

# STATION 1: UNDERSTANDING NEIGHBORHOOD PROTECTION OVERLAYS

## WHAT IS AN NPO?

An NPO is a planning and zoning tool.

It is a zoning overlay that modifies elements of the underlying zoning district(s) to preserve the established character of existing neighborhoods as new investment occurs.

Each NPO is unique to the neighborhood for which it is applied.

## HOW CAN AN NPO “PROTECT CHARACTER”?

An NPO tweaks elements of the underlying zoning to ensure that new development and home additions align with the neighborhood’s established character.

A few examples of what an NPO could further regulate include:

- What uses are permitted (Article 5);
- The intensities of structures, such as heights and densities (Article 6);
- Lot and site requirements, such as minimum/maximum lot sizes and lot widths (Article 7);
- The design of multi-family and commercial structures, where applicable (Article 7);
- The protection of trees and the establishment of tree coverage standards (Article 8);
- Landscaping and buffering standards (Article 9); and
- Standards for signage (Article 11).

It is important to note that just because a potential NPO can regulate these items does not mean that it must or will.

## WHAT DOESN'T AN NPO DO?

While neighbors may have a range of concerns that they would like to see addressed, what can be regulated is limited in scope. Additionally, other more effective mechanisms may exist to address certain issues other than through the NPO process.

Examples of items that an NPO does not regulate include:

- Architectural style (of one and two family dwellings);
- Building materials (of one and two family dwellings);
- Home colors;
- Noise levels;
- Cut-through traffic; and
- Demolitions.

### A BRIEF OVERVIEW OF S.B. 25

In 2015, the State Legislature passed Senate Bill 25 (Session Law 2015-86) and it was signed into law by the Governor.

This law prohibits local governments from regulating architectural styling and design elements of one and two family dwellings. A few exceptions are made, such as for properties within a local or national historic district.

Because of this, an NPO cannot regulate architectural style or building materials, except in cases where an NPO overlaps with a designated local or national district.

## DO OTHER NEIGHBORHOODS HAVE NPOS?

Yes. In Durham, an NPO was established for the Tuscaloosa-Lakewood neighborhood in 2008.

Some of the items that the Tuscaloosa-Lakewood neighborhood regulated include:

- Established a minimum 3% tree coverage;
- Required the retainment of trees unless removal is required to accommodate utilities, vehicular/pedestrian access, or the tree is demonstrated to be unhealthy or to not survive construction activity;
- Prohibited flag lots;
- Established a minimum lot width of 50 feet;
- Created a maximum driveway width of 12 feet; and
- Instituted design standards for apartments.

Neighboring communities also have NPOs, although they are often referred to by a different name. For example, Chapel Hill currently has 9 and Raleigh has 17.

## WHAT IS THE CRITERIA FOR BEING CONSIDERED FOR AN NPO?

The NPO process is resident initiated. Any neighborhood interested in an NPO must submit a formal application to the Planning Department and demonstrate that:

- Exhibit a consistent, identifiable physical character;
- Have some historical, social, or other type of significance;
- Be at least 2 years old (average age of structures);
- Be a minimum of 15 acres in size; and
- Have a minimum of 75% of its land developed.

The Planning Department reviews all applications and then forwards them on to the Joint City-County Planning Committee (JCCPC).

## WHAT IS THE NPO PROCESS?

#1. Neighborhood submits application.

#2. Staff ensures criteria is met.

#3. JCCPC reviews & prioritizes.

#4. Initial community meeting(s) are held.

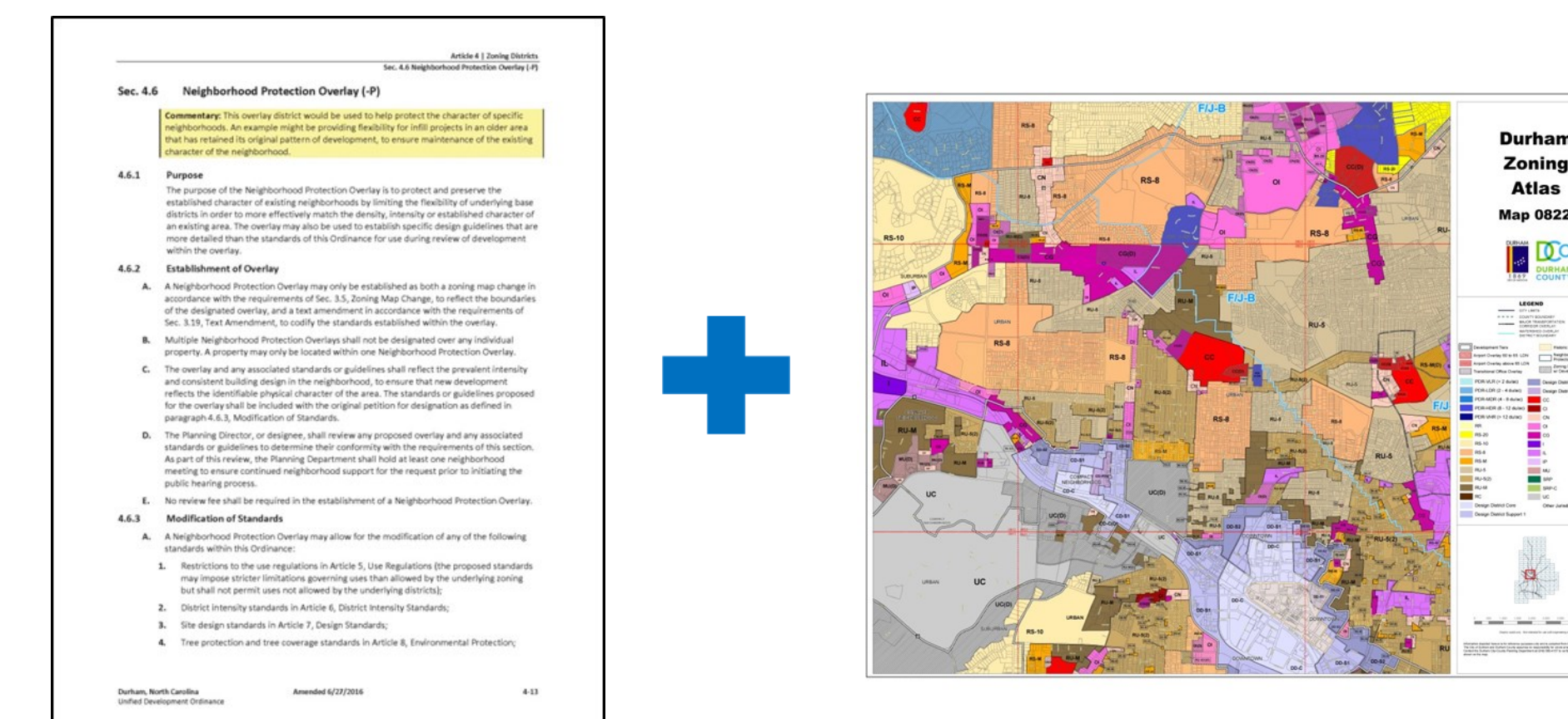
#5. Draft is prepared and circulated. Community meeting(s) are held.

#6. Planning Commission – Public Hearing & Rec.

#7. City Council – Public Hearing & Approval/Denial

## WHAT IS THE FINISHED PRODUCT?

A finished NPO is two components: a UDO text amendment and an amendment to the zoning atlas. Essentially, this is a document listing new standards for the neighborhood and a map depicting where the standards should be applied.



## HOW DOES AN NPO REFLECT THE NEIGHBORHOOD'S WISHES?

Because the process is resident initiated, residents drive the process from Day One. No NPO will be adopted that does not have the support of the neighborhood. Neighborhood leaders and City planners work together to educate residents about planning issues and collectively draft a document that is reflective of neighborhood wishes. Public meetings and workshops will be held throughout the process.

Ultimately, any draft NPO must be reviewed by Durham’s appointed and elected officials. Public hearings are held by both the Planning Commission and the City Council. The City Council will decide whether or not an NPO is approved.

## HOW DOES AN NPO COMPARE TO A LOCAL HISTORIC DISTRICT?

NPOs and local historic districts are both zoning overlays. However, they differ in several ways. Whether an NPO or a local historic district is the better fit for a neighborhood depends upon neighborhood support, available resources, and characteristics of the built environment that is being considered for protection.

It is important to note that a local historic district and a neighborhood protection overlay can co-exist and are not necessarily mutually exclusive.

### NPO

- Does not regulate architectural style of homes
- Does not prevent demolition
- Does not require COAs
- May or may not have strong historic significance
- Example: Tuscaloosa Lakewood

### Local Historic District

- Regulates architectural style of homes
- Delays demolition
- Requires COAs
- Must have strong historic significance
- Example: Watts-Hillandale