

CITY COUNCIL PASSES OVERLAY ORDINANCE

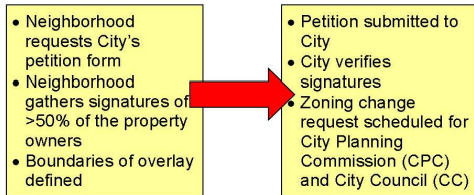
Editor's Note: On November 10, the city Council passed the Neighborhood Stability Overlay (NSO) ordinance. They will meet on December 5th to finalize this ordinance. This is the first of a multi-part series about the NSO.

Q: What is the NSO?

A: The Neighborhood Stabilization Overlay (NSO) refers to standards that neighborhoods can elect to form with regards to front and side yard regulations, garage placement and house height. More than 50 percent of signatures in a neighborhood are required to sign a petition indicating their acceptance of the NSO standards in their neighborhood. Neighborhood residents would have three months to identify boundaries of neighborhood and gather signatures for neighborhoods of one to 50 homes and six months to gather signatures for neighborhoods of those with over 50 homes. The time period would start from the date of the first neighborhood meeting. See Figure 1 for a more detailed description of this process. It is important to note that 60% of residents on a petition is needed to include height regulations in an NSO. Also, if the NSO petition receives more than 75 percent of signatures in a neighborhood, then the application fee is waived.

PROPOSED PROCESS FOR ESTABLISHING A NEIGHBORHOOD STABILIZATION OVERLAY DISTRICT

STEP 1: PETITION PROCESS BY NEIGHBORHOOD



STEP 2: NEIGHBORHOOD STABILIZATION OVERLAY (NSO)

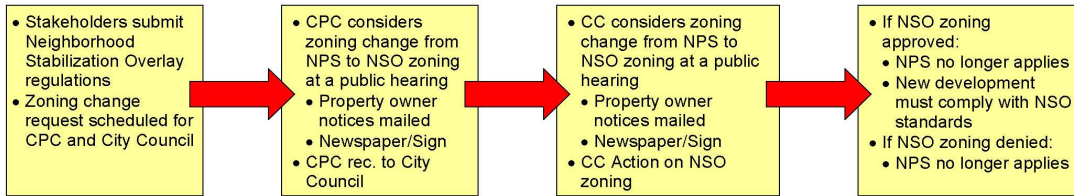


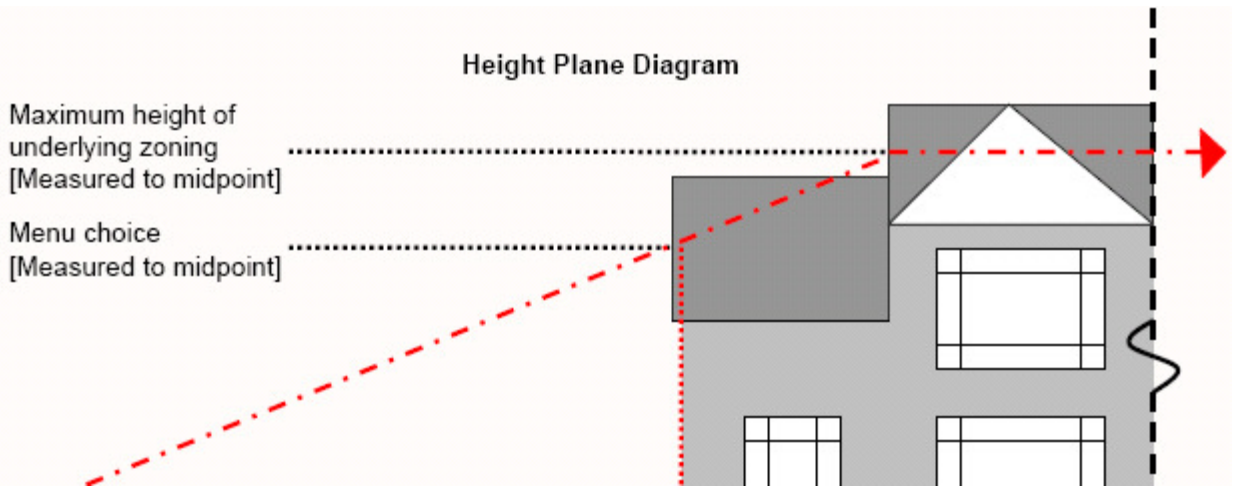
Figure 1 – NSO Process

Q: Will the NSO prevent teardowns or prevent me from making improvements to my home?

A: Not necessarily, but it will likely add complexity to a construction project by increasing the time and money needed for compliance with NSO regulations.

Q: Will it prevent me from building a two-story home?

A: Not necessarily. As noted above, 60 percent of the neighborhood would be needed to specify and enact any height restrictions with the NSO. Maximum height is determined by measuring the slope of the roof from 6” above the street. It uses a “height plane”, an artificial line connecting a point 6 feet above the street centerline with the nearest roof midpoint. Any other roof midpoints set further back on the building would have to fall under the artificial line. Thus, the further a house is set back from the street, the higher the house height could be – within limits of the NSO.



Q: How does a homeowner reconcile regulations with the NSO and our neighborhood's deed restrictions?

A: Private deed restrictions are not recognized by the City of Dallas. Violations of deed restrictions would have to be pursued legally.

Q: How will the NSO ordinance be established by the city?

A: The NSO would become effective one month after council approval. As of press time, this will likely be in early 2006. Once this ordinance is effective, then neighborhoods could elect to enact a NSO. (Note: The ordinance that the council passed indicates that this will become effective December 12, 2005. However, since they are also finalizing this issue during the next City Council meeting, there may be an additional delay).

Q: Will the NSO regulate aesthetics?

A: No. It only regulates front and side yard regulations, garage placement and house height.

Q: How much will it cost homeowners who want to make improvements to comply?

A: Unknown. But it may require the hiring of third party surveyors or other professionals to show compliance.

Q: How will the NSO impact Melshire Estates?

A: There will only be a direct impact to our neighborhood if the required number of residents decides to form a NSO. More detailed information will be published in the next issue of the newsletter.