

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1453

Short Title: Orange Sub. Regs./Recreation.

(Local)

Sponsors: Senators Lee, Walker; and Hunt.

Referred to: Local Government and Regional Affairs.

June 4, 1990

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY THE ENABLING LEGISLATION FOR SUBDIVISION
2 ORDINANCE PROVISIONS RELATING TO RECREATION AREAS IN
3 ORANGE COUNTY.
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5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 153A-331(a), designated as subsection (a) in its applicability
7 to Orange County by Chapter 460, Session Laws of 1987, reads as rewritten:

8 "(a) A subdivision control ordinance may provide for the orderly growth and
9 development of the county; for the coordination of streets and highways within
10 proposed subdivisions with existing or planned streets and highways and with other
11 public facilities; for the dedication or reservation of recreation areas serving residents of
12 ~~the immediate neighborhood within the subdivision~~ and residents of the immediate area
13 within which the subdivision is located and of rights-of-way or easements for street and
14 utility purposes including the dedication of rights-of-way pursuant to G.S. 136-66.10 or
15 G.S. 136-66.11; and for the distribution of population and traffic in a manner that will
16 avoid congestion and overcrowding and will create conditions essential to public health,
17 safety, and the general welfare. The ordinance may include requirements that the final
18 plat show sufficient data to determine readily and reproduce accurately on the ground
19 the location, bearing, and length of every street and alley line, lot line, easement
20 boundary line, and other property boundaries, including the radius and other data for
21 curved property lines, to an appropriate accuracy and in conformity with good
22 surveying practice. A subdivision control ordinance may provide that a developer may
23 be required to provide funds to the county whereby the county may acquire and develop
24 recreational land or areas to serve the development or subdivision, including the

1 purchase of land which may be used to serve more than one subdivision or development
2 within the immediate area. A subdivision control ordinance may define 'immediate
3 area' by reference to a comprehensive system of parks and recreation areas within the
4 county.

5 The ordinance may provide that in lieu of required street construction, a developer
6 may provide funds to be used for the development of roads to serve the occupants,
7 residents, or invitees of the subdivision or development. All funds received by the
8 county under this section shall be transferred to the municipality to be used solely for
9 the development of roads, including design, land acquisition, and construction. Any
10 municipality receiving funds from a county under this section is authorized to expend
11 such funds outside its corporate limits for the purposes specified in the agreement
12 between the municipality and the county. Any formula adopted to determine the
13 amount of funds the developer is to pay in lieu of required street construction shall be
14 based on the trips generated from the subdivision or development. The ordinance may
15 require a combination of partial payment of funds and partial dedication of constructed
16 streets when the governing body of the county determines that a combination is in the
17 best interest of the citizens of the area to be served.

18 The ordinance may provide for the more orderly development of subdivisions by
19 requiring the construction of community service facilities in accordance with county
20 policies and standards, and, to assure compliance with these requirements, the ordinance
21 may provide for the posting of bond or any other method that will offer guarantee of
22 compliance.

23 The ordinance may provide for the reservation of school sites in accordance with
24 comprehensive land use plans approved by the board of commissioners or the planning
25 agency. For the authorization to reserve school sites to be effective, the board of
26 commissioners or planning agency, before approving a comprehensive land use plan,
27 shall determine jointly with the board of education with jurisdiction over the area the
28 specific location and size of each school site to be reserved, and this information shall
29 appear in the plan. Whenever a subdivision that includes part or all of a school site to be
30 reserved under the plan is submitted for approval, the board of commissioners or the
31 planning agency shall immediately notify the board of education. That board shall
32 promptly decide whether it still wishes the site to be reserved and shall notify the board
33 of commissioners or planning agency of its decision. If the board of education does not
34 wish the site to be reserved, no site may be reserved. If the board of education does wish
35 the site to be reserved, the subdivision may not be approved without the reservation.
36 The board of education must acquire the site within 18 months after the date the site is
37 reserved, either by purchase or by exercise of the power of eminent domain. If the board
38 of education has not purchased the site or begun proceedings to condemn the site within
39 the 18 months, the subdivider may treat the land as freed of the reservation.

40 The ordinance may require that a plat be prepared, approved, and recorded pursuant
41 to its provisions whenever a subdivision of land takes place."

42 Sec. 2. This act applies to Orange County only.

43 Sec. 3. This act is effective upon ratification.