

14.3 NCO NEIGHBORHOOD CHARACTER OVERLAY

A. Purpose

The NCO Neighborhood Character Overlay establishes regulations to preserve the existing character of a neighborhood and enhance its unique natural and architectural resources, while helping to foster compatible development within neighborhoods. The overlay district regulations are intended to:

1. Encourage development and redevelopment that is consistent with a neighborhood's character.
2. Provide a means to modify zoning district regulations and establish standards for specific neighborhoods of the City to manage growth and redevelopment, and to ensure compatible neighborhood development.
3. Create a transition between locally designated historic landmark properties and/or locally designated historic districts and residential areas.

B. Applicability

1. An NCO District may only be applied to a N1-A, N1-B, N1-C, N1-D, or N1-E Zoning District.
2. An NCO District cannot modify any standards located within existing declarations of covenants and restrictions.
3. Once the NCO District is established, the standards of the Neighborhood Character Plan apply to single-family, duplex, and triplex dwellings within the NCO District and control over those of the underlying zoning district.
4. All new construction, additions, changes, expansions, and alterations to existing single-family, duplex, and triplex dwellings shall comply with the standards of the Neighborhood Character Plan that has been adopted with the NCO District.
5. An NCO Neighborhood Character Overlay cannot be applied in combination with any of the following: HDO Historic District Overlay, HDO-S Streetside Historic District Overlay, and RIO Residential Infill Overlay.

C. Eligibility

1. A majority of properties in an NCO District shall share one or more of the following criteria, thereby creating a cohesive and distinctive setting, character, or association:
 - a. Consistency in scale, proportion, and rhythm. This includes similarities in features such as lot width, building height, and front façade width, as well as the relationship of building massing and spacing as established by setbacks and placement of structures on the lot.
 - b. Similarity in existing streetscape characteristics or tree canopy.
 - c. Similarity in arrangement of on-site elements such as vehicle parking and accessory structures.
2. In addition to item 1 above, an NCO District shall meet the following standards:
 - a. The designated area shall be a minimum of 15 contiguous acres.
 - b. Where a lot is included in an NCO District, all lots on the same blockface shall be included.
 - c. The general pattern of development, including streets, lots, and buildings, for the proposed overlay district was established at least 25 years prior to the date of consideration of the NCO District designation.
 - d. A minimum of 75% of the lots within the proposed NCO District are developed.

D. Standards for NCO Districts

1. Residential Development Standards: Single-Family, Duplex, and Triplex

The following standards may be included in an NCO District Neighborhood Character Plan. Where no standards are specified in the Neighborhood Character Plan, those of the underlying district apply.

- a. Minimum and/or maximum lot width or lot frontage
- b. Minimum and/or maximum setbacks
- c. Maximum height for principal and accessory buildings
- d. Maximum building coverage
- e. Surface parking (total square footage and location)
- f. Tree planting/protection standards that exceed the requirements in Article 20.

2. Residential Development Standards: All Other Dwellings

Residential dwellings allowed by the district outside of those in item 1 are exempt from NCO District standards and are subject to those of the underlying district.

3. Nonresidential Development Standards

Nonresidential development allowed by the district are exempt from NCO District standards and are subject to those of the underlying district.

4. Uses

The uses allowed in the underlying zoning district apply.

E. Initiation of Neighborhood Character Plan

1. Establishment

a. Request to Initiate Neighborhood Character Plan Process

A request may be initiated in one of the following ways:

- i. By a petition provided to the Planning Department signed by property owner(s) representing at least 25% of the land area and at least 25% of the lots within the proposed district; or
- ii. By a majority vote of the City Council.

2. Determination of Eligibility

- a. If the Planning Director determines that the area is eligible for designation as an NCO District, the applicant(s) will be notified of this decision and a public informational meeting will be scheduled. An appeal of the Planning Director's decision is governed by Section 37.8.B of this Ordinance.
- b. If, based on the criteria in item C above, the Planning Director determines the area is not eligible for an NCO District designation, the applicant(s) will be notified of this in writing, including stated reasons for the decision.
- c. If demand for the NCO District results in multiple applications requesting initiation of the Neighborhood Character Plan process at a similar time are received, the Planning Director shall have the discretion to establish quantitative and/or locational criteria in order to prioritize those applications.

3. Public Information Meeting for Eligibility

If the area is determined to be eligible for an NCO District, the Planning Director shall schedule a public informational meeting for the purpose of informing property owners in the proposed district of the nature of the pending request. The Planning Director shall send notice of the date, time, and place of the meeting by mail to all property owners within the proposed district and adjacent property owners. After the meeting, the Planning Department shall initiate the preparation of a Neighborhood Character Plan.

4. Neighborhood Character Plan (NCP)

A Neighborhood Character Plan (NCP) shall be prepared by City staff with the assistance of representatives of the proposed district and include, at a minimum, the following information:

- a. Statement of purpose and intent.
- b. A map that indicates the boundaries of the proposed NCO District.
- c. A description of how the area developed.
- d. A description of the existing and common characteristics of the area as defined in item C.1 above.
- e. The standards to be established for the proposed district as allowed by item D.1 above.

5. Public Information Meeting for Neighborhood Character Plan

Upon completion of the proposed Neighborhood Character Plan, the Planning Director shall schedule a public meeting for the purpose of informing property owners in the proposed overlay district of the nature of any pending requirements. The Planning Director shall send notice as provided in item 3 above.

F. Petition for NCO District Zoning Map Amendment

1. Initiation

A zoning map amendment for the NCO District may be initiated:

- a. By a majority vote of City Council to initiate a zoning map amendment; or
- b. By a petition provided to the Planning Department signed by property owner(s) representing at least 51% of the land area and at least 51% of the lots within the proposed district.

2. Zoning Map Amendment and NCP

- a. The Planning Director will initiate the zoning map amendment upon the action required in item 1.a or 1.b above.
- b. Adoption of an NCO District requires an amendment to the Zoning Map and shall follow the process for a zoning map amendment in Section 37.2.
- c. An NCP shall be approved by the City Council prior to approval of the zoning map amendment.

3. Amendments to Adopted NCO Districts

Any proposal to amend, modify, or dissolve any district boundaries in an adopted NCO District or the standards of a Neighborhood Character Plan is subject to the following.

a. District Boundary Amendments

- i. Any proposal to add lots to an adopted NCO District shall follow the same adoption procedures set forth in this section (items 1 through 7 above) except that a new NCP is not required. The original NCP for the district can be amended to incorporate the expansion concurrently with the zoning map amendment.
- ii. Any proposal to subtract lots from an adopted NCO District shall follow the same adoption procedures set forth in this section (items 1 through 7 above) except that a new NCP is not required. The original NCP for the district can be amended to incorporate the subtraction concurrently with the zoning map amendment.

b. Neighborhood Character Plan Amendments

- i. A new petition to amend an NCP shall be signed by property owner(s) representing at least 25% of the land area and at least 25% of the lots within the existing district, or by a majority vote of the City Council. Such petition shall include all specific proposed amendments to the development standards of the NCP.
- ii. A public information meeting scheduled by the Planning Director for the purpose of informing property owners in the existing district of the nature of the pending request. The Planning Director shall send notice of the date, time, and place of the meeting by mail to all property owners within the proposed district and adjacent property owners.
- iii. An amended draft of the updated Neighborhood Character Plan shall be prepared in accordance with item E above.
- iv. A petition, indicating support for the City to amend the Neighborhood Character Plan, shall be filed with the Planning Director. The petition to proceed shall be signed by property owner(s) representing at least 51% of the land area and at least 51% of the lots within the proposed district or by a majority vote of City Council.
- v. The Planning Commission shall hold a public meeting to hear comments on the amended NCP and make a recommendation to be forwarded to the City Council. The City Council shall hold a public hearing to consider the amendment to the NCP and render a decision.
- vi. The amended Neighborhood Character Plan is effective upon Council adoption.

14.4 RIO RESIDENTIAL INFILL OVERLAY

A. Purpose

The RIO Residential Infill Overlay District is intended to facilitate residential infill development in the Neighborhood 1 Zoning Districts that maintains and complements existing neighborhood pattern and scale through specific controls addressing height and dwelling unit size.

B. Applicability

An RIO District may be applied as follows:

1. Initiation

The RIO District may be initiated:

- a. By a majority vote of City Council to initiate a zoning map amendment; or
- b. By a petition provided to the Planning Department signed by 51% of property owners within the geographic area as defined in item 2.b below.

2. Location and Minimum District Area

- a. An RIO may be applied as an overlay to the N1-A, N1-B, N1-C, N1-D, and N1-E Zoning Districts only.
- b. An RIO District shall be applied to an area consisting of a minimum of 50 contiguous lots. Where a lot is included in an RIO District, all lots on the same block shall also be included, encompassing all blockfaces. Arterial fronting lots are not allowed within an RIO District and are exempt from this requirement.
- c. A RIO Residential Infill Overlay cannot be applied in combination with any of the following: HDO Historic District Overlay, HDO-S Streetside Historic District Overlay, and NCO Neighborhood Character Overlay.

3. Exemptions

The standards of the RIO District do not apply to:

- a. Nonresidential development.