



PLANNING

**RESIDENTIAL BUFFER WALL OBJECTION APPLICATION
ADJACENT PROPERTY OWNER FORM**

Planning and Community Development
550 Landa Street, New Braunfels TX 78130
Phone: (830) 221-4050
Email: planning@nbtexas.org

(Please print legibly)

Date: _____

This application is to be completed by the **adjacent residential property owner.**

To: Director of Planning and Community Development:

I, _____, am the property owner of _____
(print name) (street number)
_____ as shown on the attached map.
(street name)

I object to the construction of a buffer wall along my property line as prescribed by the Zoning Ordinance (excerpt is below) by the business, _____ (name of business), located at _____ as shown on the attached map.
(street address of business)

I understand the City's current regulations require the construction of a 6'-8' tall buffer wall along the common property line that I share with the adjacent business. Instead of the wall I would prefer the following:

- A ___-foot (maximum 8) tall a wooden privacy fence, to be maintained by the business owner
- A ___-foot (maximum 8) tall chain link fence, to be maintained by the business owner
- A ___-foot (maximum 8) tall _____ fence/wall, to be maintained by the business owner
- I prefer only the required landscape buffer (1 tree per 25 feet along the property line)

If there are multiple property owners along this common property line, I understand that a majority of the common property line (measured in length, not number of property owners) must oppose the buffer wall in order for an exemption to be approved (each surrounding property owner must complete this application).

I further understand that City authorization of the exemption to require construction of a buffer wall does not waive the rights of the business to construct a buffer wall if they so choose. Also, if the business is changed to a different use, the requirement for the buffer wall will be triggered again and will require the construction of the buffer wall unless a new buffer wall objection is authorized by the City.

Property Owner Signature

Excerpts from Zoning Ordinance:

Section 5.3-2(h)

Where a multifamily or non-residential development is adjacent to land used or zoned only for single-family or two-family development, a six-foot-tall (minimum) to eight-foot-tall (maximum) solid screen residential buffer wall must be installed and maintained by the commercial/multifamily property owner/developer as a buffer between the properties. The wall must be constructed of any of the following materials:

- Brick
- Stone
- Cast stone
- Rock
- Marble
- Granite
- Split-face concrete block
- Poured-in place concrete
- Precast concrete

In no instance shall any residential buffer wall be constructed of fiber cement, such as James Hardie brand products or equivalent.

Any new buffer wall must be consistent with any pre-existing wall so long as it meets the materials requirements above.

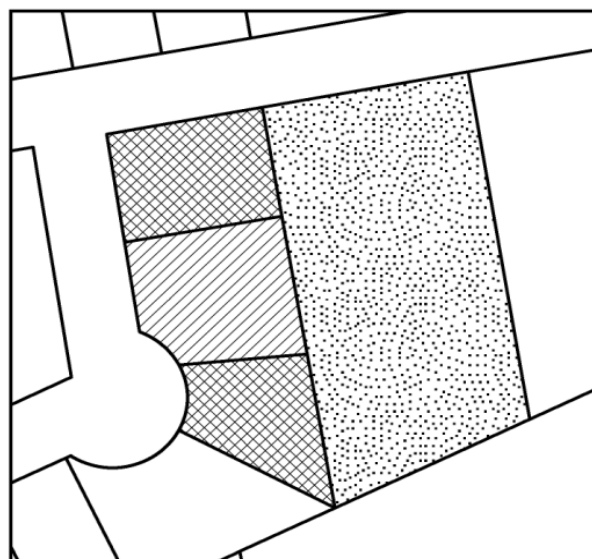
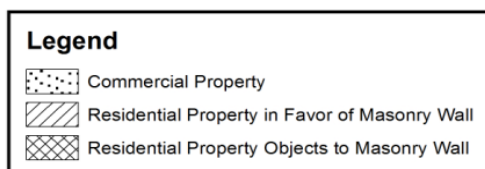
Exemption.

(1) In the event that the owner(s) of the adjacent residential property intended to be protected object to the residential buffer wall, they may submit their objection in writing to the planning and community development department. Upon receipt of the written objection, the planning and community development department will authorize an exemption from the requirement that a residential buffer wall be erected for that single property line.

(2) In order to maintain wall design consistency in the event that multiple single- or two-family residential properties abut the multifamily or non-residential development along a single linear property line:

- All owners of property adjoining a single linear property line of the exemption request shall be notified.
- A two-thirds (2/3) majority of the adjoining property line (measured in length of shared property line) must be represented by written opposition from the adjoining property owners in order for the residential buffer wall exemption to be administratively authorized along that linear property line.

Example of Majority Objection



Before a certificate of occupancy (C of O) can be issued for any subsequent commercial/multi-family development, any previous exemption from the residential buffer wall requirement is voided and must be re-evaluated.

Maintenance. Any fence or wall erected by the commercial or multi-family development, regardless of material used, must be maintained by the commercial or multi-family property owner/developer.

Section 5.3-1(b)(7a5)

Residential buffer.

In addition to the masonry wall requirement in subsection 144-5.3-2(h), at least one tree per 25 linear feet of property, or part thereof, a minimum one and one-half inches (1½") in diameter, shall be planted along the common property line of the single-family or two-family property. Shade trees must be used, unless near utility lines where ornamental trees must be used, as required in subsection 144-5.3-1(b)(6)(vii). All new trees shall be provided with a permeable surface of 60 square feet per tree under the drip line. All planting areas shall be a minimum of five feet in width.