

February 22, 2000
Re: IO-00-21

You inquired as to the meaning of "close proximity" in advisory opinion 99-87. In that opinion, the ethics commission advised that you could not participate in any legislation that would rezone properties adjacent to, or in close proximity to commercial property owned by you.

In applying for a rezoning of property, an applicant must prove that there has been a change in the character of the neighborhood, or that there was a mistake in the original zoning. In either case, the boundaries of the neighborhood are delineated in the first instance, by the planners in PACE. To determine what properties are in "close proximity" to your commercial property, I believe that establishing the "neighborhood" in which your property is located would be the best solution. For this reason, it would have been equally appropriate, if not a better answer to your original inquiry, to advise that you may not participate in any legislation that would rezone properties in the neighborhood of your commercial property. It would be most appropriate for PACE to determine the extent of the "neighborhood" in this instance, and at your request, I will forward the pertinent information to them, with a request for advice on the issue.

This letter represents my considered advice. If you would like the consideration of the ethics commission, please let me know.

Sincerely,

Betsy K. Dawson
Executive Director