

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

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HOUSE BILL 541

Short Title: Durham Voluntary Annexations. (Local)

Sponsors: Representative Foushee (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Rules, Calendar, and Operations of the House.

April 4, 2013

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE PLANNING COMMISSION AND THE CITY COUNCIL TO GIVE NOTICE OF AND HOLD PUBLIC HEARINGS ON APPLICATIONS FOR INITIAL ZONING OF PROPERTY SUBJECT TO A VOLUNTARY ANNEXATION PETITION PRIOR TO THE PASSAGE OF AN ANNEXATION ORDINANCE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 89 of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended by Chapter 694 of the 1981 Session Laws, reads as rewritten:

"Sec. 89. Enactment of Ordinances Prior to Effective Date of Annexation. – The City Council and the Planning ~~and Zoning~~ Commission of the City are hereby authorized and empowered, after the passage of an annexation ordinance and prior to the date upon which the territory described therein is actually annexed to the City, to initiate, hold hearings upon, adopt resolutions providing for public hearings, conduct public hearings upon such resolutions, petitions, proposals, and ordinances and the Council is further empowered to enact zoning ordinances, for the determination of zone boundaries and allocation of the area into zoning, classifications and districts, and the application of zoning regulations and restrictions, to be applicable to the territory described in the annexation ordinances to be annexed. Further, upon the receipt of a voluntary annexation petition under Part 1 or Part 4 of Article 4A of Chapter 160A of the General Statutes, the Planning Commission is hereby authorized and empowered to give notice of and hold public hearings to review and provide comment to the City Council on applications for the initial City zoning of property subject to a voluntary annexation petition prior to the passage of an annexation ordinance. The City Council is authorized to give notice of and hold public hearings required for the initial zoning of property subject to a voluntary annexation petition prior to the passage of an annexation ordinance. However, the City Council shall only conduct the initial zoning public hearings and vote on the initial zoning of property subject to a voluntary annexation petition after the passage of an annexation ordinance. But no such establishment of zone boundaries or any zoning regulations or restrictions in such annexed territory described in the annexation ordinances shall be effective until the effective date upon which the area is actually annexed to the City as provided in the annexation ordinances, but at that time such zoning regulations and restrictions and boundaries shall simultaneously become effective with such annexation. This section does not limit the authority of the City to exercise its extraterritorial jurisdiction pursuant to Article 19 of Chapter 160A of the North Carolina General Statutes."



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SECTION 2. This act is effective when it becomes law.