



"City of Choice"

ORDINANCE 1026

AN ORDINANCE REZONING 19.24 ACRES OF PROPERTY LOCATED NORTH OF GREEN VALLEY ROAD, WEST OF FM 1103 AND EAST OF DEAN ROAD; FROM THE RURAL RESIDENTIAL (SF-1) AND AGRICULTURAL (AG) DISTRICTS TO THE PLANNED UNIT DEVELOPMENT (PUD) DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Texas Local Government Code Section 211.02 authorizes the City of Cibolo, as a home-rule municipality, to adopt, repeal or amend zoning district boundaries; and

WHEREAS, Section 9.02 of the City Charter of the City of Cibolo provides that the City Council with the authority by ordinance to fix City zoning district boundaries, and provide for the alteration of said boundaries in any manner provided by law; and

WHEREAS, the City of Cibolo received an application to rezone to a 19.24 acre parcel of property located west of FM 1103, east of Dean Road and north of Green Valley Road from Rural Residential (SF-1) and Agricultural (AG) to Planned Unit Development (PUD); and

WHEREAS, Texas Local Government Code Section 211.004 provides that zoning regulations and district boundaries must be adopted in accordance with a Comprehensive Plan and promote public health, safety and general welfare; and

WHEREAS, two public hearings were held to discuss the rezoning of certain tracts of real property described above; with the first public hearing being conducted by the Planning & Zoning Commission on Wednesday, October 10, 2012 at 6:30 p.m. in the Cibolo City Hall; and, the second public hearing being conducted by City Council on Thursday, November 8, 2012 at 7:00 p.m. in the Cibolo City Hall; each being conducted for the purpose of providing all interested persons the opportunity to be heard concerning the assignment of permanent zoning to a 19.24 acre property to Planned Unit Development (PUD); and

WHEREAS, written notice was sent to each owner of real property, as indicated on the approved tax roll of the City of Cibolo, within 200 feet of each of the properties proposed to be rezoned, with said notice provided more than ten (10) days prior to the initial public hearing of the Planning and Zoning Commission as cited above; and

WHEREAS, the City Council has determined and found that the zoning application is accordance with the recommendations of the Comprehensive Plan and would promote public health, safety and general welfare.

NOW, THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CIBOLO, TEXAS:

SECTION I.

THAT a 19.24 acre parcel of property located west of FM 1103, east of Dean Road, and north of Green Valley Road, being more specifically defined on Exhibits "A" and "B", is hereby zoned as Planned Unit Development (PUD); and that the use and development of said acreage designated as Planned Unit Development (PUD) shall be governed by those requirements stipulated in Exhibit "C";

SECTION II.

THAT the zoning map of the City of Cibolo is hereby amended to reflect the new zoning designation created by this Ordinance.

SECTION III.

THAT all provisions of the Code of Ordinances of the City of Cibolo not herein amended or repealed shall remain in full force and effect.

SECTION IV.

THAT all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.


SECTION V.

THAT if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

SECTION VI.

THIS ordinance will take effect its passage, approval and publication as provided by law.

PASSED, APPROVED, AND ADOPTED THIS 8th DAY OF November, 2012.


Jennifer Hartman
Mayor
City of Cibolo

ATTEST:



Peggy Cimics, TRMC
City Secretary
City of Cibolo



EXHIBIT A: Legal Description (Field Notes)

Field Notes for 19.24 Acres of land to be re-zoned in the City of Cibolo, Guadalupe County, Texas; said 19.24 Acres of land is adjacent and/or surrounded by the existing City Limits or ETJ of the City of Cibolo, Guadalupe County, Texas.

BEGINNING: at a point at the Southeast corner of a 9.000 Acre tract listed in the Guadalupe County Appraisal District, Account No. 69843 and on the North Right-of-Way of Green Valley Road, and is the POINT OF BEGINNING of herein described 19.24 Acre tract.

THENCE: S 59° 40' 27" W, for a distance of 561.03' to a point;
Leaving the North Right-of-Way of Green Valley Road and continuing N 29° 28' 38" W, for a distance of 346.89' to a point;
S 60° 31' 22" W, for a distance of 176.29' to a point;
N 30° 20' 27" W, for a distance of 31.21' to a point;
S 62° 49' 28" W, for a distance of 132.82' to a point;
N 30° 14' 27" W, for a distance of 728.39' to a point;
N 59° 44' 53" E, for a distance of 856.41' to a point;
S 30° 42' 04" E, for a distance of 1115.27' to the POINT OF BEGINNING and containing 19.24 Acres more or less.



EXHIBIT B: Legal Description (Survey Plat)

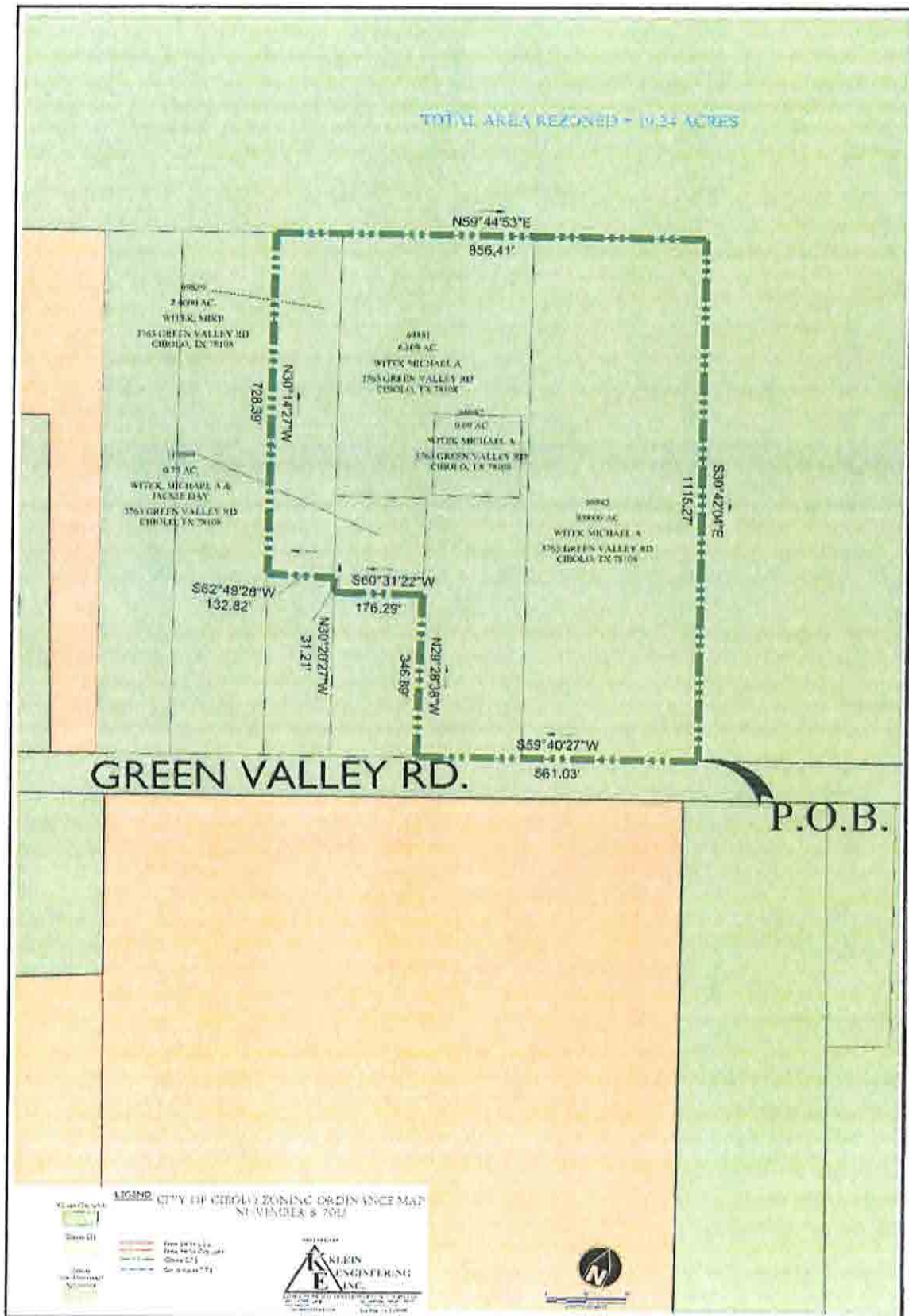


EXHIBIT C: Planned Unit Development Use Regulations and Development Standards

1.0 Uses Permitted By Right.

1.0.1 The following uses shall be permitted by right:

- A. All Uses Permitted in the C-3 Zoning District of the City of Cibolo Unified Development Code as amended as of July 1, 2012.

2.0 Conditional Uses.

2.0.1 The following uses are permitted subject to the conditions listed:

- A. The existing three (3) single-family residences shall be considered a legally conforming permitted uses. Additional residential uses or structures shall be prohibited.
- B. Mini-warehouses shall be permitted subject to the following regulations:
 - 1. Overhead doors shall not be visible to any public right-of-way or to any adjoining property.
 - 2. Building facades visible to a public right-of-way or adjoining residentially zoned property shall have an exterior finish in compliance with the building design requirements of the City of Cibolo Unified Development Code.
 - 3. All mini-warehouse buildings shall be enclosed within a fenced yard. Decorative fencing, landscaping and/or berming shall be required along any property line that adjoins residentially zoned property to screen the proposed uses.
 - 4. Mini-warehouses shall be installed in a manner to allow limited activity along property lines. Overhead door shall not face residential zoning districts.
 - 5. Outdoor storage shall only be permitted in a manner that is not visible to adjoining properties zoned for residential development.
 - 6. Outdoor storage, where permitted, shall occur on a hard, all weather dust proof surface.
 - 7. Security lighting shall be permitted in accordance with the lighting standards of the City of Cibolo Unified Development Code.
- C. The existing auto repair & paint business shall be considered a legally conforming permitted as it presently exists, but may only be expanded in a manner that is in compliance with all requirements of the C-3 zoning classification of the City of Cibolo Unified Development Code.

3.0 Compliance with City of Cibolo Unified Development Code required.

Except as stipulated above, all development of the land that is the subject of this agreement shall comply with the City of Cibolo Unified Development Code, as may be amended.