

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

SESSION LAW 1998-192
HOUSE BILL 1114

AN ACT PROVIDING THAT CERTAIN LOCAL GOVERNMENTS MAINTAIN
THE SWIFT CREEK MANAGEMENT PLAN AS AGREED TO BY THOSE
JURISDICTIONS.

Whereas, in January 1988, the late Mayor Avery Upchurch of Raleigh invited chief elected officials of the Swift Creek area to meet to discuss the development of a coordinated land-use plan for the area; and

Whereas, the able efforts of elected officials and technical staff of the County of Wake, the City of Raleigh, and the Towns of Apex, Cary, and Garner resulted in the development of the Swift Creek Management Plan in September 1988; and

Whereas, the various local governments having jurisdiction over the area have approved the Swift Creek Management Plan through appropriate action of their respective governing bodies; and

Whereas, the General Assembly finds that it is in the best interest of the citizens of the Swift Creek area and the various local governments to maintain the Swift Creek Management Plan as agreed to by those jurisdictions; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. (a) A jurisdiction affected by this act shall not adopt any ordinance authorized by Article 18 of Chapter 153A of the General Statutes, Article 19 of Chapter 160A of the General Statutes, or under any local act or charter provision relating to the subject of those Articles, nor grant any permit or approval pursuant to those ordinances, that would be inconsistent with the standards and provisions of the Swift Creek Management Plan.

(b) This act applies to any zoning map amendment and to any other zoning amendment, modification, repeal, or change in zoning regulations and restrictions or zone boundaries relating to the area set forth in the Swift Creek Management Plan, but shall not be construed to prevent any jurisdiction subject to its provisions from adopting zoning ordinance text changes.

(c) This act shall not affect any valid and unexpired vested right of any landowner arising by law pursuant to G.S. 153A-344.1 or G.S. 160A-385.1, nor shall this act affect the right of any person to protest zoning changes or otherwise appeal planning, subdivision, or zoning actions as provided by Article 18 of Chapter 153A of the General Statutes, or Article 19 of Chapter 160A of the General Statutes, or by local ordinance.

Section 2. If a jurisdiction affected by this act has an ordinance to effectuate the recommended minimum performance standards for the Swift Creek watershed and the other specific features set forth in the Swift Creek Management Plan, then the jurisdiction may modify its zoning ordinance to further meet or exceed the requirements of the Swift Creek Management Plan. The Swift Creek Management Plan may be modified by interlocal agreement pursuant to Article 20 of Chapter 160A of the General Statutes entered into by all of the affected jurisdictions.

Section 3. The jurisdictions affected by this act may extend utilities unilaterally to any portion of their respective jurisdictions subject to the Swift Creek Management Plan provided that, prior to the effective date of this act, the municipalities zoned or rezoned the subject area in anticipation of providing utilities to the area.

Section 4. (a) The qualified resident voters of the area described in the Swift Creek Management Plan shall be given the opportunity to vote in a nonbinding advisory referendum on incorporation of the Swift Creek area as a municipality. The question to be used in the voting systems and ballots shall be:

"[] FOR [] AGAINST

Incorporation of the Swift Creek area as a municipality, along with the payment of additional property taxes which the proposed municipality may levy."

(b) Registration for the election shall be conducted in accordance with G.S. 163-288.2. The referendum shall be conducted on November 7, 2000.

Section 5. This act applies only to the County of Wake, the City of Raleigh, and the Towns of Apex, Cary, and Garner.

Section 6. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 22nd day of October, 1998.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives