ORDINANCE NO. 1262

AN ORDINANCE AMENDING CITY OF CIBOLO UNIFIED DEVELOPMENT CODE ARTICLE 3 PROCEDURES AND APPLICATIONS, SECTION 3.10 EXTENSIONS OF WATER AND SEWER MAINS AND ARTICLE 19 GENERAL SUBDIVISION STANDARDS, SECTION 19.7 WATER SYSTEMS AND SECTION 19.8 WASTEWATER SYSTEMS BY REQUIRING ALL LOTS OUTSIDE OF CIBOLO CITY LIMITS TO PETITION ANNEXATION AS PART OF AN APPLICATION TO SEEK AN EXTENSION OR CONNECTION TO CITY WATER OR WASTEWATER SYSTEMS; PROVIDING FOR SEVERABILITY; REPEALING ANY OTHER CODE PROVISIONS, ORDINANCES, PARTS OF ORDINANCES, AND OTHER PROVISIONS IN CONFLICT HEREWITH; AND ADOPTING AN EFFECTIVE DATE.

WHEREAS, the City of Cibolo is not required to provide water or sewer services to areas outside the city limits or outside its CCN, but in an effort to spur the City’s economic base, any property owner or developer requesting water or sewer utility connection outside of the City of Cibolo City Limits shall petition for annexation as a condition precedent to receive such services; and

WHEREAS, the cost to expand water and sewer services can be prohibitive, but with an expanded tax base, City will be able to evenly distribute the costs for such utility expansion and City water and wastewater service should be expanded in an orderly fashion through City regulations; and

WHEREAS, the City has a significant interest in ensuring future structures connecting to City owned and operated water and wastewater utilities are constructed in a safe and orderly fashion such that they are subject to City building codes and regulations; and

WHEREAS, after notice of public hearings in the manner prescribed by law and publication as required by the Code of Ordinances and the City Of Cibolo Unified Development Code; and

WHEREAS, the Planning and Zoning Commission and the City Council having duly considered the requirements of the City Of Cibolo Unified Development Code and state law; and

WHEREAS, the Planning and Zoning Commission and the City Council contends that the Code amendments included within this Ordinance promote the health, safety, and welfare of its residents.
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CIBOLO, TEXAS THAT:

SECTION 1. AMENDMENT. Portions of Article 3 PROCEDURES AND APPLICATIONS, Section 3.10 Extensions of Water and Sewer Mains and Article 19 GENERAL SUBDIVISION STANDARDS, Section 19.7 Water Systems and Section 19.8 Wastewater Systems, of the Cibolo Unified Development Code are hereby amended to read as follows:

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 or connection to water or wastewater services from the City into the Cibolo ETJ for the purpose of providing utilities to a development project, said request shall only be considered by the City in conjunction with a development application and concurrent petition for voluntary annexation into the City. Development applications must be prepared in accordance with all requirements of this UDC and 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 and this UDC.

2. Decision by City Council.

In considering the concurrent requests for a service extension/connection and voluntary petition for annexation, the City may, at its sole 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/Connection shall be accompanied by a Development Application, as may be applicable.

2. Accompanying Applications

An application for Utility Service Extension/Connection may be accompanied by a concurrent application for a Preliminary Plat or site plan, in accordance with this UDC. A plat or site plan shall 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/Connection 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/Connection.

4. **Criteria for Approval**

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

   a) The proposed development to be served is consistent with the Comprehensive Master 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/connection 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.

SECTION 19.7 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.

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 is not obligated to extend water lines to provide water service at the expense of the City. The City is obligated to allow owners to tie onto existing City water mains when the following obligations are met: capacity is available, a voluntary annexation petition is received from the developer and/or property owner, and 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 City Manager, Director of Planning and Engineering or to the Director of Public Works. Appeals from the decision of the City Manager or his/her designee for such an extension may be considered by the City Council.
5. Uses, lots or acreage, in existence prior to their annexation into the City 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.

6. Lots or acreage in existence prior to its annexation into the City 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 Engineering 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.

SECTION 19.8 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.

G. Extension of Lines
Except when expressly stipulated in an adopted Annexation Service Plan, the City is not obligated to extend sanitary sewer lines to provide sewage service at the expense of the City. The City is obligated to allow owners to tie onto existing City sanitary sewer mains when the following obligations are met: capacity is available, a voluntary annexation petition is received from the developer and/or property owner 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, Director of Planning and Engineering or to the Director of Public Works. Appeals from the decision of the City Manager or his/her designee for such an extension may be considered by the City Council.
SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared void; and that in lieu of each clause or provision of this Ordinance that is invalid, illegal, or unenforceable there be added as a part of the Ordinance a clause or provision as similar in terms to such invalid, illegal, or unenforceable clause or provision as may be possible, legal, valid, and enforceable.

SECTION 4. EFFECTIVE DATE. The Ordinance shall be effective immediately upon the vote and approval of the City Council.

MAYOR

Stosh Boyle

ATTEST:

CITY SECRETARY

Peggy Cimies, TRMC

APPROVED AS TO FORM:

Frank J. Garza
CITY ATTORNEY