

ORDINANCE NO. 2020- 42

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 144 ZONING SECTION 5.21, GENERAL PROVISIONS AND EXCEPTIONS; USE, HEIGHT AND AREA REGULATIONS, TO INCLUDE SCREEN ENCLOSURE STANDARDS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; CONTAINING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Chapter 211 of the Texas Local Government Code empowers a city to enact zoning regulations and provide for their administration, enforcement and amendment; and

WHEREAS, the City Council of the City of New Braunfels, Texas, deems it necessary and desirable to establish zoning regulations to provide for the orderly development of property within the City by governing the use of land in order to promote the public health, safety, morals and general welfare of the residents of the City; and

WHEREAS, the Comprehensive Plan, Envision New Braunfels, includes action items supporting all mesh screen enclosures, including Action 1.4: Ensure ideas are derived through on-going dialogue with residents of all ages including youth as needs may change over time, Action 1.11: Update policies and codes to achieve development patterns that implement the goals of this plan, and Action 2.1: Sustain community livability for all ages and economic backgrounds;

WHEREAS, the City Council has directed that regulations dealing with the use and development of land be reviewed by the Planning Commission to make recommendations concerning improving those regulations; and

WHEREAS, the Planning Commission held a public hearing on June 2, 2020 and recommended approval of the proposed amendments; and

WHEREAS, the City Council held a public hearing on said amendments on July 13, 2020; and

WHEREAS, the City Council hereby finds and determines that updating the provisions to allow open mesh screen enclosures to have reduced setbacks is in the best interest of the citizens of New Braunfels, Texas.

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

SECTION 1

THAT Chapter 144, Zoning, Sec. 144-5.21. General provisions and exceptions; use, height and area regulations is hereby amended with additions as underlined and deletions as strikeouts as follows:

5.21-3. *Yard and Setback Exceptions.*

(j) *Screen enclosures.* A screen enclosure without a solid roof and made from open mesh screening material, attached or detached to a main structure, shall be located behind the front façade of the main structure, not less than five (5) feet from interior side lot lines and rear lot lines, and shall maintain a minimum fifteen-foot corner street side setback, or the required corner side street setback for main structures, whichever is greater. No screen enclosure shall exceed the height of the principal structure where it can be seen above the roofline from the street at the front of the lot. Screen enclosures shall be maintained in good repair free of fraying and tears. Repair or replacement of the mesh screen must take place when three (3) or more twelve- (12)-inch tears / holes, or cumulative equivalent, occurs. Screen enclosures with a solid roof attached to the main structure shall be considered part of the main structure and all main structure setbacks for the respective zoning district shall apply.

SECTION 2

THAT, it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 3

THAT all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

SECTION 4

THAT all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

SECTION 5

THAT in accordance with the provisions of the City Charter, this Ordinance may be read and published by descriptive caption only. This Ordinance has been publicly available in the office of the City Secretary prior to its adoption.

SECTION 6

THAT this Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office.

PASSED AND APPROVED: First reading this the 13th day of July, 2020.

PASSED AND APPROVED: Second reading this the 27th day of July, 2020.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

ANDREW A. LYONS III, Assistant City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney