

ORDINANCE NO. 2026-01

AN ORDINANCE RATIFYING THE ZONING DESIGNATION OF C3 - SICO (COMMUNITY COMMERCIAL WITHIN THE SCENIC INTERSTATE CORRIDOR OVERLAY DISTRICT), OF THE UNIFIED DEVELOPMENT CODE, FOR AN APPROXIMATELY 5.155-ACRE PROPERTY LOCATED ON INTERSTATE 10 WEST, KNOWN AS THE IH-10 "SURPLUS NORTH" TRACT, ADJOINING THE FUTURE BUC-EE'S DEVELOPMENT AT 33375 INTERSTATE 10 WEST; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, TO REFLECT SAID RATIFICATION; 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, the City Council of the City of Boerne adopted the Unified Development Code ("UDC"), which retired certain former zoning districts and established new zoning classifications; and

WHEREAS, the subject property consists of approximately 5.155 acres located on Interstate 10 West, known as the IH-10 "Surplus North" Tract, and owned by Buc-ee's, LTD.; and

WHEREAS, the property was previously zoned B-2 Highway Commercial prior to adoption of the Unified Development Code; and

WHEREAS, on July 31, 2025, the Planning Director issued a formal zoning determination concluding that the most appropriate UDC equivalent to the retired B-2 District is C3 – Community Commercial, and that the property is subject to the Scenic Interstate Corridor Overlay District; and

WHEREAS, ratification of a zoning determination is required to formally confirm and validate the zoning designation through the same public process as a rezoning; and

WHEREAS, the City Council has complied with all notice and public hearing requirements of State law, and a public hearing was held on January 13, 2026, at which time interested parties were given an opportunity to be heard; and

WHEREAS, the City Council finds it in the best interest of the citizens to ratify the zoning designation of the subject property as C3 – Community Commercial within the Scenic Interstate Corridor Overlay District, in order to confirm and validate the property's zoning status consistent with the Unified Development Code, the Comprehensive Master Plan, and applicable State law.

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

Section 1.

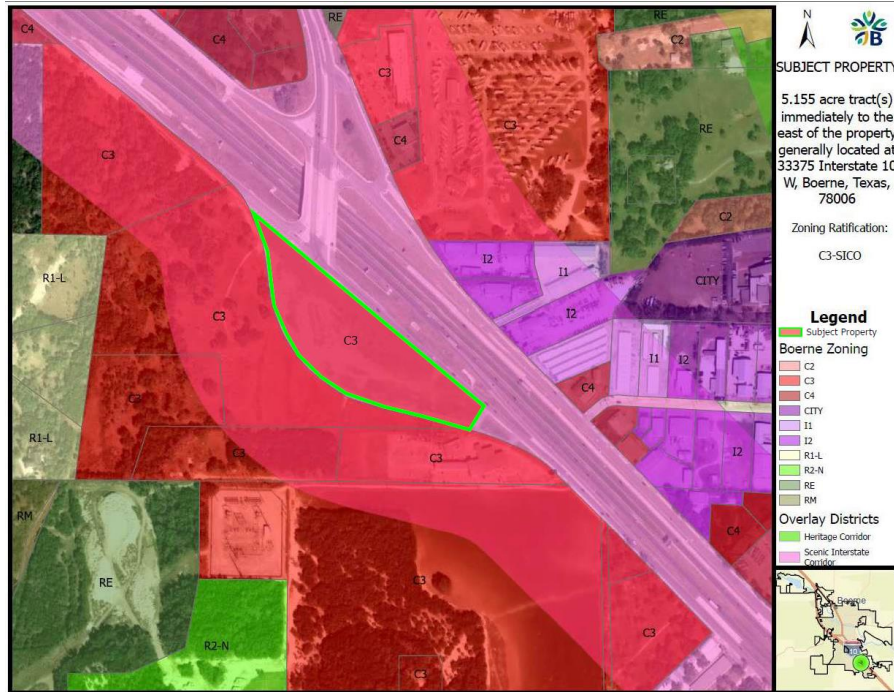
The foregoing recitals are hereby made a part for all purposes as findings of fact.

Section 2.

That Chapter 3, Zoning, Section 3.2, Zoning Map, of the Unified Development Code is hereby ratified to reflect that the approximately 5.155-acre tract known as the IH-10 “Surplus North” Tract, located at 33375 Interstate 10 West, is zoned C3 – Community Commercial within the Scenic Interstate Corridor Overlay District (C3–SICO).

Section 3.

That the Zoning Maps of the City of Boerne be officially revised to indicate the zoning ratification described herein.



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 13 day of January, 2026.

PASSED, APPROVED AND ADOPTED on this the second reading the __ day of _____, 2026.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney