

## ORDINANCE NO. 2025-19

**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 C3 REGIONAL COMMERCIAL DISTRICT WITHIN THE SCENIC INTERSTATE OVERLAY DISTRICT AT 31500 INTERSTATE 10 (KAD# 309883); 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 C3 Regional Commercial District within the Scenic Interstate Overlay District, 31500 Interstate 10 (KAD# 309883); and

**WHEREAS**, the Unified Development Code (UDC) requires a Special Use Permit for drive-thru uses in the C3 Regional Commercial District within the Scenic Interstate Overlay District, as outlined in Chapter 3, Section 3.17; and

**WHEREAS**, the property is located within the C3 Regional Commercial District within the Scenic Interstate Overlay District, as established in Chapter 3, Section 3.17 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 Planning and Zoning Commission considered the request at its meeting on October 6, 2025, and recommended approval of the Special Use Permit by a vote of 6-0, subject to the following condition: 1) The proposed use shall conform to the narrative and site plan date stamped September 24, 2025. 2) Final design and installation of the proposed bioretention/low impact development (LID) feature shall be subject to staff approval to ensure compliance with UDC Chapter 8 Environmental Design requirements. 3) Final design and installation of escape lane shall be subject to staff approval to ensure compliance with UDC access and circulation standards. 4) In accordance with UDC Sec, 2-5.D.8.a.iii, the Special Use Permit shall expire within two years from the date of approval if no physical improvements are made, and a certificate of occupancy is not issued; 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 October 27, 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 31500 INTERSTATE 10 (KAD# 309883), subject to the conditions set forth herein.

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

Section 1.

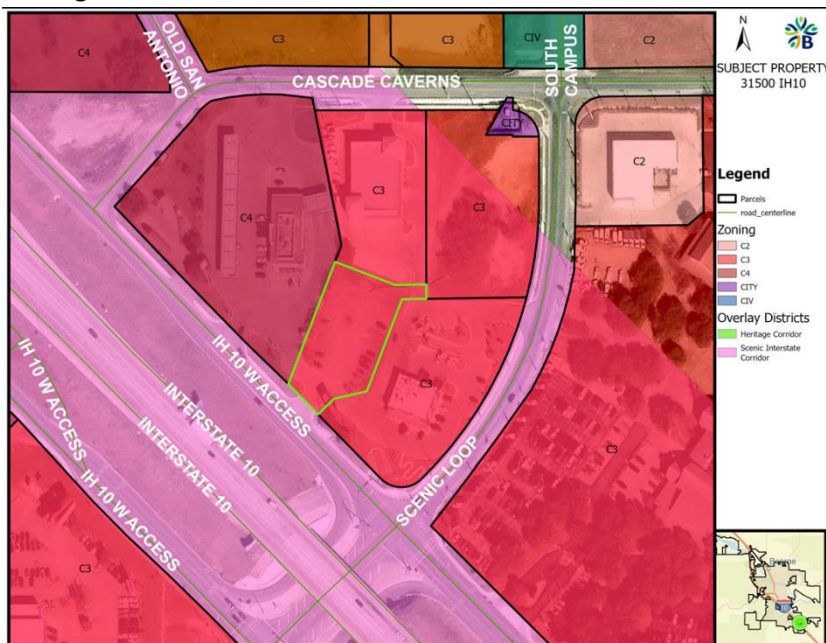
The foregoing recitals are hereby made a part for all purposes as findings of fact.

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 31500 Interstate 10 (KAD# 309883), C3 Regional Commercial District within the Scenic Interstate 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