



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; and

Whereas, conferring binding joint planning and zoning jurisdiction over the Swift Creek area in accordance with the requirements of the Swift Creek Management Plan is an equitable manner in which to provide for the continuation of the Swift Creek Management Plan to the benefit of the area and the local governments involved; Now, therefore,

1 The General Assembly of North Carolina enacts:

2           Section 1. Notwithstanding any other provision of law, and subject to the  
3 provisions of Section 4 of this act, the County of Wake, the City of Raleigh, and the  
4 Towns of Apex, Cary, and Garner shall share binding joint planning and zoning  
5 jurisdiction, as provided by this act, over the area in Wake County known as Swift Creek  
6 and described more particularly in the Swift Creek Management Plan developed in 1988  
7 and subsequently submitted by the Swift Creek Planning Committee to the State as the  
8 official water supply watershed protection plan for the Swift Creek area.

9           Section 2. The joint planning and zoning jurisdiction shared by the County of  
10 Wake, the City of Raleigh, and the Towns of Apex, Cary, and Garner shall be binding  
11 upon those jurisdictions in accordance with the requirements of the Swift Creek  
12 Management Plan, as approved by the County of Wake on April 2, 1990; the City of  
13 Raleigh on May 2, 1988; the Town of Apex on January 3, 1989; the Town of Cary on  
14 February 4, 1990; and the Town of Garner in 1989.

15           Section 3. (a) Except as otherwise provided by Section 4 of this act, the Swift  
16 Creek Management Plan is established as a binding joint planning and zoning plan that  
17 may be modified only by:

- 18           (1) Interlocal agreement pursuant to Article 20 of Chapter 160A of the  
19 General Statutes entered into by all of the affected jurisdictions; or  
20           (2) Action of the General Assembly.

21           (b) An interlocal agreement entered into pursuant to this act may include mutual  
22 agreement regarding the exercise of all powers granted by Article 18 of Chapter 153A of  
23 the General Statutes and Article 19 of Chapter 160A of the General Statutes, including  
24 powers involving the exercise of legislative discretion.

25           Section 4. If a jurisdiction affected by this act has an ordinance to effectuate  
26 the recommended minimum performance standards for the Swift Creek watershed and  
27 the other specific features set forth in the Swift Creek Management Plan, then the  
28 jurisdiction may modify its zoning ordinance to further meet or exceed the requirements  
29 of the Swift Creek Management Plan without having to:

- 30           (1) Obtain authorization from the General Assembly; or  
31           (2) Enter into an interlocal agreement required by Section 3 of this act.

32           Section 5. The City of Raleigh, Wake County, and the Towns of Apex, Cary,  
33 and Garner may extend utilities unilaterally to any portion of their respective jurisdictions  
34 subject to the Swift Creek Management Plan provided that, prior to the effective date of

1 this act, the municipalities zoned or rezoned the subject area in anticipation of providing  
2 utilities to the area.

3 Section 6. (a) A jurisdiction affected by this act shall not adopt any ordinance  
4 authorized by Article 18 of Chapter 153A of the General Statutes, Article 19 of Chapter  
5 160A of the General Statutes, or under any local act or charter provision relating to the  
6 subject of those Articles, nor grant any permit or approval pursuant to those ordinances,  
7 that would be inconsistent with the standards and provisions of the Swift Creek  
8 Management Plan.

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

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

19 Section 7. Sections 1 through 6 of this act shall not become effective until  
20 approved by a majority vote of the qualified resident voters in the area described in the  
21 Swift Creek Management Plan. The vote shall be held on the date of the general election  
22 in November 1998.

23 Section 8. Section 1 through 6 of this act shall not become effective until the  
24 qualified resident voters of the area described in the Swift Creek Management Plan are  
25 given the opportunity to vote in a nonbinding advisory referendum on incorporation of  
26 the Swift Creek area as a municipality. The question put before the voters shall be stated  
27 as follows: "Do you support incorporation of the Swift Creek area as a municipality? Yes  
28  No 29 1998.

30 Section 9. This act is effective when it becomes law, and shall expire March 1,  
31 2003.