

ORDINANCE NO. 2018-__

An Ordinance Amending the City of Boerne Zoning Ordinance No. 2007-64, dated December 18, 2007, Article 1, In General, Section 06. Definitions, Article 3, General Prohibitions and Requirements, Section 02. Outdoor Lighting, Article 5, Zoning Districts and Use Regulations, Section 03. Permitted Uses, Section 20, B-3 – Central Business District, and adding Section 33. NH - North Herff Road Overlay District.

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:

ARTICLE 1. IN GENERAL

SECTION 06. DEFINITIONS

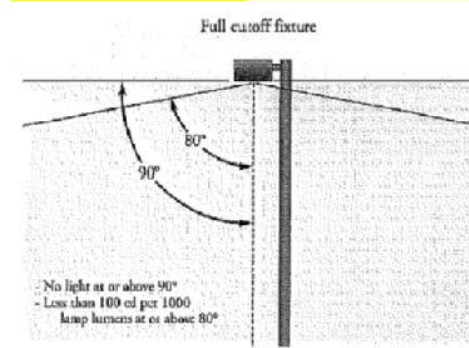
Kelvin: a measurement used to describe the color temperature of a light source. This is the specification that gives a description of the warmth or coolness of a light source.

ARTICLE 3. GENERAL PROHIBITIONS AND REQUIREMENTS

SECTION 02. OUTDOOR LIGHTING

- B. **Class 2 Lighting.** Class 2 Lighting shall apply to all outdoor lighting where general illumination for safety and security of grounds is the primary concern and color rendition is not required to preserve the effectiveness of the application. The City Manager and/or the City Manager's designee may consider other lighting options if safety is of consideration.
- C.
 - 1. **Parking Lots.** Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision, security and comfort in parking areas, and to not cause glare or direct illumination onto adjacent properties or streets. Any light source permitted by this ordinance may be used for parking lots located in any Lighting District, provided the following conditions are met:

- a. All luminaires used for parking lot lighting shall be either yellow high pressure sodium or LED and shall follow the standards for lighting identified below. Any exceptions to this section of the ordinance due to safety issues may be made by the City Manager and/or the City Manager's designee.
- b. All luminaires shall use Full Cut-Off Fixtures or shall otherwise be fully shielded, as that term is defined herein.



- c. Design levels shall correspond to the appropriate IES (Illuminating Engineering Society) minimum requirements for illumination.
- d. No up-lighting
- e. Poles are measured from grade
- f. Light trespass at the property line is 0.00
- g. Design goals should be the lowest levels that meet the requirement of the task
- h. Any lighting under awnings or canopies shall be completely recessed or shielded
- i. Yellow high pressure sodium luminaires used for parking lot lighting may be installed at a maximum height of thirty (30) feet
 - i. Perimeter poles that abut a residence or residential district shall be no more than 10 feet in height. They shall be turned off by 9:00 p.m. unless there is a special event.
- j. River Road and River Corridor zoning districts parking lot lights shall be fully shielded, decorative, high pressure sodium lights with bulbs that do not exceed 100 watts, or LED with bulbs that do not exceed 3,000 kelvins. The poles shall not exceed twelve (12) feet in height.
- k. LED parking lot lighting shall adhere to the following criteria.
 - i. All fixtures are Full cut-off.
 - ii. Poles shall be 20 feet in height with perimeter (at the property line) poles at 10 feet in height.
 - iii. Lumens per net acre shall not exceed 100,000 (does not include governmental owned streetlights).
 - This lumen per net acre value is an upper limit and not a design goal
 - Design goals should be the lowest levels that meet the requirement of the task
 - iv. Maximum 3,000 kelvins for bulbs.
 - v. Any lighting under awnings or canopies shall be completely recessed or shielded.
 - vi. Outdoor lighting intended to be left on more than 30 minutes after closing, or the completion of activities must be reduced to 25% or less of the normal lumen output. Motion sensor activation may be allowed to cause the light to resume normal lumen output only when activated and to be reduced back to 25% or less of normal lumen output with 5 minutes after activation.

- vii. Wall packs may be used in combination with pole lights if they are full cut-off and/or shielded fixtures.
- viii. SoBo area, east of Hwy 87 is limited to 50,000 lumens per acre.

ARTICLE 5. ZONING DISTRICTS AND USE REGULATIONS.

SECTION 20. B-3 - CENTRAL BUSINESS DISTRICT

E. **Restrictions on Particular Uses.** The following "Restricted" uses have the additional requirements specified in this section:

1. Mixed-use Dwelling Units must meet the following specific site and building design standards:
(Ord. No. 2012-04, §5, 4-24-2012)
 - a. Each unit, residential and commercial, shall have two clearly distinct areas.
 - b. Each area shall separately and independently meet the required building codes applicable to the intended use for that portion of the building.
 - c. Occupational or vocational uses allowed in the non-living portion may be any non-residential use allowed in the zoning district. The use shall not by reason of noise, odor, or physical operation create any impacts on adjacent lots that are adverse to adjacent uses. Uses with a tendency to create external impacts or visible signs of operation may be further limited in terms of site design or hours of operation in order to minimize potential impacts.
 - d. Required parking shall be based on the greater of the parking required for the non-living area or the living area.
2. Bars that are located off Main Street shall be located no closer than 100 feet of a Residential Use and shall be no more than 2,500 square feet.
3. Home Occupations shall meet the restrictions in Article 3, Section 04.
4. Bed and Breakfasts shall meet the restrictions in Article 3, Section 04.
5. Office uses shall not be permitted on the first floor fronting Main Street. They may be permitted on the second floor or above fronting Main Street or on any floor along secondary streets.

SECTION 33. NH – NH – NORTH HERFF ROAD OVERLAY DISTRICT

- A. **Purpose.** The North Herff Road Overlay District establishes parameters for development of properties in this unique area of Boerne with regard to site and architectural design, building materials, landscaping, lighting, and signage to promote the character of Boerne. Except for the items specifically identified in this Section the Combined Commercial Design Standards in Article 3, Section 09 of the Zoning Ordinance shall apply to all lots located in the North Herff Road Overlay District.
- B. **Applicability.** The allowed uses, restriction on particular uses, and required lot dimensions are those of the underlying zoning district except for the required front setback as provided in Section D. The North Herff Road Overlay District is designated for development of all property on either side of Herff Road from Old San Antonio Road/Frey Street to River Road/Hwy 46 East.
- C. **Plan Review.** Building Plans shall be reviewed by the City Manager or City Manager's designee and approved prior to the issuance of a building permit for new construction to evaluate the compatibility of the plans with the guidelines mentioned in this section 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.
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.
 - 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 North Herff Road 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.
 - d. If it is determined that the structures will not have a negative impact on adjoining properties and the structures are not visible from the right-of-way because of topography, they may be exempt from the Entrance Corridor building standards.
- D. **Setbacks.** Typical lot setbacks are determined by the zoning designation. The North Herff Road Overlay District also provides a landscape setback. The landscape setbacks contained herein should be measured from Herff Road and do not necessarily reflect the lot front setback. A landscape setback shall be ten feet (10') measured from the right-of-way and outside of any easement. It shall be used only for the purpose of landscaping or screening and shall not be utilized for parking or internal circulation or drive purposes, except that a driveway may cut through for the purpose of reaching the area behind the setback.
- E. **Maximum Building Heights.** The North Herff Road Overlay District heights of structures shall not exceed two-stories, 30 feet. The Planning and Zoning Commission may grant a waiver to height restrictions based on the surrounding environment and appropriate location.

F. **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.
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.

G. Landscaping.

1. The required 10-foot (10') setback area from Herff Road 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 native plants, landscape rock, native rock walls, fountains, statuary, and 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 10-foot (10') 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 planted providing a solid 36-inch screen 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. 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.

H. Drainage and Detention Facilities.

1. Drainage facilities may be allowed within 10 feet (10') of Herff Road, provided they are non-structural drainage facilities designed and engineered to include substantial natural features and serve as an amenity to the site and the Overlay District.
2. Detention ponds may be located in the 10 foot (10') landscaped buffer if they are designed with a curvilinear contoured shape, are designed not to require fencing, are able to utilize vegetative slope stabilization with a slope not exceeding 3:1, and no structural retaining walls are used.

I. Fences.

1. Any screening fence within the 10 foot (10') landscape area shall be masonry, a combination of wood, tubular steel and masonry, decorative wrought iron or tubular steel, or alternative similar products as approved by the City Manager and/or the City Manager's designee.
2. Residential development shall screen the perimeter of the residential area along Herff Road with a six foot (6') fence constructed of solid masonry or other material approved by the Planning and Zoning Commission and provide landscape screening in front of the fence.

J. Nonconforming Structures.

1. Structures that were existing at the time the North Herff Road 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 Center Design Standards in Article 3, Section 09 of the Zoning Ordinance. 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 Center Design Standards in Article 3, Section 09 of the Zoning Ordinance. 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 Center Design Standards in Article 3, Section 09 of the Zoning Ordinance, 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.