

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 365

Short Title: Development Regulations/Multijurisdiction. (Public)

Sponsors: Senators Jarvis, Johnson, and Moffitt (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 27, 2023

A BILL TO BE ENTITLED
AN ACT TO ESTABLISH A DEFAULT JURISDICTION FOR A PARCEL OF LAND THAT
LIES WITHIN THE PLANNING AND DEVELOPMENT REGULATION
JURISDICTION OF MORE THAN ONE LOCAL GOVERNMENT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160D-203 reads as rewritten:

"§ 160D-203. Split jurisdiction.

(a) If a parcel of land lies within the planning and development regulation jurisdiction of more than one local government, for the purposes of this Chapter, the local governments may, by mutual agreement pursuant to Article 20 of Chapter 160A of the General Statutes and with the written consent of the landowner, assign exclusive planning and development regulation jurisdiction under this Chapter for the entire parcel-parcel, including additional phases identified or proposed future phases, to any one of those local governments. Such a mutual agreement shall only be applicable to development regulations and shall not affect taxation or other nonregulatory matters. The mutual agreement shall be evidenced by a resolution formally adopted by each governing board and recorded with the register of deeds in the county where the property is located within 14 days of the adoption of the last required resolution.

(b) In the event no mutual agreement exists, the decision as to which jurisdiction shall control an entire project, including utilities; annexation for utility access; if applicable, all proposed and future phases; and other services offered by the controlling jurisdiction, shall be made by the developer. The developer or petitioner may enter into an agreement with multiple jurisdictions for any part of the development subject to the permission of the controlling jurisdiction. This subsection shall only be applicable to development regulations and shall not affect taxation or other nonregulatory matters."

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

