



DURHAM CITY-COUNTY PLANNING DEPARTMENT
NEIGHBORHOOD PROTECTION OVERLAY (NPO)
DESIGNATION AND REGULATION PROCESSES



1. Pre-submittal Conference

This is a required meeting that initiates a dialogue with the applicants and provides an opportunity to share proposed requirements with staff and seek feedback. An application cannot be submitted unless a pre-submittal conference has been held.

2. Application

A Neighborhood Protection Overlay application should include the following:

- a. A map with the proposed boundaries of the area to be protected by the overlay;
- b. A petition signed by at least 51% of the property owners in the area to be protected (recommended);
- c. A list of suggested elements to control (e.g. setbacks, roof forms, building height, materials, alterations to exterior details, etc.) or proposed design standards; and
- d. A plan for neighborhood engagement.

3. Submittal Deadlines

The Planning Department will accept NPO applications once a year by June 15th. As discussed in item #1, a pre-submittal conference is required prior to submittal of an application. A pre-submittal conference must be requested by May 15th.

4. Sufficiency Review

Planning Department Staff conducts a sufficiency review to determine if the NPO application meets the following criteria. The proposed neighborhood area should:

- a. Exhibit a consistent, identifiable physical character;
- b. Have some historical, social, or other type of significance;
- c. Be at least 25 years old (average age of structures within boundary);
- d. Be a minimum of 15 acres in size; and
- e. Have a minimum of 75% of its land developed.

5. Processing of Complete Applications

Complete and valid applications will be forwarded annually to the Joint City-County Planning Committee (JCCPC) for prioritization. Staff will process the applications in the order in which they are prioritized by the JCCPC. Applications will remain valid for up to 18 months from the date of submittal.

6. Overlay Development

Planning Department staff works with the applicants and other property owners 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;
- b. Criteria to determine what development or construction activities will require a review; and
- c. Specific design standards to regulate, such as (see Unified Development Ordinance (UDO) Section 4.6):
 - (1) Use restrictions (Note: While a NPO may impose stricter development regulations than those in the underlying district, it may not allow uses that are not allowed by the underlying district.)
 - (2) Intensity
 - (3) Site design
 - (4) Tree coverage, landscaping, and buffering
 - (5) Signs
 - (6) Scale, mass, materials, or architectural style of buildings

7. Neighborhood Meeting

Planning Department staff conducts a neighborhood meeting to receive feedback on the draft NPO. Property owners have an opportunity to voice their concerns, suggest changes, ask to be excluded from or added to the overlay, and raise any other questions regarding the NPO.

- a. Notification will be sent to all property owners within the proposed NPO boundaries and to all property owners adjacent to those boundaries.
- b. If significant changes are proposed additional meetings may be held to receive further input on revisions to the NPO proposal.

8. Adoption

NPOs shall be adopted through the typical zoning map change and UDO text amendment processes, including public hearing with the Planning Commission and public hearing with the appropriate governing body for approval.

9. Regulation

Once a NPO is established, development within the overlay shall be regulated through the site plan 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.