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Comments of Sally Greene at public hearing on second draft of development ordinance
~~Sept. 20, 2001~~

The Kings Mill/Morgan Creek Neighborhood is eager to take advantage of the Neighborhood Conservation District concept. On Monday night, you'll receive a recommendation that at this stage, while the development ordinance is not yet final, we be designated a Neighborhood Conservation Area. That would be a great first step.

I'd like to address the second draft at sec. 3.6.5, pg. 3-60. That's the "application procedures." It says, "A zoning change application for designation as a Neighborhood Conservation District shall be initiated at the direction of the Town Council, or at the request of property owners of 75% of the property within the proposed district." The first draft said 51%.

Note what this is. It is only the "initiation" of a "zoning change application." Nobody is bound yet. There's a lot more procedure to it. To wit, "All property owners within the proposed district shall be afforded the opportunity to participate." The neighbors work with the planning staff on a plan. Then, the plan has to be "approved as part of a Zoning Atlas Amendment." It goes through the same process as any zoning amendment. All of that long and very public process makes it most unlikely that a bare minority of 51% could force their will upon an unwilling 49%.

It's more like a nomination. We've learned from Mr. White that there are many ways to get the process started. "In Atlanta, the city council, 10 property owners, or owners of 10 percent of the property in the proposed area can nominate a neighborhood for protection. . . . In Boston and Cambridge, any 10 voters can make the nomination. In Nashville, any interested group can do so." ("Conservation Districts: Latest Zoning Tool to Preserve Neighborhood Character," by Mark S. Dennison, *Zoning News* [American Planning Association], November 1992.) In other places, the nomination is on a majority petition of the neighborhood, but the 51% that was in the first draft is based on real examples (San Antonio, Texas, e.g.).[1]

As you know, getting people mobilized to do something proactive is hard. It's one thing to pack this hall when some kind of threat is looming. It's another to get people to come out and sign petitions when the neighborhood seems calm. As was pointed out at the planning board meeting on Tuesday, there's even a class issue here:

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[1] None of the examples we received from Mr. White, via the planning staff, contained a percentage higher than 51. I will follow up and ask him if he knows of any such examples anywhere.

I called Mr. White. He is not aware of examples greater than 51%. He added that given that it's the beginning of an involved process, 25% did not seem too low.

even if well-off neighborhoods, like ours, might include people with the time and energy to organize a 75 percent campaign, in working-class neighborhoods—Northside comes to mind—it could be really difficult.

There's also a language problem in this draft. The draft says "at the request of property owners of 75% of the property." Does that mean owners of 75% of the land mass, or does it mean 75% of the people who own property in the area? If it means land mass, then that's a real problem for our neighborhood. There are two undeveloped parcels that could well amount to almost 25% of the land. At the least, the interests of the owners of those properties are likely to be conflicted. This could mean we have to get basically 100% of the homeowners to sign on—just to begin the process.

Working from the models Mr. White provided, I would suggest the following:

> A zoning change application for designation as a Neighborhood Conservation District shall be initiated (1) at the direction of Town Council, (2) at the request of owners representing 51% of the land area within the proposed district, or (3) at the request of 51% of property owners within the proposed district.

This is potentially a great tool for our older neighborhoods. The second draft, prudently, changed the introduction of the Neighborhood Conservation District section (the first sentence of sec. 3.6.5) from saying there are "many unique and distinctive older in-town neighborhoods" to saying just that there <u>are</u> such neighborhoods. That's right. There are not "many" neighborhoods like ours in Chapel Hill. There are precious few. That's one reason why we love them. Please don't make <u>beginning</u> the process of conserving them harder than it needs to be.