

AN ORDINANCE

2019-04-11-0307

**AMENDING CHAPTER 35 UNIFIED DEVELOPMENT CODE OF THE CITY CODE OF SAN ANTONIO, TEXAS SECTION 35-335 AND BY AMENDING AND RESTATING THE MAHNCKE PARK NEIGHBORHOOD CONSERVATION DISTRICT "NCD-6" AS REQUESTED BY COUNCIL DISTRICT 2.**

\* \* \* \* \*

**WHEREAS**, the Mahncke Park Neighborhood Conservation District was adopted by the City Council in 2003; and

**WHEREAS**, on March 2, 2017, Council District 2 submitted a Council Consideration Request to review and update Section 35-335 of the San Antonio City Code regarding Mahncke Park Neighborhood Conservation District "NCD-6"; and

**WHEREAS**, a Taskforce was formed consisting of property owners within the "NCD-6" boundaries to review and proposed updates to the Mahncke Park Neighborhood Conservation District "NCD-6"; and

**WHEREAS**, the some Taskforce members discussed development of different standards for different parts of the neighborhood that recognizes different architectural types in the neighborhood; and

**WHEREAS**, the purpose of the review was due to Mahncke Park seeing significant revitalization and interest from private and public investments resulting in increased awareness in flaws or gaps in the current "NCD-6"; and

**WHEREAS**, the public hearings were held by the Zoning Commission on February 19, 2019 and March 19, 2019 regarding the amended Mahncke Park Neighborhood Conservation District "NCD-6" at which time parties in interest and citizens were given an opportunity to be heard; and

**WHEREAS**, the Zoning Commission has submitted a final report to the City Council regarding this amendment; **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The Mahncke Park Neighborhood Conservation District "NCD-6" is amended by adding language that is underlined (added) and deleting the language that is stricken (deleted) to the existing text as set forth in Attachment "I". A copy of Attachment "I" is attached hereto and incorporated herein for all purposes.

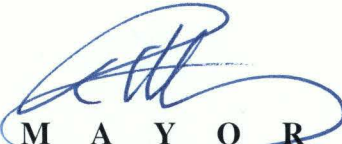
**SECTION 2.** All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

SG/lj  
04/11/2019  
Item No. 14

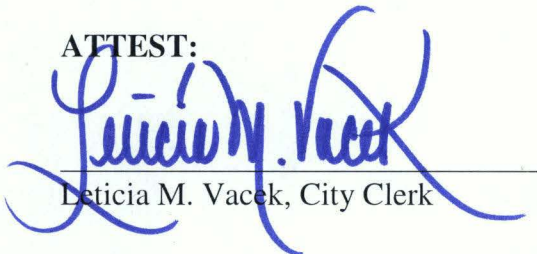
**SECTION 3.** The Director of Development Services shall change the zoning records in accordance with this ordinance and the same shall be available and open to the public for inspection.

**SECTION 4.** This Ordinance shall become effective immediately upon passage by eight or more affirmative votes; otherwise it shall become effective on the tenth day after passage.

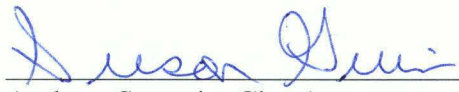
**PASSED AND APPROVED 11<sup>th</sup> day of April, 2019.**

  
**M A Y O R**  
Ron Nirenberg

**ATTEST:**

  
Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**

  
for Andrew Segovia, City Attorney

<b>Agenda Item:</b>	<b>14 ( in consent vote: 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17, 18, 19, 21, 22, 23A, 23B )</b>						
<b>Date:</b>	04/11/2019						
<b>Time:</b>	10:13:38 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	Ordinance amending Chapter 35, Unified Development Code, of the City Code of San Antonio, Texas to update Section 35-335 "NCD" Neighborhood Conservation District including amendments to "NCD-6" Mahncke Park Neighborhood Conservation District. [Roderick Sanchez, Assistant City Manager; Michael Shannon, Director, Development Services]						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x				
Art A. Hall	District 2		x				x
Rebecca Viagran	District 3	x					
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Greg Brockhouse	District 6		x				
Ana E. Sandoval	District 7		x				
Manny Pelaez	District 8		x				
John Courage	District 9		x			x	
Clayton H. Perry	District 10		x				

SG/lj  
04/11/2019  
Item No. 14

# ATTACHMENT “I”



# Mahncke Park NCD-6 Proposed Recommendations

## 1. General

1.1 The Mahncke Park Neighborhood Conservation District (NCD) design standards apply to new construction projects and to improvements or renovations to existing structures where the work requires a building permit and is specifically governed by the NCD design standards. In the case of ordinary repair and maintenance, existing non-compliant structures or conditions shall not be required to conform to the design standards, although any modifications shall not increase the non-conforming condition.

## 2. Land Development and Site Design Standards

### 2.1 Lot size and Coverage

2.1.1. For lots currently platted 50 feet in width: Minimum re-platted lot widths shall not be less than 50 feet measured at the lesser of the lot width parallel to the plane of the front facade of the proposed principal dwelling or at the lot frontage adjacent to the primary street.

2.1.1.1 For lots currently platted less than 50 feet in width: When combining or aggregating lots, minimum re-platted lot widths shall not be less than 35 feet.

2.1.1.2 Maximum lot width for any re-platted parcel with a single-family or multi-family use shall be 75 feet.

2.1.2. The front setback shall be within 5 feet of the median setback of developed lots for the block face and shall be measured from the front building facade to the front curb, inside of the sidewalk or property line, whichever is consistent across the block-face.

2.1.3. For corner lots the front setback from the secondary or side street shall be within 5 feet of the median setback of developed lots for that secondary or side street blockface.

2.1.4. Minimum rear setback for multifamily structures shall be 20 feet.

2.1.5. Primary Streets: Defined as the street a property is addressed on.

2.1.5.1. Single or multifamily structures with 4 or fewer units shall maintain a front elevation and entries along only one primary street.

2.1.5.2. Multifamily structures with 5 or more units, which have frontage on more than one primary street, shall maintain front entries along both primary streets

## Mahncke Park NCD-6 Proposed Recommendations

2.1.6. Lots within the district shall have primary frontage and access on the primary streets (generally east-west streets), except in the cases of the following streets: West frontage of Catalpa; Margaret North of Natalen; West frontage of Margaret between Ira and Eleanor; Broadway Street; Avenue B; Tendick; Bellevue, North - South street south of Pinckney and east of N. New Braunfels Avenue (Benton Street, Calhoun Street, Westgate Street); North side of the 400 block of Ira; and Wesley Street

### ~~2.2~~ Landscaping

~~2.2.1. The provisions of the UDC 535-523 (version in use at the time of adoption of this zoning overlay district, included for reference) shall be upheld as minimum landscaping standards for all new projects. City Staff shall review tree preservation and help to propose alternative site and building arrangements prior to pursuit of any degree of mitigation.~~

### 2.2 Utilities

2.2.1. Mechanical units for multifamily structures shall be screened from view from the primary street through the construction of solid walls matching primary building materials of adjacent structures, evergreen planting material or solid screen fence.

### 2.3 Parking

2.3.1. For single and two family dwellings, parking for a minimum of 2 vehicles per dwelling unit shall be required. ~~shall be accommodated or stored in a parking structure. The parking accommodation/structure shall be behind the vertical plane of the principal facade facing the adjacent primary street. This accommodation/parking structure may include a garage or a porte cochere. No accommodations/parking structures shall be constructed within the front yard (other than the driveway meeting standards 2.5) for parking (UDC Division 6, 35-526 stipulates a minimum of 1 off-street parking space required for single-family or two-family dwellings, with no restrictions of the location on the parcel.~~

2.3.2. For dwellings with 3 or ~~four~~ more units, parking for a minimum of 1.5 cars per dwelling unit shall be required. ~~in accordance with UDC Table 526-3a and accommodated behind the vertical plane of the primary facade. (UDC stipulate 1.5 parking spaces)~~

~~2.4.3. For dwelling structures with four or more units, parking for a minimum of 1.5 parking spaces per dwelling unit shall be provided and shall occur behind the vertical plane of the primary facade.~~

### 2.4 Driveways and Curb Cuts



## Mahncke Park NCD-6 Proposed Recommendations

2.4.1. New residential structures must have a driveway that leads past the front façade of the principal dwelling (Does not apply to lots less than or equal to 110 feet deep or lots less than 35 feet wide.) Driveways shall be constructed of either impervious material (concrete, asphalt, brick, or concrete or clay tile pavers), or pervious materials which are either bordered by durable impervious materials or graded/treated to prevent erosion. Driveway runway/ribbons less than 2 ½ feet wide are allowed.

2.4.2. Except at corner lots, driveway curb cuts shall not exceed 15 feet in width. There shall be no more than one curb cut in each lot for each 75 feet of primary-street frontage. Behind the curb cut, driveways shall be not less than 8 feet and not more than 12 feet in width. Driveways shall extend on only one side of the principal dwelling structure.

2.4.3. At Corner Lots if the curb cut is on the primary street, driveways shall comply with the requirements of 2.4.1 above. If the Driveway curb cut is located on the secondary or side street:

2.4.1.1. The curb cut shall not exceed 24 feet (two car width) in width;

2.4.3.2. There shall not be more than one curb cut to the secondary or side street regardless of frontage.

2.4.4. Existing driveways and curb cuts may be maintained, repaired or replaced in their original footprint and location.

### 2.5 Sidewalks and Front Walks

~~2.6.1. Where an adjacent sidewalk is wider than required by the UDC, new sidewalks shall match adjacent sidewalks in width.~~

~~2.6.2. Sidewalks shall be located such that:~~

~~2.6.2.1. New sidewalks shall match distance from curb and green strip configurations of adjacent sidewalks, where they exist, or~~

~~2.6.2.2. If no adjacent sidewalk exists, the edge of sidewalk closest to the structure shall be placed on the property line, and the paving for sidewalk shall be a maximum of 4'-0" wide.~~

2.5.1. A mandatory front walk shall be separated from the driveway by at least 4 feet. This walk shall connect the front entry(s) of the primary structure to the back of curb. A path may be made between the front walk and the driveway. Sidewalks shall be constructed to UDC standards.

## Mahncke Park NCD-6 Proposed Recommendations

2.5.2 Existing walkways may be repaired or replaced in their original footprint and location.

### 2.6 Fences and Walls

2.6.1. New front yard fences and free standing wall materials may not include chain link (metal or vinyl covered), deformed reinforcing (steel bar) mats, razor or barbed wire, pre-cast concrete systems (e.g. fence-crete), exposed CMU with visible joints, or unfinished concrete. ~~Paint may not be considered a finished surface.~~

2.6.2. New front yard fences ~~and walls~~ shall be not more than ~~42~~ 4 feet tall and separated from the sidewalk by not less than 2 feet.

2.6.3. Unless a greater distance is specified in the UDC, standards for front yard fences and walls shall apply to all such elements between the right of way and the front facade of the principal structure. Rearward of the front facade, no standards are proposed, except as noted in 2.6.4.

2.6.4. For corner lots, new front and side yard fences shall match in construction materials and proportion. The height of the side yard shall match the front yard fence height (maximum of 4 feet per 2.6.2) to a point of 10 feet begin the vertical plane of the principal dwelling structure. From the point 10 feet behind the vertical plane of the front facade, side yard fencing and rear yard fencing shall comply with UDC 35-514 requirements.

~~2.7.5. New retaining walls (both public and private) greater than 2'-0" tall shall be finished in a manner deterring or facilitating removal of vandalism.~~

2.6.5. Existing fences and walls may be repaired or replaced in the same footprint and with the same material, and comply with existing UDC regulations.

### 2.7 ~~Front Yard Structures~~ Trash Receptacles

~~2.8.1. Freestanding mail box structures are not permitted. Mailboxes may be attached directly to the primary structure, or may be incorporated into the front yard fence structure.~~

~~2.8.2. Neither new independent waste containers, foundations for, nor storage structures for waste containers are permitted within the front yard or within the public right-of-way adjacent to the frontage along primary or secondary streets.~~ Refuse containers (for pick-up/delivery) on multi-family (5 or more dwelling units) structure parcels, shall be located behind the primary structure (outside buffer yards), completely screened from public view of the streetscape.

### 2.8 Lighting



## Mahncke Park NCD-6 Proposed Recommendations

### 2.8.1. Area Lighting

2.8.1.1. Light Trespass - All new lighting shall be aimed, located, designed, shielded, fitted and maintained so as not to project light onto a neighboring use or property.

2.8.1.2. For new area lighting fixtures mounted overhead on poles, mounting height shall not exceed 15 feet, and the axis of illumination shall be adjusted to an angle not more than 20 degrees from the vertical line between the fixture and the ground.

2.8.1.3. For new area lighting using fixtures having an output of more than 1800 lumens, mounted at or near ground level, and used to light a structure or other object, the axis of illumination shall be adjusted to minimize the amount of light escaping above, below and to the sides of the illuminated object.

~~2.9.1.3. Wall packs shall be adjusted to minimize the amount of light emitted above the horizontal.~~

2.8.2. Glare – New Outdoor fixtures having a total output of more than 1800 lumens must be full-cut-off fixtures.

2.8.3 Light Trespass – All new lighting shall be aimed, located, designed, shielded, fitted and maintained so as not to project light onto a neighboring use or property.

## 3. Building/Construction Standards:

### 3.1 Building Size and Massing

3.1.1. ~~Residential~~ ~~Single family or multifamily~~ dwelling structures with 4 or fewer units shall not exceed 50 feet in width within 10 feet of the front facade and shall be separated from other single family structures, on separate lots, by not less than 10 feet. Should the adjacent single family structure have a non-conforming side setback of less than 5 feet, the setback shall be a minimum of 5 feet.

3.1.2. Multi family structures with 5 or more units shall not exceed 80 feet in width within 10 feet of the front facade, and shall be separated from adjacent structures, on separate lots, by at least 20 feet. Should the adjacent residential structure have a non-conforming side setback of less than 5 feet, the setback shall be a minimum of 15 feet.

3.1.3 Existing multi-family structures with 5 or more units which are separated from adjacent structures by less than 20 feet may be replaced with new multi-family structures with 5 or more units and shall be separated from adjacent structures by not less than the original separation and must meet a minimum 5 feet side setback.

**Red Strikeout:** Proposed Deleted Code Language

**Blue Underline:** Proposed New Code Language

**Black:** Existing Code Language

Prepared by Development Services Department

Date: February 25, 2019

Page 5 of 8

## Mahncke Park NCD-6 Proposed Recommendations

### 3.2 Building Height

3.2.1. Single family or multi-family dwelling (with 4 or fewer units) shall not exceed ~~2 stories or~~ 35 feet in height.

3.2.2. Multi family dwelling structures with 5 or more units shall not exceed 2 ½ stories nor 35 feet in height except for such structures on Brackenridge Rd. and E. Mullberry where those dwellings structures may not exceed 3 stories or 40 feet in height. Additionally, structures fronting Broadway (north of E. Hildebrand only) may not exceed 5 stories or 60 feet in height.

### 3.3 Building Materials

3.3.1. Exterior building materials for additions ~~and/or renovations~~ shall match those of the existing structure in scale, proportion, placement and profile.

### 3.4 Principal Elevation Features

3.4.1. First floor shall be a minimum of 1 foot above grade.

3.4.2. Except as noted for Porte Cocheres in 3.6.3, the front facade of the principal dwelling structure of detached single-family or multi-family development, shall not be elevated above grade to allow for parking of vehicles below any component living space.

3.4.3. Wall Openings / Fenestration - The sum of the surface areas of first floor glazing, doors, and other fenestrations shall be at least 20% and not more than 50% of the first floor front elevation's surface area.

3.4.4. The front entry for all new dwelling units shall be on the first floor and shall be placed so that the dwelling is accessed from the primary street, ~~except as noted in 2.1.6.~~ For Single family dwellings (four units or less) the front entry for all new dwelling units shall be on the first floor and shall be placed so that the dwelling is accessed from the primary street. For multifamily dwellings (five units or more), for buildings facing the primary street the front entry for all new dwelling units shall be on the first floor and shall be placed so that the dwelling is accessed from the primary street.

3.4.5. Transition Space - A transition space must be designed or placed as a component of a dwelling front facade so that front entry is accessed through the 'transition space'. A transition space may consist of one of the following: porch, stoop, alcove, court, or nook.



## Mahncke Park NCD-6 Proposed Recommendations

3.4.5.1. A minimum 6 feet deep by 8 feet wide covered, unenclosed porch, or stoop.

3.4.5.2. A minimum 6 feet deep by 8 feet wide walled court (meeting the front yard fencing standards).

3.4.5.3. A minimum 8 feet by 8 feet court with building structure on three sides.

3.4.5.4. A minimum 3 feet deep by 4 feet wide partially enclosed alcove or nook, with not less than 50% of the solid walls' surface area(s) having openings or fenestrations.

3.4.6. For additions ~~or renovations to existing structures~~, windows on the facade(s) fronting a primary street (and secondary street in the case of corner lots) shall match the height to width dimensional proportions (e.g. 2:1), configuration (e.g. 1 over 1 light division), and appearance (e.g. recess, trim, and sill) of existing windows. ~~Replaced windows shall also match the existing window(s) in framing and material as found on existing or adjacent structures on site.~~ For renovations, when repairing/replacing original windows, the original window opening size and shape may be maintained or may be enlarged. Salvaged windows may be used.

3.4.7. For multifamily structures of five or more units, the following shall also apply:

3.4.7.1. Elevations of the front facade shall not be longer than 35 feet without an offset of at least 2 feet ~~in plan from the plane of the front façade.~~

3.4.7.2. Transition spaces may be combined ~~into a plan area equal to one entry space per 2 residences.~~ The transition space must remain in the entry sequence in between the front walk and the front access of the residential dwelling spaces.

### 3.5 Roof

3.5.1. Roofs for Additions or ~~Renovations~~ Repair shall match the pitch, configuration ~~(e.g. gable, hip or flat)~~ and style ~~(e.g. open eaves)~~ of the existing structure.

3.5.2. Roofs ~~coverings~~ coverings may be entirely replaced with materials other than the original material and must comply with 3.5.1.

### 3.6 Garages, Carports, Accessory Structures and Accessory Dwellings

3.6.1. Location & Orientation



## Mahncke Park NCD-6 Proposed Recommendations

3.6.1.1. When garage or carport entry faces in the same direction as the front façade of the principal dwelling, the garage or carport shall be detached from the principal structure and located behind the principal dwelling.

3.6.1.2. All other garage doors or carports not facing the same direction as the front façade of the principal dwelling may be integrated or attached but shall be located greater than or equal to 20 feet behind the vertical plane of the front façade of the principal dwellings. ~~When garage doors or carport entry face perpendicular to the direction faced by the front façade, garages and carports may be integrated or attached but shall be located not less than 36'-0" behind the vertical plane of the front façade of the principal dwellings.~~

3.6.1.3. Standards 3.6.1.1 and 3.6.1.2 do not apply to ~~existing~~ lots less than or equal to 110 feet deep or ~~existing~~ lots less than or equal to 35 feet wide.

3.6.2. Temporary carports are not permitted.

3.6.3. Porte Cocheres may be flush with the principal structure's front façade and shall maintain the same roof-pitch as the principal structure's roof when attached to single story structure. ~~or Porte Cocheres~~ may be placed underneath a portion of the second story living spaces when attached to multistory structures. Vertical support or structural elements of porte cocheres shall match the exterior materials of the primary structure in scale, proportion, placement and profile.

3.6.4. New accessory structures shall comply with standards set in UDC ~~2006~~, except that those structures larger than 400 square feet shall match the primary structure in terms of exterior building materials, window materials, size and proportion, and roof pitch. The overall size of the new structure shall be limited to no more than 40% of the gross floor area of the principal residential structure's footprint, excluding patios and garages.