Legislation Text

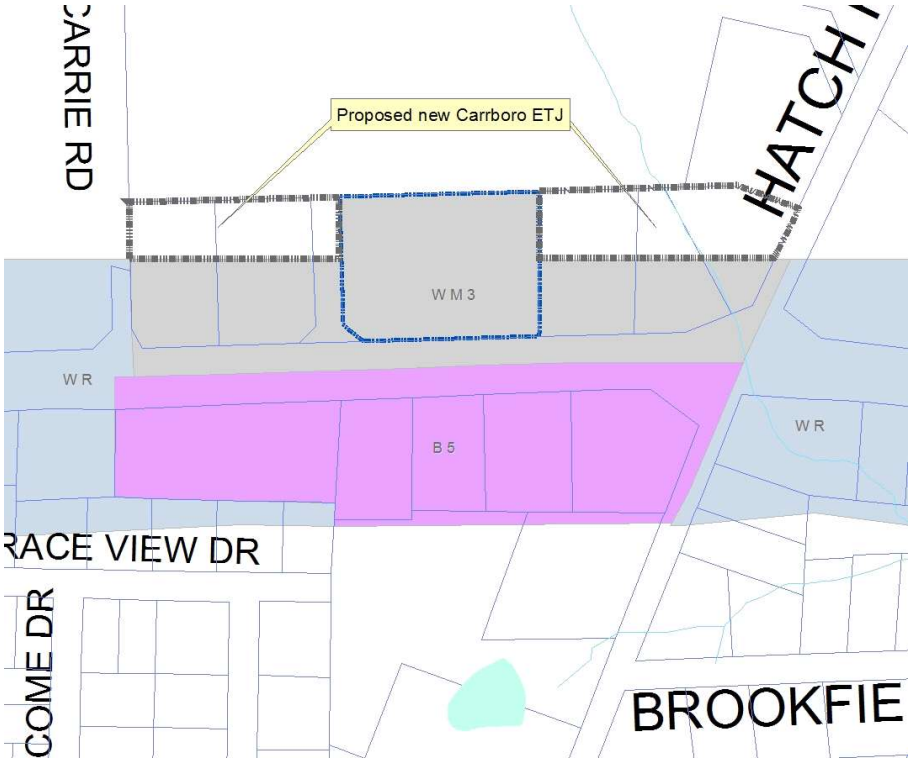
File #: 17-231, **Version:** 1

TITLE:
Continuation of a public hearing on Extension of Town's Extraterritorial Jurisdiction and an Ordinance Establishing the New ETJ Boundary

PURPOSE: The purpose of this item is for the Board of Aldermen to receive public comment on an ordinance, which if adopted, will extend the Town's extraterritorial boundary along the north side of NC Highway 54 West and increase the ETJ by 2.9 acres.
DEPARTMENT: Planning

CONTACT INFORMATION: Trish McGuire, pmcguire@townofcarrboro.org <mailto:pmcguire@townofcarrboro.org>, 919-918-7327

INFORMATION: On June 13th, the Board of Aldermen held a public hearing on extending the Town's extraterritorial jurisdiction (ETJ) boundary 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. The proposed change adds approximately 2.9 acres to the Town's ETJ. An ordinance making this change, including a legal description and map of the proposed boundary change has been prepared for the Board's consideration (*Attachment A*).



The Town has been in communication with Orange County since the fall of 2016 on this possible change to the ETJ boundary. The split zoning in this location hinders the full use of the five properties fronting NC Highway 54 West, which are among the very limited area within the University Lake watershed where nonresidential uses may occur. Uniform jurisdiction and zoning will enable property owners to use these small lots in full. A formal request to the Board of County Commissioners seeking agreement with this change was submitted on March 28th. Agreement from Orange County for this change is needed per NCGS 160A-360 (e) (*Attachment B*), which states:

> 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 (BOCC) considered the Board's request and expressed support for the Board of Aldermen holding a public hearing on this matter. On June 20th, the BOCC adopted a resolution supporting the ETJ boundary change. The draft resolution is attached (*Attachment C*); a final version will be provided when it becomes available.

Required public notice was mailed to property owners on May 12, 2017 (*Attachment D)* and published.

Once the County relinquishes its zoning authority, it is necessary for Town zoning to be put in place. Related agenda items provide the opportunity for the Board of Aldermen to approve Land Use Ordinance text and map amendments that would establish Town zoning on the entirety of the five parcels fronting NC Highway 54 West in this location and the entirely of the access drive to the Camellia Forest property.

See the June 13 agenda item <https://carrboro.legistar.com/LegislationDetail.aspx?ID=3077770&GUID=9EC64418-5EC8-4A84-8799-D518A106A4C6&Options=&Search=> for additional information and links to related discussions.

FISCAL & STAFF IMPACT: None anticipated with accepting public comment and adopting resolution to continue this public hearing.

RECOMMENDATION: It is recommended that the Board of Aldermen accept public comment on the proposal to extend the Town's extraterritorial boundary along the north side of NC Highway 54 West and consider adoption of *Attachment A*, an ordinance enacting the change to the ETJ boundary.

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