

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 675
PROPOSED COMMITTEE SUBSTITUTE S675-PCS45338-ST-36

Short Title: Land Use Clarification and Changes.

(Public)

Sponsors:

Referred to:

April 10, 2023

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; TO ELIMINATE MUNICIPAL EXTRATERRITORIAL JURISDICTION; AND
6 TO PROHIBIT MINIMUM LOT SIZES.

7 The General Assembly of North Carolina enacts:

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

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

12 "**§ 160D-917. Public school sites in commercial zones.**

13 In areas zoned for commercial use, zoning regulations shall permit, by right or by special use,
14 the siting of a school building that is primarily used for the instruction of students and is under
15 the control of a public school unit as defined in G.S. 115C-5."

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

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

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

20 "**§ 160D-108. Permit choice and vested rights.**

21 ...

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

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

34 The establishment of a vested right under any subdivision of this subsection does not preclude
35 vesting under one or more other subdivisions of this subsection or vesting by application of
36 common law principles. A vested right, once established as provided for in this section or by



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

8"

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

10 **"§ 160D-705. Quasi-judicial zoning decisions.**

11 ...

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

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

34"

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

36
 37 **PART III. REMOVE EXTRATERRITORIAL JURISDICTION AUTHORITY**

38 **SECTION 3.1.(a)** G.S. 160D-201 reads as rewritten:

39 **"§ 160D-201. Planning and development regulation jurisdiction.**

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

43"

44 **SECTION 3.1.(b)** G.S. 160D-202 reads as rewritten:

45 **"§ 160D-202. Municipal extraterritorial Transfer or relinquishment of jurisdiction.**

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

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

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

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

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

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

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

49 (f) County Authority Within City Jurisdiction. – The county may, on request of the city
50 council, exercise any or all of ~~these~~ the powers granted in this Chapter in any or all areas lying

1 within the city's corporate limits or within the city's specified area of extraterritorial
2 jurisdiction limits.

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

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

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

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

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

38 **SECTION 3.1.(c)** G.S. 160D-307 is repealed.

39 **SECTION 3.1.(d)** G.S. 160D-602 reads as rewritten:

40 **"§ 160D-602. Notice of hearing on proposed zoning map amendments.**

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

1 hearing on the zoning map amendment and the boundary amendment may be held. In this
2 instance, the initial notice of the zoning map amendment hearing may be combined with the
3 boundary hearing notice and the combined hearing notice mailed at least 30 days prior to the
4 hearing.

5"

6 **SECTION 3.1.(e)** G.S. 160D-903(c) is repealed.

7 **SECTION 3.1.(f)** G.S. 160D-912 reads as rewritten:

8 "**§ 160D-912. Outdoor advertising.**

9 ...

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

16"

17 **SECTION 3.1.(g)** G.S. 160D-925(e) is repealed.

18 **SECTION 3.1.(h)** G.S. 160D-1102(a) reads as rewritten:

19 "(a) A local government may create an inspection department and may appoint inspectors
20 who may be given appropriate titles, such as building inspector, electrical inspector, plumbing
21 inspector, housing inspector, zoning inspector, heating and air-conditioning inspector, fire
22 prevention inspector, or deputy or assistant inspector, or another title generally descriptive of the
23 duties assigned. Every local government shall perform the duties and responsibilities set forth in
24 G.S. 160D-1104 either by (i) creating its own inspection department, (ii) creating a joint
25 inspection department in cooperation with one or more other units of local government, pursuant
26 to Part 1 of Article 20 of Chapter 160A of the General Statutes, (iii) contracting with another unit
27 of local government for the provision of inspection services pursuant to Part 1 of Article 20 of
28 Chapter 160A of the General Statutes, or (iv) arranging for the county in which a city is located
29 to perform inspection services within the city's jurisdiction as authorized by ~~G.S. 160D-1104 and~~
30 ~~G.S. 160D-202.~~ G.S. 160D-1104. Every local government shall designate a person responsible
31 for the daily oversight of the local government's duties and responsibilities under
32 G.S. 160D-1104."

33 **SECTION 3.1.(i)** G.S. 160D-1125(c) reads as rewritten:

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

41 **SECTION 3.1.(j)** G.S. 113A-208(d) reads as rewritten:

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

49 **SECTION 3.1.(k)** G.S. 130A-317(d) reads as rewritten:

50 "(d) Municipalities, counties, local boards or commissions, water and sewer authorities,
51 or groups of municipalities and counties may establish and administer within their utility service

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

18"

19 **SECTION 3.1.(l)** G.S. 136-55.1(b) reads as rewritten:

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

24 **SECTION 3.1.(m)** G.S. 136-63(b) reads as rewritten:

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

29 **SECTION 3.1.(n)** G.S. 136-66.3(a) reads as rewritten:

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

34 **SECTION 3.1.(o)** G.S. 143-138(e) reads as rewritten:

35 "(e) Effect upon Local Codes. – Except as otherwise provided in this section, the North
36 Carolina State Building Code shall apply throughout the State, from the time of its adoption.
37 Approved rules shall become effective in accordance with G.S. 150B-21.3. However, any
38 political subdivision of the State may adopt a fire prevention code and floodplain management
39 regulations within its jurisdiction. The territorial jurisdiction of any municipality or county for
40 this purpose, unless otherwise specified by the General Assembly, shall be as follows: ~~Municipal~~
41 ~~jurisdiction shall include all areas within the corporate limits of the~~ ~~municipality and~~
42 ~~extraterritorial jurisdiction areas established as provided in G.S. 160D 202 or a local act;~~
43 municipality; county jurisdiction shall include all other areas of the county. No such code or
44 regulations, other than floodplain management regulations and those permitted by
45 G.S. 160D-1128, shall be effective until they have been officially approved by the Building Code
46 Council as providing adequate minimum standards to preserve and protect health and safety, in
47 accordance with the provisions of subsection (c) above. Local floodplain regulations may
48 regulate all types and uses of buildings or structures located in flood hazard areas identified by
49 local, State, and federal agencies, and include provisions governing substantial improvements,
50 substantial damage, cumulative substantial improvements, lowest floor elevation, protection of
51 mechanical and electrical systems, foundation construction, anchorage, acceptable flood resistant

1 materials, and other measures the political subdivision deems necessary considering the
2 characteristics of its flood hazards and vulnerability. In the absence of approval by the Building
3 Code Council, or in the event that approval is withdrawn, local fire prevention codes and
4 regulations shall have no force and effect. Provided any local regulations approved by the local
5 governing body which are found by the Council to be more stringent than the adopted statewide
6 fire prevention code and which are found to regulate only activities and conditions in buildings,
7 structures, and premises that pose dangers of fire, explosion or related hazards, and are not
8 matters in conflict with the State Building Code, may be approved. Local governments may
9 enforce the fire prevention code of the State Building Code using civil remedies authorized under
10 G.S. 143-139, 153A-123, and 160A-175. If the Commissioner of Insurance or other State official
11 with responsibility for enforcement of the Code institutes a civil action pursuant to G.S. 143-139,
12 a local government may not institute a civil action under G.S. 143-139, 153A-123, or 160A-175
13 based upon the same violation. Appeals from the assessment or imposition of such civil remedies
14 shall be as provided in G.S. 160D-1127.

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

18 **SECTION 3.1.(p)** G.S. 143-215.1(f) reads as rewritten:

19 "(f) Local Permit Programs for Sewer Extension and Reclaimed Water Utilization. –
20 Municipalities, counties, local boards or commissions, water and sewer authorities, or groups of
21 municipalities and counties may establish and administer within their utility service areas their
22 own general permit programs in lieu of State permit required in G.S. 143-215.1(a)(2), (3), and
23 (8) above, for construction, operation, alteration, extension, change of proposed or existing sewer
24 system, subject to the prior certification of the Commission. For purposes of this subsection, the
25 service area of a municipality shall include only that area within the corporate limits of the
26 municipality and that area outside a municipality in its extraterritorial jurisdiction where sewer
27 service or a reclaimed water utilization system is already being provided by the municipality to
28 the permit applicant or connection to the municipal sewer system or a reclaimed water utilization
29 system is immediately available to the applicant; the service areas of counties and the other
30 entities or groups shall include only those areas where sewer service or a reclaimed water
31 utilization system is already being provided to the applicant by the permitting authority or
32 connection to the permitting authority's system is immediately available. For purposes of this
33 subsection, the term "extraterritorial jurisdiction" means the boundaries of the area over which a
34 municipality was exercising extraterritorial planning jurisdiction under Article 19 of Chapter
35 160A of the General Statutes, or its successor Chapter 160D of the General Statutes, prior to the
36 municipality's relinquishment of jurisdiction over the area on or before January 1, 2025. No later
37 than the 180th day after the receipt of a program and statement submitted by any local
38 government, commission, authority, or board the Commission shall certify any local program
39 that does all of the following:

40"

41 **SECTION 3.1.(q)** G.S. 153A-317.14(a)(6) is repealed.

42 **SECTION 3.1.(r)** G.S. 160A-58.4 reads as rewritten:

43 **"§ 160A-58.4. Extraterritorial powers.**

44 Satellite corporate limits shall not be considered a part of the city's corporate limits for the
45 purposes of ~~extraterritorial land use regulation pursuant to G.S. 160D-202~~ or abatement of public
46 health nuisances pursuant to G.S. 160A-193. However, a city's power to regulate land use
47 pursuant to Chapter 160D of the General Statutes or to abate public health nuisances pursuant to
48 G.S. 160A-193, shall be the same within satellite corporate limits as within its primary corporate
49 limits."

50 **SECTION 3.1.(s)** G.S. 160A-176.1(a) reads as rewritten:

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

6 **SECTION 3.1.(t)** G.S. 160A-176.2(a) reads as rewritten:

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

12 **SECTION 3.1.(u)** G.S. 160A-296(a1) is repealed.

13 **SECTION 3.1.(v)** G.S. 160A-299(d) reads as rewritten:

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

20 **SECTION 3.1.(w)** This section is effective as follows:

21 (1) For counties with a population of 25,000 or less according to the last federal
22 decennial census, October 1, 2024.

23 (2) For counties with a population between 25,001 and 50,000 according to the
24 last federal decennial census, October 1, 2025.

25 **SECTION 3.2.(a)** No city may expand its extraterritorial jurisdiction beyond the
26 territory that the city was exercising extraterritorial jurisdiction authority upon as of June 1, 2023.

27 **SECTION 3.2.(b)** Any provision in a local act that grants a city the power to exercise
28 extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General Statutes,
29 or its successor Chapter 160D of the General Statutes, is hereby repealed.

30 **SECTION 3.3.(a)** The relinquishment of jurisdiction over an area that a city is
31 regulating under the authority of extraterritorial planning jurisdiction under Article 19 of Chapter
32 160A of the General Statutes, or its successor Chapter 160D of the General Statutes, shall be
33 determined by the county in which the area lies, not the city which has been exercising
34 extraterritorial jurisdiction over the area, and becomes effective as follows:

35 (1) For counties with a population of 25,000 or less according to the last federal
36 decennial census, October 1, 2024.

37 (2) For counties with a population between 25,001 and 50,000 according to the
38 last federal decennial census, October 1, 2025.

39 **SECTION 3.3.(b)** Nothing in this Part shall be construed as prohibiting a city from
40 relinquishing jurisdiction over an area prior to the effective date set forth in Section 3.3(a) of this
41 act so long as the city complies with the provisions of Article 19 of Chapter 160A of the General
42 Statutes, or its successor Chapter 160D of the General Statutes.

43 **SECTION 3.3.(c)** Upon relinquishment of jurisdiction over an area that a city is
44 regulating under the authority of extraterritorial planning jurisdiction under Article 19 of Chapter
45 160A of the General Statutes, or its successor Chapter 160D of the General Statutes:

46 (1) The city regulations and powers of enforcement shall remain in effect until
47 the earlier of the effective date of the land use regulations adopted by the
48 county with jurisdiction over the area or 60 days after the effective date set
49 forth in Section 3.3(a) of this act for that county. If the sixtieth day falls on a
50 holiday or weekend, the next business day shall be treated as the sixtieth day.
51 The county may hold hearings and take other measures that may be required

1 in order to adopt county regulations for the area prior to the effective date set
2 forth in Section 3.3(a) of this act for that county.

3 (2) Any person who has acquired vested rights under a permit, certificate, or other
4 evidence of compliance issued by the city may exercise those rights as if no
5 change of jurisdiction had occurred. The county acquiring jurisdiction may
6 take any action regarding the permit, certificate, or other evidence of
7 compliance that could have been taken by the city surrendering jurisdiction
8 pursuant to the city ordinances and regulations. Except as provided in this
9 section, any building, structure, or other land use in a territory over which a
10 county has acquired jurisdiction is subject to the ordinances and regulations
11 of the county. At least 180 days prior to the effective date set forth in Section
12 3.3(a) of this act for the county in which any portion of a city lies, the city
13 shall notify the county of the following:

- 14 a. The boundaries of the city's extraterritorial jurisdiction in that county.
- 15 b. The existing land use regulations applying to that extraterritorial
16 jurisdiction in that county, including zoning and overlay maps.
- 17 c. Any pending requests for amendments or other changes to the existing
18 land use regulations applying to that extraterritorial jurisdiction in that
19 county.
- 20 d. Any vested rights with respect to properties in the extraterritorial
21 jurisdiction in that county.

22 **SECTION 3.3.(d)** This section is effective when it becomes law.

23 **SECTION 3.4.(a)** This Part shall have no effect on the extraterritorial jurisdiction of
24 law enforcement officers as authorized in any of the following:

- 25 (1) Chapter 77 of the General Statutes.
- 26 (2) G.S. 15A-402.
- 27 (3) G.S. 20-38.2.
- 28 (4) G.S. 160A-286.
- 29 (5) Any local act or provision of general law.

30 **SECTION 3.4.(b)** This section is effective when it becomes law.

31 **SECTION 3.5.** Except as otherwise provided, this Part is effective when it becomes
32 law.

33 **PART IV. MINIMUM LOT SIZES**

34 **SECTION 4.1.** G.S. 160D-702 reads as rewritten:

35 **"§ 160D-702. Grant of power.**

36 (a) A local government may adopt zoning regulations. Except as provided in subsections
37 (b) and (c) of this section, a zoning regulation may regulate and restrict the height, number of
38 stories, and size of buildings and other structures; the percentage of lots that may be occupied;
39 the size of yards, courts, and other open spaces; the density of population; the location and use
40 of buildings, structures, and land. Any calculation of required open space shall include wetlands,
41 stream buffers, and stormwater facilities as open space. A local government may regulate
42 development, including floating homes, over estuarine waters and over lands covered by
43 navigable waters owned by the State pursuant to G.S. 146-12. A zoning regulation shall provide
44 density credits or severable development rights for dedicated rights-of-way pursuant to
45 G.S. 136-66.10 or G.S. 136-66.11. Where appropriate, a zoning regulation may include
46 requirements that street and utility rights-of-way be dedicated to the public, that provision be
47 made of recreational space and facilities, and that performance guarantees be provided, all to the
48 same extent and with the same limitations as provided for in G.S. 160D-804 and
49 G.S. 160D-804.1.

50 ...
51

- 1 (c) A zoning or other development regulation shall not do any of the following:
2 (1) Set a minimum square footage of any structures subject to regulation under
3 the North Carolina Residential Code for One- and Two-Family Dwellings.
4 (2) Set a maximum parking space size larger than 9 feet wide by 20 feet long
5 unless the parking space is designated for handicap, parallel, or diagonal
6 parking.
7 (3) Set a minimum lot size greater than 8,700 square feet for structures subject to
8 the North Carolina Residential Code for One- and Two-Family Dwellings. A
9 local government may enforce regulations that affect the size and
10 configuration of such lots, including regulations for building setbacks,
11 regulations for on-site wastewater systems, regulations authorized by Part 2
12 of Article 9 of this Chapter, and regulations related to the requirements of
13 applicable safety codes adopted under G.S. 143-138.
14 (4) Limit density in any district that allows for structures subject to the North
15 Carolina Residential Code for One- and Two-Family Dwellings below five
16 structures per acre.

17 (d) Subdivisions (3) and (4) of subsection (c) of this section shall not apply to a bona fide
18 farm purpose as described in G.S. 160D-903 or an open space land purpose as described in
19 Article 9 of this Chapter."

20 **SECTION 4.2.** G.S. 160D-804 is amended by adding a new subsection to read:

21 "(j) Minimum Lot Size. – The regulation shall comply with G.S. 160D-702(c) and (d)."

22 **SECTION 4.3.** This Part becomes effective October 1, 2024.
23

24 **EFFECTIVE DATE**

25 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
26 law.