

Mahncke Park NCD Update

BACKGROUND

- The Mahncke Park NCD was created in 2008.
- Mahncke Park was platted in 1923. Most lots were platted as 25 feet wide x 130 feet deep lots for a total lot area of 3250 square feet. This is the typical lot configuration for many of the lots in the Mahncke Park Neighborhood, with some lots that are a little longer (i.e. 150 feet).
- In 1938, the City adopted zoning regulations and zoned the property. The zoning made these lots become non-conforming as the lot size did not meet the minimum standards of the 1938 zoning. The lots remain non-conforming lots today.
- Non-conforming lots are defined in the UDC under Article VII, Section 35-701 (c). The lots are substandard lots that fail to meet the requirements for area or width or both because of governmental action. Under state common laws these lots are protected and may be used for any uses permitted in the applicable zoning district and are not required to be replatted or combined under common ownership to establish a permitted use. Therefore, any owner of a vacant lot may pull a building permit for any of the uses allowed in the district in which it is zoned if it meets the setbacks as well as the design standards for the NCD.
- Texas Local Government Code also includes law that provides property right protections.
- The Mahncke Park NCD requires a minimum 50 foot lot width for properties that are replatted (2.1.1). Replatting is owner initiated. Replatting is also triggered should an owner decide they want to build two or more units on multiple lots, if zoned appropriately (i.e. building a duplex on two 25 foot width lots.)

DESIGN STANDARDS

- To address the concerns with development on lots less than 45 feet in width design standards can be created that permit development similar to the characteristics of much of the neighborhood (i.e. development of a single structure on 50 foot width lots).
- Development over a lot line with the adjoining lot could create a duplex type unit, but still allow for individual property ownership of each lot, would be an example.
- This would allow the development on a 25 foot width lot, protect the property rights of the owner, and conserve the characteristics of the Mahncke Park NCD.
- The review of the Mahncke Park NCD can address this issue and develop new standards for lots less than 45 feet in width.

NCD REVIEW AND COMMUNITY ENGAGEMENT PROCESS:

- The review committee's task is to review the current provisions of the NCD and propose revisions. This includes research, field work (i.e. taking pictures), and attendance at the meetings for discussion of the proposed revisions.
- Staff's role is to facilitate the committee meetings, draft the proposed code language, develop presentations for the community meetings, facilitate any recommendations through the commission and council approval process and create the ordinance that will adopt the revisions.
- The committee's proposed revisions will then be presented to the community (all property owners will be notified). Should the community suggest revisions at the meeting, staff will facilitate the discussion to arrive at a final recommendation at the meeting. The final recommendations from the community meeting will be forwarded for Zoning Commission and City Council consideration. Zoning Commission may either recommend approval as presented, denial or make an alternate recommendation. City Council will make the final decision.

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TENTATIVE TIMELINE:

- October 2017 – June 2018- Stakeholder meetings
- July 2018 - Zoning Commission briefing
- July 2018 - Zoning Commission consideration
- August 2018 - Council Sub-committee briefing and consideration
- August 2018 - City Council consideration