

ENABLING ORDINANCE

Section 35-335 of the San Antonio Unified Development Code provides the framework for establishing Neighborhood Conservation Districts.

35-335 Neighborhood Conservation District (NCD)

(a) Purpose.

- (1) Within the City of San Antonio there are many unique and distinctive residential neighborhoods or commercial districts which contribute significantly to the overall character and identity of the City. They are worthy of preservation and protection, but may lack sufficient historical, architectural or cultural significance at the present time to be designated as historic districts. As a matter of public policy, the City Council aims to preserve, protect, enhance, and perpetuate the value of these residential neighborhoods or commercial districts through the establishment of Neighborhood Conservation Districts.
- (2) The purposes of a Neighborhood Conservation District in residential neighborhoods or commercial districts are as follows:
 - A. to protect and strengthen desirable and unique physical features, design characteristics, and recognized identity and charm;
 - B. to promote and provide for economic revitalization;
 - C. to protect and enhance the livability of the City;
 - D. to reduce conflict and prevent blighting caused by incompatible and insensitive development, and to promote new compatible development;
 - E. to stabilize property values;
 - F. to provide residents and property owners with a planning tool for future development;
 - G. to promote and retain affordable housing;
 - H. to encourage and strengthen civic pride; and
 - I. to ensure the harmonious, orderly and efficient growth and redevelopment of the City.
- (3) The Neighborhood Conservation District planning tool implements the following policies of the Master Plan:
 - A. Neighborhoods, Policy 2b (1): Establish a zoning classification such as a Conservation District or a Planned Development District for neighborhood specific plans.
 - B. Urban Design, Policy 1b (1): Create and adopt urban design guidelines and standards that will enhance the quality of life in San Antonio, and which specifically encourage the following...preservation and enhancement of the City's important historic and cultural characteristics, including architectural styles and historic districts, as well as existing residential and commercial districts, and neighborhood centers.
 - C. Urban Design, Policy 1d (1): Involve neighborhoods in developing neighborhood-specific plans that define the character and pattern of development for their neighborhood, and that establish infill development guidelines.

(b) Designation Criteria.

To be designated as a Neighborhood Conservation District, the area must meet the following criteria:

- (1) contain a minimum of one blockface (all the lots on one side of a block);
- (2) at least 75% of the land area in the proposed district was improved at least 25 years ago, and is presently improved; and
- (3) possess one or more of the following distinctive features that create a cohesive identifiable setting, character or association:
 - A. scale, size, type of construction, or distinctive building materials;
 - B. spatial relationships between buildings;
 - C. lot layouts, setbacks, street layouts, alleys or sidewalks;
 - D. special natural or streetscape characteristics, such as creek beds, parks, greenbelts, gardens or street landscaping;
 - E. land use patterns, including mixed or unique uses or activities; or
 - F. abuts or links designated historic landmarks and/or districts.

(c) Zoning Authority.

- (1) Separate ordinances are required to designate each Neighborhood Conservation District. Ordinances designating each district shall identify the designated boundaries, applicable Designation Criteria and design standards for that district, and be consistent with any existing Neighborhood and/or Community plans.
- (2) Overlay district. Neighborhood Conservation Districts are designed as overlays to the regular zoning districts. Property designated within these districts must also be designated as being within one or more of the regular base zoning classifications. Authorized uses must be permitted in both the regular zoning district and the overlay district. Property designated as a Neighborhood Conservation District may have additional designations. Such property shall comply with all applicable use restrictions.
- (3) Zoning designation. The zoning designation for property located within a Neighborhood Conservation District shall consist of the base zone symbol and the overlay district symbol (NCD) as a suffix. Neighborhood Conservation Districts shall be numbered sequentially to distinguish among different districts, i.e., R-6 (NCD-1), C-1 (NCD-2), etc.
 - A. The designation of property within a Neighborhood Conservation District places such property in a new zoning district classification and all procedures and requirements for zoning/rezoning must be followed.
 - B. In the event of a conflict between the provisions of a specific Neighborhood Conservation District ordinance and the regular base zoning district regulations, the provisions of the Neighborhood Conservation District ordinance shall control.
 - C. Except as modified by this section, the procedures for zoning changes set forth in § 35-3024 shall otherwise apply to the designation of an area as a Neighborhood Conservation District.
 - D. Upon designation of an area as a Neighborhood Conservation District, the City Council shall cause notice of such designation to be recorded in the official public records of real property of Bexar County, the tax records of the City of San Antonio and the Bexar Appraisal District, and the House Numbering section of the City of San Antonio's Development Services Department.

(Ord. No. 98697 § 5)

(d) Initiation Procedures.

- (1) A zoning change application for designation as a Neighborhood Conservation District shall be initiated at the direction of the:
 - A. request of owners representing 51% of the land area within the proposed district, or
 - B. request of 51% of the property owners within the proposed district, or
 - C. Director of Planning, pursuant to a Neighborhood or Community Plan adopted by City Council, or City or community revitalization program.
- (2) Following initiation for designation of a Neighborhood Conservation District, the Planning Department shall develop a Neighborhood Conservation Plan for the proposed district that includes:
 - A. maps indicating boundaries, age of structure and existing land use within the proposed district,
 - B. maps and other graphic and written materials identifying and describing the distinctive neighborhood and building characteristics of the proposed district;
 - C. a list of all property owners (with legal addresses), neighborhood associations and/or other organizations representing the interests of property owners in the proposed district; and
 - D. design standards.
- (3) All property owners within the proposed district shall be afforded the opportunity to participate in drafting the Neighborhood Conservation Plan, which will be approved as part of the zoning ordinance creating a Neighborhood Conservation District.

(e) Design Standards.

- (1) The conservation plan approved as part of the zoning ordinance creating a Neighborhood Conservation District shall include Design Standards for new construction of any building or structure, or the relocation or rehabilitation to the street façade of an existing building or structure.
- (2) The Neighborhood Conservation Plan, and requisite Design Standards shall not apply to those activities which constitute ordinary repair and maintenance, i.e., using the same or similar material and design.
- (3) The Design Standards for the Neighborhood Conservation District must include at a minimum (or note the inapplicability), the following elements governing the physical characteristics and features of all property (public or private) within the proposed district:
 - A. building height, no. of stories;
 - B. building size, massing;
 - C. principal elevation features;
 - D. lot size, coverage;
 - E. front and side yard setbacks;
 - F. off-street parking and loading requirements;
 - G. roof line and pitch;
 - H. Paving, hardscape covering;

- (4) In addition, the Design Standards may include, but shall not be limited to, the following elements:
- A. building orientation;
 - B. general site planning (primary, ancillary structures);
 - C. density;
 - D. floor area ratio;
 - E. signage;
 - F. architectural style and details;
 - G. building materials;
 - H. garage entrance location;
 - I. window/dormer size and location;
 - J. landscaping;
 - K. fences and walls;
 - L. entrance lighting;
 - M. driveways, curbs and sidewalks;
 - N. utility boxes, trash receptacles;
 - O. street furniture;
 - P. solar systems, components;
 - Q. building relocation;
 - R. right-of-way (exceeding Public Works standards)
- (f) Neighborhood Ordinance Administration
- (1) No building permit shall be issued by the Department of Development Services for new construction or an alteration or addition to the street façade of an existing building or structure within a designated Neighborhood Conservation District without the submission and approval of design plans and the issuance of a Certificate of Compliance by the Director of Development Services.
- (2) The Director of Development Services shall forward a copy of a building permit application to the Director of Planning for review and comment.
- (Ord. No. 98697 § 1)
- (g) Violation of Provisions.
- (1) The violation of any provision of this section shall constitute a violation of this Chapter and may be prosecuted in municipal court regardless of whether civil or administrative action is taken against the permit holder. Upon conviction, the permit holder shall be subject to the penalties prescribed in Article 1, Division 2 of this Chapter.
- (2) The Director of Planning may request the City Attorney to institute a civil action as prescribed in Article 1, Division 2, regardless of whether a criminal action has been taken.