

ORDINANCE NO. 2016-__

An Ordinance Amending the City of Boerne Zoning Ordinance No. 2007-64, City of Boerne Zoning Ordinance No. 2007-64, Article 1, In General, Section 06. Definitions, Article 3, General Prohibitions and Requirements, Section 08. Commercial Center Design Standards, Section 09. Combined Commercial Design Standards, Section 10. On-site Parking Requirements, and Article 5, Zoning Districts and Use Regulations.

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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SECTION 32. SBD - SoBo OVERLAY DISTRICT

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Character zone: An area within the SoBo Overlay that identifies placement of proposed uses and is intended to preserve and/or create a building form that is distinct from other areas within the overlay area.

Live-work unit: A dwelling unit that is also used for work purposes, provided that the 'work' component is restricted to the uses of professional office, artist's workshop, studio, or other similar uses and is located on the street level. The 'live' component shall be subordinate to the work component and may be located on the street level (behind the work component and part of the main structure) or any other level of the building. Live-work unit is distinguished from a home occupation in that the work use is not required to be incidental to the dwelling unit, non-resident employees may be present on the premises, and customers may be served on site.

SoBo: An area located between IH-10 and Old San Antonio south of Herff Road as identified in Article 5, Section 32.

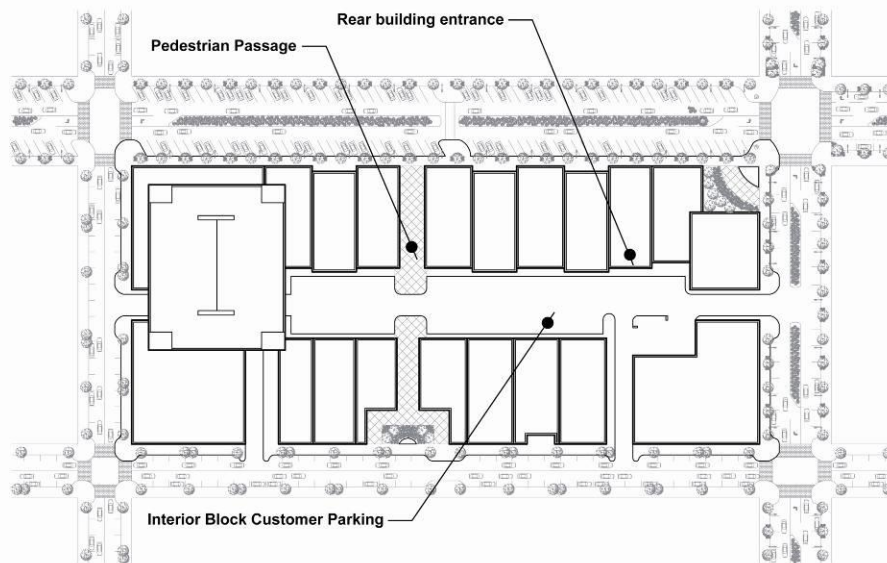
ARTICLE 3. GENERAL PROHIBITIONS AND REQUIREMENTS

SECTION 08. COMMERCIAL CENTER DESIGN STANDARDS

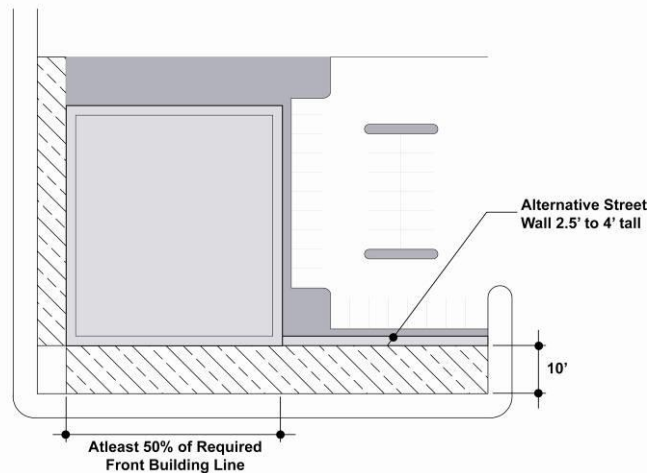
3.08.005. Parking Design and Circulation.

On-street and shared central parking areas shall be the primary parking strategy for commercial and mixed use center development patterns. In meeting the parking requirements of Article 3, Section 09, the following design and location standards shall apply to on-site parking:

- A. All parking shall be setback at least 30' 10' from the lot frontage with a 3-5' high landscape screen or alternative street wall, or located behind the building.
- B. Customer parking areas interior to the block, with a contiguous building longer than 150' shall have pedestrian access to the buildings through one of the following:
 1. A mid-block pedestrian passage at least 8' wide providing access to the public streetscape. The passage may be covered or un-covered, but shall not be enclosed; or
 2. Secondary rear building entrances. Such entrances shall be discrete, and clearly secondary to the building design to avoid "double-frontage" buildings that de-emphasize the importance of the public streetscape as the primary public realm.



- C. Shared or district parking serving 3 or more lots in the district, or parking areas for an Anchor building in the district, may front on secondary or support streets provided it is setback at least 10' and screened with a combination of landscape and low decorative and ornamental walls or fences between 3 and 5 feet high around the perimeter.
- D. On secondary or support streets that are not the primary retail and pedestrian-oriented streets of the Center, the Planning and Zoning Commission may permit on-site parking for single or adjacent lots to be located up to 10' from the front lot line provided:
 1. The parking is still located behind the front building line of buildings on site.
 2. A building shall occupy at least 50% of the Required Front Building Line on the lot.
 3. An Alternative Street Wall of between 3 and 5 feet and matching the materials or ornamental features of the building, or shall be used to screen the parking at the extension of the Front Building Line. Alternatively, the parking may be screened by landscape and Civic Open Space between the front lot line and street frontage.



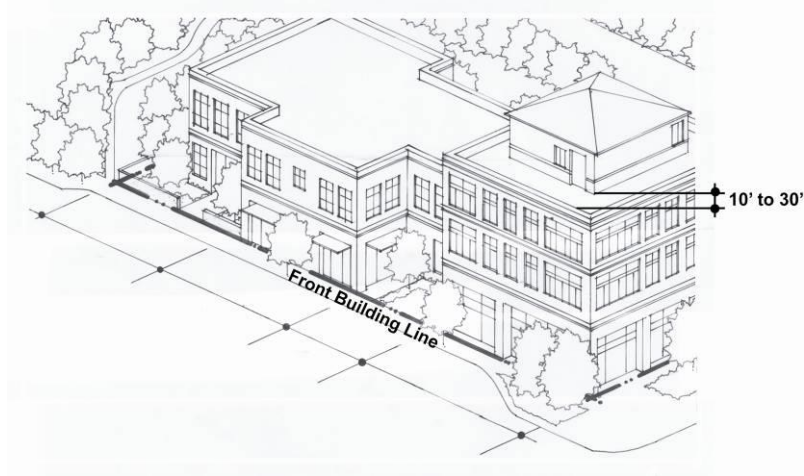
3.08.007. Site Screening.

Any delivery and service areas, external support equipment, site utility areas, or other similar high-impact elements of site and building design shall be subject to the following:

- A. All delivery or service areas and loading docks shall be located on a discrete façade, and internal to the block wherever possible.
- B. Any rooftop equipment shall be screened from view of the adjacent public streetscape or other public or common opens spaces by a parapet on flat roofs, or located on a discrete pitch for pitched roofs.
- C. Any service areas, loading docks, service equipment, or other site utility area that is visible from adjacent property or public right-of-way shall be screened with a landscape buffer **a combination of landscape and wall built of a similar material to the main structure at least 6 feet high.**
- D. Any service use that involves vehicle service bays on a primary or secondary façade shall be located on only secondary or support streets, shall have the service bay portion of the building **screened with a combination of landscape and wall built of a similar material to the main structure at least 6 feet high** ~~set back at least 30' from the lot frontage,~~ and shall not have service bays that occupy more than 40% of a single façade.

3.08.008. Enclosure Ratio.

- C. **Step-backs.** Where building heights are allowed and approved which would exceed these ratios, the lower story(ies) should maintain the ratios, and upper stories should be stepped back between 10 to 30 feet of the front building line.



SECTION 09. COMBINED COMMERCIAL DESIGN STANDARDS

3.09.005. Screening.

~~E. *Screening of Loading Docks.*~~

- ~~1. These standards shall apply to all sites with loading docks in non-industrially zoned districts.~~
- ~~2. Loading and service areas shall be discretely located at the rear of buildings.~~
- ~~3. On-site loading areas shall be screened from view of any street or adjacent property.~~
- ~~4. Loading areas shall be enclosed on three sides by a wall or other screening device not less than seven feet in height.~~
- ~~5. Loading areas shall not be located closer than 50 feet (50') to any single family lot, unless wholly located within an enclosed building.~~

E. *Any delivery and service areas, loading docks, external support equipment, site utility areas, or other similar high-impact elements of site and building design shall be subject to the following:*

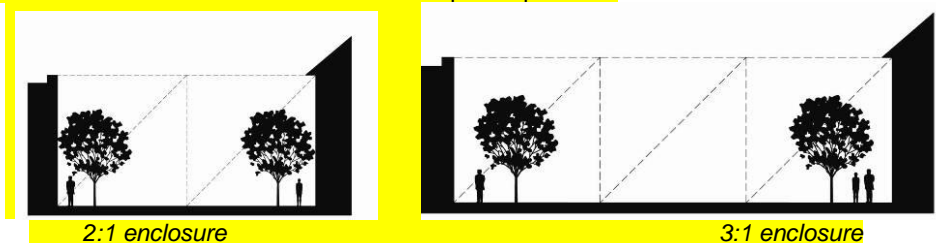
1. All delivery or service areas and loading docks shall be located on a discrete façade, and internal to the block wherever possible.
2. Any rooftop equipment shall be screened from view of the adjacent public streetscape or other public or common opens spaces by a parapet on flat roofs, or located on a discrete pitch for pitched roofs.
4. Loading areas shall be enclosed on three sides by a wall or other screening device not less than seven feet in height.
5. Loading areas shall not be located closer than 50 feet (50') to any single-family lot, unless wholly located within an enclosed building.

3. Any service areas, loading docks, service equipment, or other site utility area that is visible from adjacent property or public right-of-way shall be screened with a combination of landscape and wall built of a similar material to the main structure at least 6 feet high.
4. Any service use that involves vehicle service bays on a primary or secondary façade shall be located on only secondary or support streets, shall have the service bay portion of the building screened with a combination of landscape and wall built of a similar material to the main structure at least 6 feet high, and shall not have service bays that occupy more than 40% of a single façade.

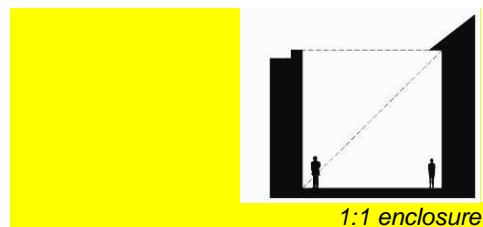
3.09.009. Enclosure Ratio.

Enclosure Ratio refers to the relationship of building frontages across a streetscape – specifically the dimensions and design of building facades, the private frontages if any, and the public rights of way along a streetscape. The ratio is expressed by Streetscape Width to Building Heights. The enclosure is important for achieving the scale, comfort and character of streets in pedestrian-oriented commercial and mixed-use centers – essentially framing the “public realm” of the streetscape. Spaces greater than the standards below result in ill-defined or poorly proportioned streetscapes that lack a clear public realm. Spaces less than the recommended enclosure can result in the perception of confined or congested areas. The Enclosure Ratio shall not alter any specific or required building height maximums for any particular zoning district, but may guide site and building designs dealing with the location, orientation and massing of buildings within the parameters allowed by the zoning district.

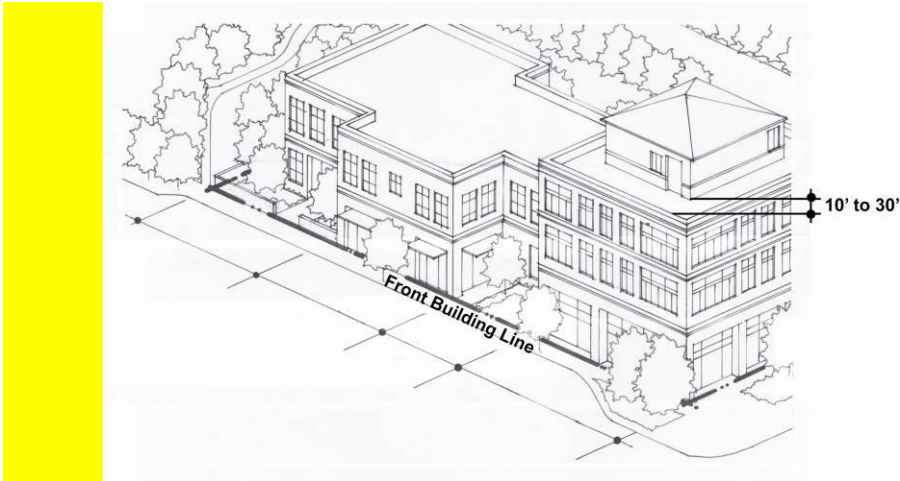
- A. **General Ratio.** In general, the Enclosure Ratio shall be within a range of 2:1 to 3:1 for primary retail and pedestrian-oriented streets in commercial development patterns.



- B. **Exception.** Ratios as tight as 1:1 may be approved by the Planning Commission on blocks that are short (less than 400 feet) and on side streets.



- C. **Step-backs.** Where building heights are allowed and approved which would exceed these ratios, the lower story(ies) should maintain the ratios, and upper stories should be stepped back between 10 to 30 feet of the front building line.



SECTION 10. ON-SITE PARKING REQUIREMENTS

3.10.001. General Requirements - When Applicable.

No building or structure shall be designed, erected, altered, used, or occupied, and no use shall be operated in any zoning district unless the On-site parking facilities herein required are provided. ~~On-site parking requirements do not apply to property located in the River Corridor Zone.~~ In the B-3, **Historic and River Corridor** districts the on-site parking requirements are defined in subsection 3.10.009. ~~In the Historic District, on-site parking requirements may be waived or reduced with Planning and Zoning Commission approval, for businesses as set forth in subsection 3.10.010. Lots that are located outside the Historic District which have structures that have obtained a Historic Landmark designation may also request from the Planning and Zoning Commission waived or reduced on-site parking requirements as set forth in subsection 3.10.010. In the River Road District the on-site parking requirements are defined in subsection 3.10.011. On-site parking facilities in excess of the amounts heretofore required need not be provided or maintained for land, buildings, structures or uses actually used, occupied and operated on the effective date of these regulations. In the event that after the effective date of this ordinance, land, buildings, structures or uses are enlarged, expanded, or changed, the land, buildings, structures and uses hereby excluded shall not be used, occupied, or operated unless there is parking provided, for any increment of such land, building, structure or use, at least the amount of On-site parking facilities that would be required hereunder if the increment were a separate tract of land, or a separate building, structure or use.~~ **Structures that were existing or under review for construction at the time of the adoption of this ordinance (01-24-16) (shall be considered nonconforming) and shall be exempt from these parking requirements so long as the structure remains in its present form, except in the following circumstances: When adding onto a nonconforming structure or building a new structure on the same lot at a cost equal to or greater than fifty percent (50%) of value of the structure as a whole, the pre-existing structure and addition shall be required to conform to this section. The value for a pre-existing structure is determined by the improvement value that is currently recorded with the Kendall County Appraisal District.**

~~3.10.009.~~ **B-3. Central Business District On-site Parking Requirements.**

~~On-site parking requirements in the B-3 district are as follows:~~

- A. ~~On-site parking is not required for commercial properties in the B-3 district~~
- B. ~~If On-site parking is made available for commercial property, the parking area shall not be located between the front of the building line of any principle building and front lot line. Parking shall be located on the side or rear of the building.~~
- C. ~~On-site Parking spaces for commercial properties:~~

- ~~1. In determining the maximum number of on-site parking spaces the property owner shall first:~~
- ~~a. Measure the street frontage of the property and then divide by 20 feet to determine the number of on-street parking spaces that are available.~~
- ~~b. This number shall be subtracted from the requirements demonstrated in Table 3-2 and the remaining number of spaces may be permitted as the maximum number of on-site parking spaces.~~
- ~~D. Residential properties located in the B-3 district shall be required to provide on-site parking at a rate of 1/2 required by Table 3-2 parking rate.~~
~~(Ord. No. 2009-06, §1, 3-24-2009)~~

**3.10.040.009 B-3 District and ~~Historic Buildings in the Historic District – Historic Landmark Designation~~
On-site Parking Requirements.**

Property owners must make every effort to provide on-site parking **as** required by this ordinance. If a property owner ~~owns a structure built prior to the passing of this ordinance located in Boerne's Historic District, or owns a structure that has a Historic Landmark designation, and is unable to meet the parking requirements set forth in this section they may make application to the Planning and Zoning Commission requesting relief to the on-site parking requirements.~~

The application shall include the following:

1. Location of the property;
 2. History of the structures;
 3. Site plan of the property, building locations, area available for on-site parking;
 4. Proposed uses of the property and number of required parking places based on uses;
 5. Describe and proposed change in uses if any;
 6. Explanation why parking cannot be accommodated on the site and why the waiver is being requested.
- A. The property owner or representative shall explain and provide examples why the requested waiver is needed to insure the preservation of the historic building or that the structure/site would be compromised if on-site parking were provided.
- B. The property owner or representative shall demonstrate they have explored all parking credits available and have applied those to this property (i.e. letters from adjacent property owners who do not wish to enter into a shared parking agreement).
- C. The Planning and Zoning Commission may grant a waiver to the on-site parking requirements if the property owner uses one of the following alternative parking methods. These alternatives may be considered toward granting parking credits towards the on-site parking requirements.
1. Off-site parking ~~with shuttle service for employees~~ **within a couple of blocks from the site**
 2. Street improvements to install on-street parking in the general area.
 3. Alternative suggestions presented by the property owner or representative may also be considered
- D. If all methods of parking have been exhausted for the property, the Planning and Zoning Commission may consider granting a waiver for any parking requirements. **(Ord. No. 2009-06, §1, 3-24-2009)**

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
Church, auditorium, theater, gymnasium, assembly hall, convention hall, stadium, funeral home	1 for each 4 seats w/ outdoor facilities – add 1 for each 800 square feet of outdoor area
Health Clinic/Medical Office	1 for each 450 200 square feet of gross floor area
Mixed Use	1 for 300 square feet of gross floor area

ARTICLE 5. ZONING DISTRICTS AND USE REGULATIONS.

SECTION 17. B-2 - HIGHWAY COMMERCIAL DISTRICT

- A. **Purposes.** The B-2 districts are located along principal arterial streets, adjacent to other non-residential districts. They are areas suitable for general retail trade and a wide variety of other commercial uses. The district regulations are designed to encourage these uses, while also protecting the abutting and nearby areas.
- B. **Applicability.** This district is applicable in areas where large scale and regional businesses are appropriate, and where the impacts on other more walkable development patterns can be minimized, both in terms of physical design and in terms of uses that have a regional draw. Therefore it should be limited in application to areas with good highway access, and away from areas where smaller-scale, and neighborhood oriented businesses are desired.
- C. **Required Lot and Building Dimensions.**

MINIMUM LOT AREA	10,000 square feet
MINIMUM LOT WIDTH	60 feet
MINIMUM FRONT YARD	0 - 20 feet
MINIMUM SIDE YARD	0 feet, if party wall; 5' if not party wall;
MINIMUM REAR YARD	0' - See Combined Commercial Design Standards for rear/side location parking requirements
MAXIMUM BUILDING HEIGHT	40' 75' - See 3.05.001 for Height exceptions – City Council may approve a height over 40' 75' or three stories

SECTION 20. B-3 - CENTRAL BUSINESS DISTRICT

- A. **Purposes.** This district is located at the convergence of the principal thoroughfares of the City, anchored by Main Street. It is generally surrounded by higher-density residential and other supporting non-residential districts. The area is suitable for a wide variety of retail uses and certain limited wholesaling and manufacturing uses that support the function and pattern of the walkable central business district of the city. The district regulations are designed to permit the further development of the area for these uses, subject to limitations designed to prevent further congestion of the area and to preserve the traditional and historical function and character of downtown as the heart of the city.
- B. **Applicability.** The B-3 district is applicable in the traditional downtown area of the City as indicated in the Boerne Master Plan. It is intended that no other area of the city will have this zoning classification.
- C. **Required Lot and Building Dimensions for Non-Residential Uses.**

MINIMUM LOT AREA	5,000 square feet
MINIMUM LOT WIDTH	50 feet
MAXIMUM LOT WIDTH	150 feet, or ½ of a block width, whichever is less; Except lots for Civic Uses shall have no maximum lot width.
MINIMUM FRONT YARD	0' to 10'
MINIMUM SIDE YARD	0 feet, if party wall; 5 feet, if no party wall
MINIMUM REAR YARD	0 feet - See Combined Commercial Design Standards for rear/side location parking requirements
MAXIMUM BUILDING HEIGHT	40' - See 3.05.001 for Height exceptions - City Council may approve a height over 40' or three stories 60' along Main Street

** All permitted residential uses shall have the Lot Dimensions and Standards in Table 5-2.

SECTION 23. I - INDUSTRIAL DISTRICT

- A. **Purposes.** These districts are areas suitable for warehousing, manufacturing and general industrial uses, where the operation of these uses would not adversely affect nearby residential and business uses. They are usually separated from residential districts by business districts or natural barriers. The district regulations are designed to allow a wide variety of industrial activities, subject to limitations designed for mutual protection of adjacent land uses.

- B. **Applicability.** The I district is applicable to larger land areas that are capable of providing substantial buffers to adjacent sites, buildings, and land uses to minimize the potential for incompatible and negative impacts of uses in the district. This district is most appropriate with a special district transportation network in the Subdivision Regulations, and with access to major thoroughfares in order to accommodate more intense traffic and larger vehicles that serve land uses in this district.

- C. **Required Lot and Building Dimensions.**

MINIMUM LOT AREA	22,000 square feet
MINIMUM LOT WIDTH	None
MINIMUM FRONT YARD	25 feet
MINIMUM SIDE YARD	10 feet, unless a firewall is built on the lot line.
MINIMUM REAR YARD	Same as Side Yard
MAXIMUM BUILDING HEIGHT	38' - City Council may approve a height over 38' or three stories

SECTION 32. SBD – SOUTH BOERNE (SoBo) OVERLAY DISTRICT

- A. **Purpose.** The SoBo Overlay District encompasses a primary entrance into Boerne and contains unique street frontages, ecological features and economic opportunity. The SoBo Overlay District establishes parameters for development of properties including: site and architectural design, building materials, landscaping and lighting to promote the character of Boerne in this unique area of the City.
- B. **Applicability.** Except where explicitly noted the allowed uses, restriction on particular uses, and required lot dimensions are those of the underlying B-2 zoning district. The SoBo Overlay District is designated for commercial, mixed use and residential development and includes all property as indicated on the Zoning Map and the regulating Plan (Attachment A). The existing Entrance Corridor Overlay District shall also apply.
- C. **Plan Review.** Building Plans shall be reviewed by the City Manager or designee and approved prior to the issuance of a building permit for new construction (or remodeling) in the SoBo Overlay District to evaluate the compatibility of the plans with the factors mentioned in this Section. Such application shall be accompanied by the appropriate fee established by City Council.
1. Application for review packages shall include the following:
 - a. Letter requesting review.
 - b. Plot plan, floor plan, building elevation on all four sides, list of proposed building materials and a landscape and screening plan. (If a proposed development is being master planned a floor plan and building elevation on all four sides is not required for future phases)
 - c. Two copies and digital file.
 2. Factors to be considered:
 - a. The effect of the proposed structure upon the general historic, cultural and architectural character of the SoBo Overlay District or the City of Boerne.
 - b. The appropriateness of the exterior architectural features, which are visible from the corridors and adjacent area.
 - c. Harmony with adjacent buildings and structures in terms of scale, height and mass.

3. Development Review Process:
 - a. The uses and buildings on all properties within the SoBo Overlay District shall conform exclusively to this section unless specifically referenced as otherwise in this section;
 - b. Where in conflict, numerical metrics shall take precedence over graphic metrics.
 - c. The City Manager or designee may approve administrative modifications to standards in this section per the criteria set in Table 1 below. A Plot plan shall be required for administrative review of proposed modifications.

Table 1: Administrative Modifications Table		
Code Standard	Extent of Administrative Modification Permitted	Criteria
a. Building Form and Development Standards		
1. Setbacks	No more than a 20% change in the maximum or minimum setback applicable or 5 feet whichever is greater.	<p>Changes to the build-to-zones and setbacks may only occur when they are caused by one or more of the following:</p> <ol style="list-style-type: none"> i. Need to accommodate existing buildings and structures on the lot that meet the overall intent and vision for redevelopment in the Overlay Area; or ii. Need to accommodate other required modes of transportation (transit, bike, pedestrian), storm water drainage, water quality, or low impact development (LID) elements on the site; or iii. Need to accommodate overhead or underground utilities and/or easements; or iv. Need to preserve existing trees on the property, per Article 4. This modification is not mandatory for tree preservation, but for the allowance for preservation; or v. Need to provide public amenities along the sidewalk (outdoor dining/seating, street furniture, larger sidewalk, or other similar public amenities).
2. Required Parking Spaces	Reduction in the number of required parking spaces	<p>Reduction in the number of parking spaces shall be based on one or more of the following:</p> <ol style="list-style-type: none"> i. A shared parking plan for parking within 500 feet of the subject property; or ii. A parking study for the uses proposed on the site; or iii. A combination of the above

Table 1: Administrative Modifications Table		
Code Standard	Extent of Administrative Modification Permitted	Criteria
3. Character Zone/ Circulation	Change in size of Character Zone	The Character Zones as shown on the Regulating Plan (Attachment A) are suggested character allocations based on planning analysis but an alternate Character Zone may be applied to as long as general adherence to circulation is maintained as indicated on the Regulating Plan.
b. Other		
1. Any other numerical standard in this section	A modification up to 10% (increase or decrease)	<ul style="list-style-type: none"> i. A modification of a numerical standard is needed to accommodate existing conditions. ii. The proposed development still meets the intent of the section.
2. Phased Developments	Deferment of building frontage standards	<ul style="list-style-type: none"> i. Phased developments may defer building frontage requirements as long as they meet the building setback and parking setback requirements

D. Components of this Overlay

1. Regulating Plan: The SoBo Overlay District Regulating Plan, herein known as the Regulating Plan, (Attachment A) is hereby adopted as the recommended character map for the overlay area. It establishes the following character standards for all properties within the overlay area:
 - a. Establishment of Character Zones. The overlay area is distinguished into different "Character Zones". Each Character Zone is intended to create a distinct building form based on the illustrative vision for the SoBo area. Each Character Zone establishes recommended use and required building form standards including standards for building height, width, location, functional design, and parking. The Regulating Plan classifies all lots within the overlay area into one of the following three (3) Character Zones:
 - i. Hybrid Commercial Character Zone (HC-CZ): The Hybrid Commercial Character Zone provides for a range of primarily commercial uses with auto-oriented development that can take advantage of the highway frontage in a quality manner that retains some walkable elements, supporting multimodal traffic, linking regional destinations and promoting economic development. Development standards will emphasize shared parking, cross-access driveways, creek interface, landscaping and appropriate transitions.
 - ii. Mixed Use Character Zone (MU-CZ): The Mixed Use Character Zone provides for small to mid-scale commercial (retail, restaurant, office) uses, mid-scale mixed use buildings and Multi Dwelling Structures that leverages Main Street and Herff Road as commercial streets that connect to internal Complete Streets supporting multimodal users, and promoting economic

development. Development standards will emphasize shared parking, cross-access driveways, creek interface, landscaping and appropriate transitions.

iii. **Neighborhood Character Zone (N-CZ):** The Neighborhood Character Zone provides for a range of mid to small scale residential (Detached Dwelling, Duplex Dwelling, Attached Dwelling, Multi-Dwelling Structure, Accessory Dwelling, Garden Homes, Cottage Housing Development, Live-work unit, and Multi Unit Homes) to develop a low intensity of residential to support diversity of uses and residential types. Development standards will emphasize compatibility and appropriate transitions.

b. **Establishment of Circulation.** The Regulating Plan will indicate Primary and Secondary circulation routes and intersections that will provide a flexible configuration for circulation, intersections and block sizes in the overlay area. The circulation alignment as shown on the Regulating Plan are flexible and can be shifted in response to topography, natural features, and tree stands, while maintaining the required intersections and made be adjusted by administrative approval. The number and general location of intersections shall not change and the general location and connectivity of the circulation shall not change. A plot plan shall indicate adherence to minimum circulation requirements. Trail connectivity as depicted on the Regulating Plan shall be generally adhered to and built to typical city standards for a multiuse trail. Primary and Secondary streets also indicate location of Primary and Secondary frontages in the Building Frontage and Orientation section of the Combined Commercial Design Standards in Article 3, Section 09 of the Zoning Ordinance if in a Hybrid Commercial Character Zone and conform to the Commercial Center Design standards in Article 3, Section 08 of the Zoning Ordinance if in a Mixed Use or Neighborhood Character Zone will apply to lots. Streets and intersections can be added beyond the minimum circulation depicted on the Regulating Plan in accordance to existing regulations.

2. **Development Standards:** The SoBo Overlay District text portion of this section enumerates the development standards with text and graphics for character zones, frontage, building form, landscape and building design.

E. **Definitions.** Many terms used in this section are defined in Article 1 Section 6 of the Boerne Zoning Ordinance. Definitions are only included in this section if not defined in the Boerne Zoning Ordinance or if the definition for this Document differs from the Boerne Zoning Ordinance. In case of a conflict between the definitions under this Section and Article 1 Section 6 of the Boerne Zoning Ordinance, the definitions in this section shall supersede.

Administrative modification shall mean a requested modification to SoBo Overlay District standards that complies with the administrative modifications provisions of Section (c) (3) - Administration. The City Manager or designee shall have the authority to administratively approve a request for an administrative modification in conformance with subsection (c).

Character zone shall mean an area within the SoBo Overlay that is intended to preserve and/or create a building form that is distinct from other areas within the overlay area. Character zones are identified in the Regulating Plan.

Complete street shall mean a street that not only accommodates various modes of transportation such as automobiles, bikes, and pedestrians, but also establishes a design context that is conducive for redevelopment along the street.

Live-work unit shall mean a dwelling unit that is also used for work purposes, provided that the 'work' component is restricted to the uses of professional office, artist's workshop, studio, or other similar uses and is located on the street level. The 'live' component shall be subordinate to the

work component and may be located on the street level (behind the work component and part of the main structure) or any other level of the building. Live-work unit is distinguished from a home occupation otherwise defined by the Boerne Zoning Ordinance in that the work use is not required to be incidental to the dwelling unit, non-resident employees may be present on the premises, and customers may be served on site.

Multi-unit home shall mean a multi-unit residential building (2 to 4 units) that is designed to appear as a large single-family home from the exterior, but functions as a multi-unit building on the interior. Multi-unit homes have one main front door for the building, but may also have side and rear entries. Parking is accessed from an alley or a driveway leading to the rear of the lot.

Numerical standard shall mean any standard that has a numerical limit (minimums and maximums) or value as established within both the text and graphic standards of the SoBo Overlay District.

Residential use building shall mean a building that is built to accommodate only residential uses on all floors of the building such as a detached single-family home, attached single-family home (i.e. townhome), two- or three-family home (i.e. duplex, triplex), multiple family (4 or more), apartment building (under single ownership or under multiple owners within a condominium regime).

F. Uses

1. The uses as shown in Section 3 Permitted Uses in the Boerne Zoning Ordinance shall be allowed. In addition, the following uses are permitted in the Neighborhood Character Zone: Duplex Dwelling, Attached Dwelling, Multi-Dwelling Structure, Accessory Dwelling, Garden Homes, Cottage Housing Development, Live-work unit, and Multi Unit Home.

G. Nonconforming Structures

1. Structures that were existing at the time the SoBo Overlay District was applied to the property shall be exempt from certain portions of the Ordinance so long as they remain in their present form, condition, and location.
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 Combined Commercial Design Standards in Article 3, Section 09 of the Zoning Ordinance if in a Hybrid Commercial Character zone and conform to the Commercial Center Design standards in Article 3, Section 08 of the Zoning Ordinance 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 Combined Commercial Design Standards in Article 3, Section 09 of the Zoning Ordinance if in a Hybrid Commercial Character Zone and conform to the Commercial Center Design standards in Article 3, Section 08 of the Zoning Ordinance 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.

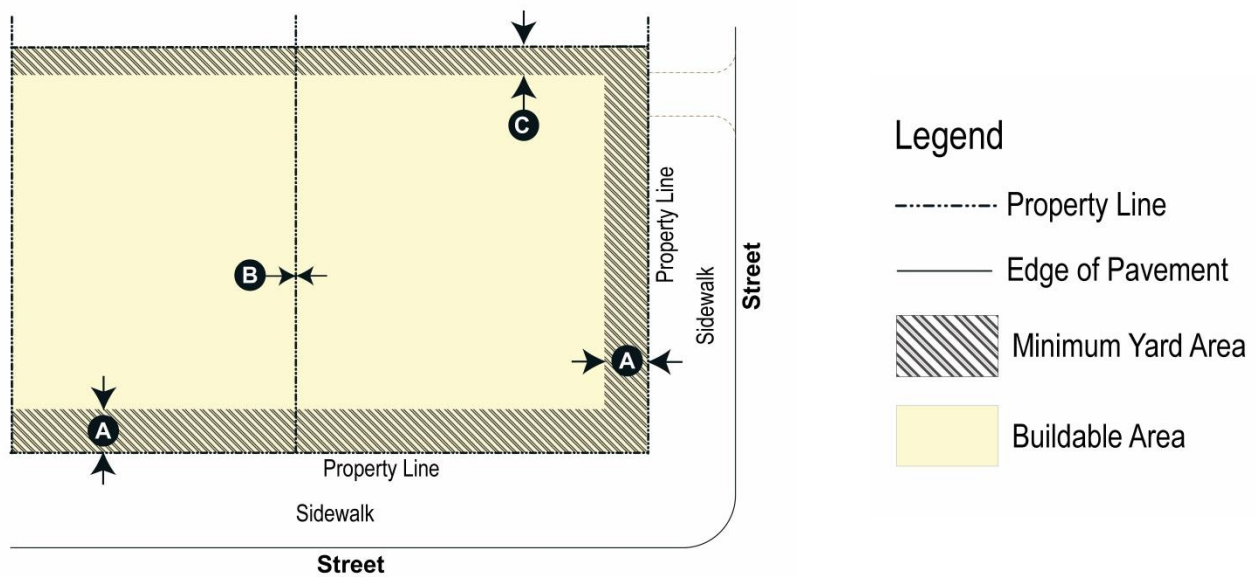
4. The requirements in Combined Commercial Design Standards in Article 3, Section 09 of the Zoning Ordinance if in a Hybrid Commercial Character Zone and the Commercial Center Design standards in Article 3, Section 08 of the Zoning Ordinance if in a Mixed Use Character Zone or Neighborhood Character Zone. Screening shall be followed on all preexisting or nonconforming lots when remodeling the exterior, adding onto, or adding a new structure.
5. Value for a preexisting structure is determined by the improvement value that is currently recorded with the Kendall County Appraisal District.

H. Building Form and Site Development Standards

1. Hybrid Commercial Character Zone (HC-CZ):
 - a. Base Zoning of B-2 Highway Commercial shall apply.
 - b. Design Standards are subject to the requirements in Combined Commercial Design Standards in Article 3, Section 09 of the Zoning Ordinance.
2. Mixed Use Character Zone (MU-CZ):
 - a. Base Zoning of B-2 Highway Commercial shall apply with the following exceptions:
 - i. Minimum Lot Area: 1,200 square feet
 - ii. Minimum Lot Width: 20 feet
 - iii. Minimum Front Yard: 0- 15 feet
 - iv. Maximum Building Height: 50 feet
 - b. Design Standards are subject to the requirements in Commercial Center Design standards in Article 3, Section 08 and Article 3, Section 3.09.008 (where applicable) of the Zoning Ordinance.

3. Neighborhood Character Zone (N-CZ):
 - a. Base Zoning of B-2 Highway Commercial shall apply with the following exceptions:
 - b. Minimum Lot Area: 1,200 square feet
 - c. Minimum Lot Width: 20 feet
 - d. Minimum Front Yard: 0- 15 feet
- b. Design Standards are subject to the standards for residential (c and d below). Building design will adhere to Section 3.07.003 B (faced design) and C (garage treatment).

c. Building Placement



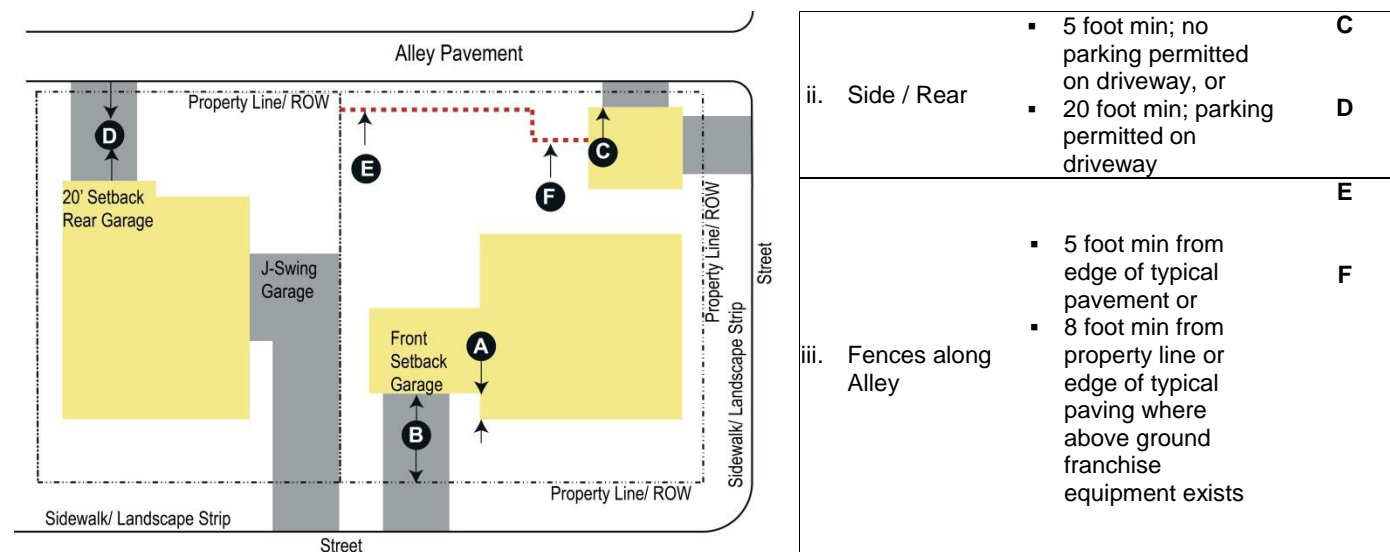
1. Minimum Yard Areas

i. Front	0'-15' min.	A
ii. Side	0' min. Adjacent to Attached Dwelling 3' min. Adjacent to Detached Dwelling 5' min. to all other uses	B
iii. Rear	5' min. Adjacent to residential use 10' min. to all other uses	C

d. Parking & Service Access

1. Residential Parking Setbacks

i. Front	<ul style="list-style-type: none"> ▪ Shall be located behind the principal building along that street frontage; or ▪ Min. 3 feet behind the building façade line along that frontage 	A B
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4. Design of Automobile Related Building and Site Elements

- Where permitted drive-through lanes, auto service bays, and gas station canopies for commercial uses shall not be located with frontage along Main Street, Herff Road, Old San Antonio Road and Christus Parkway. Drive-through lanes may be permitted along all other streets, service drives or alleys. Drive-through lanes, auto service bays, and gas station canopies shall be hidden behind a 3' to 5' high Street Screen along all streets.
- No more than 60% of a lot's frontage along a street may be dedicated to drive through lanes, canopies, service bays, and other auto-related site elements. There shall be no such limitation along service drives or alleys.

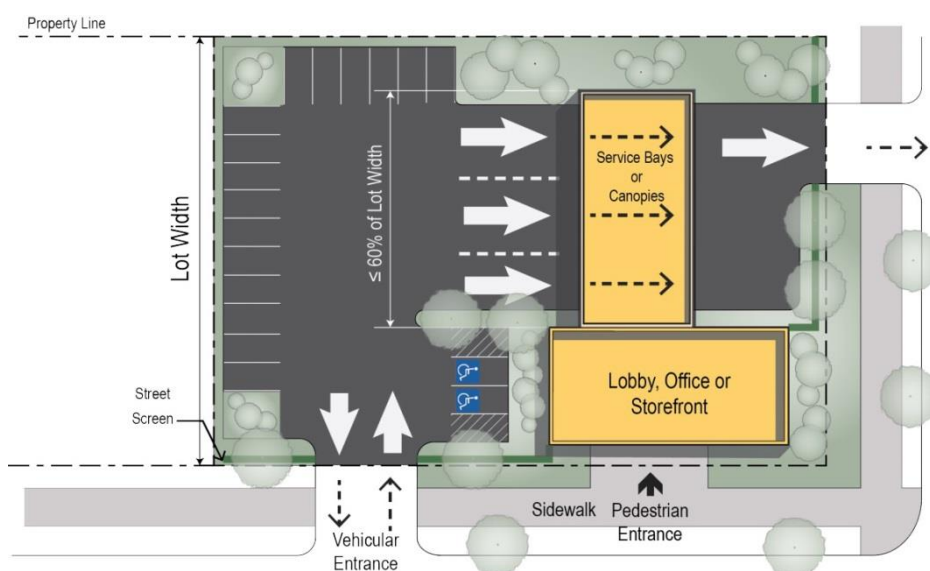


Image illustrating the appropriate design of auto-related site elements along streets other than Main Street, Herff Road, Old San Antonio Road and Christus Parkway

- Any automobile related retail sales or service use of a site or property shall have a primary building entrance along its frontage.

- d. Drive through access may be from a street only if the lot has no access to any service drive or Alley frontage.

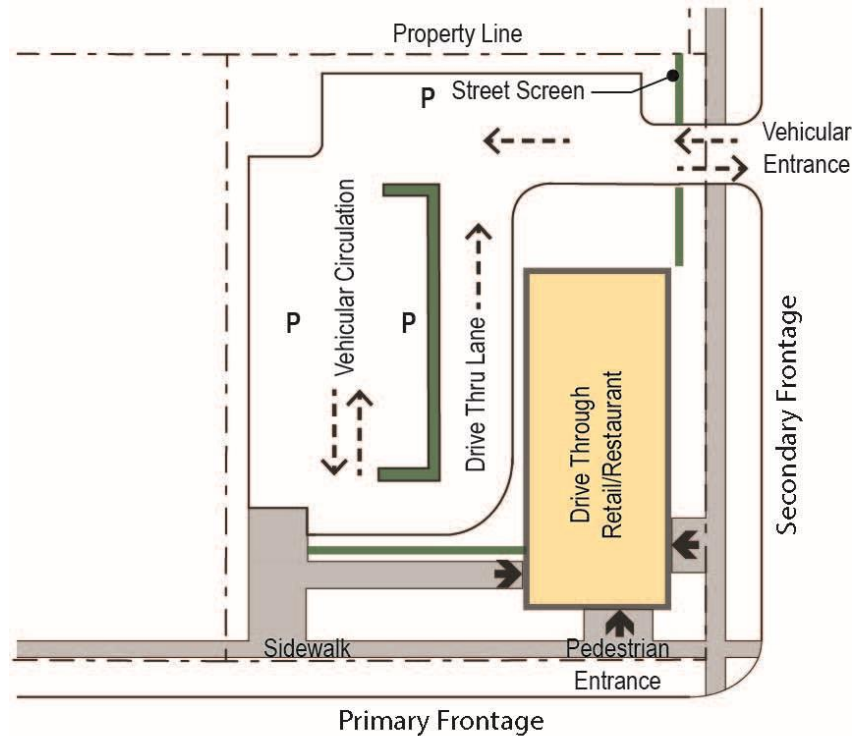


Image illustrating the appropriate design of retail/restaurant drive-throughs (Corner Lot)

- e. All off-street loading, unloading, or trash pick-up areas shall be screened using a Street Screen that is at least as tall as the trash containers and/or service equipment. The Street Screen shall be made up of (i) a living screen or (iii) a combination living screen and primary building material screen.
5. Design of Parking Structures
 - a. To the extent possible, the amount of street frontage devoted to a parking structure shall be minimized by placing the shortest dimension(s) of the parking structure along the street edge(s) (see illustrations below).
 - b. Where above ground structured parking is located at the perimeter of a building with street frontage, it shall be screened in such a way that cars on all parking levels are appropriately screened from view (see illustrations below). Architectural screens shall be used to articulate the façade, hide parked vehicles, and shield lighting. Parking garage ramps shall not be visible from any primary street.



Illustrative Examples of Parking Garage Screening

- c. Ground floor façade treatment (building materials, windows, and architectural detailing) shall be continued to the second floor of a parking structure along all streets (see illustrations below).



Images showing required façade treatment of parking garages along Streets

- d. neighborhood When parking structures are located at street intersections, corner emphasizing elements (such as towers, pedestrian entrances, signage, glazing, etc.) shall be incorporated.
- e. Parking structures and adjacent sidewalks shall be designed so pedestrians and bicyclists are clearly visible (through sight distance clearance, signage, and other warning signs) to entering and exiting automobiles.



Images showing appropriate design of Parking Structures

I. **Street Design**

1. New Streets in the SoBo Overlay Area shall be built according to the Streetscapes Design Guidelines in the Commercial Center Design Standards Section 3.08.009 (Streetscapes):

Streetscapes. Streets should not only be designed to get people someplace but also be designed to be “someplace,” balancing the needs of multiple users of the public rights-of-way. The streetscape is the “destination” in the neighborhood center.

- ❑ Minimize the width and number of travel lanes so that vehicle design speeds are compatible with pedestrian travel.
- ❑ Maximize the use of on-street parking on all streets. On-street parking calms traffic, buffers pedestrians from moving vehicles, gives retail uses many “priority” front-door parking spaces, and allows for more efficient development of building sites.
- ❑ Use expanded landscape and pedestrian amenity areas to transition from the on-street parking to the pedestrian areas. Amenities such as landscape beds, tree wells, benches or other street furniture should be regularly spaced in a 4 to 6 foot wide area immediately adjacent to the street edge.
- ❑ Maintain significant pedestrian areas – typically at least 6 to 10 feet in addition the landscape and pedestrian amenity areas.
- ❑ On wide sidewalks where significant areas for through pedestrian traffic remain, areas may be used for street activities related to uses in the buildings, such as sidewalk sales, outside dining or seating areas, and kiosks.
- ❑ Street trees should be densely located to provide shade for pedestrians, yet achieve canopy heights and crown heights that maintain visibility of adjacent buildings and the street level uses. Alternatively, arcades may extend over the entire sidewalk areas
- ❑ Frequent connections to adjacent neighborhoods should provide multiple alternative routes between the neighborhood and the center.
- ❑ Curb-cuts should be limited in width, frequency, and location. Vehicular access to sites should not occur on any primary street, but be located on secondary streets or alleys. Access points should be combined and shared within blocks. Curb-cuts should always be designed to emphasize the priority of pedestrian movements along the streetscape, maintaining the grade and surface material of the sidewalk across all alley or driveway access points to the interior of the block.
- ❑ Intersections should appropriately balance vehicle turning movements and pedestrian movements. Techniques to slow turning movements and decrease pedestrian crossing distances, such as bump-outs or curb-projections, smaller curb radii, and pedestrian refuge items should be incorporated into the streetscape.

J. **Parking**

1. Parking requirement shall adhere to city standards except in the Mixed Use character zone, all non-residential uses are required a minimum of one space per 300 square feet.
2. On-street parking within 300 feet of a building shall be counted towards the parking requirement.

K. **Stream Setback**

1. Any development near a Stream shall conform to the Stream Setback requirements as defined in Section 6 of the Boerne Zoning Ordinance

L. Tree Preservation

1. Any modification of trees shall conform to the requirements in Section 4 Tree Preservation of the Boerne Zoning Ordinance.