

"City of Choice"

**ORDINANCE NO. 1137**

**AN ORDINANCE OF THE CITY OF CIBOLO, TEXAS, AMENDING ORDINANCE #1048, COMMONLY REFERRED TO AS THE CITY OF CIBOLO UNIFIED DEVELOPMENT CODE (UDC) BY AMENDING SECTION 18.13 (ENTITLED "TRAFFIC IMPACT ANALYSIS") BY ADOPTING AN EXPIRATION DATE FOR TRAFFIC IMPACT ANALYSIS'S; PROVIDING FOR ADOPTION; REPEALING ALL OTHER ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Cibolo has adopted the UDC, in part to lessen congestion in the streets and provide convenient, safe and efficient circulation for vehicular and pedestrian traffic and any other form of circulation and facilitate the adequate and efficient provision of transportation, water, wastewater, schools, parks, public safety and recreational facilities, and other public facilities and services; and

**WHEREAS**, to further the aforementioned purposes and to protect the public health, safety and welfare generally the City of Cibolo specifically adopted UDC Section 18.13, which requires a Traffic Impact Analysis (TIA) for certain developments; and

**WHEREAS**, the City Council of the City of Cibolo, Texas, finds, recent population growth and increase development has caused rapid increases in volumes vehicular traffic on the City's streets and highways, which makes it necessary for the City Engineer and City Planner to have relatively current information when making rough proportionality determinations of new development's impact on public infrastructure; and

**WHEREAS**, pursuant to Article 3, Section 3.7(c):

- (a) the City Manager has directed this proposed amendment to the City Planner and City Engineer for review; who, after such review have recommended the proposed amendment be considered by the Planning and Zoning Commission and City Council; and
- (b) upon the City Manager's recommendation the Planning and Zoning Commission held a public hearing to receive testimony and comments regarding the merits of the proposed amendment and, at the conclusion of the public hearing, and made written recommendations regarding the proposed amendment; and
- (c) upon receiving the Planning and Zoning Commission's written recommendations the City Council has held a public hearing to receive testimony and comments regarding the merits of the proposed amendment; and

WHEREAS, the City Council, after considering the recommendations of the City Manager and the Planning and Zoning Commission, as well as the public comments and testimony received at the public hearing, finds proposed amendment:

- (a) promotes the health, safety, or general welfare of the City and the safe, orderly, efficient and healthful development of the City;
- (b) is consistent with other policies of this UDC and the City; and
- (c) is consistent with the goals and objectives of this UDC and the City.

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

## **SECTION I. RECITALS**

THAT the recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

## **SECTION II. UDC TEXT AMENDED**

THAT UDC Section 18.13 (entitled "Traffic Impact Analysis (TIA)") is hereby amended by adding to subsection 2., (entitled "TIA Requirement") the language that is underlined (underlined) as follows:

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 one hundred (100) Peak Hour Trip (PHT) generation.*
- *More than five thousand (5,000) vehicle trips per day generation.*
- *More than one hundred (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.*

(a) *In the event that a land development project, for which a TIA is required under this Section, is not completed within five (5) years from the date of submission of the TIA to the City, the TIA shall expire, and a new TIA shall be required, and the completion of the development project shall be analyzed based on the new TIA. For phased land projects, where the time to build out all phases exceeds five (5) years, an interim phase that occurs prior to the five year (5) expiration of a TIA shall be analyzed based on the existing TIA; however, phases that shall be completed after the five year (5) expiration of a TIA shall be analyzed based on the new TIA.*



Note: For the purposes of Texas Local Government Code Chapter 245, a TIA submission to the City is a permit submission and TIA'S expire five (5) years after such submission.

**SECTION III.  
SEVERABILITY**

**THAT** if any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

**SECTION IV.  
REPEAL**

**THAT**, all ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

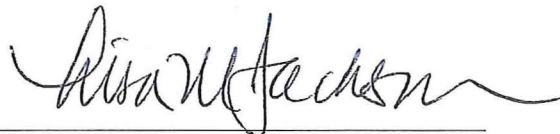
**SECTION V.  
PUBLIC MEETING**

It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code and Chapters 211 and 212 of the Texas Local Government Code.

**SECTION VI.  
EFFECTIVE DATE**

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

**PASSED AND APPROVED** this, the 25 day of September 2015.



Lisa M. Jackson, Mayor

ATTEST:



Peggy Cimics, City Secretary

