

## Legislation Text

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**File #:** 20-469, **Version:** 1

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Presenter/Contact  
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**SUBJECT:**

Approval of second and final reading of an ordinance amending Chapter 144, Zoning Section 5.21, General Provisions and Exceptions; use, height and area regulations, to include Screen Enclosure standards.

**BACKGROUND / RATIONALE:**

**Case No.:** ORD20-088

**Council District:** All

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**City Council held a public hearing on July 13, 2020 and unanimously approved the first reading of the proposed ordinance.**

The City has seen an increase in requests from residents wishing to construct screened enclosures around their swimming pools. These enclosures are common in Florida and allow people to enjoy their pools without dealing with insects. Such enclosures are constructed entirely of an open mesh material and are typically attached to the house. The City's current development standards consider such a structure as an extension of the main house requiring the screened enclosure to comply with the rear setback requirements of the house, typically 20 feet. That makes the enclosures essentially impossible to construct on typical residential lots, particularly when pools are closer to the rear property line. The enclosures could be detached from the house and comply with accessory structure standard setbacks, but that is contrary to the purpose of the screen enclosure.

The proposed development standards for screened enclosures are based upon research of various city codes within Florida and discussions with the City's Building Official. The new allowances are proposed to be added to Section 5-21, General Provisions and Exceptions, in the Zoning Ordinance, which cover other encroachments such as chimneys, eaves, etc. The new development standards will allow all mesh screen enclosures to be attached to the rear of a house and only be required to maintain a 5-foot setback along interior side and rear property lines.

Standards limiting the height so as to not be seen from the street in front of a house, and proper maintenance, have been included based upon concerns raised during the Planning Commission

meeting and the June 8th presentation to City Council.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

<b>Envision New Braunfels Comprehensive Plan</b>	<b>Action 1.4</b> Ensure ideas are derived through on-going dialogue with residents of all ages including youth as needs may change over time. <b>Action 1.11</b> Update policies and codes to achieve development patterns that implement the goals of this plan. <b>Action 2.1</b> Sustain community livability for all ages and economic backgrounds.
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**FISCAL IMPACT:**

Enhanced property features will potentially increase property values.

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on June 2, 2020 and unanimously recommended approval (8-0-0), with Commissioner Gibson absent, with the inclusion of standards to prohibit viewing screen enclosures above the roofline of the main structure when standing at the public street, and ensure continued proper maintenance.

**STAFF RECOMMENDATION:**

Approval.

**RESOURCE LINKS:**

- Chapter 144, Section 5.21 of the City’s Code of Ordinances:  
<[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH144ZO\\_ARTVDEST\\_S144-5.21GEPREXUSHEARRE](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTVDEST_S144-5.21GEPREXUSHEARRE)>

**ATTACHMENTS:**

1. Examples of screened enclosures
2. Draft minutes from Planning Commission meeting
3. Ordinance