

ORDINANCE NO. 2025-07

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, GRANTING A SPECIAL USE PERMIT (SUP) TO ALLOW A DRIVE-THRU IN THE C2 - TRANSITIONAL COMMERCIAL ZONING DISTRICT WITHIN THE SOBO - SOUTH BOERNE OVERLAY DISTRICT AT COMMONS OF MENDER UNIT 11, LOT 11A, GENERALLY LOCATED NEAR THE NORTHEAST CORNER OF GALLANT FOX AND HERFF ROAD; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE

WHEREAS, under the authority of Chapter 211 of the Texas Local Government Code, the City of Boerne adopts regulations and establishes zoning to control the use of land within the corporate limits of the City; and

WHEREAS, it is the intent of the City Council of the City of Boerne to provide harmony between existing zoning districts and proposed land uses; and

WHEREAS, the City has received an application for a Special Use Permit (SUP) to allow a drive-thru facility within the C2 – Transitional Commercial Zoning District and the SOBO – South Boerne Overlay District, at Commons of Menger Unit 11, Lot 11A, generally located near the northeast corner of Gallant Fox and Herff Road; and

WHEREAS, the Unified Development Code (UDC) requires a Special Use Permit for drive-thru uses in the C2 – Transitional Commercial Zoning District, as outlined in Chapter 3, Section 3.7; and

WHEREAS, the property is located within the South Boerne Overlay District (SOBO), as established in Chapter 3, Section 3.14 of the Unified Development Code (UDC), which provides additional use, design, and development standards to promote the unique development of the area through a mix of commercial, mixed-use, and residential developments; and

WHEREAS, the City Council of the City of Boerne has complied with all requirements of notice of public hearing and such hearing was held on June 10, 2025, at which time interested parties and citizens were given an opportunity to be heard; and

WHEREAS, the City Council finds it in the best interest of the citizens to amend the Zoning Map by granting a Special Use Permit to allow the accessory drive-thru at Commons of Menger Unit 11, Lot 11A, subject to the conditions set forth herein.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF

BOERNE, TEXAS:

Section 1.

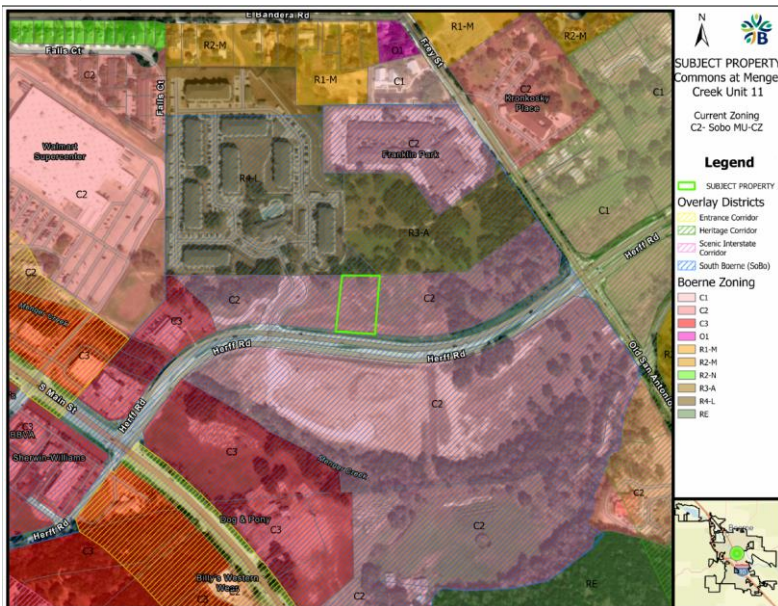
The foregoing recitals are hereby made a part for all purposes as findings of fact.

Section 2.

That Chapter 3. Zoning, Section 3.2, Zoning Map, of the City of Boerne Unified Development Code is hereby amended by granting a Special Use Permit to allow a drive-thru at Commons of Menger Unit 11, Lot 11A, located in a C2 – Transitional Commercial Zoning District and SOBO overlay district.

Section 3.

That the Zoning Maps of the City of Boerne be amended to indicate the previously described change.



Section 4.

That all provisions of the Unified Development Code of the City of Boerne not herein amended or repealed shall remain in full force and effect.

Section 5.

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

Section 6.

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 7.

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

PASSED AND APPROVED on this the first reading the ___ day of _____, 2025.

PASSED, APPROVED AND ADOPTED on this the second reading the ___ day of _____, 2025.

APPROVED:

ATTEST:

Mayor

City Secretary

APPROVED AS TO FORM:

City Attorney