



Legislation Details (With Text)

File #: 17-147
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File created: 4/28/2017
On agenda: 5/9/2017
Name:
Status: Passed
In control: Board of Aldermen
Final action: 5/9/2017
Title: Request to Set a Public Hearing on Extension of Town's Extraterritorial Jurisdiction

PURPOSE: The purpose of this item is for the Board of Aldermen to consider setting a public hearing on the extension of the Town's extraterritorial boundary along the north side of NC Highway 54 West.

Indexes:

Code sections:

Attachments: 1. Attachment A - Resolution Setting a Public Hearing, 2. Attachment B - NCGS 160A-360

Date	Ver.	Action By	Action	Result
5/9/2017	1	Board of Aldermen	approved	Pass

TITLE:

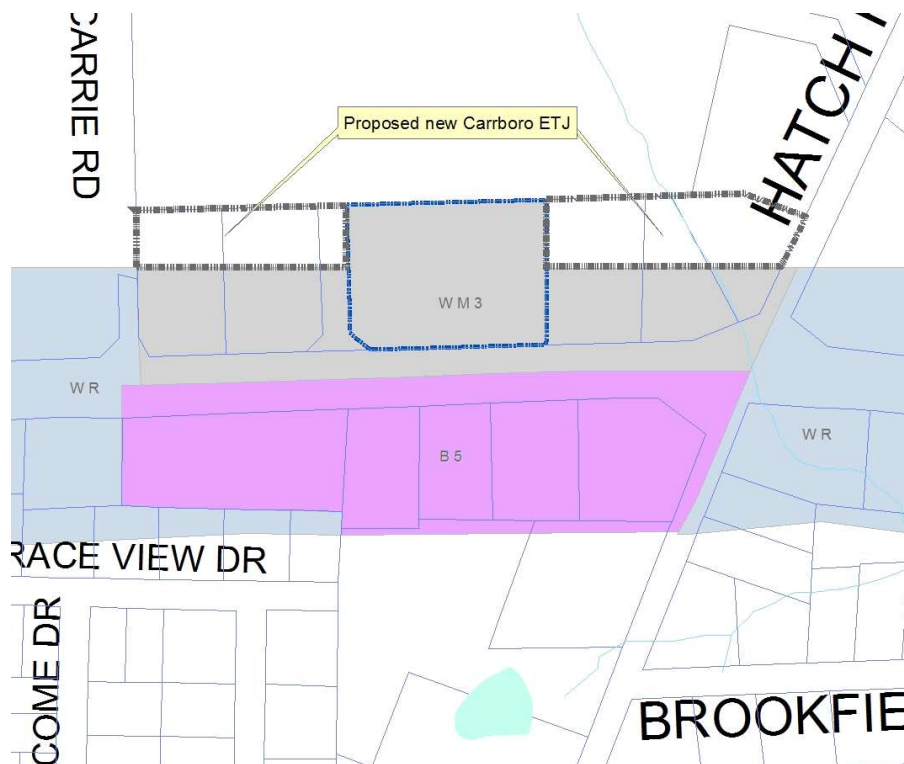
Request to Set a Public Hearing on Extension of Town's Extraterritorial Jurisdiction

PURPOSE: The purpose of this item is for the Board of Aldermen to consider setting a public hearing on the extension of the Town's extraterritorial boundary along the north side of NC Highway 54 West.

DEPARTMENT: Planning

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INFORMATION: On March 28th, the Board of Aldermen decided to submit a request for Orange County to agree to an extension of the Town's extraterritorial jurisdiction (ETJ) boundary ETJ line slightly further north to capture the entirety of five parcels along NC Highway 54 West, along with a short section of land used as a driveway for Camelia Forest Nursery, the 22.83-acre parcel located at 620 NC Highway 54 West, as shown in the illustration below.



ETJ authority is provided in NCGS 160A-360 (*Attachment B*), and subsection (e) applies in this instance:

No city may hereafter extend its extraterritorial powers under this Article into any area for which the county at that time has adopted and is enforcing a zoning ordinance and subdivision regulations and within which it is enforcing the State Building Code. However, the city may do so where the county is not exercising all three of these powers, or when the city and the county have agreed upon the area within which each will exercise the powers conferred by this Article.

On May 2nd, the Board of County Commissioners considered the Board's request and expressed support for the Board of Aldermen holding a public hearing on this matter. Commissioner Barry Jacobs expressed an interest for follow-up from staff regarding similar instances where parcels may be split by planning jurisdictions. County and Town staffs will meet to discuss this request.

With a public hearing date of June 13, 2017, the requirements for notice to property owners concerning this action can be met. The Board of County Commissioners currently is expected to act on a resolution in supporting the extension at their June 20 meeting. Once the County relinquishes its zoning authority, it is necessary for Town zoning to be put in place. A related agenda item provides the opportunity for the Board of Aldermen to set public hearings on a Land Use Ordinance text and map amendment that would accomplish this change. Staff has contacted property owners directly and their support of the change is still evident. Review of the text and map amendment by the Planning Board will be needed.

Agenda materials for related discussions may be found at the links below:

May 2, 2017: <http://server3.co.orange.nc.us:8088/weblink8/0/doc/46414/Page1.aspx>

March 28, 2017:

[February 7, 2017:](https://carrboro.legistar.com/LegislationDetail.aspx?ID=2991261&GUID=5CF7FF2D-995A-4F55-9D4E-57EE57EEC06C&Options=&Search=>==</p></div><div data-bbox=)

[October 13, 2016:](https://carrboro.legistar.com/LegislationDetail.aspx?ID=2950249&GUID=9B6BFE58-D162-4777-95AC-95F3C820E0FD&Options=&Search=>==.</p></div><div data-bbox=)

[**FISCAL & STAFF IMPACT:** Public notice and legal costs associated with public hearing and ordinance preparation.](https://carrboro.legistar.com/MeetingDetail.aspx?ID=456737&GUID=E8053E71-8F10-436B-93A1-F3C92E6573DF&Options=&Search=>==.</p></div><div data-bbox=)

RECOMMENDATION: It is recommended that the Board of Aldermen consider setting a public hearing on the extension of the Town's extraterritorial boundary along the north side of NC Highway 54 West.