

ORDINANCE NO. 2015-36

AN ORDINANCE AMENDING THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64, ARTICLE 1, IN GENERAL, SECTION 06. DEFINITIONS, ARTICLE 1, IN GENERAL, SECTION 07. CATEGORIES AND DESCRIPTION OF USES, ARTICLE 3. GENERAL PROHIBITIONS AND REQUIREMENTS, SECTION 06. ACCESSORY DWELLINGS, SECTION 09. COMBINED COMMERCIAL DESIGN STANDARDS, SECTION 10. ON-SITE PARKING REQUIREMENTS, ARTICLE 5, ZONING DISTRICTS AND USE REGULATIONS, SECTION 03. PERMITTED USES, SECTION 04. RESIDENTIAL LOT TYPES AND STANDARDS, SECTION 21. OFFICE DISTRICT, ADDING SECTION 31. COTTAGE HOUSING DEVELOPMENT OVERLAY DISTRICT, ARTICLE 6. PLANNING AND ZONING COMMISSION, SECTION 03.

WHEREAS, the City Council has received recommendations of the Planning and Zoning Commission concerning matters herein, which recommendations were made after holding a public hearing before said Commission and;

WHEREAS, the City Council held various workshops and public hearings on this matter and;

WHEREAS, the City Council of Boerne has determined that it is in the best interest of the Boerne community to take into consideration the public health, safety and welfare to adopt the amendments included herein;

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

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ARTICLE 1. IN GENERAL

DEFINITIONS

Low Impact Development: LID is an approach to land development (or re-development) that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product. Methods prescribed by the San Antonio River Authority (SARA) for Low Impact Development design may be incorporated into the development of a site. These methods are outlined in the SARA LID Technical Guidance Manual outlining standard practice for design and implementation. <https://www.sara-tx.org/lid-sustainability/lid-services/>

Manufactured Home: A structure that is transportable in one or more sections. In traveling mode, the home is eight feet or more in width and forty feet or more in length. A Manufactured Home is designed and constructed to the Federal Manufactured Construction and Safety Standards and is so labeled. When erected on site, the home is: at least 400 square feet, built

and remains on a permanent chassis and designed to be used as a dwelling with a permanent foundation built to FHA criteria. The structure must be designed for occupancy as a principal residence by a single family. (formerly known as a Mobile Home - A mobile home is a structure that was built prior to 1976 HUD regulations).

Mobile Home: ~~Any vehicle used, or so constructed as to permit being used as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons, provided further that this definition shall refer to and include all portable contrivances used or intended to be used generally for living and sleeping quarters and which are capable of being moved by their own power, towed or transported by another vehicle.~~

Travel Trailer: (Known as a RV) A recreational vehicle either motorized or pulled by a vehicle or other mobile vehicle designed for travel and short term living and sleeping of a recreational nature.

Vehicle: Any means by which someone travels or something is carried or conveyed; a conveyance that is propelled or drawn by mechanical power. The term includes, but is not limited to, cars, trucks, motorcycles, travel trailers, commercial trucks and/or boats.

SECTION 07. CATEGORIES AND DESCRIPTIONS OF USES

1.07.001. Residential Use Category.

The Residential Use Category includes all types of dwelling units. A "dwelling unit" is any building or portion of a building used as or intended for use permanently as a residence of an individual or family, and where any other use must be accessory and customarily incidental to the dwelling unit, unless specifically authorized elsewhere in these regulations. Residential Uses include the following types:

Cottage Cluster: A group of four to ten cottages, arranged around a common open space (See common open space for cottages).

Clustered parking: Parking for each cottage unit that is clustered together to create more open space. No more than five continuous parking spaces in a cottage development.

Common open space for Cottages: An area improved for passive recreational use or gardening. Common open spaces are required to be owned and maintained through a homeowners' association. Parking areas, yard setbacks (except as noted), private open space and driveways do not qualify as common open space.

Cottage: A detached, small single-family dwelling unit containing 1,000 square feet or less of gross floor area.

Cottage Lot: Cottage lots shall provide access within 60 feet to pedestrian walkways, walkable distance to driveways, vehicular parking and open green space. It does not have to front a public street but must have public access to a utility easement and/or fire lane access.

Cottage Housing Development (CHD): A group of separate, small, detached dwelling units that are intended to create a small community oriented around open space that is pedestrian-oriented and minimizes the visibility of off-street parking. A cluster of cottages developed under a single land development plan requiring City Council approval. A cottage housing development must be on at least half an acre where the development is required to provide street frontage but each lot does not. Lots in the development shall provide public access to a utility easement or fire lane access.

Cottage Housing Development plan: The site plan of a cottage housing development that is submitted for a recommendation by the Planning and Zoning Commission and approval by City Council as the basis for development of the preliminary and final plats of a Cottage Housing Development.

1.07.004. Retail Use Category.

The Retail use category consists of buildings that provide display on on-site exchange of merchandise for general consumers, and nature of the exchange generally requires frequent interactions with the clients, customers or patrons on the premises.

- I. *Outdoor Retail Display.* The limited **orderly** display of merchandise on a sidewalk or an exterior private area of a site for the sale associated with an otherwise permitted Retail use. This display is either limited by the following: it only occurs during limited portions of the business hours and is brought indoors; is limited in extent to less than 10% of the entire merchandise area of the Retail use; and is limited to seasonal sales or events lasting no longer than two-weeks at a time with at least 4 weeks between consecutive events. **Each item shall be displayed individually and not in containers or bags.**
- J. *Outdoor Retail Sales Area.* The **orderly** display and sales of merchandise on an exterior private area of a site, which is either dedicated to accessory outdoor sales or temporarily used for outdoor sales when the area is not needed for other use, and where the sale is associated with an otherwise permitted Retail use. **Each item shall be displayed individually and not in containers or bags.**
- K. *Outdoor Retail Sales Yard.* The **orderly** display and sale of merchandise where the primary business is generated by merchandise displayed permanently and year round on an exterior portion of the site. Examples of uses which are intended to be encompassed by this definition are boat and marine sales, lawn and garden supply stores, residential accessory portable building sales, and retail building material supply and lumber yards.

1.07.005. Service Use Category.

- FF. *Trailer Court.* Any premises designated for the purpose of parking travel trailers and recreational vehicles overnight or on a short term basis **(6 months or less)** and providing public restrooms, temporary water and electrical hookups, and similar services.

ARTICLE 3. GENERAL PROHIBITIONS AND REQUIREMENTS

SECTION 06. ACCESSORY DWELLINGS.

3.06.001. In General.

Accessory dwellings shall be restricted to certain zoning districts identified in Table 5-1. Where an accessory dwelling is allowed, if the lot size is one-half (½) acre or larger, no further approval is necessary. If the lot size is less than one-half (½) acre, Planning and Zoning Commission and City Council approval is required. ~~Where accessory dwellings are permitted in a zoning district, The following additional restrictions shall apply:~~

- ~~A. Accessory Dwelling units shall be allowed without City Council approval on any lots that are one and one-half (1 ½) acres or larger regardless of the zoning district. (Ord. No. 2012-04, §3, 4-24-2012)~~
- A. The property owner, which shall include title holders and contract purchasers, must occupy either the principal unit or the accessory dwelling as their residence, and shall at

no time receive rent for the owner-occupied unit. 'Owner occupancy' means a property owner, as reflected in title records, makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means. The property owner shall sign an affidavit before a notary public affirming that the owner occupies either the main building or the accessory dwelling. The applicant shall provide a covenant and the appropriate filing fee suitable for recording with the County Recorder, providing notice to future owners or long term leasers of the subject lot that the existence of the accessory dwelling is predicated upon the occupancy of either the accessory dwelling or the principal dwelling by the person to whom the certificate of occupancy has been issued. The covenant shall also require any owner of the property to notify a prospective buyer of the limitations of this Section and to provide for the removal or disconnection of improvements that cause the premises to be defined as an accessory dwelling and to restore the site to a single family dwelling in the event that any condition of approval is violated. (Ord. No. 2014-02, §3, 2-25-2014)

- B. The total number of occupants in the accessory dwelling combined shall not exceed three persons.
- C. The accessory dwelling shall not exceed 1,200 square feet of gross floor area. This restriction applies only to that portion of a structure which constitutes living area for an accessory dwelling.

(Ord. No. 2010-30, §3, 12-14-2010)

3.06.002. Accessory Detached Dwelling Units.

~~Where a permitted Accessory Detached Dwelling Unit (ADDU) shall not be established except in accordance with the following criteria:~~

- ~~A. Total floor area of the ADDU shall not exceed 1,200 square feet.~~
- D. An accessory dwelling shall not contain more than two (2) bedrooms.
- E. Only one (1) accessory dwelling shall be permitted per lot.
- F. Parking areas shall be located behind the front yard.
- G. The accessory dwelling shall maintain the architectural design, style, appearance and character consistent with the main building.

SECTION 09. COMBINED COMMERCIAL DESIGN STANDARDS

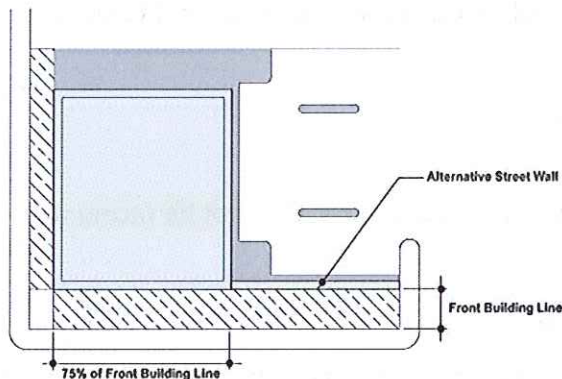
3.09.001. Specific Intent.

- A. **Purpose.** The Combined Commercial Design Standards are intended to enhance the community character in Regional Centers and/or in the following Use Categories: Civic, Employment, Retail, and Service. Section 3.09.002B 2, 3, 4, 5, 9, and 11 apply to multi-family apartment structures. (Ord. No. 2014-02, §3, 2-25-2014). Specifically they are intended to allow the flexibility to create character and identity through a wide variety of diverse architectural details, and to create consistent well-designed frontages along streets and other public or community spaces. Creativity is encouraged to avoid dull or homogeneous buildings, while incorporating elements of the Texas Hill Country style. To the greatest extent possible, buildings shall be located on front building lines as

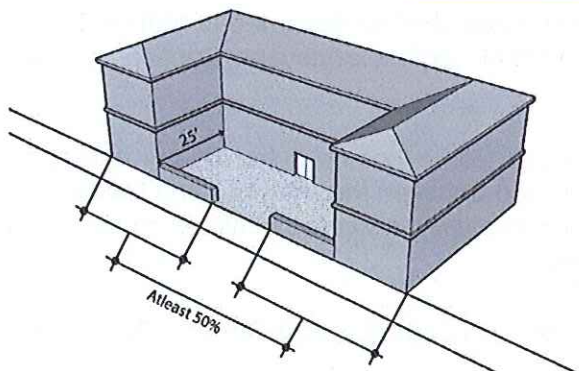
outlined in 3.09.002 and on-site parking areas shall be designed to reduce the negative visual effects of vast paved areas and shall contain landscape planting islands and defined pedestrian walkways. The location of the on-site parking surface areas shall be located to the side or rear of a building. On-site parking areas shall not be located between the front building line of any principal building and a street except for conditions outlined in Section 3.09.003. Structures located in an Industrial District shall incorporate into their building design only the primary façade standards identified in Section 3.09.002.B.3. Structures that are preexisting in the Historic District that are being renovated or added onto shall use matching or similar materials and provide design features that are similar to the existing structure without requesting a creative alternative.

3.09.002. Building Frontage and Orientation.

- A. **Required Front Building Line.** The primary façade of a structure shall be located at the 0' setback line and shall occupy at least 50% of the Required Front Building Line, except:



1. Where the Primary Building Entrance is accessed by a Courtyard, Plaza or similar Civic Open Space along the streetscape, the Front Building Line may be setback as much as 25'. At least 50% of the lot frontage along the street shall be either Building Façade or an Alternate Street Wall between 3 and 5 feet, and matching the materials or ornamentation of the building or may use ornamental metal fencing. (Ord. No. 2008-25, §3, 8-12-2008)



2. Where the primary façade is located between the 0' - 20' setback as identified in Article 5, the primary façade shall then occupy at least 50% of the Required Building Line and on-site parking is permitted to the side of the building, according to Subsection 3.09.003.
3. On secondary or support streets the Planning Commission may approve a building façade that occupies as little as 30% of the Front Building Line, provided it does not impair the design standards for the public streetscape and is consistent with the site design of adjacent property; and

4. Buildings designed for Civic Uses may have greater setbacks provided the building façade orients to the street and any space between the building and public street is designed as Civic Open Space.
5. Buildings in the River Road District shall have a front building line between 5' – 25'; second story shall have a twenty-five (25) foot minimum building line fronting on River Road. If the Commission approves a third story height, the third story shall be stepped back from the second story a minimum of five (5) feet from all facades of the building.
6. Where a commercial building's footprint is 40,000 square feet or larger, the building may be located at the center or back of the lot. Additional parking landscape requirements shall apply as described in Section 3.10.012.
7. Where the lot is located between a street and a waterway, the orientation of the structure may be at the center of the lot allowing for pedestrian and vehicular circulation around the structures.

B. Primary and Secondary Façade Standards.

8. Any building containing a loading dock, bay or service area shall not be facing a primary street.

3.09.002. Building Frontage and Orientation.

6. Loading docks, bays or service areas shall not be visible from the primary street. A loading dock, bay or service area may face a secondary street if it is screened by dense landscaping and/or a minimum of a 6 foot masonry or like fence to be determined by the Planning Director. If they are not visible from a street, no screening is required.

3.09.003. Parking.

In meeting the parking requirements of Article 3, Section 10, the following design and location standards shall apply to on-site parking:

- A. To the greatest extent possible, on-site parking areas shall be designed to reduce the negative visual effects of vast paved areas and shall contain landscape planting islands and defined pedestrian walkways.
- B. The location of the on-site parking surface areas shall be located to the side or rear of a building. On-site parking areas shall not be located between the front building line of any principal building and a street, except where the property is located between a street and a waterway as outlined in Subsection 3.09.008.

3.09.008. Design Standards specific for Development of Property with Street and Creek Frontage

- A. **Purpose.** The purpose of this section is to meet the special needs of a particularly sensitive area, property segmented between waterways and streets. This section of the ordinance is in addition to the Combined Commercial Design Criteria providing some exceptions to building and parking orientation and screening to preserve the natural environment and scenic corridors allowing visual appreciation of the waterway as well as access to trails and the development. The design standards in this section shall apply to those developments that are making use of the waterway as a feature of the site (ie. Rear patios for dining). No creative

alternative is required for these standards to apply.

B. **Applicability.** This section of the ordinance shall be applicable to any subdivision or development in which the site or lot being developed is located between a street and a waterway and the waterway is a feature of the site.

C. **Setbacks.** The standard setbacks as determined in Article 5 for each zoning district shall apply.

D. **Building Frontage and Orientation.**

1. The orientation of the structure shall be centered on the lot allowing for pedestrian and vehicular circulation around the structures.

2. Primary and secondary façade standards shall follow the standards set forth in Section 3.09.002B, except as follows:

a. A rear wall that faces the waterway shall follow provide enhanced design standards that incorporate the material standards of the primary façade, allowing for outside seating and/or viewing of the waterway. These shall be reviewed and approved by the City Manager.

E. **Parking.**

In meeting the parking requirements of Article 3, Section 10, the following design and location standards shall apply to on-site parking for those developments making use of the waterway as a feature of the site:

1. To the greatest extent possible, on-site parking areas shall be designed to reduce the negative visual effects of vast paved areas and shall contain landscape planting islands and defined pedestrian walkways.

2. The location of the on-site parking may be located in front of and to the side of the structure. A drive lane may be permitted around the back of the structure.

3. On-site parking areas shall be connected to adjacent parcels through a side lot line access drive or private street. If the adjacent parcel is undeveloped or vacant, the access drive, private street, etc., shall be extended to the lot line for future connection to the adjacent parcel.

F. **Screening for parking.**

A 15 feet landscape screening area shall be provided between the parking area and the street and outside of any utility clear zone as identified in Table 3-7 of the Subdivision Ordinance. If the landscape area is in the Entrance Corridor Overlay District it shall be 25 ft. as required by the ordinance.

1. Any trees existing in the landscape area shall be preserved. Ornamental trees or larger shall be provided every 10 - 20 feet (depending on size of tree) in the 15 ft landscape area.

2. Additional landscaping shall be provided to fully screen the parking area. Plants shall be maintained at least 36 inches (36") in height. Native plants are highly encouraged so that minimal watering is required. Preservation of significant understory vegetation (such as clusters of Possumhaw, Yaupon Holly, and Texas

Wild Plum) is encouraged.

3. Live screening shall be capable of providing a solid 36-inch screen within two years, as determined by a registered landscape architect, certified nurseryman, or master gardener, and shall be planted in a prepared bed at least three feet (3') in width.
4. Landscape rock, native rock walls, fountains, statuary, signs in compliance with the City's Sign Ordinance and accent features compatible with the landscape theme and determined not to impact shade trees already growing on the site may be incorporated into this area.
5. Lawn grass areas should be planted in drought tolerant species normally grown as permanent lawns, such as Bermuda, Zoysia, or Buffalo. Grass areas shall be solid sodded. Solid sod shall also be used in swales or other areas subject to erosion.

G. **Low Impact Development Requirements.** The developer shall incorporate methods prescribed by the San Antonio River Authority (SARA) for Low Impact Development design into the development of the site. These methods are outlined in the SARA LID Technical Guidance Manual outlining standard practice for design and implementation. <https://www.sara-tx.org/lid-sustainability/lid-services/> This may be accomplished in a variety of ways, through building design, landscape, parking lot, and detention/retention design.

H. **Compatibility with Other Permit and Ordinance Requirements.** Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by other applicable codes, rules, acts or ordinances. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, general welfare and the protection of water quality.

SECTION 10. ON-SITE PARKING REQUIREMENTS.

3.10.008. Parking Requirements.

- A. The minimum requirements for On-site parking facilities of Table 3-2 are general and are intended to include all similar uses. Where the classification of use is not determinable from said table, the City Manager shall determine the appropriate classification. Parking requirements shall be the cumulative requirements of the uses within a building and the total may be considered separately for a cumulative total (i.e. Restaurant dining area and an office or kitchen area for staff only – all would be counted as separate uses to come up with a total number of parking spaces).

TABLE 3-2: PARKING RATES	
USES	MINIMUM PARKING SPACES, REQUIRED
Dwelling, except Multi-Family	2 for the first three bedrooms plus 1 for each additional bedroom in each family unit
Multi-Family Dwelling	1.5 for each studio, one or two-bedroom unit; 2 for each unit with 3 or more bedrooms
Cottage Development	
Retirement Community	1 for each dwelling unit
Church, auditorium, theater, gymnasium, assembly hall, convention hall, stadium, funeral home	1 for each 4 seats
Health/ Clinic – Medical Office	1 for each 150 square feet of gross floor area

3.10.012. Landscaping of Parking Areas.

- B. **Parking area for Over 100 vehicles:** A planting median shall be placed between every third parking bay of adjacent parking bays, at a minimum, to prevent traffic movement across parking isles.
1. The planting median shall be a minimum of 15 feet wide and may include a sidewalk, where necessary for pedestrian circulation.
 2. The planting median shall contain the following vegetation, at a minimum:
 - a. One nine inch or larger in circumference shade tree planted every 35 feet on center, in a continuous or staggered row. A commercial building with a footprint of 40,000 square feet or larger that has more than 15% of the parking between the building line and the street shall incorporate one nine inch or larger in circumference legacy/ornamental tree planted every 40/20 feet on center, in a

continuous or staggered row.

- b. Ten shrubs for every tree required, planted in rows or clustered groups.
- c. The planting median shall contain defined breaks, as necessary, to provide pedestrian circulation between bays of parking. The breaks shall allow for handicap accessibility from one side of the planting median to the other and onto the sidewalk within the planting median if a sidewalk is located within the median.

ARTICLE 5. ZONING DISTRICTS AND USE REGULATIONS.
SECTION 03. PERMITTED USES

[illegible]

LOT / DWELLING TYPE ➤		DETACHED DWELLING LOTS				
➤ DIMENSION STANDARD		RURAL LOT	LARGE LOT	MANOR LOT	ESTATE	LOW- DENSITY LOT
MINI MUM LOT SIZE	AREA	10 acres (435,600 sf)	2 acres (87,120 sf)	45,000-sf 1 acre (43,560 sf)	22,500-sf ½ acre (21,780 sf)	12,500-sf ¼ acre (10,890 sf)
	MINIMUM 1 SIDE / MINIMUM COMBINED BOTH SIDES (ARTICULAT ION MAY OCCUR AS PROVIDED IN SECTION 3.07.005 – UNLESS A CREATIVE ALTERNATI VE IS APPROVED, THE BUILDING ENVELOPE SHALL NOT INCREASE)					
	MINIMUM REAR / MINIMUM COMBINED FRONT AND REAR (ARTICULAT ION MAY OCCUR AS PROVIDED IN SECTION 3.07.005 – UNLESS A CREATIVE ALTERNATI VE IS APPROVED, THE BUILDING ENVELOPE SHALL NOT INCREASE)					

SECTION 21. O - OFFICE DISTRICT

- A. **Purposes.** These districts are composed of structures occupied by or suitable for such uses as offices and studios, usually located between residential areas and business areas. The district regulations are designed to protect and encourage the transitional character of the districts by permitting a limited group of uses of a commercial nature while protecting the abutting and surrounding residential areas by requiring minimum yard areas and setbacks comparable to those called for in the residential districts. (Ord. No. 2008-25, §3, 8-12-2008)
- B. **Applicability.** The O district is applicable to any area where commercial zoning is contiguous to or in close proximity to residential zoning classification and the desirability of residential is impacted by traffic volume or surrounding commercial uses.
- C. **Required Lot and Building Dimensions for Non-residential uses.**

MINIMUM LOT AREA	5,000 sf
MINIMUM LOT WIDTH	50 feet
MINIMUM FRONT YARD	A lot that adjoins a residential district that is not a reverse corner lot – same as that residential district (Ord. No. 2012-38, §5, 11-13-2012) A lot that adjoins a residential district that is a reverse corner lot – 0'-20' A lot that adjoins a commercial district – 0' – 20'
MINIMUM 1 SIDE / MINIMUM COMBINED FRONT AND REAR YARD*	No improvements shall be allowed within 10' on the residentially zoned side and 0' feet if party wall, on commercially zoned side No party wall or adjoining buildings are permitted between lots 5' feet if no party wall on the commercially zoned side
MINIMUM REAR / MINIMUM COMBINED FRONT AND REAR YARD	10' with appropriate shielding from any adjacent residentially zoned lot.
MAXIMUM BUILDING AREA	Limited to 3,500 sf for the office area of the structure (construction begun by year end 2013 shall be limited to a maximum of 6,500 sf) (Ord. No. 2012-38, §5, 11-13-2012)
MAXIMUM BUILDING HEIGHT	2 story, up to 30 feet

SECTION 25. EC - ENTRANCE CORRIDOR OVERLAY DISTRICT

- C. **Plan Review.** Building Plans shall be reviewed by the City Manager or his designee and approved prior to the issuance of a building permit for new construction (or remodeling) in an Entrance Corridor Overlay District to evaluate the compatibility of the plans with the

guidelines mentioned in this article utilizing the factors mentioned in Section 2. Creative alternative options may be approved by the Planning and Zoning Commission if the intent of each section is met. Such application shall be accompanied by the appropriate fee established by City Council.

E. **Parking.**

In meeting the parking requirements of Article 3, Section 10, the following design and location standards shall apply to on-site parking:

1. To the greatest extent possible, on-site parking areas shall be designed to reduce the negative visual effects of vast paved areas and shall contain landscape planting islands and defined pedestrian walkways.
2. The location of the on-site parking surface areas shall be located to the side or rear of a building.
3. No more than 15% of the required parking spaces may be located between the principal building front building line and the front set back. Where a building footprint is 40,000 square feet or larger and more than 15% of the parking is located between the building line and the roadway Highway 46 East, additional landscaping required as described in Section 3.10.012.
4. Where practical, on-site parking areas shall be connected to adjacent parcels through a rear or side lot line access drive or private street. If the adjacent parcel is undeveloped or vacant, the access drive, private street, etc., shall be extended to the lot line for future connection to the adjacent parcel.

F. **Landscaping**

1. The required 25 foot (25') setback area from the designated roadway shall be landscaped and maintained with at least 80 percent (80%) live vegetative coverage excluding the area required for driveways, sidewalks, bicycle paths, and drainage features. The remainder may be impervious landscaping such as landscape rock, native rock walls, fountains, statuary, signs in compliance with the City's Sign Ordinance currently in effect, and accent features compatible with the landscape theme and determined not to impact shade trees already growing on the site. No fencing is allowed within the 25 foot (25') landscaped buffer.
2. Ornamental trees or larger shall be provided (outside of any utility clear zone as identified in Table 3-7 of the Subdivision Ordinance) every 20 - 40 feet (depending on size of tree). All vigorous, existing 4-inch caliper or larger shade trees that stand within the 25 foot (25') setback area shall be retained and protected as a landscape buffer, save and except trees that lie within the area of driveways, sidewalks, and drainage features. Preservation of significant understory vegetation (such as clusters of Possumhaw, Yaupon Holly, and Texas Wild Plum) is encouraged.
3. Live screening shall be capable of providing a solid 36-inch screen (18-inch within easement areas) within two years, as determined by a registered landscape architect, certified nurseryman, or master gardener, and shall be planted in a prepared bed at least three feet (3') in width.
3. Lawn grass areas should be planted in drought tolerant species normally grown as permanent lawns, such as Bermuda, Zoysia, or Buffalo. Grass areas shall be solid sodded. Solid sod shall also be used in swales or other areas subject to

erosion.

SECTION 31. CHD – COTTAGE HOUSING DEVELOPMENT OVERLAY DISTRICT

A. Purpose.

The purpose of the cottage housing development is to address the need for smaller, more diverse housing alternative to the typical detached, single-family house. Cottage housing units fit well into small neighborhoods within existing neighborhoods on vacant or underutilized land that can be used for infill and revitalization. The intent of cottage housing is to have minimal environmental impact by following low impact development standards to create a smaller carbon footprint and to promote more green space and open space with the preservation of trees. Cottages should be designed to minimize light and noise impacts both within developments and to adjacent properties. Cottage lots differ from multi-family because of the limited number of units, much smaller size and the community concept with shared open space, a community garden, and a recreational clubhouse. Residences are not attached and typically are not for rent.

Clusters of cottage housing developments are intended to create a small community of cottages oriented around open space that is pedestrian-oriented and minimizes the visibility of off-street parking. Each cottage development must be on at least a half-acre with no less than 4 and no more than 10 units in a cluster. Cottage clusters shall be a minimum of 1,000 feet from another cottage cluster to maintain the small community atmosphere.

B. Applicability.

The Cottage Housing Development is applicable to areas where infill and revitalization are desired, and specifically in Neighborhood Residential along neighborhood streets.

C. Eligible Lot Types.

- a. Residential lots that are site specific approved by City Council.

D. CHD Plan and Overlay District Approval. The CHD Plan and Overlay District approval shall follow the procedures set forth in this section. Creative alternatives to the CHD Plan may be approved by City Council if the plan and structures meet the intent of the ordinance and are determined to contribute to the development and surrounding neighborhood as a whole.

1. A letter of request shall be submitted with the appropriate fee.
2. A CHD Plan as described in this section shall be considered in a public hearing before the Planning and Zoning Commission and City Council. The Plan shall be approved prior to consideration of the Overlay District. This public hearing will also serve to fulfill the requirement of Texas Local Government Code Section 212.014, Replatting Without Vacating Preceding Plat.
3. The CHD Overlay District shall be considered in a public hearing before the Planning and Zoning Commission and City Council.
4. Both the Plan and the Overlay District may be considered concurrently at the request of the developer.

E. Procedures for Approval of CHD Plan and the Overlay District

1. *Preliminary Concept Plan.* Prior to submitting a CHD plan for approval, the developer must request a pre-application conference with the City Manager and designated city staff. At this conference the developer shall submit a preliminary concept plan for the cottage housing 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.

- a. Site plan showing clear delineation of the areas which are to be reserved for lots, open space, community open space, easements, off-street parking, driveway, easements and fire lanes.
- b. Provide sample floor plans and building elevations with a list of proposed building materials and a landscape and screening plan.
- c. The location, type and height of all proposed fences, screening walls, and other screening devices intended to buffer the development from the street and neighboring properties.
- e. The location and character of all improvements to be made in community open space areas, including a general landscape plan for each area.

At the pre-application conference, the City Manager and staff will offer initial comments on the merits of the proposal, suggestions for refinement, and other information and advice to aid the developer in the preparation of a formal CHD plan.

2. Formal Concept Plan. The CHD plan for a proposed cottage housing development that is presented for approval must be drawn by a registered architect or registered engineer and must include the following:
 - a. All the items included in the preliminary plan submittal
 - b. The site plan shall include the following form and content:
 - i. Date, scale, north point (with north to the top if possible), name of developer, and name of the person preparing the CHD plan.
 - ii. The location, name and description of all existing or recorded streets and alleys adjacent to the CHD, as determined from existing records, and the location of all intersections adjacent to the CHD.
 - iii. The location and type or purpose of all proposed and existing easements and/or fire lane within the CHD.
 - iv. The centerline of existing watercourses, creeks and drainage structures within and adjacent to the CHD, and the limits of the 25-year and 100-year flood plains, if applicable.
 - v. The acreage for the whole development and each lot individually.
 - vi. The areas and acreages which are to be dedicated as community, open space or as common area owned and managed by a community association.
3. *Processing of CHD Plan and Request for Overlay District.* The CHD plan and the request for Overlay District shall be submitted to the City Manager a minimum of 21 calendar days prior to the Planning and Zoning Commission's scheduled meeting. The City Manager shall review the submittal for completeness and compliance with all of the requirements of this ordinance, and notify the developer in writing of any deficiencies. When the CHD plan and/or Overlay District request is accepted as complete by the City Manager, the Planning and Zoning Commission shall hold a public hearing and shall act on the CHD plan and/or Overlay District at the next regularly scheduled meeting of the Commission which allows sufficient time for public notice and hearing. Notice of

the public hearing must be given to all property owners within 200 feet of the boundaries of the proposed Cottage housing development in the same manner as notice for a public hearing on a change of zoning.

4. Evaluation and factors to be considered:

- a. The effect of the proposed development in the area and to the surrounding neighborhood.
- b. The appropriateness of the exterior architectural features and layout of the development.
- c. Creative alternatives may be applied to the development if the plan and structures meet the intent of the ordinance and are determined to contribute to the development and surrounding neighborhood as a whole.

F. **Plan Changes.** Following approval of a CHD plan by City Council, alterations to the plan are classified as either substantial or nonsubstantial amendments. Nonsubstantial amendments must be approved by the City Manager. Substantial amendments must be considered by the Planning and Zoning Commission and approved by City Council following the same procedures as required for approval of an initial CHD plan, including payment of the appropriate fee. A substantial amendment is any of the following:

1. A change that would add land not previously approved as part of the CHD plan.
2. A change that would reduce the total area to be dedicated as open space, or that would alter the location of that area by 10 percent or more.
3. Any other change, which in the judgment of the City Manager, would significantly alter the general character, overall design or impact of the development.

G. **Expiration of CHD.** An approved CHD plan shall lapse and be of no further force and effect if a final subdivision plat is not submitted for approval by the Planning and Zoning Commission within two years of the date of approval of the CHD plan by City Council. Upon application by the developer, the Planning and Zoning Commission may grant one extension of this time limit of up to one year if the Commission finds that the additional time is warranted. A developer's failure to initiate development by filing a final subdivision plat within the approved time period shall void the CHD plan.

H. Required Lot and Building Dimensions.

MINIMUM CLUSTER AREA	One-half acre (1/2) and four cottages
MINIMUM LOT AREA	2,500 sf per cottage lot
MINIMUM COMMON OUTDOOR SPACE (SHARED)	Minimum 20% gross area of the development (this is in addition to the private area provided on each cottage lot, with the front yard setback exception listed below)
MINIMUM FRONT SETBACK	10' – if there is no front yard fence per the HOA documents, up to 50% of the front yard setback may be counted toward the common open space percentage and may provide location for easements and/or fire lane
MINIMUM REAR	10' from any structure
MINIMUM SIDE/ COMBINED SIDES ARTICULATION MAY OCCUR AS PROVIDED IN SECTION 3.07.005 – THE BUILDING ENVELOPE SHALL NOT INCREASE)	10' / 20'
MAX. BUILDING HEIGHT (PRINCIPAL)	1 story with loft – 25 feet
MAXIMUM LIVEABLE GROSS FLOOR AREA	1,000 sf
COVERED PORCH	A minimum 60 sf, minimum 6' deep front porch
COVERED PARKING	Covered parking not to exceed 440 sf may be provided on each cottage lot
MAXIMUM FENCE HEIGHT	4' decorative fence for each cottage (optional) 6' solid fence for the perimeter of the cottage development that abuts a residential property
PARKING SPACES PER COTTAGE	Minimum: 1.5 Maximum: 2.0

- I. **Homeowners' association (HOA).** All maintenance of the shared grounds to include the perimeter fence, shared parking area and any community structures is the responsibility of the development's homeowners' association, or similar mechanism. The HOA has the option to provide a master irrigation meter for the common areas. If a master irrigation meter is used for irrigation and all other irrigated space including lawns on individual lots and the services to the Cottages are not used for irrigation, the number of Living Unit Equivalents per household for water would be reduced as is provided in

the Impact Fee Ordinance. Documentation shall be provided at preliminary plat submittal

J. Open Space Design for Cottages.

Common Open Space for Cottages: All cottage units in a development shall be within 60 feet walking distance measured from the nearest entrance of the cottage along the shortest safe walking route to the nearest point of the common open space. Each cottage lot shall abut a common open space, making the common open space the focal point.

- Parking areas, yard setbacks (except as noted), alleys, and driveways do not qualify as common open space.
- Community buildings, parking areas and common open space shall be owned and maintained commonly by the Cottage Housing Development residents, through a homeowners' association, or a similar mechanism, and shall not be dedicated to the municipality.
- There shall be at least a 10' perimeter around the entire development to adjacent residential properties to provide a buffer.
- A minimum of 20% of the property should be dedicated as open space.

K. Site Screening. Screening items such as dumpsters and the parking area shall be screened out of street view and shall not be permitted in the common open space.

L. Low impact development. An extra cottage in each cluster may be permitted if low impact storm water development techniques that are approved by the City Manager are used in the development. Such techniques may be directing roof drains and parking lot runoff to landscape beds, green or living roofs, and rain barrels. If the LID is approved then open space for the development as a whole may not be diminished by more than 5%.

M. Parking Requirements.

- a. On a site specific basis, alternative parking shall be attractively landscaped to screen parking from adjacent properties, direct street view and be located outside of common open space. Clustered parking is preferable and shall meet applicable parking lot landscape standards.
- b. Parking shall provide a minimum of 1.5 and maximum of 2.0 car parking spots per cottage unit.
- c. Parking shall be setback at least 10 feet from street frontage.
- d. Parking between structures is only allowed when it is located toward the rear of the principal structure and is served by an alley or private driveway.

N. Cottage housing developments are subject to design approval by City Council with the submittal of the CHD plan. The materials used for the cottages must contribute to the hill country vernacular (e.g. brick, stone, masonry, stucco, historic-look or cedar-look hardiplank). The planning department will review any deed restrictions and designs prior to City Council's review.

ARTICLE 6. PLANNING AND ZONING COMMISSION
SECTION 03. RULES AND PROCEDURES OF THE COMMISSION

6.03.004. Commission Meetings.

Regular meetings shall be held in the **City Council Chambers** City Hall, except as otherwise provided herein, when called by the Chair; provided, however, that the Commission shall have

at least one meeting each quarter. Special meetings may be called by the Chair, Vice Chair or the City Manager (if the Chair or Vice Chair is not available) provided that written notice thereof is mailed provided to each member 72 hours prior to the time of the meeting. No approval, disposal or final action shall be taken on any zoning application unless all notice requirements mandated by state statute, this ordinance or any other ordinance pertaining to the application or notice requirements have been met. Regular and consistent attendance at monthly Planning and Zoning meetings, the **first Monday of each month at 6:00 PM**, and any special meetings that may be called. Members missing three or more consecutive meetings or attending less than 75% of the posted meetings on a 12 month rolling average are subject to removal.

PASSED AND APPROVED on this the first reading the 13th day of October, 2015.

PASSED, APPROVED AND ADOPTED on this the second reading the ____ day of November, 2015.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:



City Attorney

