

SECTION 33. N H – 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.
- G. **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.