	Policy: Extraterritorial Jurisdiction Removal	Effective Date: Revision Date:
	Policy Number:	Page: 1 of 4
	Policy Creator: Wilson Hooper, City Manager	Responsible Party: Planning

CITY OF BREVARD

EXTRATERRITORIAL JURDISDICTION REMOVAL

Adopted Date:

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General Policy

I. Policy Statement

It is the policy of the City of Brevard to judiciously consider requests to remove property from the City's extraterritorial jurisdiction (ETJ). Requests for removal shall be submitted to staff and evaluated according to these guidelines; removal requests shall only be granted by City Council.

II. Definitions

a. **Extraterritorial Jurisdiction** refers to the area outside the corporate limits over which the City of Brevard's Unified Development applies, more specifically described in Appendix D of the Brevard Code of Ordinances. This power is derived via NCGS 160A-360.
b. **Major development corridor** refers to Hwy 276, Hwy 64, and Wilson Rd.

III. Eligibility

Eligible properties include:

a. Properties adjacent to the ETJ's boundary as of July 1, 2026. A property is not eligible if its removal creates a "donut hole" in the ETJ.
b. Properties zoned residential.
c. Properties not along a major development corridor.

Other considerations:

d. Properties with City utilities are typically not eligible for removal.
    i. Exceptions will be granted for properties granted access to City utilities at the request of Transylvania County Public Health Department.
        1. Properties who receive this exception must agree not to redevelop the property to a higher intensity use
e. Applicants are encouraged to obtain the written consent of neighboring property owners, as the presence of the ETJ gives them protections from unregulated development.

IV. Procedure

a. Property owners shall apply with the City of Brevard Planning Department for removal.
b. Applicants shall be subject to the same application requires as properties wishing to annex into the City, which includes:
    i. Plat
    ii. $500 "ETJ Modification" fee

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c. The Planning Administrator shall research the property and, within 10 business days, determine its eligibility according to these guidelines.
d. The Planning Administrator will notify ineligible properties and the application shall be considered closed. Properties ineligible for removal shall have their modification fee refunded.
e. Eligible properties will be scheduled for a public hearing at the soonest eligible City Council meeting where public notification requirements can be met.
f. It is the City Council's typical practice to make decisions on Public Hearing items at its next regular meeting.

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