



Questions & Answers About Zoning, Regulation, Annexation Concerns, and Taxes

Q: Will adoption of the Joint Land Use Plan change my zoning?

A: The Land Use Plan is a policy document, and its official adoption would not automatically change either Chatham County's or Cary's Zoning Maps or Ordinances. Zoning changes must follow a separate legislative process by the local government.

Q: Will implementation of the Joint Land Use Plan lead to a change in my zoning?

A: Some portions of the Joint Plan area might need to be rezoned either in concert with, or following adoption of, the Joint Plan. In particular, in order to implement the Joint Plan's key goals of preserving rural character and protecting Jordan Lake water quality, properties designated as "1 dwelling per 5 acres" on the Plan Map would need to be downzoned accordingly, from their current County zoning of one house per acre.

Q: Will property owners within the plan area be subject to development ordinances that Cary has adopted but that Chatham County has not adopted?

A: If a property is located in Chatham County but not within the Cary municipal limits, then that property is only subject to Chatham County development ordinances, and any requests for development plan approval and building permits must be submitted to Chatham County. Development plans submitted for approval to Chatham County will be subject to Chatham County development regulations.

If a property is located both within Chatham County and also within the Cary municipal limits (such as is the case for portions of Amberly and Weldon Ridge), then that property is subject to Town of Cary development ordinances, and any requests for development plan approval and building permits must be submitted to the Town of Cary. Town of Cary ordinances only apply to properties located within the Town of Cary.

Q. What is Extraterritorial Zoning and Planning Jurisdiction (ETJ)? Has it been granted to Cary in Chatham County?

A. Under state law, counties may grant municipalities a limited area beyond their existing corporate limits where the municipality is authorized to regulate land use and development, including control over such things as zoning, subdivision, watershed regulations, and building permits. In Chatham County, two municipalities have been granted ETJ (Pittsboro and Siler City), and two have not (Goldston and Cary). The amount of ETJ that may be granted to a municipality depends on the municipality's population size. In Wake County, all twelve municipalities have been granted ETJ.

Q: Will adoption of the Land Use Plan cause my property to be annexed?

A: No. This Plan will be a policy document establishing a common long-term vision for future land uses, transportation, parks, open space, and the environment. It is not an annexation ordinance or proposal.

Q. I'm still concerned that someday my property may be annexed against my wishes. What are the state laws regarding Town-initiated annexation?

A. Under NC state law, there are very strict tests that must be satisfied in order for any municipality to initiate the annexation of a property. The subject parcels must be:

1. Adjacent to the municipality's Town limits; and
2. Have a total population density of at least 2.3 persons per acre; **Or**

3. Have a total population of at least 1 person per acre and be subdivided into lots such that at least 60% of the total acreage within its boundary consists of lots 3 acres or less in size and of these lots at least 65% of the total number of lots are 1 acre or less in size; **Or**
4. The land must be so developed that at least 60% of the total number of lots and tracts are used for residential or non-residential purposes and the residential properties are subdivided such that at least 60% of the total acreage consist of lots 3 acres or less in size.

If none of these situations apply to your property, you **cannot** be annexed by a municipality unless the owner(s) of the land specifically requests to be annexed. Since the vast majority of the existing residential properties are larger than three acres in size in this part of Chatham County and/or the properties are not adjacent to Cary's existing Town limits, only a handful of residential properties even qualify for Town-initiated annexation, if it were ever to occur.

Q. Are municipalities allowed to cross County Lines? What is Cary's status in Chatham County?

A. Cary is one of four municipalities in Chatham County, the other three being Pittsboro, Siler City, and Goldston. In North Carolina, municipalities are a separate unit of government from counties, and are chartered by the state for different purposes. In North Carolina, municipalities are free to cross county lines, and this is in fact a regular occurrence in the state. For example, in the Triangle area, the City of Raleigh crosses over into Durham County, the City of Durham crosses over into Wake County, and the Town of Chapel Hill crosses over into Durham County. Also, extensions of municipal limits does not require County consent or approval in North Carolina. This is true for all 100 counties in North Carolina. However, County approval is required to grant a municipality extraterritorial zoning jurisdiction beyond its corporate limits.

Q: Will my taxes increase as a result of the Joint Land Use Plan?

A: No. The development of a joint land use plan will not result in an increase in your taxes. As described in a preceding question, this policy planning effort is not an annexation plan, and will not result in any Town-initiated annexation. Thus, properties within the study area that are outside Cary's municipal limits will continue to just pay Chatham County property taxes, while properties within the study area that are currently within Cary's limits (such as Amberly and Weldon Ridge) will continue to pay both Chatham County and Town of Cary property taxes.

The value of your property is established by the Chatham County Tax Office during their revaluation every 4 years, with the most recent revaluation occurring this year, in 2009. You can view information about the tax department's revaluation process at the Chatham County Web site at www.chathamnc.org (select on "Departments" then "Tax Office" then "Revaluation Information"). The County tax rate is set by the Chatham Board of Commissioners annually. Similarly, the Cary tax rate is set by the Cary Town Council annually. Tax rates are applied and do not change based on where you live within a jurisdiction.

To Learn More...

1. Visit the Web page for the Plan at: www.chathamnc.org/jointchathamcaryplan
2. Contact Chatham County project staff: Jason Sullivan, Acting Planning Director, ph. (919) 542-8233; e-mail: jason.sullivan@chathamnc.org
3. Contact Town of Cary project staff: Scott Ramage, Principal Planner, ph. (919) 462-3888; e-mail: scott.ramage@townofcary.org