

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

1 The General Assembly of North Carolina enacts:

2 Section 1. (a) A jurisdiction affected by this act shall not adopt any ordinance
3 authorized by Article 18 of Chapter 153A of the General Statutes, Article 19 of Chapter
4 160A of the General Statutes, or under any local act or charter provision relating to the
5 subject of those Articles, nor grant any permit or approval pursuant to those ordinances,
6 that would be inconsistent with the standards and provisions of the Swift Creek
7 Management Plan.

8 (b) This act applies to any zoning map amendment and to any other zoning
9 amendment, modification, repeal, or change in zoning regulations and restrictions or zone
10 boundaries relating to the area set forth in the Swift Creek Management Plan, but shall
11 not be construed to prevent any jurisdiction subject to its provisions from adopting
12 zoning ordinance text changes.

13 (c) This act shall not affect any valid and unexpired vested right of any landowner
14 arising by law pursuant to G.S. 153A-344.1 or G.S. 160A-385.1, nor shall this act affect
15 the right of any person to protest zoning changes or otherwise appeal planning,
16 subdivision, or zoning actions as provided by Article 18 of Chapter 153A of the General
17 Statutes, or Article 19 of Chapter 160A of the General Statutes, or by local ordinance.

18 Section 2. If a jurisdiction affected by this act has an ordinance to effectuate
19 the recommended minimum performance standards for the Swift Creek watershed and
20 the other specific features set forth in the Swift Creek Management Plan, then the
21 jurisdiction may modify its zoning ordinance to further meet or exceed the requirements
22 of the Swift Creek Management Plan. The Swift Creek Management Plan may be
23 modified by interlocal agreement pursuant to Article 20 of Chapter 160A of the General
24 Statutes entered into by all of the affected jurisdictions.

25 Section 3. The jurisdictions affected by this act may extend utilities
26 unilaterally to any portion of their respective jurisdictions subject to the Swift Creek
27 Management Plan provided that, prior to the effective date of this act, the municipalities
28 zoned or rezoned the subject area in anticipation of providing utilities to the area.

29 Section 4. (a) The qualified resident voters of the area described in the Swift
30 Creek Management Plan shall be given the opportunity to vote in a nonbinding advisory
31 referendum on incorporation of the Swift Creek area as a municipality. The question to
32 be used in the voting systems and ballots shall be:

33 **"[] FOR [] AGAINST**

34 **Incorporation of the Swift Creek area as a municipality, along with the**
35 **payment of additional property taxes which the proposed municipality may levy."**

36 (b) Registration for the election shall be conducted in accordance with G.S. 163-
37 288.2. The referendum shall be conducted on a date, no later than December 31, 1999,
38 set by the Wake County Board of Elections.

39 Section 5. This act applies only to the County of Wake, the City of Raleigh,
40 and the Towns of Apex, Cary, and Garner.

1 Section 6. This act is effective when it becomes law.