

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1991**

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**SENATE BILL 565**

Local Government and Regional Affairs Committee Substitute Adopted 5/9/91

Short Title: Poplar Tent Beautification Dist.

(Local)

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Sponsors:

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Referred to:

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April 11, 1991

**A BILL TO BE ENTITLED**

**AN ACT TO ESTABLISH THE POPLAR TENT BEAUTIFICATION DISTRICT IN  
CABARRUS COUNTY AND TO REQUIRE LAND USE PLANNING IN THE  
DISTRICT.**

The General Assembly of North Carolina enacts:

Section 1. Election Authorized. The Cabarrus County Board of Commissioners may call an election in the Poplar Tent Beautification District, described in Section 2 of this act, to submit to the voters in the district the single issue of establishing the Poplar Tent Beautification District and authorizing the annual levy and collection of a special ad valorem tax on all taxable property in the district to beautify the district and protect the citizens of the district by developing and implementing a beautification plan providing for the installation of underground utility lines and facilities, development of buffering, landscaping, design and other appearance requirements, and other beautification projects. The Cabarrus County Board of Elections shall conduct the election in accordance with Chapter 163 of the General Statutes, and shall certify the results of the election to the Cabarrus County Board of Commissioners.

Sec. 2. Description of District. The Poplar Tent Beautification District consists of the following described property:

Beginning at a point on the west edge of the right-of-way of Interstate 85, south along the center course of Coddle Creek to the eastern corner of parcel 5600-21-2500, thence southwest along the southern property line to a point on the northern corner of parcel

1 5600-20-3567, thence south along the property line of parcel 5600-20-3567 to the  
2 northeast corner of parcel 5509-19-8530, thence along the property line of parcel 5509-  
3 19-830 to a point on the northeast corner of parcel 5509-18-1553, thence along the  
4 southern property line of parcel 5509-18-1553 to the center line of Plantation Road (SR  
5 1436), thence west along the center line of Plantation Road to the center line of Pitts  
6 School Road (SR 1305), thence northwest along the center line of Pitts School Road to  
7 eastern corner of parcel 4599-67-1383, thence along the southern property line of parcel  
8 4599-67-1383 to a point adjoining the property line on the southside parcel 4589-65-  
9 8898, thence northeast along the property line of 4589-65-8898 to a point on the  
10 property line of parcel 4589-65-8898 five hundred feet south of the center line of Pitts  
11 School Road (SR 1305). Thence northwest along a line 500 feet west of and parallel to  
12 Pitts School Road to the center line of Poplar Tent (SR 1394), thence west along the  
13 center line of Poplar Tent Road, thence south along the center line of Dorita Road to the  
14 northwest corner of parcel 4680-85-1610, thence along the north and east property lines  
15 to a point on the northwest corner of parcel 4680-95-3377, thence east along the north  
16 property line of parcel 4680-95-3377, 5394 and 8342 to the northeast property line of  
17 parcel 4690-05-0239, thence south along the east property line of 4690-05-0239 to a  
18 point on the north property line of parcel number 4590-05-1694, thence east to the north  
19 east corner, thence south along the east property lines of parcel numbers 4690-05-1694,  
20 4680-94-8714, 8407, 8215, 7082, 4680-93-7780, 4690-03-0283, 0060, 4680-92-8880,  
21 7674, 6467, 5303, 3222, thence west along the southern property line of parcel number  
22 4680-92-0239, 4680-82-7398, 6454, 4572, 3519, and 1656, thence across Dorita Road  
23 to the southeast corner of parcel number 4680-73-1581, thence west along the south  
24 property line of 4680-73-1581 to the center course of Rocky River, thence northwest  
25 along the center course of Rocky River to the center line of Harris Road (SR 1449),  
26 thence along the center line of Harris Road to the center line of Odell School Road (SR  
27 1601), thence south along the center line of Odell School Road, the center line of Untz  
28 Road (SR 11444), thence east along the center line Untz Road to center course of  
29 Coddle Creek, thence south long the center line of Coddle Creek to the point of the  
30 beginning excluding parcel 4690-45-7270.

31 Sec. 3. Ballot. The Cabarrus County Board of Elections shall prepare ballots  
32 in the following form for an election called under Section 1 of this act:

33 "[] FOR creation of the Poplar Tent Beautification District and the levy of  
34 an ad valorem tax, not to exceed five cents (5¢) for each one hundred  
35 dollars (\$100.00) taxable valuation, to beautify the district and protect  
36 the citizens of the district by developing and implementing a  
37 beautification plan providing for the installation of underground utility  
38 lines and facilities, development of buffering, landscaping, design and  
39 other appearance requirements, and other beautification projects.

40 [] AGAINST creation of the Poplar Tent Beautification District and the  
41 levy of an ad valorem tax, not to exceed five cents (5¢) for each one  
42 hundred dollars (\$100.00) taxable valuation, to beautify the district and  
43 protect the citizens of the district by developing and implementing a  
44 beautification plan providing for the installation of underground utility

1 lines and facilities, development of buffering, landscaping, design and  
2 other appearance requirements, and other beautification projects."

3 Sec. 4. District Established; Tax Levy. If a majority of the qualified voters  
4 voting on an election called under Section 1 of this act vote in favor of creating the  
5 Poplar Tent Beautification District and authorizing the levy and collection of an ad  
6 valorem tax in the district, the Cabarrus County Board of Commissioners shall, upon  
7 receipt of a certified copy of the election results, adopt a resolution creating the Poplar  
8 Tent Beautification District and shall file a copy of the resolution with the clerk of the  
9 superior court of Cabarrus County. Upon establishing the Poplar Tent Beautification  
10 District, the Cabarrus County Board of Commissioners may annually levy an ad  
11 valorem tax on all taxable property in the district in an amount the board considers  
12 necessary to develop and implement the beautification plan and projects described in  
13 Section 1 of this act, that amount not to exceed five cents (5¢) for each one hundred  
14 dollars (\$100.00) taxable valuation of property. The proceeds of this tax shall be used  
15 only to develop and implement the beautification plan and projects described in Section  
16 1 of this act.

17 Sec. 5. Nature of District; Governing Body. If created, the Poplar Tent  
18 Beautification District shall be a body political and corporate and may provide for the  
19 beautification of the district and protection of the citizens of the district by developing  
20 and implementing the beautification plan and projects described in Section 1 of this act,  
21 and may do all acts reasonably necessary to fulfill this purpose. The governing body of  
22 the district may develop the beautification plan jointly with the City of Concord or  
23 Cabarrus County planning and zoning departments, or may consult with staff and use  
24 available resources within those departments. The Cabarrus County Board of  
25 Commissioners shall serve, ex officio, as the governing body of the district, and the  
26 officers of the board of county commissioners shall likewise serve as the officers of the  
27 governing body of the district. A simple majority of the governing body constitutes a  
28 quorum, and approval by a majority of those present is sufficient to determine any  
29 matter before the governing body, if a quorum is present.

30 Sec. 6. Comprehensive Land Use Plan; Advisory Commission. (a) If the  
31 Poplar Tent Beautification District is created as provided in Sections 1 through 5 of this  
32 act, the governing body of the district, at its first meeting, shall appoint an advisory  
33 commission as provided in this section, for the purpose of developing a comprehensive  
34 land use plan to be applied within the district boundaries described in Section 2 of this  
35 act. The purpose of the comprehensive land use plan is to identify appropriate land uses  
36 and to provide stability within the district with respect to future changes in land use.  
37 The advisory commission shall consist of seven member: three members selected by  
38 the City of Concord Board of Aldermen, three members selected by the Cabarrus  
39 County Board of Commissioners, and one member selected by the other six members of  
40 the advisory commission. Of the three members selected respectively by the city and  
41 the county, one shall be an elected official and may be a member of the respective  
42 governing board, and the other two shall not be elected officials. The advisory  
43 commission shall appoint a chairman from among its members, and the chairman shall  
44 vote only in case of a tie.

1 (b) The advisory commission shall hold public hearings, solicit comments and  
2 recommendations for appropriate present and future land use within the Poplar Tent  
3 Beautification District, and shall develop a comprehensive land use plan designating  
4 appropriate land uses for the district. The comprehensive land use plan shall become  
5 binding as set forth in this section, only upon adoption of the plan by a majority of the  
6 members of the advisory commission. After adoption by the advisory commission, the  
7 plan is binding upon Cabarrus County and, in the event that any portion of the Poplar  
8 Tent Beautification District is annexed by a municipality or in any other way becomes  
9 subject to the zoning jurisdiction of a municipality, the plan is binding upon that  
10 municipality. The binding characteristic of the comprehensive plan under this section is  
11 that the local government upon which the plan is binding shall zone areas depicted in  
12 the plan in accordance with the land uses designated in the plan. After its adoption by  
13 the advisory commission, the comprehensive land use plan developed under this section  
14 shall not be changed or repealed except upon a majority vote of the governing bodies of  
15 both the City of Concord and Cabarrus County in favor of a specific change or repeal.

16 Sec. 7. For a period beginning on the effective date of this act, and ending on  
17 June 30, 1993 or on the date that a comprehensive land use plan is adopted under  
18 Section 6 of this act, whichever occurs first, no local governmental authority other than  
19 Cabarrus County may exercise zoning jurisdiction within the Poplar Tent Beautification  
20 District area as described in Section 2 of this act, provided that this act does not limit  
21 any zoning authority the City of Concord may have within the Poplar Tent  
22 Beautification District area by virtue of Chapter 63 of the General Statutes.

23 Sec. 8. Section 3 of Chapter 233 of the 1987 Session Laws reads as  
24 rewritten:

25 "Sec. 3. This act shall apply only to Orange County and Cabarrus County and to  
26 municipalities located within ~~that county~~ those counties."

27 Sec. 9. This act is effective upon ratification. Section 6 of this act expires on  
28 June 30, 1993 if no comprehensive plan has been adopted by the advisory commission  
29 as set forth in that section before that date.