Welcome and Introductions
GENERAL PLAN
General Plan

• Vision for the future
• Statement of community objectives
• Policies for achieving objectives
• Long range perspective
• Foundation for land use regulations
• Guide for daily decision-making
Zoning and Overlays

Sara Serra-Bennett
Annexation

- Properties adjoining the city limits
- Adjacent Right of Way needs to be annexed
- Approved by City Council
- Becomes holding (HOL) zoning category once annexed
- Proposed zoning with the annexation to match Master Plan
Base Zoning Categories

- With the UDC adoption, the proximity to residential districts impacted the commercial density distribution
Overlay Districts

- Historic District: focused on the preservation of the historic downtown
- Downtown Community: culturally significant for the city, balance between residential and commercial
- River Road: facing Cibolo Creek, entertainment area
- South Boerne (SoBo): mixed-use area, unique street frontages, ecological features, and economic opportunities
- Heritage Corridor: contextually appropriate development, preserve the connection between the natural and built environment
- Entrance Corridor: economic function of the primary entrance corridor into the City, traffic and wayfinding
- Scenic Interstate Corridor: preserve the natural landscape and the scenic hill country view
Special Use Permits (SUP)

- Timeline for a SUP is the same as a zoning case
- SUPs are Site Specific
- Allows for exceptions to be approved with the request

Flexible Zoning Tools

- **Planned Unit Development (PUD)**
  infill development project consistent with the master plan, less than 10 acres, coherent development

- **Planned Development District (PDD)**
  allows for unique site conditions to be accommodated within a larger development of land, at least 10 acres, planned as a single, contiguous development

- **Cluster Development District (CDD)**
  applicable in areas that have significant natural features worthy of preservation, residential use only
Processes

• Pre-application requirement
  o Before any application is officially submitted, the applicant must have a zoning pre-application meeting.
  o Meeting requested thru the portal.

• Application Deadlines
  o 7 days after the pre-application meeting
  o BOND and P&Z meetings have the same deadline
  o Applications need to be submitted at least 21 days before the P&Z meeting

• BOND meeting
  o Online meeting for the applicant/developer to present the request to the community.
  o More informal and flexible than P&Z
  o Meeting held online, every third Tuesday of the month.

• Planning and Zoning Commission
  o Meeting every first Monday of the month (*)
  o Recommending body

• City Council
  o Meetings every second and fourth Tuesday of the month
  o Deciding body
Platting Process

Martha Bernal and Rebecca Pacini
Platting Process Steps

1. Pre-Application Meeting
2. Land Study
3. Master Development Plan (MDP)
4. Infrastructure Documents LOC
5. Plat
Pre-Application Meeting

Contact Martha to setup a meeting either online or in person (online preferred)

Meetings held
Mondays at 1:30 pm & Thursdays at 11:00 am

A concept plan or draft plat is required to attach to the meeting agenda

During the meeting staff will review submittal checklists
Land Study

Martha Bernal and Rebecca Pacini
Step 2 in the Platting Process

1. Pre-Application Meeting

2. Land Study (can be submitted at the same time as MDP)

3. Master Development Plan (MDP)

4. Infrastructure Documents LOC

5. Plat
Land Study

- The land study reflects only existing conditions and is submitted as either 22”x34” or 24”x36” showing all existing conditions.

- An accurate and complete land study is important as it serves as the basis for the plat and applications to follow.
## Land Study – Additional Submittals

<table>
<thead>
<tr>
<th>Certificate of agent</th>
<th>Aerial</th>
</tr>
</thead>
<tbody>
<tr>
<td>PHT worksheet</td>
<td>Zoning status letter</td>
</tr>
<tr>
<td>Drainage study</td>
<td>Inventory of natural features</td>
</tr>
<tr>
<td>Vested rights determination</td>
<td>Geological assessment</td>
</tr>
<tr>
<td>Current recorded deed</td>
<td>Slope map</td>
</tr>
<tr>
<td>Survey</td>
<td>Digital map</td>
</tr>
<tr>
<td>Tree survey</td>
<td>Map of groundwater recharge features</td>
</tr>
</tbody>
</table>
Tree Survey
Inventory of Natural Features Memo
Geological Assessment
Habitat Assessment
Land Study – Tree Survey

- Accurate Inventory Data: Identify to Species, Size, Tag IDs, General Notes
Land Study – Tree Survey

- Accurate Inventory Data: Identify to Species, Size, Tag IDs, General Notes
Overall Site Description

Hydrologic Features

Karst Features

Topographic Features
Land Study – Geologic Assessment

- Required for Projects in the LGRPZ
- Must be performed by a Registered Professional Geoscientist
- UDC Section 8.9 Lower Glenrose Aquifer
Land Study – Habitat Assessment

- Required for Projects > 10 acres
- Must be prepared by a biologist permitted by U.S. Fish and Wildlife Service
- UDC Section 8.8, Endangered Habitat Compliance
Master Development Plan (MDP)
Step 3 in the Platting Process

1. Pre-Application Meeting
2. Land Study (can be submitted at the same time as MDP)
3. Master Development Plan (MDP)
4. Infrastructure Documents LOC
5. Plat
Master Development Plan (MDP)

The Master Development Plan establishes the overall development of a project.

**Required only for subdivision plats (excluding amending plats)**

**Minor MDP**
- a. Single phase subdivision
- b. Approved administratively
- c. Major and Minor revisions approved administratively
- d. Can be submitted at any time

**Major MDP**
- a. Phased development
- b. Approved by P&Z
  - 1. Cannot be approved until the land study is approved (may be conditionally approved)
- c. Minor Changes are approved administratively
- d. Major changes are approved by P&Z
- e. Follows the P&Z plat submittal calendar
Master Development Plan (MDP)
Infrastructure Documents
Letter of Certification (LOC)
Step 4 in the Platting Process

1. Pre-Application Meeting

2. Land Study (can be submitted at the same time as MDP)

3. Master Development Plan (MDP)

4. Infrastructure Documents LOC

5. Plat
When is it required?

- All plats with public infrastructure
- All plats without public infrastructure (simpler application)
- Amending plats
Parts of the Application

1. Approved Vested Rights Petition
2. Design Compliance Letter
3. Construction Drawings
4. Low Impact Development (LID) Construction Drawings
5. Drainage/LID Study
6. Opinion of Probable cost
7. Traffic Assessment
8. Geotechnical Report
9. Fire Protection Detail Plan
10. Tree Preservation and Protection Plan
11. Technical Checklist
12. Street Name Approval
13. Other Entity Approval Letters
14. Documents from Other Water Suppliers
Vested Rights Petition

• Only required if choosing to vest to older code

• If not submitted – application will be reviewed to current standards

Vested Rights Petition

General Information

What Are Vested Rights?
Under certain conditions, state law affords a permit applicant a “vested right” to have an application reviewed under older regulations that are no longer in effect. Vested rights apply only to a project, not to a property. Vested rights claims are generally based on one or more prior applications that provided fair notice of a continuing development project that began before the adoption of current regulations.
Design Compliance Letter

• Required for PUBLIC and PRIVATE infrastructure

• PRIVATE infrastructure must be designed to PUBLIC standards.

• Signed and sealed by a Professional Engineer

“The attached documents comply with the requirements of the City of Boerne Unified Development Code, Engineering Design Manual, Texas Commission on Environmental Quality, the State Health Department, and Texas Insurance Commission.”
Construction Drawings

• EDM 1.7.1(C) – Form and Content of Construction Documents
• Include Electric (COB/BEC/PEC) and LID Drawings as applicable
• Common Mistakes/Omissions
  • Plans must be signed and sealed (including electric plans)
  • Sequence of Construction
  • Draft Plat
  • General Notes from City of Boerne website
  • Pavement design must match Geotechnical report
  • Overall utility plan (including electric)

*Incomplete plans/applications will be rejected
Drainage/LID Study

• Drainage Study
  • EDM Chapter 5
  • Must be included for all applications (Tier 1-3)
  • Optional: Defer detention design for single lot or commercial subdivision
    • If included, add as an attachment to the drainage study

• Low Impact Development (LID) Report
  • EDM Chapter 12
  • Must be included for all applications
  • Optional: Defer LID construction drawings for single lot or commercial subdivision
    • If included, add as an attachment to the LID Report
Opinion of Probable Cost

- Signed and sealed by a professional engineer
- Provide cost even for non-City utilities and private street
- Include the following ONSITE and OFFSITE improvements:
  - Cover page with summary
  - Itemized estimate
    - Streets/Drainage (including SWPPP)
    - Water
    - Reclaimed Water
    - Sewer
    - Gas
    - Electric
    - Miscellaneous (Do not include)

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Description</th>
<th>Unit</th>
<th>Qty.</th>
<th>Unit Price</th>
<th>Amount</th>
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</thead>
<tbody>
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<td>Acre</td>
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<td>a) Excavation</td>
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<td>3</td>
<td>Street Earthwork</td>
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<td>a) Excavation</td>
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<td>b) Embankment</td>
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<td>4</td>
<td>Local Street Section</td>
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<td>6&quot; Lime Treated Subgrade</td>
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<td>15,667</td>
<td>$10.97</td>
<td>$171,866.99</td>
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</table>
Traffic Assessment

- Peak Hour Trip (PHT) Generation Form
  - Existing and Proposed Traffic (Change in use or additional development)

- Border Street Worksheet

- Turn Lane Evaluation (5+ PHT)

- Traffic Impact Analysis (100+ PHT)

- Rough Proportionality (Approved prior to application)

- If TIA has already been approved:
  - TIA Consistency Worksheet
Geotechnical Report

- Required for new streets and street widening
- Street pavement design
  - Geotech recommendation
  - City of Boerne minimum standards in EDM

### PAVEMENT DESIGN

<table>
<thead>
<tr>
<th>Flexible Pavement Material</th>
<th>Clay Subgrade - Local Street</th>
<th>Clay Subgrade - Collector Street</th>
<th>Option 1</th>
<th>Option 2</th>
<th>Option 3</th>
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</thead>
<tbody>
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<td>CBR = 2.5</td>
<td>CBR = 2.5</td>
<td>CBR = 2.5</td>
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<td>Stabilized Subgrade, (in)*</td>
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<td>5.0</td>
<td>5.00</td>
<td>5.02</td>
<td></td>
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</table>

*Minimum layer thickness as defined by City of Boerne Subdivision Regulations*
Fire Protection Detail Plan

- Public/private streets and public utilities
- NOT included for private commercial sites
- Include the following:
  - Secondary access
  - Fire hydrant spacing
  - Turning radii
Tree Preservation & Protection Plan

• Tree Removal
  • Checking for conflicts with grading, utilities, streets, etc.
  • Tree removal is not approved with LOC
  • Tree Removal Permit required separately prior to Construction Release Permit application

• Tree Protection Plan
  • Include construction details for tree protection
Technical Review Checklist

- Required for public/private infrastructure

## GENERAL REQUIREMENTS

<table>
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<tr>
<th>Complete</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- All utility crossings meet TCEQ requirements or provide a minimum vertical separation of 1-foot, whichever is greater.
- All utilities are separated by 5' feet or greater.
- All necessary construction details are provided. Details from other entities may be provided only when the City of Boerne does not have a standard detail for the proposed facility.
- A note is included on the grading plan: "Approved Tree Removal Permit is required prior to the removal of any trees" (only applicable for subdivisions in the City Limits).
Street Name Approval

- Bexar County and Kendall County approval required
- Process takes many months
Other Entity Approval Letters

- TCEQ
- LCRA
- GBRA
- BEC
- PEC
- TxDOT
Documents from Other Water Suppliers

- Approval letter
- Will-serve letter
- Construction Specifications
Amending Plats

• Utility service layout
• Ensuring change in lot lines does not affect services to each lot
• Label diameter/type of water and sewer services
• Only one sewer service per lot
• Water and sewer service must be brought to current standards if “adding capacity”
• Improvements to water and sewer services must be constructed/accepted prior to applying for building permits
## Application Fees

<table>
<thead>
<tr>
<th>ITEM DESCRIPTION</th>
<th>FEE</th>
<th>SUB-TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Infrastructure Documents Loc Application Fees</td>
<td>$1,000 + $550/ac or /lot (whichever is greater)</td>
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<tr>
<td>Peak Hour Trip Generation Form Review</td>
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<td>Traffic Impact Analysis Conformance Letter</td>
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<td>Traffic Impact Analysis Review (Level 3)</td>
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<td>Drainage Study Review (Tier 2)</td>
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<td>Drainage Study Review (Tier 4)</td>
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<tr>
<td>LID Plan Review</td>
<td>$1,560</td>
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</tbody>
</table>

*All fees are based on the November 1, 2022 Fee Ordinance*

**TOTAL =**

---

4+ Drainage Study Review Requires Additional Review Fee Per Review
Submission & Review

• Submit electronic applications to EngineeringMobility@boerne-tx.gov

• Review Timeline
  • Administrative completeness check (First 5 days)
  • 1st Review (30 days)
  • 2+ Reviews (14-21 days)
Platting

Martha Bernal and Rebecca Pacini
Step 5 in the Platting Process

1. Pre-Application Meeting

2. Land Study (can be submitted at the same time as MDP)

3. Master Development Plan (MDP)

4. Infrastructure Documents LOC

5. Plat
Types of Plats

Are you subdividing a lot?

Yes

Subdivision Plat

- Does your property require public infrastructure?
  - No
    - How many lots?
      - 4 or less
        - Minor Subdivision Plat
      - More than 4
        - Major Subdivision Plat
  - Yes

No

Development Plat

- Does your property require public infrastructure?
  - Yes
    - What type of property is it?
      - Non-residential
        - Major Development Plat
      - Residential
        - Minor Development Plat
  - No
Major Subdivision Plat

- More than 4 lots or
- Requires public infrastructure
Minor Subdivision Plat

- Creating 2 to 4 lots and
- Does not require public infrastructure
Major Development Plat

- Platting a single lot and
- Requires public infrastructure or
- Non-residential development
Minor Development Plat

- Platting a single residential lot and
- Does not require public infrastructure
Amending Plats & Replats

Type of Subdivision Plats

a. An amending plat cannot remove any recorded restriction or covenant

b. An amending plat does not require a Land Study or Master Development plan and can be approved administratively

c. Replats can be major or minor
Plat Timeline

- State law requires that the decision body approve, approve with conditions, or disapprove a plat within 30-days.
- A response to conditionally approval or disapproval requires a decision within 15-days.

<table>
<thead>
<tr>
<th>P&amp;Z Plat Submittal Deadline Accepted 8 AM–3 PM Only</th>
<th>Applicant Response to Staff Comments Deadline</th>
<th>Agenda Posting</th>
<th>P&amp;Z Meeting</th>
<th>P&amp;Z Disapproval or Conditional Approval Response Accepted 8 AM–3 PM Only</th>
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</thead>
<tbody>
<tr>
<td>4 weeks prior to meeting</td>
<td>14 days prior to meeting</td>
<td>72 hours prior to meeting</td>
<td>1st Monday of the Month</td>
<td>14 days prior to the next meeting</td>
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<td>June 23, 2023</td>
<td>June 26, 2023*</td>
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<td>July 28, 2023</td>
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<td>July 17-18, 2023</td>
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<tr>
<td>August 14-15, 2023</td>
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<td>December 22, 2023</td>
<td>January 5, 2024</td>
<td>January 8, 2024*</td>
<td>January 22, 2024</td>
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</tbody>
</table>

*Dates adjusted due to holiday
**This calendar only applies to plats and master development plans submitted for Planning & Zoning Commission approval. Administratively approved plats and land studies do not need to follow this calendar.
^ Date adjusted to allow applicant response following July 31 meeting

Questions? Contact Planning Department at 830-248-1501
Plat Recordation

- Recording documents
  - original mylar plats signed & sealed
  - owner tax affidavit
  - tax certificates
  - recording fee provided
- Performance guarantee
- Parkland dedication
- CCRs recorded
Variances
Subdivision Variance Process

What are special circumstances or conditions affecting the land that warrant the variance?

Why is the variance necessary to preserve substantial property right of the applicant?

Will granting the variance be detrimental to the public health, safety or welfare, or injurious to other properties within the surrounding area?

Would granting the variance prevent the orderly use of other properties within the area?

Does an undue hardship to the land exist that is not self-created, personal or financial?

Will granting the variance be in harmony with the spirit and purposes of the City’s regulations?
Boards and Commissions
Boards and Commission

- Planning and Zoning Commission
- Historic Land Commission
- Design Review Committee
- Board of Adjustment
- BOND Meetings
Planning and Zoning Commission (P&Z)

The Planning and Zoning Commission meets on the first Monday of the month and in special meetings as needed. Meetings are held in the Council Chambers at City Hall – 447 N. Main Street in Boerne.

The Commission is responsible for:

a. Adoption of a comprehensive plan
b. Adoption of subdivision regulations
c. Approve or disapprove subdivision plats
d. Prepare and recommend to City Council on zoning regulations
e. Consider variances to development regulations
Board of Adjustments (BoA)

The BoA meets at 5:30 on the third Wednesday of each month in special meetings as needed. Meetings are held in the Council Chambers at City Hall – 447 N. Main Street in Boerne

The BoA has the following responsibilities:

a. Hearing and deciding appeals regarding errors made in relation to zoning or ordinance
b. Hearing and deciding special exceptions to terms of zoning ordinance
c. To authorize in specific cases special variances that are deemed to cause undue hardship
d. To hear variance requests to the City of Boerne Building Codes
Historic Landmark Commission (HLC)

The Historic Landmark Commission holds a variety of responsibilities with the goal of promoting historical preservation in the city. The Historic Landmark Commission meets at 5:30 p.m. on the first Tuesday of each month and in special meetings as needed. Meetings are held in the Council Chambers at City Hall – 447 N. Main Street in Boerne.

The HLC has the following responsibilities:

a. Investigate and study matters related to the protection, enhancement, restoration, perpetuation and use of historic landmarks, districts, and structures.

b. Review applications for historic landmark designation

c. Review permits in relation to historic landmarks

d. Review applications for historic preservation tax exemption

e. Make recommendations to P&Z regarding historic landmarks and districts
Design Review Committee (DRC)

The Design Review Committee meets at 6 p.m. on the second Thursday of each month in special meetings as needed. Meetings are held in the Council Chambers at City Hall – 447 N. Main Street in Boerne

The DRC holds the following responsibilities:

a. Administer the design review properties within overlay districts in the City

b. Issue Certificates of Approval if required for building and sign permits in the City

c. Comment upon and provide recommendations on actions proposed to other city boards for any plat or permit for a property located in city overlay districts

d. Consider all variance requests for signage in the City or ETJ
Discussion: Development Agreements (DA’s)
Development Agreements

• a “Development Agreement” is any contractual agreement between the City and the owner of real property relating to development or redevelopment of that property.

• Requires approved by City Council

• This is a public record documents and since 2021 are also required to be listed on Texas Comptroller of Public Accounts website.
Development Agreements

Benefits often sought by developers/landowners:

- Money (including reimbursements for development costs)
- Land (or removal of encumbrances like public easements or rights of way)
- Public infrastructure (or related reimbursement), e.g., water, sewer, drainage, streets, etc.
- Relief from certain regulations
- Deferral of annexation (where applicable)
Development Agreements

Benefits often sought by municipalities:

• Increased tax base – property and sales tax
• Economic development: additional jobs and/or diversification of job base
• Community amenities: entertainment, shopping, work force housing, etc.
• Public infrastructure: installed and paid for by developer
• Higher-quality development
Review of Entitlement Process