

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2025

FILED SENATE  
Mar 25, 2025  
S.B. 493  
PRINCIPAL CLERK

S

D

SENATE BILL DRS45264-MQx-19

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

Sponsors: Senators Lee, Moffitt, and Overcash (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. Public school sites in commercial zones.**

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

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,



\* D R S 4 5 2 6 4 - M Q X - 1 9 \*

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.** G.S. 160D-203 reads as rewritten:

35 "**§ 160D-203. Split jurisdiction.**

36 (a) If a parcel of land lies within the planning and development regulation jurisdiction of  
37 more than one local government, for the purposes of this Chapter, the local governments may,  
38 by mutual agreement pursuant to Article 20 of Chapter 160A of the General Statutes and with  
39 the written consent of the landowner, assign exclusive planning and development regulation  
40 jurisdiction under this Chapter for the ~~entire parcel~~ land, including all development phases on the  
41 land, to any one of those local governments.

42 (b) In the event no mutual agreement or written consent under subsection (a) of this  
43 section exists, the landowner of land lying within the planning and development regulation  
44 jurisdiction of more than one local government may elect the planning and development  
45 regulations of the local government where the majority of the total acreage of the parcel of land  
46 is situated.

47 (c) ~~Such a mutual agreement~~ This section shall only be applicable to planning and  
48 development regulations and shall not affect taxation or other nonregulatory matters. The mutual  
49 agreement under subsection (a) of this section shall be evidenced by a resolution formally  
50 adopted by each governing board and recorded with the register of deeds in the every county  
51 where the property land is located within 14 days of the adoption of the last required resolution.

1 (d) For the purposes of this section, "landowner" means all titleholders of record owning  
2 an interest in the land.

3 SECTION 2.4. This Part is effective when it becomes law.  
4

### 5 PART III. REMOVE EXTRATERRITORIAL JURISDICTION AUTHORITY

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

7 "§ 160D-201. **Planning and development regulation jurisdiction.**

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

11 ...."

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

13 "§ 160D-202. **~~Municipal extraterritorial~~ Transfer or relinquishment of jurisdiction.**

14 (a) ~~Geographic Scope.~~ Any city may exercise the powers granted to cities under this  
15 Chapter within a defined area extending not more than one mile beyond its contiguous corporate  
16 limits. ~~In addition, a city of 10,000 or more population but less than 25,000 may exercise these~~  
17 ~~powers over an area extending not more than two miles beyond its limits and a city of 25,000 or~~  
18 ~~more population may exercise these powers over an area extending not more than three miles~~  
19 ~~beyond its limits. In determining the population of a city for the purposes of this Chapter, the city~~  
20 ~~council and the board of county commissioners may use the most recent annual estimate of~~  
21 ~~population as certified by the Secretary of the North Carolina Department of Administration.~~  
22 ~~Pursuant to G.S. 160A-58.4, extraterritorial municipal planning and development regulation may~~  
23 ~~be extended only from the primary corporate boundary of a city and not from the boundary of~~  
24 ~~satellite areas of the city.~~

25 (b) ~~Authority in the Extraterritorial Area.~~ A city may not exercise any power conferred  
26 by this Chapter in its extraterritorial jurisdiction that it is not exercising within its corporate limits.  
27 A city may exercise in its extraterritorial area all powers conferred by this Chapter that it is  
28 exercising within its corporate limits. If a city fails to extend a particular type of development  
29 regulation to the extraterritorial area, the county may elect to exercise that particular type of  
30 regulation in the extraterritorial area.

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

38 (d) ~~Notice of Proposed Jurisdiction Change.~~ Any municipality proposing to exercise  
39 extraterritorial jurisdiction under this Chapter shall notify the owners of all parcels of land  
40 proposed for addition to the area of extraterritorial jurisdiction, as shown on the county tax  
41 records. The notice shall be sent by first class mail to the last addresses listed for affected  
42 property owners in the county tax records. The notice shall inform the landowner of the effect of  
43 the extension of extraterritorial jurisdiction, of the landowner's right to participate in a legislative  
44 hearing prior to adoption of any ordinance extending the area of extraterritorial jurisdiction, as  
45 provided in G.S. 160D-601, and of the right of all residents of the area to apply to the board of  
46 county commissioners to serve as a representative on the planning board and the board of  
47 adjustment, as provided in G.S. 160D-303. The notice shall be mailed at least 30 days prior to  
48 the date of the hearing. The person or persons mailing the notices shall certify to the city council  
49 that the notices were sent by first class mail, and the certificate shall be deemed conclusive in the  
50 absence of fraud.

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

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

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

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

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

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

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

48 (k) ~~Effect on Vested Rights.~~ – Whenever a city or county, pursuant to this section,  
49 acquires jurisdiction over a territory that theretofore has been subject to the jurisdiction of another  
50 local government, any person who has acquired vested rights in the surrendering jurisdiction may  
51 exercise those rights as if no change of jurisdiction had occurred. The city or county acquiring

1 jurisdiction may take any action regarding such a development approval, certificate, or other  
2 evidence of compliance that could have been taken by the local government surrendering  
3 jurisdiction pursuant to its development regulations. Except as provided in this subsection, any  
4 building, structure, or other land use in a territory over which a city or county has acquired  
5 jurisdiction is subject to the development regulations of the city or county."

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

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

8 "**§ 160D-602. Notice of hearing on proposed zoning map amendments.**

9 (a) Mailed Notice. – Subject to the limitations of this Chapter, an ordinance shall provide  
10 for the manner in which zoning regulations and the boundaries of zoning districts are to be  
11 determined, established, and enforced, and from time to time amended, supplemented, or  
12 changed, in accordance with the provisions of this Chapter. The owners of affected parcels of  
13 land and the owners of all parcels of land abutting that parcel of land shall be mailed a notice of  
14 the hearing on a proposed zoning map amendment by first-class mail at the last addresses listed  
15 for such owners on the county tax abstracts. For the purpose of this section, properties are  
16 "abutting" even if separated by a street, railroad, or other transportation corridor. This notice must  
17 be deposited in the mail at least 10 but not more than 25 days prior to the date of the hearing. ~~If~~  
18 ~~the zoning map amendment is being proposed in conjunction with an expansion of municipal~~  
19 ~~extraterritorial planning and development regulation jurisdiction under G.S. 160D-202, a single~~  
20 ~~hearing on the zoning map amendment and the boundary amendment may be held. In this~~  
21 ~~instance, the initial notice of the zoning map amendment hearing may be combined with the~~  
22 ~~boundary hearing notice and the combined hearing notice mailed at least 30 days prior to the~~  
23 ~~hearing.~~

24 ...."

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

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

27 "**§ 160D-912. Outdoor advertising.**

28 ...

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

35 ...."

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

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

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

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

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

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

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

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

18          "(d) Municipalities, counties, local boards or commissions, water and sewer authorities,  
19 or groups of municipalities and counties may establish and administer within their utility service  
20 areas their own approval program in lieu of State approval of water system plans required in  
21 subsection (c) of this section for construction or alteration of the distribution system of a proposed  
22 or existing public water system, subject to the prior certification of the Department. For purposes  
23 of this subsection, the service area of a municipality shall include only that area within the  
24 corporate limits of the municipality and that area outside a municipality in its extraterritorial  
25 jurisdiction where water service is already being provided to the permit applicant by the  
26 municipality or connection to the municipal water system is immediately available to the  
27 applicant; the service areas of counties and the other entities or groups shall include only those  
28 areas where water service is already being provided to the applicant by the permitting authority  
29 or connection to the permitting authority's system is immediately available. For purposes of this  
30 subsection, the term "extraterritorial jurisdiction" means the boundaries of the area over which a  
31 municipality was exercising extraterritorial planning jurisdiction under Article 19 of Chapter  
32 160A of the General Statutes, or its successor Chapter 160D of the General Statutes, prior to the  
33 municipality's relinquishment of extraterritorial planning jurisdiction over the area in accordance  
34 with the law. No later than the 180th day after the receipt of an approval program and statement  
35 submitted by any local government, commission, authority, or board, the Department shall certify  
36 any local program that meets all of the following conditions:

37           ...."

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

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

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

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

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

49          "(a) Municipal Participation Authorized. – A municipality may, but is not required to,  
50 participate in the right-of-way and construction cost of a State transportation improvement

1 approved by the Board of Transportation under G.S. 143B-350(f)(4) that is located in the  
2 ~~municipality or its extraterritorial jurisdiction.~~ municipality."

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

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

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

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

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

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

11 ...."

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

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

14 "**§ 160A-58.4. Extraterritorial powers.**

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

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

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

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

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

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

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

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

41 **SECTION 3.1.(w)** Any provision in a local act that grants a city the power to exercise  
42 extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General Statutes,  
43 or its successor Chapter 160D of the General Statutes, is hereby repealed.

44 **SECTION 3.1.(x)** This section applies only to extraterritorial jurisdiction territory  
45 of a city located within the following counties and effective as stated:

- 46 (1) For counties with a population of 25,000 or less according to the last federal  
47 decennial census, October 1, 2026.
- 48 (2) For counties with a population between 25,001 and 50,000 according to the  
49 last federal decennial census, October 1, 2027.

50 **SECTION 3.2.(a)** No city may expand its extraterritorial jurisdiction beyond the  
51 territory that the city was exercising extraterritorial jurisdiction authority upon as of June 1, 2025.



1           **SECTION 3.2.(b)** Cities continuing to exercise extraterritorial jurisdiction authority  
2 shall continue to appoint representation on boards in accordance with G.S. 160D-307.

3           **SECTION 3.3.(a)** The relinquishment of jurisdiction over an area that a city is  
4 regulating under the authority of extraterritorial planning jurisdiction under Article 19 of Chapter  
5 160A of the General Statutes, or its successor Chapter 160D of the General Statutes, shall be  
6 determined by the county in which the area lies, not the city which has been exercising  
7 extraterritorial jurisdiction over the area, and becomes effective as follows:

8           (1) For counties with a population of 25,000 or less according to the last federal  
9 decennial census, October 1, 2026.

10           (2) For counties with a population between 25,001 and 50,000 according to the  
11 last federal decennial census, October 1, 2027.

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

16           **SECTION 3.3.(c)** Upon relinquishment of jurisdiction over an area that a city is  
17 regulating under the authority of extraterritorial planning jurisdiction under Article 19 of Chapter  
18 160A of the General Statutes, or its successor Chapter 160D of the General Statutes:

19           (1) The city regulations and powers of enforcement shall remain in effect until  
20 the earlier of the effective date of the land use regulations adopted by the  
21 county with jurisdiction over the area or 60 days after the effective date set  
22 forth in Section 3.3(a) of this act for that county. If the sixtieth day falls on a  
23 holiday or weekend, the next business day shall be treated as the sixtieth day.  
24 The county may hold hearings and take other measures that may be required  
25 in order to adopt county regulations for the area prior to the effective date set  
26 forth in Section 3.3(a) of this act for that county.

27           (2) Any person who has acquired vested rights under a permit, certificate, or other  
28 evidence of compliance issued by the city may exercise those rights as if no  
29 change of jurisdiction had occurred. The county acquiring jurisdiction may  
30 take any action regarding the permit, certificate, or other evidence of  
31 compliance that could have been taken by the city surrendering jurisdiction  
32 pursuant to the city ordinances and regulations. Except as provided in this  
33 section, any building, structure, or other land use in a territory over which a  
34 county has acquired jurisdiction is subject to the ordinances and regulations  
35 of the county. At least 180 days prior to the effective date set forth in Section  
36 3.3(a) of this act for the county in which any portion of a city lies, the city  
37 shall notify the county of the following:

- 38           a. The boundaries of the city's extraterritorial jurisdiction in that county.  
39           b. The existing land use regulations applying to that extraterritorial  
40 jurisdiction in that county, including zoning and overlay maps.  
41           c. Any pending requests for amendments or other changes to the existing  
42 land use regulations applying to that extraterritorial jurisdiction in that  
43 county.  
44           d. Any vested rights with respect to properties in the extraterritorial  
45 jurisdiction in that county.

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

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

49           (1) Chapter 77 of the General Statutes.

50           (2) G.S. 15A-402.

51           (3) G.S. 20-38.2.

1 (4) G.S. 160A-286.

2 (5) Any local act or provision of general law.

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

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

6

7 **PART IV. EFFECTIVE DATE**

8 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes  
9 law.