



Neighborhood Protection Overlay (NPO) Process Summary

City-County Planning Department

Planning

Application Questions: policy@durhamnc.gov | 919-560-4137

The specific UDO requirements for establishing a Neighborhood Protection Overlay (NPO) are found in UDO Section [4.6.2, Establishment of Overlay](#). The following provides a summary of the process.

1. Required Pre-Petition Conference

This is a required meeting that initiates a discussion with the applicant(s), provides an opportunity to share proposed requirements with staff and seek feedback, and discuss process requirements prior to submitting a petition **and prior** to the pre-petition neighborhood meeting.

***Note:** A petition to request a NPO cannot be submitted unless a pre-petition conference and pre-petition neighborhood meeting have been held.*

2. Required Pre-Petition Neighborhood Meeting

This meeting **is required** after applicant(s) have met with staff, but prior to formal submittal of a petition for an NPO. Staff will discuss requirements for the meeting at the pre-petition conference.

3. Petition to the Governing Body (City Council or Board of Commissioners)

***Note:** Only the governing body, depending upon the jurisdiction, can initiate a NPO rezoning.*

The petition requesting initiation of the NPO must include the following:

- a. The proposed overlay area totaling at least 15 acres, excluding right-of-way;
- b. The average age of structures within the proposed area is at least 25 years old;
- c. At least 75% of parcels within the proposed area are developed;
- d. The required pre-petition meeting was held;
- e. The required pre-petition neighborhood meeting was held; and
- f. The additional documents, listed below, were provided.

Additional Submittal Requirements

- a. A proposed map of the overlay area. The proposed overlay area shall not include properties for which the owners were not notified for the neighborhood meeting.
- b. A petition of support signed by property owners and residents within the proposed area.

*(**Note:** no specific percent is required. When adopting these standards, the governing bodies recognized that any minimum number or percent is arbitrary and that although there is value in understanding the level of support of an overlay, ultimately, what the overlay does is most critical.)*

- c. Documentation of a consistent, identifiable physical character.
- d. Documentation of historical, social, or other significance applicable to the neighborhood.
- e. A discussion of specific physical elements or development patterns that are not adequately addressed by the base zoning regulations.

(Note: for example, this means that requesting a minimum setback of 25 feet is not appropriate for the overlay if the current standards already require the same setback.)

- f. A plan for neighborhood outreach and overlay development.
- g. Any other materials the petitioner(s) believe are pertinent to the request.

4. Submittal Deadlines

There are no set deadlines for submitting a petition. However, once a petition is received and accepted as complete, staff will coordinate with the applicant(s) on the schedule for consideration by the governing body.

5. Sufficiency Review and Scheduling

- a. Planning Department Staff conducts a sufficiency review to determine if the NPO is complete, and will notify applicants to correct insufficient items. Staff will also inform applicants if there are other issues or questions that arise regarding the petition documents that have been submitted.
- b. *Optional Joint City-County Planning Committee (JCCPC) review:* At the request of the petitioner(s), the petition for the NPO may be sent to the JCCPC for review and comment prior to being sent to the applicable governing body for action. This committee does not take any official action. Details regarding this step will be discussed by staff.
- c. Once staff has determined the petition is complete and the petitioner(s) have decided to move forward to the governing body to request initiation of the petition, staff will process the agenda item and coordinate with the petitioner(s) on the meeting date.
 - 1) Signs will be placed around the neighborhood regarding the petition, and
 - 2) Notification letters will be sent to allow property owners within the proposed NPO boundary.
 - 3) Notice within the email notification service will also be performed.

6. Overlay Development

If an overlay designation is initiated and overlay development has begun, the Planning Director or designee:

- a. Shall review any proposed overlay area and associated standards. As part of this review, the Planning Department shall hold **at least one neighborhood meeting** prior to initiating the public hearing process; and
- b. May review progress with the governing body prior to the required public hearings to verify continued support for the overlay or to discuss new issues pertinent to the establishment of the overlay.

Planning Department staff works with the applicants and other neighborhood participants to develop the following components of a NPO based on the application, and staff will draft the ordinance establishing the overlay in the specific neighborhood.

- a. Boundaries; and
- b. Specific standards being modified:
 - 1. Use regulations in Article 5, Use Regulations;
 - 2. District intensity standards in Article 6, District Intensity Standards;
 - 3. Site design standards in Article 7, Design Standards;
 - 4. Tree protection and tree coverage standards in Article 8, Environmental Protection;
 - 5. Landscaping and buffering standards in Article 9, Landscaping and Buffering; or
 - 6. Parking standards in Article 10, Parking and Loading.

Planning Department staff conducts a **neighborhood meeting** to receive feedback on the draft NPO. Property owners and residents have an opportunity to voice their concerns and provide input and feedback.

- a. Notification will be sent to all property owners within the proposed NPO boundaries, to all property owners adjacent to those boundaries, and to any other identified stakeholders.
- b. If determined necessary, additional meetings may be held to receive further input on revisions to the NPO proposal.

8. Adoption

Approval of a NPO involves amending the zoning map and the UDO.

NPOs shall be adopted through the typical zoning map change and UDO text amendment processes, including

- a. First, a public hearing with the Planning Commission, in which a recommendation to the governing body will be made; then
- b. A public hearing with the appropriate governing body for final action.

9. Regulation

Once a NPO is established, development within the overlay shall be regulated through the site plan review, subdivision review, architectural review, and/or building permit review processes as applicable for the development.

10. Amendments

Amendments to an adopted NPO shall be processed as follows:

- a. Amendments to the boundaries of a NPO shall follow the typical zoning map change process.
- b. Amendments to the standards of a NPO shall follow the typical UDO text amendment process.