



## Legislation Details (With Text)

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<b>Title:</b>	Request-to-Set Public Hearings on Land Use Ordinance Amendments Relating to the WM-3 Zoning District PURPOSE: The purpose of this agenda item is for the Board of Aldermen to consider setting public hearings on text and map amendments to the Land Use Ordinance relating to the Watershed Manufacturing District (WM-3).				

### Indexes:

### Code sections:

**Attachments:** 1. Attachment A - Resolution for LUO Text Amend, 2. Attachment B - Draft LUO Text Amend-WM-3, 3. Attachment C - Resolution for LUO Map Amend, 4. Attachment D - Draft Ordinance Map Amend

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

### TITLE:

Request-to-Set Public Hearings on Land Use Ordinance Amendments Relating to the WM-3 Zoning District

**PURPOSE:** The purpose of this agenda item is for the Board of Aldermen to consider setting public hearings on text and map amendments to the Land Use Ordinance relating to the Watershed Manufacturing District (WM-3).

**DEPARTMENT:** Planning

**CONTACT INFORMATION:** Christina Moon - 919-918-7325, Patricia McGuire - 919-918-7327, Bob Hornik - 919-929-3905

**INFORMATION:** Recognizing the development challenges associated with the split jurisdiction and split zoning of five parcels of land located along the north side of NC Highway 54 West, known as 630, 626, 610, 600 NC 54 West and 1306 Hatch Road, the Board of Aldermen submitted a request to Orange County to extend the Town's extraterritorial jurisdiction boundary (ETJ) slightly further north to include the entirety of all five parcels. A public hearing for the Board of Aldermen to consider the matter has been requested for June 13<sup>th</sup> as part of a separate agenda item. The Board of County Commissioners is scheduled to consider the matter on June 20<sup>th</sup>.

Contingent upon Orange County's approval, the Town could initiate its zoning authority to zone the approximately 2.9 acres of land (currently in Orange County) to Watershed Manufacturing (WM-3) such that the entirety of each of the five lots, 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, would be classified WM-3.

The provisions in Section 15-137(2)(b) of the Land Use Ordinance that describe the WM-3 District, however, limit any expansion of the zone. The language appears to prevent any new lots from being zoned WM-3 or any

existing WM-3 lots from being rezoned to include a larger amount of land area. After researching historical files on the establishment of the district, it seems likely that the original intent of the rezoning that assigned parcels to the WM-3 zoning category was to include the parcels in their entirety and that over time, as mapping technology changed from hand colored zoning maps to GIS, the northern boundary line was inadvertently shifted. With that in mind, a draft text amendment to the LUO has been prepared to reflect the intent of the original 1983 rezoning to WM-3 (Attachment B); the related draft zoning map amendment would rezone the Orange County portions of the parcels to WM-3, consistent with what was likely the original intent (Attachment D).

The Board of Aldermen must receive public comment before adopting amendments (text and map) to the LUO. Orange County and Planning Board review are also needed.

**FISCAL & STAFF IMPACT:** Public hearings involve staff and public notice costs associated with advisory board and Board of Aldermen review.

**RECOMMENDATION:** Staff recommends that the Board of Aldermen consider the resolutions provided (Attachment A and Attachment C), setting two public hearings for June 13, 2017 and referring the proposed amendments (text and map) to Orange County, to the Planning Board.