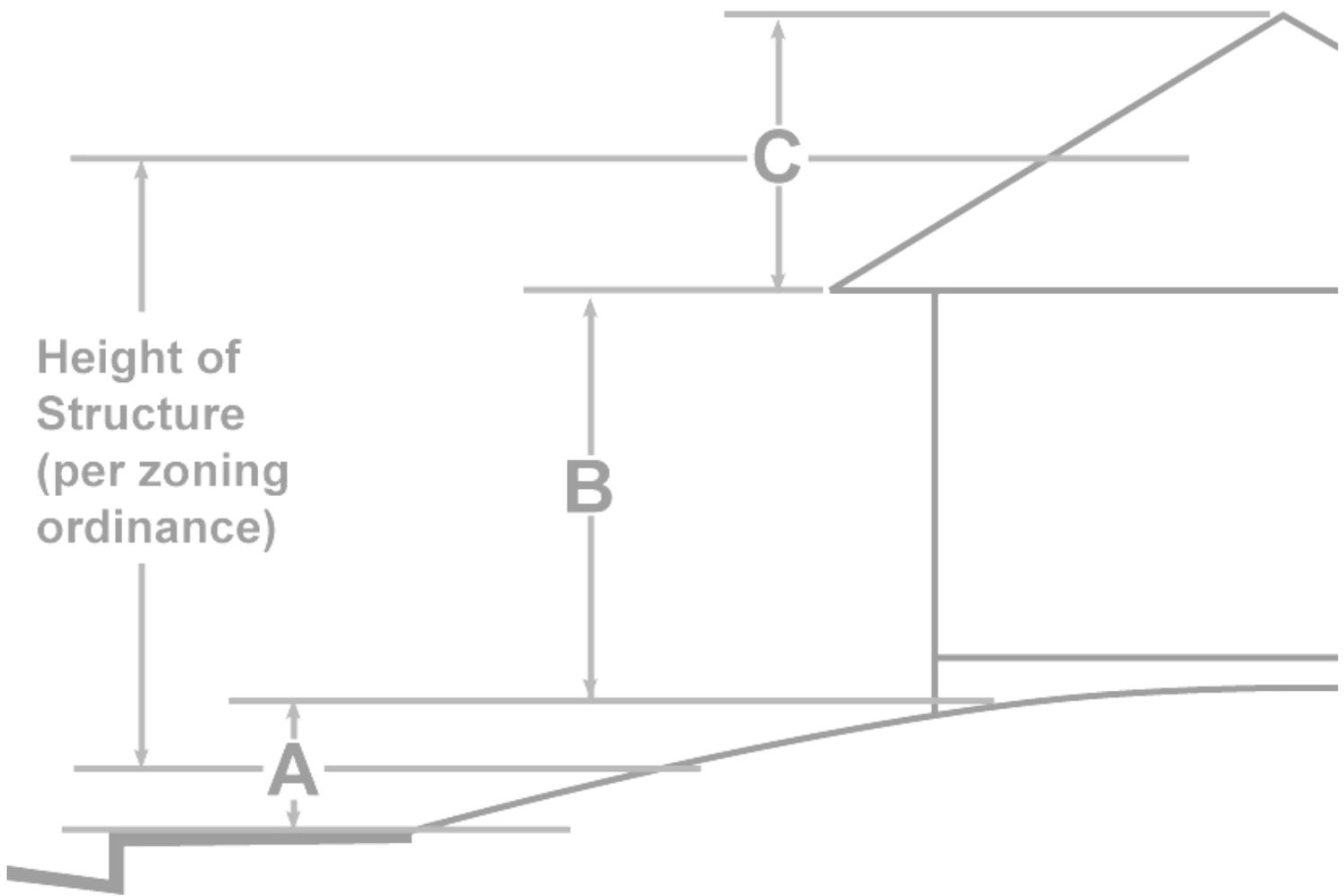


Neighborhood Development Overlay Instruction Manual



City of Richardson
Neighborhood Development Overlay Instruction Manual
April 2009

Introduction

This manual is designed to assist neighborhood groups in the establishment of a Neighborhood Development Overlay (NDO). It covers the process that property owners must follow to apply for an NDO, includes examples of the petition forms that must be submitted as part of the initial application and provides instructions for developing the regulations property owners may wish to impose within their NDO.

The purpose of a Neighborhood Development Overlay is to create special zoning regulations to help preserve or create a certain residential character in an existing neighborhood without discouraging compatible renovation or redevelopment. It requires property owners to work together to determine whether protection of the existing neighborhood character is in their best interest and, if so, to develop regulations within the framework of the NDO ordinance that will offer that protection. Working with the City of Richardson, property owners can establish an NDO through a process which amends the zoning in their neighborhood and places additional requirements on future renovation and redevelopment.

Part One: Neighborhood Development Overlay Process

The establishment of an NDO follows eight basic steps:

Step 1: Eligibility for a Neighborhood Development Overlay

In order to establish an NDO, the neighborhood must meet the criteria (size, configuration, existing zoning, land use, etc.) set out in Ordinance 3719 (attached) for an NDO application. During this step, City staff determines if a neighborhood meets the minimum requirements necessary to proceed.

Step 2: Initiation of process

Once staff has determined that a neighborhood meets the minimum requirements, property owners outline the proposed district boundaries, obtain an official application form from the City, and establish a Neighborhood Committee with a designated chairperson.

Step 3: Review of application and conference

Upon completion of Step 2, the completed application is submitted to the Development Services Department for review. The Department checks the application for compliance with Ordinance 3719 and meets with the Neighborhood Committee to discuss the remainder of the process.

Step 4: Initial Meeting of Neighborhood Committee

The Neighborhood Committee must hold at least one meeting with the property owners in the neighborhood to discuss the NDO concept. At this meeting, the Committee members will explain their interest in establishing an NDO and answer questions from those in attendance. It may be necessary to hold more than one meeting in order to provide follow-up information and gauge the level of support among the property owners in the proposed district. City staff will not attend the initial meeting(s).

Step 5: Preparation of NDO district regulations

If sufficient support is demonstrated at the neighborhood meeting in Step 4, the Neighborhood Committee proceeds to develop, in detail, the proposed regulations for the NDO. This step requires the Neighborhood Committee to verify existing conditions to insure that the new regulations are within the limits established in Ordinance 3719. Part Two of this instruction manual describes how to make the required measurements and establish proposed regulations that meet the terms of the ordinance.

Step 6: Neighborhood meeting

Following the completion of Step 5, the Neighborhood Committee and City staff conduct a neighborhood meeting to give property owners within the potential district a chance to review the proposed NDO regulations, ask questions, and initiate the formal petitioning process.

Step 7: Petition process

This step officially starts at the neighborhood meeting described in Step 6. Petitions are distributed to all property owners in attendance at the meeting and, afterward, are mailed to each owner within the proposed NDO boundaries. Signed petitions must be submitted to the Department within 180 days of the date of the neighborhood meeting. At least 70 percent of the owners of single-family residences within the boundaries of the proposed district must sign a petition in support of the NDO in order for the application to proceed. Certain conditions must be met relative to the signatures (notarizing of signatures, collection of all applicable signatures for jointly-owned properties, etc.). If support for the proposal is insufficient, the application is voided and a new filing is required for future consideration.

Step 8: Public hearing and action

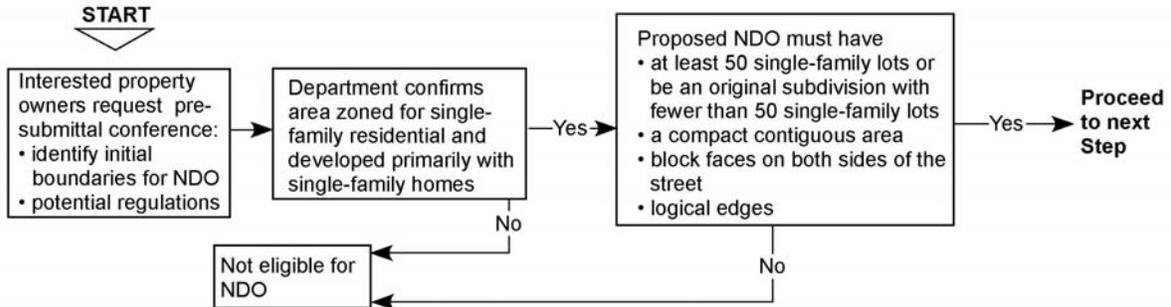
If a sufficient percentage of support for the NDO is obtained within the required time frame, the Department schedules the request as a zoning change application for City Plan Commission and City Council action. The proposal then follows the same process as for any other zoning change (public hearings before the City Plan Commission and City Council, notification in advance of each hearing, etc.). The following chart illustrates the NDO process in more detail.

Neighborhood Development Overlay Process

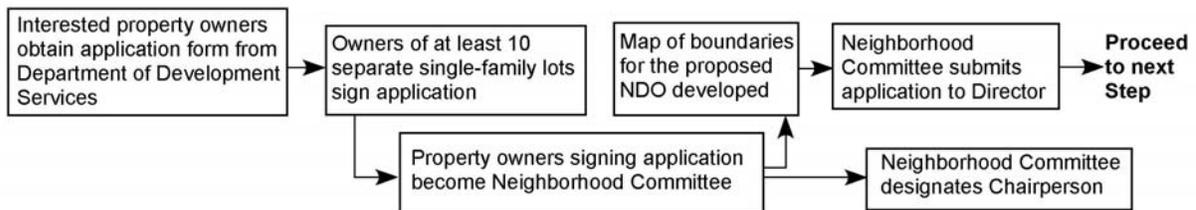
Purpose:

To create special zoning regulations to retain the character of an existing neighborhood and to encourage compatible development/redevelopment.

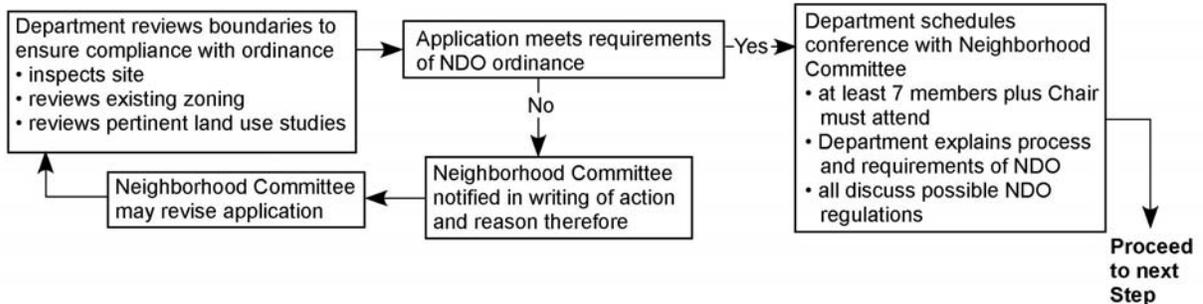
Step 1: Eligibility for a Neighborhood Development Overlay



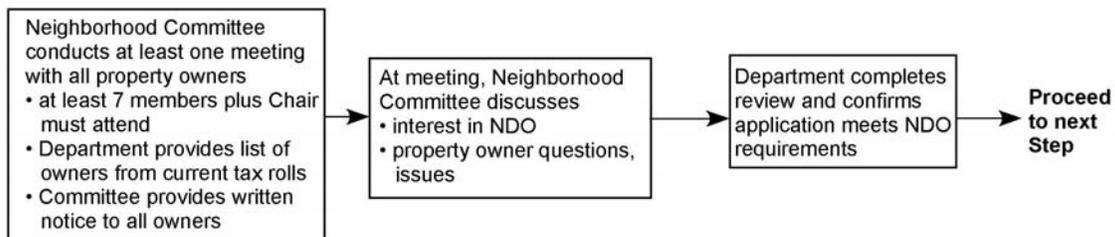
Step 2: Initiation of process



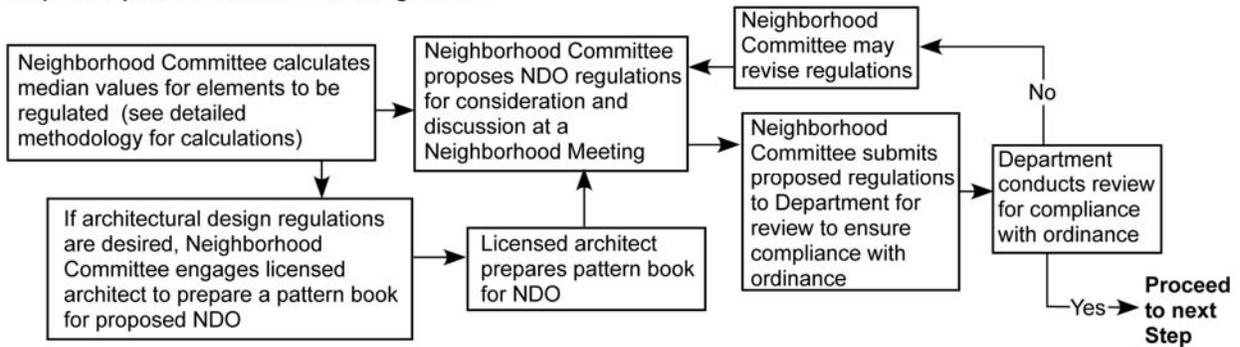
Step 3: Review of application and conference



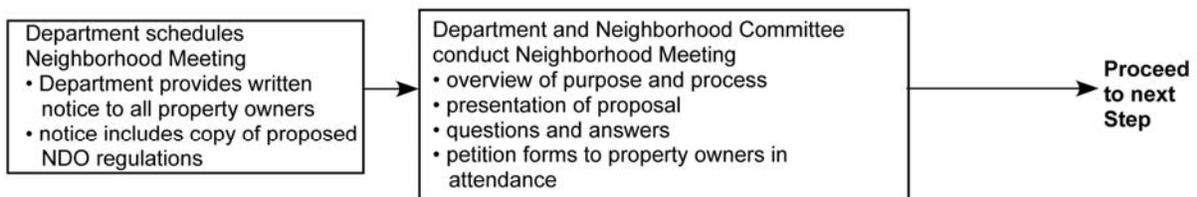
Step 4: Initial meeting of Neighborhood Committee



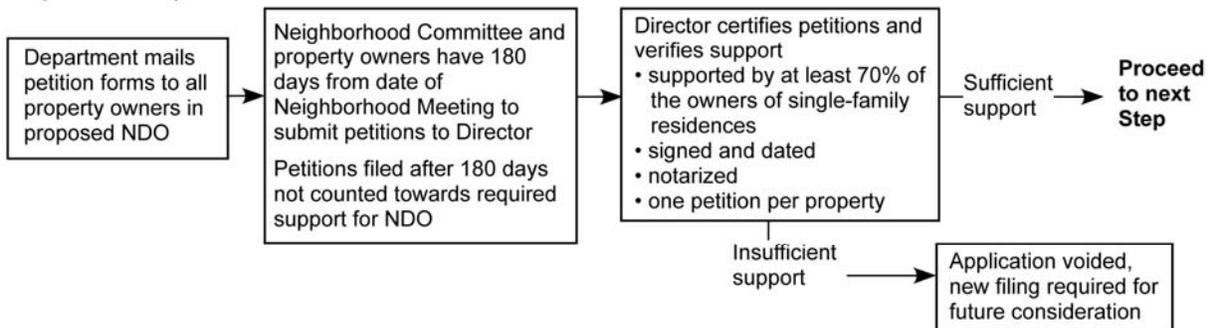
Step 5: Preparation of NDO district regulations



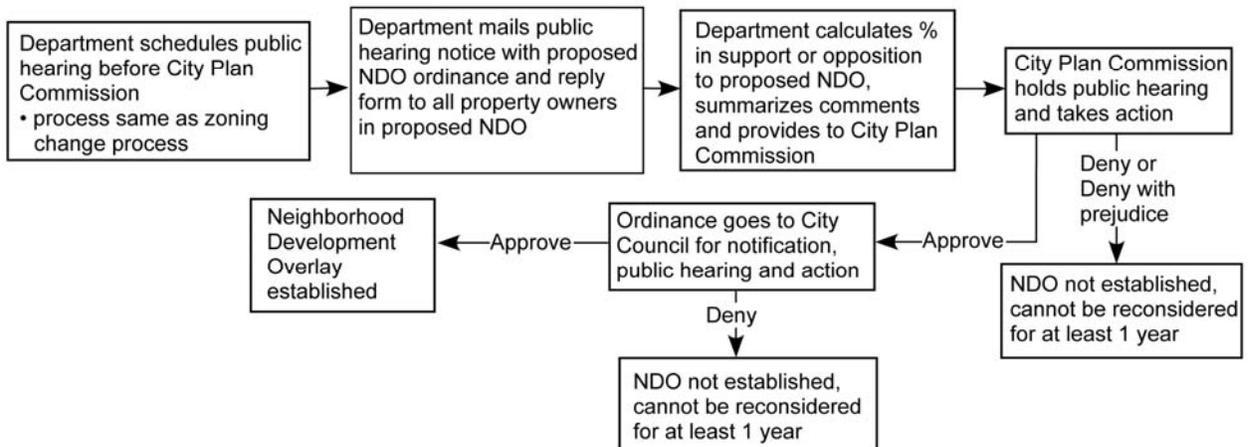
Step 6: Neighborhood meetings



Step 7: Petition process



Step 8: Public hearing and action

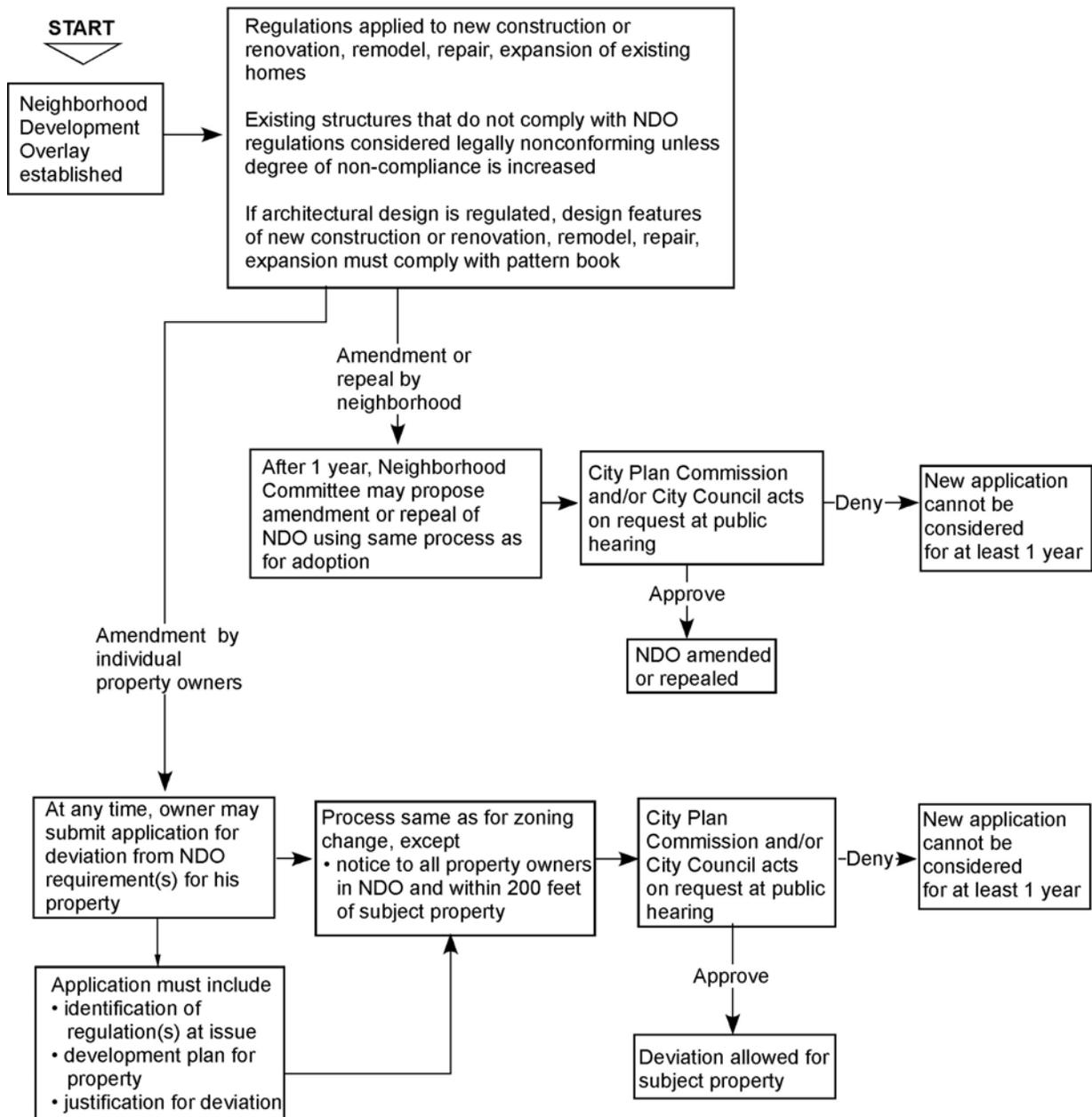


Once an NDO is established, the ordinance allows the neighborhood or an individual property owner to request an amendment or repeal of the overlay. The following chart illustrates this process.

Neighborhood Development Overlay (NDO) Amendment or Repeal

Purpose

To request a deviation for an individual lot or to amend or repeal an NDO ordinance





Official Petition

City of Richardson
Neighborhood Development Overlay
Petition for *Name of Neighborhood*

Petition No. _____
of _____
Date of
Neighborhood
Meeting _____

Attention Property Owners:

1. A group of property owners in your neighborhood (a Neighborhood Committee) is interested in adopting special zoning regulations to preserve or create a certain residential character in your area. An information packet developed by the City of Richardson has been included with this petition explaining the process for establishing a Neighborhood Development Overlay (NDO).
2. The proposed regulations for your neighborhood are summarized on the reverse side of this petition. Please review them carefully before signing the petition. If you have any questions, contact the Development Services Department at 972-744-4240.
3. **BY SIGNING THIS PETITION YOU ARE REQUESTING THAT THE CITY OF RICHARDSON REZONE YOUR PROPERTY. YOUR LEGAL RIGHTS TO USE YOUR PROPERTY MAY BE AFFECTED. YOU MAY WANT TO CONSULT A REAL ESTATE PROFESSIONAL OR YOUR LEGAL ADVISOR IF YOU HAVE QUESTIONS.**

Property Information for this petition:

Property owner's name(s): _____

Property street address: _____

Property zip code: _____

By signing this petition, I am/we are indicating SUPPORT FOR OPPOSITION TO the implementation of a Neighborhood Development Overlay District for the neighborhood, including my/our property, and the proposed regulations outlined on the back of this petition.

Owner printed Name: _____

Signature: _____ **Date:** _____

Owner printed Name: _____

Signature: _____ **Date:** _____

STATE OF TEXAS	§	SWORN TO AND SUBSCRIBED BEFORE ME by
	§	_____ , on the ____ day of
COUNTY OF _____	§	_____, 20__
		_____ Notary Public, State of Texas



**Official Petition
Proposed Regulations**

**City of Richardson
Neighborhood Development Overlay
Petition for *Name of Neighborhood***

The proposed regulations, shown below, were developed by a Neighborhood Committee requesting the establishment of a Neighborhood Development Overlay for *Name of Neighborhood*. In the table below, “Existing Zoning” reflects the zoning standards within the neighborhood for each item eligible for regulation. “Median Value/Existing Condition in Neighborhood” represents current conditions based on measurements required for each element proposed for regulation. In order for an application to be filed for consideration by the City Plan Commission and City Council, 70% of the property owners within the boundaries of the proposed overlay district must sign a petition in support of this zoning change.

Regulation	Existing Zoning	Median Value/Existing Condition in Neighborhood	Proposed Regulation
Front setback	30 feet	40 feet	35 feet
Interior side setback	7 feet	10 feet	10 feet
Corner lot side setback	20 feet	25 feet	25 feet
Rear setback	25 feet	30 feet	30 feet
Height	25 feet first story, 15 feet second story, maximum 40 feet	15 feet first story, 12 feet second story, maximum 30 feet	20 feet first story, 15 feet second story, maximum 35 feet
Lot coverage	40 percent	30 percent	30 percent
Garage access ¹	None	Varies	None
Garage orientation ¹	None	Varies	None
Garage connection ¹	None	Attached	Attached
Architectural design ²	None	None	None

1. 70 percent of the garages in the proposed district much reflect the proposed condition(s) for this element to be regulated.

Part Two: Developing the NDO Regulations

Introduction

Specific regulations within a proposed NDO may be more or less restrictive than the existing zoning district regulations. Property owners proposing a **more** restrictive NDO may include standards for:

- Front setback
- Corner lot side setback
- Height
- Garage access, orientation and connection
- Interior side setback
- Rear setback
- Lot coverage
- Architecture/Design

Property owners proposing a **less** restrictive NDO may include standards for:

- Front setback
- Corner lot side setback
- Height
- Interior side setback
- Rear setback
- Lot coverage

A neighborhood may propose to make changes to any or all of these regulations within the parameters outlined in Ordinance 3719. In the event of a conflict between an NDO and the underlying zoning, the regulations of the NDO control. The regulations in the NDO apply only to single-family structures.

The following sections include important definitions, summarize the parameters allowed for each regulation and describe the method for measuring the existing conditions to arrive at an NDO proposal.

NOTE: Where surveys, plot plans, house plans or other accurate drawings are available, information on setbacks, height, etc, can be collected based on these documents rather than field measurements.

Setback

Setback is *“...the minimum required distance between a structure and the lot lines of the lot on which it is located.”*

Front Setback

Existing zoning: The zoning ordinance defines front setback as: “...the setback extending the full width of the lot between side lot lines and measuring the minimum required distance between the front lot line and the closest point allowed for any structure.” The standard front setback required in a single-family residential district is 30 feet; however, the Neighborhood Committee should verify the existing requirement with the Development Services Department in case any special conditions apply to a particular subdivision or other geographic area.

NDO: The NDO ordinance requires that: “...the minimum front setback must be within the range between the setback of the underlying zoning district regulations and the median front setback of the single-family structures within the district. This range may require a front setback that is greater than the front setback in the underlying zoning.”

Median: The Neighborhood Committee must determine the **median** front setback for the existing single-family structures in the proposed district. The median existing front setback is determined by measuring the existing front setback for each single-family structure in the proposed district, arranging the measured setbacks in ascending or descending order, and then identifying the middle number in that set of values.

Measuring existing front setback

In built-out neighborhoods, the front lot line may be difficult to locate since it is generally somewhere within the front lawn of the home. In almost all cases, the front lot line is the same as the edge of the public right-of-way. The right of-way includes not only the street pavement, but the curb, the sidewalk and the parkway area(s). Because the exact lot line may be difficult to determine without locating property corners, the Neighborhood Committee should measure and record the distance from the back of the curb to the closest front wall of the structure. During the verification process, City staff will use plats and other records to determine the distance between the back of the curb and the property line. That distance will then be subtracted from the measurement to the front of the structure to determine the existing setback condition.

Side Setback

Interior side setback

Existing zoning: The zoning ordinance defines side setback as “...*the setback extending from the required front setback line to the required rear setback line and measuring the minimum required distance between the side lot line and the closest point allowed for any structure.*” Typically, the interior side setback in a single-family residential district is 7 feet. A recent change in the code requires a setback of 10 feet or 15 feet for wider lots. The Neighborhood Committee should verify the existing interior side setback in the proposed NDO district with the Development Services Department in case any special conditions apply to a specific neighborhood or geographic area.

NDO: An interior lot is any lot that is not located on a corner formed by the intersection of two streets. The NDO ordinance requires that: “...*The minimum interior side setback must be within the range between the setback of the underlying zoning district regulations and the median interior side setback of the single-family structures within the district. This range may require an interior side setback that is greater than the interior side setback of the underlying zoning.*”

Median: The Neighborhood Committee must determine the **median** interior side setback for the existing single-family structures in the proposed district. The median existing interior side setback is determined by measuring the existing interior side setback for each single-family structure in the proposed district, arranging the measured setbacks in ascending or descending order, and then identifying the middle number in that set of values.

Measuring existing interior side setback: In established neighborhoods, the side lot lines are sometimes hard to determine. One option is to measure the distance between adjacent structures and assume the lot line is halfway between them. If there are fences in the side yards, another option is to measure between the structure and the existing fence to determine the existing interior side setback.

Corner Lot Side Setback

Existing zoning: The zoning ordinance defines side setback as "...the setback extending from the required front setback line to the required rear setback line and measuring the minimum required distance between the side lot line and the closest point allowed for any structure." Typically, the interior side setback in a single-family residential district is 7 feet. A recent change in the code requires a setback of 10 feet or 15 feet for wider lots. A corner lot is a one which is located at the intersection of two streets. The standard side setback on a corner lot adjacent to the side street is 20 feet. The Neighborhood Committee should verify the existing side setbacks in the proposed NDO district with the Development Services Department in case any special conditions apply to a specific neighborhood or geographic area.

NDO: The NDO ordinance requires that: "the minimum corner lot side setback must be within the range between the setback of the underlying zoning district regulations and the median corner lot side setback of the single-family structures within the district. This range may require a corner lot side setback that is greater than the corner lot side setback of the underlying zoning."

Median: The Neighborhood Committee must determine the **median** corner lot side setback for the existing single-family structures in the proposed district. The median existing corner lot side setback is determined by measuring the existing setback adjacent to the side street for each single-family structure on a corner lot in the proposed district, arranging the measured setbacks in ascending or descending order, and then identifying the middle number in that set of values.

Measuring existing corner lot side setback: In established neighborhoods, the side lot lines are sometimes hard to determine. For the lot line adjacent to the side street, in almost all cases, the side lot line is the same as the edge of the public right-of-way. The right of-way includes not only the street pavement, but the curb, the sidewalk and the parkway area(s). Because the exact lot line may be difficult to determine without locating property corners, the Neighborhood Committee should measure and record the distance from the back of the curb to the closest side wall of the structure. During the verification process, City staff will use plats and other records to determine the distance between the back of the curb and the property line. That distance will then be subtracted from the measurement to the side of the structure to determine the existing setback condition.

On the interior side yard (the side lot line not adjacent to the side street), one option is to measure the distance between adjacent structures and assume the lot line is halfway between them. If there are fences in the side yards, another option is to measure between the structure and the existing fence to determine the existing interior side setback.

Rear Setback

Existing zoning: The zoning ordinance defines rear setback as: "...the setback extending the full width of the lot between side lot lines and measuring the minimum required distance between the rear lot line and the closest point allowed for any structure." The standard rear setback in a single-family district is 25 feet; however, the Neighborhood Committee should verify this requirement with the Development Services Department in case any special conditions apply to a particular subdivision or other geographic area.

NDO: The NDO ordinance requires that: "The minimum rear setback must be within the range between the setback of the underlying zoning district regulations and the median rear setback of the single-family structures within the district. This range may require a rear setback that is greater than the rear setback of the underlying zoning."

Median: The Neighborhood Committee must determine the **median** rear setback for the existing single-family structures in the proposed district. The median existing rear setback is determined by measuring the existing rear setback for each single-family structure in the proposed district, arranging the measured setbacks in ascending or descending order, and then identifying the middle number in that set of values.

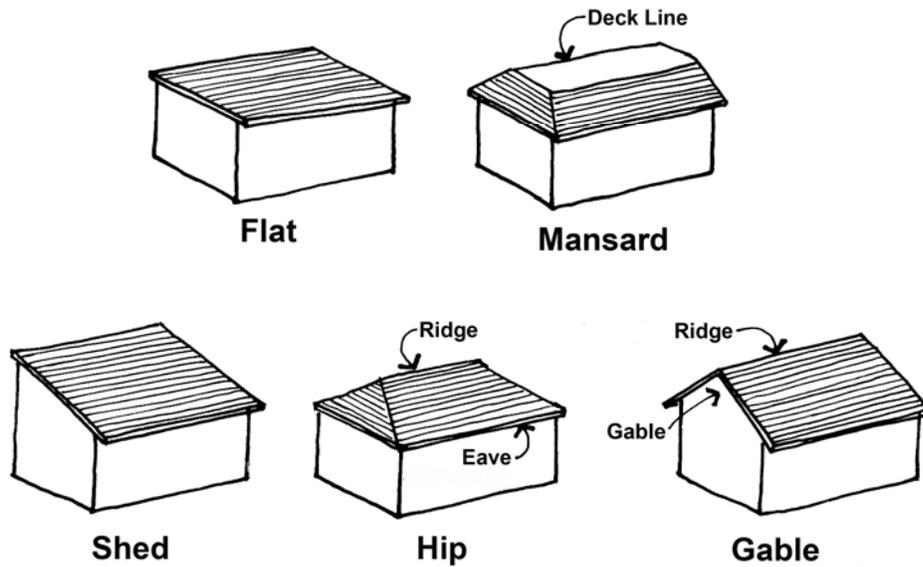
Measuring existing rear setback: In built-out neighborhoods, the rear lot line may be difficult to locate since it may be within the rear lawn of the home or inside a fence line. In almost all cases, the rear lot line is the same as the edge of the public right-of-way. The right of-way includes not only the alley pavement, but also the grassy strip between the edge of the pavement and the property line. Because the exact lot line may be difficult to determine without locating property corners, the Neighborhood Committee should measure and record the distance from the edge of the alley pavement to the closest rear wall of the structure. During the verification process, City staff will use plats and other records to determine the distance between the alley pavement and the property line. That distance will then be subtracted from the measurement to the rear of the structure to determine the existing setback condition.

Height

The Neighborhood Committee must determine the **median** height for the existing one-story and/or two-story single-family structures in the proposed district, whichever is applicable. The median height is determined by measuring the existing height for each single-family structure in the proposed district, arranging the measured setbacks in ascending or descending order, and then identifying the middle number in that set of values.

Definition of Building Height

The zoning ordinance defines height as "...the vertical distance of a building or portion thereof measured from the mean level of the ground surrounding the building to (1) the highest point of the roof's surface if a flat surface, (2) the deck line for a mansard roof, (3) the mean level for a shed roof, or (4) the mean level between eaves and the ridge for hip and gable roofs..."



graphics from *The Latest Illustrated Book of Development Definitions*

The standard maximum height in a single-family district is 25 feet for the first story and 15 feet for the second story for a maximum total height of 40 feet.

Height Options for a Neighborhood Development Overlay

The NDO ordinance has two height options. One option applies to neighborhoods in which all homes are of a consistent height—all single-story or all two-story. The other option is for neighborhoods with a mix of single-story and two-story structures.

Consistent Height (all single-story or all two-story): Under the first scenario, for neighborhoods in which all homes are single-story structures, the NDO requires that: “...the maximum height of single-family structures must be within the range between the maximum height of the underlying zoning district regulations for single-family structures and the median height of the single-story single-family structures within the district.”

For neighborhoods in which all homes are two-story structures, the NDO requires that: “...the maximum height of single-family structures must be within the range between the maximum height of the underlying zoning district regulations for two-story single-family structures and the median height of the two-story single-family structures within the district.”

Mixed Height (single-story and two-story): In the second option, for neighborhoods where there is a mix of single-story and two-story structures, the NDO ordinance requires that: “...the maximum height of a single-story single-family structure must be within the range between the maximum height of a single-story single-family structure in the underlying zoning district regulations and the median height of the single-story single-family structures within the district, and the maximum height of a two-story single-family structure must be within the range between the maximum height of a two-story single-family structure in the underlying zoning district regulations and the median height of the two-story single-family structures within the district.” This means that the height for a single-story structure is limited to the range between 25 feet and the median height of the existing single-story structures within the neighborhood; and the

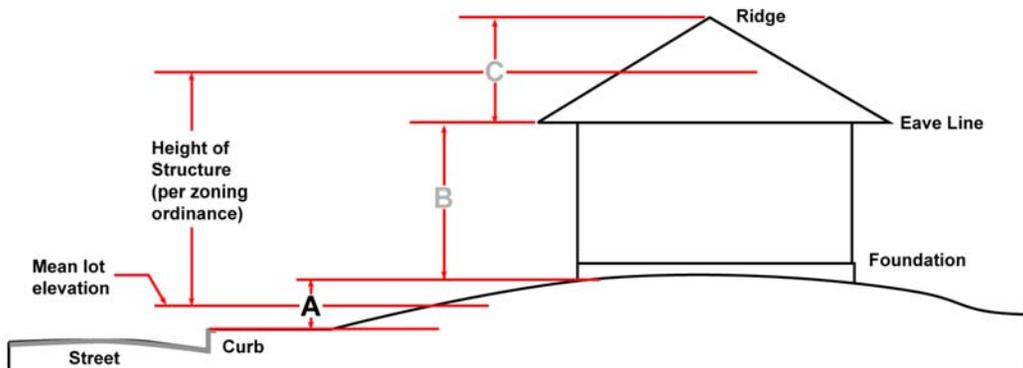
height for two-story structures is limited to the range between 40 feet and the median height of the existing two-story structures in the neighborhood.

Measuring the existing height of a structure

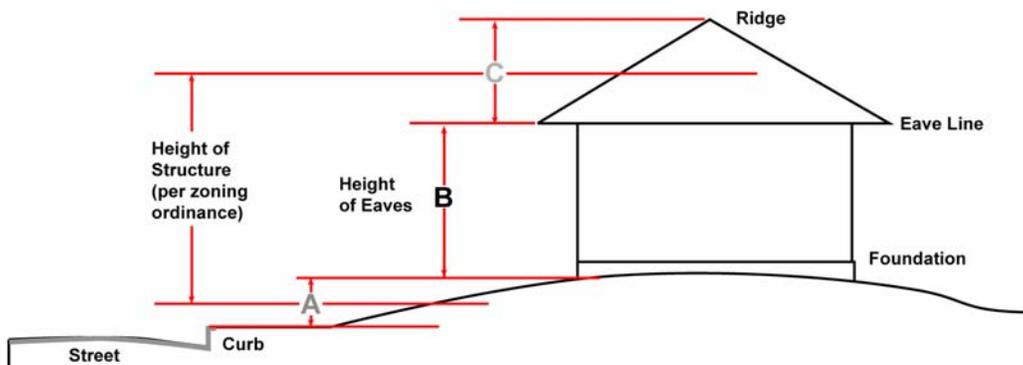
To determine the existing height of a structure, most often, three measurements will be required—the height of the mean lot level, the height of the eaves, and the mean height of the roof above the eaves. These numbers will be used in the calculation of the existing height as defined in the zoning ordinance. Flat or mansard roofs will not require a measurement of the height of the eaves.

For shed, gable and hip roofs

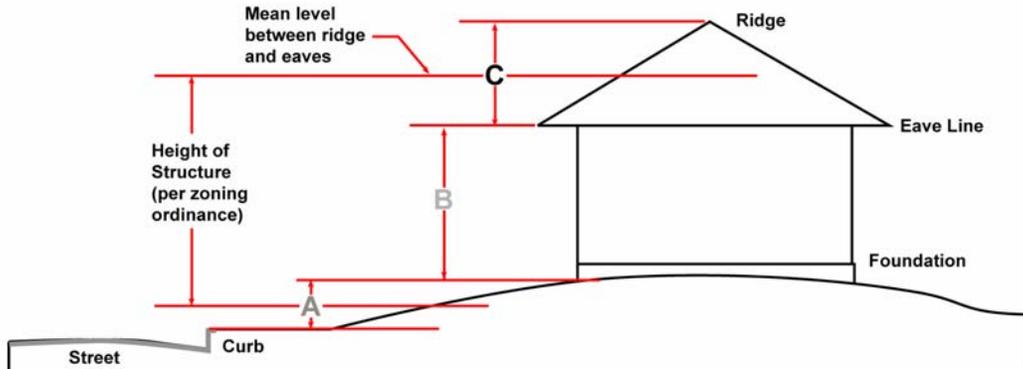
Step one: Determining the mean lot level. Most lots slope from the structure toward the street or alley. To determine the mean lot level, run a level line (the City will provide the line level) from the ground at the base of the foundation towards the low point on the lot and measure the difference in height from the low point to the line (A in the illustration below). Divide this number by two as shown in the following diagram to determine the mean lot level (1/2 of A).



Step two: Measuring the height of the eaves. The height of the eaves is a measurement of the vertical distance from the ground at the base of the foundation to the eave line (B in the illustration below).



Step three: Determining the mean height between the eaves and ridge. The next measurement is the height to the mean (midpoint) of the roof above the eave line (C in the illustration below). This measurement is calculated based on the slope of the roof.

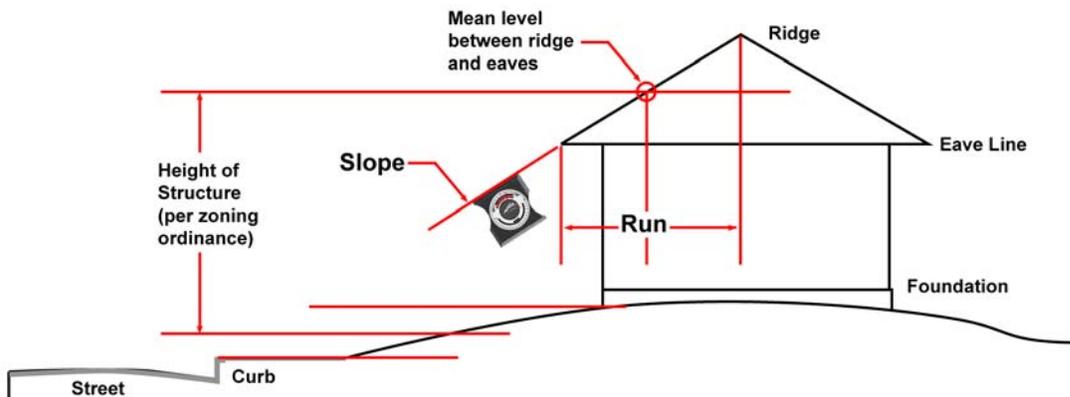


The slope of the roof is the increase in height (rise) along a horizontal distance (run) and is generally expressed as inch(es) of rise per 12 inches of run. For example, a roof with a slope of 3" in 12" rises three inches in vertical distance for each twelve inches of horizontal distance. Knowing the slope and the horizontal distance of the roof from the eave line to the ridge allows the calculation of the total height of the roof. Dividing by two gives the height of the mean level or midpoint of the roof between the ridge and eaves.

The slope of the roof is determined by using an angle and pitch locator (to be provided by the City). Held one way, the device shows the angle; held the other way, it shows the slope (or pitch) of the roof. The example to the right shows a slope of 4 in 12 (4" in 12").



The slope can be determined by standing on the ground, sighting along the top edge of the angle and pitch locator and reading the slope in inches of rise per 12 inches of run. The device can also be placed directly on the roof slope and read there.



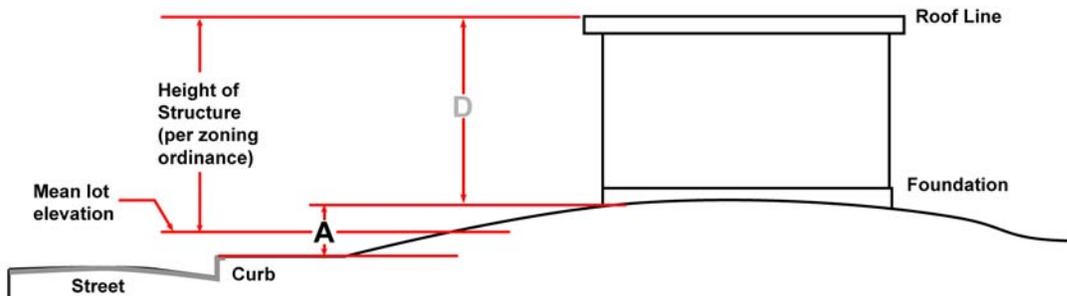
The run is measured as the horizontal distance from the outer edge of the eave to the ridge of the roof. These points (edge of eave and highest point of roof) can be located on the ground

and the measurement taken with a tape measure. Once the slope is determined and the run measured, divide the horizontal distance (the run) by the vertical distance (the rise) to determine the height of the ridge. Divide the height of the ridge by two to get the mean height of the roof between the eaves and the ridge (1/2 of C).

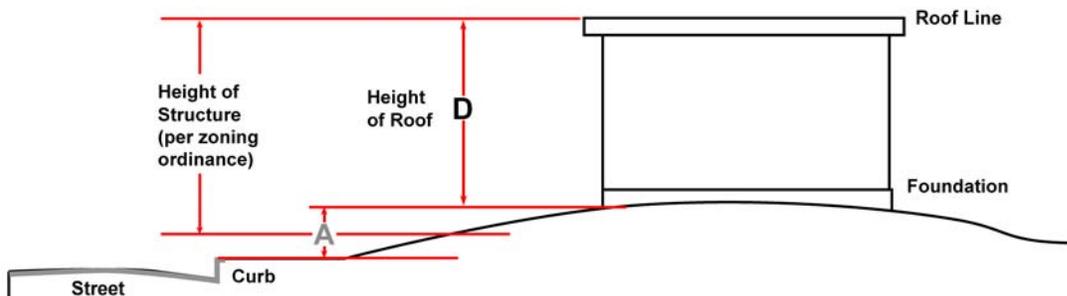
Step four: Calculating the height. Finally, the mean level or height of the lot (1/2 of A as calculated in step one) is added to the height of the eaves (B as calculated in step two) and the mean level or height at the midpoint of the roof (1/2 of C as calculated in step three) to get the total height of the existing structure as defined by the zoning ordinance (Height = 1/2 of A + B + 1/2 of C).

Flat or Mansard Roofs

Step one: Determining the mean lot level. Most lots slope from the structure toward the street or alley. To determine the mean lot level, run a level line (the City will provide the line level) from the ground at the base of the foundation towards the low point on the lot and measure the difference in height from the low point to the line (A in the illustration below). Divide this number by two as shown in the following diagram to determine the mean lot level (1/2 of A).



Step two: Measuring the height of the roof. For flat or mansard roofs, measure the vertical distance from the ground at the base of the foundation to the highest point of the flat portion of the roof (D in the illustration below), called the “deck line” for a mansard roof.



Step three: Calculating the height. Finally, the mean level or height of the lot (1/2 of A as calculated in step one) is added to the height of the highest point of the flat portion of the roof (D as calculated in step two) to get the total height of the existing structure as defined by the zoning ordinance (Height = 1/2 of A + D).

Lot Coverage

Existing zoning: The zoning ordinance defines lot coverage as: “...*the area or percentage of the lot that may be covered by the principal buildings and all accessory buildings or structures, excluding breezeways and covered patios.*” The standard lot coverage varies by zoning district but typically ranges from 30% to 45%.

NDO: The NDO ordinance requires that: “The maximum lot coverage selected for a district must be within the range between the maximum lot coverage of the underlying zoning district regulations and the median lot coverage of the single-family structures within the district.”

Median: The Neighborhood Committee must determine the **median** lot coverage percentage for the existing single-family structures in the proposed district. The median existing lot coverage percentage is determined by calculating the existing lot coverage percentage for each single-family structure in the proposed district, arranging the percentages in ascending or descending order, and then identifying the middle number in that set of values.

Calculating existing lot coverage

Lot coverage is calculated by dividing the square footage of the first floor area of the main structure and all accessory buildings into the total square footage of the lot. For example, a 2,300 square foot home (including garage) and a 100 square foot storage shed on a 10,000 square foot lot represents 24% coverage.

Garage Access, Orientation and Connection

Existing zoning: The zoning ordinance does not define garage access, orientation and connection and typically these features are not regulated by zoning; however, the Neighborhood Committee should verify this requirement with the Development Services Department in case any special conditions apply to a particular subdivision or other geographic area.

NDO: For purposes of the NDO ordinance, garage access, orientation and connection refers to the means of entry or access to the garage (front, side, rear, swing), its orientation or location relative to the home (front, side, rear) and whether it connected to the main structure or not (detached or attached). The NDO ordinance requires that: “...*The selected garage characteristics must be present in at least seventy percent (70%) of the homes in the proposed neighborhood overlay development district. If there is no significant pattern to the neighborhood, this regulation shall not be proposed.*”

Median: There is no need to calculate a median value relative to garages, only the requirement for 70% of the homes in an NDO to display a certain garage characteristic if that characteristic is to be included in the NDO proposal.

Determining existing garage conditions

The existing garage condition is determined by observing the homes within the proposed district relative to:

- a) garage access (front entry, side-entry, rear-entry, swing-entry);
- b) garage orientation (in front of the home, to the side of the home, to the rear of the home);
- c) garage connection (attached, detached).

Architectural Pattern Book

Existing zoning: Rarely, if ever, will an existing neighborhood in Richardson be governed by zoning regulations that stipulate architectural character or design.

NDO: The NDO ordinance defines a pattern book as: *“...a graphic and narrative identification of the various architectural styles found in a particular neighborhood illustrating key components, such as shapes of windows and doors, exterior colors, roof pitches, eave details and types of porches that are appropriate for the architectural styles, prepared by a licensed architect on behalf of a neighborhood committee for a neighborhood development overlay district.”*

Median: There is no need to determine a median relative to architectural or design characteristics.

Developing the Architectural Pattern Book

In order for architectural or design characteristics to be included in the NDO ordinance, the neighborhood must hire or otherwise engage a licensed professional architect to create a pattern book which describes/defines and illustrates the architectural styles and elements to be regulated. The pattern book must be submitted to the City as part of the NDO application.