

UNIFIED DEVELOPMENT CODE – AMENDMENTS 2.06.2023

CHAPTER 1. GENERAL PROVISIONS

Section 1.8 INTERNAL CONSISTENCY

Whenever one or more provisions of this UDC are in apparent conflict, the provisions shall be construed, if possible, so that effect is given to each provision. The Planning Director and the Director of Engineering and Mobility shall be responsible for resolving any internal conflicts or inconsistencies. Appeals to such interpretations may be made to the Planning and Zoning Commission, and further appealed to City Council if necessary, except for interpretations pertaining to zoning regulations, which shall be made to the Board of Adjustment. Appeals shall be made in accordance with the procedure for appeals in Chapter Two: Procedures

Section 1.12 DECISION AGENTS AND RULES GOVERNING DECISION-MAKING

B. PLANNING AND ZONING COMMISSION

2. Powers and Duties of the Commission

- b. In addition, in order to effectuate and carry out the purposes of this ordinance, the Planning and Zoning Commission is also vested with the following powers and/or duties:
 - ii. To prepare and recommend to City Council for adoption subdivision regulations and to approve or disapprove subdivision plats.

3. Rules and Procedures of the Commission

c. Commission Meetings

- iv. Regular and consistent attendance is expected at monthly Planning and Zoning meetings, the first Monday of each month and any special meetings that may be called.

D. HISTORIC LANDMARK COMMISSION

3. Rules and Procedures for Commission Meetings

c. Landmark Commission Meetings

- iv. Regular and consistent attendance is expected at monthly Historic Landmark meetings, the first Tuesday of each month and any special meetings that may be called.

d. Quorum

Four members present shall constitute a quorum and in no case shall less than 3 votes in favor of a motion constitute a majority.

CHAPTER 2. PROCEDURES

Section 2.1 GENERAL APPLICATION PROCEDURES

H. APPLICATION SUBMITTAL DATES

The Planning Director shall establish a calendar day per month when an application will be accepted by the City for applications that are required to be approved by the Planning and Zoning Commission, Historic Landmark Commission, Design Review Committee or the City Council. Such applications shall only be accepted on the designated days established for the filing of applications. Applications that can be approved administratively may be filed at any time.

L. VARIANCES

3. Criteria for Approval

A variance may be granted ~~by the Board of Adjustment~~ where all of the following conditions are met:

4. Approval Process

- b. Once the application is complete, the City Manager or designee shall conduct a technical review of the application and give a report to the ~~decision agent board or commission~~ ~~Board of Adjustment~~ on the date of the scheduled public hearing ~~or meeting.~~
- c. Notice, ~~when required,~~ shall be mailed, in accordance with the Public Notice requirements of this Chapter.

5. Expiration

- a. If a variance is granted and no building or construction is started, pursuant to the variance, within one year of the date that the variance is approved or approved with conditions, the variance shall expire.
- b. If a variance expires, a new variance application must be submitted ~~for approval by the Board of Adjustment,~~ in accordance with the requirements of this section

Section 2.4 VESTED RIGHTS AND RIGHTS OF CONTINUED USE

D. CONTENTS OF VESTED RIGHTS PETITIONS

A petition for vested rights shall be submitted to the ~~City Secretary~~ ~~Planning Department~~ on a form approved by the City Manager and must include, at a minimum, the following information, in addition to any processing fee established by the City for review of the petition:

G. VESTED RIGHTS DETERMINATION

- 1. Once the application is deemed complete, the ~~City Secretary~~ ~~Planning Department~~ shall forward the vested rights petition to the City Manager and the City Attorney for review.

Section 2.5 ZONING PROCEDURES

C. PROPERTY ZONING AND REZONING

2. Pre-Application Meeting

- h. A preliminary concept plan shall be required for a ~~Special Use Permit and/or~~ Planned Unit Development, a Planned Development District or a Cluster Development. The preliminary concept plan need not be engineered, but it must contain at least the following information in sufficient detail to permit understanding of the proposal:

3. Application Submittal Requirements

- g. Traffic Impact Analysis (TIA) meeting the City's TIA requirements, ~~accepted by the Engineering and Mobility Department.~~

4. Staff Report

- d. A single report ~~shall may~~ be prepared for concurrent applications.

D. SPECIAL USE PERMITS

3. Pre-Application Meeting

- a. Application Contents
 - i. General Content Required for All Zoning Applications
 - ii. The SUP application shall be organized into the sections defined for all zoning applications. Project Checklist, provided at the pre-application meeting, shall be included

b. Application copies

The application package shall be submitted digitally. A paper copy of the document will also be required when certified documents are included. The application check list will indicate the number of paper copies required.

Section 2.6 PLATTING PROCEDURE

A. GENERALLY

7. Plat Exemptions, Exceptions, Waivers and Appeals

- a. Exemptions

A plat is not required for property in the city limits or Extraterritorial Jurisdiction (ETJ) as described below:

 - ix. The stated exemptions above do not apply to property that:
 - (a) Requires a floodplain permit for development; or
 - (b) Requires right-of-way dedication along a collector or higher road classification
 - (c) Requires right-of-way dedication as it is shown on the city or county throughfare plan
 - x. The stated exemptions above do not exempt the property owner from any other permits that may be required from the city or the county.
- b. Administrative Exceptions for plats
 - iv. No administrative exception shall be granted unless:
 - (a) The Director of Planning & Community Development Planning Director certifies that the proposed exception does not conflict with the

8. Approvals of Plat Applications

- d. An applicant may request a waiver of the 30-day review by submitting a notarized written waiver.

10. Types of Plats Established

- a. Minor Subdivision Plat
 - ii. A minor subdivision plat does not require submittal of a Master Development Plan.
- b. Major Subdivision Plat
 - ii. A Major Subdivision Plat requires completion of all of the steps of the platting process with the following exception.
 - (c) A Master Development Plan is not required if the area being platted is platted as one plat and is not platted in phases.
- c. Major Development Plat
 - i. A Major Development plat shall apply if all of the following hold true:
 - (b) Requires the extension of public infrastructure such as utilities (water, electric, and/or sewer mains) and streets;
 - (c) Is not already platted and is not being subdivided; and/or
- d. Minor Development Plat
 - i. A Minor Development Plat may be applicable if all of the following hold true:

- (f) A major development plat is not required; and
- (g) The property is not part of a master development plan.

- ii. A Minor Development Plat does not require the submittal of a Master Development Plan, but it does require a Land Study.

g. Minor Replat

A minor replat is required when a property is already platted with 4 or fewer lots, and the intent is to alter or create new lot lines, to remove a restriction or covenant, or to make changes to the layout of the lots or reserves. Minor replats may be administratively approved.

11. Plat Application Requirements for All Plats

- vii. Addressing plan and table including street number, building number, suite or unit number, and street name for each lot being platted;

- a. General form for all plats shall include the following:

- i. Development information

- (a) Title block on each page of the plat located in the upper right hand corner;
- (b) Location map indicating the location of the area being platted and relation to well known streets and thoroughfares located in the upper left hand corner;
Total acreage;
Total number of lots and type of lot being platted;
Total acreage of right-of-way being platted;
Total acreage of impervious cover being platted;
Total acreage of parkland or open space being dedicated to the City;
- (c) Plat summary table indicating the following:
 - (i) Total acreage being platted separating acreage for off-site easements;
 - (ii) Total number of lots being platted identifying the lot use type (i.e. residential, non-residential, commercial, industrial);
 - (iii) Total acreage of right-of-way being platted separating public and private streets;
 - (iv) Total acreage and percentage of the total acreage consisting of impervious cover;
 - (v) Total acreage of parkland or open space being dedicated to the City;

- ii. Survey information

- (a) Legal description of the boundaries of the plat area located under the plat title block in the upper right hand corner of each page of the plat;
- (b) Property survey prepared by a professional land surveyor with two points identified by State Plane Coordinates, the basis of bearings used and a north point;
- (c) Limits of the area being platted in heavy lines;
- (d) Date of preparation;
- (e) Graphic and written scale of the drawing;
- (f) Basis of bearing used and north arrow with North to the top of page, unless otherwise approved by the City Engineer;
- (g) Name and property lines of adjacent additions or subdivisions platted property indicating the recording information or the name of the owners of record and recording information for adjacent parcels of unplatted land, including parcels on each side of an adjoining road, creek, easement or the like;
- (l) All monuments erected and corners established in the field shall be identified, noting the material of which the monuments, corners and other points are made. Lot corners need not be shown;

i. Streets and easements

- (a) Adjacent existing streets indicating the street name, functional classification, right-of-way width, dimension across the right-of-way, and dimension to the centerline of the right-of-way before and after any right-of-way dedication;
- (b) ~~Proposed~~ New streets within the plat boundary indicating the name, functional classification, right-of-way width, dimension across the right-of-way, and dimension to the centerline of the right-of-way; and
- (c) Location, dimension, and purpose of all existing easements and easements to be established by plat within and adjacent to the plat boundary.

B. PRE-APPLICATION CONFERENCE

4. any request for a ~~plat waiver~~ waiver to the platting; and

C. LAND STUDY

1. Content of the Land Study

- a. The Land Study documents existing conditions present on the property that is to be platted. Once an applicant has attended the Pre-Application Conference and received the checklist of plat submittal requirements, the Land Study may be submitted. The Land Study shall include:

- iv. ~~TIA~~ Peak Hour Trip Generation worksheet for existing conditions;
- v. Drainage Study for existing conditions;
- vi. Vested rights determination, if applicable;
- xiv. Map of groundwater recharge features;

2. Format of the Land Study

- c. Maps shall be rendered at a scale no smaller than one inch (1") equals two hundred feet (200'), or as approved by the Planning Director Planning and Zoning Commission, and on either twenty-two inches (22") by thirty-four inches (34") in size or twenty-four inches (24") by thirty-six inches (36"). The following information shall be included with the maps:
- i. Title block located in the top right corner on each page of the land study with the proposed name of the development, name and address of the owner/ and the person responsible for preparing the land study;
 - ii. Date of preparation;
 - iii. Graphic and written scale of the drawing;
 - iv. Basis of bearing used and North arrow with North arrow to the top of page, unless otherwise approved by the Planning Director;
 - v. Location of the tract per the abstract and survey records of Kendall County, Texas located beneath the title block in the upper right hand corner;
 - vi. Vicinity map, at scale not less than 1" = 2,000', or as approved by the Planning Director, that shows the location of the subject tract within the City or its extraterritorial jurisdiction in relationship to existing major roadways. The location map is to be located in the top left-hand corner of the sheet;
 - ix. Names of adjacent additions or subdivisions with recording information or the name of the owners of record and recording information for adjacent parcels of unplatted land, including parcels on each side of an adjoining road, creek, easement or the like.
 - xii. Existing buildings located on the subject property and
 - xiii. Any protected or heritage trees, as prescribed in this UDC and identify any environmentally sensitive area, steep slopes, or habitat;
 - xiv. Existing amount of impervious cover on the subject property;
 - xv. Generalized existing vehicular and pedestrian circulation plan for the subject property;
 - xvi. Existing zoning for the subject property and existing zoning and existing/proposed uses on adjacent land;
 - xvii. Existing driveways and median openings adjacent to or within two hundred feet (200'), whichever is less, of the subject property and the location, width, paving material, and names of all existing or platted streets or other public ways within two hundred feet (200') of the subject property;

- xviii. Existing easements or rights-of-way, with street names, located on or within two hundred feet (200') of the subject property. This information shall include the type, dimension, ownership, and recording information. For right-of-way, indicate the dimension across the full right-of-way and to the centerline of the right-of-way;
- xix. Existing topography at two-foot (2') intervals with existing drainage channels or creeks;
- xx. Existing one percent (1%) annual chance (100-year) storm local and FEMA floodplain areas and floodways; with FIRM Panel number and effective date Centerline and widths of any Drainageway Protection Zones (DPZ); 1 and 2
- xxi. Signature Block for the dated signature of the Planning Director;

4. Effects of Approval

- c. An approved Land Study shall expire within twenty-four (24) months from the date of approval, unless a MDP or plat approval has been obtained by the applicant.

D. MASTER DEVELOPMENT PLAN

1. Purpose

- a. Following approval of a Land Study by the Planning Director, the applicant may submit a Major or Minor Master Development Plan (MDP) to the City.
- b. A Master Development Plan (MDP) shall be required in all instances when an applicant for a tract of land within the City or its extraterritorial jurisdiction (ETJ) requests major subdivision plat approval or the entire property will be subdivided in two (2) or more plat phases or units.
- c. The Master Development Plan establishes the overall development plan of a project across all phases.
- d. Preliminary studies and plans related to infrastructure and public improvements are required components of the Master Development Plan.
- e. Plat applications shall comply with the approved Master Development Plan.
- f. A Master Development Plan is not required for Development Plats (Major or Minor), Amending Plats or Replats.

2. Types of Master Development Plans Established

a. Major Master Development Plan

- i. A Major Master Development Plan (Major MDP) shall be required in all instances when an applicant for a tract of land within the City or its extraterritorial jurisdiction (ETJ) requests to subdivide the entire property in two (2) or more plat phases or units.

b. Minor Master Development Plan

- i. Minor Master Development Plan (Minor MDP) shall be required for all development or subdivisions which are platted as one unit or one phase.

3. Timing

The applicant shall deliver the Major Master Development Plan to the Planning Director a minimum of 21 calendar days prior to the Commission's consideration of the Master Development Plan and in accordance with the application submittal dates established by the Planning Director.

4. General Content of the Master Development Plan

- i. Transportation Network Plan, if new roads, trails, or transportation systems are proposed as part of the development;
- j. Conceptual Utility Plan, including utility size and locations size, location, and slope, with backup calculations and/or models.

5. Format and Detailed Content of the Master Development Plan

- a. The Master Development Plan shall be prepared by a qualified professional engineer, certified land planner, registered architect or registered professional land surveyor at a scale no smaller than one inch (1") equals two hundred feet (200'), or as approved by the Planning and Zoning Commission, and on sheets no larger than twenty-two inches (22") by thirty-four inches (34") in size sheets, or twenty four inch (24") by thirty six inch (36") sheets.

Five (5) hard copies and one (1) .pdf copy of the Master Development Plan in compliance with all applicable provisions of this Chapter.

The following information shall be submitted:

- i. Title block on each page of the land study with the proposed name of the development, name and address of the owner/ and the person responsible for preparing the land study;
- ii. Date of Preparation;
- iii. Graphic and written scale of the drawing;
- iv. Basis of bearing used and North arrow;
- v. Date the drawing was prepared;
- vi. Location of the tract per the abstract and survey records of Kendall County, Texas;
- vii. Vicinity map, at scale not less than 1" = 2000', that shows the location of the subject tract within the City or its extraterritorial jurisdiction in relationship to existing major roadways. The location map is to be located in the top left hand corner of the sheet;
- viii. Total area of property;
- ix. Limits of the subject tract in heavy lines;
- x. The exterior boundaries as indicated from deeds or other instruments of the development area giving lengths and bearings of the boundary lines. Where curving boundaries are used, sufficient data to establish the boundary on the ground shall be given, including the curve's radius, central angle, and arc length.
- xi. Names of adjacent additions or subdivisions or the name of the owners of record and recording information for adjacent parcels of unplatted land, including parcels on each side of an adjoining road, creek, easement or the like.
- xii. Depiction of all contiguous holdings of the property owner(s);
- xiii. Existing/Proposed driveways and median openings within two hundred feet (200') of the subject property and the location, width, paving material, and names of all existing or platted streets or other public ways within two hundred feet (200') of the subject property;
- xiv. Existing easements or rights of way, with street names, located on or within two hundred feet (200') of the subject property. This information shall include the type, dimension, ownership, and recording information;
- xv. Existing topography at two foot (2') intervals with existing drainage channels or creeks;
- xvi. Existing one percent (1%) annual chance (100 year) storm local and FEMA floodplain areas and floodways;
- xvii. Designation of those areas within the subject property covered by tree canopy areas of ten thousand (10,000) square feet or more;
- xviii. The applicant shall depict the types of land uses, including residential uses and non-residential uses anticipated. This information shall not include a lot pattern nor specify lot sizes or lot dimensions;
- xix. Total number of dwelling units, by development phase;
- xx. Residential density and units per acre for each development phase;
- xxi. Generalized proposed vehicular and pedestrian circulation plan for the subject property.
- xxii. Two (2) points identified by Texas Planes Coordinates;
- xxiii. The location and widths of all proposed public and private streets, major thoroughfares, collectors and local streets within the development's boundaries;

- xxiv. The location of the pedestrian circulation system including walkways and bicycle paths, where applicable;
- xxv. The location, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision, where applicable;
- xxvi. The location, acreage, category and type of improvements, if any, for active and passive open space, including Greenbelt and active recreation space areas, private recreational areas;
- xxvii. The location and size in acres of school sites, amenity center areas, or non-single-family lots as applicable;
- xxviii. A development phasing schedule including the sequence for each phase; approximate size in area of each phase; and proposed phasing of construction of public improvements, recreation and common open space areas;
- xxix. Centerline and widths of any Drainageway Protection Zones (DPZ);
- xxx. Locations and required storage volumes of Stormwater facilities (detention, LID, etc.); and
- xxxi. Signature block for the dated signature of the chair and secretary of the Planning and Zoning Commission.

b. The following information shall be submitted;

c. The general form for all Master Development Plans shall include the following:

i. Development information

- (a) Title block on each page of the Master Development Plan located in the upper right hand corner with the proposed name of the development
- (b) Location map, at scale not less than 1" = 2000', that shows the location of the subject tract within the City or its extraterritorial jurisdiction in relationship to existing major roadways. The location map is to be located in the top left-hand corner of the sheet;
- (c) The Master Development Plan shall depict the types of land uses, including residential uses and non-residential uses anticipated. This information shall not include a lot pattern nor specify lot sizes or lot dimensions;
- (d) Development summary table indicating the following:
 - (i) Total acreage of the development;
 - (ii) Total number of lots and total acreage by land use category (residential, commercial, industrial, mixed use, parkland, open space, private street, etc);
 - (iii) Total acreage of right-of-way for public and private streets;
 - (iv) Total acreage of parkland or open space to be provided and the total acreage being dedicated to the City;
 - (v) Number of lots and acreage by land use category per each development phase;
 - (vi) Residential net density for each development phase by land use category;
 - (vii) A development phasing schedule including the sequence for each phase number;
- (e) The location, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision, where applicable;
- (f) The location and size in acres of school sites, amenity center areas, or non-single-family lots as applicable;
- (g) Approximate size and general area or location of each phase including the proposed phasing of construction of public improvements, recreation and common open space areas; and
- (h) Block numbering and addressing scheme for the entire development.

ii. Survey information

- (a) Date of Preparation;
- (b) Graphic and written scale of the drawing;
- (c) Basis of bearing used and North arrow with North to the top of page, unless otherwise approved by the City Engineer;
- (d) Date the drawing was prepared;

- (e) Name and address of the owner of record;
- (f) Name and address of the person responsible for preparing the Master Development Plan;
- (g) Total area of property as shown in the approved Land Study;
- (h) Limits of the subject tract in heavy line weight;
- (i) Limits of each phase in heavy line weight but lighter than the overall boundary line weight;
- (j) total area of impervious cover proposed
- (k) The exterior boundaries as indicated from deeds or other instruments of the development area giving lengths and bearings of the boundary lines. Where curving boundaries are used, sufficient data to establish the boundary on the ground shall be given; including the curve's radius, central angle, and arc length.
- (l) Names of adjacent additions or subdivisions and recording information or the name of the owners of record and recording information for adjacent parcels of unplatted land, including parcels on each side of an adjoining road, creek, easement or the like.
- (m) Depiction of all contiguous holdings of the property owner(s);
- (n) Two (2) points identified by Texas Planes Coordinates; and
- (o) Legend for all symbology used on the MDP.

iii. Engineering and streets

- (a) Existing/Proposed driveways and median openings within two hundred feet (200') of the subject property;
- (b) Existing easements or rights-of-way, with street names, located on or within two hundred feet (200') of the subject property. This information shall include the type, dimension across the easement or right-of-way, ownership, recording information, and for right-of-way the dimension to the centerline of the right-of-way;
- (c) Generalized proposed vehicular plan for the subject property;
- (d) The location and widths of all proposed public and private streets, major thoroughfares, collectors and local streets within the development's boundaries indicating the functional class, minimum dimension, and proposed street names;
- (e) The location of off-road trails or pedestrian circulation system including walkways and bicycle paths, where applicable, identifying the width, material, and purpose of each system;
- (f) Centerline and widths of Drainageway Protection Zones (DPZ); 1 and 2
- (g) Locations and required storage volumes of stormwater facilities (detention, LID, etc.).

iv. Natural features

- (a) Existing one percent (1%) annual chance (100-year) storm local and FEMA floodplain areas and floodways; with FIRM Panel number and effective date
- (b) Designation of those areas within the subject property covered by tree canopy areas of ten thousand (10,000) square feet or more;
- (c) The location, acreage, category and type of improvements, if any, for active and passive open space, including Greenbelt and active recreation space areas, private recreational areas;
- (d) Centerline of watercourses, creeks and existing drainage structures within and adjacent to the development; and
- (e) Areas of steep slope.

v. Notes

- (a) Approval signature block;
- (b) For properties located within the City limits, note the existing zoning of the property;
- (c) Identify any vesting determinations, waivers, variances, or exceptions that have been previously approved for the development; and
- (d) If the MDP is more than one sheet, provide an index sheet.

7. Approval

- a. Planning and Zoning Commission shall consider approval of the Major Master Development Plans, following staff review.
- b. The Planning and Zoning Commission shall approve a Major Master Development Plan provided it meets all requirements of this UDC.

- d. Minor Master Development Plans shall be reviewed and approved administratively by the Planning Director or designee.

8. Effects of Approval and Expiration

- a. Approval of the Master Development Plan (MDP) authorizes the applicant to proceed to the final step in the platting process unless the applicant makes major modifications to the MDP as described in this section. If major modifications to an approved MDP are requested by the applicant, it may be cause to require that a new MDP be submitted and approved by the Planning and Zoning Commission prior to submission of a plat application, or approval of the plat may be subject to conditions or the plat may be denied. The approved plan shall be filed with the City of Boerne.
- b. An approved Master Development Plan (MDP) shall be valid for a period of five (5) years, from the date of MDP approval by the Planning and Zoning Commission.
- c. Prior to the lapse of approval for a MDP, the property owner may petition the Planning and Zoning Commission to extend the MDP approval. Such petition shall be considered at a public meeting before the Planning and Zoning Commission and an extension may be granted by the Planning and Zoning Commission at such meeting. If no petition for extension of MDP approval is submitted by the property owner prior to the expiration date, the MDP shall be deemed to have expired and shall become null and void.
- d. In the case of a phased development, a Major MDP will not be deemed to have expired if the development is progressing in accordance with the phasing schedule of the original MDP approved by the City, or if the delay in completing the MDP is necessitated by the timing of public improvements required to adequately serve properties in the affected property.

9. Revisions to a Master Development Plan

- c. Major Revisions to a Major Master Development Plan
 - i. A major revision to a Major Master Development Plan shall be any change to an approved Master Development Plan that is not a minor revision.
 - ii. Major revisions to an approved Major Master Development Plan shall require resubmittal of a Master Development Plan application, accompanied by the information identified in the checklist provided by the City.

d. Major Revisions to a Minor Master Development Plan

- i. A major revision to a Minor Master Development Plan shall be any change to an approved MDP that is not a minor revision.
 - ii. Major revisions to an approved Minor Master Development Plan shall be reviewed and approved in the same manner as the initial submittal.
- g. The Planning and Zoning Commission may specify a shorter time for extension of the MDP not to exceed an additional five (5) years, than the original five-year approval period.

10. Exception to the Requirement for Submittal of a Master Development Plan

~~The requirement to obtain approval of a Master Development Plan prior to submitting a plat application shall not be required when the proposed application for plat contains the entire Land Study limits as one plat.~~

- a. A Development Plat, Minor or Major, does not require submittal of a Master Development Plan.
- b. An Amending Plat does not require submittal of a Master Development Plan.

E. Infrastructure Documents: Letter of Certification

2. Content

- c. Engineering reports, studies and engineering/construction plans, conforming to the requirements of the Engineering Design Manual and the Unified Development Code, for all proposed:
 - i. streets;
 - ii. storm drains;
 - iii. drainage structures;
 - iv. potable and reclaimed water and wastewater facilities;

F. Plat Applications

1. Minor Development Plats

a. Steps in the Platting Process that apply for Minor Development Plats

Before a Minor Development Plat can be ~~approved-submitted~~, the applicant shall have completed these steps as part of the platting process:

- (a) Preapplication Meeting;
- ~~(b) Submittal of a Approved Land Study, as indicated at the Preapplication Meeting;~~
- (c) ~~Submittal of Approved~~ Infrastructure Documents, if indicated at the Preapplication Meeting; and
- (d) Submittal of a Plat Application

b. Plat Application Submittal Requirements

- iii. Letters of Certification (LOCs) from all reviewing entities including but not limited to:

(a) The City of Boerne;

c. Decision

- i. The City delegates to the Planning Director the authority to approve, ~~approve with conditions, or disapprove~~ Minor Development Plats and amendments to Minor Development Plats.
- ii. The Planning Director may, for any reason, elect to present the plat to the Planning and Zoning Commission for approval.
- ~~iii. The Planning Director shall not disapprove the Minor Development Plat and shall be required to refer any Minor Development Plat that cannot be approved administratively to the Planning and Zoning Commission for consideration.~~
- iv. A final decision shall be rendered within 30 days of filing of the complete application.

2. Minor Subdivision Plats

a. Steps in the Platting Process that apply for Minor Subdivision Plats

Before a Minor Subdivision Plat can be approved, the applicant shall have completed these steps as part of the platting process:

- i. Preapplication Meeting;
- ii. ~~Approved Submittal of a~~ Land Study, ~~as indicated at the Preapplication Meeting;~~
- iii. ~~Approved Submittal of~~ Infrastructure Documents, if indicated at the Preapplication Meeting; ~~and~~
- iv. Submittal of a Plat Application

b. Plat Application Submittal Requirements

A complete minor subdivision plat application shall be submitted to the Planning Director for administrative approval, and shall include all the general plat submittal requirements and the following:

- i. Letters of Certification (LOCs) from all reviewing entities including but not limited to:

(a) The City of Boerne;

d. Decision

- i. The City delegates to the Planning Director the authority to approve, ~~approve with conditions, or disapprove~~ Minor Subdivision Plats and amendments to Minor Subdivision Plats.
- ii. The Planning Director may, for any reason, elect to present the plat to the Planning and Zoning Commission for approval.
~~The Planning Director shall not disapprove the Minor Subdivision Plat and shall be required to refer any Minor Subdivision Plat that cannot be approved administratively to the Planning and Zoning Commission for consideration.~~
- iii. A final decision shall be rendered within 30 days of filing of the complete application.

3. Major Subdivision Plats

a. Steps in the Platting Process that apply for Major Subdivision Plats

Before a Major Subdivision Plat can be ~~approved-submitted~~, the applicant shall have completed these steps as part of the platting process:

- i. Preapplication Meeting;
- ii. ~~Submittal of a~~ Approved Land Study;
- iii. Approval or Approval with Conditions of a Master Development Plan;
- iv. ~~Receipt of a~~ Approved Letter of Certification of Infrastructure Documents; and
- v. Submittal of a Plat Application.

b. Plat Applications for Major Subdivision Plats, generally

- i. An approved plat shall be required before a Construction Release Permit is issued within the project boundaries of the Major Subdivision Plat.
- ii. Prior to submitting a plat application for a Major Subdivision Plat, the applicant shall secure letters of certification (LOCs) from all reviewing entities, including but not limited to:

(a) The City of Boerne;

d. Content of the Major Subdivision Plat Application

ii. Demonstration of Sustainable Community Development Activity

The applicant shall include documentation of the following measures along with the subdivision plat Application:

(a) Parkland Dedication

The applicant shall identify parks and trails, demonstrating consistency with the allocations included in the Subdivision Plat submittal. The location, dimensions, type and area of all parcels of land set aside for parks and open space, or for public spaces for uses of the residents of the proposed development, shall be identified.

(b) Traffic Mitigation

~~The applicant shall demonstrate mitigation of traffic impacts identified in the Traffic Impact Analysis and approved as part of the Subdivision Plat submittal.~~

(d) Stormwater Management

~~The applicant shall demonstrate execution of any and all measures for stormwater management identified in the Stormwater Management Plan submitted and approved as part of the Subdivision Plat Submittal.~~

~~i. Validity of Approval~~

~~Approval of the Major Subdivision Plat shall not expire, and the terms and conditions under which the approval was granted shall not be changed.~~

4. Major Development Plats

b. Plat required for development activity

New development may not begin on the property until a plat is recorded with the County.

Steps in the Platting Process that apply for Major Development Plats

Before a Major Development Plat can be ~~approved-submitted~~, the applicant shall have completed these steps as part of the platting process:

- (b) ~~Submittal of a~~ Approved Land Study;
- (c) Receipt of a Letter of Certification of Infrastructure Documents; and
- (d) ~~Submittal of a~~ Approved Plat Application.

e. General Content of the Major Development Plat Application

In addition to submittal requirements required in general to all plats, the following are required for Major Development Plat application submittal:

- i. Letter from developer stating that project has no outstanding violations from TCEQ or other state/federal agencies.
Two (2) hardcopies copies and a PDF of a Traffic Impact Analysis meeting the City's TIA requirements.
Three (3) complete bound sets of design and construction documents required by this Chapter, each bound with a copy of the plat.
- ii. Letters of Certification (LOCs) from all reviewing entities including but not limited to:
 - (a) The City of Boerne;
 - (b) Utility providers (water, sanitary sewer, electric) other than the City of Boerne;

v. Tree Preservation

- (a) Identify on the plat the location and species of all Protected trees;
- (b) A tree survey for all property subject to the application that documents the presence of all Protected Trees.

vi. Drainage

A minimum of two (2) copies of the drainage study per City standards;

vii. Steep Slopes

If a steep slope is present on the site, provide a Slope Map. If no steep slope is present, the applicant may provide a letter stating there is no steep slope on the property.

Validity of Approval

Approval of the Major Development Plat shall not expire, and the terms and conditions under which the approval was granted shall not be changed.

H. Amending Plats, Replats and Plat Vacation

1. Amending Plats

b. Initiation and Completeness Review

- i. An applicant wishing to amend a approved-recorded plat shall file an Amending Plat Application with the Planning Director, together with a copy of the approved plat for which the change is requested.
- ii. The Planning Director shall notify the applicant by writing within 10 days of receipt of the plat submittal whether the submittal has been deemed complete. The mailing date of the notification of completeness shall serve as the filing date.
- iii. Amending Plats Amendments to an approved plat that is not yet recorded may be approved by the Planning Director without filing a new plat.

c. Plat Amendment Submittal Requirements

- i. In addition to submittal requirements required in general to all plats, the following are required for Amending Plat application submittal: A tax certificate that verifies ownership, and that all taxes are paid and up to date, and a utility exhibit showing all existing and proposed water and sewer services and electric lines shall be submitted with the required amendment. Should the amendment require verification of another party, or of the validity of the requested correction such documentation shall be included as a part of the submittal.; and

2. Replat

b. Replat of recorded subdivision plat, not vacated

A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat, provided that the replat:

- i. Is signed and acknowledged by all the owners of the property being replatted; and
- ii. Is approved following a public hearing **or written notice**, if required by State law and by this Code.

c. Replat of a recorded subdivision, where plat has been vacated

The procedure for a replat if the original plat has been vacated is the same as the corresponding procedure for initiating a **new** plat, **except that, if required, the Master Development Plan may be administratively approved.**

Pre Application Meeting Required

- i. **For all replats, a Pre Application Meeting is required. The applicant and the Planning Director (or designee) shall attend the meeting. The Planning staff shall provide the applicant with the Plat Application and Code Compliance forms and shall review the Replat Checklist with the applicant to determine the documents that will be required for the Replat Submittal. The Replat Checklist shall be signed by both the Planning Director (or designee) and the applicant.**

Initiation and Completeness Review

- i. **Copies of the replat application shall be submitted to the Planning Director not less than 30 days prior to the Planning and Zoning Commission meeting at which consideration is desired.**
- ii. **The Planning Director shall receive applications for replat and conduct a completeness review, in accordance with the submittal requirements for a Replat.**
- iii. **The replat shall be considered officially filed after it is accepted by the Planning Director and found to be in compliance with the submittal requirements. The Planning Director shall provide notification to the applicant within 10 days as to whether the application is deemed complete. The stamped mailing date of the notification shall serve as the filing date for the replat. From this official filing date on which completeness is determined, the Commission shall have 30 days to act on the replat application.**

Submittal Requirements

e. Public hearing and written notice requirements for certain replats

A public hearing and written notice shall be required if:

- (a) **Any part of the area to be replatted was limited by an interim or permanent zoning classification to single family or duplex residential use at any time during the preceding five years; or**
- (b) **Any lot in the preceding plat was limited by deed restriction to single family or duplex residential use.**

j. Recording of replat

- i. Prior to recording the replat, the applicant shall demonstrate compliance with requirements of this ordinance, including compliance with all comments and all conditions of approval.
- ii. Replats shall be recorded within one year from the approval date. The Commission may extend the recording deadline by up to one year upon written request of the developer.
- iii. The city shall record the plat with Kendall County when the following are complete:
 - (a) Three copies of the plat on mylar reproducible film or other permanent material have been submitted and the plat has been signed by the Planning Director.
 - (b) All necessary fiscal agreements have been approved by the city;
 - (c) All fees have been received;
 - (d) All engineering plans and specifications, if applicable, have been approved;
 - (e) An electronic or digital copy of plat drawing in a format acceptable to the city has been provided;
 - (f) Original official tax certificates, showing no outstanding or delinquent taxes, from Kendall County for all parcels contained within the plat have been submitted; and
 - (g) A community facilities contract for the public infrastructure has been executed by the owner and contractor, if applicable.

Plat recording procedures shall follow the requirements for recording for all plats as specified in UDC 2.6. G.

Section 2.7 Construction Permits and Construction Procedures

A. Construction Permit Requirements

1. Tree Removal Permit

i. Violations and Remedies

Fees and Remedy for Tree Removal or Tree Mortality due to Construction

If any Protected trees are removed from any real property without an approved permit, or if such trees are injured because of failure to follow required tree protection measures such that the tree dies or may reasonably be expected to die as a result of design or construction within two years of a projects final acceptance, the City shall have the authority to enact either one or both of the following administrative and civil penalties on the developer and/or owner of the property.

- (a) A monetary penalty of \$250.00 per inch of circumference for Protected trees removed ~~without a permit~~, payable to the City Tree Restoration Fund, as well as replacement with trees in accordance with the Tree Replacement Requirements of this Section;

2. Grading Permit

a. Applicability

- i. A grading permit shall be required prior to the disturbance of land by grading, filling, or dredging within the city ~~or its extraterritorial jurisdiction~~.
- ii. Grading permits can include erosion control, mass grading, drainage systems, detention and water quality facilities. Grading permits do not allow for flatwork (paving, sidewalks, slabs, etc.), structures, or the preparation or the installation of utilities. Construction of detention or LID structures is permitted, as approved by City Engineer.

c. Scope of Approval

- i. A grading permit is authorization for grading only. No utility or street work can take place under a grading permit.
- ii. All work must be in conformance with the approved tree removal permit, tree protection plan and tree mitigation plan.
- iii. The grading permit expires one year after issuance.

e. Grading and Stormwater Management

- (a) An applicant for a grading permit shall submit grading plans and a drainage study prepared by a professional engineer with the permit application. The City ~~Manager~~ Engineer shall review these documents for conformance with drainage design policies of the City.
- (b) Any fill material placed in existing or proposed right-of-way must conform to the requirements of the city's standard specifications for street and storm drain construction. If testing and certification is not performed in conjunction with City infrastructure inspection, the City may require the same by an independent soils laboratory and/or removal of the fill material at the expense of the applicant.
- (c) The placement of fill shall be in strict conformance to the plans and specifications approved for the project.
- (d) All construction activity, including grading, which falls within 100 feet of the local ~~and~~ or FEMA floodplain is subject to the floodplain regulations of the City and requires a Floodplain Development Permit. Unless otherwise indicated and authorized by the City, no grading shall take place in the one percent (1%) annual chance (100-year) floodplain or the local floodplain.

3. Floodplain Development Permit

b. Permit Submittal Requirements

An application for a Floodplain Development Permit shall include each of the following:

- i. A completed Application Form as provided by the City.
- ii. An approval letter from FEMA for either a Conditional Letter of Map Revision (CLOMR) or Letter of Map Revision (LOMR), if applicable, as determined by the City Engineer.
- iii. Payment of all applicable fees.

4. Construction Release Permit

b. Pre-Construction Meeting

The pre-construction meeting is required prior to submittal of the Construction Release Permit and shall be attended by the City Engineer, the project contractor, the project developer and/or the project engineer. The developer and/or prime contractor shall provide the City Engineer with a general construction schedule and a copy of the approved plat before or at the pre-construction meeting.

c. Content of the Construction Release Permit Application

- viii. An approved Tree Removal Permit in accordance with Section 2.7(A)(1)

5. Site Development Permit (SDP)

a. Applicability

- i. A Site Development Permit (SDP) is required for the site development of all properties other than an individual single-family or two-family (duplex) lot.
- ii. A Site Development Permit (SDP) allows for the construction of public and private improvements (driveways, utility services, parking lots, fire protection mains and fire hydrants, stormwater infrastructure, etc) located on a platted lot.
- iii. A Site Development Permit (SDP) is required for all construction not included with the construction release permit, tree removal and floodplain development, each of which is separately permitted.
- iv. When a Site Development Permit (SDP) is required, building permits will not be issued until the applicant has an approved Site Development Permit (SDP).
- v. Site Development Permit submittals will be reviewed for completeness. Incomplete applications or permit set with obvious major errors will be rejected.

b. Pre-Design Meeting

- i. The pre-design meeting, as required by the City Engineer, shall be attended by the project contractor, project engineer, and project developer.
- ii. The participants shall discuss:
 - (a) Vesting Status of Property;
 - (b) Codes and Ordinances that development is subject to;
 - (c) Boerne Utility service applications and impact fees;
 - (d) Requirements for approval of Site Development Permit (SDP);

c. Content of the Site Development Permit (SDP) Application

An application for a Site Development Permit (SDP) shall include each of the following:

- i. A completed Application Form as provided by the City and all required documents listed on the Application Form. The City Engineer shall maintain the authority to add, remove, or otherwise alter specific requirements of the application form.
- ii. TCEQ Notice of Intent (NOI) for sites that will disturb greater than five (5) acres.
- iii. Payment of all applicable fees.
- iv. Approval letters for the design of any utility (water, sewer, electric, gas) main extensions for utility providers other than the City of Boerne.
- v. Copies of approved TxDOT permits (driveway, utility), if applicable.
- vi. A drainage study, or letter of conformance, with an existing drainage study.
- vii. A Peak Hour Trip Generation Form, or letter of conformance, with an existing TIA.

d. Criteria for Approval

A Site Development Permit shall be granted, and construction plans shall be released only under the following conditions:

- i. The subdivision plat for the property is recorded and is still in effect;
- ii. The Infrastructure Documents LOC is approved and is still in effect;
- iii. Public improvements required for subdivision platting have been completed and accepted by City, or a financial guarantee for said public improvements has been provided and is still in effect;
- iv. The contractor is approved to perform public works construction in the City of Boerne;
- v. The developer and prime contractor(s) have participated in a pre-construction meeting with the City Engineer; and
- vi. All monies due to the City have been paid, including all bonds, review fees and permit fees.

e. Effect

- i. A Site Development Permit (SDP) authorizes the applicant to begin construction of the public and private improvements of the site, not including the building envelope, in accordance with the approved plans and with the standards of the City.
- ii. Site Development Permit (SDP) may be acquired applied for concurrently with the Construction Release Permit. SDP cannot be issued until the plat is approved.
- iii. Public Improvements permitted with the SDP must be deemed substantially complete in writing by the City Engineer before any associated building permits may be issued.
- iv. The building permit shall not be applied for until the SDP is issued. Once first round comments have been issued on a SDP review, with City Manager may consider approval allowing early building permit application, the building permit may be submitted for review to the Building Inspections office. only after the first round of plat comments and SDP comments are provided to the applicant.

f. Expiration and Renewal

- i. A Site Development Permit (SDP) expires one year after the date of its approval unless:
 - (a) Site work has commenced and has been consistent during the one year following approval; or
 - (b) If a building permit has been issued, the site development permit is valid until a certificate of occupancy is received for the building; or
 - (c) The City Engineer extends the expiration date of the Permit.
- ii. An applicant may request that the City Engineer extend the expiration date of a Site Development Permit by filing a written request, accompanied by justification, with the City Engineer prior to the date of permit expiration.
- iii. The City Engineer may extend the expiration date of the permit once for a period of one year if the City Engineer determines:
 - (a) there is good cause for the extension;
 - (b) there has not been a significant change in development conditions affecting the plan; and
 - (c) the plan complies with current City of Boerne Unified Development Code (UDC), Engineering Design Manual (EDM), and the Standard Specifications for Public Works Construction.

g. Appeals

- i. An interested party may appeal the City Engineer's decision regarding Permits to the Planning and Zoning Commission.
- ii. The City Engineer shall give notice under of the Commission's consideration of an appeal, in accordance with the notice requirements of the UDC.
- iii. The Planning and Zoning Commission shall conduct a public hearing on an appeal before taking action.
- iv. An interested party may appeal the Planning and Zoning Commission's decision regarding Site Development Permits to the City Council.

7. Building Permit

- b. Building Permits shall be granted in accordance with the requirements of this Unified Development Code, **the Engineering Design Manual** and with the Building Regulations of the City.

Section 2.8 Dedications and Assessments

G. Traffic Impact Analysis

1. When a Traffic Impact Analysis is Required

b. Zoning

For a property **applying for a change in zoning or rezoning**, a Traffic Impact Analysis must be approved prior to submittal of the zoning application. The requirement to perform a TIA for rezoning of a property shall not apply if the existing zoning is a temporary zoning resulting from annexation.

2. Type of TIA required

The type of submittal shall be based upon the number of peak hour trips (PHT) generated by the proposed development, as follows:

(a) TIA Submittal Categories	
Peak Hour Trips	Submittal Category
1,001 or more	Level 3 TIA
300-1,000	Level 2 TIA
100-299	Level 1 TIA
400 or less Less than 100	PHT Generation Form (no TIA is required), Turn Lane Evaluation Form, Border Street Evaluation Form, Rough Proportionality Worksheet

Note: Categories are for review fee assessment only

b. Applicability

iii. Additional Requirements

In addition to the trail dedication requirements stated in this section, Additional open space requirements may be applicable for commercial properties, and for properties located within certain overlay districts of the City, as established by the zoning chapter of the Unified Development Code.

c. Time of Designation

For all plat applications for a residential subdivision filed after the effective date of this Code, parkland dedication or improvement requirements for park facilities shall be designated at the time of Master Development Plan approval or at the time of Plat approval, if no Master Development Plan is required. **After plat approval, Council shall accept the dedication of parkland through Resolution.**

f. Dedication Required for all Subdivision Plats and Development Plats

- i. No area or facility shall be dedicated for parkland purposes unless approved by the City Manager or designee and accepted by the City.
- ii. Unless City Council determines otherwise, Subject to the City Council's determination, parkland should be located to serve the greatest number of homes, limit the need to cross Arterials, and provide access to trails when applicable.
- iii. All subdivisions of land subject to the requirements of this Code shall conform to the most recent edition of the Comprehensive Plan or any specific Parks and Recreation Plan adopted by the City.
- iv. All subdivision plats and development plats shall conform to the requirements of this Section.
- v. As advised by the City Manager or designee and the Planning and Zoning Commission, the City Council and developer may negotiate the combination of parkland dedication, payment of fees in lieu of required parkland, or any combination thereof, to satisfy these requirements.

g. Exceptions for Smaller Residential Developments

The following are excluded from parkland dedication or fee in lieu of parkland dedication:

- i. Single-family developments less than five (5) dwelling units in size shall not be required to dedicate parkland.
- ii. Multi-family developments less than ten (10) dwelling units in size shall not be required to dedicate parkland.

Credit for Existing Public Open Space

Any application for development or subdivision of a property with existing public open space which is classified as one of the recognized Open Space Types may receive a credit for the existing open space.

Storm water system facilities as open space

Required storm water system facilities may be counted toward the minimum open space requirements if they meet the following criteria:

- i. Areas for natural drainage systems used for storm water facilities may be included as Natural Areas, Greenways or Drainageway Protection Zones, provided they also conform to the design standards for those areas.
- ii. Up to 50% of areas for drainage retention may be included, provided they are designed and engineered as a permanent aesthetic and recreation amenity within one of the other open space types, and the permanent surface water areas do not exceed 25% of the open space area.

2. Dedications and Fee in Lieu of Dedications

c. Determining Amount of Parkland to Be Dedicated

- iii. No dedication of land shall be accepted if it is less than 5 acres in contiguous land area unless the amount less than 5 acres is agreed upon by the City Manager or designee. If a lesser amount of land is agreed to, If the amount of parkland required is less than 5 acres, the developer shall be required to pay the fee in lieu of land dedication.

3.

a. Parkland Dedication Credits

i. Floodplain

Areas located within the Drainageway Protection Zone of the main channels of Frederick Creek, Curry Creek, Browns Creek, Cibolo Creek and Menger Creek may be dedicated in fulfillment of the dedication requirements, subject to approval by the City Council. Said dedication will include, at a minimum, a strip 150 feet wide on both sides measured from the center of the creek channel (300 feet total). If both sides of the waterway are owned by the same entity. If the property is only on one side of the waterway, then a minimum of 150 feet wide from the center of the creek channel shall be dedicated.

Section 2.10 Signage

A. SIGN PERMIT

1. Generally

b. Signs cannot be located within a public utility and/or drainage easement.

CHAPTER 3. ZONING

Section 3.4 Base Zoning Categories

A. BASE ZONING DISTRICTS ESTABLISHED

Zoning regulations and districts as set forth in this ordinance are established and the City is divided into base zoning districts as follows:

RA	Agriculture and Rural Residential
RM	Manor Residential
RE	Estate Residential
R1-L	Low Density Residential
R1-M	Medium Density Residential
R2-N	Neighborhood Residential
R2-M	Moderate Density Residential
R3-D	Duplex Residential
R3-A	Attached Residential
R3-M	Multi-Unit Residential
R4-B	Bungalow Court Community
R4-H	Horizontal Multi-Family
R4-L	Low-Density Multi-family Residential
R4-U	Urban Multi-family Residential
RMHC	Manufactured Home Community
C1	Neighborhood Commercial
C2	Transitional Commercial
C3	Community Commercial
C4	Regional Commercial
CR	Craft Commercial
O1	Neighborhood Office
O2	Office Park
O3	Industrial Office
I1	Storage and Transportation
I2	Light Industrial
I3	General Industrial
CIV	Civic and Institutional
CITY	City Property
HOL	Interim Holding

B. REGULATING USES, LOTS AND DIMENSIONS OF THE BASE ZONING DISTRICTS

2. The dimensional standards for each base zoning district shall be in accordance with the Master Tables of Dimensional Standards.

C. PURPOSE AND APPLICABILITY OF THE BASE ZONING DISTRICTS

2. MANOR RESIDENTIAL (RM)

Manor Residential is applicable in areas where low-density suburban development patterns are desired, and where Low-density Neighborhood Residential is designated in the Boerne Comprehensive Master Plan. RM is most appropriate with an Organic Transportation Network and the Rural Street Design Types indicated in the Infrastructure Design chapter.

3. ESTATE RESIDENTIAL (RE)

The Estate Residential category is for detached dwellings. RE is a lot type that preserves privacy yet accommodates a more suburban development form. The regulations prohibit the establishment of commercial, industrial or other incompatible uses. Estate Residential is applicable in areas designated **Low-density Neighborhood Residential** in the Boerne Comprehensive Master Plan.

4. LOW-DENSITY RESIDENTIAL (R1-L)

The Low-Density Residential category is for detached dwellings. R1-**L M** is similar to the Estate Residential category except for the reduced lot dimensions. R1-**L M** lots allow for a conventional, suburban neighborhood form. Commercial, industrial and other non-residential uses are prohibited. Low Density Residential is applicable in suburban areas designated as Low-density Residential in the Boerne Comprehensive Master Plan.

10. MULTI-UNIT RESIDENTIAL (R3-M)

The Multi-Unit Residential is for structures containing three (3) or four (4) dwelling units, with each unit designed for occupancy by one household and each unit attached to another by a common wall. It is applicable to areas where a more compact development pattern is intended, and it should be placed close to activity centers and commercial areas. It may also be applicable as a buffer between single-family residential and non-residential uses. Duplex (2 units on a lot), and attached (separate lots, but with a shared wall that front a public right of way) dwellings are also allowed.

12. HORIZONTAL MULTI-FAMILY RESIDENTIAL (R4-H)

The Low-Density Multi-family Residential category is applicable in areas where a compact neighborhood development pattern is desired, at transitions between Neighborhood Residential and Commercial designations in the Boerne Comprehensive Master Plan. Horizontal Multi-family is limited to 2 stories in height and 5-10 units per acre.

Section 3.5 DIMENSIONAL STANDARDS FOR BASE ZONING CATEGORIES

B. DIMENSIONAL STANDARDS BY ZONING CATEGORY

1. Dimensional Standards for Residential Zones

		DIMENSIONAL STANDARDS FOR RESIDENTIAL ZONES								
		Duplex Residential	Attached Residential	Multi-Unit Residential	Bungalow Court	Horizontal Multi-family Residential	Low Density Multi-family Residential	Urban Multi-family Residential	Manufactured Home Community	Interim Holding
		R3-D	R3-A	R3-M	R4-B	R4-H	R4-L	R4-U	RMHC	HOL
LOTS AND COVERAGE										
min lot area (sf or ac)	3,500 sf	2,000 sf	3,500 sf	1/2 acre	n/a	6,000 sf + 2,000 sf per unit after first two	n/a	6 ac	n/a	
max lot area (sf or ac)	n/a	n/a	n/a	10 acres	n/a	n/a	n/a	25 ac	n/a	
min. lot frontage (ft)	35 ft	20 ft	35 ft	40 ft	n/a	n/a	n/a	n/a	n/a	
min. lot frontage, corner lot (ft)	45 ft	25 ft	45 ft	50 ft	n/a	n/a	n/a	n/a	n/a	
max du/ac	n/a	n/a		16 du/ac	10 du/ac	n/a	n/a	6 du/ac	n/a	
PRIMARY BUILDINGS										
max height (ft or stories)	36 ft or 2.5 stories	38 ft or 3 stories	36 ft or 2.5 stories	20 ft or 1 story	30 ft or 2 stories	40 ft or 3 stories	75 ft stories	36 ft or 2.5 stories	n/a	
min FY setback	15 ft	10 ft	15 ft	10 ft	25 ft	25 ft	15 ft	25 ft	n/a	
garage FY setback/driveway length in front garage	25 ft	20 ft	25 ft	n/a	25ft/20ft	25 ft-20 ft	15 ft-20 ft	25 ft	n/a	
min SY setback, per side and unit separation for multi-family	5 ft	5 ft	5 ft	5 ft	15 ft	15 ft	5 ft-15 ft	5 ft	n/a	

	Duplex Residential	Attached Residential	Multi-Unit Residential	Bungalow Court	Horizontal Multi-family Residential	Low Density Multi-family Residential	Urban Multi-family Residential	Manufactured Home Community	Interim Holding
	R3-D	R3-A	R3-M	R4-B	R4-H	R4-L	R4-U	RMHC	HOL
min SY setback, street-facing (corner lot)	15 ft	15 ft	15 ft	10 ft	15ft	15 ft	15 ft	25 ft	n/a
min SY setback, party wall	0 ft	0 ft	0 ft	n/a	0 ft	0 ft	0 ft	n/a	n/a
min RY setback, no alley	20 ft	15 ft	20 ft	10 ft	20ft	20 ft	20 ft	10 ft	n/a
min RY setback, with alley	15 ft	10 ft	15 ft	10 ft	20ft	20 ft	20 ft	10 ft	n/a
min combined FY and RY	50 ft	35 ft	50 ft	20 ft	50ft	50 ft	50 ft	10 ft	n/a
ACCESSORY BUILDINGS									
max height (ft or stories)	20 ft or 2 stories	20 ft or 2 stories	20 ft or 2 stories	n/a	1 story	n/a	n/a	20 ft or 2 stories	n/a
min FY setback	10 ft behind rear building line	10 ft behind rear building line	10 ft behind rear building line	n/a	10 ft behind rear building line	n/a	n/a	5 ft behind rear building line	n/a
min SY setback	5 ft	5 ft	5 ft	n/a	5 ft	n/a	n/a	5 ft	n/a
min SY setback, street-facing (corner lot)	25 ft	25 ft	25 ft	n/a	25ft	n/a	n/a	25 ft	n/a
min SY setback, party wall	0 ft	0 ft	0 ft	n/a	0ft	n/a	n/a	0 ft	n/a
min RY setback, no alley	5 ft	5 ft	5 ft	n/a	10ft	n/a	n/a	10 ft	n/a

	Duplex Residential	Attached Residential	Multi-Unit Residential	Bungalow Court	Horizontal Multi-family Residential	Low Density Multi-family Residential	Urban Multi-family Residential	Manufactured Home Community	Interim Holding
	R3-D	R3-A	R3-M	R4-B	R4-H	R4-L	R4-U	RMHC	HOL
min RY setback, with alley	5 ft	5 ft	5 ft	n/a	10ft	n/a	n/a	10 ft	n/a

Dimensional Standards for Non-Residential Zones

DIMENSIONAL STANDARDS FOR NON-RESIDENTIAL ZONES						
	Neighborhood Commercial	General Transitional Commercial	Community Commercial	Regional Commercial	Neighborhood Office	Office Park
	C1	C2	C3	C4	O1	O2
LOTS AND COVERAGE						
min lot area (sf or ac)	N/A	N/A	N/A	N/A	5,000 sf	1 acre
min lot width (ft)	N/A	N/A	60 ft	120 ft	50 ft	60 ft
max lot width (ft)	150 ft or 1/2 block width ¹	200 ft or 1/2 block width ¹	N/A	N/A	N/A	N/A
max building footprint	5,000 sf per building ⁴	12,000 sf per building ⁴	N/A	N/A	3,500 sf	N/A

PRIMARY BUILDINGS						
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min FY setback when adjacent to residential	same as the adjoining residential	same as the adjoining residential	N/A	N/A	same as the adjoining residential	N/A
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DIMENSIONAL STANDARDS FOR NON-RESIDENTIAL ZONES						
	Industrial Office	Storage and Transportation	Craft Commercial	Light Industrial	General Industrial	Civic and institutional
	O3	I1	CR	I2	I3	CIV
LOTS AND COVERAGE						
min lot area (sf or ac)	1 acre	1/2 acre	5,000 sf	1 acre	1 acre	
min lot width (ft)	60 ft	50 ft	50 ft	60 ft	60 ft	
max lot width (ft)	N/A	N/A	N/A	N/A	N/A	
max building footprint	N/A	N/A	N/A	N/A	N/A	
PRIMARY BUILDINGS						
max height (ft or stories)	40 ft	75 ft	40 ft	75 ft	75 ft	75 ft
min FY setback	25 ft	25 ft	10 ft	25 ft	50 ft	20 ft
min SY setback	25 ft	10 ft 25 ft	10 ft 25 ft	10 ft 25 ft	50 ft	20 ft
min SY setback, street-facing (corner lot)	25 ft	25 ft	25 ft	25 ft	50 ft	20 ft
min SY setback, party wall	N/A	0 ft	0 ft	0 ft	not allowed	0 ft
min RY setback	25 ft	25 ft	25 ft	25 ft	50 ft	10 ft
min RY and SY setback at property line adjoining residential	50 ft	50 ft	100 ft	100 ft	100 ft	40 ft
min FY setback when adjacent to residential	50 ft	N/A	N/A	N/A	N/A	same as the adjoining residential

3.6 PERMITTED USES OF BUILDINGS AND LAND

A. GENERALLY

5. In cases where a particular use is not identified in the Use Tables but meets all of the characteristics of and is so similar to a use specifically described below that no difference in impact on the district or adjacent property can be anticipated, the City Manager or designee may interpret that use as being included within that similar category and use type. If a use is determined by the City Manager or designee to be potentially impactful, it will be required to seek a special use permit for the location.

D. NON-RESIDENTIAL USES

2. Assembly

- b. Assembly that directly abuts a residential use shall provide a solid screening fence.

3. Automobile Services

- b. A vehicle repair service facility is permitted as a standalone use on a property zoned Community Commercial (C-3), provided that the facility:

4. Automobile sales

- b. All outside display of vehicles shall be on an approved concrete surface, or enhanced concrete surface, or a surface approved by the Engineering and Mobility Director.

5. Bar/wine bar

- c. Bars shall not allow any external amplified sound past 10:00 pm in the River Road Overlay District.

9. Commercial Stables

Commercial stables are limited to the Rural Residential and Agricultural Lot types or to parcels that are 10 acres or more in size.

14. Home Occupations

- a. There shall be no exterior display, signage, exterior storage or of materials, or other exterior indication of the home occupation which would cause the structure to vary in character from a residential use.

23. Short-term Rentals

Shall comply with regulations defined in the City of Boerne's Short-term Rental ordinance.

- There shall be at least one on-site parking space per rental unit.
- A short-term rental does not have to be owner-occupied or occupied at times other than its rental.
- The short-term rental must be registered with the City of Boerne and the State Comptroller's Office as a bed & breakfast and it must collect and pay the appropriate hotel/motel taxes.
- Short-term rentals require an SUP in residential districts.
- No new accessory structures will be permitted for additional rental units in a residentially zoned area unless permitted by SUP.
- No outside advertising shall be permitted on the lot, unless located in a non-residential zoning district or permitted by SUP.
- Duplex dwellings may be used as bed and breakfasts. If duplex dwellings are used as bed and breakfasts:
 - A Special Use Permit shall be required in a residential district. The short-term rental shall be in conformity with the requirements for a Special Use Permit; and
 - Both units shall be under a single ownership and operate as a single short-term rental.

E. ACCESSORY USES

5. Carports

- a. Carports shall be open on at least two sides. They shall be located no more than 10 feet from the front façade of the house and shall meet all setback requirements.

Section 3.7 PERMITTED USE TABLES

B. PARTICULAR USES ALLOWED BY ZONING CATEGORY

1. Permitted Uses for Residential Zones

Legend for Table of Uses	Agriculture and Rural Residential	Manor Residential	Estate Residential	Low Density Residential	Medium Density Residential	Neighborhood Residential	Moderate Density Residential	Duplex Residential	Attached Residential	Multi-unit Residential	Bungalow Courts	Horizontal Multi-family	Low Density Multi-family Residential	Urban Multi-family Residential	Manufactured Home Community	Interim Holding
P = Permitted by right																
S = Special Use Permit																
T = Temporary Uses (may require a permit from Permitting and Code Compliance)																
(Blank) = Not permitted																
Uses by Use Group	RA	RM	RE	R1-L	R1-M	R2-N	R2-M	R3-D	R3-A	R3-M	R4-B	R4-H	R4-L	R4-U	MH-C	HOL
Residential Use Group - See Sec. 3.6 for Use Restrictions																
Assisted living facility	P	P	P	P	P	P	P	P	P	P	P		P	P	P	
Boarding house	P			S	S	S		P					S	S		
Bungalow courts					S	S	S	S			P		P	P		
Community home	P	P	P	P	P	P	P	P	P	P	P		P	P	P	
Cottage house community					S	S	S	S			P		P	P		
Duplex								P		P			P	P		

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Legend for Table of Uses															
	Agriculture and Rural Residential	Manor Residential	Estate Residential	Low Density Residential	Medium Density Residential	Neighborhood Residential	Moderate Density Residential	Duplex Residential	Attached Residential	Multi-unit Residential	Bungalow Courts	Horizontal Multi-family	Low Density Multi-family Residential	Urban Multi-family Residential	Manufactured Home Community
Uses by Use Group	RA	RM	RE	R1-L	R1-M	R2-N	R2-M	R3-D	R3-A	R3-M	R4-B	R4-H	R4-L	R4-U	MH-C
Farmer's market	S	S													
Plant nursery	S	S													
Produce stand	S	S													
Urban farm, large (one acre or more)	S	S	S	S	S								S	S	S
Urban farm, small (less than one acre)	S	S	S	S	S	S	S	S	S		S	S	S	S	S
Accessory Use Group (a use that is incidental to a primary use) - See Sec. 3.6 for Use Restrictions															
Accessory building, not dwelling	P	P	P	P	P	P	P	P	P	P		P			
Accessory dwelling - attached apartment	S	S	S	S	S	S	S								
Accessory dwelling - detached guest home	P	P	P	S	S	S	S								

Legend for Table of Uses																
	Agriculture and Rural Residential	Manor Residential	Estate Residential	Low Density Residential	Medium Density Residential	Neighborhood Residential	Moderate Density Residential	Duplex Residential	Attached Residential	Multi-unit Residential	Bungalow Courts	Horizontal Multi-family	Low Density Multi-family Residential	Urban Multi-family Residential	Manufactured Home Community	Interim Holding
Uses by Use Group	RA	RM	RE	R1-L	R1-M	R2-N	R2-M	R3-D	R3-A	R3-M	R4-B	R4-H	R4-L	R4-U	MH-C	HOL
Accessory dwelling - garage apartment	P	P	P	S	S	S	S									
Accessory garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Accessory barn	P															P
Accessory childcare	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Accessory greenhouse	P	P	P	P	P	P	P		P	P						
Accessory home occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Accessory private kennel facility	P	P	P													
Accessory parking lot - garage												P	P	P		
Accessory portable building	P	P	P	P	S	S		P								
Accessory residential convenience service												P	P	P		

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2. Permitted Uses for Non-Residential Zones

Legend for Table of Uses	Neighborhood Office	Office Park	Industrial Office	Neighborhood Commercial	Transitional Commercial	Community Commercial	Regional Commercial	Craft Commercial	Storage and Transportation	Light Industrial	General Industrial	City Property	Civic and Institutional
P = Permitted by right													
S = Special Use Permit													
T = Temporary Uses (may require a permit from Permitting and Code Compliance) (Blank) = Not permitted													
Uses by Use Group	O1	O2	O3	C1	C2	C3	C4	CR	I1	I2	I3	City	CIV
Residential Use Group - See Sec. 3.6 for Use Restrictions													
Assisted living facility				P	P	P	S						
Community home				S	S			S					
Halfway house				S	S			S					
Live-work unit				P	P	P		P	S	S			
Mixed-use building				S	S	S	S						
Multi-family (5-10 units p/ac & 2.5 stories or less)					S	S	S						
Multi-family (18 units p/ac or less)					S	S	S						
Multi-family (over 19 units p/ac)						S	S						
Nursing/residential care facility				S	P	P	S						
Single-family dwelling (attached)				P	S			S					
Single-family dwelling (detached)				P	S			S					
Civic Use Group - See Sec. 3.6 for Use Restrictions													
Assembly	S	S	S	S	P	P	P	S	S	S	S		P

Legend for Table of Uses	Neighborhood Office	Office Park	Industrial Office	Neighborhood Commercial	Transitional Commercial	Community Commercial	Regional Commercial	Craft Commercial	Storage and Transportation	Light Industrial	General Industrial	City Property	Civic and Institutional
P = Permitted by right													
S = Special Use Permit													
T = Temporary Uses (may require a permit from Permitting and Code Compliance)													
(Blank) = Not permitted													
Uses by Use Group	O1	O2	O3	C1	C2	C3	C4	CR	I1	I2	I3	City	CIV
Cemetery												P	P
Club/lodge					S	P		P		P			P
College/university							S			P		P	P
Correctional facility/jail												P	P S
Developed athletic field/stadium												P	P
Government facility	P	P	P	P	P	P	P	P	P	P	P	P	P
Library					P	P	P			S		P	P
Museum					P	P	P			S		P	P
Park or open space (private)	P	P	P	P	P	P	P	P	P	P	P	P	P
Park or open space (public)	P	P	P	P	P	P	P	P	P	P	P	P	P
Public safety facility												P	P
School	P	P	P	P	P	P	P	P	P	P	P	P	P
Employment Use Group - See Sec. 3.6 for Use Restrictions													
Business park/campus		P	P							P	S		
Office (1 story)	P	P	P	P	P	P	P	P	P	P	S	P	
Office (2 stories)	P	P	P	S	P	P	P	P	P	P	S	P	
Office (over 2 stories)		P	P			S	P		S	P	S	P	

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Legend for Table of Uses	Neighborhood Office	Office Park	Industrial Office	Neighborhood Commercial	Transitional Commercial	Community Commercial	Regional Commercial	Craft Commercial	Storage and Transportation	Light Industrial	General Industrial	City Property	Civic and Institutional
P = Permitted by right													
S = Special Use Permit													
T = Temporary Uses (may require a permit from Permitting and Code Compliance)													
(Blank) = Not permitted													
Uses by Use Group	O1	O2	O3	C1	C2	C3	C4	CR	I1	I2	I3	City	CIV
Commercial recreation (indoor)					S	P	P	S					
Commercial recreation (outdoor)						S	P						
Day care/adult				S	S	S							S
Day care (more than 6 children, not home occupation)	S			S	S	S				S			S
Funeral home/mortuary					S	P	P			S			
Gym/sports training facility (10,000 sf or less)				P	P	P	P	P	P	P			
Gym/sports training facility (over 10,000 sf)						P	P						
Hotel - boutique (30 rooms or less)					S	S	P						
Hotel/motel						S	P						
Laboratory				S	S	S	S	P		P			
Laundry (self service)		S	P	S	S	P		P					
Medical - freestanding emergency room					S	P	P						

Legend for Table of Uses	Neighborhood Office	Office Park	Industrial Office	Neighborhood Commercial	Transitional Commercial	Community Commercial	Regional Commercial	Craft Commercial	Storage and Transportation	Light Industrial	General Industrial	City Property	Civic and Institutional
P = Permitted by right													
S = Special Use Permit													
T = Temporary Uses (may require a permit from Permitting and Code Compliance)													
(Blank) = Not permitted													
Uses by Use Group	O1	O2	O3	C1	C2	C3	C4	CR	I1	I2	I3	City	CIV
Medical - hospital/inpatient care facility						S	P						
Medical - laboratory/diagnostic services				P	P	P	P						
Medical - offices/outpatient	S			P	P	P	P						P
Medical - pharmacy	S			S	P	P	P						
Medical - surgical center					S	P	P						
Medical - urgent care				S	P	P	P						P
Mixed-use lot	P			S	S	S	S	P				P	P
Movie theater					S	S	P						
Parking lot/garage			P		S	S	P	P	P	P	P	P	P
Pawn shop			S			S	S	S					
RV park							S		S				
Short-term Rental				S	S	S	S	S					
Spa	P			P	P	P	P						
Towing Facility/Impound Yard											S		
Trade school			P			S	P	P		P	P	P	P

Legend for Table of Uses	Neighborhood Office	Office Park	Industrial Office	Neighborhood Commercial	Transitional Commercial	Community Commercial	Regional Commercial	Craft Commercial	Storage and Transportation	Light Industrial	General Industrial	City Property	Civic and Institutional
P = Permitted by right													
S = Special Use Permit													
T = Temporary Uses (may require a permit from Permitting and Code Compliance)													
(Blank) = Not permitted													
Uses by Use Group	O1	O2	O3	C1	C2	C3	C4	CR	I1	I2	I3	City	CIV
Veterinary clinic (indoor boarding)				S	P	P	P			P	P		
Veterinary clinic (no boarding)				S	P	P	P			P	P	P	P
Veterinary clinic (outdoor boarding)									P	S	P		
Wholesale			P				S	P	P		P		
Industrial and Utility Use Group - See Sec. 3.6 for Use Restrictions													
Artisan craft production				S	S	S	S	P		P	P		
Commercial communication system	S	P	P	S	S	S	P	S	P	P	P	P	
Contractor			P	S	S	S	S			P	P		
Fabrication (indoor)								P		P	P		
Industrial arts studio			S		S	S		P		P	P		
Industrial park			P							P	P		
Junk yard											S		
Maintenance facility									P	P	P	P	P
Manufacturing										S	P		
Mini-warehouse			P				S		P		S	P	

Legend for Table of Uses	Neighborhood Office	Office Park	Industrial Office	Neighborhood Commercial	Transitional Commercial	Community Commercial	Regional Commercial	Craft Commercial	Storage and Transportation	Light Industrial	General Industrial	City Property	Civic and Institutional
P = Permitted by right													
S = Special Use Permit													
T = Temporary Uses (may require a permit from Permitting and Code Compliance)													
(Blank) = Not permitted													
Uses by Use Group	O1	O2	O3	C1	C2	C3	C4	CR	I1	I2	I3	City	CIV
Oversize vehicle and machinery rental, sales and service									P		P	P	
Portable building sales									P		P		
Processing										S	P		
Railroad facility									P	P	P	P	P
Regional detention facility			P							P		P	P
Research and development facility			S							P			
Utility station, sub-station, or service center										P	P	P	P
Warehousing									p	P	P	P	
Agriculture and Natural Resource Use Group - See Sec. 3.6 for Use Restrictions													
Commercial agriculture									P				
Commercial stable									P				
Community garden				S	S	S	S	S					P
Exhibition/fairgrounds						S	S			S			
Farmer's market				S	S	S	S	S					
Plant nursery					P	P	P	P					

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Legend for Table of Uses	Neighborhood Office	Office Park	Industrial Office	Neighborhood Commercial	Transitional Commercial	Community Commercial	Regional Commercial	Craft Commercial	Storage and Transportation	Light Industrial	General Industrial	City Property	Civic and Institutional
P = Permitted by right													
S = Special Use Permit													
T = Temporary Uses (may require a permit from Permitting and Code Compliance)													
(Blank) = Not permitted													
Uses by Use Group	O1	O2	O3	C1	C2	C3	C4	CR	I1	I2	I3	City	CIV
Accessory display/sales area (outdoor)				S	S	S	S	P				P	
Accessory donation bin (outdoor)			S	S	S	S	S	S	P	P	P	P	P
Accessory drive-thru facility		S	S	S	S	S	P					P	
Accessory garden				P	P	P	P	P				P	P
Accessory laboratory									S	S	S		
Accessory maintenance facility						S	S		P	P	P	P	P
Accessory parking lot/garage	P	P	P	P	S P	S P	P	P	P	P	P	P	P
Accessory portable buildings								S	P	P	P	P	
Accessory processing			S		S	S	S	S	P	P	P		
Accessory sales yard (outdoor)						S	P	S		P	P		
Accessory school			P	S	S	P	P		P	P			P
Temporary Use Group - See Sec. 3.6 for Use Restrictions													
Assembly	T	T	T	T	T	T	T	T	T	T	T	T	T
Carnival, circus, amusement rides						T	T	T				T	T

Legend for Table of Uses	Neighborhood Office	Office Park	Industrial Office	Neighborhood Commercial	Transitional Commercial	Community Commercial	Regional Commercial	Craft Commercial	Storage and Transportation	Light Industrial	General Industrial	City Property	Civic and Institutional
P = Permitted by right													
S = Special Use Permit													
T = Temporary Uses (may require a permit from Permitting and Code Compliance)													
(Blank) = Not permitted													
Uses by Use Group	O1	O2	O3	C1	C2	C3	C4	CR	I1	I2	I3	City	CIV
Donation bin (outdoor)			T					T	T	T	T	T	T
Mobile food vendors	T	T	T	T	T	T	T	T	T	T	T	T	T
On-site construction offices	T	T	T	T	T	T	T	T	T	T	T	T	T
Outdoor donation bin			S	T	T	T	T	T	T	T	T	T	T
Outdoor equipment storage								T				T	
Portable storage units								T	T	T	T	T	T
Produce Stand		T	T	T	T	T	T	T				T	T
Assembly	T	T	T	T	T	T	T	T	T	T	T	T	T

Section 3.8 FLEXIBLE ZONING TOOL

A. PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

4. PUD as the Zoning Designation

- b. The zoning designation for a property shall consist of the underlying base zoning categories with the ~~prefix~~ ~~suffix~~ PUD attached (example: ~~R4~~-PUD-~~R4~~).

B. PLANNED DEVELOPMENT DISTRICT (PDD)

3. PDD as the Zoning Designation

- b. The zoning designation for a property shall consist of the underlying base zoning categories with the ~~prefix~~ ~~suffix~~ PDD attached (example: ~~R4~~-PDD-~~R4~~).

C. CLUSTER DEVELOPMENT DISTRICTS (CDD)

3. CDD as the Zoning Designation

- b. The zoning designation for a Cluster Development property shall consist of the underlying base zoning categories with the ~~prefix~~ ~~suffix~~ CDD attached (example: ~~RE~~-CDD-~~RE~~).

Section 3.10 OVERLAY DISTRICTS GENERALLY

A. OVERLAY DISTRICTS ESTABLISHED

5. Where the underlying zoning for a property is commercial, but the use is residential and there are no Residential Design standards described, the lot and design standards shall apply and accessory uses shall be permitted as are described in Section 3.5 Dimensional Standards for Base Zoning Districts.

Section 3.11 HISTORIC DISTRICT

C. USES

1. Additional uses that are allowed in the Historic District:

c. ~~Short term rental~~

D. RESIDENTIAL DESIGN

7. Parking

- b. For commercial uses in the Historic District, parking shall be 50% of the minimum requirement of Chapter 5: Nonresidential Design. On-street parking spaces located within 60 feet of a commercial establishment may be used to satisfy no more than 50% of the parking requirements of that establishment.

F. SIDEWALKS

All properties in the Historic District shall maintain a continuous sidewalk with an unobstructed pedestrian pathway at least 4 feet wide. A wider width shall be required if the road is designated on the Thoroughfare Plan, and may be required if needed to align a new sidewalk with the sidewalk of an adjoining property.

G. SIGNAGE

1. Sign Types

a. Prohibited Sign Types

The following sign types are prohibited in the Historic District:

- v. Pole signs unless already existing. Existing poles may be reused for pole signs provided that:
 - (a) They are not damaged;
 - (b) They have not been removed from their location; and
 - (c) They do not increase the existing sign square footage or pole height

Section 3.12 DOWNTOWN COMMUNITY

D. DIMENSIONS

Dimensions shall be in accordance with the base zoning of the property, except:

1. Building Heights

The maximum building height shall be in keeping with the base zoning of the property, except that the maximum building height for nonresidential, multi-family, mixed-use buildings, and nursing/residential care facility is 30 feet or 2 stories. An increase for these uses to 38 feet or 3 stories is allowed if the third story is stepped back 10 feet from the building line facing a public street and/or a residential property.

2. Setbacks

Setbacks for nonresidential, multi-family, mixed-use buildings, live-work units and nursing/residential care facilities:

F. **MULTI-FAMILY, MIXED-USE BUILDINGS AND LIVE-WORK UNITS**

2. For all other design standards, **multi-family**, mixed-use buildings and live-work units shall comply with the standards of Chapter 5: Nonresidential Design.

Section 3.13 RIVER ROAD OVERLAY DISTRICT

C. USES

1. Additional uses allowed:
 - ~~b. Additional uses allowed for residentially or commercially zoned properties~~
 - ~~i. Short-term rental~~

E. NONRESIDENTIAL DESIGN

7. Parking

- b. Parking Credits
 - i. On-street parking spaces along River Road that are striped and located within 300 feet of a commercial establishment may be used to satisfy **no more than 50%** of the parking requirements of that establishment.

F. MULTI-FAMILY, LIVE-WORK AND MIXED-USE DESIGN

2. Parking
 - c. Along River Road, on-street parking spaces that are striped and located within 300 feet of the commercial element of the project may be used to **satisfy no more than 50%** of the commercial parking requirements.
 - d. Alongside streets, on-street parking spaces located within 60 feet of a mixed-use site or building may be used to **satisfy no more than 50%** of the parking requirements of the nonresidential components of the development.

Section 3.14 SOBO OVERLAY DISTRICT

D. USES

1. The uses in this overlay district shall be in accordance with the three character zones, as follows:
 - a. In the Hybrid Commercial Character Zone (HC-CZ):
 - i. Any use allowed under the C3 zoning category shall be allowed for commercial properties in the Hybrid Commercial Character Zone **are prohibited**.

E. NONCONFORMING STRUCTURES

2. When remodeling the exterior or adding onto a nonconforming structure at a cost equal to or greater than fifty percent (50%) of value, the preexisting structure and addition shall be required to conform to the City's **current standards Combined Commercial Design Standards** if in a Hybrid Commercial Character zone and conform to the City's Commercial Center Design Standards if in a Mixed-Use Character Zone or Neighborhood Character Zone. All remodeling of the exterior or adding onto a preexisting or nonconforming structure of less than fifty percent (50%) of the value, as a minimum shall have the same level and standard of materials, architectural features, and styles as the existing structure.
3. Any new structure constructed on a lot that is equal to or greater than seventy-five percent (75%) of the gross square footage of the preexisting or nonconforming structure, the new structure and the preexisting structure shall be required to conform to the City's **current standards Combined Commercial Design Standards** if in a Hybrid Commercial Character Zone and conform to the City's Commercial Center Design standards if in a Mixed-Use Character Zone or Neighborhood Character Zone. New structures less than seventy-five percent (75%) of the gross square footage of the preexisting or nonconforming structure as a minimum shall have the same level and standard of materials, architectural features, and styles as the existing structure.

F. DIMENSIONS

Dimensions shall be in accordance with **the following standards base zoning of the property, except:**

Section 3.15 HERITAGE CORRIDOR OVERLAY DISTRICT

D. DIMENSIONS

3. The minimum **front** setback from Herff Road is 40 feet or the setback requirement of the property's base zoning, whichever is greater.
4. The minimum **front** setback from Old San Antonio Road is 40 feet or the setback requirement of the property's base zoning, whichever is greater.

CHAPTER 4. RESIDENTIAL SITES

Section 4.3 RESIDENTIAL DRIVEWAYS AND PARKING AREAS

A. GENERALLY

6. Curb cuts shall not exceed **a total of** 18 feet in width, and lots are limited to no more than two curb cuts. Residential lots with a width at street frontage of less than 84 feet shall have only one curb cut.

Section 4.4 RESIDENTIAL FENCES AND WALLS

F. PERIMETER STRUCTURES FOR RESIDENTIAL SUBDIVISIONS

A masonry fence shall be constructed at the perimeter of a residential subdivision, **or neighborhood where it abuts a Collector or Arterial Street, see Chapter 6.6 for requirements. The location and design of the masonry fence must be submitted with the Infrastructure Document LOC.**

Section 4.6 RESIDENTIAL LANDSCAPING

D. GENERAL TREE PLANTING REQUIREMENTS

4. **No tree shall be planted within four feet of a public utility line (water or sewer), unless it is of a species on the Approved Right of Way Plant List in the Appendix.**

CHAPTER 5. NONRESIDENTIAL SITES

Section 5.2 ACCESS AND ON-SITE CIRCULATION

E. LOADING FACILITIES

10. **Center City Downtown** Overlay District
12. **North Main Entrance Corridor** Overlay District **on North Main**

Section 5.4 NONRESIDENTIAL FENCES AND WALLS

A. CONFORMITY WITH THE BUILDING REGULATIONS REQUIRED

Nonresidential uses shall be screened from abutting residential uses by a solid fence as described in this Chapter or as approved by a Special Use Permit.

B. HEIGHT LIMIT

2. Side or Rear Yard
 - b. the ground-floor elevation of a principal dwelling on an abutting lot is **at least 4 feet** higher than the elevation at the abutting lot line; or

Section 5.5 NONRESIDENTIAL LANDSCAPING

E. TREES AND PUBLIC INFRASTRUCTURE

2. No tree or shrub shall be planted within eight feet of a buried public utility line (water or sewer), the Utility Clear Zone as defined in UDC Section 7.2(1).
3. No tree that has a mature height of 25 20 feet or greater shall be planted beneath an

Section 5.6 ON-SITE PARKING FOR NONRESIDENTIAL PROPERTIES

B. ON-SITE PARKING REQUIREMENTS

3. Size and Location

- c. No parking bay drive aisle greater than 100 150 feet in length shall be designed or constructed that ends in a dead-end. Where dead-end is allowed, the drive aisle shall be extended a minimum of 9 feet past the end of the last parking stall to allow for adequate space for vehicles to exit spaces or turnaround.

4. Construction and Maintenance

On-site parking facilities shall be constructed, maintained and operated in accordance with the following specifications:

a. Drainage and Surfacing

Decomposed granite and other similar materials are not allowed in locations that drain to public streets.

6. Minimum Parking Spaces by Use

Daycare Facility (not home)	1 for each 350 feet of gross floor area
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CHAPTER 6. SUBDIVISION DESIGN

Section 6.1 GENERALLY

B. PURPOSE

1. The following regulations shall control the subdivision of land and all public improvements required as part of a building permit within the corporate limits of the City of Boerne, Texas, and within the extraterritorial jurisdiction thereof, in order to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality, as established in the comprehensive plan.

Section 6.3 BLOCKS

E. CUL-DE-SAC AND DISCONNECTED STREET LIMITATIONS

2. Temporary

- a. A temporary turn-around, in compliance with the adopted fire code, and approved by the Fire Marshal, must be built at the end of a street more than 150 feet long that will be extended in the future.

CHAPTER 7. INFRASTRUCTURE DESIGN

Section 7.2 TRANSPORTATION NETWORK AND RIGHT OF WAY DESIGN

D. DESIGNATING STREETS USING DESIGN TYPES AND FUNCTIONAL CLASSIFICATION

3. Arterials:

- b. are further classified as major arterials and minor arterials, based on traffic volumes, where:
 - i. major arterials accommodate ~~between~~ over 20,000 ~~and 54,000~~ vehicles per day; and
 - ii. minor arterials accommodate ~~between~~ up to 10,000 ~~and~~ 20,000 vehicles per day

4. Collectors:

- b. Are further classified as primary collectors or secondary collectors, based on traffic volumes, where:
 - i. Primary collectors accommodate ~~between~~ over 3,000 ~~and 10,000~~ vehicles per day; and
 - ii. Secondary Collectors accommodate ~~between 500 and~~ up to 3,000 vehicles per day

E. EXTERNAL CONNECTIONS

- 2. Local street connections shall be provided and extended to the boundary of the site in any subdivision that contains more than 30 residential lots in a manner that all blocks and parcels in the subdivision meet the block standards of the Subdivision Design chapter of the Unified Development Code. All subdivisions containing more than thirty (30) lots must have at least two (2) points of vehicular access, ~~excluding emergency access~~. These two (2) vehicular access point shall be constructed of such standards that are in accordance with the Boerne requirements for public streets and meet the location remoteness requirements of the Fire Code.
- 3. In addition to all of the above requirements, all commercial development shall have at least one connection to an existing external Arterial or Collector street in the surrounding transportation network, or to a newly proposed Arterial or Collector street connected to the external network.
 - a. This requirement may be waived by the City Manager through an administrative exception if the commercial development adds less than 50 Peak Hour trips (PHT) and is not located on an Arterial or Collector Road.
- 4. All Residential development shall have at least one connection to an existing external Arterial or Collector street in the surrounding transportation network, or to a newly proposed Arterial or Collector street connected to the external network. Additional connections similar to the one described above shall be required for each additional set of 50 lots if said connections ~~are practicable~~, are practical as determined by City Engineer, considering the existing and or proposed collector network.
 - a. Any development requiring more than 2 external connections may utilize street stubs to adjacent undeveloped properties, at locations as approved by City Engineer, ~~may count~~ as external connections after the two required connections are made as described above.

F. STREET CROSS-SECTIONS

1. Requirements

- a. All streets in a Transportation Network Plan shall be in keeping with the cross-section design standards of the City. The appropriate application of each particular design type shall be based upon the planned land uses immediately abutting the street, the overall function of the Transportation Network Plan, the Major Thoroughfare Plan, and any Traffic Impact Analysis required by the City's ~~TIA ordinance~~ Engineering Design Manual, all subject to the review and

2. Street Cross Section Standards

Cross Sections shall be as established in Table 7-1. the following table:

	Central			Standard				Character Preservation		
	Local	Collector	Arterial	Local	Neighborhood Collector	Collector	Arterial	Local	Collector	Arterial
Traffic Lanes	2	2	See Main Street Corridor Study	2	2	2	4	2	2	4
Lane Width (ft)	10	11		10	11	11	11	11	11	11
Outside lane Paved buffer (ft)	-	-		-	-	-	4	2	4	4
On-street parking Type	two sides	two sides		two sides	two sides	none	none	none	none	none
On-street parking width (ft)	7	8		7	8	-	-	-	-	-
Landscape/Grass Median	no	no		no	no	no	yes	no	no	yes
Median Width (ft)	-	-		-	-	-	14	-	-	12
Two-Way Left Turn Lane (TWLT)	No	No		no	no	Yes	no	no	yes	no
TWLT width (ft)	-	-		-	-	12	-	-	12	-
Parkway (both sides) (ft)	2	2		7	5	7	7	7	17	18
Sidewalk width (both sides) (ft)	10	10		5	10	10	10	5	10	10
Detached 2-way bike lane	no	yes		no	no	no	no	no	no	no
2-way bike lane width (ft)	-	8		-	-	-	-	-	-	-
Total Paved Width (ft)	34	38		34	38	34	52	26	42	52
Right-of-Way width (ft)	58	70		58	68	68	100	50	96	120

FUNCTIONAL CLASS	ACCESS		LOCAL				COLLECTOR						ARTERIAL			
	Residential (Alley)	Commercial	Rural [1]	Neighborhood [2]	Residential	Avenue [3]	Rural[1]	Neighborhood [2]	Avenue [3]	Secondary	Primary	Parkway / Neighborhood [2]	Avenue [3]	Minor	Major [8]	
			Lot width less than 65 ft	Lot width 65 ft and greater												
Expected Daily Traffic (vehicles per day)	250	1,000	1,000	1,000	2,500	3,000	10,000	10,000	3,000	3,000	10,000	10,000	20,000	54,000	54,000	20,000

Desired Vehicle Speeds	< 10 mph	< 10 mph	25-30 mph	25-30 mph	25-30 mph	25-30 mph	< 25 mph	30-35 mph	30-35 mph	30-35 mph	30-35 mph	< 25 mph	> 25 mph	30-35 mph	35-40 mph	35-40 mph	35-40 mph	< 25 mph	> 25 mph	40-45 mph	45+ mph	45+ mph
Right-of-way Width [4]	20'	26'	56'	60'	54'	60'	66'	62'	84'	56'	62'	70'	108'	74'	72'	94'	100'	92'	112'	104'	108'	132'
Traffic Lanes [5]	1 yield	2	2	2	1 yield	2	2	2	4	2	2	2	4	2	2	4	4	2	4	4	4	6
Lane Width [5]	14' yield lane	10'	10'	10'	14'	10'	10'	11'	11'	11'	11'	10'	10'	11'	11'	11'	11'	10'	10'	12'	12'	12'
On-street Parking Type	-	-	-	Both sides	One side only	Both sides	Both sides	-	-	One side	Two sides	Both sides	Both sides	Both sides	-	-	-	Both sides	Both sides	-	-	-
On-street Parking Width	-	-	-	8' parallel	8' parallel	8' parallel	8' parallel	-	-	8' parallel	7' parallel	8' parallel	17' angled	8' parallel	-	-	-	17' angled	17' angled	-	-	-
Median (min. width / min. uninterrupted length) [7]	-	-	-	-	-	-	-	-	-	-	-	-	-	-	14' / 330'	14' / 330'	20' / 330'	-	-	16' / 660'	20' / 660'	20' / 660'
TOTAL Paved Width (including	20'	26'	28'	36'	30'	36'	36'	30'	52'	30'	36'	36'	74'	48'	46'	68'	64'	54' (2-ln)	74' (4-ln)	74'	78'	102'

Median																						
Side walk width / Both sides [6]	--	--	--	5'	5'	5'	8'	--	--	5'	5'	10'	10'	5'	5'	5'	8'	12'	12'	5'	5'	5'
Park way [6]	--	--	--	7'	7'	7'	7'	--	--	8'	8'	7'	7'	8'	8'	8'	10'	7'	7'	10'	10'	10'
Borrow Ditch	--	--	14'	--	--	--	--	16'	16'	--	--	--	--	--	--	--	--	--	--	--	--	--
Shoulder width	--	--	4'	--	--	--	--	4'	4'	--	--	--	--	--	--	--	--	--	--	--	--	--
*Bike Lanes	--	--	--	--	--	--	--	--	--	--	--	--	--	5'	5'	5'	--	--	--	5'	5'	5'
Landscape / Utility Easement [6]	--	--	--	10'	10'	10'	N/A	--	--	10'	10'	N/A	N/A	10'	10'	10'	10'	--	--	10'	5'	10'
*Bike Lanes	See Bike Facility standards																					
Driveway Access	See Lot Access standards in Chapter 6 Subdivision Design and any applicable lot access and design standards Chapter 4: Residential Sites or Chapter 5 Nonresidential Sites.																					

J. PEDESTRIAN FACILITIES

1. The pedestrian facilities and parkway of the right-of-way shall be designed to best balance the need for clear utility access and maintenance, for direct pedestrian connections, and for enhanced civic design of the right-of-way. The following are the minimum standards to effectively balance these needs. An additional landscape or utility easement may be necessary on the edge of the right-of-way to allow the most appropriate urban design while meeting these needs:

Required pedestrian facilities shall always be separated from moving traffic lanes of the roadway by a landscape buffer and only located immediately adjacent to the finished street as an expanded pedestrian amenity area where on-street parking will likely be present.

In all cases where sidewalks are provided, they shall be at least 5 feet wide to permit two persons to walk side by side comfortably.

If direct access to a trail from each lot is provided the Planning and Zoning Commission may waive the requirement to have sidewalks on both sides of the street.

On any block face below 3.5 dwelling units per acre, sidewalks on only one side may be acceptable, provided the Planning Commission determine that the street is not important to the overall pedestrian network.

On any block face that includes a Green Way and 10' to 12' multi-purpose trail, sidewalks are not required.

- a. Sidewalks, including portions within any driveway aprons, shall meet all local, state, and federal standards.
- b. Locations of sidewalks within State right-of-way shall be as directed by TxDOT and a sidewalk permit must be approved by TxDOT, prior to construction within State right-of-way.
- c. In all cases where sidewalks are provided, they shall be at least 5 feet wide to permit two persons to walk side-by-side comfortably.
- d. Required pedestrian facilities shall always be separated from moving traffic lanes of the roadway by a landscape buffer and only located immediately adjacent to the finished street as an expanded pedestrian amenity area where on-street parking will likely be present.
- e. Sidewalks shall be located on both sides of bridges and culverts. A combination or pedestrian rail, as approved by the City Engineer, protecting the sidewalk shall be provided on the outside edge of the bridge/culvert.
- f. Unless otherwise approved by City Engineer due to topography or other issues, a public sidewalk, 5' minimum width, shall be provided between any street cul-de-sac and adjacent streets or trails. All screening and/or fencing requirements shall be met in addition to this requirement.
- g. Sidewalks with potential fall hazards (vertical drop greater than 12", grade steeper than 3:1 slope, etc.) within 5 feet from the edge of the sidewalk shall have edge protection provided such as a curb or pedestrian railing.
- h. If direct access to a trail from each lot is provided the Planning and Zoning Commission may waive the requirement to have sidewalks on both sides of the street.
- i. On any block face below 3.5 dwelling units per acre, sidewalks on only one side may be acceptable, provided the Planning Commission determine that the street is not important to the overall pedestrian network.
- j. On any block face that includes a Green Way and 10' to 12' multi-purpose trail, sidewalks are not required.

K. TIMING OF SIDEWALK CONSTRUCTION

- a. Sidewalks, or trails in lieu of sidewalks, that are on a main thoroughfare as depicted in the Major Thoroughfare Plan shall be constructed with the street improvements to provide safety and connectivity within the development.
- b. Ramps and landings shall be installed as well as sidewalks along common areas prior to acceptance. However, to avoid undue costs and damage to sidewalks, the subdivider, developer, or builder may construct the sidewalk on each lot as it is developed.
- c. In no case will a Certificate of Occupancy be issued for a building until the required sidewalks have been constructed.
- d. In areas, sites, or other portions of streets where no building will be constructed and sidewalks are required by these regulations, the sidewalks shall be constructed with other required street infrastructure.

Section 7.3 STREET AND SIDEWALK SPECIFICATIONS AND CONSTRUCTION STANDARDS

C. PAYMENT INSTEAD OF STREET IMPROVEMENTS

1. A developer may request to pay a fee instead of constructing street improvements by filing a written request at the time of permit application in the manner prescribed by the Director of Development Services Engineering & Mobility. An applicant who has not filed a request at the time of application may later amend the application to request to pay a fee instead of constructing street improvements.
2. For street improvements required under subdivision requirements, the Director of Development Services Engineering & Mobility may approve payment of a fee instead of construction of street improvements if the Director determines that any of the following apply:
 - a. Less than 50 percent of the block face on which the property is located has widened the street to current standards.
 - b. It is unlikely that there will be development nearby that would require construction of street improvements;
 - c. An existing stormwater drainage ditch or similar public facility prevents the construction of street improvements and cannot be responsibly relocated to accommodate both the street improvements and the public facility.
 - d. Other unusual circumstances make the street improvement requirement unreasonable or inappropriate.
3. To determine the amount of the fee, the developer must provide construction plans and an opinion of probable cost signed and sealed by a professional engineer and in accordance with this Unified Development Code and Engineering Design Manual to determine the sidewalk installation cost. The construction plans must be approved by the City Engineer.
4. A fee paid under this section must be used to construct, replace, repair, or maintain street facilities in the City of Boerne or the ETJ.
5. To be eligible for payment in lieu of street widening, all right-of-way required by the Street Cross Section Standards must be dedicated to the City of Boerne.
6. The following are not eligible for payment instead of street improvements:
 - a. Improvements deemed necessary by the Director of Engineering & Mobility,
 - b. Street widening and striping for turn lane installation, and
 - c. Streets on the thoroughfare plan

D. PAYMENT INSTEAD OF SIDEWALK INSTALLATION

2. For a sidewalk required under subdivision requirements, the Director of Development Services may approve payment of a fee instead of installation of a sidewalk if the Director determines that any of the following apply:
 - vi. Other unusual circumstances make the sidewalk installation requirement unreasonable or inappropriate.

The amount of the fee is the current sidewalk installation cost, as determined by the Engineering Design Manual cost, as determined by the adopted fee schedule. If requested by the City Engineer, the developer must provide construction plans and an opinion of probable cost signed and sealed by a professional engineer and in accordance with this Unified Development Code and Engineering Design Manual to determine the sidewalk installation cost. The construction plans must be approved by the City Engineer.

4. A fee paid under this section must be used to install a sidewalk or curb ramp, replace, or repair a sidewalk, curb ramp, crosswalk, or pedestrian facilities in the City of Boerne or the ETJ.

I. RESTRICTED ACCESS

2. Guard houses, access control gates, and cross arms, if used, shall be constructed in accordance with the Engineering Design Manual Section 2.9 and 2.10, and per Subsection herein below:

Section 7.3 ROADWAY ACCESS DESIGN STANDARDS

A. PUBLIC ACCESS STANDARDS

1. Lot Access Width

Lot access width shall be limited based upon the lot width at the lot frontages subject to the standards in Table below.

Lot Frontage Width	Maximum Access Width
Residential	18' at Right of Way
NON-RESIDENTIAL	25% of lot width for a single lot, but the cumulative width of access points along a single block face may never be more than 15% of the entire block face. See UDC Section 5.2

Section 7.6 WATER AND SEWER

C. SANITARY SEWERS SYSTEM DESIGN STANDARDS

1. General Requirements

- b. Every subdivision shall be provided with a sewage disposal system meeting the design requirements of the Texas Commission on Environmental Quality and approved by the City Manager Engineer.
- c. Sanitary sewers sewer services shall be connected to serve each developable lot in the subdivision unless the Planning and Zoning Commission determines that such connection would require an unreasonable expenditure of funds when compared with other methods of sewage disposal or unless the subdivision meets the requirements of Section 6 of this Article Section 7.6(C).

2. Obligations of Developer

- a. The developer shall install all sanitary sewer mains and lines services to serve each lot.

Section 7.7 DRAINAGE

A. GENERAL REQUIREMENTS

1. Specific Intent

- a. It is the Specific Intent of this Section to:

6. Land Clearing Restrictions

No clear-cutting or rough-cutting of land shall be permitted until a Tree Removal and Land Clearing Permit is issued. No other clearing or rough-cutting shall be permitted except as necessary for construction of temporary erosion and sedimentation controls until these controls are in place and approved by the City Manager. Areas to be cleared for temporary storage of spoil or construction equipment, or for the permanent disposal of fill material or spoils, shall be shown on Master Development Plan. The natural vegetation within any Watershed Protection Zone which is required by Section 6 B of this Article 8.2 shall not be disturbed except for purposes consistent with the ultimate use of the land in that zone.

C. DRAINAGE STUDY REQUIRED

1. The developer shall submit a drainage study with any building permit, MDP application, land study, infrastructure documents for subdivisions, **and or** wherever stormwater management facilities shall be regional and dedicated to the public.

Section 7.8 RECLAIMED WATER

A. GENERAL REQUIREMENTS FOR RECLAIMED WATER SYSTEMS

1. Service Requirements

- a. New subdivisions or platted properties within the corporate limits of the City or within the limits of the City's extraterritorial jurisdiction may request reclaimed water service from the City of Boerne Reclaimed Water System. In the event the City approves the request, the Developer shall provide reclaimed water system improvements. System improvements shall include the extension of reclaimed water mains, design and installation of distribution system within property and all required appurtenances. The City **may shall** require the extension of lines across the entire length (frontage) of all newly established lots adjacent to a public right of way and/or to the perimeter of the subdivision for future extension into undeveloped areas, or for connections to the systems in adjoining developed areas.
- b. Where a reclaimed water main from the City of Boerne Reclaimed Water System is adjacent to a subdivision or development, the main must be extended across the entire length of all newly established lots adjacent to a public right of way and/or to the perimeter of the subdivision for future extension into undeveloped areas, or for connection to the system in adjoining developed areas.

Section 7.11 PARK AND TRAIL DESIGN

B. PARK AND TRAIL DESIGN REQUIREMENTS

2. Site Criteria for Parks

- b. **If proposed parkland is not identified on the City of Boerne's Parks Plan or Comprehensive Plan,** the City Manager or designee shall make recommendations to the Planning and Zoning Commission and the City Council regarding the suitability of proposed parkland. The location, access, size, shape, topography, natural drainage, utilities, parking facilities, and wooded areas and other vegetative cover of the parcel or tract of land to be dedicated shall be appropriate for public parks and recreation purposes. All such parkland shall be designated and located so as to satisfy the following general requirements.

4. Street Frontage

Unless specifically exempted elsewhere in this section, **or approved by the City Manager or designee,** access to parkland designated on a subdivision plat shall be provided by the dedication of at least 200 feet of street frontage, in a manner satisfactory to the City, preferably a 200 foot by 200 foot corner site at the intersection of two streets. When the land abutting the designated parkland is developed, the developer of such abutting land shall furnish and pay for paving of all abutting street frontage and shall provide water and sewer access to the boundary of one side of the delineated parkland area to meet minimum requirements of these regulations. No linear parking will be allowed on such frontage.

5. Site Criteria

- a. The land to be dedicated to meet the requirements of these regulations shall be suitable for public parks and recreation activities. Requirements include but are not limited to:

Grade/Slope Required

- i. No more than (50) percent of the dedicated land exceeding five (5) percent grade is permitted.
6. **Reference Section 2.8(B) for parkland dedication requirements for areas within the floodplain** Utilities Required for Park Development

CHAPTER 8. ENVIRONMENTAL DESIGN

Section 8.1 FLOODPLAIN MANAGEMENT

B. GENERAL PROVISIONS SECTION

1. Lands to which this ordinance applies

The ordinance shall apply to all **areas within 100' of** special flood hazard (SFH) and local floodplain with the jurisdiction of Boerne.

2. Basis for establishing the areas of special flood hazard and local floodplain

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering reports entitled, "The Flood Insurance Study (FIS) for City of Boerne, Texas, Kendall County," dated May 15, 2020 and December 17, 2010, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) dated May 15, 2020 and December 17, 2010, and any revisions thereto, **and any other models and flood maps determined by the Floodplain Administrator to be the best available information** are hereby adopted by reference and declared to be a part of this ordinance.

3. Establishment of development permit

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this ordinance. A Floodplain Development Permit is required for all proposed construction and other development within **100' of** a Special Flood Hazard Area or Local Floodplain.

C. ADMINISTRATION

- a. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;

A certificate from a registered professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of the Provisions for Flood Hazard Reduction;

- i. **a FEMA elevation certificate completed by a Registered Public Land Surveyor (RPLS) must be provided with the building permit application, with the form board survey, and after construction is completed prior to the issuance of a certificate of occupancy.**
- ii. **Floodplain Administrator approval of the elevation certificate based on the form board survey is required to begin vertical construction**

3. Permit procedures

- c. Maintain a record of all such information in accordance with Duties and Responsibilities of the Floodplain Administrator;

A form board survey with elevations signed by a Registered Public Land Surveyor (RPLS) will be required before framing begins. Approval must be given by the Flood Plain Administrator to begin framing if the survey meets all requirements;
A completed elevation certificate with the necessary base flood elevations, hydrological and hydraulic data as needed, must be submitted when the structure is completed.

D. PROVISIONS FOR FLOOD HAZARD REDUCTION

1. General standards

- j. For all construction (residential and non-residential) and substantial improvements within, where allowed, or ~~adjacent to~~ within 100' of the 1% annual chance (100-year) local or FEMA floodplain limits, the lowest floor (including basements), shall be elevated as follows:
- k. Filling or the disposal of any materials which will diminish the water flow capacity of any waterway or floodplain defined by this ordinance must be compensated with remedial action. An equal amount of storage volume must be created in another location of the same local watershed to compensate for the storage capacity lost, ~~as approved by the Floodplain Administrator.~~

2. Specific standards for A & AE zones

~~Compliance with the above General Standards, 8.3(D)(1).~~

a. Residential Construction

- ~~New Construction on existing undeveloped lots~~
 - i. New Construction of a habitable structure on existing platted lots, platted prior to the effective date of this ordinance, is allowed if the proposed structure is located outside the 1% annual chance (100-year) local or FEMA floodplain. ~~New construction must be in compliance with the above General Standards, 8.1(D)(1).~~
 - ii. Modifications (additions, redevelopment, etc.) of existing habitable structure, other than rebuilding activity due flood or fire damage, within the 1% annual chance (100-year) local or FEMA floodplain limits is not allowed. Rebuilding activity shall raise the finished floor above the Base Flood elevation as described in the above General Standards, Chapter 8. ~~3-1(D)(1) .~~

New construction and substantial improvements of any commercial, industrial or other nonresidential structure ~~shall have the lowest floor (including basement) elevated, as required in the above General Standards, 8.1 (D)(1)(j), above the base flood level, be constructed in compliance with the above General Standards, 8.1(D)(1).~~

c. Floodplain Encroachments

Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted FEMA floodplain, except for activities allowed within drainageway protection zones, ~~and it has been.~~ ~~It must be~~ demonstrated through hydrologic and hydraulic analysis that the allowed encroachment would result in no-rise /no-impact to the floodplain.

3. Standards for subdivision and development plat proposals

- c. Base flood elevation data, for local and regulatory floodplains, shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks. Elevations for regulatory floodplains, ~~with more than 4 lots, or greater than 2 acres,~~ shall be submitted to FEMA as a Letter of Map Revision

4. Standards for areas of shallow flooding (AO/AH Zones)

- i. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted FEMA floodplain, except for activities allowed within drainageway protection zones. ~~e and it has been~~ ~~It must be~~ demonstrated through hydrologic and hydraulic analysis that the allowed encroachment would result in no-rise /no-impact to the floodplain.

6. Floodways

- a. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway, except for activities allowed within drainageway protection zones. ~~and it has been~~ **It must be demonstrated through hydrologic and hydraulic analysis that the allowed encroachment would result in no-rise /no-impact to the floodplain.**

Section 8.2 WATERSHED PROTECTION

A. WATERSHED PROTECTION ZONES

2. Restrictions within watershed protection zones

- c. Regional thoroughfares and all types of arterial and collector streets may cross a watershed protection zone only at right angles or as near as practicable to right angles in the judgment of the City ~~Manager~~ **Manager.**

3. Exceptions

- a. Drainageway Protection Zone 1 shall remain free of all construction activity, development and alterations, except for the following:
 - ii. ~~Fences, perpendicular to flow of water, that do not obstruct the flow of water; as approved by the City Engineer~~
 - iii. Public and private parks and similar open spaces, in which development is limited to trails and facilities (other than stables and corrals for animals) for hiking, jogging, non-motorized biking, and nature walks.
 - iv. **Public trails as shown on the Parks Master Plan, or as approved by the City Manager.**
- b. The Water Supply Zone and Drainage Protection Zone 2 shall remain free of all construction activity, development and alterations, except for the following:
 - i. Street crossings, as provided in this Section;
 - ii. Utilities, as provided in this Section;
 - iii. ~~Fences, parallel to the flow of water, that do not obstruct the flow of water; as approved by the City Engineer~~
 - vi. **Public trails as shown on the Parks Master Plan, or as approved by the City Manager.**

6. **Lots platted prior to adoption of Drainageway Protection Zones**

- a. **For lots platted prior to the adoption of Drainageway Protection Zones the total width of the Drainageway Protection Zone may be reduced to twenty (20) feet outside the current 1% annual chance (100-year) floodplain if all the following requirements are met for the site:**
 - i. **Lot platted prior to adoption on Drainageway Protection Zone, February 11, 2020.**
 - ii. **Due to unique site topography (high bank, creek bend, etc.) the total width of the drainageway protection zone extends beyond the current width of the 1% annual chance (100-year) floodplain.**
 - iii. **The minimum volume of capture for the proposed water quality best management devices are increased by 20% to account for the loss of riparian buffer due to this reduction in width.**

B. LOW IMPACT DEVELOPMENT FACILITIES

1. Specific Intent

- c. For new development and redevelopment, a portion of the annual stormwater runoff volume shall be adequately treated prior to discharge from the site. This performance standard is presumed to be met if the stormwater quality management system is sized to treat the water quality treatment volume from the impervious and disturbed portions of the site. The water quality treatment volume is defined as:

- i. For new development on an undeveloped site, the runoff volume resulting from the first 1.66" of rainfall for all impervious area.
- ii. For development that adds impervious cover to existing developed site, the runoff volume resulting from the first 1.66" of rainfall for the area of increased impervious area.
- iii. For development that replaces existing development of similar type (such as tear down and rebuilding of an existing building), the runoff volume resulting from the first 1.35" of rainfall for all area of impervious area. The new development must be in the same location as the existing development, otherwise the new development is subject to the runoff volumes described in Section 8.2(B)(1)(c)(i) or (ii).

6. Calculating percent impervious cover

a. Impervious cover calculations include, but are not limited to:

- i. roads
- ii. driveways (paved and unpaved)
- iii. parking areas (paved and unpaved)
- iv. material storage areas (paved and unpaved)
- v. buildings
- vi. concrete
- vii. impermeable construction covering the natural land surface
- viii. for an uncovered wood deck that has drainage spaces between the deck boards and that is located over a pervious surface, 50 percent of the horizontal area of the deck

b. Impervious cover calculations exclude:

- i. sidewalks in a public right-of-way or public easement;
- ii. multi-use trails open to the public and located on public land or in a public easement;
- iii. vegetated water quality controls that allow infiltration of water into the ground, excluding subsurface water quality controls;
- iv. vegetated detention basins that allow infiltration of water into the ground, excluding subsurface detention basins;
- v. vegetated drainage swales and conveyances that allow infiltration of water into the ground;
- vi. the water surface area of ground level pools, fountains, and ponds;
- vii. areas with gravel placed over pervious surfaces that are used only for landscaping or by pedestrians and are not constructed with compacted base;
- viii. porous pavement limited to only pedestrian walkways and multi-use trails;

9. Impervious Cover ratio (maximum percent) for Residential Lots in the City Limits:

a. The following maximum percent of impervious cover shall apply in accordance with the base zoning designation of the property. to the following

- iii. Estate Residential (RE) – ~~40%~~ 45%
- iv. Low Density Residential (R1-L) – ~~40%~~ 45%
- v. Medium Density Residential (R1-M) – ~~50%~~ 60%
- vi. Neighborhood Residential (R2-N) – ~~50%~~ 60%
- vii. Moderate Density Residential (R2-M) – ~~80%~~ 60%
- x. Multi-Unit Residential (R3-M) – 70%
- xi. Bungalow Courts (R4-B) – 70%
- xii. Horizontal Multi-Family (R4-H) – 75%

Section 8.3 TREE PRESERVATION

B. APPLICABILITY

2. No **protected** tree shall be removed unless such removal meets all the provisions of this or any other applicable ordinance adopted by the City Council of the City of Boerne, Texas.

C. EXCEPTIONS

2. Dangerous, diseased, dead or dying trees as determined by a tree survey and a letter from an International Society of Arboriculture (ISA) certified ~~Texas~~ Arborist or by the City Urban Forester.

E. MITIGATION FOR TREES REMOVED

~~When the specific preservation rate described in Section 11.3.D (Minimum tree preservation requirements) is not met the inches (TC) required for mitigation will be determined using the approved tree survey or tree preservation plan. Legacy trees shown to be removed (beginning from largest to smallest (TC)) will be added to the preserved tree total until the preservation percentage is reached. The number of trees needed to meet the preservation requirement will be included in the mitigation calculation.~~

1. When the minimum tree preservation rate(s) described in Section 11.3.D.(a)(b) (Minimum tree preservation requirements for Standard and Legacy Trees) are not met, the required mitigation will be determined using the approved tree survey to determine the number of individual trees needed to meet the minimum preservation requirement. Using the tree inventory, sort Standard and Legacy trees proposed to be removed by diameter (largest to smallest) and starting with the largest tree include the inches of circumference for the number of individual trees needed to meet the minimum preservation rate into the mitigation total.
6. Replacement trees (caliper inches) will be applied to the required mitigation total starting with the smallest classification of trees removed.

Section 8.5 DESIGN CRITERIA FOR OPEN SPACES

B. REQUIREMENTS FOR OPEN SPACES IN THE CITY LIMITS

2. Exceptions

- c. ~~The applicant pays a fee in lieu of parkland dedication.~~

4. Storm water system facilities as open space

Required storm water system facilities may be counted toward the minimum open space requirements if they meet the following criteria:

- a. Areas for natural drainage systems used for storm water facilities may be included as Natural Areas, Greenways or Drainageway Protection Zones, provided they also conform to the design standards for those areas.
- b. Up to 50% of areas for drainage retention may be included, provided they are designed and engineered as a permanent aesthetic and recreation amenity within one of the other open space types, and the permanent surface water areas do not exceed 25% of the open space area.

Section 9.1 GENERAL SIGN PROVISIONS

F. CHANGES TO THE SIGN FACE

~~Changing the face of a sign shall not require a sign permit, if such change is made solely for the purpose of maintenance, provided that such a change is made to an existing sign face, without changing the sign type or dimensions.~~

G. SIGN MAINTENANCE

5. Re-use of existing poles

- c. They conform to the standards of this Chapter; and
- d. They are allowed in the zoning/overlay district

Section 9.5 SIGN ILLUMINATION

A. GENERALLY

5. Backgrounds shall be darker than the letters, numbers or design. Any white or shade of white (ie. Eggshell, cream) on a sign face is limited to 20% of the sign face.

C. FREESTANDING SIGNS

8. Sign Faces

- a. ~~Except for multi tenant signs,~~ the letters on the sign face shall be lighter in color than the background. White sign faces are not allowed.

D. BUILDING-MOUNTED SIGNS

1. Sign Area Per Building Wall

- a. The greater of 10% of total wall area or 1.25 of total wall widths, whichever is greater. ~~At least 25 square feet, but no more than 1.5 square feet per linear foot of tenant space, of building-mounted sign area shall be allowed for each building wall facing a public street or a public space.~~

6. Multi-Tenant Buildings

- a. Signage for individual tenants shall only be on the building walls of the first and second floor of the building.
- b. ~~Where more than one tenant has a building wall sign.... signs for anchor tenants~~

7. Standards by Sign Type for Building-Mounted Signs

	Wall	Window Signs	Roof Sign	Dimensional Projecting Sign	Attached Canopy
Max. Sign Height	cannot extend above parapet, soffit, eave line or roof line		4 feet above parapet or roof line, not to exceed max building height for property zoning.	20 feet; shall not extend beyond eave line	20 ft or building roofline, whichever is lower
Max Total Sign Area per Wall	Greater of: 10% of total wall area or 1.25 sf sign area per ft of total wall width; pick which controls		10% of total sf of wall to which it's attached		

E. SIGNS MOUNTED ON ACCESSORY STRUCTURES

	Fascia Signs on Detached Canopy	Spanner and Spandrel Signs on Detached Canopy	Entry Feature (Not a Wall or Canopy)	Perimeter Wall Sign
Max. Sign Height	above the fascia by no more than 20% of the fascia height	below fascia	12 ft Residential subdivision entry features may have a 20 ft design feature (i.e. a tower) that is 20% or less of the whole sign	30% wall height, if mounted on top of wall; 70% wall height if engraved, etched or mounted onto wall face

F. TEMPORARY SIGNS

3. All temporary signs shall be registered with Code Compliance, except for the following sign types, which do not require registration:

- a. Temporary event signs on residential properties
- b. Yard signs on residential properties
- c. Real estate signs on **for sale or lease** residential or nonresidential properties

4. Temporary Sign Types

- d. Temporary Post and Panel Signs

iv. Removed within 30 days of project termination.

Appendix A: Definitions

26. Attached Dwelling: A dwelling unit in a structure designed for more than two principal dwelling units, and where the units are separated by a party wall and located on separate lots if they are intended for individual ownership. **Units may be located on a single lot if the structure is intended for single or condominium ownership.** Each unit has the same orientation and front façade and has its own private entrance to the exterior of the structure.

77. Central Area: The B-3 zoning district, the River Corridor zoning district, the River South Arts & Design District, and lots that front River Road from Esser Road to Main Street.

78. Central Business District: The zoning designation B-3, the limits of which are reflected in the official City of Boerne zoning map.

87. Class 1 Lighting: All outdoor lighting where color rendition is required to preserve the effectiveness of the application. Class 1 Lighting includes, but is not limited to, outdoor sales, advertising displays and other signs, recreational facilities, amphitheaters and other similar applications.

88. Class 2 Lighting: All outdoor lighting where general illumination for safety and security of grounds is the primary concern and color rendition is not required to preserve the effectiveness of the application. Class 2 Lighting includes, but is not limited to, illumination for walkways, roadways, equipment yards, parking lots, outdoor eating areas, and outdoor security lighting.

89. Class 3 Lighting: All outdoor lighting for primarily decorative effect where safety and security of grounds is not the primary concern and color rendition is not required to preserve the effectiveness of the application. Class 3 Lighting includes, but is not limited to, architectural illumination, flag and monument lighting, landscape illumination, signs and seasonal holiday lighting and lighting in residential areas (District 3).

90. Flood Proofing—any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

278. Legacy Tree: The following species of trees with a diameter (DBH) between 12.0 and 23.9 inches: Cottonwood, Sycamore, Black Willow and all species of Cypress, Elm, Maple and Oak (with the exception of all varieties of red oaks), Pecan and Texas Ash.

291. **Lighting Districts:** All lighting areas discussed below shall be as defined on the City of Boerne Lighting Area Map. Lighting District 1 is an urban area with primary land uses for commercial, business, and apartments surrounded by suburban residential areas. Lighting District 2 is a business area along US 87, and River Road, and the Historical District surrounded by residential areas. Lighting District 3 is composed of primarily residential uses.
433. **Residential Net Density:** the residential density calculated as the number of residential dwelling units per acre of land dedicated to residential use. This density calculation excludes non-residential acreage in the calculation and only uses the net residential acreage
438. **Restaurant (Full service):** An establishment where food is prepared and served onsite and may include onsite alcohol sale/consumption, if alcohol sales are less than 50% of gross revenue. No onsite alcohol production.
439. **Restaurant (Limited):** Any business engaged in the preparation and retail sale of food and beverages, which offers live entertainment without amplified sound or which sells alcoholic beverages as an accompaniment to meals, provided that at least 75% of the gross floor area of the business including preparation and serving area is dedicated to the retail sale of food.
442. **Retail (Major):** A retail use primarily engaged in the sale of merchandise for general household and consumer products and involving between 10,000 and 50,000 square feet of gross leasable area.
443. **Retail (Neighborhood):** A retail use primarily engaged in the small scale sale of merchandise for general household and consumer products and involving less than 3,000 square feet of gross leasable area.
444. **Retail (Warehouse):** A retail use primarily engaged in the small scale sale of merchandise for general household products, consumer products, or wholesale products to businesses and industry, and involving greater than 50,000 square feet of gross leasable area.
448. **River Corridor District Directional Sign:** An off premise sign that provides directions to an establishment located within one block of Main Street or located in the River Corridor District.
504. **Street, Curvilinear:** A street in which the centerline has a total curve length that is 50% or greater than any straight section of the street. On a curvilinear street, minimum lot width as defined in Table 5-2 shall be measured at any point on the lot.
537. **Tree Removal Permit (TRP):** A Permit is required prior to the selective removal of Protected trees from any real property that does not require a Building Permit as described in Article 4, Section
538. **Tree Restoration Fund:** Dedicated account which receives funds from developers/property owners who wish to remove protected trees and do not have space for the required number of replacement trees on their property. These funds are used at the discretion of the Planning and Community Development Director or their appointee to purchase, plant, and provide irrigation for trees on City property, in parks, rights of way, drainage way protection zones or other suitable property. Additionally, funds may be used for landscape restoration, stream bank stabilization, riparian habitat improvement or protection/restoration of environmentally sensitive areas. Dedicated account which receives funds from developers/property owners who wish to remove protected trees and do not have space for the required number of replacement trees on their property. These funds are used at the direction of the Planning Director or their appointee to purchase, plant, and provide irrigation for trees on City property, in parks, rights-of-way, drainage way protection zones or other suitable property. Additionally, funds may be used for landscape restoration, stream bank stabilization, riparian habitat improvement or protection/restoration of environmentally sensitive areas.