

ORDINANCE NO. 537

**AN ORDINANCE OF THE CITY OF BULVERDE, TEXAS AMENDING CHAPTER 10, SUBDIVISION REGULATION, CODE OF ORDINANCES OF THE CITY OF BULVERDE, TEXAS, TO ADD SECTION 4.07 RIPARIAN BUFFERS; REPEALING CONFLICTING ORDINANCES; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, all or part of the following watersheds identified by the Texas Parks and Wildlife Department are within the municipal boundaries of the City or its extraterritorial jurisdiction: (1) Guadalupe River-Canyon Lake; (2) Upper Cibolo Creek; (3) Headwaters Cibolo Creek; and (4) Comal River-Guadalupe River (collectively, the “*Watersheds*”);

**WHEREAS**, the Watersheds include multiple rivers, streams, and creeks, including intermittent, seasonal, and wet-weather creeks (“*Watercourses*”);

**WHEREAS**, the City may protect and police a watershed within its corporate limits or within its extraterritorial jurisdiction pursuant to Chapter 551, Texas Local Government Code, and may take steps to prevent flooding and minimize flood damage pursuant to Chapter 16, Texas Water Code;

**WHEREAS**, the City Council of the City of Bulverde has determined the following:

- (a) The Watersheds and their associated Watercourses within the city’s jurisdiction contribute directly to the public health and welfare.
- (b) All Watersheds within the city’s jurisdiction are vulnerable to erosion, sedimentation, and non-point source pollution resulting from development activities, including but not limited to excavation of steep slopes, cut and fill activities, and tree removal. Such development activities also contribute to flood danger and damage within the city’s jurisdiction.
- (c) All Watersheds within the city’s jurisdiction are undergoing development or are facing development pressure.
- (d) If Watersheds within the city’s jurisdiction are not developed in a sensitive and innovative manner, their water resources, natural environment, and recreational characteristics will be irreparably damaged.
- (e) The riparian areas along Watercourses within the City’s jurisdiction prevent or minimize flooding, erosion, sedimentation, and pollution within the Watersheds.
- (f) The riparian areas along Watercourses within the City’s jurisdiction contribute to the general aesthetic appeal of the City and the surrounding region, encourage economic activity related to recreation, and support property values.
- (g) Pursuant to the authority granted to the city by law, including but not limited to Chapters 212, 242, and 551, Texas Local Government Code and Chapters 16 and 26, Texas Water Code, the city desires to adopt regulations to police and protect the Watersheds within the

city's jurisdiction by protecting the riparian areas along Watercourses in furtherance of the the public health, safety, and welfare.

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

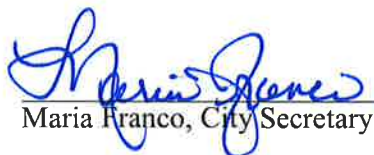
1. **Findings of Fact.** The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.
2. **Enactment.** Exhibit A of Chapter 10, Subdivision Regulation, Code of Ordinances of the City of Bulverde, Texas is amended to add Section 4.07 Riparian Buffers, attached hereto as Exhibit A and incorporated herein for all purposes,
3. **Repealer.** All ordinances, resolutions, or parts thereof, that are in conflict or are inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict or inconsistency, and the provisions of this Ordinance shall be and remain controlling as to the matter regulated herein.
4. **Severability.** Should any section, subsection, sentence, provision, clause or phrase be held to be invalid for any reason, such holding shall not render invalid any other section, subsection, sentence, provision, clause, or phrase of this ordinance and same are deemed severable for this purpose.
5. **Effective Date.** This Ordinance shall be effective as of the date of adoption.

PASSED, APPROVED AND ADOPTED THIS 10<sup>th</sup> DAY OF April, 2018.

APPROVED:

  
Bill Krawietz, Mayor

ATTEST:

  
Maria Franco, City Secretary



## EXHIBIT A

### Section 4.07 Riparian Buffers.

(a) Purpose. The terms and provisions of this section are intended to accomplish the following public health and welfare purposes within the City limits and within watersheds within the ETJ:

- (i) Reduce the potential for downstream flooding.
- (ii) Reduce the need for man-made flood control measures and structures with new development.
- (iii) Protect surface and groundwater quality by reducing erosion, sedimentation, and pollution.
- (iv) Protect riparian areas within the City and its ETJ by securing their dedication as open space, such as greenways, parks, and wildlife habitats.
- (v) Protect water-dependent aquatic and terrestrial wildlife corridors.
- (vi) Protect and police wetlands and watersheds within the City and its ETJ.

(b) Applicability. This Section 4.07 applies within the city limits and to all watersheds within the ETJ.

(c) Riparian Buffer Conservation

- (i) A riparian buffer of 60 feet on either side of the centerline of any watercourse within the city limits and the ETJ that drains greater than 25 acres is hereby established.
- (ii) No disturbance shall be permitted within a riparian buffer established under subsection (i) above, with exception for the following construction activities:
  - (1) Roadways, pedestrian facilities, or utility improvements when such roadway, pedestrian facilities, or utility improvements are necessary for a lawfully constructed improvement outside of such riparian buffer to exist and there is no practical alternative to construction within such riparian buffer.
  - (2) Stormwater and drainage detention and retention facilities when such facilities are necessary for a lawfully constructed improvement outside of such riparian buffer area to exist and there is no practical alternative to construction within such riparian buffer.
  - (3) Construction allowed by this subsection (ii) within a riparian buffer must follow guidelines outlined within the Bulverde Storm Drainage Design Criteria Manual.

(iii) Notwithstanding subsection (ii) immediately above, a subdivider shall plat all riparian buffers within a subdivision as common area lots established as non-buildable lots solely for the purpose of open space.

(iv) No protected, specimen, or majestic tree may be removed within a riparian buffer.

(d) Riparian Buffer Conservation Submittal

A stream network map shall be submitted upon submittal of a master development plan, preliminary plat, development plat, and final plat and shall include the following information:

1. Date of preparation, north arrow, scale, and vicinity map identifying adjacent streets, subdivisions, and other landmarks to pinpoint the location of the subdivision.
2. Boundary of proposed development.
3. Identification and delineation of watercourses draining 25 acres or more.
4. Identification and delineation of riparian buffers.
5. Identification, delineation, and total acreage of each drainage basin drained by a watercourse.
6. 5-foot contours.
- g. Overall length of watercourses draining more than 25 acres within the subdivision.
- h. Overall area of riparian buffers in acres.

(e) Definitions. In this Section 4.07, the following terms have the meaning ascribed to them below:

RIPARIAN BUFFER – the area adjacent to a watercourse in which development is limited pursuant to Section 4.07(c), above.

WATERCOURSE – a channel in which water flows within a defined bed and banks, whether intermittently with some degree of regularity or continuously, such as a river, creek, stream, or wet-weather or seasonal creek.