

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE BILL DRS15290-MQx-89

Short Title: Land Use Clarification and Changes. (Public)

Sponsors: Senators Lee, Craven, and Galey (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE SITING OF SCHOOLS VIA SPECIAL USE PERMIT FOR
3 AREAS ZONED FOR COMMERCIAL USE, TO CLARIFY THAT USE RIGHTS ON
4 PROPERTY ARE NOT EXTINGUISHED BY THE APPROVAL OF ADDITIONAL USE
5 RIGHTS, AND TO ELIMINATE MUNICIPAL EXTRATERRITORIAL JURISDICTION.
6 The General Assembly of North Carolina enacts:

7
8 **PART I. SCHOOLS A PERMITTED USE IN COMMERCIAL ZONES**

9 **SECTION 1.1.** Part 1 of Article 9 of Chapter 160D of the General Statutes is
10 amended by adding a new section to read:

11 "**§ 160D-917. School sites in commercial zones.**

12 A local government zoning regulation shall permit by right or by special use the siting of a
13 school building that is primarily used for the instruction of students and is under the control of a
14 public school unit in areas zoned for commercial use."

15 **SECTION 1.2.** This Part is effective when it becomes law.

16
17 **PART II. CLARIFY EXISTING USE RIGHTS ON PROPERTY**

18 **SECTION 2.1.** G.S. 160D-108 reads as rewritten:

19 "**§ 160D-108. Permit choice and vested rights.**

20 ...

21 (c) Vested Rights. – Amendments in land development regulations are not applicable or
22 enforceable without the written consent of the owner with regard to any of the following:

- 23 (1) Buildings or uses of buildings or land for which a development permit
24 application has been submitted and subsequently issued in accordance with
25 G.S. 143-755.
26 (2) Subdivisions of land for which a development permit application authorizing
27 the subdivision has been submitted and subsequently issued in accordance
28 with G.S. 143-755.
29 (3) A site-specific vesting plan pursuant to G.S. 160D-108.1.
30 (4) A multi-phased development pursuant to subsection (f) of this section.
31 (5) A vested right established by the terms of a development agreement
32 authorized by Article 10 of this Chapter.

33 The establishment of a vested right under any subdivision of this subsection does not preclude
34 vesting under one or more other subdivisions of this subsection or vesting by application of
35 common law principles. A vested right, once established as provided for in this section or by
36 common law, precludes any action by a local government that would change, alter, impair,



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1 prevent, diminish, or otherwise delay the development or use of the property allowed by the
 2 applicable land development regulation or regulations, except where a change in State or federal
 3 law mandating local government enforcement occurs after the development application is
 4 submitted that has a fundamental and retroactive effect on the development or use. A vested right
 5 obtained by permit or other local government approval shall not preclude the use or extinguish
 6 the existence of any other vested right or use by right attached to the property.

7"

8 **SECTION 2.2.** G.S. 160D-705 reads as rewritten:

9 "**§ 160D-705. Quasi-judicial zoning decisions.**

10 ...

11 (c) Special Use Permits. – The regulations may provide that the board of adjustment,
 12 planning board, or governing board hear and decide special use permits in accordance with
 13 principles, conditions, safeguards, and procedures specified in the regulations. Reasonable and
 14 appropriate conditions and safeguards may be imposed upon these permits. Where appropriate,
 15 such conditions may include requirements that street and utility rights-of-way be dedicated to the
 16 public and that provision be made for recreational space and facilities. Conditions and safeguards
 17 imposed under this subsection shall not include requirements for which the local government
 18 does not have authority under statute to regulate nor requirements for which the courts have held
 19 to be unenforceable if imposed directly by the local government, including, without limitation,
 20 taxes, impact fees, building design elements within the scope of G.S. 160D-702(b),
 21 driveway-related improvements in excess of those allowed in G.S. 136-18(29) and
 22 G.S. 160A-307, or other unauthorized limitations on the development or use of land.

23 The regulations may provide that defined minor modifications to special use permits that do
 24 not involve a change in uses permitted or the density of overall development permitted may be
 25 reviewed and approved administratively. Any other modification or revocation of a special use
 26 permit shall follow the same process for approval as is applicable to the approval of a special use
 27 permit. If multiple parcels of land are subject to a special use permit, the owners of individual
 28 parcels may apply for permit modification so long as the modification would not result in other
 29 properties failing to meet the terms of the special use permit or regulations. Any modifications
 30 approved apply only to those properties whose owners apply for the modification. The regulation
 31 may require that special use permits be recorded with the register of deeds. If a special use permit
 32 expires and does not vest, the current zoning classification or regulation for the property applies.

33"

34 **SECTION 2.3.** This Part is effective when it becomes law.

35 **PART III. REMOVE EXTRATERRITORIAL JURISDICTION AUTHORITY**

36 **SECTION 3.1.** G.S. 160D-201 reads as rewritten:

37 "**§ 160D-201. Planning and development regulation jurisdiction.**

38 (a) Cities. – All of the powers granted by this Chapter may be exercised by any city within
 39 its corporate ~~limits and within any extraterritorial area established pursuant to~~
 40 ~~G.S. 160D-202.limits.~~

41"

42 **SECTION 3.2.** G.S. 160D-202 reads as rewritten:

43 "**§ 160D-202. ~~Municipal extraterritorial~~ Transfer or relinquishment of jurisdiction.**

44 (a) ~~Geographic Scope. Any city may exercise the powers granted to cities under this~~
 45 ~~Chapter within a defined area extending not more than one mile beyond its contiguous corporate~~
 46 ~~limits. In addition, a city of 10,000 or more population but less than 25,000 may exercise these~~
 47 ~~powers over an area extending not more than two miles beyond its limits and a city of 25,000 or~~
 48 ~~more population may exercise these powers over an area extending not more than three miles~~
 49 ~~beyond its limits. In determining the population of a city for the purposes of this Chapter, the city~~
 50 ~~council and the board of county commissioners may use the most recent annual estimate of~~
 51

1 population as certified by the Secretary of the North Carolina Department of Administration.
2 Pursuant to G.S. 160A-58.4, extraterritorial municipal planning and development regulation may
3 be extended only from the primary corporate boundary of a city and not from the boundary of
4 satellite areas of the city.

5 (b) Authority in the Extraterritorial Area.— A city may not exercise any power conferred
6 by this Chapter in its extraterritorial jurisdiction that it is not exercising within its corporate limits.
7 A city may exercise in its extraterritorial area all powers conferred by this Chapter that it is
8 exercising within its corporate limits. If a city fails to extend a particular type of development
9 regulation to the extraterritorial area, the county may elect to exercise that particular type of
10 regulation in the extraterritorial area.

11 (c) County Approval of City Jurisdiction.— Notwithstanding subsection (a) of this
12 section, no city may extend its extraterritorial powers into any area for which the county has
13 adopted and is enforcing county zoning and subdivision regulations. However, the city may do
14 so where the county is not exercising both of these powers, or when the city and the county have
15 agreed upon the area within which each will exercise the powers conferred by this Chapter. No
16 city may extend its extraterritorial powers beyond one mile from its corporate limits without the
17 approval of the board or boards of county commissioners with jurisdiction over the area.

18 (d) Notice of Proposed Jurisdiction Change.— Any municipality proposing to exercise
19 extraterritorial jurisdiction under this Chapter shall notify the owners of all parcels of land
20 proposed for addition to the area of extraterritorial jurisdiction, as shown on the county tax
21 records. The notice shall be sent by first class mail to the last addresses listed for affected
22 property owners in the county tax records. The notice shall inform the landowner of the effect of
23 the extension of extraterritorial jurisdiction, of the landowner's right to participate in a legislative
24 hearing prior to adoption of any ordinance extending the area of extraterritorial jurisdiction, as
25 provided in G.S. 160D-601, and of the right of all residents of the area to apply to the board of
26 county commissioners to serve as a representative on the planning board and the board of
27 adjustment, as provided in G.S. 160D-303. The notice shall be mailed at least 30 days prior to
28 the date of the hearing. The person or persons mailing the notices shall certify to the city council
29 that the notices were sent by first class mail, and the certificate shall be deemed conclusive in the
30 absence of fraud.

31 (e) Boundaries.— Any council exercising extraterritorial jurisdiction under this Chapter
32 shall adopt an ordinance specifying the areas to be included based upon existing or projected
33 urban development and areas of critical concern to the city, as evidenced by officially adopted
34 plans for its development. A single jurisdictional boundary shall be applicable for all powers
35 conferred in this Chapter. Boundaries shall be defined, to the extent feasible, in terms of
36 geographical features identifiable on the ground. Boundaries may follow parcel ownership
37 boundaries. A council may, in its discretion, exclude from its extraterritorial jurisdiction areas
38 lying in another county, areas separated from the city by barriers to urban growth, or areas whose
39 projected development will have minimal impact on the city. The boundaries specified in the
40 ordinance shall at all times be drawn on a map, set forth in a written description, or shown by a
41 combination of these techniques. This delineation shall be maintained in the manner provided in
42 G.S. 160A-22 for the delineation of the corporate limits and shall be recorded in the office of the
43 register of deeds of each county in which any portion of the area lies.

44 Where the extraterritorial jurisdiction of two or more cities overlaps, the jurisdictional
45 boundary between them shall be a line connecting the midway points of the overlapping area
46 unless the city councils agree to another boundary line within the overlapping area based upon
47 existing or projected patterns of development.

48 (f)(a) County Authority Within City Jurisdiction. – The county may, on request of the city
49 council, exercise any or all of these the powers granted in this Chapter in any or all areas lying
50 within the city's corporate limits or within the city's specified area of extraterritorial
51 jurisdiction limits.

1 ~~(g)~~(b) Transfer of Jurisdiction. – When a city ~~annexes, annexes~~ or a new city is incorporated
2 ~~in, or a city extends its jurisdiction to include, in~~ an area that is currently being regulated by the
3 county, the county development regulations and powers of enforcement shall remain in effect
4 until (i) the city has adopted such development regulations or (ii) a period of 60 days has elapsed
5 following the ~~annexation, extension, annexation~~ or incorporation, whichever is sooner. Prior to
6 the transfer of jurisdiction, the city may hold hearings and take any other measures consistent
7 with G.S. 160D-204 that may be required in order to adopt and apply its development regulations
8 for the area at the same time it assumes jurisdiction.

9 ~~(h)~~(c) Relinquishment of Jurisdiction. – When a city relinquishes jurisdiction over an area
10 that it is regulating under this Chapter to a county, the city development regulations and powers
11 of enforcement shall remain in effect until (i) the county has adopted such development
12 regulation or (ii) a period of 60 days has elapsed following the action by which the city
13 relinquished jurisdiction, whichever is sooner. Prior to the transfer of jurisdiction, the county
14 may hold hearings and take other measures consistent with G.S. 160D-204 that may be required
15 in order to adopt and apply its development regulations for the area at the same time it assumes
16 jurisdiction.

17 ~~(i)~~(d) Process for Local Government Approval. – When a local government is granted
18 powers by this section subject to the request, approval, or agreement of another local government,
19 the request, approval, or agreement shall be evidenced by a formally adopted resolution of the
20 governing board of the local government. Any such request, approval, or agreement can be
21 rescinded upon two years' written notice to the other governing boards concerned by repealing
22 the resolution. The resolution may be modified at any time by mutual agreement of the governing
23 boards concerned.

24 ~~(j)~~ Local Acts. — ~~Nothing in this section shall repeal, modify, or amend any local act that~~
25 ~~defines the boundaries of a city's extraterritorial jurisdiction by metes and bounds or courses and~~
26 ~~distances.~~

27 ~~(k)~~(e) Effect on Vested Rights. – Whenever a city or county, pursuant to this section,
28 acquires jurisdiction over a territory that theretofore has been subject to the jurisdiction of another
29 local government, any person who has acquired vested rights in the surrendering jurisdiction may
30 exercise those rights as if no change of jurisdiction had occurred. The city or county acquiring
31 jurisdiction may take any action regarding such a development approval, certificate, or other
32 evidence of compliance that could have been taken by the local government surrendering
33 jurisdiction pursuant to its development regulations. Except as provided in this subsection, any
34 building, structure, or other land use in a territory over which a city or county has acquired
35 jurisdiction is subject to the development regulations of the city or county."

36 **SECTION 3.3.** G.S. 160D-307 is repealed.

37 **SECTION 3.4.** G.S. 160D-602 reads as rewritten:

38 **"§ 160D-602. Notice of hearing on proposed zoning map amendments.**

39 (a) Mailed Notice. – Subject to the limitations of this Chapter, an ordinance shall provide
40 for the manner in which zoning regulations and the boundaries of zoning districts are to be
41 determined, established, and enforced, and from time to time amended, supplemented, or
42 changed, in accordance with the provisions of this Chapter. The owners of affected parcels of
43 land and the owners of all parcels of land abutting that parcel of land shall be mailed a notice of
44 the hearing on a proposed zoning map amendment by first-class mail at the last addresses listed
45 for such owners on the county tax abstracts. For the purpose of this section, properties are
46 "abutting" even if separated by a street, railroad, or other transportation corridor. This notice must
47 be deposited in the mail at least 10 but not more than 25 days prior to the date of the hearing. ~~If~~
48 ~~the zoning map amendment is being proposed in conjunction with an expansion of municipal~~
49 ~~extraterritorial planning and development regulation jurisdiction under G.S. 160D-202, a single~~
50 ~~hearing on the zoning map amendment and the boundary amendment may be held. In this~~
51 ~~instance, the initial notice of the zoning map amendment hearing may be combined with the~~

1 ~~boundary hearing notice and the combined hearing notice mailed at least 30 days prior to the~~
2 ~~hearing.~~

3"

4 **SECTION 3.5.** G.S. 160D-903 reads as rewritten:

5 **"§ 160D-903. Agricultural uses.**

6 ...

7 (e) ~~Agricultural Areas in Municipal Extraterritorial Jurisdiction.—Property that is located~~
8 ~~in a city's extraterritorial planning and development regulation jurisdiction and that is used for~~
9 ~~bona fide farm purposes is exempt from the city's zoning regulation to the same extent bona fide~~
10 ~~farming activities are exempt from county zoning pursuant to this section. As used in this~~
11 ~~subsection, "property" means a single tract of property or an identifiable portion of a single tract.~~
12 ~~Property that ceases to be used for bona fide farm purposes becomes subject to exercise of the~~
13 ~~city's extraterritorial planning and development regulation jurisdiction under this Chapter. For~~
14 ~~purposes of complying with State or federal law, property that is exempt from municipal zoning~~
15 ~~pursuant to this subsection is subject to the county's floodplain regulation or all floodplain~~
16 ~~regulation provisions of the county's unified development ordinance.~~

17"

18 **SECTION 3.6.** G.S. 160D-912 reads as rewritten:

19 **"§ 160D-912. Outdoor advertising.**

20 ...

21 (m) This section does not apply to any ordinance in effect on July 1, 2004. A local
22 government may amend an ordinance in effect on July 1, 2004, to extend application of the
23 ordinance to off-premises outdoor advertising located in territory acquired by ~~annexation or~~
24 ~~located in the extraterritorial jurisdiction of the city.~~ annexation. A local government may repeal
25 or amend an ordinance in effect on July 1, 2004, so long as the amendment to the existing
26 ordinance does not reduce the period of amortization in effect on June 19, 2020.

27"

28 **SECTION 3.7.** G.S. 160D-925 reads as rewritten:

29 **"§ 160D-925. Stormwater control.**

30 ...

31 (e) ~~Unless the local government requests the permit condition in its permit application,~~
32 ~~the Environmental Management Commission may not require as a condition of an NPDES~~
33 ~~stormwater permit issued pursuant to G.S. 143-214.7 that a city implement the measure required~~
34 ~~by 40 Code of Federal Regulations § 122.34(b)(3)(1 July 2003 Edition) in its extraterritorial~~
35 ~~jurisdiction."~~

36 **SECTION 3.8.** G.S. 160D-1125 reads as rewritten:

37 **"§ 160D-1125. Enforcement.**

38 ...

39 (c) **Additional Lien.** – The amounts incurred by a local government in connection with
40 the removal or demolition are also a lien against any other real property owned by the owner of
41 the building or structure and located within the local government's planning and development
42 regulation ~~jurisdiction, and for cities without extraterritorial planning and development~~
43 ~~jurisdiction, within one mile of the city limits,~~ jurisdiction, except for the owner's primary
44 residence. The provisions of subsection (b) of this section apply to this additional lien, except
45 that this additional lien is inferior to all prior liens and shall be collected as a money judgment.

46"

47 **SECTION 3.9.** Any provision in a local act that grants a city the power to exercise
48 extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General Statutes,
49 or its successor Chapter 160D of the General Statutes, is hereby repealed.

50 **SECTION 3.10.** The relinquishment of jurisdiction over an area that a city is
51 regulating under the authority of extraterritorial planning jurisdiction under Article 19 of Chapter

1 160A of the General Statutes, or its successor Chapter 160D of the General Statutes, shall become
 2 effective January 1, 2025. However, nothing in this Part shall be construed as prohibiting a city
 3 from relinquishing jurisdiction over an area prior to January 1, 2025, so long as the city complies
 4 with the provisions of Article 19 of Chapter 160A of the General Statutes, or its successor
 5 Chapter 160D of the General Statutes.

6 **SECTION 3.11.** Upon relinquishment of jurisdiction over an area that a city is
 7 regulating under the authority of extraterritorial planning jurisdiction under Article 19 of Chapter
 8 160A of the General Statutes, or its successor Chapter 160D of the General Statutes:

- 9 (1) The city regulations and powers of enforcement shall remain in effect until (i)
 10 the county has adopted the regulation or (ii) a period of 60 days has elapsed
 11 following the effective date of this Part, whichever is sooner. During this
 12 period, the county may hold hearings and take other measures that may be
 13 required in order to adopt its regulations for the area.
- 14 (2) Any person who has acquired vested rights under a permit, certificate, or other
 15 evidence of compliance issued by the city may exercise those rights as if no
 16 change of jurisdiction had occurred. The county acquiring jurisdiction may
 17 take any action regarding the permit, certificate, or other evidence of
 18 compliance that could have been taken by the city surrendering jurisdiction
 19 pursuant to its ordinances and regulations. Except as provided in this section,
 20 any building, structure, or other land use in a territory over which a county has
 21 acquired jurisdiction is subject to the ordinances and regulations of the county.

22 **SECTION 3.12.** G.S. 113A-208 reads as rewritten:

23 **"§ 113A-208. Regulation of mountain ridge construction by counties and cities.**

24 ...

25 (d) An ordinance adopted under the authority of this section applies to all protected
 26 mountain ridges as defined in G.S. 113A-206. A county or city may apply the ordinance to other
 27 mountain ridges within its jurisdiction if it finds that this application is reasonably necessary to
 28 protect against some or all of the hazards or problems set forth in G.S. 113A-207. ~~Additionally,~~
 29 ~~a city with a population of 50,000 or more may apply the ordinance to other mountain ridges~~
 30 ~~within its extraterritorial planning jurisdiction if it finds that this application is reasonably~~
 31 ~~necessary to protect against some or all of the hazards or problems set forth in G.S. 113A-207.~~

32"

33 **SECTION 3.13.** G.S. 122C-3 reads as rewritten:

34 **"§ 122C-3. Definitions.**

35 The following definitions apply in this Chapter:

36 ...

37 (13e) Extraterritorial jurisdiction. – The boundaries of the area over which the Town
 38 of Butner was exercising extraterritorial planning jurisdiction under Article
 39 19 of Chapter 160A of the General Statutes, or its successor Chapter 160D of
 40 the General Statutes, prior to the Town's relinquishment of jurisdiction over
 41 the area on or before January 1, 2025.

42"

43 **SECTION 3.14.** G.S. 122C-403 reads as rewritten:

44 **"§ 122C-403. Secretary's authority over Camp Butner reservation.**

45 The Secretary shall administer the Camp Butner reservation except (i) those areas within the
 46 municipal boundaries of the Town of Butner and (ii) that portion of the Town of Butner's
 47 extraterritorial jurisdiction-jurisdiction, as defined in G.S. 122C-3(13e), consisting of lands not
 48 owned by the State of North Carolina. In performing this duty, the Secretary has the powers listed
 49 below. In exercising these powers the Secretary has the same authority and is subject to the same
 50 restrictions that the governing body of a city would have and would be subject to if the reservation
 51 was a city, unless this section provides to the contrary. The Secretary may do the following:

1 "

2 **SECTION 3.15.** G.S. 122C-405 reads as rewritten:

3 "**§ 122C-405. Procedure applicable to rules.**

4 Rules adopted by the Secretary under this Article shall be adopted in accordance with the
5 procedures for adopting a city ordinance on the same subject, shall be subject to review in the
6 manner provided for a city ordinance adopted on the same subject, and shall be enforceable in
7 accordance with the procedures for enforcing a city ordinance on the same subject. Violation of
8 a rule adopted under this Article is punishable as provided in G.S. 122C-406.

9 Rules adopted under this Article may apply to part or all of the Camp Butner Reservation,
10 except those areas within the municipal boundaries of the Town of Butner and that portion of the
11 Town of Butner's extraterritorial ~~jurisdiction~~ jurisdiction, as defined in G.S. 122C-3(13e),
12 consisting of lands not owned by the State of North Carolina. If a public hearing is required
13 before the adoption of a rule, Advisory the Secretary shall designate one or more employees of
14 the Department to conduct the hearing. The Butner Town Council shall receive at least 14 days'
15 advance written notice of any public hearing with all correspondence concerning such public
16 hearings to be directed to the mayor of the Town of Butner and sent by certified mail, return
17 receipt requested, or equivalent delivery service to Butner Town Hall."

18 **SECTION 3.16.** G.S. 122C-410 reads as rewritten:

19 "**§ 122C-410. Authority of county or city over Camp Butner Reservation; zoning**
20 **jurisdiction by Town of Butner over State lands.**

21 (a) A municipality other than the Town of Butner may not annex territory extending into
22 ~~or extend its extraterritorial jurisdiction into~~ the Camp Butner reservation without written
23 approval from the Secretary and the Butner Town Council of each proposed ~~annexation or~~
24 ~~extension.~~ annexation. The Town of Butner may not annex territory extending into ~~or extend its~~
25 ~~extraterritorial jurisdiction into~~ those portions of the Camp Butner Reservation owned by the
26 State of North Carolina without written approval from the Secretary of each proposed ~~annexation~~
27 ~~or extension.~~ annexation. The procedures, if any, for withdrawing approval granted by the
28 Secretary to an ~~annexation or extension of extraterritorial jurisdiction~~ shall be stated in the notice
29 of approval.

30 (b) A county ordinance may apply in part or all of the Camp Butner reservation (other
31 than areas within the Town of Butner) if the Secretary gives written approval of the ~~ordinance,~~
32 ~~except that ordinances adopted by a county under Chapter 160D of the General Statutes may not~~
33 ~~apply in the extraterritorial jurisdiction of the Town of Butner without approval of the Butner~~
34 ~~Town Council.~~ ordinance. The Secretary may withdraw approval of a county ordinance by giving
35 written notification, by certified mail, return receipt requested, to the county. A county ordinance
36 ceases to be effective in the Camp Butner reservation 30 days after the county receives the written
37 notice of the withdrawal of approval. This section does not enhance or diminish the authority of
38 a county to enact ordinances applicable to the Town of ~~Butner and its extraterritorial~~
39 ~~jurisdiction.~~ Butner.

40 (c) Notwithstanding any other provision of this Article, no portion of the lands owned by
41 the State as of September 1, 2007, which are located in the ~~extraterritorial jurisdiction or the~~
42 incorporated limits of the Town of Butner shall be subject to any of the powers granted to the
43 Town of Butner pursuant to Chapter 160D of the General Statutes except as to property no longer
44 owned by the State. If any portion of such property owned by the State of North Carolina as of
45 September 1, 2007, is no longer owned by the State, the Town of Butner may exercise all legal
46 authority granted to the Town pursuant to the terms of its charter or by Chapter 160D of the
47 General Statutes and may do so by ordinances adopted prior to the actual date of transfer. Before
48 the State shall dispose of any property inside the incorporated limits of the Town of Butner or
49 any of that property currently under the control of the North Carolina Department of Health and
50 Human Services or the North Carolina Department of Agriculture and Consumer Services within
51 the extraterritorial ~~jurisdiction~~ jurisdiction, as defined in G.S. 122C-3(13e), of the Town of

1 Butner, southeast of Old Highway 75, northeast of Central Avenue, southwest of 33rd Street, and
2 northwest of "G" Street, by sale or lease for any use not directly associated with a State function,
3 the Town of Butner shall first be given the right of first refusal to purchase said property at fair
4 market value as determined by the average of the value of said property as determined by a
5 qualified appraiser selected by the Secretary and a qualified appraiser selected by the Town of
6 Butner."

7 **SECTION 3.17.** G.S. 130A-317 reads as rewritten:

8 "**§ 130A-317. Department to provide advice; submission and approval of public water**
9 **system plans.**

10 ...

11 (d) Municipalities, counties, local boards or commissions, water and sewer authorities,
12 or groups of municipalities and counties may establish and administer within their utility service
13 areas their own approval program in lieu of State approval of water system plans required in
14 subsection (c) of this section for construction or alteration of the distribution system of a proposed
15 or existing public water system, subject to the prior certification of the Department. For purposes
16 of this subsection, the service area of a municipality shall include only that area within the
17 corporate limits of the municipality and that area outside a municipality in its extraterritorial
18 jurisdiction where water service is already being provided to the permit applicant by the
19 municipality or connection to the municipal water system is immediately available to the
20 applicant; the service areas of counties and the other entities or groups shall include only those
21 areas where water service is already being provided to the applicant by the permitting authority
22 or connection to the permitting authority's system is immediately available. For purposes of this
23 subsection, the term "extraterritorial jurisdiction" means the boundaries of the area over which a
24 municipality was exercising extraterritorial planning jurisdiction under Article 19 of Chapter
25 160A of the General Statutes, or its successor Chapter 160D of the General Statutes, prior to the
26 municipality's relinquishment of jurisdiction over the area on or before January 1, 2025. No later
27 than the 180th day after the receipt of an approval program and statement submitted by any local
28 government, commission, authority, or board, the Department shall certify any local program
29 that meets all of the following conditions:

30"

31 **SECTION 3.18.** G.S. 136-55.1 reads as rewritten:

32 "**§ 136-55.1. Notice of abandonment.**

33 ...

34 (b) ~~In keeping with its overall zoning scheme and long-range plans regarding the~~
35 ~~extraterritorial jurisdiction area, a~~ A municipality may keep open and assume responsibility for
36 maintenance of a road within one mile of its corporate limits once it is abandoned from the State
37 highway system."

38 **SECTION 3.19.** G.S. 136-63 reads as rewritten:

39 "**§ 136-63. Change or abandonment of roads.**

40 ...

41 (b) ~~In keeping with its overall zoning scheme and long-range plans regarding the~~
42 ~~extraterritorial jurisdiction area, a~~ A municipality may keep open and assume responsibility for
43 maintenance of a road within one mile of its corporate limits once it is abandoned from the State
44 highway system."

45 **SECTION 3.20.** G.S. 136-66.3 reads as rewritten:

46 "**§ 136-66.3. Local government participation in improvements to the State transportation**
47 **system.**

48 (a) Municipal Participation Authorized. – A municipality may, but is not required to,
49 participate in the right-of-way and construction cost of a State transportation improvement
50 approved by the Board of Transportation under G.S. 143B-350(f)(4) that is located in the
51 ~~municipality or its extraterritorial jurisdiction.~~ municipality.

1 "

2 **SECTION 3.21.** G.S. 143-138 reads as rewritten:

3 "**§ 143-138. North Carolina State Building Code.**

4 ...

5 (e) Effect upon Local Codes. – Except as otherwise provided in this section, the North
6 Carolina State Building Code shall apply throughout the State, from the time of its adoption.
7 Approved rules shall become effective in accordance with G.S. 150B-21.3. However, any
8 political subdivision of the State may adopt a fire prevention code and floodplain management
9 regulations within its jurisdiction. The territorial jurisdiction of any municipality or county for
10 this purpose, unless otherwise specified by the General Assembly, shall be as follows: Municipal
11 jurisdiction shall include all areas within the corporate limits of the ~~municipality and~~
12 ~~extraterritorial jurisdiction areas established as provided in G.S. 160D-202 or a local act;~~
13 municipality; county jurisdiction shall include all other areas of the county. No such code or
14 regulations, other than floodplain management regulations and those permitted by
15 G.S. 160D-1128, shall be effective until they have been officially approved by the Building Code
16 Council as providing adequate minimum standards to preserve and protect health and safety, in
17 accordance with the provisions of subsection (c) above. Local floodplain regulations may
18 regulate all types and uses of buildings or structures located in flood hazard areas identified by
19 local, State, and federal agencies, and include provisions governing substantial improvements,
20 substantial damage, cumulative substantial improvements, lowest floor elevation, protection of
21 mechanical and electrical systems, foundation construction, anchorage, acceptable flood resistant
22 materials, and other measures the political subdivision deems necessary considering the
23 characteristics of its flood hazards and vulnerability. In the absence of approval by the Building
24 Code Council, or in the event that approval is withdrawn, local fire prevention codes and
25 regulations shall have no force and effect. Provided any local regulations approved by the local
26 governing body which are found by the Council to be more stringent than the adopted statewide
27 fire prevention code and which are found to regulate only activities and conditions in buildings,
28 structures, and premises that pose dangers of fire, explosion or related hazards, and are not
29 matters in conflict with the State Building Code, may be approved. Local governments may
30 enforce the fire prevention code of the State Building Code using civil remedies authorized under
31 G.S. 143-139, 153A-123, and 160A-175. If the Commissioner of Insurance or other State official
32 with responsibility for enforcement of the Code institutes a civil action pursuant to G.S. 143-139,
33 a local government may not institute a civil action under G.S. 143-139, 153A-123, or 160A-175
34 based upon the same violation. Appeals from the assessment or imposition of such civil remedies
35 shall be as provided in G.S. 160D-1127.

36 A local government may not adopt any ordinance in conflict with the exemption provided by
37 subsection (c1) of this section. No local ordinance or regulation shall be construed to limit the
38 exemption provided by subsection (c1) of this section.

39 "

40 **SECTION 3.22.** G.S. 143-215.1 reads as rewritten:

41 "**§ 143-215.1. Control of sources of water pollution; permits required.**

42 ...

43 (f) Local Permit Programs for Sewer Extension and Reclaimed Water Utilization. –
44 Municipalities, counties, local boards or commissions, water and sewer authorities, or groups of
45 municipalities and counties may establish and administer within their utility service areas their
46 own general permit programs in lieu of State permit required in G.S. 143-215.1(a)(2), (3), and
47 (8) above, for construction, operation, alteration, extension, change of proposed or existing sewer
48 system, subject to the prior certification of the Commission. For purposes of this subsection, the
49 service area of a municipality shall include only that area within the corporate limits of the
50 municipality and that area outside a municipality in its extraterritorial jurisdiction where sewer
51 service or a reclaimed water utilization system is already being provided by the municipality to

1 the permit applicant or connection to the municipal sewer system or a reclaimed water utilization
 2 system is immediately available to the applicant; the service areas of counties and the other
 3 entities or groups shall include only those areas where sewer service or a reclaimed water
 4 utilization system is already being provided to the applicant by the permitting authority or
 5 connection to the permitting authority's system is immediately available. For purposes of this
 6 subsection, the term "extraterritorial jurisdiction" means the boundaries of the area over which a
 7 municipality was exercising extraterritorial planning jurisdiction under Article 19 of Chapter
 8 160A of the General Statutes, or its successor Chapter 160D of the General Statutes, prior to the
 9 municipality's relinquishment of jurisdiction over the area on or before January 1, 2025. No later
 10 than the 180th day after the receipt of a program and statement submitted by any local
 11 government, commission, authority, or board the Commission shall certify any local program
 12 that does all of the following:

13"

14 **SECTION 3.23.** G.S. 153A-317.14 reads as rewritten:

15 **"§ 153A-317.14. Extension of economic development and training districts.**

16 (a) Standards. – A board of commissioners may by resolution annex territory to an
 17 economic development and training district upon finding that:

18 ...

19 (6) ~~If any of the area proposed to be annexed to the district is wholly or partially~~
 20 ~~within the extraterritorial jurisdiction of a municipality, then it shall be~~
 21 ~~necessary to first obtain the affirmative vote of a majority of the members of~~
 22 ~~the governing body of the municipality before the area can be annexed.~~

23"

24 **SECTION 3.24.** G.S. 160A-176.1 reads as rewritten:

25 **"§ 160A-176.1. Ordinances effective in Atlantic Ocean.**

26 (a) A city may adopt ordinances to regulate and control swimming, surfing and littering
 27 in the Atlantic Ocean adjacent to that portion of the city within its ~~boundaries or within its~~
 28 ~~extraterritorial jurisdiction; boundaries;~~ provided, however, nothing contained herein shall be
 29 construed to permit any city to prohibit altogether swimming and surfing or to make these
 30 activities unlawful.

31"

32 **SECTION 3.25.** G.S. 160A-176.2 reads as rewritten:

33 **"§ 160A-176.2. Ordinances effective in Atlantic Ocean.**

34 (a) A city may adopt ordinances to regulate and control swimming, personal watercraft
 35 operation, surfing and littering in the Atlantic Ocean and other waterways adjacent to that portion
 36 of the city within its ~~boundaries or within its extraterritorial jurisdiction; boundaries;~~ provided,
 37 however, nothing contained herein shall be construed to permit any city to prohibit altogether
 38 swimming or surfing or to make these activities unlawful.

39"

40 **SECTION 3.26.** G.S. 160A-296 reads as rewritten:

41 **"§ 160A-296. Establishment and control of streets; center and edge lines.**

42 ...

43 ~~(a1) A city with a population of 250,000 or over according to the most recent decennial~~
 44 ~~federal census may also exercise the power granted by subdivision (a)(3) of this section within~~
 45 ~~its extraterritorial planning jurisdiction. Before a city makes improvements under this subsection,~~
 46 ~~it shall enter into a memorandum of understanding with the Department of Transportation to~~
 47 ~~provide for maintenance.~~

48"

49 **SECTION 3.27.** G.S. 160A-299 reads as rewritten:

50 **"§ 160A-299. Procedure for permanently closing streets and alleys.**

51 ...

(d) This section shall apply to any street or public alley within a city or its extraterritorial jurisdiction that has been irrevocably dedicated to the public, without regard to whether it has actually been opened. This section also applies to unopened streets or public alleys that are shown on plats but that have not been accepted or maintained by the city, provided that this section shall not abrogate the rights of a dedicator, or those claiming under a dedicator, pursuant to G.S. 136-96.

...."

SECTION 3.28. G.S. 160A-340.2 reads as rewritten:

"§ 160A-340.2. Exemptions.

...

(c) The provisions of G.S. 160A-340.1, 160A-340.3, 160A-340.4, 160A-340.5, and 160A-340.6 do not apply to a city or joint agency providing communications service as of January 1, 2011, provided the city or joint agency limits the provision of communications service to any one or more of the following:

...

(3) The following service areas:

- a. For the joint agency operated by the cities of Davidson and Mooresville, the service area is the combined areas of the city of Cornelius; the town of Troutman; the town of Huntersville; the unincorporated areas of Mecklenburg County north of a line beginning at Highway 16 along the west boundary of the county, extending eastward along Highway 16, continuing east along Interstate 485, and continuing eastward to the eastern boundary of the county along Eastfield Road; and the unincorporated areas of Iredell County south of Interstate 40, excluding the City of Statesville and the extraterritorial jurisdiction of the City of Statesville. For purposes of this sub-subdivision, the term "extraterritorial jurisdiction" means the boundaries of the area over which the City of Statesville was exercising extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General Statutes, or its successor Chapter 160D of the General Statutes, prior to the City's relinquishment of jurisdiction over the area on or before January 1, 2025.

...."

SECTION 3.29. This Part shall have no effect on the extraterritorial jurisdiction of law enforcement officers as authorized in Chapter 77 of the General Statutes, G.S. 15A-402, 20-38.2, 160A-286, or any local act or provision of general law.

SECTION 3.30. This Part becomes effective January 1, 2025.

PART IV. EFFECTIVE DATE

SECTION 4.1. Except as otherwise provided, this act is effective when it becomes law.