

ORDINANCE NO. 2019-02

AN ORDINANCE AMENDING ORDINANCE NO. 2014-56, AMENDING PROVISIONS RELATING TO DEVELOPMENT PLAT REGULATIONS AND CRITERIA IN THE CITY LIMITS AND THE EXTRATERRITORIAL JURISDICTION (ETJ), SECTION 02. DEFINITIONS, SECTION 06. PROCEDURES FOR DEVELOPMENT PLAT, A. SUBMITTALS, B. FORM AND CONTENT OF PLAT, SECTION 07. PROCEDURES FOR ADMINISTRATIVE PLAT AND APPENDIX A. ILLUMINATION PLAN; PROVIDING FOR A PENALTY NOT TO EXCEED \$200; PROVIDING FOR A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, from time to time it becomes necessary to update and amend ordinances;

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

That Ordinance No. 2014-56 is hereby amended as follows:

SECTION 02. DEFINITIONS:

Development: Any new construction or the enlargement of any exterior dimension of any building, structure, or improvement.

ETJ: A municipality's extraterritorial jurisdiction as determined under Chapter 42.021 of the Texas Local Government Code.

Fire Protection Plan: A set of civil plans illustrating the proposed layout of an internal vehicular circulation system including the number of access points, inside turning radius specifications at intersections, roadway width throughout the development, specifications of any gated entry and egress systems, cul-de-sac dimensions, proposed fire hydrant locations, and the number of proposed dwelling units.

Heritage Tree: A Legacy tree species that has a trunk circumference (TC) larger than 75 inches.

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.

Legacy Tree: The following species of trees. Cottonwood, Sycamore, and all species of Cypress, Elm, Maple and Oak (with the exception of all varieties of red oaks), Pecan and Texas Ash.

Minor Development Plat Residential: A plat that establishes the boundaries of a residential parcel that was previously created by metes and bounds and not by formal replat.

Minor Development Plat Commercial: A commercial parcel that was previously created by metes and bounds and not by formal replat and does not incorporate additional improvements on the site that are greater than 10 percent of the existing site improvements.

SECTION 06. PROCEDURES FOR DEVELOPMENT PLAT

Following a pre-application conference, the developer may submit a development plat to the City Manager. In order to be prepared for submission, the developer shall deliver the following at least 30 calendar days prior to the date the plat is to be considered.

A. Submittal for a Development Plat

1. Five separate blue or black line 18" x 24" copies of the development plat for staff review meeting the requirements of sub-section B, one black and white copy 8.5" by 11" suitable for making overhead copies and a pdf.
2. Formal application and appropriate filing fee established by the City Council. No action shall be taken by the staff or Commission until the filing fee has been paid. The fee shall not be refunded should the developer fail to make formal filing of the development plat, or should the plat be disapproved.
3. Two copies of a Traffic Impact Analysis meeting the requirements of the City's TIA ordinance.
4. Letters/memos/emails from all the following agencies that either have jurisdiction over improvements required or desired in the development plat or that need to be notified that development is occurring, including:
 - a. City of Boerne Fire Code Official (if in the ETJ city limits);
 - b. Bandera Electric Co-op and/or Pedernales Electric Co-op;
 - c. Texas Department of Transportation (if any state right-of-way is involved in streets or access points);
 - d. Cow Creek Ground Water Conservation District (if in the county);
 - e. Cable and telephone wire services;
 - f. Kendall County (if any county right-of-way is involved in streets or access points);
 - g. Kendall County Development office verifying approval of the On-site sewage facilities (OSSF) design for the intended use (if in the county);
and
 - h. any other State or public agency approval with jurisdiction over improvements desired in the subdivision.

5. An illumination Plan (Appendix A).
6. An Open Space System Plan meeting the requirements of the Subdivision Ordinance, Article 3, Section 3.03, and showing the location, Open Space Types, and proposed area of all public or common open space, including a table of requirements based on the proposed development and typical service areas for each Type.
7. Identify on the plat the location and species of all Heritage trees. Legacy trees that are one half the TC for that species as listed in Texas Forest Service. (<http://txforestsERVICE.tamu.edu>)Champion list in the Texas Big Tree registry; or a Live Oak Tree that has 113 TC inches or larger.
8. A tree survey for all property subject to the application that documents the presence of all Legacy Standard and Heritage Trees (Appendix B).
9. Three complete bound sets of design and construction documents required by Subdivision Ordinance, Article 2, Section 2.03 each bound with a copy of the plat (deliver to Public Works).
10. A minimum of two (2) copies of the drainage study per the Subdivision Ordinance, Article 6, Section 02.
11. If in the city limits and a steep slope is present on the site, provide a Slope Map.
12. If in the city limits, a Fire Protection Plan shall be submitted with the plat. If in the ETJ, a County approved Fire Protection Plan shall be submitted with the plat.

B. Submittal for a Minor Development Plat are as follows:

1. Five separate blue or black line 18" x 24" copies of the development plat for staff review.
2. Formal application and appropriate filing fee for an administrative development plat established by the City Council.
3. Letters/memos/emails from all agencies that either have jurisdiction over improvements or that need to be notified that development is occurring.

B. C. Form and Content of Plat.

The development plat shall be prepared by a registered public surveyor and bear his/her seal. The plat shall show or be accompanied by the following information:

1. The plat shall be drawn to a scale of one inch to 100 feet or one inch to 50 feet. The development plat shall generally include the entire tract intended to be developed at one time. When more than one sheet is necessary, an index sheet showing the entire subdivision at a scale of one inch to 400 feet shall be attached to the plat.
2. Each existing or proposed building, structure, or improvement or proposed modification of the external configuration of the building, structure, or improvement involving a change of the building, structure, or improvement;
3. The name of the development, which shall be approved by the City Manager or his designee.
4. The names and addresses of owners of record.
5. A location map showing the relation of the development to well known streets in all directions.
6. North point, with north to the top of the sheet if possible, and the bearing of record.
7. Name and location of adjacent subdivisions, watercourses on or adjacent to the proposed development, and the property lines and names of the property owners in all adjoining unsubdivided tracts.
8. The total acreage in the proposed development.
9. The location, right-of-way width, name and description of all existing or recorded streets, alleys, or other transportation features or similar reservations which are adjacent to the development, as determined from existing records.
10. Two-foot contour interval surveys tied to City Control Monuments or USGS Bench Marks. Where conditions exist that make the use of two-foot contours impractical, alternate intervals may be used upon approval of the City Manager or his designee.
11. The location of the City limit lines and the outer border of the City's ETJ if either traverse the development or are contiguous to the development boundary.
12. ~~If the property is a commercial development, the location of all setback lines shall be demonstrated, shown by dashed lines.~~

- 43.12. The centerline of watercourses, creeks and existing drainage structures within and adjacent to the development. Pertinent drainage data and the limits of areas subject to flooding shall be shown, delineating the 25-year and the 100-year flood limits if applicable.
- 44.13. A note as to whether any part of the development is located within a drainage basin which is upstream from a City water supply lake, and if so, a map at a convenient scale showing the location of the entire development in relation to the drainage basin.
- 45.14. If the development is located within a drainage basin which is upstream from a City water supply lake, calculations showing the maximum allowable area covered by impervious surfaces in the area of the subdivision.
- 46.15. The locations, dimensions and purposes of all recorded and proposed easements to include necessary sanitary control easement (100') required by Kendall County.
- 47.16. The total acreage of open space required by the City's Subdivision Ordinance.
- 48.17. If applicable, areas identified as steep slope with a slope of 15% or greater
- 49.18. Applicable Notes required under Exhibit A of the Subdivision Ordinance.

Formal Filing with the Planning and Zoning Commission.

A minimum of 14 days prior to the Planning and Zoning Commission meeting, and upon receipt of the review comments by staff, or upon failure of the City to provide written comments, the developer may make formal filing to the Planning and Zoning Commission, or after completion and acceptance of the submittal including any revisions or corrections suggested by staff. The formal filing shall contain the following:

- A. Twenty (20) folded copies of the final plat plus one 8½ x 11 black and white copy suitable for making overheads;
- B. At least three (3) original signed and sealed Mylars of the final plat for recording, plus an original, notarized affidavit showing the taxes have been paid, including copies of the paid tax statement from the Kendall County Appraisal District;
- C. If the plat is approved unconditionally, a check for recording fees as determined by Kendall County is required. If the plat is approved conditionally, the recording fee is paid prior to recordation; and

- D. Two copies of the digital file of the final plat in a format specified by the City Manager, and one copy of the final plat in .pdf format.

Plat Approval Options.

The developer or engineer of record may seek unconditional or conditional approval of the development plat by the Planning and Zoning Commission. If conditional approval is sought, the development plat will not be recorded until the condition of approval is satisfied. A Minor Development Plat shall only be approved unconditionally.

SECTION 07. PROCEDURES FOR ADMINISTRATIVE PLAT

Eligibility.

A plat that meets the following criteria may be determined to be an administrative plat and is eligible for an abbreviated administrative review as an alternative to the procedures in Section 06:

A. Development Plat that meets all any of the following requirements:

1. Any infrastructure improvements required by these regulations are routine in design and in conformance with all other plans and specifications of the City;
2. The proposed lot and lot configurations will comply with this ordinance and the zoning ordinance, or if not subject to zoning is in conformance with the Master Plan;
3. The development does not necessitate widening of streets or the extension of any municipal utilities, other than the installation of service lines to the individual lots, because either existing mains of adequate capacity are accessible or the subdivision is suitable for on-site water supply and wastewater disposal; or

4. Minor Development Plat as defined by this ordinance.

Procedures.

The submittal of an application for an administrative plat shall be made to the Director of Planning, after a pre-application conference.

- A. Upon a determination of eligibility for an administrative plat, the developer shall submit a plat with all information required of development plats in Section 06.

~~B. Within 21 calendar days after the date of application, an administrative plat shall be returned to the developer with written comments. If changes are requested by staff, the application shall not be considered officially filed with the City until such changes are made and the application re-submitted to the City.~~

B. A Minor Development Plat is exempt from the full submittal requirements of Section 06. The Director shall submit the proposed plat to other City departments or agencies for review and comment.

C. Within 21 calendar days after the date of application, an administrative plat shall be returned to the developer with written comments. If changes are requested by staff, the application shall not be considered officially filed with the City until such changes are made and the application re-submitted to the City.

~~G.~~ **D.** Upon completion of plat review by City staff and corrections by the developer, the applicant shall submit the items listed below within 14 calendar days after receiving staff comments:

1. Three original, signed Mylars of the plat;
2. Original tax certificates and affidavit stating that no taxes are delinquent against the property; and
3. The appropriate filing fees for final plats as specified by the City Council.

If the items listed above are not submitted within 14 calendar working days after receipt of staff comments, the administrative plat application will be considered null and void.

~~D.~~ **E.** The City Manager or designee may approve an administrative plat provided it meets the eligibility criteria in Section 07 and all requirements of this ordinance. The City Manager or designee may elect to forward the application to the Planning and Zoning Commission at any time in the review process. The City Manager or designee's decision on the administrative plat, or inaction by the City Manager or designee may be appealed to the Planning and Zoning Commission for action within thirty (30) days after the date of application and shall be considered in the same manner and procedures as preliminary plat.

APPENDIX A TO DEVELOPMENT PLAT REGULATIONS

ILLUMINATION PLAN

OUTDOOR LIGHTING.

3.02.001 Applicability.

All public and private outdoor lighting installed in the City of Boerne and the ETJ after the effective date of this ordinance shall be in conformance with the requirements established by this ordinance.

3.02.002. Creation of Lighting Districts.

Lighting districts established in these regulations allow for uniform lighting from one district to the other. The lighting districts are generally defined below.

- A** ***District 1:*** Commercial properties contiguous to the IH-10 right-of-way, US 87 (Main Street) from the south exchange to the intersection of HWY 46 (Bandera Rd.) **except as identified in District 3,** HWY 46 or West Bandera Rd west US 87 (Main Street) to city limits and, from the intersection of US 87 at N. School Street to the north exchange for the depth of the property, or 350 feet whichever is greater.
- B.** ***District 2:*** Properties contiguous to US 87 North from HWY 46 (Bandera Rd.). The intersection of US 87 and N. School Street and from the intersection of FM 474 and US 87 East to the City limits, and from the intersection of HWY 46 E and US 87 East along River Road to the City limits.
- C.** ***District 3:*** River Rd from US 87 to the west side of Esser/Herff Road intersection, ~~and~~ and the remainder of the City of Boerne **and the ETJ.**

Properties located in the SoBo Overlay district east of Hwy 87 shall adhere to District 3 lighting standards and shall have pole heights no taller than 20 feet except for street lights on Herff Road.

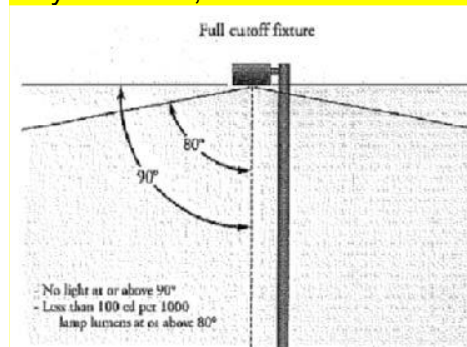
3.02.003. Lighting Classification.

- 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.

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 that are installed after the effective date of this ordinance shall be installed using Full Cutoff fixtures or shall otherwise be fully shielded, as that term is defined herein. Design levels shall correspond to the appropriate IES (Illuminating Engineering Society) minimum requirements for illumination. 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.

- 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 that has been approved by the City Manager and/or designee.

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 Overlay District, east of Hwy 87 is limited to 50,000 lumens per acre.

PASSED and APPROVED on first reading this the ____ day of January, 2019.

PASSED, APPROVED, and ADOPTED on second reading this the ____ day of January, 2019.

APPROVED

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney