

Article XXII-G. Neighborhood Development Overlay District

Sec. 1. Findings and Purpose.

- (a) The City Council finds and determines that the construction of new single-family structures and the renovation, remodel, repair and expansion of existing single-family structures that are incompatible with existing single-family structures within certain established neighborhoods may be detrimental to the character, stability, and livability of that neighborhood and the City as a whole. The Neighborhood Development Overlay District shall function as an overlay zoning district. The requirements of a Neighborhood Development Overlay District shall supersede the regulations of the underlying zoning district where the regulations of the underlying zoning district are in conflict with the provisions of the neighborhood development overlay district or this Article. All regulations of the underlying zoning district shall be in effect except as otherwise provided in the Neighborhood Development Overlay District regulations.
- (b) The neighborhood development overlay district is intended to encourage compatible development and redevelopment in established neighborhoods without preventing the construction of new single-family structures or the renovation, remodel, repair or expansion of existing single-family structures, and to encourage the preservation of the character, stability, and livability of the specific neighborhoods. A neighborhood development overlay district imposes specific area regulations that reflect the existing character of the neighborhood. The neighborhood development overlay does not prevent construction of new single-family structures or the renovation, remodel, repair or expansion of existing single-family structures, but rather ensures that new single-family structures and the renovation, remodel, repair or expansion of existing single-family structures are compatible with existing single-family structures. A neighborhood development overlay district is an additional set of regulations that apply to the existing zoning regulations of the specific area and may be either more or less restrictive than the existing zoning regulations that apply to the proposed district or a combination thereof.

Sec. 2. Definitions.

In this Article the following words and phrases shall have the assigned meanings unless the context clearly indicates otherwise.

Architectural design characteristics mean the architectural design features of single-family structures illustrated in a pattern book and include chimneys, roof style, slope, and overhang; materials; window style; vent style; balconies; towers; wing walls; eave overhangs; window sashes; front porches; crowns; pilasters; and other exterior architectural features.

Blockface means the linear distance of lots along one side of a street between the two nearest intersecting streets. If a street dead-ends or ends in a cul-de-sac, the terminus of the dead-end street or cul-de-sac will be treated as an intersecting street.

Department means the Development Services Department of the City

Development Plan means a plan drawn to scale, which graphically depicts the existing conditions of a lot or tract and which also indicates the specific elements and requirements of the article which are the subject of the requested variance(s).

Director means the director of the Development Services Department, or designee.

District means a neighborhood development overlay district.

Garage orientation and location means the manner in which a garage for a single-family structure within a district is oriented (towards the street, alley or the main structure), how the garage is accessed (front-entry, side-entry, rear-entry, swing-entry), and whether the garage is attached or detached and may include, for example, front-entry attached garages, rear-entry detached garages or other combinations above.

Height means 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.

Median means the middle in a set of numbers where one-half of the numbers are less than the median number and one-half of the numbers are greater than the median number. For example, 4 is the median of 1, 3, 4, 8, and 9. If the set of numbers has an even number of numbers, then the median is the average of the two middle numbers. For further example, if the set of numbers is 1,3,4,6, 8, and 9, then the median is the average of 4 and 6, or 5.

Neighborhood committee means ten (10) different owners of ten (10) different lots or tracts of land within a proposed neighborhood development overlay district that have submitted an application for the creation of a neighborhood development overlay district. A quorum of the neighborhood committee shall consist of seven (7) members and the committee chair.

Non-conforming structure means a structure in existence and lawfully used prior to the establishment of a neighborhood development overlay district which does not conform to the regulations of the neighborhood development overlay district.

Pattern book means 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.

Petition means a petition in a form provided by the department for all owners of a lot or tract of land on which a single-family structure is located within a proposed neighborhood development overlay district to sign to indicate whether such property owner is in favor or opposition to the establishment of the proposed neighborhood development overlay district. The petition must contain the notarized signature of all owners of a lot or tract within the proposed district for such lot or tract to count towards the required percentage of lots for the creation of the proposed district. The petition shall contain the following statement in bold print in font larger than the text of the petition: "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 YOUR LEGAL ADVISOR OR REAL ESTATE PROFESSIONAL IF YOU HAVE QUESTIONS".

Single-family structure means a main structure designed for a single-family use, without regard to whether the structure is actually used for a single-family use.

Sec. 3. Application and Petition Process.

- (a) **Zoning Ordinance Applies.** Except as otherwise provided in this Article, the procedures for zoning amendments contained in the City of Richardson Comprehensive Zoning Ordinance shall apply.
- (b) **General.** A neighborhood development overlay district may only be placed on an area that is zoned a single-family residential district and developed primarily with single-family structures. A neighborhood development overlay district may be placed on an established neighborhood even though it contains vacant lots or tracts. A neighborhood development overlay district may not be placed on a new subdivision being developed on a tract of land.
- (c) **District Boundaries.** A district must contain at least fifty (50) separate lots or tracts of land on which single-family structures are located in a compact, contiguous area, or be an original subdivision if the subdivision contains fewer than fifty (50) single-family structures. A proposed district with boundaries may contain fewer than fifty (50) separate lots or tracts of land on which single-family structures are located based on unique circumstances as determined by the City Council upon recommendation by staff. Boundary lines should be drawn to include blockfaces on both sides of a street, and to logical edges of the area or subdivision, as indicated by a creek, street, subdivision line, utility easement, zoning boundary line, or other boundary. Boundary lines that split blockfaces in two should be avoided. No lots along the blockface shall be excluded. Where a physical constraint, such as the presence of a creek or the lack of an alley, makes it infeasible for certain lots to meet certain requirements of the proposed district, special provisions may be developed for those lots only as described in Section 3(g) below.
- (d) **Initiation of Process.** A request for the establishment of a neighborhood development overlay district is initiated by submitting an application to the director on a form provided by the department. The application must be signed by the owners of at least ten (10) separate lots or tracts of land on which single-family structures are located in the proposed district and include a map of the boundaries of the proposed district. The boundaries of the proposed district must comply with the requirements of this section. The persons signing the application shall constitute the neighborhood committee. The neighborhood committee shall designate on the application a person as the neighborhood committee chair to serve as the point of contact between the neighborhood committee and the city.
- (e) **Review of application and conference.** After receipt of an application, the department shall review the boundaries of the proposed district to ensure compliance with the requirements of this section, inspect the site of the proposed district and review the existing zoning regulations and any land use studies for the proposed district area. Applications for proposed districts that do not comply with the requirements of this section shall not be processed, and the department shall notify the neighborhood committee in writing of such action and reasons therefore. As soon as practical after receipt of an application and petition that meets the requirements of this section, the department shall schedule a conference with the neighborhood committee at which the department will explain the neighborhood development overlay district process, the requirements of a district, and the possible regulations that may be imposed in a district. A quorum of the neighborhood committee must attend this conference.
- (f) **Initial Meeting of Neighborhood Committee.** The neighborhood committee is required to conduct at least one meeting with the property owners within the proposed district after the proposed district boundaries and regulations are identified. A quorum of the neighborhood committee must attend this meeting. The neighborhood committee shall send a written notice of the date, time, location and purpose of the meeting to all owners of lots or tracts of land on which single family

structures are located within the proposed district at least ten (10) calendar days prior to the scheduled meeting by United States mail, postage prepaid, first class mail addressed to the property owners at the address set forth on the most recent city tax roll or hand delivered. The city shall provide the neighborhood committee the name and address of the owners of the lots and tracts of land within the proposed district based upon the current city tax roll. The purpose of the meeting is for the neighborhood committee to discuss the neighborhood committee's interest in the creation of the proposed district and to answer questions from property owners within the proposed district.

- (g) **Preparation of district regulations by Neighborhood Committee.** After department review and approval of an application for a proposed district, the neighborhood committee is responsible for calculating the medians for the elements desired to be regulated in the proposed district, and for the preparation and development of proposed regulations for consideration and discussion at the neighborhood meeting. Where lots are unable to meet the requirements of the proposed overlay district due to physical hardships or conditions, such as the presence of a creek or the lack of an alley, such lots may be excluded from the requirements that are directly related to those physical hardships or conditions. For example, if a proposed district requires a rear-entry garage, but a lot does not have alley access, such lot may be excluded from the alley connection requirement; however, such lot must meet all of the other requirements of the proposed district unrelated to the physical hardship or condition. If regulations for architectural design characteristics are desired, the neighborhood committee shall be required, at its cost, to engage a licensed architect to prepare a pattern book for the proposed district. The neighborhood committee shall submit the proposed neighborhood development overlay district regulations to the department for review to ensure compliance with this Article.
- (h) **Neighborhood Meeting.** As soon as practical after submission of a set of proposed district regulations that meet the requirements of this Article, the department shall schedule a neighborhood meeting. The department shall give written notice of the date, time, location and purpose of the neighborhood meeting accompanied by a copy of the proposed district regulations to all owners of lots and tracts of land on which single family structures are located within the proposed district as evidenced by the last approved City tax roll at least ten (10) days prior to the date of the scheduled neighborhood meeting.
- (i) **Conduct of Neighborhood Meeting.** The department and the neighborhood committee shall conduct the neighborhood meeting. A quorum of the neighborhood committee members must attend the meeting. At the neighborhood meeting the department shall provide an overview of the purpose for, and the process to establish a neighborhood development overlay district including the regulations proposed by the neighborhood committee for the proposed district. At the neighborhood meeting, all owners of real property within the proposed district and interested citizens shall be provided an opportunity to speak and ask questions of the department and the neighborhood committee. The department shall cause written minutes of each neighborhood meeting to be kept, including the names of persons present, any motion made, any action taken, and the record of any vote taken.
- (j) **Petition available.** At the neighborhood meeting, the department shall have a petition available for each owner of real property within the proposed district. In addition, a petition may be obtained from the department. The petition shall include a map of the boundaries of the proposed district, a list of the proposed regulations, the name and address of each property owner signing the petition, and a statement that by signing the petition the signer is indicating such property owner's support or opposition to the establishment of the proposed district. The

department shall also mail a copy of the petition form to all owners of the lots and tracts of land within the proposed district; however only one petition per lot or tract within the proposed district shall be accepted as described in Section 3(k) herein.

- (k) **Submission of Petition.** The neighborhood committee and the owners of lots or tracts on which single-family structures are located within a proposed district shall have until 180 calendar days after the date of the neighborhood meeting required in Section 3 (j) to submit the petitions for a proposed district to the director. The director shall stamp each petition received with the date and time of filing. If the 180th date falls on a Saturday, Sunday or City holiday, the date of required filing shall be extended to the next business day that is not a Saturday, Sunday or City holiday. Any petition filed after that date shall not be considered by the department in the determination of whether a sufficient percentage of property owners are in support of the proposed district. The petition(s) must contain the dated, notarized signatures of the owners of each lot or tract in the proposed district wishing to register support or opposition. The petition(s) in support of the proposed district must be submitted by the owners of at least seventy percent (70%) of the lots or tracts within the proposed district to initiate the public hearing process. A petition may be submitted for each lot within the proposed district indicating the support or opposition of the lot owner(s) or a petition may be submitted for one or more lots provided the signature of all owners of such lots are notarized. The petition for each lot shall contain the notarized signature of each owner.
- (l) **Verification of Petition.** The department shall verify the petitions and signatures. Only one petition per lot or tract within the proposed district shall be accepted. If more than one petition is submitted for a single lot or tract, the petition with the most recent date shall be considered to represent the support or opposition of the owner of the lot or tract. A proposed district for which untimely and/or insufficient petitions have been submitted shall not be processed by the department. A property owner may withdraw such owner's signature from a petition by submitting to the director a dated notarized statement of withdrawal from the petition at anytime prior to the date of the first public hearing on the proposed district before the City Plan Commission. As of the date and time of the opening of the first public hearing before the City Plan Commission, all signatures and petitions shall be considered final. Any petition submitted after the expiration of the 180-day period shall be deemed void and any subsequent request to create a district shall require a new application and petition processed pursuant to the provisions of this article.
- (m) **Petition treated as City initiated zoning.** A public hearing before the City Plan Commission to create a district is initiated by submission of a complete petition(s) to the director. Once the required petitions have been timely submitted to the director, the proposed district shall be treated as a City-initiated zoning amendment. The notification and public hearing process applicable for a zoning amendment shall apply to the proposed neighborhood development overlay district ordinance. In addition to any other required notice, at least ten (10) days prior to the date of the public hearing before the City Plan Commission at which the proposed district is to be considered, the director shall mail a copy of the proposed neighborhood development overlay district ordinance and a reply form to all owners of real property within the area of notification. The reply form shall allow the recipient to indicate support or opposition to the proposed neighborhood development overlay district and to give any written comments. The director shall report to the City Plan Commission and to the City Council the percentage of replies in favor and in opposition, and summarize any comments.

- (n) **Denial of Proposed District.** A proposed district ordinance denied by the City Plan Commission, regardless of whether the denial is made with or without prejudice, may not be appealed to, nor shall it go forward to the City Council. If a proposed district ordinance is denied by the City Council, regardless of whether the denial is made with or without prejudice, a petition for the same or similar neighborhood development overlay district ordinance may not be considered for a period of at least one year following such denial.
- (o) **Repeal or Amendment of District.** Once adopted, a district may be repealed or amended utilizing the same application, petition and hearing process set forth for the initial adoption of the district, except that the calculation of medians shall not be required for the repeal of the overlay and the involvement of a licensed architect shall not be required to remove architectural design regulations. A new application/petition to repeal or amend a district may not be considered for a period of one year following the date of a denial recommendation by the City Plan Commission or a denial by the City Council of an application to amend or repeal the district.
- (p) **Deviation to District Regulations.** Once a district is adopted, the owner of a lot or tract within the district may request a deviation to the regulations of the district by submitting to the director an application for a deviation to the district regulations accompanied by a specific development plan which sets forth the specific regulations for which a deviation is requested and includes the reasons for such deviation. The application for a variance and specific contents of development plan shall be submitted on a form as prescribed the City. Such application shall be processed in the same manner as an application for a zoning change under the Comprehensive Zoning Ordinance except that the following additional provisions shall apply:
- (i) in addition to the notice and public hearings required by state law, written notice of the request for deviation shall be given to all owners of lots or tracts within the district and to the owner of any property within 200 feet of the property which is the subject of the requested deviation that is outside of the district but located within the city limits; and
 - (ii) the City Plan Commission shall make a recommendation to the City Council as to whether the requested deviation should be granted.
- (q) **City Authority to Repeal or Amend District.** The provisions of Sections 3 (n), (o) and (p) above shall not prohibit the City Plan Commission and/or the City Council from initiating the repeal and/or amendment of a neighborhood development overlay district.

Sec. 4. Neighborhood Development Overlay – More Restrictive.

The provisions of Section 4 govern a district that provides for regulations that are more restrictive than the existing zoning regulations of a proposed district.

- (a) **General.** A district is not required to specify standards for each category of area regulation (front setback, interior side setback, corner lot side setback, and rear setback), height, garage orientation, or architectural design characteristics as provided in this section, but if it does, the regulations must be selected from the menu of options described in this section. A district may combine or contain regulations that are either more restrictive or less restrictive than the existing zoning district regulations, or combination thereof. Except, as otherwise provided in the district ordinance, the regulations of the underlying zoning remain in effect. The regulations of the district apply only to single-family structures. In the event of a conflict between the neighborhood development overlay district and the regulations of the underlying zoning, the regulations of the neighborhood development overlay district control.

- (b) **Front Setback.** 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. For example, if the minimum front setback of the underlying zoning district regulations is thirty (30) feet and the median front setback of single-family structures within the district is forty (40) feet, the minimum front setback selected for the overlay district must be between thirty (30) feet and forty (40) feet as illustrated in figure 1 and figure 1a below.

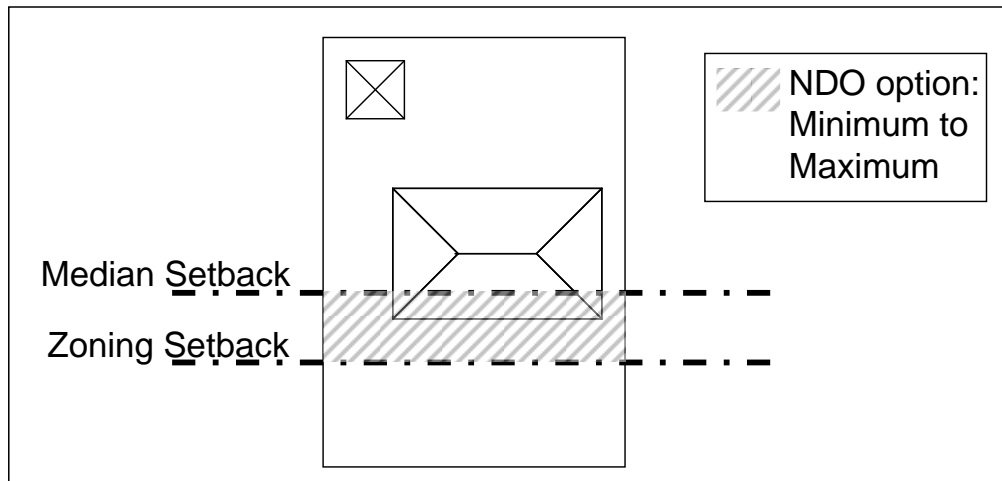


Figure 1

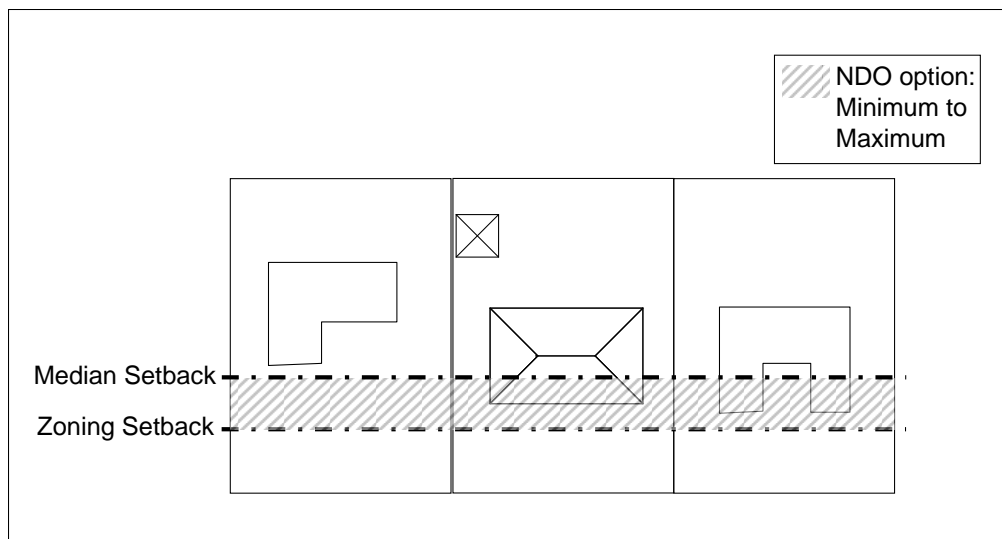


Figure 1a

- (c) **Interior Side Setback.** 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. For example, if the minimum side setback in the underlying zoning district regulations is seven (7) feet and the median side setback of single-family structures within the district is twelve (12) feet, the minimum side setback selected for the overlay district must be between seven (7) feet and twelve (12) feet as illustrated in figure 2 below. The minimum interior side setback for each interior side yard may be separately

established provided each interior side setback is within the range between the side setback of the underlying zoning district regulations and the median interior side setback of the single-family structures within the district.

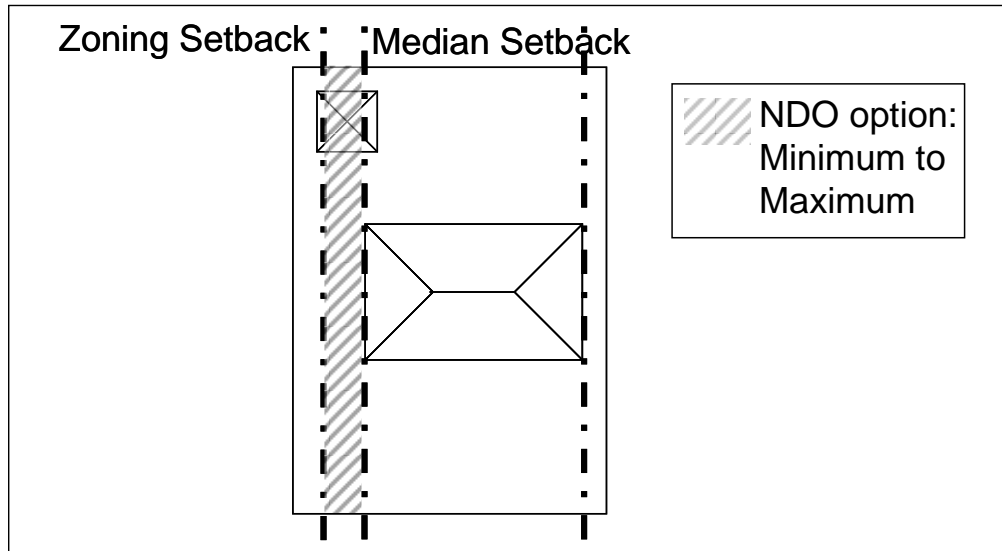


Figure 2

- (d) **Corner Lot Side Setback.** 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. For example, if the minimum corner lot side setback in the underlying zoning district regulations is twenty (20) feet and the median corner lot side setback of single-family structures within the district is thirty (30) feet, the minimum corner lot side setback selected for the overlay district must be between twenty (20) feet and thirty (30) feet as illustrated in figure 3 below.

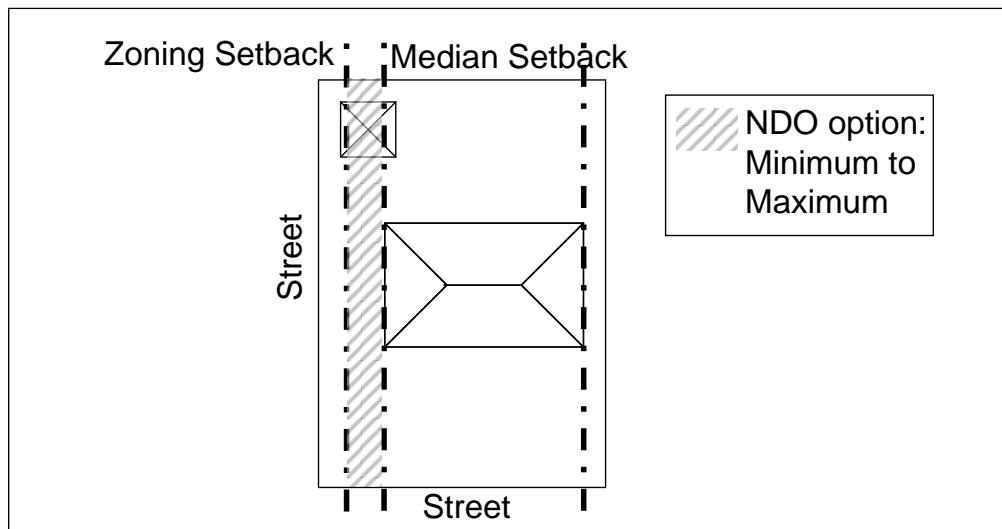


Figure 3

- (e) **Rear Setback.** 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 in the underlying zoning. For example, if the minimum rear setback of the underlying zoning district regulations is twenty-five (25) feet and the median rear setback of single-family structures within the district is thirty-five (35) feet, the minimum rear setback selected for the overlay district must be between twenty-five (25) feet and thirty-five (35) feet as illustrated in figure 4 and figure 4a below.

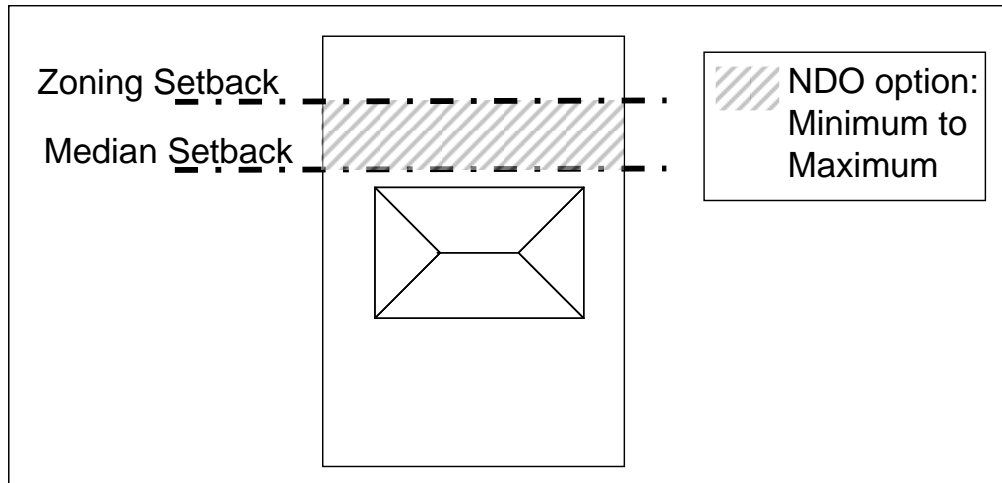


Figure 4

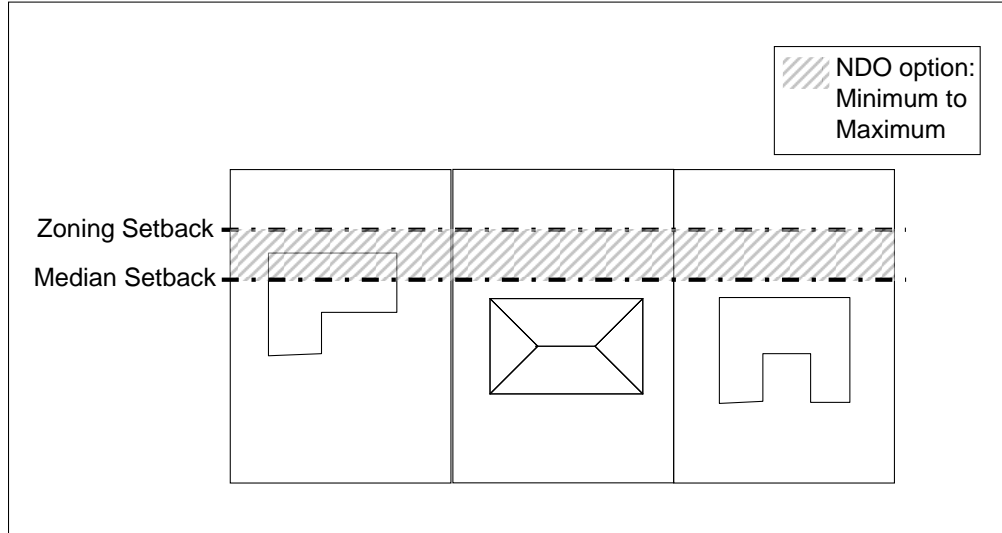


Figure 4a

- (f) **Height for Single-story or Two-story Neighborhoods.** For a district consisting of entirely existing single-story single-family structures, 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 example, if the maximum height of a single-story single-family structure in the underlying zoning district regulations is twenty-five (25) feet, and the median height of the single-story single-family structures within the district is twenty (20) feet, the maximum height of a

single-family structure selected for the overlay district must be between twenty-five (25) feet and twenty (20) feet as illustrated in figure 5 below. For a district consisting of entirely two-story single-family structures, 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. For example, if the maximum height of a two-story single-family structure in the underlying zoning district regulations is forty (40) feet and the median height of the two-story single-family structures within the district is thirty-five (35) feet, the maximum height of a single-family structure selected for the overlay district must be between forty (40) feet and thirty-five (35) feet as illustrated in figure 5a below.

- (g) **Height for Combination of Single-story and Two-story Structures.** For a district consisting of a combination of single-story and two-story single-family structures, 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. For example, if the underlying zoning district regulations provide that a single-family structure shall not exceed two stories in height, with the first story height limited to twenty-five (25) feet and the second story height limited to fifteen (15) feet, the maximum height of a single-story single-family structure in the underlying zoning district is twenty-five (25) feet and maximum height of a two-story single-family structure in the underlying zoning district is forty (40) feet. If the median height of the single-story structures within the district is twenty (20) feet and the median height of the two-story structures is thirty-five (35) feet, the maximum height of a single-story single-family structure selected for the overlay district must be between twenty-five (25) feet and twenty (20) feet and the maximum height of a two-story single-family structure must be between forty (40) feet and thirty-five (35) feet as illustrated in figure 5 and figure 5a below.

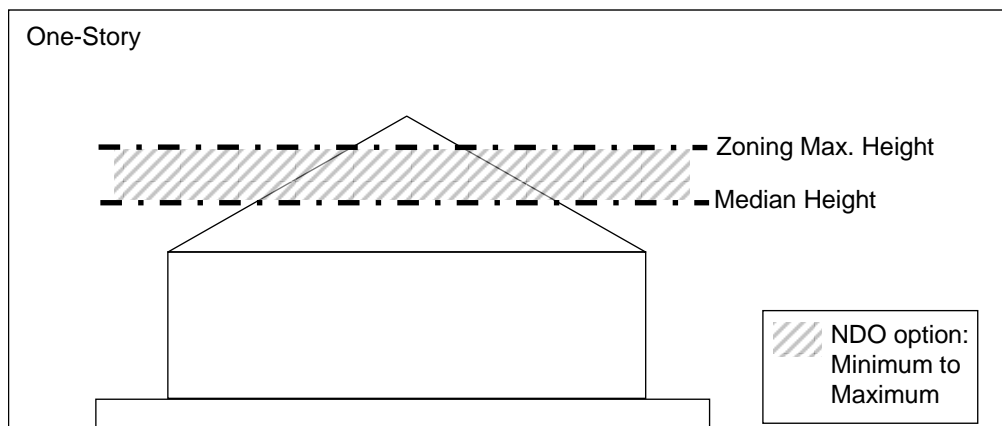


Figure 5

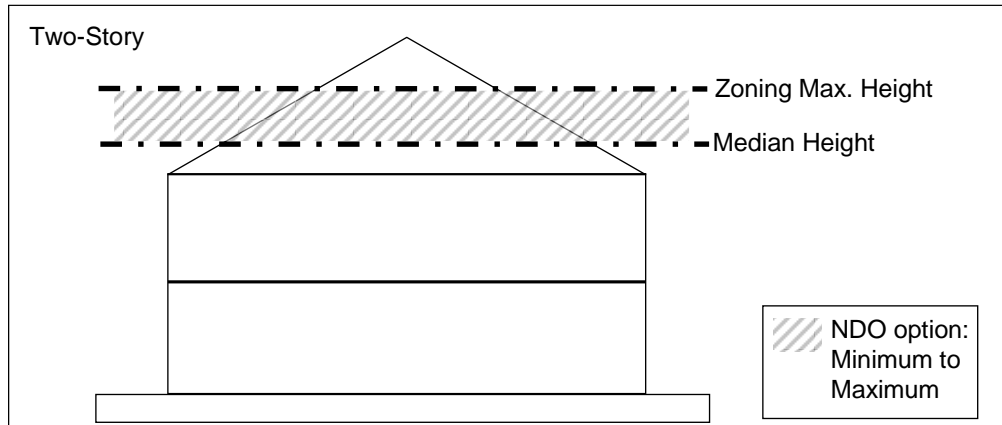


Figure 5a

- (h) **Lot Coverage.** 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 for the single-family structures within the district. For example, if the maximum lot coverage in the underlying zoning district regulation is forty percent (40%) and the median lot coverage for the single-family structures within the district is thirty percent (30%), the maximum lot coverage selected for the overlay district must be between forty percent (40%) and thirty percent (30%) as illustrated in figure 6 below.

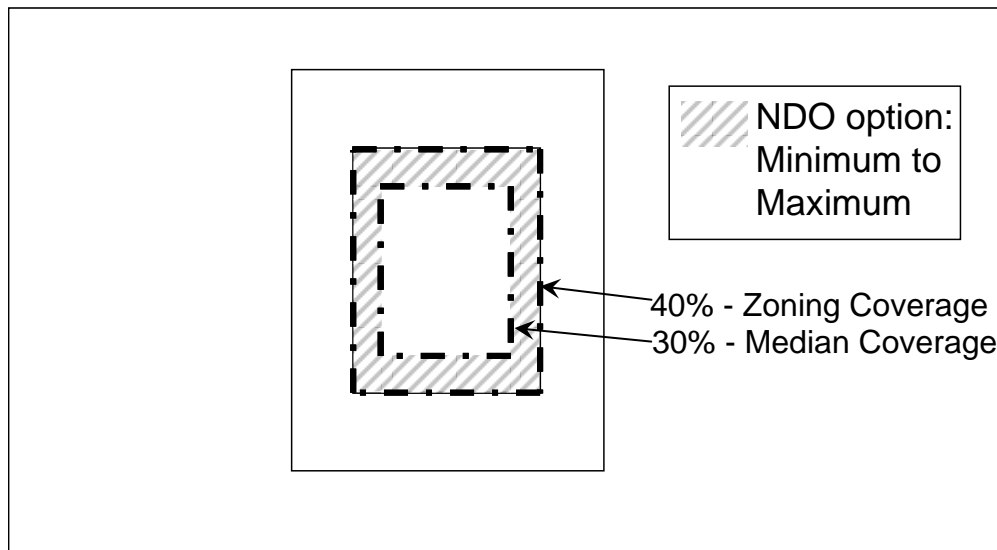


Figure 6

- (i) **Garage Orientation and Location.** Garage access, connection, or location must be selected from one or more of the following options:
 - (A) garage access of:
 - (i) front-entry;
 - (ii) side-entry;
 - (iii) rear-entry; or
 - (iv) swing-entry;

- (B) garage connection of:
 - (i) attached to the single-family structure; or
 - (ii) detached from the single-family structure;
- (C) garage location:
 - (i) in front of the single-family structure;
 - (ii) to the side of the single-family structure; or
 - (iii) to the rear of the single-family structure.

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.

- (j) **Architectural Design Characteristics.** The architectural design features selected for new construction, renovation, remodel, repair and expansion of single-family structures in a district shall be from the pattern book prepared by a licensed architect for the proposed overlay district.

Sec. 5. Neighborhood Development Overlay – Less Restrictive.

The provisions of Section 5 govern a neighborhood development overlay district that provides for regulations that are less restrictive than the existing zoning district regulations of a proposed district.

- (a) **General.** The district regulations may specify regulations that are less restrictive than the existing zoning regulations for the proposed district as provided in Section 5 above. A district may combine or contain regulations that are either more restrictive or less restrictive than the existing zoning district regulations, or a combination thereof. The categories that may be less restrictive include front setback, interior side setback, corner lot side setback, rear setback, height for single-story or two-story single-family structures, and lot coverage, but excluding garage orientation and location, and architectural design characteristics.
- (b) The application and petition process for the creation of a proposed district with standards less restrictive than the existing zoning regulations shall be the same as for the creation of a neighborhood development overlay district under Section 3 above.
- (c) In the application for the creation of a proposed district with standards less restrictive than the existing zoning district regulations, the calculation of the medians for the proposed overlay district shall be provided for informational purposes only.

Sec. 6. Nonconforming structures.

Notwithstanding any other provision of the Comprehensive Zoning Ordinance the following regulations shall govern nonconforming structures within a neighborhood overlay district.

- (a) A non-conforming structure may be renovated, repaired, or remodeled provided the degree of non-conformity, including the area or size of the non-conforming structure, is not increased, except in conformance with the neighborhood development overlay district.
- (b) A non-conforming structure may not be enlarged, expanded, or extended to occupy a greater area of land than was occupied at the time the land and/or structure became non-conforming, except in conformance with the neighborhood development overlay district.

- (c) A non-conforming structure destroyed by fire, the elements, act of God or other casualty may be rebuilt provided the non-conforming structure is not enlarged, expanded, or extended to occupy a greater area of land than was occupied at the time the structure was destroyed, except in conformance with the neighborhood development overlay district.
- (d) A non-conforming structure demolished for the convenience or business purposes of the owner may not be rebuilt, except in accordance with the provisions of the neighborhood development overlay district.”

(Ord. No. 3719-A, § 1, 12-8-06)

End of Article XXII-G