

ORDINANCE NO. 2024-10

AN ORDINANCE OF THE CITY OF BOERNE, TX, AMENDING THE UNIFIED DEVELOPMENT CODE ADOPTED ON NOVEMBER 24, 2020, INCLUDING BUT NOT LIMITED TO SECTION 2.1.E. - POSTED NOTICE, SECTION 2.6.7 - ETJ PLAT EXEMPTIONS, SECTION 3.5 - DIMENSIONAL STANDARDS FOR BASE ZONING DISTRICTS, SECTION 3.7 - PERMITTED USE TABLES, CHAPTER 3 - OVERLAY DISTRICTS RELATED TO PYLON SIGNS, CHAPTER 5.6.B.3 - ONSITE PARKING FOR NON-RESIDENTIAL PROPERTIES, SECTION 7.5 - ROADWAY ACCESS DESIGN STANDARDS, SECTION 8.2 - ENVIRONMENTAL DESIGN - WATERSHED PROTECTION RELATED TO LOW IMPACT DEVELOPMENT REQUIREMENTS, CHAPTER 9 - SIGNS RELATED TO POLE AND PYLON SIGNS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A PENALTY FOR VIOLATION; AND CONTAINING A SEVERANCE CLAUSE. (Amendments to Unified Development Code)

WHEREAS, compliance with the City of Boerne Comprehensive Master Plan (“the Plan”) necessitates the update and consolidation of the Unified Development Code (UDC) ordinance; and

WHEREAS, the City Council finds it is in the best interests of the health, safety and welfare of the citizens of Boerne that the City’s Unified Development Code (UDC) promote high quality commercial uses, transparency and protection of residential neighborhoods; and

WHEREAS, City Council finds that the amendments in this Ordinance accomplish the goals set forth in the Comprehensive Master Plan, bring the City’s zoning into closer alignment with the City’s Land Use Plan, and are in the best interest of the health, safety, and welfare of the citizens of Boerne; and

WHEREAS, the City has complied with all requirements of Chapters 211 and 212 of the Texas Local Government Code and all other laws dealing with notice, publication, and procedural requirements for the approval of the regulations in the Unified Development Code; and

WHEREAS, the City Council of the City of Boerne conducted a public hearing in order to get public input regarding the amendments to the Unified Development Code on August, 13, 2024; and

WHEREAS, the City Council of the City of Boerne finds that the Unified Development Code adopted herein accomplishes the purposes set forth above and the purpose of preserving places and areas of historical, cultural, or architectural importance and significance, and is in the best interests of the public health, safety, morals, and general welfare of the public.

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

Section 1.

That Ordinance No. 2020-29, captioned “Boerne Unified Development Code” is hereby amended as attached hereto as Exhibit A.

Section 2.

That all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

Section 3.

That if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

Section 4.

The fines and penalties set forth in the Unified Development Code are hereby adopted and approved by City Council and the City Secretary shall provide for publication related to this Ordinance to the extent required by law.

Section 5.

This ordinance will take effect upon the second and final reading of same.

PASSED AND APPROVED on this the first reading the 13 day of August, 2024.

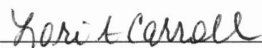
PASSED, APPROVED AND ADOPTED on this the second reading the 27 day of August, 2024.

APPROVED:



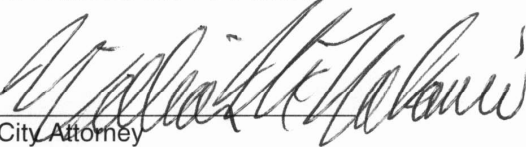
Mayor

ATTEST:



City Secretary

APPROVED AS TO FORM:



City Attorney

Proposed Amendments
(Excluding Signs)
Rev. 8-21-24

Section 2.1.E – Public Notice Requirements

2. Mailed Notice

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c. Written notice shall be provided to all persons listed on the records of the municipal tax assessor as owners of land subject to the application or as owners of the parcels within ~~two hundred (200)~~ **five hundred (500) feet** of the outer boundary of the land subject to the application at the mailing addresses of such persons in the records of the tax assessor.

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4. Posted notice.

a. When public notice is required, a sign shall be placed on the property under consideration.

~~b. The applicant shall allow placement of a sign on the subject property at least ten (10) days prior to the scheduled meeting of the decision-making body, and the sign shall remain until after the final scheduled meeting regarding the subject application.~~

c. The applicant shall post a public notice sign at one (1) or more prominent locations on the site as determined by the planning director or designee at least fifteen (15) days prior to the Boerne neighborhood discussion meeting. The sign shall be removed within fifteen (15) days of the final scheduled meeting. The planning director or designee shall provide a template of the required notice sign to the applicant.

i. The sign shall be four (4) feet in height and four (4) feet in width for sites greater than one acre and two (2) by three (3) for sites less than one acre.

ii. The sign shall be single-sided and attached to two (2) four-inch by four-inch by eight-foot wood posts, constructed of polycarbonate, coroplast or similar material. The minimum thickness shall be six millimeters. The sign shall be placed parallel to the street, unless it is not feasible to place the sign parallel to the street, in which case the planning director or designee shall determine the more appropriate location to place the sign. The sign shall not obstruct the sight visibility triangle for pedestrian and motorist safety.

iii. The color of the sign shall be white or yellow with black lettering. Updates with planning and zoning commission and city council information shall be in bold lettering.

iv. All information shall be evenly spaced and organized in a readable manner:

v. The phrase "City of Boerne public hearing notice" shall be printed at the top of the sign in a minimum letter size of four (4) inches.

vi. The sign shall contain the case number, project location, description of the request, time, date and location of the scheduled meetings and contact for the city of boerne. For all applications that require planning and zoning commission and city council hearings, if the date, time, and location of the planning and zoning commission and city council hearings are unknown at the time of posting, adequate space shall be reserved on the sign to be updated when that information is known. Lettering for this text shall be a minimum of three (3) inches.

c. In computing such period, the day of posting shall not be counted, but the day of the hearing shall be counted.

d. If no part of the subject property is visible from the public right-of-way, the notice shall be posted along the nearest street in the public right-of-way.

e. A picture of the zoning sign placed on the property shall be retained for permanent record.

https://library.municode.com/tx/boerne/codes/unified_development_code?nodeId=UNDECOBOTE_CH2PR_S2-1GEAPPR

Section 2.6.A.7.a.ii – Plat Exemptions, Exceptions and Waivers

Add new exemption (h) as follows:

h. Development of properties served only by on-site sewage facilities ("OSSF") , a septic tank, a single on-site private water well, and not located within a military buffer as defined in Section 42.044 of the Texas Local Government Code, as amended.

https://library.municode.com/tx/boerne/codes/unified_development_code?nodeId=UNDECOBOTE_CH2PR_S2-6PLPR

Section 3.5.B.1 – Dimensional Standards for Residential Zones

Change the height for primary buildings from 35 feet or 2.5 stories to 35 feet.

Change the height for accessory buildings from 20 feet or two stories to 20 feet.

https://library.municode.com/tx/boerne/codes/unified_development_code?nodeId=UNDECOBOTE_CH3ZO_S3-5DISTBAZOCA

Section 3.7.B.2 – Permitted Use Tables

Revise the permitted use table as follows:

- S – Special Use Permit
- X – Not Permitted

<i>Use</i>	<i>R4-L</i>	<i>C2</i>	<i>C3</i>	<i>C4</i>
Multi-family (5-10 units p/ac & 2.5 stories or less)	S	X	X	X
Multi-family (18 units p/ac or less)	X	X	X	X
Multi-family (over 19 units p/ac)	X	X	X	X

https://library.municode.com/tx/boerne/codes/unified_development_code?nodeId=UNDECOBOTE_CH3ZO_S3-7PEUSTA

Section 5.6.B.3.b Onsite Parking for Nonresidential Properties (Drive Aisles)

Section 5.6.B.3.b

Add the following language:

b. Except as otherwise permitted under a special plan for location or sharing of facilities, on-site parking facilities shall include adequate maneuvering room and shall be located on the lot on which the use for which they are provided is located. **Drive aisles shall be a minimum of 26' wide. Drive aisles designated as fire lanes shall also meet the requirements of the fire code.**

Section 5.6.B.3.d

d. No parking space **or drive aisle** shall be nearer than 15 feet to any adjacent residential lot or 10 feet from the right-of-way of any public road.

https://library.municode.com/tx/boerne/codes/unified_development_code?nodeId=UNDECOBOTE_CH5NOSI_S5-6TEPANOPR

Section 7.5 Roadway Access Design Standards (Driveway Spacing and Parking Aisles)

Section 7.5.A.2

Remove the following words in the table.

- Arterial – remove “Major and Minor”
- Collector – remove “Primary and Secondary”
- Local – remove “Neighborhood”

Section 7.5 A.2.d

Separation distance for arterials ~~and collectors~~, where both a raised median exists, and the proposed driveway is a right-in/right-out may be reduced to **the 400' separation distance**. ~~provided by "one way" minimum spacing, as defined in TxDOT access management manual, current edition.~~

Add New Section 7.5.A.3

All turn lanes that are required for the subdivision or development must be built contemporaneously with the required public infrastructure. See the Engineering Design Manual for further information on turn lane requirements.

https://library.municode.com/tx/boerne/codes/unified_development_code?nodeId=UNDECOBOTE_CH7INDE_S7-5ROACDEST

Section 8.2 Watershed Protection (Low Impact Development Requirements)

Section 8.2.B.1.c.iii

For development that replaces existing development of similar type (such as tear down and rebuilding of an existing building), the runoff volume resulting from the first 1.35” of rainfall **for the entirety of the area of such new development** ~~all area of impervious area~~. The new development must be in the same location as the existing development, otherwise the new development is subject to the runoff volumes described in Section 8.2(B)(1)(c)(i) or (ii).

Section 8.2.B.2 – Obligations of Developer

The developer shall install at his/her own cost and expense all of the improvements required by this ordinance. It shall be the developer's responsibility to ensure that all improvements are constructed in accordance with this ordinance and the LID Manual BMPs. The developer shall comply with all other provisions of this ordinance prior to acceptance of the subdivision by the City. LID facilities are encouraged, but not required for an increase of impervious cover less than 200 square feet (increase in impervious cover includes a redeveloped impervious cover)

Add New Section 8.2.B.8 Applicability

LID facilities are encouraged but not required for an increase of impervious cover less than 200 square feet (increase in impervious cover includes any redeveloped impervious cover).

https://library.municode.com/tx/boerne/codes/unified_development_code?nodeId=UNDECOBOTE_CH8ENDE_S8-2WAPR

Proposed Amendments – Signs

Rev. 8-21-24

Section 3.9. - Overlay Districts

Remove Section 3.9.C.8.a.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.~~

Section 3.12. - Downtown Community

G. Signage.

1. *Prohibited signs.*

- a. Roof signs;
- b. Portable changeable message board signs.
- c. Illuminated signs where the illumination is not static.
- d. **POLE SIGNS.**
- e. **FREEWAY PYLON SIGNS.**

2. *Signs with Additional requirements.*

a. *Decorative post and panel signs.*

- i. Decorative post and panel signs shall not exceed a height of eight (8) feet.

3. *Signs requiring a certificate of approval from the Design Review Committee (DRC).*

- a. Digital signs.
- b. Illuminated signs.
- c. ~~Pole signs.~~
- d. ~~Pylon signs.~~

4. *All other signs.* For all other sign types, the requirements of [Chapter 9: Signage](#) shall apply.

https://library.municode.com/tx/boerne/codes/unified_development_code?nodeId=UNDECOBOTE_CH3ZO_S3-12DOCO

Section 3.13. - River Road Overlay District

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.

e. Pole Signs

f. Freeway Pylon 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 eight (8) feet in height above ground level, as measured at the base of the sign.~~

ii. ~~The sign area shall not exceed sixteen (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 ten (10) feet in height above ground level, as measured at the base of the sign.~~

ii. ~~The sign area shall not exceed fifty (50) square feet per sign face.~~

~~c. a.~~ Roof signs. Signs mounted onto the roof shall be no taller than the height of the highest roof line of the building.

https://library.municode.com/tx/boerne/codes/unified_development_code?nodeId=UNDECOBOTE_CH3_ZO_S3-13RIROOVDI

Section 3-14. - SOBO Overlay District

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.

iii. Pole signs.

iv. Freeway pylon signs.

~~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 twenty (20) feet in height above ground level, as measured at the base of the sign.~~

~~(b) The sign area shall not exceed twenty-four (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 twenty-four (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 twenty-four (24) feet in height shall require a certificate of approval from the design review committee. No sign, however, shall exceed forty (40) feet in height above ground level at the sign's highest point.~~

~~(i) Digital signs. Digital signs shall require a certificate of approval if any of the digital element of the sign is more than twelve (12) feet above ground level.~~

~~(ii) Electronic message boards. Digital signs shall require a certificate of approval from the design review committee.~~

~~(iii.) Manual changeable copy sign.~~

b. *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.

iii. Pole signs.

iv. Freeway pylon signs.

~~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 twelve (12) feet in height above ground level, as measured at the base of the sign.~~

b. Roof sign.

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.

vi. Pole signs.

vii. Freeway pylon signs.

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.

https://library.municode.com/tx/boerne/codes/unified_development_code?nodeId=UNDECOBOTE_CH3_ZO_S3-14SOOVDI

Section 3.15. - Heritage Corridor Overlay District

M. Signage.

1. Prohibited signs.

a. Detached canopy signs.

b. Portable changeable message board signs.

- c. Manual changeable copy signs.
- d. Illuminated signs where the illumination is not static.
- e. Electronic message boards.
- f. Internally illuminated channel letter sign faces.
- g. Freestanding tube letter signs.
- h. Digital signs.

i. Pole signs

j. Freeway Pylon Signs

2. Signs with additional requirements.

~~a. Pole signs. Pole signs require a certificate of approval from the design review committee.~~

~~b. Pylon signs. Pylon signs shall not exceed ten (10) feet in height above ground level, as measured at the base of the sign.~~

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Section 3.16. - Entrance Corridors

J. Signage.

1. Prohibited signs.

a. Portable changeable message board signs.

b. Bulletin board cabinets.

c. Pole signs.

D. Freeway pylon signs.

2. Signs with additional requirements.

~~a. Pole signs:~~

~~i. Pole signs shall not exceed sixteen (16) feet in height above ground level, measured at the base of the sign.~~

~~ii. The sign area shall not exceed sixteen (16) square feet.~~

~~b. Pylon signs:~~

i. ~~Pylon signs shall not exceed twenty (20) feet in height above ground level, measured at the base of the sign.~~

ii. ~~The sign area shall not exceed one hundred (100) square feet per sign face.~~

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Section 3.17. - Scenic Interstate Corridor District

G. Signage.

1. Freestanding signs: number and separation.

a. In the absence of a master sign agreement, only one (1) freestanding sign is allowed per street frontage.

b. A minimum separation distance of ~~one hundred (100) ft~~ **two hundred (200) ft** shall be maintained between freestanding signs along the IH-10 frontage.

c. Freestanding freeway pylon signs are exclusively permitted at the intersections listed below; additionally only one (1) freeway pylon sign is permitted per side of the stated interchanges:

i. The intersection of N Main Street and IH-10.

ii. The intersection of Johns Road & IH-10.

iii. The intersection of West Bandera Road, W State Highway 46, and IH-10; and

iv. The intersection of S Main Street and IH-10;

v. The intersection of Scenic Loop and IH-10; and

2. Prohibited signs.

a. Portable changeable message board signs.

b. Bulletin board cabinet signs.

c. Pole signs.

3. Signs with additional requirements.

~~a. Pole signs.~~

~~i. 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 twenty (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 thirty (30) feet.~~

~~(b) In the medium elevation area, pole signs shall not exceed thirty (30) feet in height without a certificate of approval from the design review committee (DRC). The maximum height for any pole sign in the medium elevation area is forty (40) feet.~~

~~(c) In the low elevation area pole signs shall not exceed forty (40) feet in height without a certificate of approval from the design review committee (DRC). The maximum height for any pole sign in the low elevation area is sixty (60) feet.~~

~~ii. Sign area for pole signs.~~

~~(a) The sign area shall not exceed forty (40) square feet per sign face.~~

b. Freeway Pylon signs.

i. All permanent freestanding freeway pylon signs shall be situated perpendicular to the street, excluding low-profile wall identification signs that may be situated parallel to a street.

ii. Landscaping shall be provided at the base of all permanent freestanding signage at a rate of two (2) square feet of landscaping for each one (1) square foot of sign area. A minimum of seventy-five (75) percent of the required landscape area shall be covered with vegetative plant material.

iii. The design of freeway pylon signs shall complement the architecture of the buildings on the site.

iv. Each freestanding freeway pylon sign representing more than one tenant shall contain the address(es) of the building(s) it supports.

v. For new freeway pylon signs in areas that are not part of an approved master plan, an agreement with adjacent properties shall be in place prior to permit approval to advertise a minimum of three individual tenants.

vi. Freeway 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 twenty (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 thirty (30) feet.~~

~~(b) In the medium elevation area, pylon signs shall not exceed thirty (30) feet in height without a certificate of approval from the Design Review Committee (DRC). The maximum height for any pylon sign in the medium elevation area is forty-five (45) feet.~~

~~(c) In the low elevation area pylon signs shall not exceed forty (40) feet in height without a certificate of approval from the Design Review Committee (DRC). The maximum height for any pylon sign in the low elevation area is sixty (60) feet.~~

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Section 9-2. - Prohibited signs.

A. *Prohibited sign types.* It shall be unlawful for any person to erect, install, construct, display, maintain, reconstruct, place, locate, relocate, or make use of any of the following signs:

1. Beacons;
2. Billboards;
3. Flashing signs;
4. Moving signs;
5. Unsafe signs;
6. Signs interfering with required parking and maneuvering areas;
7. Signs which do not comply with any applicable provision of a building code, electrical code or other applicable code or ordinance of the city;
8. Signs illuminated in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device or so as to obstruct or interfere with the view of a driver of approaching, emerging or intersecting traffic or so as to prevent any traveler on any street from obtaining a clear view of approaching vehicles for a distance of two hundred fifty (250) feet along the street;
9. Signs which by reason of their proximity to a public or private street, highway, alley, lane, parkway, avenue, road, sidewalk, or other right-of-way, constitute a hazard to vehicular or pedestrian traffic because their location interferes with the safe operation of a vehicle.
10. Signs whose design or content may be confused with any authorized traffic sign, signal or device.
11. **Pole signs.**

Section 9.6. – Sign Measurement.

3. Sign area.

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e. Where permitted by this chapter 9, multi-tenant signs may consist of more than one (1) sign panel provided all such sign panels are attached to one (1) common integrated sign structure. The calculation of area of a multi-tenant sign shall include all tenant panels and project identification information, excluding the portion(s) of a sign dedicated to providing the street number and/or address of the development site; provided, however, that this exclusion for the street number or address shall not apply to street numbers used as part of the business name.

Section 9.7.C.7.c – Materials for support structures and decorative elements.

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c. Caps are required on monument and freeway pylon signs.

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Section 9.C.9 Standards by sign type for freestanding signs.

GENERAL STANDARDS FOR FREESTANDING SIGNS				
	Pole Sign	Decorative Post and Panel	Monument (8ft or less)	Freeway Pylon (>8ft)
Base (min. height)	n/a	n/a	18 "	n/a
Base	n/a	n/a	60% total sign width	No less than fifteen (15) ft wide and no greater than twenty-five (25) ft wide.
Enclosure Required	no	no	at least 2 sides	yes
Enclosure (min. width)	n/a	n/a	min. 12" per enclosure (including cap)	at least 30% of sign width

GENERAL STANDARDS FOR FREESTANDING SIGNS				
Cabinet Frame (color)	must match pole	n/a	n/a	n/a
Sign Area per Panel/Cabinet (max sf each)	12 sf	n/a	n/a	n/a
Sign Panel (max number)	2	n/a	n/a	n/a
Panel Width (max)		Sign panels may extend beyond the base of approved by the Design Review Committee	Sign panels may extend beyond the base of approved by the Design Review Committee	Shall not exceed the base minimum width of the sign
Panel (minimum height)	8 in	8 in	8 in	8 in
Sign Area (max sf)	16 sf	24 sf	30 sf; or 4sf/tenant with max 40 sf	Shall not exceed 400 sq. ft.
Max. Sign Height	10 ft	10 ft	8 ft	40 ft
Min. Sign Setback	12 ft	8 ft	8 ft	15 ft
Vertical Clearance	Min. 8 ft	Max 4 ft	0 ft	< 4ft or > 8 ft
Max Width Sign Face	6 ft	6 ft	10 ft	Shall not exceed the base width
Internal Illumination	yes	yes	yes	Yes
External Illumination	downlighting only	yes	yes	No

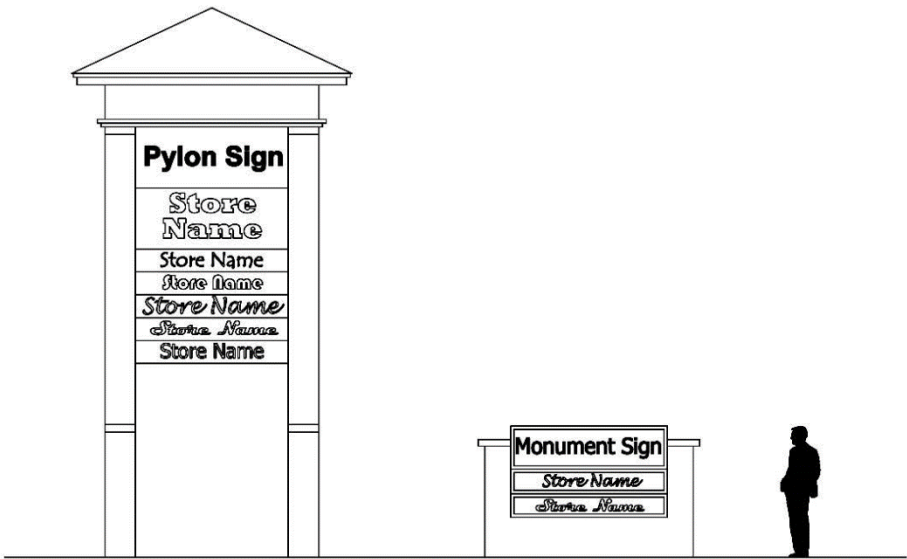
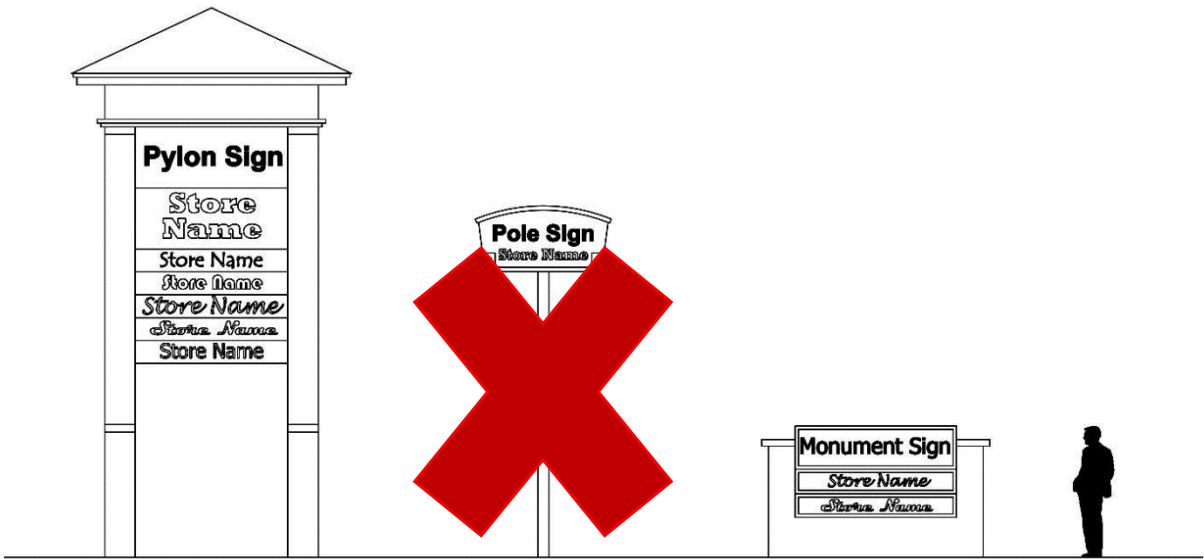
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Appendix A. – Definitions

Freeway pylon sign: A freestanding sign supported by two parallel enclosed or concealed poles.

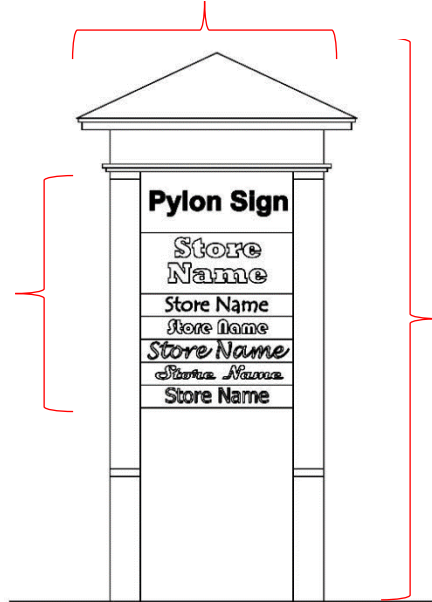
Appendix C. – Sign Illustrations

- 1. Relative sign height.



Total width shall be no less than 15 ft
and no greater than 25 ft

Total sign area shall
not exceed 400 sq. ft.



Shall not exceed
40 ft. in total height

Example: In the above diagram, the total sign height is no greater than 50 ft. The sign face width is 15 ft., and the sign face is 26 ft in length. (26 ft length x 15 ft width = 390 sq. ft, less than the total allowed sign area of 400 sq. ft).