

**ORDINANCE EXTENDING THE TOWN'S EXTRA-TERRITORIAL JURISDICTION
ALONG NC HIGHWAY 107 AND ESTABLISHING ZONING OF THE EXTRA-
TERRITORIAL JURISDICTION**

WHEREAS, pursuant to North Carolina General Statute (hereinafter G.S.) 160A-360, the Town of Sylva has determined to extend its extra-territorial jurisdiction to an area south of the current corporate limit along NC Highway 107, which is more particularly described on Exhibits "A" and "B" attached hereto and made a part hereof in which there is existing and projected urban development and is an area of critical concern to the Town, as shown by the Town's Smart Growth Master Plan and should therefore be included within the Town's land use and planning jurisdiction as provided for in G.S. 160A-360; and

WHEREAS, the Zoning Ordinance of the Code of Ordinances of the Town of Sylva (the Code) sets forth the territorial and extra-territorial jurisdiction of the zoning ordinance of the Town of Sylva.

WHEREAS, it is necessary to amend the Code of Ordinances and Official Zoning Map as described in the Code, to extend the extra-territorial of the Town of Sylva;

WHEREAS, the Town of Sylva has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations and district classifications from time to time in the interest of public health, safety and welfare; and

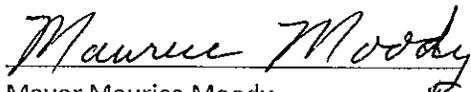
WHEREAS, a comprehensive amendment to the Town's zoning regulations was adopted on May 7, 1998 and is codified in the Code of Ordinances (hereinafter "Zoning Ordinance"), and maps dividing and classifying the property within the Town's zoning jurisdiction were adopted on May 7, 1998 and are on file and maintained in the Office of the Jackson County Planning Department (hereinafter "Official Zoning Map"); and

WHEREAS, the Town of Sylva Board of Commissioners has determined that it is in the interest of the public health, safety and welfare to amend the Official Zoning Map with respect to the properties identified in the Extra-Territorial Jurisdiction (ETJ) along NC Highway 107 attached hereto as Exhibit A;

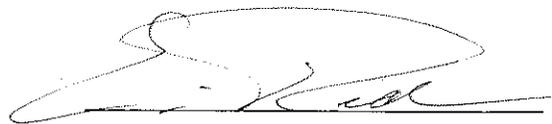
NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF SYLVA THAT:

1. The extra-territorial jurisdiction of the Town of Sylva be and is hereby extended by this ordinance to include the area described in Exhibit "A" and shown on the map attached hereto as Exhibit "B" and incorporated by reference.
2. The Town Clerk is hereby directed to cause a map that shall comply with G.S. 160A-360 and 160A-22 to be maintained in the Office of Town Clerk.
3. That the Town of Sylva Official Zoning Map is hereby amended to include the properties identified on Exhibits A and B, which properties shall be zoned as follows:
 - a. All of those lands lying within the Rivercrest Development shall be zoned R-1 Residential.
 - b. All other lands shall be zoned B-3 Business.
4. That the Town of Sylva Code Enforcement Officer is hereby authorized and directed to make such changes on the Town of Sylva Official Zoning Map.
5. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Commissioners hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.
6. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.
7. That this ordinance shall be in full force and effect on the date of adoption.

READ, APPROVED AND ADOPTED THIS 4TH DAY OF DECEMBER, 2014.


Mayor Maurice Moody

APPROVED AS TO FORM:


Eric Ridenour, Town Attorney

ATTEST:


Amanda Murajda, Town Clerk

EXHIBIT A

Property Description of Highway 107 ETJ 4 tract amendment:

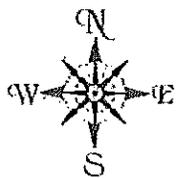
Being and including those 4 tracts of real property described as follows:

Tract 1: Being all of that real property of Kenneth Gillis, bearing Jackson County PIN# 7640-74-395, lying between and bordered by Hwy 107 on the East, the bridge over the Tuckasegee River at the intersection with old Hwy 107 on the South, the Tuckasegee River on the West and South River Road (SR 1345) to the North and being a portion of that property described in Deed Book 1970, page 773 and more particularly depicted as Tracts 1 and and portion of tract 2 in that survey by Roy J Tucker for Kenneth H. Gillis recorded in Plat Cabinet 15, Slide 636 of the Jackson County Registry and being the same property on which is situated the structure in which the ice cream shop known as Jack the Dipper was formally located.

Tract 2: Being all of that approximate real property 61.04 acres of AWD Family LP, LLLP, bearing Jackson County PIN# 7640-85-7027, which is directly across the road from the above described Tract 1, on the East side of Hwy 107, and more particularly described in Deed Book 1872, page 79 of the Jackson County Registry and more particularly depicted in that Stephen Foster, PLS survey as 61.04 acres and recorded in Plat Cabinet 17, Slide 238 of the Jackson County Registry and

Tract 3: Being all of that approximate 0.592 acres of real property of Mary Painter, bearing Jackson County PIN#7640-74-8453, lying on the North side of Old Cullowhee Road where it intersects with Hwy 107, the same being more particularly described in Deed Book 767, page 538 of the Jackson County Registry and more particularly depicted in that platy by Blackrock Surveying recorded in Plat Cabinet 19, Slide 90 of the Jackson County Registry.

Tract 4: Being all of that approximate 1.7 acres of real property of Bryan Douglas Painter, bearing Jackson County PIN# 7640-74-9519, lying between the above described Tracts 2 and 3, situated on the North side of Old Cullowhee Road where it intersects with Hwy 107, the same being more particularly described in Deed Book 769, page 714 and more particularly depicted as that partially surveyed tract of land lying North of the Mary Painter tract in that Blackrock Surveying plat recorded in Plat Cabinet 19, Slide 90 of the Jackson County Registry.



Proposed ETJ Amendment



This map is prepared for inventory of real property within Jackson County. It is compiled from recorded deeds, plats, and public data records. Users of this map are hereby notified that the aforementioned public information sources should be consulted for verification. Jackson County or any County representative assumes no legal responsibility for the contents of this map.

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