

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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HOUSE BILL 792

Short Title: Countywide Zoning/ETJ.

(Public)

Sponsors: Representative Starnes.

Referred to: Judiciary I.

March 26, 2001

A BILL TO BE ENTITLED

AN ACT DEFINING EXTRATERRITORIAL BOUNDARIES IN JURISDICTIONS
WITH COUNTYWIDE ZONING.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-320 reads as rewritten:

"§ 153A-320. Territorial jurisdiction.

Each of the powers granted to counties by this Article, by Chapter 157A, and by Chapter 160A, Article 19 may be exercised throughout the county except as otherwise provided in G.S. 153A-342(c) and G.S. 160A-360."

SECTION 2. G.S. 153A-342 reads as rewritten:

"§ 153A-342. Districts; zoning less than entire jurisdiction.

(a) A county may divide its territorial jurisdiction into districts of any number, shape, and area that it may consider best suited to carry out the purposes of this Part. Within these districts a county may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. Such districts may include, but shall not be limited to, general use districts, in which a variety of uses are permissible in accordance with general standards; overlay districts, in which additional requirements are imposed on certain properties within one or more underlying general or special use districts; and special use districts or conditional use districts, in which uses are permitted only upon the issuance of a special use permit or a conditional use permit. Property may be placed in a special use district or conditional use district only in response to a petition by the owners of all the property to be included. Except as authorized by the foregoing, all regulations shall be uniform for each class or kind of building throughout each district, but the regulations in one district may differ from those in other districts.

(b) A county may determine that the public interest does not require that the entire territorial jurisdiction of the county be zoned and may designate one or more portions of that jurisdiction as a zoning area or areas. A zoning area must originally

1 contain at least 640 acres and at least 10 separate tracts of land in separate ownership
2 and may thereafter be expanded by the addition of any amount of territory. A zoning
3 area may be regulated in the same manner as if the entire county were zoned, and the
4 remainder of the county need not be regulated.

5 (c) Notwithstanding the provisions of subsection (b) of this section:

6 (1) If a county, before April 1, 2001, has zoned all areas of the county not
7 lying within the limits or extraterritorial jurisdiction of a city, no city's
8 extraterritorial jurisdiction in that county shall be expanded further
9 under G.S. 160A-360.

10 (2) If a county, on or after April 1, 2001, zones all areas of the county not
11 lying within the limits or the extraterritorial jurisdiction of a city, and a
12 city within the county extends its extraterritorial boundaries after the
13 effective date of the county's ordinance, no city's extraterritorial
14 jurisdiction in that county shall be expanded further under G.S. 160A-
15 360."

16 **SECTION 3.** G.S. 160A-360(a) reads as rewritten:

17 "(a) All of the powers granted by this Article may be exercised by any city within
18 its corporate limits. ~~In addition,~~ Except as provided by G.S. 153A-342(c), any city may
19 exercise these powers within a defined area extending not more than one mile beyond
20 its limits. With the approval of the board or boards of county commissioners with
21 jurisdiction over the area, a city of 10,000 or more population but less than 25,000 may
22 exercise these powers over an area extending not more than two miles beyond its limits
23 and a city of 25,000 or more population may exercise these powers over an area
24 extending not more than three miles beyond its limits. The boundaries of the city's
25 extraterritorial jurisdiction shall be the same for all powers conferred in this Article. No
26 city may exercise extraterritorially any power conferred by this Article that it is not
27 exercising within its corporate limits. In determining the population of a city for the
28 purposes of this Article, the city council and the board of county commissioners may
29 use the most recent annual estimate of population as certified by the Secretary of the
30 North Carolina Department of Administration."

31 **SECTION 4.** This act becomes effective April 1, 2001.