



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: April 14, 2025
Department: Planning and Economic Development
Agenda Section: Consent
Public hearing: Yes
Date of public hearing: March 20, 2025

PRESENTER/INFORMATION CONTACT

Molly Boyle, Planner II

ITEM TO BE CONSIDERED

Subject: Text amendment to Unified Development Ordinance Section 2.3, Planning Board (staff-initiated)

Attachments:

1. Draft text amendment
2. US Census Bureau data
3. Planning Board statement
4. Consistency statement
5. Ordinance

Summary:

This text amendment proposes to remove a vacant extraterritorial jurisdiction seat from the Planning Board based on population and consistent vacancy. Removing the seat would also reduce the board size from 10 to 9, and an odd number of board members is preferable to avoid ties.

The extraterritorial jurisdiction is an area outside of town limits where the town still has zoning authority. Section 2.3, Planning Board states that the Planning Board shall have at least 10 members, 3 of whom must live in the extraterritorial jurisdiction. Per North Carolina General Statute § 160D-307(a), Extraterritorial representation on boards – Proportional Representation, municipalities with extraterritorial jurisdictions are to “provide a means of proportional representation based on population for residents of the extraterritorial area to be regulated.”

The estimated population under the town’s zoning authority is 12,383, with 9,757 (79%) in town limits and 2,626 (21%) in the extraterritorial jurisdiction.

Estimated population under town zoning authority		
In-town population estimate	9,757	79%
Extraterritorial jurisdiction population estimate	2,626	21%
Total estimated population	12,383	100%

The in-town estimate is the most current estimate from the US Census Bureau. The Census Bureau does not have specific data for the extraterritorial jurisdiction, so staff used data from Orange County GIS and property tax records. Staff identified and verified all addresses in the extraterritorial jurisdiction associated with residential dwelling units (1,094). This number was multiplied by 2.4, the average number of people per household in Orange County according to the US Census Bureau.

The extraterritorial jurisdiction makes up about 20% of the population under the town's zoning authority. However, it holds 30% of its Planning Board seats. Removing the vacant extraterritorial jurisdiction seat will make the representation more proportionate with the population, with 7 in-town seats (78%) and 2 extraterritorial jurisdiction seats (22%). In addition, the town has had a vacant extraterritorial jurisdiction seat on the Planning Board for over 2 years. Adopting this text amendment would not necessitate removing any current Planning Board members from the board.

Comprehensive Sustainability Plan goals:

- Land Use and Development Goal 1: Ensure that future growth and development, including infill and redevelopment, are aligned with smart growth principles and consider infrastructure constraints such as water and wastewater system capacity.
 - Strategy: Improve and streamline the development review approval and acceptance process.
 - Action: Clarify the roles and responsibilities of internal town department reviewers, appointed boards, and the town board in the development review process.

Financial impacts:

None.

Staff recommendation and comments:

Joint public hearing & Planning Board recommendation:

The joint public hearing for this amendment was held on March 20, 2025. No members of the public asked to speak on the amendment. After the hearing closed, the Planning Board unanimously recommended approval of the text amendment (7-0).

Staff recommendation:

Staff recommends approval of the text amendment as written.

Action requested:

Vote to approve the proposed text amendment as written.