Resolution # 24

RESOLUTION BY THE BURLINGTON CITY COUNCIL TO OPPOSE SENATE BILL 675, INCLUDING THE ELIMINATION OF EXTRATERRITORIAL JURISDICTION AND PROHIBITION OF MINIMUM LOT SIZES

WHEREAS, the North Carolina General Assembly first established statewide authority for municipalities to exercise extraterritorial jurisdictional ("ETJ") authority over zoning in 1959; and

WHEREAS, the Municipal Government Study Commission convened by the North Carolina General Assembly in 1958 to explore the issue of extraterritorial zoning determined that "*...municipalities have a special interest in the areas immediately adjacent to their limits. These areas, in the normal course of events, will at some time be annexed to the city, bringing with them any problems growing out of chaotic and disorganized development. Even prior to that time they affect the city. Health and safety problems arising outside the city do not always respect city limits as they spread...*"; and

WHEREAS, the CITY OF BURLINGTON has a population of over 57,000 people, occupies over 30 square miles of land area across two different counties, and maintains an extra territorial jurisdiction beyond its corporate limits within Alamance County; and

WHEREAS, the City is located in a primary growth corridor adjacent to Interstate 40 between the Triad and Triangle regions of the State that continues to be subject to significant growth pressure; and

WHEREAS, the CITY OF BURLINGTON provides a wide variety of municipal services to landowners within its ETJ, including land use planning via its unified development ordinance ("UDO"); and

WHEREAS, the CITY OF BURLINGTON has already extended municipal water and sewer services into the ETJ but has not been able to annex some lands due to satellite annexation limitations in State law; and

WHEREAS, lands served by water and sewer services in the ETJ have a higher development potential than lands not served by these utilities; and

WHEREAS, land within the City's ETJ is also located within Alamance County, a unit of county governance that does not exercise zoning control; and

WHEREAS, the lack of zoning in Alamance County means that lands with higher development potential (from water and sewer) will be unable to realize this potential if ETJ is abolished; and

WHEREAS, the abolition of ETJ authority will also remove existing land use compatibility protections from already-developed lands within the ETJ; and

WHEREAS, a loss of land use compatibility protection could undermine land values and the legitimate investment-backed expectations of landowners within ETJ areas; and

WHEREAS, the loss of development potential in areas served by water and sewer within the ETJ can prevent the City from recovering the costs of utility extension; and

WHEREAS, losses accruing to the City and to ETJ landowners from abolition of ETJ creates a net economic loss for the region; and

WHEREAS, the City of Burlington maintains the Glencoe local historic district as part of its unified development ordinance within its ETJ but outside its corporate limits, while Alamance County maintains no corresponding historic district designation; and

WHEREAS, the abolition of ETJ creates a situation where the Glencoe Historic District can no longer maintain its historic district status unless Alamance County adopts a new corresponding historic district; and

WHEREAS, the North Carolina State Office of Historic Preservation is unsure about the impacts to the Glencoe Historic District if Senate Bill 675 is passed and Alamance County does not adopt a corresponding historic district; and

WHEREAS, Senate Bill 675 seeks to recognize all stormwater control measures as open space despite the fact that some stormwater control measures may be configured as tanks under parking lots or as riprap-lined retention ponds with steep slopes surrounded by tall fences; and

WHEREAS, the City's UDO already has incentives for crediting stormwater control facilities towards open space requirements when configured as "site amenities" that include access for pedestrians, gentle slopes, landscaping, and no fencing; and

WHEREAS, Senate Bill 675 seeks to pre-empt local zoning dimensional requirements by abolishing minimum lot sizes (or establishing an 8,700-square-foot maximum lot size as an alternative) for all lots that permit single-family detached dwellings, single-family attached dwellings, and two-family dwellings; and

WHEREAS, Senate Bill 675 seeks to pre-empt local zoning district maximum densities by establishing a state-mandated minimum residential density requirement of five dwelling units per acre in any zoning district that permits single-family detached dwellings, single-family attached dwellings, and two-family dwellings; and

WHEREAS, the City's UDO and Zoning Map already provides at least two zoning districts where single-family detached, attached, and two-family dwellings may be established on lots smaller than 8,700 feet or at densities greater than five units an acre; and

WHEREAS, the City's UDO and Zoning Map includes four zoning districts that require lots sizes larger than 8,700 square feet or residential densities lower than 5 units an acre for single-family detached, attached, and two-family dwelling; and

WHEREAS, the pre-emption of local zoning rules further undercuts community character by allowing additional subdivision of lots larger than 8,700 square feet within established residential neighborhoods; and

WHEREAS, prior changes to the General Statutes that bar local governments from applying design controls or community character protections to single-family detached, single-family attached, and two-family dwellings will exacerbate the negative impacts resulting from further subdivision of lots within established residential since the City may not address land use compatibility with design controls; and

WHEREAS, the CITY OF BURLINGTON adopted its UDO and Zoning Map in accordance with the will of the community, sound planning practice, and in accordance with its comprehensive plan, as mandated by NCGS§ 160D-501; and

WHEREAS, the City Council believes that Senate Bill 675 fails to recognize the City's infrastructure expenditures within its ETJ, results in a loss of land use compatibility protections for landowners in the ETJ, creates confusion regarding historic districts located within ETJ areas, credits underground stormwater facilities as open space; creates opportunities for establishment of unchecked incompatible development within established residential neighborhoods, and results in a net economic loss to the region.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON:

1. That the Burlington City Council is opposed to Senate Bill 675 in its entirety; and

2. That the Burlington City Council urges North Carolina legislators to vote against Senate Bill 675; and

3. That the North Carolina General Assembly strive to seek greater input from the public, State officials, and local elected officials across the State about proposed legislation that restricts local governments' ability to manage growth at their edges, or that applies uniform land use requirements to all local governments regardless of their lawfully established local regulations or development conditions.

Adopted this the 6th day of June 2023.

Jim Butler, Mayor

Attest

Beverly Smith, City Clerk

CITY OF BURLINGTON NORTH CAROLINA FEB. 14, 1893