

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 841

Short Title: Establish Swift Creek Joint Zoning.

(Local)

Sponsors: Representatives Hensley, Blue (Cosponsors); and Mosley.

Referred to: Local and Regional Government I.

April 7, 1997

A BILL TO BE ENTITLED

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2 **AN ACT ESTABLISHING BINDING JOINT ZONING JURISDICTION FOR THE**
3 **SWIFT CREEK AREA IN WAKE COUNTY SUBJECT TO MODIFICATION ONLY**
4 **BY INTERLOCAL AGREEMENT BY AND BETWEEN ALL JURISDICTIONS**
5 **INVOLVED OR BY ACTION OF THE GENERAL ASSEMBLY.**

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

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

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

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

18 Whereas, conferring binding joint zoning jurisdiction over the Swift Creek area in
19 accordance with the requirements of the Swift Creek Management Plan is an equitable

1 manner in which to provide for the continuation of the Swift Creek Management Plan to
2 the benefit of the area and the local governments involved; Now, therefore,
3 The General Assembly of North Carolina enacts:

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

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

16 Section 3. The Swift Creek Management Plan is established as a binding joint
17 zoning plan that may be modified only by interlocal agreement entered into by all of the
18 respective jurisdictions or by action of the General Assembly.

19 Section 4. This act is effective when it becomes law.