

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 93\*

Short Title: ETJ Changes.

(Public)

Sponsors: Representatives Ellis; Allred, Cansler, Capps, Davis, Hardy, Rayfield, Sexton, Sherrill, Shubert, and Starnes.

Referred to: Local and Regional Government I, if favorable, Judiciary II.

February 11, 1997

A BILL TO BE ENTITLED  
AN ACT TO REQUIRE AT LEAST TWO REPRESENTATIVES FROM A  
MUNICIPALITY'S EXTRATERRITORIAL PLANNING AND ZONING  
JURISDICTION ON THE PLANNING AGENCY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-362 reads as rewritten:

**"§ 160A-362. Extraterritorial representation.**

When a city elects to exercise extraterritorial zoning or subdivision-regulation powers under G.S. 160A-360, it shall in the ordinance creating or designating its planning agency or agencies provide a means of proportional representation based on population for residents of the extraterritorial area to be regulated. Representation shall be provided by appointing at least ~~one resident~~ two residents of the entire extraterritorial zoning and subdivision regulation area to the planning agency and the board of adjustment that makes recommendations or grants relief in these matters. For purposes of this section, an additional member must be appointed to the planning agency or board of adjustment to achieve proportional representation only when the population of the entire extraterritorial zoning and subdivision area constitutes a full fraction of the municipality's population divided by the total membership of the planning agency or board of adjustment. Membership of joint municipal county planning agencies or boards of adjustment may be

1 appointed as agreed by counties and municipalities. Any advisory board established prior  
2 to July 1, 1983, to provide the required extraterritorial representation shall constitute  
3 compliance with this section until the board is abolished by ordinance of the city. The  
4 representatives on the planning agency and the board of adjustment shall be appointed by  
5 the board of county commissioners with jurisdiction over the area. When selecting a new  
6 representative to the planning agency or to the board of adjustment as a result of an  
7 extension of the extraterritorial jurisdiction, the board of county commissioners shall hold  
8 a public hearing on the selection. A notice of the hearing shall be given once a week for  
9 two successive calendar weeks in a newspaper having general circulation in the area.  
10 The board of county commissioners shall select appointees only from those who apply at  
11 or before the public hearing. The county shall make the appointments within 45 days  
12 following the public hearing. Once a city provides proportional representation, no power  
13 available to a city under G.S. 160A-360 shall be ineffective in its extraterritorial area  
14 solely because county appointments have not yet been made. If there is an insufficient  
15 number of qualified residents of the area to meet membership requirements, the board of  
16 county commissioners may appoint as many other residents of the county as necessary to  
17 make up the requisite number. When the extraterritorial area extends into two or more  
18 counties, each board of county commissioners concerned shall appoint representatives  
19 from its portion of the area, as specified in the ordinance. If a board of county  
20 commissioners fails to make these appointments within 90 days after receiving a  
21 resolution from the city council requesting that they be made, the city council may make  
22 them. If the ordinance so provides, the outside representatives may have equal rights,  
23 privileges, and duties with the other members of the agency to which they are appointed,  
24 regardless of whether the matters at issue arise within the city or within the  
25 extraterritorial area; otherwise they shall function only with respect to matters within the  
26 extraterritorial area."

27 Section 2. This act is effective when it becomes law.