

"City of Choice"

ORDINANCE NO: 1441

AN ORDINANCE OF THE CITY OF CIBOLO, TEXAS AMENDING SUBSECTION 18.17.A OF THE CIBOLO UNIFIED DEVELOPMENT CODE; PROVIDING RULES AND REGULATIONS FOR SIDEWALK REQUIREMENTS; DECLARING A PUBLIC PURPOSE; PROVIDING FOR SEVERABILITY, REPEAL, SAVINGS, PUBLICATION, AND CODIFICATION; DECLARING CONDUCT OF MEETING IN COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council finds the City of Cibolo, Texas (the "City") is a home-rule municipality; and

WHEREAS, the City Council finds that subsection 18.17.A of the Unified Development Code requires the construction of sidewalks along both sides of certain streets and same is applicable to real property within the Old Town Overlay District ("OTOD"); and

WHEREAS, the City Council finds that the layout of the roads, drainage facilities and home placement in the OTOD make the addition of sidewalks within said overlay district difficult and prohibitively expensive; and

WHEREAS, the City Council finds that excluding the OTOD from the sidewalk requirement is in furtherance of the Purpose and Intent of the Overlay District as described in subsection 4.7.4.4.4 of the 2024 Unified Development Code, which states in pertinent part: "*...to provide relief to smaller residential lots typical of the Overlay District and its historic nature ... to preserve [the] ability to continue use and enjoyment thereof. ...*"; and

WHEREAS, the City Council finds that it is not in the best interest of the citizens of the City of Cibolo to continue to require the addition of sidewalks within the OTOD, as currently required in the overlay district; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of the City of Cibolo to exempt real property within the OTOD from the requirement of construction of sidewalks along both sides of streets; and

WHEREAS, two public hearings were held to discuss the amendment described herein; with the first public hearing being conducted by the Planning and Zoning Commission on Wednesday, March 13, 2024, at 6:30 p.m. during a posted meeting and the second public hearing being conducted by City Council on Tuesday, March 26, 2024, at 6:30 p.m. at a regular public meeting, each being conducted for the purpose of providing all interested persons the opportunity to be heard concerning the proposed amendment described herein; and

WHEREAS, the City Council finds legal notice notifying the public of both public hearings on the amendment was posted on the City's official website and published in the Seguin Gazette, a newspaper of general circulation in the City of Cibolo, in compliance with state and City law; and

WHEREAS, the City Council finds the Planning and Zoning Commission, having the authority to review and provide recommendation on this ordinance amendment, following due notice and a public hearing, provided its recommendation to the City Council; and

WHEREAS, the City Council finds that subsection 18.17A of the Unified Development Code regulates public health and safety, the protection of which is in the best interest of the citizens of the City of Cibolo, and the regulation of which is within the authority of the City of Cibolo; and

WHEREAS, the City Council desires to eliminate the requirement of the construction of sidewalks along the streets within the OTOD.

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

SECTION 1. Incorporating Recitals. The City Council approves the recitals hereto and incorporates them herein as findings of fact as if recited verbatim.

SECTION 2. Amendments. The City of Cibolo's Unified Development Code is hereby amended by deleting subsection 18.17.A thereof and substituting therefor a new subsection 18.17.A to provide as set forth in Exhibit A attached hereto.

SECTION 3. Public Purpose. The City Council finds that the action taken, evidenced by this ordinance, complies with all applicable rules and regulations set forth in the UDC and all other applicable law and effectuates a public purpose of the City of Cibolo.

SECTION 4. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or illegal by final judgment of a court of competent authority, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and ordained all the remaining portions of this Ordinance without the inclusion of such portion or portions found to be unconstitutional or invalid.

SECTION 5. Repeal. All resolutions, ordinances, or parts thereof conflicting or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other resolution, code or ordinance of the City, or parts thereof, the terms and provisions of this Ordinance shall govern.

SECTION 6. Savings. All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any ordinances which have accrued at the time of the effective date of this Ordinance; and such accrued violations and litigation, both civil and criminal, whether pending in court or not, under such ordinances, shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

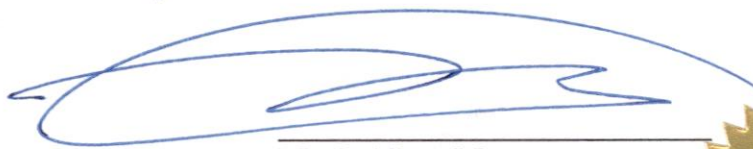
SECTION 7. Publication and Codification. The City shall publish this Ordinance in the newspaper designated as the official newspaper of the City twice as required by Section 3.13(3) of the City Charter. This Ordinance will be codified in the Cibolo Code in the next appropriate update.

SECTION 8. Open Meeting Compliance. The City Council finds that the meeting at which this Ordinance passed was conducted in compliance with the Texas Open Meetings Act.

SECTION 9. Penalty. It shall be unlawful for any person to violate any provision of this Ordinance. Any person who violates, or any person who causes or allows another person to violate, any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars (\$2000.00). Each occurrence of any violation of this Ordinance shall constitute a separate offense. Each day on which any violation of this Ordinance occurs shall constitute a separate offense.

SECTION 10. Effective Date. This Ordinance will become effective immediately following approval by the City Council.

ORDERED on this 9 day of April 2024.



Mark Allen, Mayor

ATTEST:



Peggy Cimics, TRMC
City Secretary

APPROVED AS TO FORM:



Hyde Kelley LLP
City Attorney

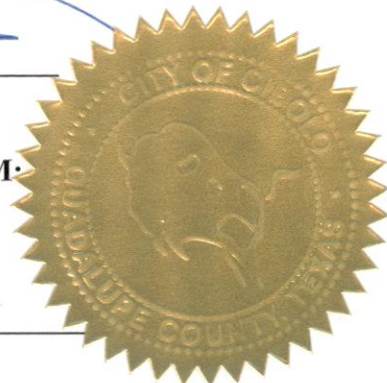


Exhibit A

Unified Development Code

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Section 18.17 - Sidewalks

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A. Requirement

Sidewalks shall be required along both sides of all streets throughout the City, except along Interstate Highway 35, along Interstate Highway 10, and within the Old Town Overlay District. All lots, other than those excepted, must provide access to a concrete sidewalk.