy or description of any requested waivers and a copy of Section 212.015 (c) of the Texas Local Government Code, sent to the property owners, as documented on the most recently approved ad valorem tax roll of the City of lots that are in the original subdivision and that are within 200 feet of the lot(s) to be re-platted. In the case of a subdivision in the extraterritorial jurisdiction, the most recently approved County tax roll shall be used. The written notice may be delivered by depositing the notice, properly addressed with appropriate postage paid, in a post office or postal depository within the boundaries of the City.

c. *Residential re-plat***.** In addition to compliance with (b) above, a re-plat without vacation of the preceding plat must conform to the requirements of this Section if:

1. During the preceding five years any of the area to be re-platted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or

2. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.

d. If the property owner(s) of twenty (20) percent or more of the total land area of lots to whom notice is required to be given under Subsection (b) above file with the City a written protest of the re-platting before or at the public hearing, and the re-plat requires a waiver as defined in this UDC, then approval of the re-plat will require the affirmative vote of at least three-fourths (3/4) of the Commission members present. For a legal protest, written instruments signed by the owners of at least 20% of the total land area of the lots or land immediately adjoining the area covered by the proposed re-plat and extending two hundred (200) feet from that area, but within the original subdivision, must be filed with the City prior to the close of the public hearing. In computing the percentage of land area subject to the “20% rule” described above, the area of streets and alleys shall be included.

e. Compliance with Subsection (c.) above is not required for approval of a re-plat for any part of a preceding plat if the area to be re-platted was designated or reserved for other than single or two family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat. For example, for a re-plat involving nonresidential property, a public hearing must be held, pursuant to Subsection (b.2.) above, but notice of the hearing does not have to appear in the newspaper and written notices do not have to be mailed to individual property owners within two hundred (200) feet of the subject property.

f. Any re-plat that adds or deletes lots must include the original subdivision and lot boundaries. If a re-plat is submitted for only a portion of a previously platted subdivision, the re-plat must reference the previous subdivision name and recording information, and must state on the re-plat the specific lots which have changed along with a detailed "Purpose for Re-plat" statement.

g. If the previous plat is vacated as prescribed in Section 212.013 of the Texas Local Government Code, as amended, and as provided in this UDC, a public hearing is not required for a re-plat of the area vacated. It would, instead, be submitted as a "preliminary or final plat" and reviewed accordingly.

h. The re-plat of the subdivision shall meet all the requirements for a final plat for a new subdivision that may be pertinent, as provided for herein.

i. The title shall identify the document as a "Final Plat" of the "_____ Addition, Block ____, Lot(s) ____, being a Re-plat of Block _____, Lot(s) _____ of the _____ Addition, an addition to the City of Cibolo, Texas, as recorded in Volume _____, Page _____ of the Plat Records of _____ County, Texas".

j. An application submittal for a re-plat shall be the same as for a final plat, and shall be accompanied by all items required for final plats including the required number of copies of the plat, a completed application form, and the required application fee.

k. The re-plat shall also bear a detailed "Purpose for Re-plat" statement which describes exactly what has been changed on the plat since the original (or previous) plat was approved by the City and filed at the County.

l. The re-plat shall be filed at the County in the same manner as prescribed for a final plat, and approval of a re-plat shall expire if all filing materials are not submitted to the City, and if the re-plat is not filed at the County within the time periods specified for a final plat.

Section 20.3.15 Amending Plats.

a. An amended plat shall meet all of the informational and procedural requirements set forth for a final plat, including the required number of copies of the plat, a completed application form, and the required application fee, as amended.

b. Upon receipt of a favorable recommendation for approval from the City Engineer, the City Planner may approve an amending plat which may be recorded and is controlling over the preceding or final plat without vacation of that plat if the amending plat is signed by the applicants only and if the amending plat is for one or more of the purposes set forth in this Article. The procedures for amending plats shall apply only if the sole purpose of the amending plat is to:

1. Correct an error in a course or distance shown on the preceding plat;

2. Add a course or distance that was omitted on the preceding plat;

3. Correct an error in a real property description shown on the preceding plat;

4. Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;

5. Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;

6. Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;

7. Correct an error in courses and distances of lot lines between two adjacent lots if:

(a) Both lot owners join in the application for amending the plat;

(b) Neither lot is abolished;

(c) The amendment does not attempt to remove or modify recorded covenants or restrictions or easements; and

(d) The amendment does not have a material adverse effect on the property rights of the owners in the plat;

8. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;

9. Relocate one or more lot lines between one or more adjacent lots if:

(a) The owners of all those lots join in the application for amending the plat;

(b) The amendment does not attempt to remove or modify recorded covenants or restrictions or easements; and

(c) The amendment does not increase the number of lots; or

10. To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:

(a) The changes do not affect applicable zoning and other regulations of the City;

(b) The amendment does not attempt to remove or modify recorded covenants or restrictions or easements; and

(c) The area covered by the changes is located in an area that the City Council has approved, after a public hearing, as a residential improvement area.

11. To re-plat one or more lots fronting on an existing street if:

(a) The owners of all those lots join in the application for amending the plat;

(b) The amendment does not attempt to remove recorded covenants or restrictions;

(c) The amendment does not increase the number of lots; and

(d) The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

c. The City Planner may approve amending plats administratively, or, for any reason, may elect to present the amending plat to the Planning and Zoning Commission and City Council for consideration and approval. Any decision made on the amending plat by the Community Development Service Director shall be approval of the plat. Should the City refuse to approve the amending plat, then the plat shall be referred to the Planning and Zoning Commission and City Council for review and approval within the time period required by State law.

d. Notice, a public hearing, and the approval of other lot owners is not required for the approval and issuance of an amending plat.

e. The amended plat shall be entitled and clearly state that it is an “amended plat”, and it shall include a detailed “Purpose for Amended Plat” statement which describes exactly what has been changed on the plat since the

original (or previous) plat was approved by the City and filed at the County. It shall also state the specific lots affected or changed as a result of the amended plat, and shall include the original subdivision plat boundary. All references to "final plat" or "re-plat" shall be removed.

f. The amending plat shall be filed at the County in the same manner as prescribed for a final plat, and approval of an amending plat shall expire if all filing materials are not submitted to the City, and if the plat is not filed at the County within the time periods specified for a final plat.

Section 20.3.16 Minor Plats.

a. A minor plat is a subdivision or development plat resulting in four or fewer lots and provided that the plat does not create any new street nor necessitates the extension of any municipal facilities, except sidewalks, as determined by the City Engineer to serve any lot within the subdivision. Any property to be subdivided using a minor plat shall already be adequately served by all required City utilities, and all lots will have frontage on a public roadway.

b. A minor plat shall meet all of the informational and procedural requirements set forth for a final plat, and shall be accompanied by all items required by the City Planner, including the required number of copies of the plat, a completed application form, and the required application fee.

c. Upon receipt of a favorable recommendation for approval by the City Engineer, the City Planner may approve, or approve with conditions, a minor plat, or may, for any reason, elect to present the minor plat to the Commission and Council for consideration. The City Planner may not deny a minor plat. Should the City refuse to approve the minor plat, then the plat shall be referred to the Commission and Council for review and approval within the time period required by State law.

d. Notice, a public hearing, and the approval of other lot owners are not required for the approval a minor plat.

e. The minor plat shall be entitled and clearly state that it is a "minor plat."

f. The minor plat shall be filed at the County in the same manner as prescribed for a final plat, and approval of a minor plat shall expire if all filing materials are not submitted to the City and if the plat is not filed at the County within the time periods specified for a final plat.

Section 20.3.17 Development Plats.

a. *Authority.* This Section is adopted pursuant to the Texas Local Government Code, Chapter 212, SubChapter B, and Sections 212.041 through 212.050, as amended.

b. *Purpose.* Development plats may be required only to ensure that adequate easements and rights of way will be provided with respect to land not subject to platting requirements. Site plan approval is required.

c. *Applicability.* For purposes of this Section the term "development" means the new construction of any building or structure of any nature (residential or nonresidential). "Development" does not include construction of any building or improvement used for agricultural purposes. This Section shall apply to any land lying within the City or within its extraterritorial jurisdiction, as follows:

1. The development of any tract of land which has not been platted or re-platted prior to the effective date of this UDC, unless expressly exempted herein; or

2. The development of any tract of land for which the property owner claims an exemption from the City's Subdivision Regulations of this UDC, including requirements to re-plat, which exemption is not expressly provided for in such regulations; or

3. The development of any tract of land for which the only access is a private easement or street; and/or

4. The division of any tract of land resulting in parcels or lots each of which is greater than five acres in size, and where no public improvement is proposed to be dedicated or constructed.

d. *Exceptions.* No development plat shall be required where (i) the tract to be developed has received final plat or re-plat approval or was created prior to the effective date of this Ordinance, or (ii) a subdivision plat is also required under the ordinances of the City. The Council may from time to time exempt other development or land divisions from the requirements of this Section.

e. *Prohibition on development*. No development shall commence, nor shall any building permit, utility connection permit, electrical connection permit or similar permit be issued for any development or land division subject to this Section, until a development plat has been reviewed and approved by the Council or City Planner if a minor plat, and filed of record at the applicable County.

f. *Standards of approval*. The development plat shall not be approved until the following standards have been satisfied:

1. The proposed development conforms to the Comprehensive Plan, plans, rules and ordinances of the City concerning its current and future streets, sidewalks, alleys, and public utilities facilities;

2. Public dedications to serve the development have been tendered; and

3. The proposed development conforms to the general plan, rules and ordinance of the City that are related to development of a land parcel not otherwise subject to the City's platting requirements.

g. *Conditions.* The City Planner, in the case of a minor plat, or otherwise the Council, may impose such conditions on the approval of the development plat as are necessary to insure compliance with the standards in subsection f. above.

h. *Approval procedure.* The application for a development plat shall be submitted to the City in the same manner as a final plat and shall be approved, conditionally approved, or denied by the Commission or the City Planner, if a minor plat, in a similar manner as a final plat. Upon approval, the development plat shall be filed at the County in the same manner as prescribed for a final plat. Approval of a development plat shall expire if all filing materials are not submitted to the City, and if the plat is not filed at the County within the time periods specified for a final plat.

i. All application materials for a development plat shall be submitted to the City for review in the same form and manner as for a final plat, or the application shall be deemed incomplete.

Section 20.3.18 Planned Unit Developments (PUD).

a. Regulations for PUD subdivision. The regulations set forth in this Section or as set forth elsewhere in this UDC when referred to in this section are regulations in the planned development (PD) subdivision. They may be created only within the City Limits.

b. Purposes of planned development. In certain instances, the purposes of this UDC may be achieved by the development of planned developments which do not conform in all respects with the land use pattern designated on the zoning map, the district regulations prescribed by the zoning requirements of this UDC. A planned development (PD) may include a combination of different dwelling types and/or a variety of land uses which creatively complement each other and harmonize with existing and proposed land uses in the vicinity. In order to encourage creative development of the land, provide locations for well-planned comprehensive developments, and provide for variety in the development pattern of the City which conforms with the purposes of the Comprehensive Plan, the Council is empowered to approve planned development subdivisions.

c. Planned development subdivision requirements.

1. It is the intent of this Article that subdivision review under the subdivision regulations be carried out simultaneously with the review of a planned development plan under the Zoning regulations of this UDC.

2. The detail plans required in the Zoning section of this UDC must be submitted in a form that will satisfy the requirements of this UDC for final plats.

3. The final plat must be in conformance with the approved detail plans before they may be approved by the City Council. Approval and recording of the final plat and construction of an approved subdivision shall be in accordance with the applicable provisions of this UDC.

4. The Commission may vary the specific requirements of this UDC if, on the basis of the PD concept and detail plan and the evidence submitted, the City Council makes the following findings:

(a) That the proposed modifications to the requirements of this UDC for the planned development are in accord with the purposes of this UDC and meet the objectives of the comprehensive plan;

(b) That the proposed modification provides for better project design;

(c) That the standards of population density, site area and dimensions, site coverage, yard spaces, heights of structures, distances between structures, usable open space and off-street parking and off-street loading facilities will be such that the development will not generate more traffic than the streets in the vicinity can carry without congestion and will not overload the utilities;

(d) That the development is planned with adequate provisions for light, air, vehicular and pedestrian circulation and recreational facilities equal to or better than the requirements of this UDC;

(e) That the combination of different dwelling types and/or the variety of land uses in the development will complement each other and will harmonize with existing and proposed land uses in the vicinity;

(f) Financial reasons shall not be the sole reason for modification of standards.

Section 20.3.19 Standard Plat Language, Notes, Bonds and Acceptance Forms

When submitting any plat, bond, acceptance form or any other legal instrument required by this Article of the UDC, the standardized language, notes and forms provided in Section 21.7 of this Article shall be utilized, when and where applicable.

Section 20.4. Legal Remedies.

Section 20.4.1 City Attorney's Enforcement Authority.

On behalf of the City, the City Attorney shall, upon approval of the Council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this Article, for the standards referred to in this Article with respect to any violation thereof which occurs within the City or within the extraterritorial jurisdiction of the City as such jurisdiction is determined under state law, or within any area subject to all or a part of the provisions of the UDC, in accordance with Article 1 Section 1.11 of this UDC.

Section 20.4.2 Vested Rights Petition

A. Interpretation, Conflict, Separability and Vested Rights

For purposes of determining a vested rights petition, no vested rights accrue solely from the filing of an application that has expired pursuant to this section, or from the filing of a complete application that is subsequently denied.

1. **Interpretation**. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.

2. **Conflict with other laws**. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law except as provided in these regulations. Where any provisions of these regulations imposes restrictions different from those imposed by any other provision of these regulations, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

3. **Determination of vested rights.** Vested rights shall be determined through the filing and processing of a Vested Rights Petition.

B. Vested Rights Petition

1. A qualified party shall be required to file a vested rights petition to determine whether one or more standards of these subdivision and property development regulations should not be applied to a preliminary or final plat application by operation of state law, or whether certain plats are subject to expiration.
2. **Applicability.** A vested rights petition may be filed with an application for a preliminary or final plat application. A vested rights petition also may be filed to prevent expiration of certain plats pursuant to this chapter.
3. **Effect.** Upon granting of a vested rights petition in whole or in part, the plat application shall be decided in accordance with the standards specified in the relief order based on prior subdivision requirements or development standards, or the approved plat otherwise subject to expiration shall be extended.

C. Petition Requirements

1. A vested rights petition may be filed by a property owner or the owner's authorized agents, including the applicant, with a preliminary or final plat application, or by the holder of a plat subject to expiration pursuant to this chapter.
2. Form of petition. The vested rights petition shall allege that the petitioner has a vested right for some or all of the land subject to the plat application under Texas Local Government Code, chapter 245 or successor statute, or pursuant to Texas Local Government Code, section 43.002 or successor statute, that requires the City to review and decide the application under standards in effect prior to the effective date of the currently applicable standards. The petition shall include the following information and documents:
   (a) A narrative description of the grounds for the petition;
   (b) A copy of each approved or pending development application which is the basis for the contention that the City may not apply current standards to the plat application which is the subject of the petition;
   (c) The date of submittal of the plat application, or of a development plan pursuant to which the plat was subsequently filed, if different from the official filing date established under this section;
   (d) The plat application date;
   (e) Identification of all applicable standards to the plat application from which relief is sought;
   (f) Identification of the standards which a petitioner contends applies to the plat application;
   (g) Identification of any current standards which petitioner agrees can be applied to the plat application at issue;
   (h) A copy of any prior vested rights determination by the City involving the same land; and
   (i) Where the petitioner alleges that a plat subject to expiration under this chapter should not be terminated, a description of the events, including any plat or other development applications on file that should prevent such termination.
3. Time for filing petition. A vested rights petition shall be filed with a plat application for which a vested right is claimed, except that the petition may be filed before the date of expiration of a plat subject to expiration as provided herein.

D. Processing of Petition and Decision

1. Responsible official. The responsible official shall process the vested rights petition. A copy of the petition shall be forwarded to the City Attorney following acceptance.
2. Decision by Commission & Council. On petition, the Planning and Zoning Commission and City Council shall render a decision on the vested rights petition in conjunction with its decision on the plat application, based upon the report and recommendation of the responsible official.

3. Appeal of decision on petition. The petitioner or any interested person may appeal the commission's decision on the vested rights petition within ten (10) working days of the date of such decision to the City council. An appeal under this subsection stays acceptance of filing of any related development applications.

4. Decision by City Council. The City council on appeal shall decide the vested rights petition. The request must be accompanied by a waiver of the time for decision on the plat application imposed under these subdivision and property development regulations pending decision by the council, which shall stay further proceedings on the application. The council shall decide the petition, after considering the responsible official's report and the decision by the planning and zoning commission within thirty (30) calendar days of receipt of the notice of appeal.

E. Action on Petition and Order

1. Action on the petition. The decision-maker on the vested rights petition may take any of the following actions:

   (a) Deny the relief requested in the petition, and direct that the plat application shall be reviewed and decided under currently applicable standards;

   (b) Grant the relief requested in the petition, and direct that the plat application shall be reviewed and decided in accordance with the standards contained in identified prior subdivision and property development regulations; or

   (c) Grant the relief requested in part, and direct that certain identified current standards shall be applied to the plat application, while standards contained in identified prior subdivision and property development regulations also shall be applied; or

   (d) For petitions filed pursuant to this chapter, determine whether the approved plat should be terminated, or specify the expiration date or the conditions of expiration for such plat.

2. Order on petition. The responsible official's report and each decision on the vested rights petition shall be memorialized in an order identifying the following:

   (a) The nature of the relief granted, if any;

   (b) The approved or filed plat application(s) or other development application(s) upon which relief is premised under the petition;

   (c) Current standards which shall apply to the plat application for which relief is sought;

   (d) Prior standards which shall apply to the plat application for which relief is sought, including any procedural standards;

   (e) The statutory exception or other grounds upon which relief is denied in whole or in part on the petition;

   (f) For petitions filed pursuant to this chapter, determine whether the approved plat should be terminated, and specify the expiration date or the conditions of expiration for the plat.

F. Criteria for Approval

The decision-maker shall decide the vested rights petition based upon the following factors:

1. The nature and extent of prior plat or other development applications filed or approved for the land subject to the petition;

2. Whether any prior vested rights determinations have been made with respect to the property subject to the petition;

3. Whether any prior approved applications for the property have expired or have been terminated in accordance with law;

4. Whether any statutory exception applies to the standards in the current subdivision and property development regulations from which the applicant seeks relief;

5. Whether any prior approved plat or other development applications relied upon by the petitioner has expired;

6. For petitions filed pursuant to this chapter, whether any of the events preventing expiration have occurred.

G. Application Following Relief Order

Following the City's final decision on the vested rights petition, the property owner shall conform the plat application for which relief is sought to such decision. If the plat application on file is consistent with the relief granted on the vested rights petition, no revisions are necessary. Where proceedings have been stayed on the plat application pending referral of the vested rights petition to the City Council, proceedings on the application shall resume after the City Council's decision on the vested rights petition.

H. Expiration

Relief granted on a vested rights petition shall expire on occurrence of one of the following events:

1. The petitioner or property owner fails to submit a required revised plat application consistent with the relief granted within thirty (30) days of the final decision on the petition;
2. The plat application for which relief was granted on the vested rights petition is denied under the criteria made applicable through the relief granted on the petition; or
3. The plat application for which relief was granted on the vested rights petition expires

Section 20.5. Construction Plan Requirements.

Where expressly required by this Article of the UDC to submit Construction Plans, said Construction Plans shall comply with the following standards:

Section 20.5.1 Compliance with Cibolo Design and Construction Manual.

The Cibolo Design and Construction Manual is hereby adopted by reference as a part of this UDC. Construction Plans shall be designed in accordance contained in the Cibolo Design and Construction Manual. Public improvements shall be constructed in accordance with the Cibolo Design and Construction Manual. Public improvements shall not be accepted unless the City Engineer affirms that the said improvements comply with all aspects of the Cibolo Design and Construction Manual.

Section 20.5.2 Construction Plan Submittal Requirements.

A "complete" Construction Plan submittal shall include all of the following items in the specified quantities:

1. TAX CERTIFICATE (1 copy)

Tax certificates must be submitted with all construction plan applications. These may be obtained from the Guadalupe County Tax Office and should indicate there are no taxes owed.

2. FEES

Construction plan review is subject to the fee schedule stipulated in this UDC.

3. ENGINEER'S SUMMARY LETTER (2 signed/sealed copies/1 Electronic Copy)

No construction plans will be accepted unless accompanied by a summary letter signed and sealed by the same registered Texas professional engineer who sealed the construction plans. Summary letters for small projects do not require an engineer unless slopes or trenches exceed five feet in depth.

The summary letter should describe the proposed development and might include, but not limited to, the following:

- Acreage to be developed
- Watershed in which project is located
- Type of development
- Explanation of any proposed project phasing

- Methods to be used for handling stormwater runoff, i.e., drainage easements, channels, curb inlets, storm sewers, detention, sedimentation and filtration ponds, water quality control methods, etc.
- Effect the proposed development will have on existing and future drainage systems in the area and on the natural and traditional character of the land and waterways.
- Address the applicable sections of the UDC.
- Address dam safety and landfill certification requirements.
- Include Variance request and a description of the variance and justification, and the applicable ordinance and section.

4. GEOTECHNICAL REPORT (2 signed/sealed copies/1 Electronic Copy)

Pavement design shall be based on City of Cibolo Design and Construction Manual specifications for street pavement thickness and design and provide information regarding pavement structural design and other pertinent engineering design information. Show a legible professional engineer's seal and signature. The City Engineer has authority to follow the recommendations of the Geotechnical Report with respect to the provided engineering design and recommendations when the recommendations of the Geotechnical Report demonstrate that to do so would be in the general interest of the City of Cibolo and be in accordance with generally accepted engineering practices.

5. CONSTRUCTION PLANS (2 signed/sealed copies/1 Electronic Copy)

Plans shall be submittal on 24" x 36" sheets. An additional plan set is required if the project is on a State Highway. The construction plan set shall consist of the following information, in the following order:

- Cover Sheet
- Preliminary Plat
- Erosion and Sedimentation Controls
- Drainage and Utility Layout
- Street Plan and Profile
- Drainage Plan and Profile Sheets
- Detention, Filtration and / or Sedimentation Ponds
- Construction Details

Construction Plans details shall incorporate all of the Standard Construction Plan Notes specified in this UDC, as may be amended from time to time, and the Cibolo Design and Construction Manual, as may be amended from time to time.

Note: Once Construction Plans are approved, three (3) full-size "Approved" sets and one "Approved" half-size set of the signed plans shall be submitted before a Site Development Permit can be released.

6. TRAFFIC CONTROL PLAN (TIA)

Two (2) copies and 1 Electronic Copy of a Traffic Control Plan must be included if the construction is in an existing right-of-way. One (1) additional plan is required if the project is on a State Highway.

7. PAVEMENT STRIPING PLAN (If applicable)

If pavement striping is proposed, two (2) copies of a striping plan is required. One (1) additional plan is required if the project is on a State Highway. 1 Electronic Copy must also be submitted.

8. DRAINAGE REPORT

Two (2) copies & 1 Electronic Copy shall be submitted with the application and shall include the following:

- Source of flood plain information (calculations where applicable)
- Table of contents with index and tabbed appendices
- Calculations supporting adequacy of existing and proposed on-site channels, storm sewers, and drainage structures

- Calculations supporting adequacy of detention pond size
- Calculations for flood plain modifications and cross-sections
- Summary assessment of impact on adjacent properties and drainage structures and an assessment of impact to habitable structures and properties downstream of the development, as determined by the City Engineer
- Signature and seal of professional engineer on report
- Calculations of existing and fully developed flows
- Calculations of off-site flows
- Calculations of capacity of drainage facilities on adjacent properties affecting hydraulic performance in the subdivision

A final report reflecting all changes done during review must be submitted for the project file after all comments have been addressed.

9. ACKNOWLEDGEMENT FORM CONCERNING SUBDIVISION PLAN NOTE/DEED RESTRICTIONS

The applicant should carefully check these records before signing the attached Acknowledgment Form. Plat notes are shown on the face of the subdivision plat. Plats are available at the City or the Courthouse. Deed restrictions are recorded at the Courthouse, if you do not have them in your possession.

ACKNOWLEDGMENT FORM CONCERNING

Subdivision Plat Notes, Deed Restrictions or Restrictive Covenants

I, _____have checked for subdivision plat notes, deed notes, deed restrictions, restrictive
(Printed name of applicant)
covenants and/or UDC conditions prohibiting certain uses and/or requiring certain development restrictions i.e. height, access, screening etc. on this property, located at:

_____
(Address/ Legal Description or Name/Unit of the Subdivision)

If a conflict should result with the request I am submitting to the City of Cibolo due to subdivision plat notes, deed restrictions, or restrictive covenants it will be my responsibility to resolve it. I also acknowledge that I understand the implications of use and/or development restrictions that are a result of a subdivision plat notes, deed restrictions, or restrictive covenants. I understand that if requested I must provide copies of any and all subdivision plat notes, deed restrictions, or restrictive covenant information which may apply to this property.

_____
(Applicant's signature) (Date)

Section 20.5.3 Standard Construction Plan Requirements & General Notes

1. COVER SHEET

The cover sheet should include the below information:

- Subdivision name on cover sheet in ½ inch or larger letters (use same name as on the final plat)
- Legal description of property (lots, block, subdivision name)
- Name, address and telephone number of owner and engineering firm preparing plans
- Name of watershed
- Location map showing the precise location of the tract (4” x 4” minimum) with north arrow
- TxDOT stationing, for streets intersecting or adjacent to state maintained roadways
- Tabulation sheet index.
- Legible professional engineer’s seal, signature, license number and State firm number.

- List granted or proposed variances/waivers from the Cibolo Design and Construction Manual and/or the Unified Development Code.
- The following General Notes:

  "Release of this application does not constitute a verification of all data, information and calculations supplied by the applicant. The engineer of record is solely responsible for the completeness, accuracy and adequacy of his/her submittal, whether or not the application is reviewed for Code compliance by the City Engineer."

  "All responsibility for the adequacy of these plans remains with the Engineer who prepared them. In approving these plans, the City of Cibolo must rely upon the adequacy of the work of the Design Engineer."

- Applicable City of Cibolo General Construction Notes (See Below)
- Tabulation of applicable Special Notes
- Construction Sequencing
- Approval Block for the City Engineer
- A revision block showing the number and date of each revision

2. APPROVED PRELIMINARY PLAT & PROPOSED FINAL PLAT

Following the cover sheet in the Construction Plan set should be the approved Preliminary Plat and proposed Final Plat. A copy of the recorded Final Plat should be included in the final plan set of the approved Construction Plans.

3. GENERAL CONSTRUCTION NOTES

- All construction shall be in accordance with the City of Cibolo Design and Construction Manual and the Unified Development Code, here after referred to the UDC.
- Approval of these construction plans by the City of Cibolo does not constitute a verification of all data, information and calculations supplied by the applicant. The Engineer of Record is solely responsible for the completeness, accuracy and adequacy of his/her submittal whether or not the application is reviewed for code compliance by the City Engineer.
- All responsibility for the adequacy of these plans remains with the engineer who prepared them. In approving these plans, the City of Cibolo must rely on the adequacy of the work of the Engineer.
- Design Procedures are in complete compliance with the City of Cibolo Design and Construction Manual. It is the responsibility of the engineer to request a waiver from any aspect of these plans that do not comply with the UDC.
- A minimum of two existing bench marks tied to City of Cibolo grid should be shown on the plans. In addition two permanent benchmarks per subdivision shall be installed in each subdivision to include description, location, and elevation and tie to City of Cibolo standards when possible.
- Cast bronze survey markers shall be placed in concrete in permanent, accessible locations at the time of construction. The locations of the markers shall be indicated on the construction plans. A minimum of one marker shall be placed for each 20 acres of the project.
- Prior to beginning construction, the owner or his authorized representative shall convene a Pre-Construction Conference between the City of Cibolo, consulting engineer, contractor, and any other affected parties. Notify the City of Cibolo at least 48 hours prior to the time of the conference and 48 hours prior to the beginning of construction.
- The contractor shall give the City a minimum of 48 hours notice before beginning each phase of construction.
- Barricades, built to City of Cibolo specifications, shall be constructed on all dead-end streets and as necessary during construction to maintain job safety. (Streets, etc. may be listed in addition to or instead of note.)
- If blasting is planned by the contractor, a blasting permit must be secured prior to commencement of any blasting.

- Any existing pavement, curbs, and/ or sidewalks damaged or removed will be repaired by the contractor at his expense before acceptance of the subdivision.
- The location of any water and / or wastewater lines shown on the plans must be verified by the Public Works Department.
- Use One Call Utility System: Dial 1-800-344-8377, 48 hours BEFORE you dig.
- All storm sewer pipes to be Class III RCP unless noted otherwise.

4. SPECIAL NOTES FOR PLANS WHEN APPLICABLE:

- The subgrade material in (name of subdivision) was tested by (name of professional soil lab) in (day, month, and year) and the street section designed according to City of Cibolo Design and Construction Manual.

- Street sections are to be constructed as follows:

    - Provide street names, width of R.O.W., or other methods to identify proposed design of different pavement thickness. In writing or graphically, describe the street section(s) to be constructed.
    - Manhole frames, covers, and water valve covers will be raised to finished pavement grade at the owner's expense by a qualified contractor with City inspection. All utility adjustments shall be completed prior to final paving construction.
    - Crowns of intersecting streets will culminate in a distance of 40' from the intersecting curb line unless otherwise noted. Inlets on the intersecting street shall not be constructed within 40 feet of the valley gutter, unless otherwise noted.
    - Prior to final acceptance of a street outside the City limits, street name signs conforming to County standards shall be installed by developer.
    - Sidewalk requirements (give street name and location of required sidewalk, i.e., north, south, east, or west side.
    - A curb lay down is required at all points where the proposed sidewalk intersects the curb.
    - When using lime stabilization of subgrade, it shall be placed in slurry form.
    - Inside the Cibolo city limits, sidewalks shall be completed prior to acceptance of any driveway approaches and /or issuance of a Certificate of Occupancy. When outside the Cibolo city limits, a Letter of Credit may be posted or other suitable financial arrangements may be made to insure construction of the sidewalks. In either case, sidewalks adjacent to "common areas", parkways, or other locations on which no building construction will take place, must be constructed prior to final acceptance of the subdivision.
    - A license agreement for landscaping maintenance and irrigation in street R.O.W. shall be executed by the developer in party with the City of Cibolo prior to final acceptance of the subdivision.

5. CONSTRUCTION SEQUENCING (List Process on Construction Plan Set)

- Call the Planning and Development Services Department 48 hours prior to beginning any work and schedule a Preconstruction Meeting with the City and all affected utility providers, the General Contractor, the Developer and the Developer's Engineer.
- Obtain a Site Development Permit from the Planning and Development Services Department.
- Provide the Planning and Development Services Department with evidence all TCEQ licenses and requirements are up to date.
- Install temporary erosion controls and tree protection fencing prior to any clearing and grubbing. Notify the City when installed.
- <u>Rough-cut all required or necessary ponds</u>. Either the permanent outlet structure or a temporary outlet must be constructed prior to development of any embankment or excavation that leads to ponding conditions. The outlet system must consist of a low-level outlet and an emergency overflow meeting the requirements of the UDC. The outlet system shall be protected from erosion and shall be maintained throughout the course of construction until final restoration is achieved.

- Deliver approved rough cut sheets to the City Engineer prior to clearing and grubbing.
- Rough grade streets. No development of embankment will be permitted at this time.
- Install all utilities to be located under the proposed pavement or within the road right-of-way.
- Deliver storm sewer cut sheets to the City Engineer.
- Begin installation of storm sewer lines. Upon completion, restore as much disturbed area as possible, particularly channels and large open areas.
- Deliver final grade cut sheets to the City Engineer.
- Re-grade streets to sub-grade.
- Ensure that underground utility crossings are completed. Lay 1st course base material on streets.
- Install curb and gutter.
- Lay final base course on all streets.
- Lay asphalt.
- Complete final grading and restoration of detention, sedimentation / filtration ponds.
- Complete permanent erosion control and restoration of site vegetation.
- Remove and dispose of temporary erosion controls.
- Complete any necessary final dress up of areas disturbed.

6. DRAINAGE LAYOUT SHEETS

Show the following on Construction Plans and/or Drainage Report:

- Drainage layout of subdivision (scale: 1" = 100') with north arrow to top or right of sheet and show limits of construction as a distinguishable line.
- Existing adjoining street layout or other property adjacent to project (show adjacent subdivision names)
- Street names lot and block numbers, and R.O.W. lines
- Location of all existing drainage structures on or adjacent to project
- Existing contours at two-foot minimal intervals Individual drainage areas and upstream drainage areas based on improvements and final grading (distinguish these areas by heavy dashed lines)
- Size in acres, C, I, T, C and Q for 10, 25 and 100-year storm event for each specific sub-drainage area.
- Arrows indicating flow direction for all streets and lots
- Summation of Q's at pertinent points (street intersections, inlets, passing inlets, headwalls, channel outfalls, control outlet structures, etc.)
- All low and high points
- All street and lot fill areas (usually done by shading)
- Proposed drainage facilities (including but not limited to: the layout of storm sewer with line designation, size of lines, pond(s) and pond designation, outfalls and Q10, 25 & 100 shown for outfalls.)
- All existing and proposed drainage easements, as per final plat or by separate instrument, with all recording information provided.
- Q 10,25 & Q 100 leaving proposed streets onto surrounding property and Q 10, 25 & 100 entering proposed streets from surrounding property
- Existing and proposed 100-year flood plains for all waterways
- Minimum building slab elevations for lots on which the 100-year flood plain encroaches (only if elevations are not shown on approved / released final plat included with plans)
- Provide the following for each drainage area:
  1. Runoff Calculations:
     T.C. (time of concentration-in minutes), A (drainage area)
     I10, C10, Q10, I25, C25, Q25, I 100, C100, Q100
  2. For inlet design provide an inlet flow calculation table
- For storm sewer design:
  1. T.C.'s, areas,
  2. Composite "C" value (if a uniform time of concentration for the system is not used)
- Greenspace Preservation and Buffers and related drainage criteria described in Article 19.10 shall be depicted.
- Clearly show limits of construction and match lines with station equations for storm sewer and channel 'tie-ins' to existing or proposed

- Legible professional engineer's seal, signature, and date of signing
- All proposed waivers to City of Cibolo Design and Construction Manual and other policies
- Include signature block on right hand side of all inside sheets.

7. STREET PLAN AND STREET PROFILE SHEETS

Street plans must show the following:

- The street name and sheet number in the right corners
- North arrow to top and right of sheets
- Stationing south to north or west to east with street layout directly over the profile stationing
- Scale: 1"=20', or 1"=40' for very large projects
- R.O.W. and paving dimensions (face to face of curb)
- Lot numbers, block numbers and frontage dimensions (dimensions required only if approved/released final plat is not included with the review plans)
- Street names within respective R.O.W.
- Existing or proposed easements (w/ recording information) and intersecting R.O.W.
- Sidewalks and assignments as per City of Cibolo and final plat requirements
- Centerline "TIC" marks, every 50 feet
- Drainage facilities within or intersecting R.OW. and indicate stationing on both sides of inlets (show inlet type and label storm sewer lines, i.e. LINE "A", M.H., etc.)
- Existing drainage facilities (w/ pipe sizes and material indicated) as dashed lines
- Drainage flow arrows, high and low points
- Match lines on street plan sheets and storm sewer plans for continuation of streets on other sheets
- As a minimum, a 50' extension of proposed streets and show proposed tie-in to existing streets
- Sheet numbers for intersecting streets, show full intersection, provide dimensions & street names
- Stations equation along CL (centerline) intersections of streets
- Barricades if required
- Plan view must transpose directly above profile stationing when possible (otherwise, center the midpoint of the curve on the sheet) (limits shown on the plan view must be the same as the limits shown on the profile)
- Labeled asphalt valley gutter or concrete valley gutter (required if % grade <1.2%) at intersections where appropriate
- Clearly show the beginning and ending of project
- Limits of gutter depression by shading and showing stationing or dimensioning
- Clearly show all PC, PT, CC, or PRC stations
- All fill areas
- Horizontal curves conforming to the most recent City of Cibolo Street Standards
- Legible professional engineer's seal, signature, and date of signing

Street profiles must show the following:

- Legend and scale (scale: H: 1" = 20' and V: 1" = 2')
- Heavyweight lines at every 100 ft station
- Heavyweight lines at every 2 ft vertical elevation line.
- Even elevation in right and left margins
- Street profile for minimum of 150 feet beyond end of project, including property lines and proposed future grade and/or existing street grade
- Existing centerline, left and right R.O.W. profiles
- Proposed centerline profiles a minimum of two line widths to stand out from other profile lines
- Proposed TC elevations (clearly identify right and left for curb splits)
- Identify & give elevations at all PC, PT, PRC, PCC, PVC, PVI, or PVT stations by circle or heavy dot
- Vertical curves with the following information: curve length, PVI stations and elevation, tangent intercept, tangents and tangent grades (show elevations every 25 feet maximum along vertical curves

- Curb returns PC, MID PT, PT, with tangent and grade past point of return
- Elevations every 50 feet (i.e. +00 and +50) along the street profile
- Maximum curb split of 2% (30' street = 0.60', 44' street = 0.88') if applicable
- Vertical curves conforming to latest City of Cibolo Design and Construction Standards
- Submit letter of understanding for street lighting in sag curves and confirmation of availability of fixed source lighting when applicable.
- Show clear site triangle at all subdivision entrances as required by Article 18 of this UDC.

8. DRAINAGE PLAN

Show the following on Construction Plans and/or Drainage Report:

- Show contours, drainage features and street layout and name, lot layout and lot and block numbers (where storm drainage occurs)
- Indicate limits of 100 year flood plain for fully developed upstream conditions and denote FEMA 100 year floodplain if different from the fully developed condition.
- Drainage easements. Indicate recording information. (Show recording number or if by plat, indicate "by Plat")
- Storm drainage facilities. Label and give sizes (i.e.: line "A-18" RCP, channel "B"-r' FB (Flat bottom), 2-10' x 6' MBC, etc.
- All horizontal PI PC, PT, BEGIN and END stations and pipe and/or channel intersection equations
- All inlets, Q at inlets, Q passing inlets, and flow lines
- PI deflection angle in degrees
- North arrow to top or right of sheet and show scale (scale: 1"=50")
- Any storm sewer assignments off R.O.W. or centerline
- Channel and/or pipe riprap and type of headwalls (show erosion control measures (dissipater blocks, rock riprap, etc.)
- Beginning, end stations, for erosion control material used for channels (label type of material to be used, i.e. dry stacked or mortared rock, etc.)
- Note 100-year overflow swales over pipe system (when used) and provide a typical detail
- Open channels with a minimum flat bottom width of six feet
- Greenspace Preservation and Buffers and related drainage criteria described in Article 19.10 shall be depicted.
- Legible professional engineer's seal and signature
- Any waivers to City of Cibolo UDC or other policies
- Include room for City Engineer stamp or signature block on right hand side of all inside sheets

9. DRAINAGE PROFILE

Show the following on Construction Plans and/or Drainage Report:

- Scales: horizontal (same as Plan, Vertical, 1/10th of horizontal scale)
- Stationing proceeding from low end to high end from left to right for channels or storm sewer lines
- Existing ground profile at proposed channel locations
- Top of bank left and right, and fill areas for channels
- All stations and elevations at points of intersecting drainage lines, grade breaks, riprap, drop sections, toe of splash pads, toe of slope, beginning of slope, and beginning of riprap
- D10, Q10, V10, HGL10, D25, Q25, V25, HGL25, D100, Q100, V100, HGL100 and Head losses (H), for each segment of channel
- Channel bottom width, side slopes, concrete trickle or pilot channel, height of channel lining if used, maximum and minimum depth of channel, Manning's "n" value used, and typical channels cross-sections to scale
- Clearly show the beginning and end of construction and show stations for channels
- Flowline elevation every 50 feet maximum (i.e. 0+00, 0+50)

- T.C. elevations at inlets on storm sewer lines
- Grade of flow line (in %), and pipe sizes (label all pipes as RCP/ Class for storm sewer lines)
- D10, Q10, V10, HGL10, D25, Q25, V25, HGL25, D100, Q100, V100, HGL100 and Head losses (H), and df (when pipe is flowing full) for storm sewer lines
- Stations and elevations at PI, PC, PT, grade breaks, intersecting lines, and beginning and end of construction for storm sewer lines
- All riprap, headwalls, etc. at pipe ends
- Full channel section at pipe ends when appropriate
- Existing and finished ground line and fill areas at pipe centerline for storm sewer lines

10. DETENTION PLAN

Show the following on Construction Plans and/or Drainage Report:

- Include drainage area map for detention ponds in plans
- Typical cross-section(s) of ponds and section, through the inlet and outlet structures. Show the 10/25/100 year WSELs
- Indicate pond bottom and side slopes and ramp slopes and top width of berms
- Summary table of supportive calculations for hydrology, hydraulics, control outlet structures, etc.
- Stage/Storage/Discharge Table (also indicate 10, 25 and 100 year storm events)
- Indicate staging area, access drives(including Type II driveway approaches), ramps, gates, fences, perimeter access strips, signs, setbacks, and setback easements per DCM 1.2.4.E.
- Construction details (including complete structural details) for the pond improvements
- Delineate easements with recording information.
- Show all trees and utilities and other improvements within the pond area
- Add dam safety certification to cover sheet when applicable.
- Greenspace Preservation and Buffers and related drainage criteria described in Article 19.10 shall be depicted.

11. WATER QUALITY PLAN

- Pond plans and appropriate cross sections with existing and proposed grading
- Sizing of facility
- Stage/storage for each chamber and total.
- Construction details including City of Cibolo UDC details and criteria
- Liner details (also show protective and planting layer when applicable)
- Provide complete QA/QC plans for pond liners when required.
- Irrigation field plans imposed on the tree plan for re-irrigation ponds
- Vegetative bench planting sheet for wet ponds
- Intake structure/ wet wells and pump details and specs
- Greenspace Preservation and Buffers and related drainage criteria described in Article 19.10 shall be depicted.

12. PAVEMENT STRIPING AND SIGNS PLAN

- Sheet to be reasonable scale, show curb and gutter, driveways, sidewalks and accessibility routes within 150 ft of the project
- All pavement striping and sign plans shall be in accordance with the Texas Manual of Uniform Traffic Control Devices and City of Cibolo standards
- Sight distance analysis for stop signs
- Stop signs, stop bars in relationship to sidewalk ramps.
- Assumption of any all way stop or signal locations needs to be supported by warrant study as per the Texas Manual of Uniform Traffic Control Devices
- Include warning signs as needed with advisory speed plates.

- Show speed limit signs in accordance with the assumed design speeds, with exception of the local streets which should be designed at 25 MPH and shall be posted.
- Show any proposed parking restricted areas.
- Non-standard pavement striping and signs details will need to be approved by the City Engineer.
- Show street name signs in accordance with all Cibolo standards.

13. CONSTRUCTION DETAILS

- Use City of Cibolo Design and Construction Manual for all work in the Right of Way & Easements.
- Show the following:

  - Manhole or junction box detail
  - Pipe end riprap or headwall details
  - Channel lining
  - Construction plans and details for proposed reinforced concrete box culverts, bridges and related structures may be adaptations of TxDOT standards.
  - Traffic/pedestrian railing and fencing details
  - Retaining wall construction drawings in accordance with Cibolo standards
  - Other details as needed for construction

14. FILL MANGEMENT DETAILS & REPORT

- Construction plans, reports and analysis demonstrating compliance with the fill requirements of this UDC.

Section 20.6 Standard Plat Language, Notes, Bonds and Acceptance Forms

When submitting any plat, bond, acceptance form or any other legal instrument required by this UDC, the standardized language, notes and forms of this section shall be utilized, when and where applicable.

<u>Ownership Certificate</u>

The purpose of the ownership certificate is to identify the owner and provide the Volume and Page of Deed Records, verifying the ownership. When the property owner is a corporation, typically an agent is authorized to sign for the corporation, using the following format. When one property owner is an individual or several individuals, the following format should be used.

STATE OF TEXAS §
COUNTY OF GUADALUPE §

WHEREAS, _____, acting by and through the undersigned, it's duly
(Name of Corporation)
authorized agent, is the sole owner of a tract of land located in the _____
(Survey name and Abstract Number)

City of Cibolo, Guadalupe County, Texas, according to the deed recorded in Volume _____, Page _____of the Deed Records of Guadalupe County, Texas, and being more particularly described as follows:

(Legal Description)

STATE OF TEXAS §
COUNTY OF GUADALUPE §

WHEREAS, _____, and _____,
(Name of Individual) (Name of 2nd Individual, if applicable)

is/are the sole owner(s) of a tract of land located in the _____,
(Survey name and Abstract Number)
in the City of Cibolo, Guadalupe County, Texas, according to the deed recorded in Volume _____, Page _____, of the Deed Records of Guadalupe County, Texas and more particularly described as follows:

(Continue With Legal Description)

Legal Descriptions

A "short legal" may be used for replats when all of the lots are included in the replat, and exterior boundaries do not change.

A "long legal" is used when property has never been platted, or when establishing exterior boundaries.

Surveyor's Certificate:

STATE OF TEXAS §
COUNTY OF GUADALUPE §

I hereby certify that this plat is true and correct and was prepared from an actual survey of the property made on the ground under my supervision.

_____ **(PROFESSIONAL SEAL)**

Registered Public Surveyor

Sworn to and subscribed before me this the _____ day of _____, _____.
_____ **(PROFESSIONAL SEAL)**

Notary Public in and for the
State of Texas

Engineer's Certificate:

An engineer's certificate is required in all cases except when the plat does not require engineering considerations.

STATE OF TEXAS §
COUNTY OF GUADALUPE §

I hereby certify that proper engineering consideration has been given in this plat to the matters of streets, lots and drainage layout. To the best of my knowledge this plat conforms to all requirements of the Subdivision Regulations of the Unified Development Code, except for those variances granted by the City Council of the City of Cibolo.

_____
Registered Professional Engineer

Sworn to and subscribed before me this the _____ day of _____, _____.

_____ **(PROFESSIONAL SEAL)**

Notary Public in and for the
State of Texas

Owner's Acknowledgment:

STATE OF TEXAS §
COUNTY OF GUADALUPE §

The owner of land shown on this plat, in person or through a duly authorized agent, dedicates to the use of the public forever all streets, alleys, parks, watercourses, drains, easements and public places thereon shown for the purpose and consideration therein expressed.

_____
Owner

_____
Duly Authorized Agent

STATE OF TEXAS §
COUNTY OF GUADALUPE §

Before me, the undersigned authority on this day personally appeared _____(name)_____ known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and in the capacity therein stated. Given under my hand and seal of office this _____ day of _____, _____.

(NOTARY SEAL)

_____
Notary Public
State of Texas

Certificate of Approval by City Engineer

Approved on this the _____day of _____, 20____, by the City Engineer, City of Cibolo, Texas.

_____ **(PROFESSIONAL SEAL)**

City Engineer, City of Cibolo

Approval of the Planning and Zoning Commission:

This plat of _____ has been submitted to and considered by the Planning and Zoning Commission of the City of Cibolo, Texas, and is hereby approved by such Commission.

Dated this _____ day of _____, _____.

By:_____
Chair

By:_____
Secretary

Approval of the City Council:

This plat of _____ has been submitted to and considered by the City Council of the City of Cibolo, Texas, and is hereby approved by such City Council.

Dated this _____ day of _____, _____.

By:_____
Mayor

By:_____
City Secretary

Approval of the City Planner (Minor Plats Only):

This plat of _____ has been submitted to and considered by the Planning Development Services Department of the City of Cibolo, Texas, and is hereby approved.

Dated this _____ day of _____, _____.

By:_____
City Planner – Director Planning Development Services Department

Plat Vacation Instrument

STATE OF TEXAS
COUNTY OF GUADALUPE

KNOW ALL MEN BY THESE PRESENTS

I (or we), (name of owner or owners if individuals) or (name of President and Secretary or authorized trust officer of a company or corporation), being the sole owner (owners) and proprietor of the following described property in the City of Cibolo, Guadalupe County, Texas, to wit:

(Provide legal description of the property including, but not limited to, the acreage, the name of the recorded subdivision, the name of the Survey and Abstract Number, and recording references, attach a certified metes and bounds description.)

Do hereby desire and declare that said plat, subdivision and dedication thereon be vacated and canceled so as to convert all of said platted property to an acreage tract as same existed before such property was platted, subdivided and recorded.

(At this point any right-of-way, easements or any other feature established in the subdivision being vacated which will not be canceled as a result of this vacation action should be described.)

WITNESS MY (or our) hand in the City of Cibolo, Texas this
_____ day of _____, 20__

_____
(Signature of owner or owners)

_____
(Names to be printed)

STATE OF TEXAS COUNTY OF _____

Before me, (insert the name and character of the officer), on this day personally appeared _____, known to me (or proved to me on the oath of_____ or through (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, 20__.

(Personalized Seal)

_____
Notary Public's Signature

This is to certify that the City of Cibolo, Texas has approved this instrument and vacation of the subdivision plat entitled (Name of Plat) in conformance with the laws of the State of Texas and the ordinances of the City of Cibolo as shown hereon and authorized the recording of this instrument this _____day of _____, 20__.

BY: _____

Waiver of the Statutory 30-Day Review for a Land Study, Preliminary Plat or Final Plat

OWNER LETTERHEAD

Date

City Planner
Planning Department
City of Cibolo
P.O. 826
Cibolo, Texas 78108

Re:

Please allow this correspondence to serve as my request to the City of Cibolo waive the statutory 30-day period of time to review the above referenced project, thereby tabling the item until I provide additional information or clarification of issues before the Planning and Zoning Commission and City Council may take action on the application. Without this waiver, this application would be denied.

Applicant hereby waives any rights that inure to this application by virtue of Texas Local Government Code Sec. 212.009, and hereby request that an extension of the review period be granted pursuant to the City of Cibolo UDC. Further, I understand and acknowledge that my application is technically considered to be “incomplete” until I provide the City of Cibolo the additional information or clarifying details required to demonstrate compliance with the City of Cibolo UDC and that until such time as that information in provided, this request shall remain “tabled and incomplete”. This application shall remain “tabled and incomplete” for a period that shall not exceed 6-months from the date of this request, after which time this application shall expire; necessitating the refilling of the application as a new application.

Sincerely,

Name of Developer/Applicant

STATE OF TEXAS §
COUNTY OF GUADALUPE §

This instrument was acknowledged before me on the ____ day of _____, 201___, by

_____ of _____, on behalf of said corporation.

Notary Public, State Of Texas

Notary Seal

DEDICATION STATEMENT

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT _____ acting herein by and through its duly authorized officers, does hereby adopt this plat designating the hereinabove described property as _____, an addition to the City of Cibolo, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets, alleys and public parkland shown thereon. The streets, alleys and parkland are dedicated for street purposes. The easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed or placed upon, over, or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City of Cibolo. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Cibolo's use thereof. The City of Cibolo and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Cibolo and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time of procuring permission from anyone.

IF A PLAT CONTAINS A FIRE/FIRE LANE EASEMENT:

That the undersigned does hereby covenant and agree that he (they) shall construct upon the fire lane easements, as dedicated and shown hereon, a hard all-weather surface and that he (they) shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction, including but not limited to the parking of motor vehicles, trailers, boats, or other impediments to the access of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating "Fire Lane, No Parking." The police or his duly authorized representative is hereby authorized to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for Fire Department and emergency use.

IF A PLAT CONTAINS AN ACCESS EASEMENT:

The undersigned does covenant and agree that the access easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of General Public vehicular and pedestrian use and access, and for Fire Department and emergency use, in, along, upon, and across said premises, with the right and privilege at all times of the City of Cibolo, its agents, employees, workmen, and representatives having ingress, egress, and regress in, along, upon, and across said premises.

IF A PLAT CONTAINS VAM EASEMENTS:

The area or areas shown on the plat as "VAM" (Visibility , Access, and Maintenance) easement(s) are hereby given and granted to the city, its successors and assigns, as an easement to provide visibility, right of access, and maintenance upon and across said VAM easement. The city shall have the right, but not the obligation, to maintain any and all landscaping within the VAM easement. Should the city exercise this maintenance right, it shall be permitted to remove and dispose of any and all landscaping improvements, including without limitation, any trees, shrubs, flowers, ground cover, and fixtures. The city may withdraw maintenance of the VAM easement at any time. The ultimate maintenance responsibility for the VAM easement shall rest with the owners. No building, fence, shrub, tree, or other improvements or growths, which in any way endanger or interfere with the visibility, shall be constructed in, on, over, or across the VAM easement. The city shall also have the right, but not the obligation, to add any landscape improvements to the VAM easement, to erect any traffic control devices or signs on the VAM easement, and to remove any obstruction thereon. The city, is successors, assigns, or agents, shall have the right and privilege at all times to enter upon the VAM easement or any part thereof for the purposes and with all rights and privileges set forth herein.

Drainage and Floodway Easement or Drainage Right-of-Way For Multi-Family, Commercial & Non-Single-Family Residential Subdivisions

STATE OF TEXAS §

COUNTY OF GUADALUPE §

CITY OF CIBOLO §

This plat is hereby adopted by the owners (called “Owners”) and approved by the City of Cibolo, (called “City”) subject to the following conditions which shall be binding upon the Owners, their heirs, grantees, successors, and assigns: The drainage and floodway easement as shown and described by bearings and distances on Lot _____, Block _____, of the plat is called “Drainage and Floodway Easement.” The Drainage and Floodway Easement is hereby reserved for the public’s use forever, but including the following covenants with regard to maintenance responsibilities. The existing creek or creeks traversing the Drainage and Floodway Easement will remain as an open channel at all times and shall be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the Drainage and Floodway Easement. The City will not be responsible for the maintenance and operation of said creek or creeks or for any damage or injury to private property or person that results from the flow of water along said creek, or for the control of erosion. No obstruction to the natural flow of

storm water run-off shall be permitted by construction of any type of building, fence, or any other structure within the Drainage and Floodway Easement. Provided, however, it is understood that in the event it becomes necessary for the City to channelize or consider erecting any type of drainage structure in order to improve the storm drainage, then in such event, the City shall have the right, but not the obligation, to enter upon the Drainage and Floodway Easement at any point, or points, with all rights of ingress and egress, to investigate, survey, erect, construct, or maintain any drainage facility deemed necessary by the City for drainage purposes. Each property owner shall keep the natural drainage channels and creeks traversing the Drainage and Floodway Easement adjacent to his property clean and free of debris, silt, and any substance which would result in unsanitary conditions or obstruct the flow of water, and the City of Cibolo shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the property owner to alleviate any undesirable conditions which may occur. The natural drainage channels and creeks through the Drainage and Floodway Easement, as in the case of all natural channels, are subject to storm water overflow and natural bank erosion to an extent which cannot be definitely defined. The City shall not be held liable for any damages or injuries of any nature resulting from the occurrence of these natural phenomena, nor resulting from the failure of any structure or structures, within the natural drainage channels, and the Owners hereby agree to indemnify and hold harmless the City from any such damages and injuries. Building areas outside the Drainage and Floodway Easement line shall be filled to a minimum elevation as shown on the plat. The minimum floor elevation for each lot shall be as shown on the plat.

Drainage & Floodway Easement or Drainage Right-of-Way For Plats Where Floodplain or Drainage Easements are Maintained by a Homeowners Association

STATE OF TEXAS §

COUNTY OF GUADALUPE §

CITY OF CIBOLO §

This plat is hereby adopted by the owners (called “Owners”) and approved by the City of Cibolo, (called “City”) subject to the following conditions which shall be binding upon the Owners, their heirs, grantees, successor, and assigns: Lot _____, Block _____, as shown on the plat is called “Drainage and Floodway Easement.” The Drainage and Floodway Easement is hereby reserved for the public’s use forever, but including the following covenants with regard to maintenance responsibility. The existing creek or creeks traversing the Drainage and Floodway Easement shall remain as open channels at all times and shall be maintained by all of the owners of lots in the subdivision by and through a lawfully created homeowners association to be created by the Owners. The Owners covenant and agree that such a homeowners association (called “Association”) shall be created prior to the final acceptance of the City. All Association documents shall be subject to the approval of the City and shall specifically contain covenants binding the Association to continuously maintain the Drainage and Floodway Easement. Such covenants shall not relieve the individual lot owners of the responsibility to maintain the Drainage and Floodway Easement should the Association default in the performance of its maintenance responsibility. The Association documents shall also contain provisions that they may not be amended with regard to the Drainage and Floodway Easement maintenance responsibilities without the approval of the City. The fee simple title to the Drainage and Floodway Easement shall always remain in the Association. The City will not be responsible for the maintenance and operation of said creek or creeks or for

any damage or injury to private property or person that results from the flow of water along said creek, or for the control of erosion. No obstruction to the natural flow of storm water run-off shall be permitted by construction of any type of building, fence, or any other structure within the Drainage and Floodway Easement. Provided, however, it is understood that in the event it becomes necessary for the City to consider channelizing or erecting any type of drainage structure in order to improve the storm drainage, then in such event, the City shall have the right, but not the obligation, to enter upon the Drainage and Floodway Easement at any point, or points, with all rights of ingress and egress to investigate, survey, or to erect, construct, and maintain any drainage facility deemed necessary for drainage purposes. The Owners and the Association shall keep the natural drainage channels within the Drainage and Floodway Easement free of debris, silt, or any substance which would result in unsanitary conditions or obstruct the flow of water, and the City shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the Owners and the Association to alleviate any undesirable conditions which may occur. The creeks and natural drainage channels through the Drainage and Floodway Easement, as in the case of all natural channels, are subject to storm water overflow and natural bank erosion to an extent which cannot be definitely defined. The City shall not be liable for any damages and injuries of any nature resulting from the occurrence of these natural phenomena, nor resulting from the failure of any structure or structures, within the Drainage and Floodway Easement, and the Owners hereby agree to indemnify and hold harmless the City from any such damages and injuries. Building areas outside the Drainage and Floodway Easement shall be filled to a minimum elevation as shown on the plat.

Drainage and Floodway Easement For Plats Not Governed by a Homeowners Association

STATE OF TEXAS §

COUNTY OF GUADALUPE §

CITY OF CIBOLO §

This plat is hereby adopted by the owners (called “Owners”) and approved by the City of Cibolo, (called “City”) subject to the following conditions which shall be binding upon the Owners, their heirs, grantees, successors, and assigns: Lot _____, Block _____, as shown on the plat is called “Drainage and Floodway Easement.” The Drainage and Floodway Easement is hereby reserved for the public’s use forever for drainage and floodway purposes. All Owner documents shall specify, confirm and bind the Owner(s) to continuously maintain the Drainage and Floodway Easement and shall relieve the individual lot owners and City of Cibolo of the responsibility to maintain the Drainage and Floodway Easement. The fee simple title to the Drainage and Floodway Easement shall always remain in the Owner(s). The City will not be responsible for the maintenance and operation of said creek or creeks or for any damage or injury to private property or person that results from the flow of water along said creek, or for the control of erosion. The Owners shall not obstruct the natural flow of storm water run-off by the construction of any type of building, fence, or any other structure within the Drainage and Floodway Easement. The City shall at all times have the right to enter upon the Drainage and Floodway Easement, at any point, or points, with all rights of ingress and egress, to investigate, survey, erect, construct, and maintain any facility deemed necessary by the City for drainage purposes. The drainage channels and creeks, as in the case of all natural channels, are subject to storm water overflow and natural bank erosion to an extent which cannot be definitely defined. The City shall not be held liable for any damages or

injuries of any nature resulting from the occurrence of these natural phenomena, nor resulting from the failure of any structure or structures, within the Drainage and Floodway Easement, and the owners hereby agree to indemnify and hold harmless the City from any such damages and injuries. The building areas outside of the Drainage and Floodway Easement shall be filled to a minimum elevation as shown on the plat. The minimum floor elevation for each lot shall be as shown on the plat.

AMENDED PLAT

CERTIFICATE OF APPROVAL

APPROVED AS AN AMENDED PLAT, this the _____day of _____, 20____, by the City of Cibolo, Texas.

_____

City of Cibolo City Engineer

STATE OF TEXAS:
COUNTY OF: _____

BEFORE ME, the undersigned authority, a Notary Public in and for said county and state, on this day personally appeared _____known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration thereof expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE

THIS _____ DAY OF_____, 20___.

(Notary Seal)

_____

NOTARY PUBLIC in and for the STATE OF TEXAS

CERTIFICATE OF APPROVAL

APPROVED AS AN AMENDED PLAT, this the _____day of _____, 20____, by the City of Cibolo, Texas.

_____

City Planner/Director of Planning and Engineering Services

(Include the same notary language described above)

PRIVATE STREETS

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

1. That _____ ("Owner"), acting herein by and through its duly authorized officer, does hereby adopt this plat designating the herein described property as _____, an addition to the City of Cibolo, Texas (the "City"), and does hereby dedicate to the City: (i) easements for the purposes shown on this plat and for the mutual benefit, use, and accommodation of all public utility entities including the City providing services to the addition created hereby and desiring to use or using the same, and also an easement and right-of-way, under, across, and upon Block _____, Lot _____ shown hereon for the construction, installation, maintenance, operation, inspection, removal, and reconstruction of the facilities, equipment, and systems of such public utility entities; and (ii) for the use, benefit, and accommodation of the City, an easement and right-of-way, under, across, and upon Block _____, Lot _____ shown hereon for any purpose related to the exercise of a governmental service or function including, but not limited to, fire and police protection, garbage collection, inspection and code enforcement, and the removal of any vehicle or obstacle that impairs emergency access. Block _____, Lot _____ and all streets shown hereon are private streets and are not dedicated for use as public streets, or rights-of-way and the public shall have no right to use any portion of such private streets. Owner acknowledges that so long as the streets and related improvements constructed on Block _____, Lot _____ shown hereon shall remain private, certain City services shall not be provided on said private streets including, but not limited to, street cleaning, routine police patrols, enforcement of traffic and parking ordinances, and preparation of accident reports. Except for private streets and related improvements, no buildings, fences, trees, shrubs, or other improvements or growths shall be constructed or placed upon, or across the easements dedicated herein. The City and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other prohibited improvements or growths which may in any way endanger or interfere with their respective easements. In addition, the City shall have the right to remove and keep removed any vehicle or obstacle that impairs emergency access to its easement. The City and public utility entities shall at all times have the full right of ingress and egress to and from their respective easements without the necessity at any time of procuring permission from anyone. The use, by the City and public utility entities, of their respective easements shall not unreasonably interfere with the rights of property owners and the homeowners association (the "Association") in and to Block _____ , Lot _____ shown hereon as set forth in the "Declaration of Covenants,

Restrictions, and easements for the _____", dated _____, recorded in Guadalupe County Recorder Volume _____, Page_____,of the official Land Records of Guadalupe County, Texas (the "Declaration").

2. That the Association agrees to release, indemnify, defend, and hold harmless the City and any governmental entity or public utility entity that owns public improvements within the addition created by this plat (collectively, the "Indemnities") from and against any claims for damages to the private streets, restricted access gates and entrances, and related appurtenances (collectively, the "Private Streets") caused by the reasonable use of the Private Streets by the Indemnities. This paragraph 2 does not apply to damages to the Private Streets caused by the design, construction, or maintenance, or any public improvements owned by any of the Indemnities.

3. That the Association agrees to release, indemnify, defend, and hold harmless the Indemnities from and against any claims for damages to property and injury to persons (including death) that arise out of the use of the Private Streets by the Indemnities and that are caused by the failure of the Association to design, construct, or maintain the Private Streets in accordance with City standards. The indemnification contained in this paragraph 3 shall apply regardless of whether a contributing factor to such damages or injury was the negligent acts or omissions of the Indemnities or their respective officers, employees, or agents.

4. That the owner of each lot shown on this plat agrees to release the Indemnities from claims for damages to property and injury to persons (including death) that arise out of the use of the Private Streets by the Indemnities and that are caused by the failure of the Association to design, construct, or maintain the Private Streets in accordance with City standards.

5. That the obligations of the Association and lot owners set forth in paragraphs 2, 3, and 4 above shall immediately and automatically terminate when the streets and other rights-of-way have been dedicated to and accepted by the City.

6. That no improvements shall be constructed or installed in the _____ Wall and Wall Maintenance Easement on Block _____, Lot _____ except for fencing, landscaping, underground drainage pipes, and underground sprinkler system.

7. That if Block _____, Lot _____ in the future becomes a public street as provided in the Declaration, Owner dedicates to the City a sidewalk easement on the portions of Block _____, Lot _____ on which a sidewalk is installed connecting the sidewalk on Block _____, Lot _____ into public sidewalks on _____, together with (a) the area lying between such sidewalks and the lot line of Block _____, Lot _____, and (b) the area lying within two feet of the other side of the sidewalks.

This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Cibolo, Texas.

WITNESS MY HAND, this _____ day of _____, 20__

By:_____

Owner/Developer

STATE OF TEXAS §

COUNTY OF _____ §

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared _____, known to me to the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose, and consideration therein expressed, as

_____ a Texas _____, in its capacity as

_____ of _____, a Texas limited partnership, on

behalf of said partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ of _____, 20__.

(Notary Seal)

_____

NOTARY PUBLIC in and for the STATE OF TEXAS

Easement Note for Patio Homes and Single-Family Attached Residences

An easement for the benefit of each lot is hereby reserved over, across, and upon each lot adjoining to such lot for roof overhangs not exceeding two feet in width, and brick ledges which support exterior veneer walls and associated brick and veneers not exceeding six inches in width.

Conveyance Plat Note

Conveyance plats must be titled "Conveyance Plat" and carry the following wording:

> A conveyance plat is a record of property approved by the city for the purpose of sale or conveyance in its entirety or interests thereon defined. No building permit shall be issued, nor permanent public utility service provided, until a final plat is approved, filed of record, and public improvements accepted in accordance with the provisions of the Unified Development Code of the City of Cibolo. Selling a portion of this property by metes and bounds, except as shown on an approved, filed, and accepted conveyance plat, final plat, or replat is a violation of the City of Cibolo UDC and State law.

Deed Restrictions Statement for Replats

To be processed as a replat "without property owner notification", and be controlling over the previous plat without vacating the previous plat the submittal must meet the following condition, and the following statement must be shown and certified to/by the property owner.

This statement is only used when replatting nonresidential zoned property. Is should follow the dedication statement because the property owner is certifying to the statement.

BEING all of lots _____, Block _____

Section/Unit _____, Subdivision Addition Name _____, a

subdivision in the City of Cibolo, Guadalupe County, Texas, according to the plat recorded in Volume _____,

Page _____, of the Official Plat Records of the County Clerk of Guadalupe County, Texas.

I _____, hereby certify that deed restrictions do not exist upon the
(Property Owner)
property included within this Replat that limit said property to residential use for not more than two residential

units per lot.

PERFORMANCE BOND

THE STATE OF TEXAS §

§ KNOW ALL MEN BY THESE PRESENTS:

THE COUNTY OF GUADALUPE §

THAT WE, _____, as Principal, hereinafter called the "Developer" and the other subscriber hereto, as Surety, do hereby acknowledge ourselves to be held and firmly bound to the City of Cibolo, a municipal corporation, in the sum of _____ Dollars ($) for the payment of which sum, well and truly to be made to the City of Cibolo and its successors, the said Developer for and Surety do bind themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally.

THE CONDITIONS OF THIS OBLIGATION ARE SUCH THAT:

WHEREAS, the Developer has on or about this day executed a Contract in writing with the City of Cibolo for all of such work to be done as set out in full in said Contract Documents therein referred to and adopted by the City Council, all of which are made a part of this instrument as fully and completely as if set out in full herein.

NOW THEREFORE, if the said Developer shall faithfully and strictly perform Contract in all its terms, provisions, and stipulations in accordance with its true meaning and effect, and in accordance with the Contract Documents referred to therein and shall comply strictly with each and every provision of Contract and with this bond, then this obligation shall become null and void and shall have no further force and effect; otherwise the same is to remain in full force and effect.

It is further understood and agreed that the Surety does hereby relieve the City of Cibolo or its representatives, from the exercise of any diligence whatever in securing compliance on the part of the Developer with the terms of the Contract, and the Surety hereby waives any notice to it of any default, or delay by the Developer in the performance of his Contract and agrees that it, the Surety, shall be bound to take notice of and shall be held to have knowledge of all acts or omissions of the Developer in all matters pertaining to the Contract. The Surety understands and agrees that the provision in the Contract that the City of Cibolo shall retain certain amounts due the Developer until the expiration of thirty days from the acceptance of the Work is intended for the City's benefit, and the City of Cibolo shall have the right to pay or withhold such retained amounts or any other amount owing under the Contract without changing or affecting the liability of the Surety hereon in any degree.

It is further expressly agreed by Surety that the City of Cibolo or its representatives are at liberty at any time, without notice to the Surety, to make any change in the Contract Documents and in the Work to be done there under, as provided in the Contract, and in the terms and conditions thereof, or to make any change in, addition to, or deduction from the work to be done there under; and that such changes, if made, shall not in any way vitiate the obligation in this bond and undertaking or release the Surety there from.

It is further expressly agreed and understood that the Developer and Surety will fully indemnify and save harmless the City of Cibolo from any liability, loss, cost, expense, or damage arising out of or in connection with the work done by the Developer under the Contract.

If the Contract Price is greater than $1.2 million and in the event that the City of Cibolo shall bring any suit or other proceeding at law on the Contract or this bond or both, the Developer and Surety agree to pay to the City the sum of 10 percent of whatever amount may be recovered by the City in suit or legal proceeding, which sum of 10 percent is agreed by all parties to be indemnity to the City for the expense of or time consumed by its City Attorney, his assistants, and office force, and other cost and damage occasioned to the City. This amount of 10 percent is fixed and liquidated by the parties, it being agreed by them that the exact damage to the City would be difficult to ascertain.

This bond and all obligations created hereunder shall be performable in Guadalupe County, Texas. This bond is given in compliance with the provisions of Article 5160, Revised Civil Statutes of Texas, as amended, which is incorporated herein by this reference. However, all of the express provisions hereof shall be applicable whether or not within the scope of said statute.

Notices required or permitted hereunder shall be in writing and shall be deemed delivered when actually received or, if earlier, on the third day following deposit in a United States Postal Service post office or receptacle, with proper postage affixed (certified mail, return receipt requested), addressed to the respective other party at the address prescribed in the Contract Documents, or at such other address as the receiving party may hereafter prescribe by written notice to the sending party.

IN WITNESS THEREOF, the said Developer and Surety have signed and sealed this instrument on the respective dates written below their signatures and have attached current Power of Attorney.

ATTEST, SEAL: (if a corporation) _____

WITNESS: (if not a corporation) (Name of Developer)

By: By:

Name: _____ Name:_____

Title: _____ Title:_____

Date:_____ Date:_____

ATTEST/WITNESS: (SEAL) _____

(Full Name of Surety)

By:_____ _____

Name:_____ (Address of Surety for Notice)

Title:_____

Date:_____ _____

Original - City

Duplicate - Owner

Triplicate – City

Maintenance/Warranty Bond

STATE OF TEXAS §

COUNTY OF GUADALUPE §

CITY OF CIBOLO §

KNOW ALL MEN BY THESE PRESENTS:

That we, _____ the undersigned subdivider, as Principal, and _____,

as Surety, do hereby acknowledge ourselves to be held and firmly bound unto the City of Cibolo, a municipal corporation of the County of Guadalupe and State of Texas, in the full and just sum of $_____(being ten (10%) percent of the estimated cost of the hereinafter enumerated site improvements) for the payment of which well and truly to be made, we hereby bind ourselves and our respective heirs, administrators, executors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has petitioned the City Council of the City of Cibolo for permission to develop a subdivision within the jurisdiction of the City of Cibolo, more particularly described as follows, to wit: (Legal Description), which is shown on a subdivision plat, entitled _____Subdivision, heretofore conditionally approved by the Planning and Zoning Commission of The City of Cibolo on _____20____; and

WHEREAS, under the provisions of the City of Cibolo Unified Development Code, the City Council of the City of Cibolo requires, as a condition precedent to the granting of such petition, that the Principal a guarantee that he will maintain and cause to be maintained, in good condition according to the requirements of such subdivision ordinance, and to correct any and all deficiencies not in accordance with the approved plans and specifications as may be noted, the following site improvements for a period of one (1) year after acceptance of the construction thereof by the City Council or until such time as such improvements have been accepted (final) by the City, whichever is the latter:

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall maintain or correct, and cause to be maintained or corrected, the above mentioned improvements in accordance with the requirements of the City of Cibolo subdivision ordinance, and the amendments thereto, if any, for the period of one (1) year after the acceptance of the construction thereof by the City Council of the City of Cibolo, or until said improvements have been accepted (final) by the City Council of Cibolo, then this obligation shall be void: otherwise, the obligations made under this bond will remain in full force and effect.

IN TESTIMONY WHEREOF, WITNESS OUR HANDS and seal, this the _____Day of

_____ , 20___.

_____

Subdivider and Principal

Surety

By:

_____

Attorney in Fact

APPROVED AND ACCEPTED, THIS THE ____ DAY OF _____ 20_____.

CITY OF CIBOLO

BY: _____

TITLE: _____

Original - City

Duplicate - Owner

Triplicate – City

Preliminary Acceptance

PART I

DEVELOPER PETITION FOR PRELIMINARY ACCEPTANCE OF PUBLIC IMPROVEMENT(S) FOR: (Name/Section of Development).

STATE OF TEXAS §

COUNTY OF GUADALUPE §

CITY OF CIBOLO §

WHEREAS, _____, hereinafter called Owner, is the owner of the land described as _____ Subdivision, desires to file this, his (its) Petition, with the City Council of the City of Cibolo. This petition is being filed in accordance with the terms and provisions of the current Regulations.

NOW THEREFORE, KNOW ALL MEN BY THOSE PRESENT THAT _____(Owner) respectfully files this, a Petition with the City Council of the City of Cibolo for Preliminary Acceptance of the following described public improvements (list each improvement, the length of each improvement and the valuation of each improvement):

Water:

Sanitary Sewer:

Drainage:

Street:

Other:

OWNER, in filing this petition, sets forth the following information as required in current Regulations:

A. Attached hereto as Exhibit "A" is a true and correct copy of the itemized construction costs of the above described project (s). Construction was accomplished by:

Contractor Name:_____

at a total cost of $_____.

B. Attached as Exhibit "B" are two (2) true and correct copies of "as built" drawings certified to by a registered professional engineer.

C. Attached as Exhibit "C" are two (2) true and correct copies of field density tests and material source tests, certified by a recognized testing laboratory (Exhibit "C" is required only for street and alley improvements).

OWNER GUARANTEES:

A. All materials and workmanship to be in accordance with approved plans and specifications prescribed by the City, and

B. To correct any and all deficiencies not in accordance with approved plans and specifications as may be noted until final acceptance by the City Engineer and City Council.

IN TESTIMONY WHEREOF, WITNESS OUR HANDS and seal this, the _____ Day of

_____, 20_____.

_____

Subdivider and Principal

Surety By: _____

Attorney in Fact

APPROVED AND ACCEPTED, THIS THE_____ day of _____ 20_____.

CITY OF CIBOLO

BY: _____

TITLE: _____

Original - City

Duplicate - Owner

Triplicate – City

Final Acceptance

PART II

DEVELOPER PETITION FOR FINAL ACCEPTANCE OF PUBLIC IMPROVEMENT(S),

FOR: (Name/Section of Development).

WHEREAS, the City Council of the City of Cibolo, Texas approved the Preliminary Acceptance of the improvements listed in Part I Petition for:

_____Subdivision; and

WHEREAS, the owner has maintained such improvements in good condition for at least one year from date of acceptance by the City Council; and

WHEREAS, the owner has corrected all deficiencies reported by the City of Cibolo,

It is therefore requested that final inspection be made of said improvements, that Final Acceptance be approved by the City Council of the City of Cibolo, and that the Owner be relieved of any further obligation to maintain or cause to maintain such improvements.

_____

(Date)

By_____

(Owner)

Original - City

Duplicate - Owner

Triplicate – City

Final Acceptance

PART III

FINAL ACCEPTANCE

The above improvements listed in the petition have been inspected as required by current regulations, all required maintenance has been performed, and all noted deficiencies have been corrected. I recommend that the improvements described in the petition be accepted by the City of Cibolo and all maintenance on said improvements be assumed by the City.

_____ _____

(Date) City Engineer, City of Cibolo, Texas

APPROVED AND ACCEPTED BY THE CITY COUNCIL OF THE CITY OF CIBOLO, TEXAS, ON THIS, THE _____ DAY OF, _____20____ AD.

_____

Mayor, City of Cibolo, Texas

_____

City Secretary, City of Cibolo, Texas

Original - City

Duplicate - Owner

Triplicate – City

ARTICLE 21 DESIGN &CONSTRUCTION MANUAL

The following Design and Construction Standards and Design Specifications shall be applicable:

Part A 2013 Cibolo Erosion and Sediment Control Manual

Part B 2013 Cibolo Stormwater Design Criteria

Part C 2013 Cibolo Street Pavement Standards

Part D 2013 Cibolo Sidewalk & Driveway Design & Construction Guidelines

Part E 2013 Cibolo Miscellaneous Construction Standards

Part F 2010 Cibolo Roadway and Fire Hydrant Criteria

Part G 2013 Cibolo Water & Sanitary Sewer Standards & Technical Specifications

Part H 2013 Cibolo Water & Sanitary Sewer Standards & Technical Specifications (Design Details)

Part I 2013 Cibolo Street Width, Geometry and Bike Lane Standards (Reserved)

Part J 2013 Cibolo Uniform Traffic Control Standards & Specifications