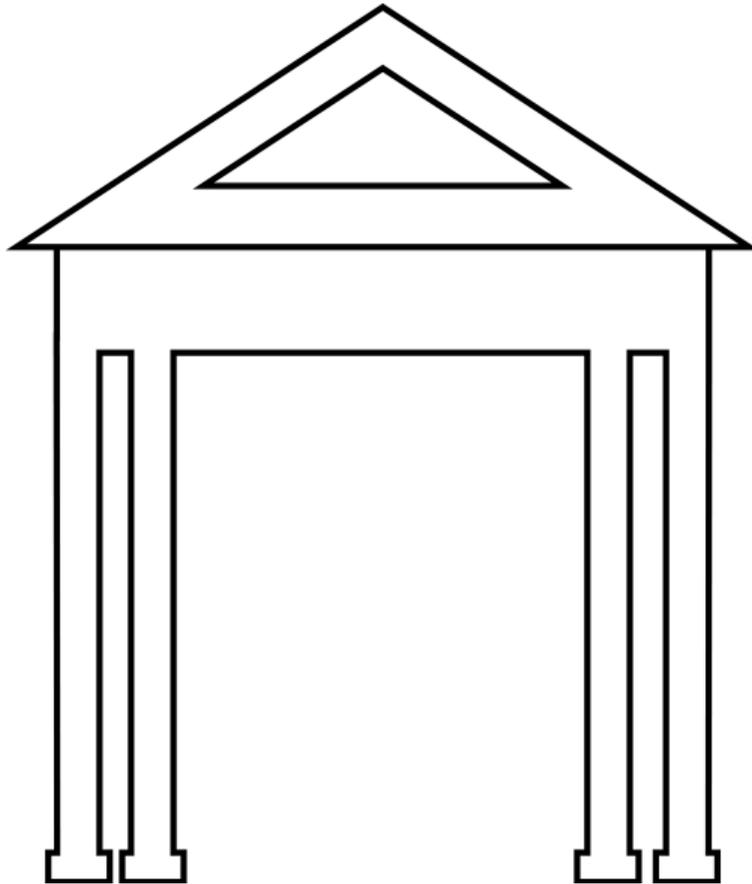


Questions and Answers about Neighborhood Conservation Districts



**Town of Chapel Hill
NEIGHBORHOOD CONSERVATION**

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Questions about Neighborhood Conservation Districts

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The purpose of this document is to provide general information about the Town of Chapel Hill's Neighborhood Conservation Districts and the designation process. It is for informational purposes only and should not be considered a legal document. In the event of a conflict or inconsistency between terms or statements in this document and the Land Use Management Ordinance itself, the language of the Land Use Management Ordinance, as it is interpreted and applied to any specific set of facts and circumstances, shall govern.

Questions and Answers about Neighborhood Conservation Districts

1. What is a Neighborhood Conservation District?

Answer: A Neighborhood Conservation District (NCD) is a set of land use regulations that are applied to a specific neighborhood as an overlay zoning district. The designation is used by the Chapel Hill Town Council to protect distinctive neighborhood characteristics and is useful in areas that contribute significantly to the overall character and identity of the Town, but may lack sufficient historical, architectural or cultural significance at the present time to be designated as a Historic District.

The focus of a Neighborhood Conservation District is on the physical design of new development and may include regulations regarding a property's lot size, street setback, interior setback, front-yard parking, building height, and house size. The process involves rezoning of the property in the area.

2. Why does the Town of Chapel Hill have a Neighborhood Conservation District Designation?

Answer: The Neighborhood Conservation District designation policy is set forth in the Town's Comprehensive Plan. Adopted May 8, 2000, the Comprehensive Plan was created by the citizens of Chapel Hill to articulate a vision for the future of the community. The plan focuses on specific actions relating to twelve major themes, one of which is to conserve and protect existing neighborhoods. Regarding neighborhood protection, the Plan states, "some residential neighborhoods will face pressures for infill development and redevelopment. This is especially true for neighborhoods immediately surrounding downtown and the main campus of the University of North Carolina. The character of these neighborhoods needs to be conserved." Thus, Neighborhood Conservation Districts are used as a means to preserve and protect neighborhoods.

3. How does a Neighborhood Conservation District work?

Answer: Once the property in the area has been rezoned, the Neighborhood Conservation District land use regulations can be applied to new structures or to additions to existing structures, including:

- New construction
- Additions
- Alterations
- Relocations
- Rehabilitations

4. What issues can be addressed by the Neighborhood Conservation District land use regulations?

Answer: A Neighborhood Conservation District can address physical characteristics and features of all property (public and private) such as:

- Building height
- Lot size
- Front and side yard building setbacks
- Off-street parking
- Roof line and pitch
- Paving or hardscape covering
- Building orientation
- Allowable floor area
- Landscaping
- Entrance Lighting

5. What issues cannot be addressed by the Neighborhood Conservation District land use regulations?

Answer: A Neighborhood Conservation District cannot address the following issues:

- Rental vs. Owner-occupied
- Loud noise
- Sidewalks
- Roads
- Demolition
- Fences
- Affordability
- Traffic
- Color of buildings
- Litter or property maintenance
- Tree protection (as of 4/2010, the Town has been addressing this issue through a Town-wide Tree Protection Ordinance)

6. What is the process to have a neighborhood designated a Neighborhood Conservation District?

Answer: Note: On February 20, 2012, the Town Council passed a resolution to temporarily suspend the development of NCD zoning overlays, but to continue with the development of NCD zoning overlays for neighborhoods that had already submitted petitions.

The initiation process for a Neighborhood Conservation District is divided into two phases. Both phases may be initiated by the Town Council or by property owners representing 51% of the land area within the proposed district, upon submittal and acceptance of a petition by the Town Council; or by 51% of property owners in a proposed district, upon submittal and acceptance of a petition by the Town Council. Petitions can be obtained from the Town's Planning Department or through the following link: <http://www.townofchapelhill.org/modules/ShowDocument.aspx?documentid=721>

Phase One includes a Public Information Meeting facilitated by Town staff to provide general information about a Neighborhood Conservation District. After the Public Information Meeting, the initiation process is complete until action is taken by either the Town Council or the neighborhood to initiate Phase Two.

Phase Two includes a "Feasibility Review" of the proposed Neighborhood Conservation District by the Planning Commission before a decision is made by the Town Council to move forward with the development of the regulations for a Neighborhood Conservation District plan proposal.

7. Why does the Neighborhood Conservation District have a two step initiation process?

Answer: The purpose of dividing the initiation process into two phases is to provide information about becoming a Neighborhood Conservation District early in the process before a formal development process has begun. Because the designation as a Neighborhood Conservation District involves a rezoning of property and the application of more restrictive development regulations, extending the process to include an educational phase has been beneficial for residents and property owners.

In addition to providing information about Neighborhood Conservation Districts, the process has two steps which involve the Planning Commission from the beginning of the process and seek Town Council direction at the beginning of the development process.

8. What are the steps in the Neighborhood Conservation District designation process?

Answer: There are two phases in the Neighborhood Conservation District process. Phase One includes an informational stage, and Phase Two includes initiation, development, and enactment stages. The following table provides more information about the designation process:

Designation Process for a Neighborhood Conservation District			
		Neighborhood Conservation District Procedures	Action
Phase One*	Informational	1. The Council receives the Phase One petition from the neighborhood and refers the petition to the Planning Commission	Provides general information about rezoning property to a Neighborhood Conservation District.
		2. The Planning Commission oversees the Public Information Meeting and Information Packet	
Phase Two*	Initiation	1. The Council receives the Phase Two petition and refers it to the Planning Commission	Includes a Feasibility Review by the Planning Commission and a decision by the Town Council about whether to move forward with the development of a Neighborhood Conservation District plan proposal.
		2. Planning Commission schedules Feasibility Review	
		3. Phase Two petition is returned to the Council to decide whether/how to proceed with the development of a plan proposal	
Phase Two*	Development	Residents work with Town staff and/or a consultant to develop a Neighborhood Conservation District plan proposal	If the Council initiates the Neighborhood Conservation District development process, the Planning Commission works with residents and property owners to design the land use regulations that would become a Neighborhood Conservation District plan for a neighborhood. The development process can take up to a year and includes mailings and public meetings. When the development process is complete, the Planning Commission recommends a proposed Neighborhood Conservation District Plan to the Town Council.
	Enactment	Planning Commission provides a recommendation to the Council about the Neighborhood Conservation District plan proposal	Upon receiving a proposed Neighborhood Conservation District plan proposal, the Council considers the Planning Commission and staff recommendations about the proposed plan and any public feedback about the plan. If the

		Council takes action to enact or to not enact the Neighborhood Conservation District rezoning	Council approves of the proposed plan, the Neighborhood Conservation District is created through the process of a rezoning
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*Phase One and Phase Two may be initiated by the Town Council or by property owners representing 51% of the land area within the proposed district, upon submittal and acceptance of a petition by the Town Council; or by 51% of property owners in a proposed district, upon submittal and acceptance of a petition by the Town Council. Petitions can be obtained from the Town’s Planning Department or through the following link:

<http://www.townofchapelhill.org/modules/ShowDocument.aspx?documentid=721>

9. Is the Neighborhood Conservation District process considered a rezoning?

Answer: Yes, a Neighborhood Conservation District is an “overlay” zoning district to the general use zoning district for a specific geographic area. A Neighborhood Conservation District zoning overlay is considered a Zoning Atlas Amendment (a rezoning process) because it would change the zoning by adding new regulations as well as the overlay district symbol (CD) as a suffix to the base zone symbol.

When there is a conflict between provisions of a Neighborhood Conservation District zoning overlay and underlying general use zoning regulations, the provisions of the Neighborhood Conservation District ordinance prevail. For provisions that are not specifically identified in an overlay district, regulations of the underlying general use zoning district would apply.

10. How long does the designation process for a Neighborhood Conservation District take?

Answer: The length of the plan development and rezoning process varies, but the average time is approximately one year.

11. What is the difference between a Historic District and a Neighborhood Conservation District?

Answer: Historic Districts and Neighborhood Conservation Districts vary in their purpose (what they protect) and their administration (how they protect).

Differences Between Historic District and Neighborhood Conservation District		
	Historic District	Neighborhood Conservation District
Purpose	To protect areas that have important historical, cultural, architectural, social, or economic significance or character	To protect areas that have a certain charm or importance to the community but may not be historically, cultural, or architecturally significant; or whose overall identity is challenged by incompatible additions or alterations
Review Standards	Approval based on finding(s) in a quasi-judicial setting that the proposed exterior change is congruous with the height, setback, materials, detailing, proportion, shape, and general form of other structures in the neighborhood	The Town staff shall review the design plans to determine compliance with the Neighborhood Conservation District regulations
What is Regulated	Historical and architectural details such as construction materials, roof shapes, lighting, proportion, and appurtenant fixtures	Restrictions such as height, setbacks, floor area limits, and parking
Typical Application Process for Changes to Single-family or Two-family Structures	In addition to Town staff review, applicants must also seek a Certificate of Appropriateness from the Historic District Commission before exterior changes may be made to a structure or any hardscape outside the house (such as walkways or stone walls)	Town staff review

12. If my neighborhood is interested in becoming a Neighborhood Conservation District, how will the boundaries be defined?

Answer: As a starting point, the Planning Commission would create a preliminary boundary for the proposed district. Throughout the development process, the Planning Commission, Town staff, and the residents/property owners would develop a Neighborhood Conservation District plan proposal for the proposed district which would include maps indicating the boundaries for the Neighborhood Conservation District. Those that participate in drafting the Neighborhood Conservation District plan proposal will have input on the boundaries.

13. How would my neighborhood be notified throughout the Neighborhood Conservation District process?

Answer: The following table provides an overview of the Neighborhood Conservation District Public Notification Process:

Public Notification Process		
Phase	Action	Notification
Phase One	Public Information Meeting	Notification of the Public Information Meeting will be sent to all property owners located within the preliminary boundary and within 500 feet of the boundary
Phase Two	Planning Commission Feasibility Review	Notification of the Planning Commission’s Neighborhood Conservation District Feasibility Review time, date, and place shall be sent to all property owners located within the preliminary boundary and within 500 feet of the boundary
	Town Council Action	Notification of the Town Council action shall be sent to all property owners located within the preliminary boundary and within 500 feet of the boundary
	Development of the Neighborhood Conservation District plan proposal by the Planning Commission and residents/property owners	All property owners within the proposed district shall be afforded the opportunity to participate in drafting the Neighborhood Conservation District plan proposal
		If the neighborhood becomes a Neighborhood Conservation District, public notification will be given for consideration of the Zoning Atlas Amendment

14. How would the designation of my neighborhood as a Neighborhood Conservation District affect my day-to-day life?

Answer: Residents in a Neighborhood Conservation District could be affected by the new regulations if they are interested in building a new structure or altering existing structures. Any changes would be required to adhere to the design standards as set forth in the regulations.

15. If my neighborhood is a Neighborhood Conservation District, can I rebuild my house if it is destroyed?

Answer: Yes, you can rebuild your house if it is damaged or destroyed. Existing structures that were lawfully established but do not conform to the current Neighborhood Conservation District regulations are “grandfathered” in, meaning that if it is demolished or destroyed, it can be rebuilt in the same place and in the same size and height as existed prior to the demolition or destruction.

But if the house is rebuilt, the degree or extent of nonconformity cannot be increased. Additions to existing structures must conform to the current regulations. For example, a structure may be able to expand and comply with the required property setbacks on one property line (e.g. the back of the house) but not another. Individual circumstances will vary and will need to be considered on a case-by-case basis. Property owners are encouraged to talk to Town staff to better understand how proposed regulations may impact their property.

16. If my neighborhood becomes a Neighborhood Conservation District, would I need to alter my house to come into compliance with the new regulations?

Answer: No, homeowners would not be required to alter their houses if their neighborhood becomes a Neighborhood Conservation District. All existing homes are “grandfathered” in which means their current condition, or nonconformity, is allowable in the Neighborhood Conservation District. But the degree or extent of nonconformity cannot be increased. Additions to existing structures would have to conform to the regulations.

17. Who would ensure that the design guidelines are followed?

Answer: A Neighborhood Conservation District is a zoning overlay, and the Town enforces the regulations associated with the Neighborhood Conservation District zoning overlay as individual permit applications are received.

18. What is the difference between a plenary versus a committee structure for the Neighborhood Conservation Development Committee?

Answer: In the past, the development process for the Town’s seven existing Neighborhood Conservation Districts included the use of both a plenary and a Council-appointed committee structure to organize the neighborhood participation in the development process.

In a plenary committee, open meetings are held to discuss the development of the Neighborhood Conservation District Plan. Points of consensus and dissent among participants are noted at each meeting and used to draft the plan. Plenary participation structure is effective in neighborhoods that are cohesive in support and share a unified goal for the creation of a Neighborhood Conservation District.

In a committee structure, the Council establishes the committee composition and appoints the committee members. Committee members attend a series of meetings to discuss and design the Neighborhood Conservation District plan proposal. Council-appointed committees allow for the creation of a diverse workgroup with representatives from different groups of stakeholders in the community.

The Town Council establishes a charge, timetable, and composition for the Committee. Residents can apply to be appointed to the Neighborhood Conservation Development Committee through a Town Council Appointment Process.

19. Will our neighborhood receive Town staff support throughout the Neighborhood Conservation District development process?

Answer: Yes, support will be provided by Town staff and/or a professional consultant. The following chart is an overview of past Neighborhood Conservation Districts which outlines the involvement and support of various participants:

Neighborhood Conservation District Development Summary					
Overlay Zoning District	Neighborhood Name	Initiation	Development Staff	Development Timeframe	Citizen Input Structure
CD-1	Northside	Town Council	Town staff	10 Months	Committee
CD-2	Greenwood	Citizen Petition	Consultant	One Year	Consensus
CD-3	Kings Mill/Morgan Creek	Citizen Petition	Consultant	One Year	Consensus
CD-4	Pine Knolls	Town Council	Consultant	One Year	Consensus
CD-5	Mason Farm/Whitehead Circle	Citizen Petition	Consultant	One Year	Consensus
CD-6	Coker Hills	Citizen Petition	Consultant	Two Years	Consensus
CD-7	Highland Woods	Citizen Petition	Town staff	10 months	Consensus
CD-8	Glen Lennox	Citizen Petition	Town staff & Consultant	Two years	Committee
CD-9	Little Ridgefield	Citizen Petition	Town staff	One year	Consensus

20. Do the residents decide what the Neighborhood Conservation District will regulate (such as building expansions or entrance lighting), or will the Town Council make these decisions?

Answer: The Neighborhood Conservation District development process relies on the direction and participation of neighborhood residents. The neighborhood typically works with Town staff and the Planning Commission liaisons to develop a plan proposal for the Neighborhood Conservation District which could be as specific or as general as the neighborhood wants, depending upon the goals of the neighborhood. Once developed, the neighborhood's plan is first forwarded to the Planning Commission and then to the Town Council for review and possible approval.

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For more information contact:
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