

**ORDINANCE NO. 2006-**

**AN ORDINANCE AMENDING ORDINANCE NO. 2005-01, CAPTIONED, "ZONING ORDINANCE OF THE CITY OF BOERNE, TEXAS", DATED JANUARY 25, 2005, AMENDING ARTICLE I. IN GENERAL, SECTION 6. DEFINITIONS AND ARTICLE III, GENERAL PROHIBITIONS AND REQUIREMENTS, SECTION 2. OUTDOOR LIGHTING**

**WHEREAS**, the State of Texas, pursuant to Chapter 425 of the Health and Safety Code, has recognized that inappropriate or excessive outdoor lighting can cause **light pollution**; and

**WHEREAS**, the Boerne area has experienced a significant increase in the use of outdoor lighting that causes **light pollution**; and

**WHEREAS**, inappropriate and poorly designed light fixtures can also cause **glare**, the unnecessary use of electric power, the diminishing ability to view the night sky, hazardous nighttime pedestrian and vehicular travel, and an unattractive townscape; and

**WHEREAS**, the City of Boerne recognizes that the regulation of outdoor lighting, which provides consistent outdoor lighting standards and reduces **light pollution**, is in the best interest of the City; and

**WHEREAS**, the City of Boerne desires to protect the health, safety and welfare of its citizens and visitors, the quality of life and economic well being of the City; and

**WHEREAS**, the City of Boerne believes that consistent outdoor lighting standards will enhance the safety of citizens and visitors, the security of property, and will result in more efficient, pleasant and cost-effective lighting.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, THAT:**

**SECTION 1: Article I. In General, Section 6. Definitions shall be amended by adding the following definitions:**

**Additions:** Additions to existing **establishments** of twenty-five percent (25%) or more in terms of gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions subsequent to the effective date of this ordinance.

**Candela:** A measure of luminous intensity in a certain direction. Useful in determining how much light is shining out of a fixture and in what direction. It is commonly called one (1) candlepower.

**City Manager:** City Manager or duly authorized representative.

**Class 1 Lighting:** All outdoor lighting where color rendition is required to preserve the effectiveness of the application. **Class 1 Lighting** includes, but is not limited to, outdoor sales, advertising displays and other signs, recreational facilities, amphitheatres and other similar applications.

**Class 2 Lighting:** All outdoor lighting where general illumination for safety and security of grounds is the primary concern and color rendition is not required to preserve the effectiveness of the application. **Class 2 Lighting** includes, but is not limited to, illumination for walkways, roadways, equipment yards, parking lots, outdoor eating areas, and outdoor security lighting.

**Class 3 Lighting:** All outdoor lighting for primarily decorative effect where safety and security of grounds is not the primary concern and color rendition is not required to preserve the effectiveness of the application. **Class 3 Lighting** includes, but is not limited to, architectural illumination, flag and monument lighting, landscape illumination, signs and seasonal holiday lighting and lighting in residential areas (District 3).

**Development Project:** Any residential, commercial, industrial or mixed use subdivision plat or development plan which is submitted to the City of Boerne for approval or for permit.

**Establishment:** A use of land for any purpose which requires a building on the land regardless of the commercial, nonprofit or public nature of the activity, but excluding a residence or active agricultural uses in any form.

**Foot Candle:** A measure of **illuminance**, i.e. visible light falling on a given surface. One foot candle (fc) is equal to one **lumen** per square foot. Illumination can be measured in foot-candles both horizontally and vertically with an illumination photometer.

**Full Cut-Off Fixture:** (FCO) Outdoor light fixtures **shielded** or constructed so that no light rays are emitted above a horizontal plane through the fixture.

**Fully Shielded:** Light fixtures constructed such that all light rays emitted are projected below the horizontal plane passing through the lowest point on the fixture from light emitted, as evidenced by a manufacturer's photometric data or by photometric measurement.

**Glare:** Light emitting from a **luminaire** of sufficient intensity such that it reduces a viewer's ability to see, or causes temporary blindness.

**Grandfathered Nonconforming Luminaires:** **Luminaires** not conforming to this ordinance that were in place on the effective date of this ordinance.

**IESNA:** Illumination Engineering Society of North America, an association of professionals in the field of lighting and related professions.

**Illuminance:** Luminous flux incident on a surface per unit area. **Illuminance** is normally expressed in foot-candles (**lumens** per square foot) or lux (**lumens** per square meter).

**Lighting Districts:** All lighting areas discussed below shall be as defined on the City of Boerne Lighting Area Map.

1. **Lighting District 1** is an urban area with primary land uses for commercial, business, and apartments surrounded by suburban residential areas.
2. **Lighting District 2** is a business area along US 87, and River Road, and the Historical District surrounded by residential areas.
3. **Lighting District 3** is composed of primarily residential uses.

**Lighting Plan:** A plan used for an approval process or construction indicating all site improvements and the number, location, type of fixture, and manufacturer's data on all the proposed lighting, both pole and building mounted.

**Light Pollution:** Artificial light that causes a detrimental effect on the environment, or astronomical enjoyment of the night sky, or causes undesirable **glare** or unnecessary illumination of adjacent properties.

**Lumen:** A measure of visible light power or luminous flux intercepted by a surface of one (1) square foot, all points of which are one (1) foot from a uniform source of one (1) **candela**. A one **candela** source provides 12.57 **lumens**.

**Luminaire:** A complete lighting unit, consisting of a lamp(s), reflector, refractor, lens, wiring, and sockets. Often referred to as a "fixture."

**Luminance:** Luminance flux per unit solid angle. Luminance is normally expressed in **candelas** per square meter (**lumens** per square meter per steradian) or foot-lamberts ( $1/\pi$  **lumens** per square foot per steradian). **Luminance** is composed of the light impinging on a scene and the light reflected back from all of the objects and surfaces in the scene.

**Mounting Height:** The vertical distance between the ground and the bottom of a light source.

**Net Acreage:** The remaining ground area after deleting all portions for proposed and existing public streets within a development, parcel, or subdivision.

**Ornamental Lighting:** Decorative lighting that is unshielded low-wattage in which individual lamps do not exceed twenty (20) watts.

**Outdoor Lighting Fixture (Luminaire):** The night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means. This definition does not include outdoor lighting governed exclusively by state or federal law, traffic control devices, as that term is defined by the Texas Transportation Code, or lighting equipment that is required by law to be installed on motor vehicles, or for the safe operation of aircraft.

**Partially Shielded:** Light fixtures constructed such that the lower edge of the shield is at or below the centerline of the light source or lamp so as to minimize light transmission above the horizontal plane, or at least ninety percent (90%) of the emitted light projects below the horizontal plan as evidence by the manufacturer's photometric data, or by photometric measurement.

**Pole Height:** An outdoor light mounted on a wooden or metal pole twelve (12) or more feet in height, for the purpose of illuminating a yard or other open area.

**Residential Area:** A residential area is comprised mainly of single and two-family dwelling units.

**Shielded:** The light source is equipped with a fixture that provides a shielding of the emitted light.

**Total Outdoor Light Output:** The total amount of light, measured in lumens, from all outdoor light fixture lamps, is calculated as follows:

1. For lamp types that vary in light output as the age (such as fluorescent and high intensity discharge lams), the mean lumen output, as defined by the lamp manufacturer, shall be the lumen value used.
2. The total light output of each outdoor light fixture shall be based on the largest lamp that the outdoor light fixture is rated to accommodate. For the purpose of compliance with this section, the largest lamp rating for fluorescent and high intensity discharge fixtures shall be based on the installed ballast rating.

**Unshielded:** A luminaire that may emit its luminous flux in any direction.

**SECTION 2: Article III. General Prohibitions and Requirements, Section 2. Illumination of Uses, shall be amended to read as follows:**

A. Applicability.

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

B. Creation of Lighting Districts.

Lighting districts established in these regulations allow for uniform lighting from one district to the other. The lighting districts are identified on the map attached hereto as Exhibit "A" and are generally defined below.

1. District 1: Commercial properties contiguous to the IH-10 right-of-way, US 87 (Main Street) from the south exchange to the intersection of HWY 46 (Bandera Rd.), HWY 46 or West Bandera Rd west US 87 (Main Street) to city limits and, from the intersection of US 87 at N. School Street to the north exchange for the depth of the property, or 350 feet whichever is greater.

2. District 2: Properties contiguous to US 87 North from HWY 46 (Bandera Rd.). The intersection of US 87 and N. School Street and from the intersection of FM 474 and US 87 East to the City limits, and from the intersection of HWY 46 E and US 87 East along River Road to the City limits.

3. District 3: The remainder of the City of Boerne.

C. Lighting Classification

1. **Class 1 Lighting**: shall apply to all outdoor lighting where color rendition is required to preserve the effectiveness of the application. Designation of lighting as Class 1 requires an express finding of the City Manager that color rendition is an essential function of the application.

a. Design Plan. All **luminaires** used for **Class 1 Lighting** facilities which are installed after the effective date of this ordinance shall be **fully shielded** as defined herein, or be designed or provided with sharp cut-off capability, so as to minimize up-lighting, spill lighting, or **glare**.

b. Recreational Facilities. Any light source permitted by this ordinance may be used for lighting of outdoor recreational facilities (public or private), including, but not limited to, sports fields or courts, amphitheaters, and similar applications, provided the following conditions are met:

1) A secondary low-level lighting system that complies with **Class 2 Lighting** shall be installed to facilitate security, cleanup, maintenance, and exit from the facility. The low-level lighting system shall provide an average horizontal illumination, at grade level, of no more than three (3) foot-candles.

2) Recreational facilities located in **Lighting District 3** shall turn off **Class 1 lighting** within thirty (30) minutes of the end of an event.

c. Outdoor Sales. Any light source permitted by this ordinance may be used for lighting of outdoor sales located in **Lighting District 1**, provided the following conditions are met:

1) The primary outdoor lighting of the primary facility shall be turned off at **11:00 p.m. or** thirty (30) minutes after closing, **whichever is later**, but in no event shall the main outdoor lighting be illuminated after 12:00 p.m. unless there is a scheduled "special event" i.e. an all night sale.

2) A secondary low-level lighting system that complies with **Class 2 Lighting** **lamps may be metal Haliad if the property owner desires** shall be installed to facilitate security, cleanup, maintenance, and exit from the facility. The low-level lighting system shall provide an average horizontal illumination, at grade level, of no more than six (6) foot-candles.

2. **Class 2 Lighting**: **Class 2 Lighting** shall apply to all outdoor lighting where general illumination for safety and security of grounds is the primary concern and color rendition is not required to preserve the effectiveness of the application.

- a. **Parking Lots.** Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision, security and comfort in parking areas, and to not cause **glare** or direct illumination onto adjacent properties or streets. Any light source permitted by this ordinance may be used for parking lots located in any **Lighting District**, provided the following conditions are met:
- 1) **Luminaires** used for parking lot lighting that are installed after the effective date of this ordinance shall be installed using **Full Cut-Off Fixtures** or shall otherwise be **fully shielded**, as that term is defined herein. Design levels shall correspond to the appropriate IES (Illuminating Engineering Society) minimum requirements for illumination.
  - 2) **Luminaires** used for parking lot lighting installed after the effective date of this ordinance may be installed at a maximum height of thirty (30) feet and may be positioned at that height up to the edge of any bordering property.
  - 3) Only high pressure sodium lighting fixtures may be installed after the effective date of this ordinance.
- b. **Street Lighting.** Street lighting shall be designed to provide minimum lighting necessary to ensure adequate vision, security and comfort in public and private streets, and to not cause **glare** or direct illumination more than five (5) feet beyond the right of way. Any light source permitted by this ordinance may be used for street lighting in any **Lighting District**, provided the following conditions are met:
- 1) **Luminaires** used for public/private street lighting that are installed after the effective date of this ordinance shall be installed using Full Cut-Off Fixtures or shall otherwise be **fully shielded**, as that term is defined herein. Design levels shall correspond to the appropriate IES (Illuminating Engineering Society) minimum requirements for illumination. City Council authorizes the use of the Granville series luminaire with the Leaf Style Casting and Lunar Optics as manufactured by Holophane.
  - 2) Only high pressure sodium lighting fixtures may be installed after the effective date of this ordinance with the exception of decorative lights which have been approved for street lighting uses by the City Council.
- c. **Security Lighting.** For the purposes of this section, security lighting is defined as lighting intended to reduce the risk (real or perceived) of personal attack, or lighting intended to discourage intruders, vandals, or burglars, and to protect property. Any light source permitted by this ordinance may be used for security lighting in any **Lighting District**, provided the following conditions are met:
- 1) All security lighting fixtures installed after the effective date of this ordinance shall be **fully shielded** and aimed so that illumination is directed only within the owner's property boundaries and not cast on

other areas. The use of general floodlighting fixtures shall be prohibited.

- 2) Security lighting may illuminate vertical surfaces (e.g. building facades and walls) up to a level eight (8) feet above grade or eight (8) feet above the bottoms of doorways or entries, whichever is greater. The use of up-lighting **luminaires** shall be prohibited.
  - 3) Security lighting fixtures may be mounted on poles located no less than ten (10) feet from the perimeter of the property boundary.
  - 4) Security lights intended to illuminate a perimeter (such as a fence line) shall include motion sensors and be designed to be off unless triggered by an intruder located within five (5) feet of the perimeter. The zone of activation sensors must be within the property boundaries of the property wishing to be illuminated.
- d. Lighting of Canopies and Service Islands. Lighting levels on service islands and under canopies shall be adequate to facilitate the activities taking place in such locations.
- 1) Areas on the apron away from the service islands used for parking or vehicle storage shall be illuminated in accordance with the requirements for parking areas set forth elsewhere in ordinance.
  - 2) Areas around the service islands and under canopies shall be illuminated so that the minimum horizontal **illuminance** at grade level is at least 1.0 **foot candles** and no more than forty (40) **foot candles** in District 1 and twenty (20) **foot candles** in District 2.
  - 3) Light fixtures mounted on canopies shall be **fully shielded**, or recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy.
  - 4) Lights shall not be mounted on top, or sides (fascias) of the canopy, and the sides (fascias) of the canopy shall not be illuminated.

3. **Class 3 Lighting: Class 3 Lighting** shall apply to all outdoor lighting for primarily decorative effect where safety and security of grounds is not the primary concern and color rendition is not required to preserve the effectiveness of the application. **Class 3 Lighting** includes, but is not limited to, architectural illumination, flag and monument lighting, landscape illumination, and seasonal holiday lighting.

- a. Lighting of Building Facades and Landscaping. Any light source permitted by this ordinance may be used for lighting of building facades and landscaping in any **Lighting District**, provided the following conditions are met:
- 1) The maximum illumination on any vertical surface or angular roof surface shall not exceed three (3) foot-candles.
  - 2) Lighting fixtures shall be at least **partially shielded**, as defined herein, and aimed so that no light is directed onto adjacent streets or roads.
  - 3) The use of up-lighting **luminaires** shall be prohibited, unless such **luminaires** are **fully shielded**, and directed in such a way that no

light is aimed beyond the building or landscaping directly into the night sky with the exception the illumination of governmental flags.

- b. **Ornamental Lights**. May be used in any **Lighting District**, provided the following conditions are met:
  - 1) Decorative strings of lamps/bulbs must not create **glare** on adjacent streets or property.
  - 2) Lighting (including strings of lamps/bulbs) for parties, celebrations, and other social gatherings is allowed.
- c. Lighting of Walkways, Bikeways, Sidewalks. Any light source permitted by this ordinance may be used for lighting walkways, bikeways and sidewalks in any **Lighting District**, provided the following conditions are met:
  - 1) Where special lighting is to be provided for walkways, bikeways, sidewalks or parks, the following requirements shall apply.
    - i. The walkway, pathway, sidewalk, or ground area shall be illuminated with bollards.
    - ii. Lighting fixtures shall be **fully shielded**, or otherwise designed to direct light downward, and light sources shall have an initial output of no more than 2000 **lumens**.
- d. Outdoor Advertising Signs. Any light source permitted by this ordinance may be used for lighting of outdoor advertising signs located in any **Lighting District**, provided the following conditions are met. In the event of a conflict, the City of Boerne's Sign Ordinance shall control:
  - 1) All legally installed externally illuminated signs shall have top-mounted **luminaires** which meet the shielding and grandfathering requirements contained herein.
  - 2) Bottom-mounted **luminaires** on externally illuminated signs shall be prohibited.
  - 3) Legally installed internally illuminated signs, to the degree same are permitted by the Boerne Sign Ordinance, shall be constructed of translucent materials, and the source of internal illumination shall not be directly visible through said material. Internally illuminated signs are prohibited in **Lighting District 3**.
- e. **Residential Area** Lighting. While fully shielded lights are preferred, individual lamps are limited to 2950 **lumens** or less.

D. **Illumination Plan requirements for development projects**.

The submission shall contain, but shall not be limited to the following, all or part of which may be part or in addition to the information required else where in the ordinances of the City of Boerne upon application for the required permit.



1. Two copies of an illumination plan shall be submitted with the building permit for review for compliance with this section.
2. A site plan, drawn to a scale of one-inch equaling twenty (20) feet, showing buildings, landscaping, parking area, and all proposed exterior fixtures including lamps, supports, reflectors and other devices.
3. Specifications for all proposed lighting fixtures including photometric data designation as **IESNA** full cut-off fixtures where required, and other descriptive information on the fixtures. Photometric data need not be submitted when the full cut-off performance of the fixture is obvious to the reviewing official.
4. When a submittal includes a statement by a registered design professional that the existing site lighting is being modified less than 10%, it shall not be necessary to comply with paragraph 5 below in this section.
5. When the **lighting plan** includes a statement by a registered design professional that the design is accordance with this ordinance the requirements of paragraph 2 above shall not apply.
6. A schedule on the plans to confirm compliance with Table 1. The schedule shall include the following information:
  - a. Each exterior luminaire type with the mean **lumens** for that type, the quantity of each type.
  - b. The total of mean **lumens** for the parcel.
  - c. A statement of the **Lighting District**, the size of the permitted parcel, and the maximum allowed mean **lumens**.

**E. Total Outdoor light output and shielding requirements.**

Table 1 gives requirements of the total light output permitted per acre for the different lighting areas for class of lighting, lamp type and lighting area. These requirements shall be met for all lighting installations subject to this section.

1. **Total Outdoor Light Output.** Total out door light output shall not exceed the **lumen** limits given in Table 1. In the table, Total means the sum of shielded. For determining compliance with this section the total **lumens** is the sum of the following:
  - a. One hundred percent of the **lumens** from outdoor light fixtures installed on grade, on poles, on the top or sides of buildings or other structures.
  - b. **Outdoor lighting fixtures** shall not be counted in determining the total light output when they are full cut-off light fixtures under canopies, building overhangs or roof eaves.

Table 1 Maximum Total Outdoor Light Output Requirements Lumen Caps: Mean Lumens per Net Acre (4)			
Lighting Districts (Defined in Section 2.B)			
	1	2	3
<b>Commercial and Industrial</b>			
All lighting must be FCO	<del>300,000</del> 225,000	100,000	50,000

Notes to Table 1:

1. This refers to all land-use zoning classifications for multiple family uses, commercial, and industrial sites.
2. **Lumens** resulting from the lighting of recreational facilities i.e. tennis/football/baseball facilities and primary lighting for outdoor sales facilities shall not be included in the determination of the **Lumen** Cap per acre

F. Nonconforming Luminaires and Establishments

1. All grandfathered **luminaires** legally in place prior to the effective date of this ordinance shall be considered lawful non-conforming outdoor lighting.
2. All grandfathered **luminaires** shall come into compliance as follows:
  - a. Any **luminaire** that replaces a grandfathered **luminaire** for any reason shall be replaced with a **luminaire** that complies with this ordinance.
  - b. Any grandfathered **luminaire** that is moved, remodeled or otherwise structurally altered, shall be in compliance with the requirements established by this ordinance.
3. An **addition** to an **establishment** shall require the entire property shall be brought into compliance with this section.

G. Exemptions.

1. Emergency lighting utilized during natural or man-made disasters, but only for the duration of the emergency may be exempted.
2. Non-conforming lighting fixtures located in the Historic District which are consistent with the character of the Historic District may be exempted with approval of the Historic Landmark Commission. Approved fixtures shall be consistent with the architectural period and design style of the Historic District.
3. Lighting elements, such as shades with perforated patterns and opaque diffusers, shall be exempted from the **fully shielded** requirement provided they do not exceed 50 watts.
4. **Ornamental lights** that are string lighting.

5. If a proposed **lighting plan** or fixture does not meet the requirements of this ordinance, but is of demonstrable community benefit, City Council may approve a permanent exemption. The applicant requesting a permanent exemption under this ordinance shall submit sufficient information so that City Council may adequately consider the proposed community benefit. All requests for permanent exemptions must comply with the zoning variance request procedures contained in the City of Boerne's Zoning Ordinance. Any appeals related to decisions regarding permanent exemptions shall comply with the appeals process as contained in the City of Boerne's Zoning Ordinance.

H. Prohibitions.

1. The installation of any mercury vapor fixture or lamp, or low intensity neon, krypton, or argon discharge tubes intended for use as an architectural highlight to attract attention is prohibited.
2. The use of laser source light or any similar high-intensity light (such as a strobe light.) is prohibited.
3. The operation of searchlights is prohibited.
4. The use of unshielded lights or floodlights that are not installed with a 45-degree downward tilt.
5. Outdoor lighting that interferes with the safe operation of a motor vehicle is prohibited.
6. Up-lighting is prohibited, except as otherwise provided in this ordinance.
7. It shall be unlawful for any **outdoor lighting fixture** to cause **glare**, as defined herein and determined by the City Manager or his designee, of sufficient intensity as to create an unsafe condition on public or private streets between the hours of midnight (12:00 a.m.) and 6:00 a.m.

I. Illumination Measurement.

1. Metering equipment. Lighting levels of outdoor lighting shall be measured in foot candles with a direct reading portable light meter with a color and cosine corrected sensor with multiple scales. The meter shall read within an accuracy of plus or minus five (5) percent. It shall have been tested and calibrated by an independent commercial photometric laboratory or the manufacturer within one (1) year of the date of use as attested by a certificate issued by such laboratory.
2. Horizontal method of measurement. The meter sensor shall be mounted not more than six (6) inches above ground level in a horizontal position. Readings shall be taken only after the cell has been exposed to provide a constant reading. Measurements shall be made when the meteorological optical range is six (6) miles or further such that measurements will not be adversely affected by atmospheric scatter. Measurements shall be made after dark with the existing questioned light sources on, then with the same light sources off. The difference

between the two (2) readings shall be compared to the foot candle ratings listed Table 1. This procedure eliminates the effects of moonlight and other ambient light.

3. Vertical method of measurement. The meter sensor shall be mounted at least five (5) feet above ground in a vertical position, perpendicular to the property line and facing the outdoor lighting in question.

4. Computation of illumination. Illumination at a point may be computed in lieu of measurement. Computation methods shall consist of generally accepted **IESNA** standards, using certified photometric data furnished by the fixture manufacturer, lamp manufacturer, photometric laboratory, or other reliable authority satisfactory to the City Manager. Computations shall be based on new, properly seasoned lamps, new and clean fixtures, and at rated voltage and wattage, with ballasts, lenses, shields, diffusers, and other appurtenances in place, with proper regard taken for **mounting height**, relative elevation, natural and manmade objects.

J. Temporary Exemption.

1. Any person may submit a written request, to the City Manager or his designee for a temporary exemption from the requirements of this section. The Request for Temporary Exemption shall contain the following information:

- a. Specific exemption or exemptions requested;
- b. Type and use of outdoor fixture involved;
- c. Duration of time for requested exemption;
- d. Total wattage of lamp or lamps;
- e. Proposed location on premises (if any) and addresses of premises;
- f. Physical size of outdoor light fixture(s) and type of shielding provided;
- g. Such other data and information as may be required by the Building Official.

2. *Approval; Duration.* The City Manager or his designee shall have five (5) business days from the date of submission of the Request for Temporary Exemption to act in writing on the request. If approved, the exemption shall be valid for not more than thirty (30) days from the date of issuance of the approval. The approval shall be renewable at the discretion of the City Manager or his designee upon a consideration of all the circumstances. Each such renewed exemption shall be valid for not more than thirty (30) days.

3. *Disapproval, Appeal.* If the Request for Temporary Exemption is disapproved, the person making the request will have the appeal rights as provided in the City of Boerne's Zoning Ordinance.

READ AND APPROVED on first reading this the \_\_\_\_ day of \_\_\_\_\_, 2006.

READ, APPROVED AND ADOPTED on second reading this the \_\_\_\_ day of \_\_\_\_\_, 2006.

APPROVED:

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Mayor

ATTEST:

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City Secretary