

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 77
HOUSE BILL 139

AN ACT TO EXTEND THE PLANNING AND ZONING POWERS OF THE TOWN OF ZEBULON AND ITS GOVERNING BODY TO THE TERRITORY BEYOND AND SURROUNDING THE CORPORATE LIMITS OF THE TOWN OF ZEBULON FOR A DISTANCE OF ONE MILE IN ALL DIRECTIONS.

The General Assembly of North Carolina do enact:

Section 1. For the purpose of promoting the orderly growth, expansion and development of the Town of Zebulon and the surrounding territory hereinafter defined, and for the purpose of promoting the health, safety, morals or general welfare of the citizens of the Town of Zebulon and of the territory and community beyond and surrounding the corporate limits of the said municipality, as hereinafter defined, the governing body of the Town of Zebulon is hereby authorized and empowered to adopt such ordinances and regulations as may be considered necessary or expedient by the governing body of the Town of Zebulon to regulate, control and restrict the height, number of stories and size of buildings and other structures, the percentage of a lot that may be occupied, the size of yards, courts and other open spaces, the density of populations and the location and use of buildings, structures, and land for trades, industry, residence or other purposes, not only within the corporate limits of the Town of Zebulon, but also, when specifically provided by the terms of any such ordinance, within the territory and community beyond and surrounding the corporate boundaries of the Town of Zebulon, as now or hereafter fixed, for a distance of one mile of and beyond such corporate boundaries in all directions; and within the aforesaid territory within and beyond the corporate boundaries, the governing body of the Town of Zebulon is hereby authorized and empowered to exercise any and all powers of planning and/or zoning conferred upon the Town of Zebulon and vested in its governing body by the charter of the Town of Zebulon, and/or the General Statutes of North Carolina, as amended from time to time, including but not being limited to the provisions of Article XIV, Subchapter 1 of Chapter 160 of the General Statutes, and/or by any other statute applicable to the Town of Zebulon, to the same extent and according to the same methods of procedure as applicable to planning and/or zoning within the corporate limits of the Town of Zebulon; provided, however, that any ordinance adopted pursuant to this Act applicable to the said territory outside and beyond the corporate limits of the Town of Zebulon shall not be construed to prevent the continuance of any use of land or building structure which legally exists at the effective date of this Act, notwithstanding that such use may not conform with the

regulation of the particular use district, as established by ordinance, in which such land or building structure is situated.

Sec. 2. Solely and exclusively for the purpose of exercising the powers, duties and functions of a zoning or planning commission with respect to ordinances, regulations, maps and plans applicable or proposed to be applicable to the said territory outside and beyond the corporate limits of the Town of Zebulon, as defined by this Act, there is hereby created the Town Planning Commission (enlarged) of the Town of Zebulon, which shall be composed of the members of the Town Planning Commission of the Town of Zebulon, as now or hereafter constituted according to statute, and three additional members who shall be appointed by the Wake County Board of Commissioners, each of which additional members shall be citizens and residents of the said territory beyond and surrounding the corporate limits of the Town of Zebulon for a distance of one mile beyond the same in all directions. The additional members shall be appointed for terms beginning July 1, 1961, one for a term of one year, one for a term of two years, and one for a term of three years, and until their respective successors shall be appointed and qualified; thereafter the appointment of such additional members shall be for terms of three years and until their respective successors have been appointed and qualified. The chairman and secretary of the Town Planning Commission shall be the officers of the Town Planning Commission (enlarged), and the laws, ordinances, rules and regulations applicable to the members of the Town Planning Commission of the Town of Zebulon shall be applicable to the members of the Town Planning Commission (enlarged) of the Town of Zebulon. For all other purposes, except as herein specifically provided, the membership, powers, duties and functions of the Town Planning Commission of the Town of Zebulon shall be and remain as constituted by the charter of the Town of Zebulon and by the General Statutes of North Carolina applicable thereto, and except as herein specifically provided, the powers, duties and functions of the Town Planning Commission of the Town of Zebulon as constituted by law shall not be affected by the provisions of this Act.

Sec. 3. The provisions of this Act shall apply only to the Town of Zebulon and to the territory within the corporate limits of the Town of Zebulon for a distance of one mile beyond the same in all directions.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1961.