

# *MESSING WITH ETJ*

**NC Planners Conference/NCCU School of Law**

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# UNPRECEDENTED CHANGE

- ❑ Over a century since Rs led both Chambers
- ❑ **HOUSE:**
  - 68 R; 52 D--Speaker Thom Tillis (2 terms)
- ❑ **SENATE:**
  - 31 R; 19 D--Pres. Pro Tem Phil Berger
- ❑ **Focus of Republican Leadership:**
  - Budget*
  - Business support – Reg and tort reform*
  - Repeal of Federal Health Care*
  - Charter Schools*
  - Property and Other Rights...Em Domain/Annexation/Guns*
  - Voter ID*
  - Redistricting*

# EXTRATERRITORIAL JURISDICTION PRIMER

❑ What applies? Zoning, subdivision, floodway, sedimentation control, building/housing codes, historic properties, open space, community development. Not general regulatory ordinances.

❑ Where? Driven by Population

- <10,000: 1 mile
- 10,000-25,000: 2 miles
- >25,000: 3 miles

# EXTRATERRITORIAL JURISDICTION PRIMER

- ❑ Why? Control land use patterns in urbanizing areas, to make them more compatible with city
- ❑ Expansion? Yes, but may require county approval
- ❑ Representation? Yes - ETJ rep on planning board and board of adjustment

# 2011 ETJ BILLS

- ❑ HB 168 - Farms Exempt from City Annexation and ETJ (S.L. 2011-363). (Cleveland, Hill, Sanderson)
- ❑ HB 281: ETJ Changes (LaRoque)
- ❑ HB 797/SB 622: ETJ Limitations (H: Sagar, Hill, Langdon, Dixon; S: Rouzer, Jackson)

# ETJ AND BF FARMS

- ❑ Defining bona fide farm purpose: 5 items
- ❑ ETJ powers cannot be exercised by city, so who regulates? And what?
- ❑ BFF remains in ETJ for boundary determination purposes
- ❑ Dividing Up Tracts of Land - how?
- ❑ Building permits through the county?
- ❑ What happens if BFF ceases BFF purpose?

# ETJ CHANGES: HB281

- If County wide zoning ordinance---NO exercise of ETJ powers; transition allowed to eliminate existing ETJ
  
- If no countywide zoning - ETJ residents vote in city council elections



# PLANNING/LAND USE

## SB 183: Sel. Veg. Removal/State HW (Brown)

-Smaller Cut Zones

-Strengthened Local Govt Authority

-Preserved Sign Ordinances

## HB 8: Eminent Domain (Stam)

-“Private property shall not be taken  
by ED except for a public use.”

## HB 332: Clarify Devel. Moratoria (Mills)

-Passed, Retaining Broad Moratoria Authority-No  
Residential

# PLANNING/LAND USE

- ❑ SB 731: Zoning/Design Controls (Clodfelter)  
-Passed Senate; Alive for Short Session
  
- ❑ SB 683 – Residential Inspections (Hunt)
  
- ❑ HB 887: Zoning/Temporary Family Health Care Structures (Moffitt)  
-Passed House – alive for Short Session
  
- ❑ HB 806: Zoning Statute of Limitations/Ag District Change (Jordan, Stam)

# TRANSPORTATION

☐ SB 315 - Roadside Election Signs (Daniel)

--October 1, 2011 effective date

# Questions, Answers, Discussion