

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

Finance Committee Substitute No. 2 Adopted 6/20/91

Short Title: Poplar Tent Beautification Dist.

(Local)

Sponsors:

Referred to:

April 11, 1991

A BILL TO BE ENTITLED

1 AN ACT TO ESTABLISH THE POPLAR TENT BEAUTIFICATION DISTRICT IN
2 CABARRUS COUNTY, TO PROVIDE FOR LAND USE PLANNING IN THE
3 DISTRICT, AND TO MAKE SEVERAL LOCAL MODIFICATIONS
4 APPLICABLE WITHIN CABARRUS COUNTY.
5

6 The General Assembly of North Carolina enacts:

7 Section 1. Election Authorized. The Cabarrus County Board of
8 Commissioners may call an election in the Poplar Tent Beautification District, described
9 in Section 2 of this act, to submit to the voters in the district the single issue of
10 establishing the Poplar Tent Beautification District and authorizing the annual levy and
11 collection of a special ad valorem tax on all taxable property in the district to beautify
12 the district and protect the citizens of the district by developing and implementing a
13 beautification plan providing for the installation of underground utility lines and
14 facilities, development of buffering, landscaping, design and other appearance
15 requirements, and other beautification or infrastructure improvement projects, including
16 sidewalks, bike paths, and greenways, all implementation of the plan to be funded with
17 tax revenue collected by the District. The Cabarrus County Board of Elections shall
18 conduct the election in accordance with Chapter 163 of the General Statutes, and shall
19 certify the results of the election to the Cabarrus County Board of Commissioners.

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

1 Lying and being in Townships 2 and 3, Cabarrus County, North Carolina,
2 including, the subdivisions known as Beech Bluff, Cox's Mill, Freedom Acres, Poplar
3 Trails, Quail Hollow Park, Tay-Mor, Twin Creeks, and others, and more particularly
4 described as follows:

5 BEGINNING at the intersection of Harris Road and Odell School Road;
6 thence in a southerly direction with Odell School Road to Untz Road; thence in an
7 easterly direction with Untz Road continuing in an easterly direction to Coddle Creek;
8 thence in a southerly direction with the center of Coddle Creek to the southeastern
9 corner of Tax Parcel Number 5509-19-8530; thence in a generally westerly direction
10 with the eastern boundary of Tax Parcel Number 5509-18-1553 and the southern
11 boundary of Tax Parcel Number 5509-18-1553 to the intersection of Plantation Road;
12 thence in a southerly direction with the centerline of Plantation Road to its intersection
13 with Pitts School Road; thence in a northerly direction with the centerline of Pitts
14 School Road approximately 3290 feet to the northeast corner of Tax Parcel Number
15 4599-67-1383; thence with the southern, western and northern boundary of Tax Parcel
16 Number 4599-67-1383 (including the parcel) to the center of Pitts School Road and its
17 intersection with Weddington road; thence in an easterly direction with the centerline of
18 Weddington Road to the northeastern corner of Tax Parcel Number 4599-69-5609;
19 thence with the northern and western boundary of Tax Parcel Number 4599-69-5609
20 (excluding the parcel), back to and crossing Pitts School Road to a point 500 feet
21 southwest of the centerline of Pitts School Road; thence in a northerly direction along a
22 line 500 feet west of and parallel to Pitts School Road to the intersection of Pitts School
23 Road with Poplar Tent Road; thence in a northwesterly direction with the centerline of
24 Poplar Tent Road to the intersection of Poplar Tent Road and Derita Road; thence in a
25 westerly direction with the centerline of Derita Road to the northern boundary of Tax
26 Parcel Number 4680-95-1610; thence in a westerly direction with the northern and
27 eastern boundary of Tax Parcel Number 4680-95-1610 (including the parcel) to the
28 boundary of Tax Parcel Number 4680-95-5394; thence with the northern boundary of
29 Tax Parcel Number 4680-95-5394 (excluding the parcel) and the eastern boundary and
30 southern boundaries of the Twin Creeks Subdivision (including the subdivision) to the
31 centerline of Derita Road; thence in a northerly and westerly direction with the southern
32 boundary of Tax Parcel Number 4680-73-1581 (including the parcel) to the center of
33 Rocky River; thence continuing in a northerly direction with the center of Rocky River
34 to its intersection with Harris Road; thence in an easterly direction with the centerline of
35 Harris Road to its intersection with Odell School Road, the point of BEGINNING.

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

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

1 infrastructure improvement projects, including sidewalks, bike paths,
2 and greenways, all implementation of the plan to be funded with tax
3 revenue collected by the District.

4 [] AGAINST creation of the Poplar Tent Beautification District and the
5 levy of an ad valorem tax, not to exceed five cents (5¢) for each one
6 hundred dollars (\$100.00) taxable valuation, to beautify the district and
7 protect the citizens of the district by developing and implementing a
8 beautification plan providing for the installation of underground utility
9 lines and facilities, development of buffering, landscaping, design and
10 other appearance requirements, and other beautification or
11 infrastructure improvement projects, including sidewalks, bike paths,
12 and greenways, all implementation of the plan to be funded with tax
13 revenue collected by the District."

14 Sec. 4. District Established; Tax Levy. If a majority of the qualified voters
15 voting in an election called under Section 1 of this act vote in favor of creating the
16 Poplar Tent Beautification District and authorizing the levy and collection of an ad
17 valorem tax in the district, the Cabarrus County Board of Commissioners shall, upon
18 receipt of a certified copy of the election results, adopt a resolution creating the Poplar
19 Tent Beautification District and shall file a copy of the resolution with the clerk of the
20 superior court of Cabarrus County. Upon establishing the Poplar Tent Beautification
21 District, the Cabarrus County Board of Commissioners may annually levy an ad
22 valorem tax on all taxable property in the district in an amount the board considers
23 necessary to develop and implement the beautification plan and projects described in
24 Section 1 of this act, that amount not to exceed five cents (5¢) for each one hundred
25 dollars (\$100.00) taxable valuation of property. The proceeds of this tax shall be used
26 only to develop and implement the beautification plan and projects described in Section
27 1 of this act.

28 Sec. 5. Nature of District; Governing Body. If created, the Poplar Tent
29 Beautification District shall be a body politic and corporate and may provide for the
30 beautification of the district and protection of the citizens of the district by developing
31 and implementing the beautification plan and projects described in Section 1 of this act,
32 and may do all acts reasonably necessary to fulfill this purpose. The governing body of
33 the district may develop the beautification plan jointly with the City of Concord or
34 Cabarrus County planning and zoning departments, or may consult with staff and use
35 available resources within those departments. The Cabarrus County Board of
36 Commissioners shall serve, ex officio, as the governing body of the district, and the
37 officers of the board of county commissioners shall likewise serve as the officers of the
38 governing body of the district. A simple majority of the governing body constitutes a
39 quorum, and approval by a majority of those present is sufficient to determine any
40 matter before the governing body, if a quorum is present.

41 Sec. 6. Comprehensive Land Use Plan; Advisory Commission. (a) If the
42 Poplar Tent Beautification District is created as provided in Sections 1 through 5 of this
43 act, the governing body of the district, at its first meeting, shall appoint an advisory
44 commission as provided in this section, for the purpose of developing a comprehensive

1 land use plan to be applied within the district boundaries described in Section 2 of this
2 act. The purpose of the comprehensive land use plan is to identify appropriate land uses
3 and to provide stability within the district with respect to future changes in land use.
4 The advisory commission shall consist of seven members: three members selected by
5 the City of Concord Board of Aldermen, three members selected by the Cabarrus
6 County Board of Commissioners, and one member selected by the other six members of
7 the advisory commission. Of the three members selected respectively by the city and
8 the county, one shall be an elected official and may be a member of the respective
9 governing board, and the other two shall not be elected officials but shall either reside or
10 own property in the Poplar Tent Beautification District. The advisory commission shall
11 appoint a chairman from among its members, and the chairman shall vote only in case
12 of a tie.

13 (b) The advisory commission shall hold public hearings, solicit comments and
14 recommendations for appropriate present and future land use within the Poplar Tent
15 Beautification District, and shall develop a comprehensive land use plan designating
16 appropriate land uses for the District. After adoption of a plan by a majority of the
17 members of the advisory commission, the plan shall be submitted to the Cabarrus
18 County Board of Commissioners, and to the governing board of any municipality that is
19 located entirely or partially within the District, or that exercises zoning jurisdiction
20 within the District. Upon submission of the plan to the governing bodies as set forth in
21 this subsection, those bodies may (i) adopt the plan, (ii) refer the plan back to the
22 advisory commission with requested revisions, or (iii) take no action on the plan;
23 provided that in order for the plan to become effective within the entire District, an
24 identical plan must be adopted by each of the local governments exercising zoning
25 jurisdiction within the District. If an identical plan is adopted by each of those
26 jurisdictions, the plan shall have the effect of a comprehensive plan in the District and
27 all land use within each jurisdiction within the District shall be consistent with the
28 comprehensive plan. After adoption under this section, the comprehensive land use
29 plan developed under this section shall not be changed or repealed except upon a vote in
30 favor of the specific change or repeal by a majority of each of the governing bodies of
31 the jurisdictions that adopted the plan.

32 Sec. 7. Section 3 of Chapter 233 of the 1987 Session Laws reads as
33 rewritten:

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

36 Sec. 8. Section 1 of Chapter 269 of the 1985 Session Laws reads as
37 rewritten:

38 "Section 1. G.S. 40A-10 is rewritten to read:

39 **‘§ 40A-10. Sale or other disposition of land condemned.—When any property**
40 **condemned by a condemnor is no longer needed for the purpose for**
41 **which it was condemned, it may be used for any other public purpose or**
42 **it may be sold or disposed of in the following manner: The property**
43 **shall be offered for a reasonable time, and may be sold by private sale as**
44 **set forth in G.S. 160A-267, to the prior owner of the property, or his**

1 **heirs, successors, or assigns, provided not more than ten (10) years have**
2 **lapsed since the property was purchased, at the price paid for the**
3 **property whether arrived at through negotiation or judgment including**
4 **the reasonable value of any improvements made on the property, and if**
5 **this party shall refuse to purchase the property, then it may be sold or**
6 **disposed of in the manner prescribed by law for the sale and disposition**
7 **of surplus property.'"**

8 Sec. 9. G.S. 160A-360 (f) and (f1) read as rewritten:

9 "(f) When a city annexes, or a new city is incorporated in, or a city extends its
10 jurisdiction to include, an area that is currently being regulated by the county, the
11 county regulations and powers of enforcement shall remain in effect until (i) the city has
12 adopted such regulations, or (ii) a period of ~~60~~120 days has elapsed following the
13 annexation, extension or incorporation, whichever is sooner. During this period the city
14 may hold hearings and take any other measures that may be required in order to adopt
15 its regulations for the area.

16 (f1) When a city relinquishes jurisdiction over an area that it is regulating under
17 this Article to a county, the city regulations and powers of enforcement shall remain in
18 effect until (i) the county has adopted this regulation or (ii) a period of ~~60~~120 days has
19 elapsed following the action by which the city relinquished jurisdiction, whichever is
20 sooner. During this period the county may hold hearings and take other measures that
21 may be required in order to adopt its regulations for the area."

22 Sec. 10. Sections 7, 8 and 9 of this act apply only to Cabarrus County and to
23 any incorporated municipality partly or wholly located in Cabarrus County.

24 Sec. 11. This act is effective upon ratification. Section 6 of this act expires
25 on December 31, 1993 if no comprehensive plan has been adopted before that date by a
26 majority of the advisory commission as provided in that section.