

Neighborhood Stabilization Overlay

Overview:

On November 9, 2005, the Dallas City Council adopted Ordinance No. 26161 which established the NSO Neighborhood Stabilization Overlay for single family neighborhoods. This was done in response to concerns by neighborhood organizations that the process for initiating, processing and public hearings to create protective zoning for neighborhoods could take as long as three years. They also felt that many neighborhoods did not need the multiple regulations involved in an Historic District or a Conservation District. The NSO was created to speed up the process and to provide minimal restrictions to ensure that neighborhood character would not be violated.

The Neighborhood Stabilization Overlay, or NSO, is just that; an overlay. It overlies the base zoning and adds additional restrictions to that zoning. Those additional restrictions are listed below:

What can be regulated:

Front yard setback: Options range from the setback allowed by existing zoning to the original build line as determined by deed restrictions or original built conditions of homes in the neighborhood. This can result in front yard setbacks that are more or less restrictive than allowed under the current zoning. [The Overlay cannot establish a setback that is less than a platted setback]

Side yard setback: Options range from the setback allowed by existing zoning to the original build line as determined by deed restrictions or original built conditions of homes in the neighborhood. This could allow for setbacks that are more or less restrictive than allowed under current zoning. Side setbacks may be set separately for each side of the lot, as well as for corner lots.

Garage location, placement and connection: Options may regulate whether the garage is attached or detached; has front, side or rear entry; and whether it is located in front of, behind or to the side of the main structure.

Height: Height may either be the height allowed by the underlying zoning or it may be redefined by a 'height slope plane' which is a plane defined by a slope beginning at a point six feet above the centerline of the street and extending through a point located on the front building setback line that is either the median height of the structures of the neighborhood or a point between 20 feet and the maximum height allowed by the underlying zoning. This slope will extend until it intersects the maximum height allowed by the underlying zoning. The maximum height of the structure, as defined by the Building Inspector's Office, cannot invade the height slope once it is established.

Who can get an Overlay?

In order to qualify for an NSO a neighborhood must be zoned for single family residential uses only (zoning districts beginning with an 'R') and primarily

developed with single family homes. They must also have the following characteristics:

- There must be a minimum 50 homes abutting in a compact, contiguous area; or
- Be an original subdivision if the subdivision contains fewer than 50 single family structures.
- Non-residential properties that are ineligible for an overlay are not included in the area.

Boundary lines should be drawn to include blockfaces on both sides of a street and to define logical edges of the district, such as a street, subdivision line, zoning line, utility easement, creek or other natural boundary. Except as provided above, mid-block breaks should be avoided.

Initiation:

A neighborhood Committee comprising the owners of at least ten properties may request a petition form by submitting a request to the department on a form furnished by the department. The request must include the boundaries of the proposed district, preferably on a map. The boundaries of the proposed district must comply with the requirements listed above (Who can get an Overlay?).

Process:

Once the initiation petition is submitted to the Department of Development Services the Department will provide the Committee with a map showing addresses and a spreadsheet to be used in collecting the neighborhood data. The Committee is then responsible for gathering all the data for the homes in the proposed NSO area.

When data gathering is complete it is submitted to the Department of Development Services for verification and determination of the medians for each category. This information is returned to the Committee to decide what regulations they will offer to the neighborhood based on the menu of options spelled out by City Staff.

Once the Committee has agreed on a set of regulations they set up a meeting location and Development Services Staff sends out a notice to every property owner in the area of consideration advertising the meeting. At the meeting Staff describes the process and outlines the options being considered and the Staff and Committee members answer questions from the neighborhood property owners.

Staff has seven days from the date of the neighborhood meeting to provide the Committee with individual petitions for each property in the neighborhood and the Committee then has six months to gather the necessary signatures to submit the proposal as a zoning request.

Submittal:

Petition and fee: Petitions representing 50% +1 to 74% of the properties within the proposed overlay that are accompanied with the application fee will be placed on the City Plan Commission agenda by Staff for consideration of the requested zoning overlay.

Petition: Petitions representing 75 percent or more of the properties within the proposed overlay do not require a fee and will be placed on the City Plan Commission agenda by Staff for consideration of the requested zoning overlay.

On the following page is a checklist that outlines a basic timeline for the initiation and process for getting a Neighborhood Stabilization Overlay.

OVERLAY PROCESS CHECKLIST

	Required Action	Responsible Party
✓ Step 1	Owners of 10 properties within the proposed boundaries form the neighborhood committee.	Property owners
✓ Step 2	Conduct a preliminary survey to determine medians for setback, height and garage placement, access and location.	Property owner committee
✓ Step 3	Submit form letter, signed by 10 owners, requesting a petition.	Property owners
✓ Step 4	Conduct field research; confirm survey information submitted by committee.	City staff
✓ Step 5	Staff develops petition and reviews petition with committee.	City staff and property owner committee
✓ Step 6	Schedule and notice neighborhood meeting.	City staff
✓ Step 7	Hold neighborhood meeting; review petition regulations.	City staff and property owner committee
✓ Step 8	Collect signatures	Property owner committee
✓ Step 9	Submit petitions within 3 or 6 months, depending on size of area; submit fee if collect 50 plus 1 signatures; fee waived if collect 75% of signatures	Property owner committee
✓ Step 10	Signatures verified and Plan Commission hearing scheduled	City staff
✓ Step 11	Notice including draft ordinance sent to all property owners	City staff
✓ Step 12	Plan Commission Hearing conducted	
✓ Step 13	If Plan Commission approves request, schedule City Council hearing.	City staff
✓ Step 14	City Council hearing conducted.	
✓ Step 15	Property rezoned to NSO	

HEIGHT OPTIONS

