

Section 30-23.2 Neighborhood Design Overlay District

- (a) General Purpose and Description. The purpose of the ND, Neighborhood Design Overlay District, is to provide for the protection, preservation and design compatibility of buildings, sites and areas within the overlay district. More specifically, this district has the following expressed purposes:
1. To encourage neighborhood conservation;
 2. To stabilize property values;
 3. To prevent the construction of buildings of a size and scale not compatible with the established built character of the district.

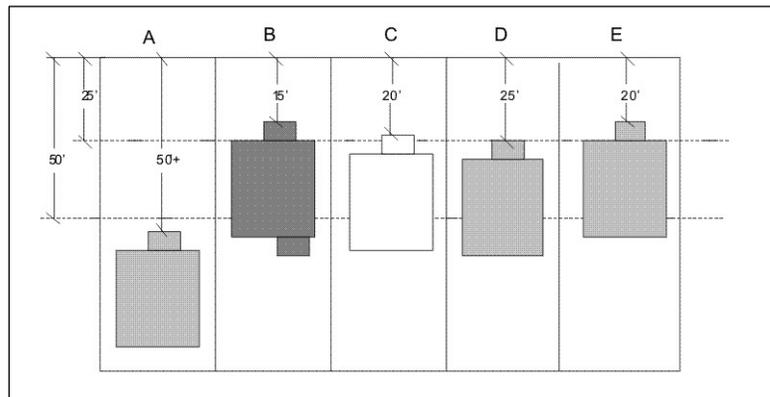
This district supplements the regulations of the underlying zoning district classification. The zoning map shall reflect the designation of a Neighborhood Design Overlay Designation by the letters "ND" as a suffix to the underlying zoning district classification.

- (b) Reconciliation with other Ordinances. All City of Beaumont codes, as amended, apply to all Neighborhood Design Districts unless expressly modified by this ordinance.
- (c) Applicability and Boundaries. This ordinance shall apply to all lands zoned as Neighborhood Design (ND) as identified on the adopted Zoning Map.
- (d) Use Regulations of Neighborhood Design Districts. All previous uses legally permitted by the underlying zoning district receiving Neighborhood Design Designation shall remain so upon adoption of this Ordinance.
- (e) Definitions. Unless the context clearly indicates otherwise, in this Ordinance:
1. Buildable Area: means the area in which development subject to this Subchapter may occur, and which is defined by the side and rear setback planes required by this Subchapter, together with the area defined by the front, side, and rear yard setbacks and the maximum height limit.
 2. Height: in this Subchapter, the height of a building or setback plane shall be measured as follows:

Height shall be measured as the vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.
- (f) Nonconforming Uses and Structures. Except as otherwise provided in this Ordinance, Section 30-30 of the City of Beaumont Code of Ordinances relating to nonconforming uses and structures, applies to all Neighborhood Design Districts.

- (g) Review Procedures, Modifications and Appeals.
 Conformance with the provision of this Subchapter shall be the responsibility of the Planning Manager. Appeals of the provisions of this Subchapter shall be made to the Board of Adjustment as outlined in Section 30-37 of this Zoning Ordinance.
- (h) Supplemental Regulations. **Parking in Front or Side Yards.**
 Within front or side yards, off-street surface parking is not permitted on grassed and non-paved areas.
- (i) Development Standards for Neighborhood Design Districts.
 1. Building Height: Except where these regulations are superseded, the maximum building height for development subject to this Subchapter is thirty-five (35) feet. Section 30-25(c) (*Height Limit Exceptions*) does not apply to development subject to this Subchapter, except for allowances for belfries, ornamental towers or spires, antennas and flagpoles. Building height shall be measured under the requirements defined in Section 30-23.2(e)2.
 2. Front Yard Setback:
 - (a) Minimum Setback Required: The minimum front yard setback required for development subject to this Subchapter is the average front yard setback, as provided in subsection (b) below.
 - (b) Average Front Yard Setback
 - (i) An average front yard setback is determined based on the setbacks of each principal residential structure that is built within 50 feet of its front lot line.
 - (ii) Except as provided in paragraph (iii), the four structures that are closest to the subject property on the same side of the block shall be used in the calculation of average front yard setback. If there are less than four structures on the same side of the block, the lesser number of structures is used in the calculation.
 - (iii) If there are no structures on the same side of the block, the four structures that are closest to the subject property and across the street are used in the calculation. If there are less than four structures across the street, the lesser number is used in the calculation.

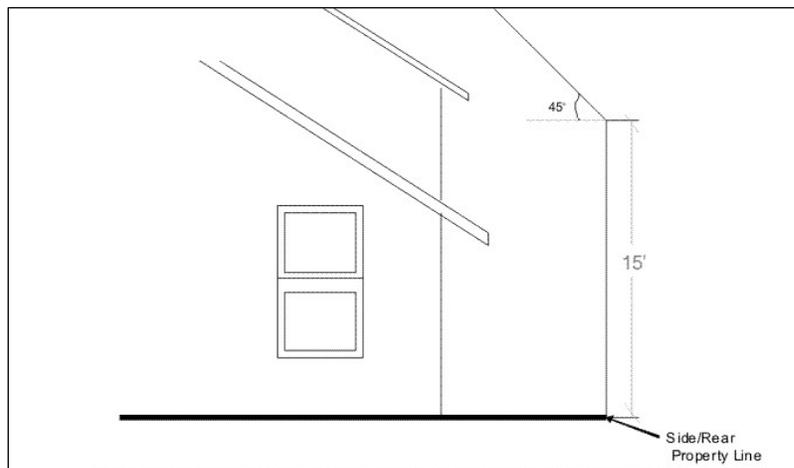
Figure 1: Average Front Yard Setback
 In this example, the minimum required front setback in the underlying zoning district is 25 feet. However, because of the variety of existing setbacks of building on the same block face, new development on lot C may be located with a setback of only 20 feet, which is the average of the setbacks of lots B, D, and E. The building on lot A is not included in the average because it is located more than 50 feet from the property line.



3. Rear Yard Setback: The minimum rear yard setback in a Neighborhood Design district shall be twenty-five (25) feet.
4. Side Yard Setback: The minimum side yard setback in a Neighborhood Design district shall be as follows:
 - (a) For an interior lot the setback shall be five (5) feet for one story buildings and seven and one-half foot (7.5) for multi-story buildings
 - (b) For a corner lot backing up to an abutting side yard: fifteen (15) feet.
 - (c) For a corner lot backing up to an abutting rear yard: ten (10) feet.
5. Setback Planes: This subsection prescribes side and rear setback planes in order to minimize the impact of new development and rear development on adjacent properties. A structure may not extend beyond a setback plane except as authorized by subsection 7 below. The height of a setback plane shall be measured under the requirements defined in Section 30-23.2(e)3.
 - (a) Side Setback Plane: Except as provided in subsection 7 below, an inwardly sloping 45-degree angle side setback plane begins at a horizontal line fifteen (15) feet directly above the side property line. See Figure 2.

Figure 2. Side and Rear Setback Planes Measured from Side/Rear Property Line.

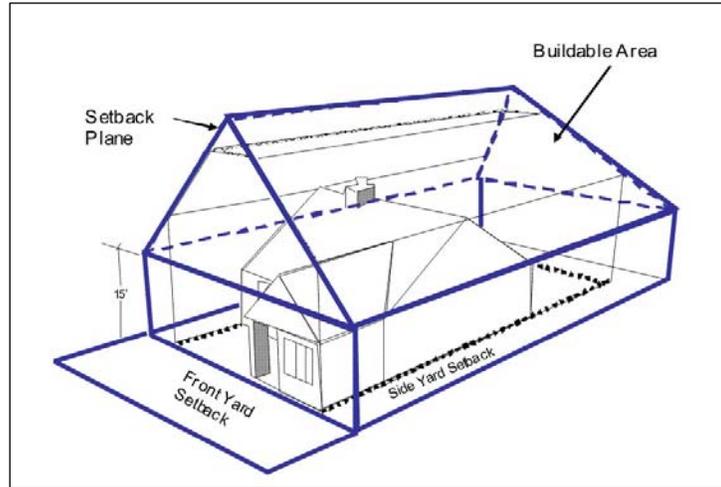
In this illustration, the Side or Rear Setback Plane is shown as a line extending 15 feet above the side or rear property line and then angled inward at a 45-degree angle.



- (b) Rear Setback Plane: Except as provided in subsection 7 below, an inwardly sloping forty-five (45) degree angle rear setback plane begins a horizontal line fifteen (15) feet directly above the rear property line.
6. Buildable Area: The buildable area, as defined in Section 30-23.2. (e)1., consists of the smallest area within the front, side, and rear yard setbacks; maximum height limit; and the combined side and rear setback planes.

Figure 3: Side Setback Plane Measured from Side Property Line

In this illustration, the Side and Rear Setback Planes are shown as lines extending 15 feet above the side and rear property lines and then angled inward at a 45-degree angle.



7. **Exceptions:** A structure may not extend beyond a yard setback line or a setback plane, except for:
- (a) A roof overhang or eave, up to eighteen (18) inches beyond the setback plane;
 - (b) A chimney, vent, antenna, or energy conservation or production equipment or feature not designed for occupancy; and
 - (c) Gable roof and dormer exceptions (See Figure 4):
 - (i.) **Side-Gabled Roof Exception:** A side-gable roof structure on each side of the building, with a total horizontal length of not more than eighteen (18) feet on each side of the building, measured along the intersection with the setback plane;
 - (ii.) **Dormers Exception:** Dormers, with a total horizontal length of not more than fifteen (15) feet on each side of the building, measured along the intersection with the setback plane.

Figure 4: Gable and Dormer Exception

In this illustration, a side-gabled roof may encroach into the setback plane for not more than 18-inches in width. Also shown are dormers which may encroach into the setback plane not more than a total width of 15-inches.

