



Planning & Development Services Department
550 Landa Street
New Braunfels, Texas 78130
(830) 221-4050 www.newbraunfels.gov

Residential Buffer Wall Objection Application
(Property Owner Submittal Form)

Fee: \$103
(\$100 application fee + \$3 technology fee (3%))

This application is to be submitted by the subject property owner.

- 1. Property Owner:
Address:
Phone: Email:
2. Subject property address:
3. Proposed use of subject property:

I, (print name), am the property owner of (street number)
(street name) as shown on the attached map. This property will be improved
with the business, (name of business).

The Zoning Ordinance requires the installation of a residential buffer that includes a 6'-8' tall buffer wall and 1 tree per 25 linear feet (excerpts are below), by the non-residential or multi-family property, adjacent to land used or zoned only for single-family or two family development. The buffer wall can be exempted if a majority of the common property line (measured in length, not number of property owners) opposes the buffer wall.

The subject property has (#) common property lines with land used or zoned for single-family or two family development. I hereby request approval of a modified buffer for (#) of the common property lines as illustrated on the attached Buffer Plan.

Included are the Buffer Wall Objection letters (originals) from property owners for a majority (linear distance) of the common property line segments as illustrated on the Buffer Plan.

I hereby affirm that all of the information provided herein is true and accurate to the best of my knowledge. I further understand that 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 application is authorized by the Planning Director.

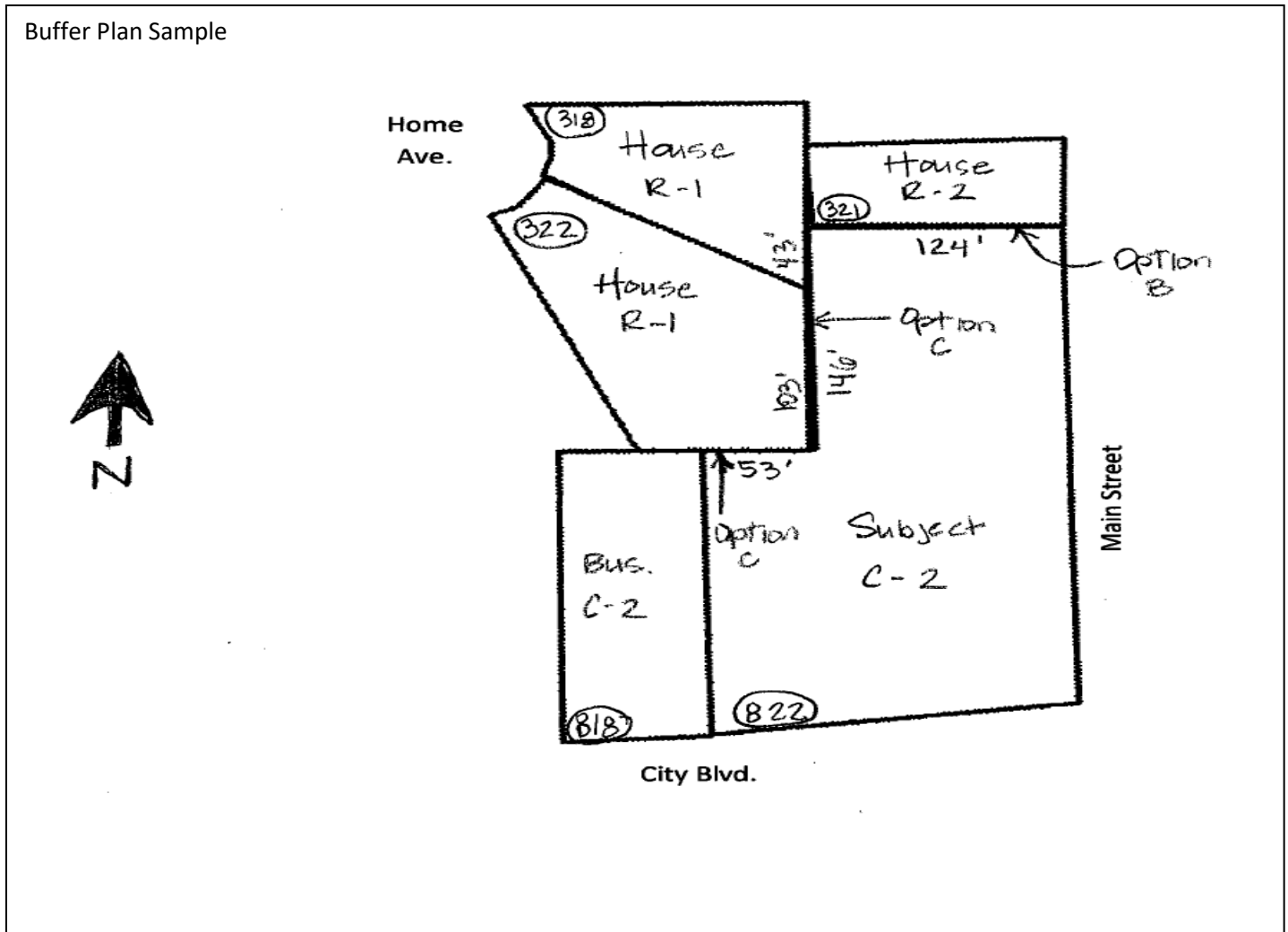
Owner of Subject Property

Planning Director Authorization

Date

**The Buffer Plan shall include or indicate:**

- The street address for the business/multifamily property and all adjacent lots
- The overall common property line lengths adjacent the single- and two-family residential properties
- The address number for each lot (please circle the numbers)
- The lengths of each individual residential property line
- The zoning and use of each adjacent property
- Which buffer option will be used on each common property line segment:
  - A  A \_\_\_-foot (6 - 8) tall wooden privacy fence, to be maintained by the business owner
  - B  A \_\_\_-foot (6 - 8) tall chain link fence, to be maintained by the business owner
  - C  A \_\_\_-foot (6 - 8) tall \_\_\_\_\_ fence/wall, to be maintained by the business owner
  - D  A landscape buffer only (1 tree per 25 feet along the property line)
  - E  Compliance with Zoning Ordinance requirement, \_\_\_-foot (6 - 8) tall buffer wall, to be maintained by the business owner, with landscape buffer (1 tree per 25 feet along the property line)
- Street names, north arrow and any other relevant information



**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.**

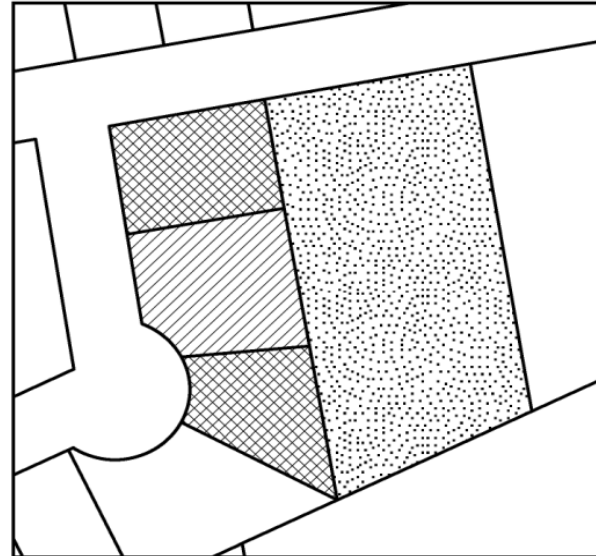
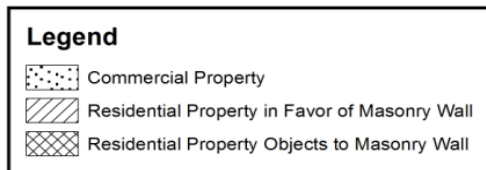
(1) In the event that the owner(s) of the adjacent residential property intended to be protected object to the residential buffer wall, they may submit their objection in writing to the planning and community development department. Upon receipt of the written objection, the planning and community development 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.

Before a certificate of occupancy (C of O) can be issued for any subsequent commercial/multi-family development, any

**Example of Majority Objection**



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.

## **INSTRUCTIONS FOR SUBMITTING THIS APPLICATION**

This application can be submitted online using the City of New Braunfels permit portal. For instructions on how to submit this permit application, please read below.

1. Access the online permit portal at <https://nbpermits.nbtexas.org/publicaccess> . Once you arrive at the Portal Login Page you will need to create a username and password.
  - a. The username will need to be a valid email address and you will be informed of the status of your application via email.
  - b. Password Requirements are: Minimum of 8 characters and must include at least one uppercase, one lowercase, and a number. Passwords cannot match your email address, first, or last name.
2. Select the Create Application button at the top center of the page and click on the Planning/Zoning folder.
3. Navigate to the desired application on the following pages. The application will be titled the same as it is on page 1 of this document.
4. Once you have found the correct application type, click on it once and select the Begin Application button.
5. Enter the application information:
  - a. Main: Subject property location (if applicable) and description of the request.
  - b. People: Your contact information. The email address provided will receive status updates on the application as it proceeds through the review process. You can add additional email addresses to receive status updates, but the provided email addresses must have a permit portal account.
  - c. App Form: Questions relating to the application.
  - d. Attachments: Upload a digital copy of this application and all required documents listed on page (1). Attachments must be .pdf format and named as they are listed on this application. **ALL REQUIRED DOCUMENTS LISTED ON THE APPLICATION MUST BE ATTACHED OR THE APPLICATION IS CONSIDERED INCOMPLETE.**
  - e. Payment: The required fee to submit. Please note: all credit/debit card transactions will incur a 2.75% processing fee. We encourage you to utilize one of our free options which include cash, check or e-Check.

You will receive a confirmation email once the application is submitted. If the application is incomplete or requires corrections, you will be emailed by a staff member requesting the information that is necessary to continue review. **AN INCOMPLETE APPLICATION WILL NOT CONTINUE TO BE REVIEWED AND CAN DELAY THE PROCESS.** Communication from the portal system will originate from [cwmessenger@newbraunfels.gov](mailto:cwmessenger@newbraunfels.gov).

*If you have any questions, please contact Development Planning Division Staff at [planning@newbraunfels.gov](mailto:planning@newbraunfels.gov) or (830) 221-4050.*