



AGENDA ITEM SUMMARY

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| Agenda Date | July 2, 2024 |
| Requested Action | <p>CONSIDER THE PROPOSED AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE ADOPTED ON NOVEMBER 24, 2020, AS FOLLOWS:</p> <ol style="list-style-type: none">1. SECTION 2.11.B.9 – Historic Preservation Partial Tax Exemption2. SECTION 3.11.G.1.a – Historic Overlay District Related to Signs |
| Contact Person | <p>Sara Varvarigos Staff Liaison to the Historic Landmark Commission (830) 248-1630 svarvarigos@boerne-tx.gov</p> |
| Background Information | <p>BACKGROUND:</p> <p>The City's Unified Development Code regulates land use, establishes minimum development standards and design criteria, and identifies the procedures required for City approval. It is used to protect property values and ensure land use compatibility. It is also the primary tool for implementing the future land use policies in the Comprehensive Master Plan.</p> <p>The format and content of most UDC's are similar, but the regulations within each ordinance must be tailored to fit the needs of the local community.</p> <p>Staff has identified specific sections of the UDC pertaining to Historic Preservation and the Historic District Overlay that require clarification or realignment to address key issues. Proposed modifications pertaining to the Historic District or Historic Landmarks require Public Hearing and review by the Historic Landmark Commission, as outlined in section 2.2.B. of the UDC, (see highlighted portion):</p> <p><i>B.UDC amendments that are not zoning map amendments.</i></p> <ol style="list-style-type: none">1.Other than a zoning map amendment, the UDC may be amended twice a year. However, council may initiate an off-cycle amendment to the UDC that is not a zoning map amendment.2.The City Council shall hear and decide any proposed amendment to the Unified Development Code. City Council may |

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| | <p>only amend the Unified Development Code after a public hearing, and after receiving a recommendation from planning and zoning commission, as well as from historic landmark commission, if their recommendation is required.</p> <p>3.The planning and zoning commission shall review any proposed amendment to the Unified Development Code. The planning and zoning commission shall hold a public hearing on the proposed amendment before making a recommendation to the city council.</p> <p>4.For a proposed amendment that affects historic districts, historic landmarks, or certificates of appropriateness, review and recommendation by the Historic landmark commission is required. Historic landmark commission review shall occur before the planning and zoning commission's review of the proposed amendment. The historic landmark commission shall forward its recommendation to the planning and zoning commission and to city council. Public hearings and notice of public hearings shall be in accordance with the requirements of this chapter.</p> <p>The criteria for approval of amendments to the UDC are listed in Section 2.2.C – Criteria for Approval:</p> <p><i>Criteria for approval.</i> In determining whether to approve, approve with modifications or conditions, or disapprove amendments to this Code, the city council shall consider and make findings regarding the proposed amendment, using the following criteria:</p> <ol style="list-style-type: none">1. The amendment is consistent with:<ol style="list-style-type: none">a. The city charter;b. State and federal law;c. The city's comprehensive plan;d. Other plans and initiatives of the city; ande. Regional planning initiatives, as applicable.2. The amendment enables the city to more effectively fulfill a stated purpose of the UDC; and3. The amendment will improve city management or city governance. <p>REQUEST:</p> |
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| | <p>The primary objectives of these amendments are to support City of Boerne Master Plan Goals, address key issues and simplify the Unified Development Code, while improving city management or governance. The proposed amendments are summarized as follows:</p> <ol style="list-style-type: none">1. Section 2.11.B.9 Historic Preservation Tax Exemption – Removing this section of the UDC (Attachment 1).2. Section 3.11.G.1.a Prohibited Sign Types – Adding Freeway Pylon Signs to the list of prohibited signs, and streamlining the section on prohibited Pole signs (Attachment 1). <p>ANALYSIS:</p> <p>The city charter allows the City to execute its powers necessary for the government, interests health, welfare, and good order of the City and its inhabitants.</p> <p>State and federal law allows local governments to create programs and ordinances relating to Historic Preservation.</p> <p>The City of Boerne’s Comprehensive Master Plan contains the following goal and guiding principles with respect to historic preservation:</p> <p>GOAL 6 – COMMUNITY LIVABILITY Maintain Boerne’s unique character through celebration of Boerne’s culture, placemaking initiatives, vibrant community interaction, and a diversified event calendar.</p> <p>Guiding Principles</p> <ul style="list-style-type: none">• Continue to prioritize revitalization and enhancement of downtown to create a historical, cultural, and governmental heart of Boerne.• Protect and/or enhance areas and buildings of historic value in accordance with historic preservation guidelines and appropriate development standards. <p>The City of Boerne’s Unified Development Code contains section 2.11 Historic Preservation and section 3.11 Historic District to support the implementation of Goal 6 and its guiding principles.</p> <p><u>Section 2.11.B.9 of the City of Boerne’s UDC Historic Preservation Tax Exemption</u></p> <p>This section of the UDC is established in conformance with Section 11.24 of the State Tax Code, which allows local municipalities to grant partial or full tax exemptions to structures or sites if a structure or site is:</p> |
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| | <div>1. designated as a Recorded Texas Historic Landmark under Chapter 442, Government Code, or a state archeological landmark under Chapter 191, Natural Resources Code, by the Texas Historical Commission; or</div> <div>2. designated as a historically or archeologically significant site in need of tax relief to encourage its preservation pursuant to an ordinance or other law adopted by the governing body of the taxing unit.</div> <div><ul style="list-style-type: none">Currently, Section 2.11.B.9 of the City of Boerne’s UDC stipulates that a building or structure must meet the following 3 criteria to be eligible to apply for a partial historic preservation tax exemption:<div><div>1. be a designated historic landmark or be located within an historic district,</div><div>2. be designated by city council has as a historically significant site in need of tax relief to encourage its preservation and</div><div>3. be substantially rehabilitated and/or restored as approved by the landmark commission.</div></div>If the property meets these three criteria, then the property owner may apply to City Council for a partial tax exemption yearly.The first step in the application process is to submit an application to the Historic Landmark Commission. If approved, the commission shall forward the application to the City Council.Upon approval by City Council, the assessed value of the property for ad valorem taxation shall be equal to the assessed value prior to the substantial rehabilitation or restoration, for a period not to exceed ten (10) consecutive years.</div> <div><i>Issues Identified with this Ordinance:</i><ul style="list-style-type: none">Currently, City Council has not designated any properties, buildings or structures within Boerne City limits as “a historically significant site in need of tax relief to encourage its preservation”.City Council would have to issue an ordinance of this type for Section 2.11.B.9 of the UDC to be an actionable part of the City of Boerne’s Historic Preservation Policy and Goals.This renders the ordinance in its current form unusable.</div> <div><u>3.11.G.1.a Prohibited Sign Types (Pylon and Pole Signs)</u><ul style="list-style-type: none">Section 3.11 of the UDC contains regulations and requirements for the Historic District. This section provides design guidance</div> |
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| | <p>and standards that recognize the unique architectural character and historic patterns of use and site design, to preserve and protect the character, history and culture of the City of Boerne through the preservation, restoration and re-use of its historic structures and facilities.</p> <ul style="list-style-type: none">• Section 3.11.G.1.a specifies types of signs that are prohibited within the historic district. <p><i>Issues Identified with this Ordinance:</i></p> <ul style="list-style-type: none">• The current language in this ordinance would potentially allow the inclusion of Freeway Pylon signs in the Historic District, which are not in accordance with the scale or design of signs that are permitted within the District.• The current language in this ordinance also contains superfluous conditions for the continued use of Pole signs, which are prohibited in the District, unless they are already existing. <p><u>Potential ways to strengthen Section 3.11.G.1., for consideration by the Historic Landmark Commission:</u></p> <ul style="list-style-type: none">• Adding Freeway Pylon Signs to the list of prohibited signs, and streamlining the section on prohibited Pole signs (unless already existing).• The proposed amendment closes a loophole related to pole and pylon signs in the Historic District. <p>FINDINGS:</p> <ul style="list-style-type: none">• The proposed amendments are consistent with the Comprehensive Plan and the other plans and initiatives of the city.• The proposed amendments will enable the city to more effectively fulfill the purpose of the UDC. <p>COMMISSION ACTION:</p> <p>Staff recommends that the Commission hold a public hearing and provide a recommendation to the City Council.</p> <p>MOTIONS FOR CONSIDERATION:</p> <p>The following motions are provided to assist the Commission’s decision and motion.</p> |
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| | <ul style="list-style-type: none"> • I move that the Historic Landmark Commission accept the findings and recommend APPROVAL of the proposed amendment(s). • I move that the Historic Landmark Commission recommend DENIAL of the proposed amendment(s), based on the following findings: (The Commission will need to state the reasons for the denial). |
| Item Justification Verify | <div> <div> <input checked="" type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Mitigate Risk <input checked="" type="checkbox"/> Master Plan Recommendation </div> <div> <input type="checkbox"/> Infrastructure Investment <input checked="" type="checkbox"/> Customer Pull <input checked="" type="checkbox"/> Service Enhancement <input checked="" type="checkbox"/> Process Efficiency <input type="checkbox"/> Other: </div> </div> |
| Strategic Alignment | This request is consistent with the tenants of environmental responsibility, community charm and customer service. |
| Financial Considerations | There are no financial obligations related to this request. |
| Citizen Input/Board Review | Notice of the Historic Landmark Commission public hearing was published in the Boerne Star on June 16, 2024. No comments have been received. |
| Legal Review | N/A |
| Alternative Options | N/A |
| Supporting Documents | Attachment 1 -Proposed Amendments to UDC Attachment 2 -Proposed Amendments to Historic District Improvement Program Grant |