

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 1264*

State and Local Government Committee Substitute Adopted 6/21/06

Short Title: Harnett Co./Recreat. Facilities. (Local)

Sponsors:

Referred to:

May 11, 2006

1 **A BILL TO BE ENTITLED**

2 **AN ACT TO ALLOW HARNETT COUNTY TO DEVELOP AND CONSTRUCT**
3 **RECREATIONAL AND CULTURAL FACILITIES WITH THE FUNDS**
4 **RECEIVED UNDER ITS SUBDIVISION CONTROL ORDINANCES.**

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 153A-331(c) reads as rewritten:

7 "(c) A subdivision control ordinance may provide that a developer may provide
8 funds to the county whereby the county may acquire recreational land or areas areas,
9 and develop and construct recreational and cultural facilities, to serve the development
10 or subdivision, including the purchase of land and the development and construction of
11 recreational and cultural facilities that may be used to serve more than one subdivision
12 or development within the immediate area.

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

26 The ordinance may provide for the more orderly development of subdivisions by
27 requiring the construction of community service facilities in accordance with county
28 plans, policies, and standards. To assure compliance with these and other ordinance
29 requirements, the ordinance may provide for performance guarantees to assure

1 successful completion of required improvements. If a performance guarantee is
2 required, the county shall provide a range of options of types of performance
3 guarantees, including, but not limited to, surety bonds or letters of credit, from which
4 the developer may choose. For any specific development, the type of performance
5 guarantee from the range specified by the county shall be at the election of the
6 developer.

7 The ordinance may provide for the reservation of school sites in accordance with
8 comprehensive land use plans approved by the board of commissioners or the planning
9 board. For the authorization to reserve school sites to be effective, the board of
10 commissioners or planning board, before approving a comprehensive land use plan,
11 shall determine jointly with the board of education with jurisdiction over the area the
12 specific location and size of each school site to be reserved, and this information shall
13 appear in the plan. Whenever a subdivision that includes part or all of a school site to be
14 reserved under the plan is submitted for approval, the board of commissioners or the
15 planning board shall immediately notify the board of education. The board of education
16 shall promptly decide whether it still wishes the site to be reserved and shall notify the
17 board of commissioners or planning board of its decision. If the board of education does
18 not wish the site to be reserved, no site may be reserved. If the board of education does
19 wish the site to be reserved, the subdivision may not be approved without the
20 reservation. The board of education must acquire the site within 18 months after the
21 date the site is reserved, either by purchase or by exercise of the power of eminent
22 domain. If the board of education has not purchased the site or begun proceedings to
23 condemn the site within the 18 months, the subdivider may treat the land as freed of the
24 reservation."

25 **SECTION 2.** This act applies only to Harnett County.

26 **SECTION 3.** This act is effective when it becomes law.