

OVERLAY DISTRICTS

BOERNE UNIFIED DEVELOPMENT CODE

JUNE 10, 2021



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1.1. PROCEDURES IN THE OVERLAY DISTRICTS

A. PROCEDURES IN THE HISTORIC DISTRICT

1. Permitting Procedures in the Historic District
 - a. Any construction activity requiring a permit shall also require a Certificate of Appropriateness by the Historic Landmark Commission (the HLC).
 - b. For all permits requiring a Certificate of Appropriateness, the applicant shall comply with the requirements for a Certificate of Appropriateness, as indicated in this Chapter.
2. Rezoning in the Historic District
 - a. The HLC shall not have the authority to approve or deny the specific use of a site.
 - b. When considering applications for rezoning in the Historic District, the following criteria shall apply:
 - i. The rezoning preserves the architectural integrity of the historic district.
 - ii. The particular use shall only be permitted if it is compatible with and would not deteriorate the character and value of the district.
 - iii. Design components, including parking, landscaping, pedestrian areas, lighting, signage, fences, walls and screening, shall be submitted in the form of a site plan. Such components shall comply with the design standards for the Historic District.

B. PROCEDURES IN ANY OVERLAY DISTRICT OTHER THAN THE HISTORIC DISTRICT

1. Rezoning in an Overlay District Other Than the Historic District
 - a. When considering applications for rezoning in an Overlay District other than in the Historic District, the requested use shall not be a use that is prohibited in the overlay district.
 - b. Rezoning shall be consistent with the purpose and intent of the overlay district.
 - c. For Special Use Permits, compliance with the Boerne Architectural Guidelines, Boerne Dark Sky Standards and/or City of Boerne Addition to the San Antonio River Authority Low Impact Development Manual may be required for site and building design, as applicable for the site in question and for the overlay district in which the site is located.
2. Creative Alternatives in an Overlay District Other Than the Historic District
 - a. For applicants seeking a creative alternative to the standards of the UDC, the Boerne Architectural Guidelines, Boerne Dark Sky Standards, and/or City of Boerne Addition to the San Antonio River authority Low Impact Development Manual may apply.
 - b. These Guidelines and Standards shall be interpreted and applied by the Design Review Committee in review and recommendation of any permit application, rezoning application or plat application where a creative alternative has been requested by the applicant.
 - c. Creative alternatives do not allow for and cannot be employed to accommodate prohibited uses.

C. MASTER SIGN AGREEMENTS

1. Intent

Master sign agreements are intended to:

- a. minimize visual clutter;
- b. assist with wayfinding;
- c. foster an organized and appealing streetscape in the City;
- d. improve public spaces within key corridors and centers of the City;
- e. grant multi-tenant and multi-lot projects a degree of flexibility in terms of sign placement and design, while still maintaining an aesthetic that is consistent with the project's location; and
- f. Provide for an efficient and prompt alternative for sign plan approval.

2. Applicability

Projects that meet the size and locational criteria are eligible to enter into a master sign agreement.

a. Location

Projects must have street frontage within the following overlay districts to be eligible to enter a Master Sign Agreement:

- i. South Boerne Overlay District
- ii. Scenic Interstate Corridor Overlay District
- iii. Entrance Corridors Overlay District
- iv. Heritage Corridor Overlay District

b. Size

Project size requirements for a Master Sign Agreement are as follows:

- i. Multi-tenant, nonresidential projects with a project area over 50,000 square feet;
or
- ii. Mixed-use developments with a project area over 50,000 square feet

3. Submittal Requirements

- a. A Master Sign Agreement, in the form of a letter signed by all property owners in the plan area, agreeing to the terms and to the attached sign plan, shall be submitted to the Planning Director.
- b. A sign plan covering the entire area included in the Master Sign Agreement shall be submitted with the Master Sign Agreement to the Planning Director for approval.
 - i. The sign plan shall contain the following information:
 - (a) The boundaries of the area of the Master Sign Agreement.
 - (b) The location, size, and height of all existing and proposed signs;
 - (c) Description of development within the area of the Master Sign Agreement demonstrating the attributes of a unified commercial or industrial development; and

- (d) Demonstrated compliance with the Criteria for Approval, particularly the overall reduction in sign clutter by a reduction of 50% in the number of freestanding signs.

4. Decision

- a. The Planning Director may approve, approve with conditions or deny the Master Sign Agreement.

5. Criteria for Approval

The Planning Director may administratively approve a Master Sign Agreement, provided that:

- a. All areas to be combined in the Agreement are part of a clearly defined unified commercial or industrial development constructed as a single destination for customers and visitors. Attributes of a unified commercial or industrial development include but are not limited to:
 - i. Common name identification to the public;
 - ii. Shared parking provided throughout the development;
 - iii. Sign structures utilized for shared signage, including identification of the common name of the development;
 - iv. Physical layout of the development resulting in a cohesive development; and
 - v. The area should not be the combination of disparate premises joined solely for the purpose of initiating a Master Sign Agreement.
- b. The signage proposed pursuant to a Master Sign Agreement must demonstrate an overall reduction in sign clutter as evidenced by a reduction of 50% in the number of freestanding signs that would be allowed in the absence of a Master Sign Agreement.
- c. For multi-tenant properties, no more than 50% of the advertised message area may be used by one tenant.
- d. All signs shall be constructed of materials so as to maintain a consistent architectural theme throughout the project area. They shall incorporate materials that are coordinated with other design features of the project area.
- e. A property can be subject to only one Master Sign Agreement.

6. Recordation

- a. The Master Sign Agreement shall be recorded by the applicant in the official deed records for Kendall County, Texas.
- b. Sign permits shall not be issued for the subject property unless and until the applicant provides proof of recordation of the agreement.

7. Appeals

Appeals of the decision of the Planning Director, regarding Master Sign Agreements, shall be made in accordance with the appeals procedure of this Chapter.

8. Increases to Sign Space Under the Master Sign Program

- a. Freestanding Signs
 - i. When the number of signs proposed is 50% less than the number of signs allowed, freestanding signs shall be granted the following increases:

- (a) For pylon signs, the maximum sign area is increased by 25% and the maximum sign height is increased by 20%.
 - (b) For monument signs, the maximum sign area is increased by 20%. The increase in sign area shall not cause the monument signs to be taller than the maximum height for a monument sign. The increase in sign area shall be accommodated by a wider sign.
- ii. Pole signs and decorative post and panel signs are not eligible for increased sign space or sign height. This bonus is only available for monument signs and pylon signs.
- b. Building-Mounted Signs
 - i. Maximum total sign area per building wall does not change.
 - ii. Maximum sign area for dimensional projecting signs is increased by 20% per sign
- c. Signs on Accessory Structures
 - i. Signs on entry features: Maximum sign area is increased by 20%.
 - ii. Perimeter wall signs: Maximum sign area is increased by 20%.
 - iii. Signs on Detached Canopies: Signs on detached canopies are not eligible for increased sign space or sign height.

1.2. OVERLAY DISTRICTS GENERALLY

A. OVERLAY DISTRICTS ESTABLISHED

1. This section fully repeals and replaces Section 3.9 Overlay Districts in the City's Unified Development Code.
2. Overlay districts may be established, amended, or removed only in accordance with the procedure for Creating and Amending an Overlay District (Chapter 2: Procedures).
3. Overlay districts are established for certain areas of the City where additional use permissions and design restrictions are needed to:
 - a. Implement the goals, policies and recommendations of the Master Plan;
 - b. Promote the economy and general welfare of the community;
 - c. Preserve and protect historical and cultural assets of the City; and/or
 - d. Preserve and protect the natural resources of the City.
4. Zoning designation for properties fully or partially located within an overlay district shall include the base zoning category and the overlay district noted as a suffix.
5. The use regulations, dimensional standards and design requirements are those of the base zoning category, except for any additional permissions or restrictions established for the applicable overlay district.
6. Overlay districts may be applied over any base zoning within the city limits.
7. The overlay districts established prior to the effective date of this Unified Development Code include:
 - a. Historic District
 - b. South Boerne Overlay District
8. The overlay districts established upon the effective date of this Unified Development Code include:
 - a. River Road Overlay District
 - b. Downtown Community Overlay District
 - c. Heritage Corridor Overlay District
 - d. Scenic Interstate Corridor Overlay District
 - e. Entrance Corridors Overlay District

B. APPLICABILITY

1. The boundaries for applicability of the standards herein shall be established for each individual overlay district.
2. Standards represent the minimum requirements for development and use within an overlay district. Conformity with these standards shall be required for the granting of any zoning, plat, permit, certificate or other approval required for development within the City's area of jurisdiction.
3. Within the overlay districts, the standards of the underlying base zoning district, and of any and all other regulations of the City, shall remain in effect unless superseded by the requirements of the applicable overlay district.
4. In the event of a conflict between the requirements of the overlay district and the requirements of the base zoning district or another standard of the UDC, the requirements of the overlay district shall control.
5. If more than one overlay district applies for a property, the more conservative standard shall control.

C. STRUCTURES IN OVERLAY DISTRICTS

5.1. Structures within the Overlay Districts shall provide articulation on the primary façade and architectural elements to include a mix of materials, banding and other architectural features such as base plates, cornices, soffits, parapet and transoms on all facades.

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1.3. HISTORIC DISTRICT

A. PURPOSE

The purpose of the Historic District is to provide design guidance and standards that recognize the unique architectural character and historic patterns of use and site design, in order to preserve and protect the character, history and culture of the City of Boerne through the preservation, restoration and re-use of its historic structures and facilities.

B. APPLICABILITY

1. These requirements shall be applicable for all property located, in full or in part, within the boundaries of the Historic District, unless otherwise indicated.
2. Design, new construction, alterations, site elements, additions, signage, and maintenance of properties that are fully or partially located within the Historic District shall be governed by the historic district design guidelines as adopted by City Council.
3. All residential buildings located within the historic shall be required to comply with the Historic Design Guidelines, regardless of age or architectural style, for the granting of any permit or certificate required for development activity in the Historic District.
4. The standards and guidelines of the Historic District shall be applied and interpreted by the Historic Landmark Commission.
5. The Boerne Historic Design Guidelines and the provisions and regulations contained therein shall apply to all properties fully or partially within the locally designated historic district, and to historically designated landmarks, regardless of age or architectural style.
6. Buildings that are fifty years of age or more, or which have been determined to be historically contributing, shall be required to comply with the Boerne Historic Design Guidelines.
7. Non-historic Buildings
 - a. For buildings and structures that are less than fifty years of age, which have been determined to be non-contributing, or which have been substantially altered, the Historic Landmark Commission may apply the guidelines with more flexibility.
 - b. In reviewing work affecting non-historic buildings, the Historic Landmark Commission's approach is to maintain or enhance their relationship and compatibility with adjacent historic buildings and streetscapes.
8. Any activity requiring a Certificate of Appropriateness will be subject to the Historic Design Guidelines adopted by the City.

C. USES

1. Additional uses that are allowed in the Historic District:
 - a. Bar/wine bar
 - i. The maximum building area of a bar or a wine bar shall not exceed 2,500 square feet.
 - ii. There shall be no alcohol service past midnight.
 - b. Craft Alcohol Production
 - i. At least 15 percent of the gross floor area (GFA) shall be maintained as retail space open to the public.
 - ii. Manufacturing-related activity shall not occupy more than 5,000 square feet of gross floor area (GFA).
 - c. Short-term rental
 - d. Single-family detached dwelling, if the structure is a residential structure

2. Uses requiring a Special Use Permit:
 - a. Mixed-use building
 - b. Multifamily

3. Uses that are prohibited within the Historic District:
 - a. Assisted living facility
 - b. Automobile parts and parts sales
 - c. Automobile rental facility
 - d. Automobile sales
 - e. Automobile service (with or without outside storage)
 - f. Bus terminal
 - g. Car wash
 - h. Daycare
 - i. Funeral home/mortuary
 - j. Gas station
 - k. Medical - freestanding emergency room
 - l. Medical - hospital/inpatient care facility
 - m. Medical – surgical center
 - n. Nursing/residential care facility
 - o. Pawn shop
 - p. Portable building sales
 - q. RV park
 - r. Sales yard (outdoor)
 - s. Warehouse retail

D. RESIDENTIAL DESIGN

1. Dimensions

Dimensions for residential buildings shall be in accordance with the base zoning of the property, except:

a. Building Height

Building height shall not vary more than one-half story from the building height of the majority of other buildings on the block on which the new house is located, and the maximum allowable height of a residential building in the Historic District is 2 stories or 30 feet.

b. Building Width

Building width shall not vary more than one-half of the average width of residential properties on the same block, regardless of setbacks.

c. Front Yard Setbacks

- i. The minimum front yard setback for all residential properties in the Historic District is 10 feet. Where possible, front yard setbacks shall not vary more than 2 feet from the front yard setback of the neighboring properties.
- ii. Where neighboring properties vary in setback, alignment shall be with the neighboring property with a front building wall nearest to the street.

iii. The minimum front yard setback for attached garages on all residential properties in the Historic District is 10 feet. Detached garages shall be set back at least 5 feet more than the actual setback distance of the primary building.

d. Side Yard Setbacks of Accessory Buildings

The minimum side yard setback for accessory buildings is 10 feet for street-facing accessory buildings on corner lots.

For all other conditions, side yard setbacks for accessory buildings shall be in keeping with the base zoning of the property.

e. Rear Yard Setbacks

The minimum rear yard setback for all residential properties in the district shall be 10 feet.

2. Building Orientation

- a. New residential buildings shall maintain the existing pattern of surrounding historic buildings along the street in terms of building orientation.
- b. The main building entry of any newly constructed house in this district shall face the street. For corner lots, the main building entry shall face the street associated with the building address.
- c. There shall be no minimum combined front and rear yard setback.

3. Windows

- a. Window openings shall be rectangular in shape, except that windows in the shape of a circle shall be permitted in the second-floor space of a front-facing gable roof.
- b. Window proportions on the main façade should not exceed three-to-one and shall not be less than two-to-one, in height-to-width ratio.
- c. The use of dark tinted windows, reflective glass or coatings is prohibited on windows facing a public right of way.

4. Porches

- a. All residences in the Historic District shall have an entry porch in front of the house.
- b. Porches shall be covered and shall have columns and railings with balusters that are traditional in terms of design and materials, in keeping with the Historic Design Guidelines.
- c. Porch roofs shall be one of the following roof types:
 - i. Gable
 - ii. Hipped
 - iii. Shed

5. Building Materials

- a. Poured concrete, concrete block and split faced concrete are acceptable foundation materials. Stucco or other finishes may be used to provide a textured surface.
- b. If bricks are used as façade material on the building, such brick shall closely match traditional mortar and brick color tones. White or light mortars shall not be used with dark brick colors.

- c. In cases of new construction, if the construction is frame construction, the preferred exterior material includes wood, clapboard, shingle, and stucco.

6. Garages

- a. Garage doors shall be wood or wood-paneled. Vinyl, aluminum, or steel doors are discouraged, and all proposed material require approval of the Historic Landmark Commission.
- b. Garage doors shall have windows.

7. Parking

For residential properties, parking shall be in accordance with the base zoning requirements. On-street parking shall not be counted toward the minimum parking requirements.

8. Fences and Walls

- a. The only type of wooden fence allowed in the historic district is a split-rail fence.
- b. Wrought iron and other fencing material with high opacity shall also require landscape screening.
- c. Barbed wire, sheet metal and chain link are prohibited fencing material in the Historic District.

9. Accessory Buildings

- a. Accessory buildings shall be of the same materials, textures, roof type and colors as the primary building.

E. NONRESIDENTIAL DESIGN

- 1. Any nonresidential construction requiring a permit shall require approval by the Historic Landmark Commission prior to permitting.
- 2. For establishments with outdoor entertainment, the City's noise and lighting ordinances apply.
- 3. Dimensions

Dimensions for nonresidential properties shall be in accordance with the base zoning of the property, except:

a. Building Height

- i. The maximum height of a nonresidential building in the Historic District is 40 feet.
- ii. For a building that is more than two stories in height, any portion of the building above the second floor shall be stepped back at least 10 feet from the building line facing a public street and/or a residential property.

b. Building Width

For new construction, building widths shall not vary by more than one-half of the average width of nonresidential properties on the same block, regardless of setbacks, unless vertical divisions are used to maintain the appearance of building widths that are within 50 percent of the average building widths of the block.

c. Front Yard Setbacks

- i. If the property fronts a public right of way where there is at least 4 feet of unobstructed sidewalk space between the front building line and the corresponding roadway, there shall be a 0-foot minimum front yard setback, even if the adjacent use is residential.
- ii. If there is not at least 4 feet of unobstructed sidewalk space within the public right of way, between the front building line and the back of curb of the corresponding roadway, the front yard setback shall be increased to maintain a continuous 4-foot unobstructed sidewalk space between the front building line and the back of the curb.
- iii. Front building lines should align with the building setbacks of neighboring properties to maintain a continuous street wall. The front building line of new construction shall align with the front building line of at least one of the properties adjoining the side of the new building construction.

d. Side Yard Setback

The minimum side yard setback is 5 feet, or 0 feet if there is an approved fire wall.

e. Rear Yard Setback

The minimum rear yard setback is 10 feet.

4. Building Orientation

Primary building entry shall be oriented toward the street of the buildings address.

5. Building Facades

- a. All primary building entrances shall be covered either by the second floor as a recessed entry, or by an awning, canopy, marquis sign or balcony.
- b. Where first floor uses are non-residential, at least 50% of the building front shall be windows, from 2 feet to 8 feet above ground level.
- c. Architectural details shall be utilized in building facades in a manner consistent with the Design Guidelines and with the period of construction of the downtown area. Ornamentation shall include a combination of the following decorative elements on the building façade:
 - i. Cornices and eaves
 - ii. Moldings, corbels and brackets
 - iii. Masonry patterns
 - iv. Cornices
 - v. Window hoods
- d. Preventive maintenance shall be required for exteriors visible from a public street in the Historic District. This includes rust removal, caulking and repainting.
- e. Second and third floor windows shall be double hung.
- f. Building Materials
 - i. Poured concrete, concrete block and split faced concrete are acceptable foundation materials. Stucco or other finishes may be used to provide a textured surface.

- ii. If bricks are used as façade material on the building, such brick shall closely match traditional mortar and brick color tones. White or light mortars shall not be used with dark brick colors.

6. Fences and Walls

- a. Masonry walls are the preferred type of wall in the Historic District.
- b. There shall be no fences or walls within the minimum front yard setback area.
- c. No wooden fences shall be permitted for nonresidential properties fronting Main Street in the historic district. On other street faces, wooden fences may only be split-rail fences.
- d. Wrought iron and other fencing material with high opacity shall also require landscape screening.
- e. Barbed wire, sheet metal and chain link are prohibited fencing material in the Historic District.

7. Parking

- a. For nonresidential properties and nonresidential uses in mixed-use buildings or mixed-use lots, the parking requirements may be satisfied by on-street parking.
- b. For residential units in mixed-use buildings or mixed-use lots, on-street parking shall not be counted toward residential parking requirements.

8. Seasonal Window Décor

- a. It is the intent of the City to encourage vibrant, pedestrian-oriented commerce along Main Street, and to foster a safe and enjoyable environment for patrons and for business owners.
- b. Temporary, seasonal window displays that cover more than 75% of a first-floor window shall be removed within 60 days of installation. They shall be allowed, and shall not require a permit, provided they conform to all other rules and requirements of the City.

F. SIDEWALKS

All properties in the Historic District shall maintain a continuous sidewalk with an unobstructed pedestrian pathway at least 4 feet wide. A wider width may be required if needed to align a new sidewalk with the sidewalk of an adjoining property.

G. SIGNAGE

1. Sign Types

a. Prohibited Sign Types

The following sign types are prohibited in the Historic District:

- i. Detached canopy signs;
- ii. Perimeter wall signs, except for inset or engraved markers, such as building names and/or addresses;
- iii. Freestanding entry feature signs;
- iv. Portable changeable message board signs
- v. Pole signs

b. Window Signs

Temporary window signs that cover 75% or more of a first-floor window shall be removed within 60 days of installation. They shall not require a permit.

c. All other sign types

For all other sign elements, the requirements of Chapter 9: Signage and the requirements for a Certificate of Appropriateness, in addition to those requirements above for particular sign types, shall apply.

2. Sign Elements

The following sign elements shall comply with these additional requirements and prohibitions.

a. Prohibited Sign Elements

The following sign elements are prohibited in the Historic District:

- i. Digital sign faces; and
- ii. Electronic changeable copy sign faces

b. Allowances for Original Sign Types

A sign type or sign element may be permitted, per HLC approval, if it can be demonstrated that it is original to the site, or to the period in which the site was first developed. This includes, but is not limited to, channel letter sign faces and neon signs.

c. All other sign elements

For all other signs, the requirements of Chapter 9: Signage and the requirements for a Certificate of Appropriateness shall apply.

1.4. DOWNTOWN COMMUNITY

A. PURPOSE

The purpose of the Downtown Community Overlay District is to

1. preserve the balance of residential and commercial uses downtown;
2. minimize conflict between residential and nonresidential uses and activities;
3. encourage property ownership and maintenance of existing residences, which, although not historically designated, are culturally significant for the City; and
4. accommodate nonresidential uses that provide neighborhood services for the community, without losing the predominantly residential nature of this area.

B. APPLICABILITY

These requirements shall apply to all property located east of the Historic District, north of River Road Overlay District, west of the Old Number Nine trail, and fronting and/or south of Blanco Road.

C. USES

1. Additional Uses Allowed

Uses allowed in the Downtown Community Overlay District, regardless of base zoning:

a. Mixed-use buildings

If the base zoning of the property is commercial, then a mixed-use building shall be allowed, provided that the following hold true:

- i. Each area shall separately and independently meet the required building codes applicable for the intended use of that portion of the building;
- ii. Nonresidential uses may be any nonresidential use allowed in accordance with the base zoning of the property, or in accordance with extra uses allowed in the Downtown Community Overlay District;
- iii. When adjacent to a residence or a residentially zoned property, the use shall not by reason of noise, odor, or physical operation create any adverse impacts on adjacent residential lots or uses; and
- iv. Required parking for the site shall be the sum of all parking required for individual uses.

- b. Mixed-use lot
- c. Short-term rentals
- d. Single-family dwelling (attached or detached)

2. Uses Requiring a Special Use Permit

Uses requiring a Special Use Permit in the Downtown Community Overlay District:

- a. Parking lot/garage

3. Additional Use Requirements

a. Bars/wine bars

- i. Bars and wine bars in the Downtown Community Overlay District shall have a total building area of no more than 2,500 square feet.
- ii. Bars and wine bars shall not serve alcohol past midnight.

b. Craft alcohol production

- i. At least 15% of the gross floor area (GFA) shall be used as retail space that is open to the public.
- ii. No more than 2,000 square feet of the gross floor area (GFA) shall be used for manufacturing related activity. This includes space for production, bottling, packaging, storage, and distribution.

c. Establishments with Live and/or Outdoor Entertainment

Establishments with live and/or outdoor entertainment shall meet the noise and light ordinance requirements of the City.

4. Prohibited Uses

- a. Car wash
- b. Gas station
- c. Multi-family
- d. RV park

D. DIMENSIONS

Dimensions shall be in accordance with the base zoning of the property, except:

1. Building Heights

The maximum building height shall be in keeping with the base zoning of the property, except that the maximum building height for nonresidential, multifamily, mixed-use buildings, and nursing/residential care facility is 30 feet or 2 stories. An increase for these uses to 38 feet or 3 stories is allowed if the third story is stepped back 10 feet from the building line facing a public street and/or a residential property.

2. Setbacks

Setbacks for nonresidential, multifamily, mixed-use buildings, live-work units and nursing/residential care facilities:

- a. The minimum front yard setback is 10 feet.
- b. If adjacent to a residentially zoned property, the front yard setback shall be the same as the minimum front yard setback requirement of the neighboring property. If there are residentially zoned properties on both sides, the greater of the two setbacks shall be the minimum distance.

E. NONRESIDENTIAL DESIGN

1. Encroachments

a. Encroachment of the public right of way is prohibited.

2. Fences and Walls

Nonresidential properties that are located next to residential properties shall be fully fenced with a 6-foot privacy fence or wall. Such a fence or wall shall be constructed in keeping with the City's requirements for fences and walls.

3. Landscaping

In addition to the general landscape and tree preservation requirements, nonresidential properties within the Downtown Community Overlay District shall maintain a tree canopy coverage of at least 50% of the total property area. Total tree canopy coverage shall be calculated as the sum of the square footage of lot area directly underneath the canopy of the shade trees planted on a site. Canopy coverage per tree is based on typical size of tree species at maturity.

4. Sidewalks

- a. Sidewalk widths shall match those of existing sidewalks on adjacent properties, in terms of width and orientation to the street. Where there is no adjacent sidewalk condition, sidewalks shall maintain a width of at least 5 feet.
- b. All sidewalks in the overlay district shall maintain an unobstructed pedestrian zone that is at least 4 feet wide, with at least 8 feet of vertical clearance above the unobstructed pedestrian zone.
- c. Temporary signage, planters, benches and other street furnishings are permitted along sidewalks, provided that:
 - i. They do not encroach the unobstructed pedestrian zone;
 - ii. The furnishing conforms to all design requirements of the City; and
 - iii. No portion of the furnishing is within 2 feet of the back of the curb of a public street.

5. Parking and loading

a. Parking Requirements for Commercial Properties

- i. The parking requirements for commercial uses in the Downtown Community Overlay District shall be 50% of the minimum requirement of Chapter 5: Nonresidential Design.

b. Parking Credits

On-street parking spaces located within 60 feet of a commercial establishment may be used to satisfy the parking requirements of that establishment.

F. MULTIFAMILY, MIXED-USE BUILDINGS AND LIVE-WORK UNITS

1. Parking

- a. For mixed-use buildings or live-work units, any residential component shall require 100% of the minimum parking requirement to be satisfied.
- b. Nonresidential components shall require 50% of the minimum requirement of Chapter 5: Nonresidential Design.

- c. On-street parking spaces located within 60 feet of a mixed-use site or building may be used to satisfy the parking requirements of the nonresidential uses.
- 2. For all other design standards, multifamily, mixed-use buildings and live-work units shall comply with the standards of Chapter 5: Nonresidential Design.

G. SIGNAGE

a. Prohibited Signs

- i. Roof signs;
- ii. Portable changeable message board signs
- iii. Illuminated signs where the illumination is not static

b. Signs with Additional Requirements

i. Decorative Post and Panel Signs

Decorative Post and Panel signs shall not exceed a height of 8 feet.

c. Signs Requiring a Certificate of Approval from the Design Review Committee (DRC)

- i. Digital signs
- ii. Illuminated signs
- iii. Pole signs
- iv. Pylon signs

d. All Other Signs

For all other sign types, the requirements of Chapter 9: Signage shall apply.

1.5. RIVER ROAD OVERLAY DISTRICT

A. PURPOSE

1. The River Road Overlay District is established to protect the enjoyment of the views of Cibolo Creek, while encouraging an active mixed-use area in the City.
2. The River Road Overlay District is composed primarily of retail, dining and entertainment uses, but allows for limited office and residential uses.
3. The properties fronting River Road are encouraged to make use of the Cibolo Creek view by allowing patios and outdoor entertainment areas.
4. Transition from River Road to surrounding neighborhoods shall be achieved through design interventions such as screening, buffers, increased setbacks or height restrictions.

B. APPLICABILITY

The River Road Overlay District shall apply to properties fronting or sharing a property boundary with the public right of way of River Road, east of the Historic District and west of Esser Road and Herff Road.

C. USES

1. Additional uses allowed:
 - a. Additional uses allowed for commercially zoned properties
 - i. Bar/wine bar
 - ii. Craft alcohol production
 - iii. Mixed-use building
 - iv. Mixed-use lot
 - b. Additional uses allowed for residentially or commercially zoned properties
 - i. Short-term rental
2. Uses Requiring a Special Use Permit
 - a. Assisted living facility
 - b. Nursing/residential care facility
3. Additional Use Restrictions
 - a. Attached dwelling units and multi-dwelling structures shall not front River Road.
 - b. For boutique hotels, lot widths in excess of 150 feet or 1/2 of a city block shall require a Special Use Permit.
 - c. Mobile food vendors shall be located on private property with the permission of the owner and shall not park in the right-of-way of any street or state highway within the River Road Overlay District.
 - d. Live-work units must meet the following specific site and building design standards:
 - i. 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 averse 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.

- ii. Required parking shall be based on the greater of the parking required for the non-living area or the living area.
- e. Bar/wine bar
 - i. Bar/wine bar in the River Road District shall have a total building area of no more than 2,500 square feet.
 - ii. Bar/wine bar shall not serve alcohol past midnight.
- f. Craft alcohol production
 - i. At least 15% of the gross floor area (GFA) shall be designated for retail use, open to the public.
 - ii. No more than 2,000 square feet of the gross floor area (GFA) shall be used for manufacturing-related activity. This includes space for production, bottling, packaging, storage, and distribution.
- g. Establishments with Live and/or Outdoor Entertainment

Establishments with live and/or outdoor entertainment shall meet the noise and light ordinance requirements of the City.

4. Prohibited Uses

- a. Automobile parts and parts sales
- b. Automobile rental
- c. Automobile sales
- d. Automobile service (with or without outside storage)
- e. Bus terminal
- f. Car wash
- g. Funeral home/mortuary
- h. Gas station
- i. Pawn shop

D. DIMENSIONS

Dimensions shall be in accordance with the base zoning of the property, except:

1. Building Height

- a. Maximum building height is 30 feet or 2 stories.
- b. Buildings over 30 feet and up to 38 feet or 3 stories are permitted under the following conditions:
 - i. The third floor shall be stepped back at least 10 feet from the building wall facing a public street or a single-family residence, or the building shall be set back more than 30 feet from the nearest public street or single-family residence; and
 - ii. Buildings that are over 30 feet or 2 stories in height shall require approval by the Design Review Committee.
 - iii. Buildings over 38 feet or 3 stories are prohibited.

2. Lot Width

Maximum lot width shall be 150 feet or 1/2 of a block length, whichever is less.

3. Front Yard Setback

- a. Minimum front yard setback shall be 5 feet.
 - b. For properties fronting River Road, the maximum front yard setback shall be 25 feet.
4. Side Yard Setbacks
- a. Where the property adjoins a detached residence, the minimum side yard setback shall be 5 feet.
 - b. Where the property adjoins an attached residence, the minimum side yard setback is 0 feet, pending Fire Marshall approval.
 - c. For corner lots, the minimum side yard setback shall be 10 feet.
 - d. For any other adjacency condition, the minimum side yard setback shall be 5 feet.
5. Rear Yard Setback
- a. Where the property adjoins a residential property, the minimum rear yard setback is 5 feet.
 - b. If the lot is alley loaded, the minimum rear yard setback is 0 feet.
- E. NONRESIDENTIAL DESIGN
1. Building Orientation
- a. Buildings that front River Road shall be sited orthogonal to the street, to strengthen the relationship of the building to the street.
 - b. Dual frontage may be permitted, but the primary building entry shall face River Road.
2. Encroachments
- a. Porches, awnings, canopies, decks and other outdoor spaces may encroach the building setback space.
 - b. Encroachment of the public right of way is prohibited.
3. Fences and walls
- a. Where perimeter walls are required, landscape screening shall also be used in front of the perimeter wall, between the perimeter wall and the right of way.
 - b. Nonresidential properties shall maintain a 6-foot privacy fence where adjacent to a residential property.
 - c. Except as required by the UDC or any other code or law, screening, walls and fences shall not obstruct the views of the creek.
4. Landscaping
- a. Commercial properties within the River Road Corridor Overlay District shall maintain a tree canopy coverage of at least 50%, of the total property area. Total tree canopy coverage shall be calculated as the sum of the square footage of lot coverage provided by all shade trees planted onsite, where canopy coverage per tree is based on size of tree at maturity.
5. Sidewalks
- a. Sidewalk widths shall be continuous with existing sidewalks on adjacent properties, in terms of width and orientation to the street. Where there is no adjacent sidewalk condition, sidewalks shall be located at back of street curb and shall maintain a minimum width of 5 feet.

- b. All sidewalks in the overlay district shall maintain an unobstructed pedestrian zone that is at least 4 feet wide, with at least 8 feet of vertical clearance above the unobstructed pedestrian zone.
- c. Temporary signage, planters, benches and other street furnishings are permitted along sidewalks, provided that:
 - i. They do not encroach the unobstructed pedestrian zone;
 - ii. The furnishing conforms to all design requirements of the City; and
 - iii. No portion of the furnishings are within 2 feet of the back of the curb of a public street.

6. Driveways

- a. No new driveways shall be located along River Road. Driveways shall be located along side streets.

7. Parking

a. Parking Requirements for Commercial Properties

The parking requirements for commercial uses in the River Road Overlay District shall be 50% of the minimum requirement of Chapter 5: Nonresidential Design.

b. Parking Credits

The following may be used to satisfy the parking requirements for commercial properties on River Road.

- i. On-street parking spaces along River Road that are striped and located within 300 feet of a commercial establishment may be used to satisfy the parking requirements of that establishment.
- ii. On-street parking spaces along side streets that intersect River Road, which are located within 60 feet of a commercial establishment, may be used to satisfy the parking requirements of that establishment.

F. MULTIFAMILY, LIVE-WORK AND MIXED-USE DESIGN

1. Multifamily, live-work and mixed-use development shall comply with the standards for Nonresidential Design for the following components:

- a. Building orientation
- b. Setbacks and building height
- c. Fences, walls and screening
- d. Signage
- e. Sidewalks

2. Parking

- a. For multi-family, live-work and mixed-use development, 100% of the minimum parking requirement shall be provided for residential units.
- b. Nonresidential components of the development shall require 50% of the minimum parking requirement.
- c. Along River Road, on-street parking spaces that are striped and located within 300 feet of the commercial element of the project may be used to satisfy the commercial parking requirements.

- d. Alongside streets, on-street parking spaces located within 60 feet of a mixed-use site or building may be used to satisfy the parking requirements of the nonresidential components of the development.

G. SIGNAGE

1. Prohibited Signs

- a. Detached canopy signs
- b. Perimeter wall signs, except for inset or engraved markers, such as building names and/or addresses
- c. Freestanding entry feature signs
- d. Portable changeable message board signs

2. Signs with Additional Requirements

a. Pole Signs

Pole Signs shall only be allowed in the River Road Overlay District if they meet all of these requirements:

- i. They shall not exceed 8 feet in height above ground level, as measured at the base of the sign.
- ii. The sign area shall not exceed 16 square feet per side of the sign.
- iii. The sign shall not be internally illuminated.

b. Pylon Signs

Pylon Signs shall only be allowed in the River Road District if they meet all of these requirements:

- i. They shall not exceed 10 feet in height above ground level, as measured at the base of the sign.
- ii. The sign area shall not exceed 50 square feet per sign face.

c. Roof Signs

Signs mounted onto the roof shall be no taller than the height of the highest roof line of the building.

d. Illuminated sign where the illumination is not static

Illuminated sign where the illumination is not static shall require Certificate of Approval from the Design Review Committee.

e. Freestanding tube letter signs

Freestanding tube letter signs, such as neon signs, shall require Certificate of Approval from the Design Review Committee.

f. Digital signs

Digital signs shall require a Certificate of Approval from the Design Review Committee.

g. All Other Sign Types

For all other sign types, the requirements of Chapter 9: Signage shall apply.

DRAFT

1.6. SOBO OVERLAY DISTRICT

A. PURPOSE

The SoBo Overlay District spans various entrances into Boerne and contains unique street frontages, ecological features and economic opportunity. The SoBo Overlay District establishes parameters for development 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

The SoBo Overlay District is designated for commercial, mixed-use and residential development and includes all property as indicated on the SoBo Regulating Plan, except that property in the Hybrid Commercial Character Zone (HC-CZ) that is within 500 feet of Interstate 10 shall not be included in the SoBo Overlay District.

C. REGULATING PLAN

The SoBo Overlay District Regulating Plan, herein known as the Regulating Plan, is hereby adopted as the character map for the overlay district. It establishes the following character standards for all properties within the overlay area:

1. 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 use and building form standards, including standards for building height, width, location and functional design, as well as parking. The Regulating Plan classifies all lots within the overlay area into one of the following three (3) Character Zones:

- a. 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.
- b. 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 leverage 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.
- c. 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, 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.

2. 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 may 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. Streets and intersections can be added beyond the minimum circulation depicted on the Regulating Plan in accordance with existing regulations.

D. USES

1. The uses in this overlay district shall be in accordance with the three character zones, as follows:

- a. In the Hybrid Commercial Character Zone (HC-CZ):

Allowed uses shall be in accordance with the base zoning of the property, except:

- i. Any use allowed under the C3 zoning category shall be allowed for commercial properties in the Hybrid Commercial Character Zone are prohibited.
- ii. The following uses shall require a Special Use Permit in the Hybrid Commercial Character Zone:

- (a) Assisted living facility
- (b) Nursing/residential care facility

- iii. Prohibited uses in the Hybrid Commercial Character Zone:

- (a) Car wash

- b. In the Mixed-Use Character Zone (MU-CZ):

Allowed uses shall be in accordance with the base zoning of the property, except:

- i. Uses allowed in the Mixed-Use Character Zone, regardless of base zoning, for any commercially zoned property:

- (a) Hotel
- (b) Live-work units
- (c) Medical – freestanding emergency room
- (d) Medical – hospital
- (e) Medical – laboratory/diagnostic services
- (f) Medical – offices/outpatient services
- (g) Medical – surgical center
- (h) Medical – urgent care or walk-in clinic
- (i) Mixed-use building
- (j) Pharmacy

- ii. Prohibited uses in the Mixed-Use Character Zone:

- (a) Assisted living facility
- (b) Car wash
- (c) Nursing/residential care facility

- c. In the Neighborhood Character Zone (N-CZ):

Allowed uses shall be in accordance with the base zoning of the property, except:

- i. Uses allowed in the Neighborhood Character Zone, regardless of base zoning:
 - (a) Accessory dwelling (attached apartment, detached guest home or garage apartment)
 - (b) Attached residential
 - (c) Bungalow court
 - (d) Cottage house community
 - (e) Duplex dwelling
 - (f) Live-work unit
 - (g) Multi-dwelling structure, such as a triplex or a quadplex
- ii. Uses prohibited in the Neighborhood Character Zone:
 - (a) (a) Car wash

E. 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 these requirements, provided 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 City’s Combined Commercial Design Standards if in a Hybrid Commercial Character zone and conform to the City’s Commercial Center Design Standards in 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 City’s Combined Commercial Design Standards if in a Hybrid Commercial Character Zone and conform to the City’s Commercial Center Design standards 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. 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.

F. DIMENSIONS

Dimensions shall be in accordance with the base zoning of the property, except:

- 1. Hybrid Commercial Character Zone (HC-CZ)
 - a. Minimum Front Yard setback is 0 – 15 feet.
 - b. Minimum side yard setback to a detached dwelling is 3 feet.
 - c. Minimum side yard setback to an attached dwelling is 0 feet.
 - d. Minimum side yard setback to all other uses is 5 feet.
 - e. Minimum rear yard setback where adjacent to a residential use is 5 feet.
 - f. Minimum rear yard setback for all other uses is 10 feet.
 - g. For all other dimensional standards, the standards for C3 base zoning shall apply.
- 2. Mixed Use Character Zone (MU-CZ):

- a. Minimum Lot Area: 1,200 square feet
- b. Minimum Lot Width: 20 feet
- c. Maximum Building Height: 50 feet
- d. Minimum Front Yard setback is 0 – 15 feet.
- e. Minimum side yard setback to a detached dwelling is 3 feet.
- f. Minimum side yard setback to an attached dwelling is 0 feet.
- g. Minimum side yard setback to all other uses is 5 feet.
- h. Minimum rear yard setback where adjacent to a residential use is 5 feet.
- i. Minimum rear yard setback for all other uses is 10 feet.
- j. For all other dimensional standards, the standards for C2 base zoning shall apply.

3. Neighborhood Character Zone (N-CZ):

- a. Minimum Lot Area: 1,200 square feet
- b. Minimum Lot Width: 20 feet
- c. Minimum Front Yard setback is 0 – 15 feet.
- d. Minimum side yard setback to a detached dwelling is 3 feet.
- e. Minimum side yard setback to an attached dwelling is 0 feet.
- f. Minimum side yard setback to all other uses is 5 feet.
- g. Minimum rear yard setback where adjacent to a residential use is 5 feet.
- h. Minimum rear yard setback for all other uses is 10 feet.
- i. Base Zoning of C-1 shall apply for all other dimensional standards.

G. ADDITIONAL DESIGN STANDARDS

1. Fences Along Alleys

- a. There shall be a 5-foot minimum setback for fences along alleys.
- b. Where above ground franchise utility equipment exists, the minimum setback for fences is 8 feet.

2. Parking and Access Service

a. Parking

- i. In the Mixed-Use character zone (MU-CZ), all nonresidential uses are required a minimum of one space per 300 square feet.
- ii. On-street parking within 300 feet of a building shall be counted towards the parking requirement.

b. Residential Parking Setbacks

- i. Parking shall be located behind the principal building along that street frontage, or a minimum of 3 feet behind the building façade line along that frontage.
- ii. For rear and side yards, parking in the driveway shall not be within 20 feet of the respective lot line.
- iii. Where no parking on the driveway is permitted, there is a minimum rear and side yard parking setback of 5 feet.

c. Design of Automobile-Related Building and Site Elements

- i. Where permitted, drive-through lanes, auto service bays and gas station canopies for commercial uses shall not be located fronting 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-foot-high street screen along all streets.
- ii. 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.
- iii. Any automobile related retail sales or service use of a site or property shall have a primary building entrance along its frontage.
- iv. Drive through access may be from a street only if the lot has no access to any service drive or Alley frontage.
- v. 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
 - (a) a living screen or
 - (b) a combination living screen and primary building material screen.
- d. Design of Parking Structures
 - i. 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).
 - ii. 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. 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.
 - (a) Ground floor façade treatment (building materials, windows, and architectural detailing) shall be continued to the second floor of a parking structure along all streets
 - (b) When parking structures are located at street intersections, corner emphasizing elements (such as towers, pedestrian entrances, signage, glazing, etc.) shall be incorporated.
 - (c) 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

3. Street Design

- a. 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.
- b. Minimize the width and number of travel lanes so that vehicle design speeds are compatible with pedestrian travel.
- c. 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.
- d. 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.
- e. Maintain significant pedestrian areas – typically at least 6 to 10 feet in addition the landscape and pedestrian amenity areas.
- f. 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.

- g. 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.
- h. Alternatively, arcades may extend over the entire sidewalk areas
- i. Frequent connections to adjacent neighborhoods should provide multiple alternative routes between the neighborhood and the center.
- j. 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.
- k. 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.

H. SIGNAGE

1. Signs in the Hybrid Commercial Character Zone (HC-CZ)

- a. Prohibited signs
 - i. Portable changeable message board signs
 - ii. Bulletin board cabinets
- b. Signs with additional requirements
 - i. Pole signs

Pole Signs shall only be allowed in the Hybrid Commercial Character Zone if they meet all of these requirements:

 - (a) They shall not exceed 20 feet in height above ground level, as measured at the base of the sign
 - (b) The sign area shall not exceed 24 square feet.
 - ii. Pylon signs
 - (a) Pylon signs shall include a decorative cap and base, which count toward the maximum sign height.
 - (b) Pylon signs that are 24 feet or less, above ground level, as measured at the base of the sign, shall not require a Certificate of Approval.
 - (c) Pylon signs that are over 24 feet in height shall require a Certificate of Approval from the Design Review Committee. No sign, however, shall exceed 40 feet in height above ground level at the sign's highest point.
 - iii. Digital signs

Digital signs shall require a Certificate of Approval if any of the digital element of the sign is more than 12 feet above ground level.
 - iv. Electronic message boards

Digital signs shall require a Certificate of Approval from the Design Review Committee.

Manual changeable copy sign

- c. All other sign types

For all other sign types, the requirements of Chapter 9: Signage shall apply.

2. Signs in the Mixed-Use Character Zone (MU-CZ)

- a. Prohibited signs

- i. Portable changeable message board signs
- ii. Bulletin board cabinets

- b. Signs with additional requirements

- i. Pole sign

Pole signs shall require a Certificate of Approval from the Design Review Committee.

- ii. Pylon sign

Pylon Signs in the Mixed-Use Character Zone shall not exceed 12 feet in height above ground level, as measured at the base of the sign.

Roof sign

- iii. Digital sign

Digital signs shall require a Certificate of Approval from the Design Review Committee.

- iv. Illuminated sign

- v. Electronic message boards

Electronic message boards shall require a Certificate of Approval from the Design Review Committee.

- vi. Manual changeable copy sign

- vii. All other sign types

For all other sign types, the requirements of Chapter 9: Signage shall apply.

3. Signs in the Neighborhood Character Zone (N-CZ)

- a. Prohibited signs

- i. Roof sign
- ii. Portable changeable message board signs
- iii. Temporary feather sign
- iv. Moving sign
- v. Illuminated signs where the illumination is not static

- b. Signs with Additional Requirements

i. Pylon sign

Pylon Signs shall require a Certificate of Approval from the Design Review Committee.

ii. Pole sign

iii. Digital sign

Any sign with a digital sign element, including electronic message boards, shall require a Certificate of Approval from the Design Review Committee.

iv. Illuminated sign with static illumination

v. All Other Sign Types

For all other sign types, the requirements of Chapter 9: Signage shall apply.

DRAFT

1.7. HERITAGE CORRIDOR OVERLAY DISTRICT

A. PURPOSE

The purpose of the Heritage Corridor Overlay District is to:

1. preserve those Hill Country design elements that have historically characterized Boerne;
2. connect people with the natural environment, in a physical and visual way;
3. celebrate and protect the natural landscape of the City, particularly through tree preservation, streetscape enhancements, drainageway protection and dark sky lighting design for new development.
4. allow contextually appropriate development, in terms of heights, setbacks and density.

B. APPLICABILITY

These requirements shall be applicable for all property located within the boundaries of the Heritage Corridor Overlay District, unless otherwise indicated.

C. USES

1. Additional Uses Allowed

The following uses shall be permitted within the Heritage Corridor Overlay District, regardless of base zoning:

- a. Single family detached residences shall be permitted by right on lots that are at least 1 acre in size, regardless of base zoning.
- b. Urban agriculture uses shall be permitted by right, regardless of base zoning, provided they conform to the standards of the property's base zoning, and to those of the respective urban agricultural use, as indicated in the UDC.

2. Special Use Permit Required

- a. Assisted living facilities
- b. Mixed-use building
- c. Multifamily
- d. Nursing/residential care facility

3. Additional Use Restrictions

Multifamily, mixed-use buildings and assisted living facilities:

- a. The particular use must be permitted by right under the property's base zoning in order to be eligible for a Special Use Permit in this overlay district.
- b. The gross residential density, does not exceed 18 units per acre.
- c. The design of the buildings and of the site complies with Boerne's Architectural Design Standards.

4. Prohibited Uses

The landscape, topography and drainage attributes are such that large-scale impervious surfaces are inappropriate in this overlay district. Uses that require large, paved surfaces, such as automobile lots, and building which typically require large footprints, such as warehouse facilities, are also inappropriate for this overlay district. Therefore, the following uses are also prohibited, regardless of property base zoning:

- a. Automobile sales

- b. Car wash
- c. Gas Station
- d. Mini warehouse
- e. Industrial warehouses
- f. Outdoor sales yard
- g. Oversize vehicle or machine rental, sales or service
- h. Pawn shop
- i. Portable building sales
- j. RV park
- k. Thrift store
- l. Warehouse retail
- m. Warehousing

D. DIMENSIONS

- 1. No building within this district shall be greater than 30 feet in height.
- 2. The minimum lot area is ½ acre.
- 3. The minimum setback from Herff Road is 40 feet or the setback requirement of the property's base zoning, whichever is greater.
- 4. The minimum setback from Old San Antonio Road is 40 feet or the setback requirement of the property's base zoning, whichever is greater.
- 5. All other setbacks shall be in accordance with the property's base zoning.

E. BUILDING ORIENTATION

For properties with frontage along Old San Antonio Road, building siting shall be grade responsive.

F. PARKING

For properties fronting Old San Antonio Road and/or Herff Road, parking areas shall not be located within the minimum setback from that road.

G. FENCES AND WALLS

The following are prohibited for fences and walls within this overlay district:

- 1. Wooden privacy fencing is prohibited along the Old San Antonio Road, Herff Road, and River Road frontage.
- 2. Stone walls greater than 3 feet in height are prohibited within 10 feet of Old San Antonio Road. Stone walls greater than 3 feet in height that are set back 10 feet or more from Old San Antonio Road shall require natural landscape screening in front of the wall. The natural landscape screening shall fully screen at least 50 percent of the total area of the wall face.
- 3. Stone walls greater than 3 feet in height which are within 10 feet of Herff Road shall require natural landscape screening in front of the wall. The natural landscape screening shall fully screen at least 50 percent of the total area of the wall face.

H. LANDSCAPING AND SCREENING

- 1. Parking areas shall be screened from view from the designated roadway, and from the public right of way of all cross streets within 35 feet of the designated roadway.
- 2. Materials

Parking lot screening may be achieved with any of the following combinations, provided that they meet the dimensional standards:

- a. Live landscape screening

- b. A wrought iron fence, split rail fence or masonry wall, provided it is not more than 3 feet in height, combined with live landscape screening facing the street.
3. Live landscape 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.
4. Grass areas, swales and areas subject to erosion shall be solid sodded.

I. SIDEWALKS

1. Along Old San Antonio Road, sidewalks shall be responsive to the natural grade of the property, to drainage patterns and to the existing landscape of the property.

J. ENCROACHMENT OF PUBLIC RIGHT OF WAY PROHIBITED

Encroachment of balconies, awnings, canopies and signs in the public right of way shall be prohibited in this overlay district.

K. CONSERVATION SUBDIVISIONS

For conservation subdivisions, lots shall be aggregated near Old San Antonio Road, Herff Road and/or River Road, with conservation space aggregated near and oriented toward the creek, the park, and/or the nature preserve.

L. DRAINAGE

1. Any stormwater detention or retention system that requires a fence is prohibited in the minimum setback from Herff Road or Old San Antonio Road.
2. Impervious Cover

To ensure that lot configuration and building footprints are scaled appropriately for this overlay district, the following maximum impervious coverage values shall be maintained, regardless of base zoning:

- a. For multi-dwelling structures, including triplexes and quadplexes, the maximum impervious cover shall be 50% of the lot area.
 - b. Multifamily, mixed-use buildings and nursing/residential care facilities shall not exceed 70% impervious coverage of the site.
 - c. Nonresidential properties shall not exceed 70% impervious coverage of the site.
3. Contiguous Areas of Disturbance
 - a. Contiguous areas of disturbance are areas of a site that are covered with anything other than the natural landscape of the site.
 - b. Contiguous areas of disturbance shall be separated by natural areas which are each at least 20 feet wide at the narrowest point. These separations shall be maintained at natural grade and retain existing, mature vegetative cover.
 - c. Landscape restoration through onsite mitigation of tree removal is an approved alteration to a contiguous area of disturbance.
 - d. Any contiguous area of disturbance, excluding a roadway, driveway or utility, shall not exceed the following maximums:
 - i. 15,000 square feet for a multi-dwelling structure (triplex or quadplex);
 - ii. 30,000 sf for nonresidential or multifamily development

4. Bioretention and Alternative Surfaces

Because of the existing drainage patterns and rural character of this overlay district:

- a. Alternative, pervious paving surfaces may be used to satisfy on-site parking and pedestrian connectivity requirements, pending approval of the Development Services Director.
- b. At least one BMP shall be incorporated into the site plan, in accordance with the LID selection of structural BMPs in Chapter 3 of the City of Boerne Addition to the SARA Low Impact Development Manual.
- c. Non-living groundcover, including but not limited to mulch, river rock and crushed granite, shall not be used for more than 20 percent of total landscaped area of the property.

5. Signage

a. Prohibited Signs

- i. Detached canopy signs
- ii. Portable changeable message board signs
- iii. Manual changeable copy signs
- iv. Illuminated signs where the illumination is not static
- v. Electronic message boards
- vi. Internally illuminated channel letter sign faces
- vii. Freestanding tube letter signs
- viii. Digital signs

b. Signs with Additional Requirements

i. Pole Signs

Pole Signs require a Certificate of Approval from the Design Review Committee.

ii. Pylon Signs

- (a) Pylon signs shall not exceed 10 feet in height above ground level, as measured at the base of the sign;

iii. Entry Feature Signs

- (a) Entry feature signs shall not exceed 8 feet in height above ground, regardless of the height of the structure to which the sign is affixed.
- (b) Entry feature signs shall not be internally illuminated.

iv. Roof Signs

- (a) Signs mounted onto the roof shall be no taller than the height of the highest roof line of the building.

c. All Other Signs

For all other sign types, the requirements of Chapter 9: Signage shall apply.

1.8. ENTRANCE CORRIDORS

A. PURPOSE

The purpose of the Entrance Corridors Overlay District is to:

1. Preserve the economic function of the primary entrance corridors into the City;
2. Manage traffic, parking and connectivity effectively within these corridors; and
3. Strengthen wayfinding and orientation through streetscape design.

B. APPLICABILITY

These requirements shall be applicable for all property located within 300 feet of the right of way of the following entrance corridor streets, unless the property is located within another overlay district of the City:

1. Main Street
2. US 87 Business
3. SH-46
4. Johns Road
5. Scenic Loop Road
6. Amman Road
7. Sisterdale Road

C. USES

1. Additional Allowed Uses

- a. Permitted uses shall be in accordance with the property's base zoning, except that any uses permitted in Transitional Commercial (C2) by right shall also be allowed for nonresidential properties in this overlay district.

2. Uses with Additional Restrictions

- a. Multifamily developments and nursing/residential care facilities shall be by Special Use Permit only and shall not exceed 18 dwelling units per acre.
- b. Mixed-use developments shall not exceed 18 dwelling units per acre.

3. Special Use Permit Required

- a. Mixed-use building
- b. Multifamily
- c. Nursing/residential care facility

4. Prohibited Uses

- a. Automobile sales
- b. Brewery or distillery
- c. Pawn shop
- d. Portable building sales
- e. RV park

D. DIMENSIONS

1. Maximum building height is 30 feet or 2 stories. Building height may be increased up to 38 feet or 3 stories if, for any part of the building above the second story, the building is stepped

back by 10 feet from the building front facing the entrance corridor street or an adjoining residence.

2. The following minimum setbacks shall apply within this overlay district:
 - a. The minimum setback from the entrance corridor street is 20 feet.
 - b. All other setbacks shall be in accordance with the base zoning of the property.

E. BUILDING ORIENTATION

1. Buildings shall be orthogonal to the street that the building fronts, to provide a street wall that defines the space of the corridor.
2. For corner lots along the entrance corridor street, the front of the building shall face the entrance corridor street.

F. PARKING

1. For corner lots, where there is frontage on the entrance corridor street and on an intersecting side street, the parking area shall be located along the side street and/or to the rear of the building, and vehicular access shall be from the side street or a street that does not face the entrance corridor street.
2. On-street parking shall not count toward the minimum parking requirements.
3. Only 15 percent of the total onsite parking shall be located in the yard area adjoining the entrance corridor street.

G. FENCES AND WALLS

1. The following are prohibited for fences and walls within this overlay district:
 - a. Wooden privacy fences are prohibited within 50 feet of the right of way of the entrance corridor street.
 - b. Stone walls that are taller than thirty inches are prohibited along the frontage of the entrance corridor street.

H. LANDSCAPING AND SCREENING

1. Parking areas shall be screened from view from the entrance corridor street, and from the public right of way of all cross streets within 35 feet of the entrance corridor street.
2. Screening shall be 36 inches in height.
3. Materials

Parking lot screening may be achieved with any of the following combinations, provided that they meet the dimensional standards:

- a. Live landscape screening capable of providing a solid screen that is 36-inches in height (18 inches within easement areas) within two years, as determined by a registered landscape architect, certified nurseryman, or master gardener, planted in a prepared bed at least three feet (3') in width.
 - b. Wrought iron fencing or a masonry wall combined with live landscape screening may be allowed, provided that at least 50% of the face of the fence or wall is screened by live landscape screening within two years.
4. Grass areas, swales and areas subject to erosion shall be solid-sodded.

I. SIDEWALKS

1. Each sidewalk shall maintain at least:
 - a. 4 feet of unobstructed pedestrian space located at least 2 feet from back of curb; and
 - b. 8 feet of vertical clearance above the unobstructed pedestrian space.
2. Sidewalk furnishings, including signs, shall not encroach the unobstructed pedestrian space.

J. SIGNAGE

1. Prohibited Signs
 - a. Portable changeable message board signs
 - b. Bulletin board cabinets
2. Signs with Additional Requirements
 - a. Pole Signs
 - i. Pole signs shall not exceed 16 feet in height above ground level, measured at the base of the sign.
 - ii. The sign area shall not exceed 16 square feet.
 - b. Pylon Signs
 - i. Pylon signs shall not exceed 20 feet in height above ground level, measured at the base of the sign.
 - ii. The sign area shall not exceed 100 square feet per sign face.
 - c. Roof Signs
 - i. Signs mounted onto the roof shall be no taller than the height of the highest roof line of the building.
3. Signs Requiring a Certificate of Approval from the Design Review Committee
 - a. Manual changeable copy sign elements
 - b. Illuminated signs where the illumination is not static
 - c. Signs where a digital sign element comprises over 25% of the total area of the sign face
4. All Other Sign Types

For all other sign types, the requirements of Chapter 9: Signage shall apply.

1.9. SCENIC INTERSTATE CORRIDOR DISTRICT

A. PURPOSE

The purpose of the Scenic Interstate Corridor Overlay District is to preserve the natural landscape and the scenic hill country views that characterize IH-10 as it passes through the Balcones Escarpment and into the Edwards Plateau Ecoregion, by minimizing the visual and environmental impact of auto-oriented development on the natural landscape.

B. APPLICABILITY

These requirements shall be applicable as follows:

1. For property east of IH-10, these requirements shall apply to all property located within 500 feet of the IH-10 right of way.
2. For property that is west of IH-10, these requirements shall apply for all lots located, in full or in part, within 500 feet of the IH-10 right of way.

C. SUBAREAS ESTABLISHED

The three subareas of the district are organized by elevation range, and include:

1. High Elevation Area

The highest elevations along the I-10 corridor are found near the intersections of I-10, Bandera Road and School Street. This area carries a significant potential impact on views from IH-10. Height restrictions are most significant in this subarea, but setbacks are least restrictive. Sign height is restricted more in this subarea than it is in the others.

2. Middle Elevation Area

The Middle Elevation Area includes the majority of the IH-10 frontage within the City's jurisdiction. Building height is not as restricted in this subarea and is a function of building setback distance from IH-10.

3. Low Elevation Area

The Low Elevation Area includes those locations within the Scenic Interstate Corridor that are oriented at lower elevations. Within this subarea are several riparian areas and Drainageway Protection Zones. Building height is most permissive in this subarea but is a function of building setback distance from IH-10. Sign height is also most permissive in this subarea.

D. USES

Uses shall be in accordance with the base zoning of the property.

E. DIMENSIONS

1. High Elevation Area

- a. Maximum building height is 30 feet, regardless of base zoning.
- b. Minimum building setbacks:
 - i. Minimum building setback from the IH-10 right of way is 40 feet.
 - ii. All other setbacks shall be in accordance with the base zoning of the property.

2. Middle Elevation Area

- a. Building Height
 - i. Maximum height for buildings in the Middle Elevation Area ranges from 30 feet to 50 feet and shall be a function of building setback.
 - ii. For any building over 30 feet, the maximum allowable building height shall be calculated as 1/3 of the distance from the IH-10 right of way to the nearest building line.
 - iii. Regardless of building setback, no building in the Middle Elevation Area shall exceed a height of 50 feet.

- b. Building Setbacks
 - i. Buildings shall be set back at least 50 feet from the I-10 right of way.
 - ii. All other setbacks shall be in accordance with the base zoning of the property.

3. Low Elevation Area

- a. Building Height
 - i. In the Low Elevation Area, maximum building height ranges from 40 feet to 75 feet and shall be a function of building setback.
 - ii. For any building over 40 feet, the maximum allowable building height shall be calculated as 1/3 of the distance from the IH-10 right of way to the nearest building line.
 - iii. Regardless of building setback, no building in the Low Elevation Area shall exceed a height of 75 feet.

- b. Building Setbacks
 - i. Buildings shall be set back at least 50 feet from the I-10 right of way.
 - ii. All other setbacks shall be in accordance with the base zoning of the property.

F. SCREENING AND LANDSCAPING – ALL SUBAREAS

1. IH-10 Landscape Buffer

- a. A landscape buffer with a depth of at least 30 feet shall be preserved along the property's IH-10 frontage.
- b. The buffer shall be continuous for at least 80% of the IH-10 lot frontage, at the minimum 30-foot depth. Exclusions may be permitted for any TxDOT design requirement.
- c. The landscape buffer shall exclude any utility easement. Utility easements shall be landscaped, in accordance with the City's requirements for utility easements, but utility easements shall not be counted toward the 30-foot landscape buffer requirement.
- d. If utility easements are split, the Planning Director may allow the landscape buffer to also be split, to accommodate necessary utility easements.
- e. All existing protected trees shall remain within the 30-foot landscape buffer area.
- f. There shall be depth to the planting design for the buffer area, incorporating understory material as well as shade trees, so that the buffer zone functions as a full screen for the buildings as well as the parking areas of the site.
- g. The landscaping design shall incorporate and complement the existing protected trees.
- h. Trees from the City's large tree list shall be a required element of the landscape buffer, to maximize screening of buildings.

2. Screening of Parking Areas Along Cross Streets

- a. All parking areas along cross streets shall be screened from view from the public right of way.
 - b. Live landscape screening capable of providing a solid screen that is 36-inches in height (18 inches within easement areas) within two years, as determined by a registered landscape architect, certified nurseryman, or master gardener, shall be planted in a prepared bed at least three feet (3') in width.
 - c. Wrought iron fencing or a masonry wall combined with live landscape screening may be allowed, provided that at least 50% of the face of the fence or wall is screened by live landscape screening within two years.
 - d. Live screening material shall be at least 2 feet tall at time of installation.
3. Grass areas, swales and areas subject to erosion shall be solid-sodded.

G. SIGNAGE

1. Freestanding Signs: Number and Separation

- a. In the absence of a Master Sign Agreement, only one freestanding sign is allowed per street frontage.
- b. A minimum separation distance of 100 ft shall be maintained between freestanding signs along the IH-10 frontage.

2. Prohibited signs

- a. Portable changeable message board signs
- b. Bulletin board cabinet signs

3. Signs with additional requirements

a. Pole signs

i. Sign height for pole signs

Sign height and sign area for pole signs shall be according to subarea, as follows.

- (a) In the High Elevation Area pole signs shall not exceed 20 feet in height without a Certificate of Approval from the Design Review Committee (DRC). The maximum height for any pole sign in the High Elevation Area is 30 feet.
- (b) In the Middle Elevation Area, pole signs shall not exceed 30 feet in height without a Certificate of Approval from the Design Review Committee (DRC). The maximum height for any pole sign in the High Elevation Area is 40 feet.
- (c) In the Low Elevation Area pole signs shall not exceed 40 feet in height without a Certificate of Approval from the Design Review Committee (DRC). The maximum height for any pole sign in the High Elevation Area is 60 feet.

- ii. Sign area for pole signs
 - (a) The sign area shall not exceed 40 square feet per sign face.
- b. Pylon Signs
 - i. Pylon signs shall include a decorative cap and base, which count toward the sign height.
 - ii. Sign area for pylon signs

There is no maximum limit to sign area for pylon signs in the Scenic Interstate Corridor.

- iii. Sign height for pylon signs
 - (a) In the High Elevation Area pylon signs shall not exceed 20 feet in height without a Certificate of Approval from the Design Review Committee (DRC). The maximum height for any pylon sign in the High Elevation Area is 30 feet.
 - (b) In the Middle Elevation Area, pylon signs shall not exceed 30 feet in height without a Certificate of Approval from the Design Review Committee (DRC). The maximum height for any pylon sign in the High Elevation Area is 45 feet.
 - (c) In the Low Elevation Area pylon signs shall not exceed 40 feet in height without a Certificate of Approval from the Design Review Committee (DRC). The maximum height for any pylon sign in the High Elevation Area is 60 feet.

c. Signs requiring Certificate of Approval from Design review Committee

- i. Digital Sign
- ii. Illuminated sign where the illumination is not static
- iii. Electronic message board
 - (a) Electronic message boards larger than 30% of the maximum allowable area of a sign face shall require a Certificate of Approval from the Design Review Committee.
 - (b) Manual changeable copy sign
 - (c) Manual changeable copy sign shall require a Certificate of Approval from the Design Review Committee.

4. All Other Sign Types

For all other sign types, the requirements of Chapter 9: Signage shall apply.