

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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HOUSE BILL 2062*

Short Title: Kannapolis Subdivision Ordinances. (Local)

Sponsors: Representatives Barnhart and Johnson (Primary Sponsors).

Referred to: Local Government II, if favorable, Finance.

May 27, 2010

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE REQUIREMENTS OF A SUBDIVISION CONTROL
ORDINANCE FOR THE CITY OF KANNAPOLIS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-372(c) reads as rewritten:

"(c) The ordinance may provide for the more orderly development of subdivisions by requiring the construction of community service facilities in accordance with municipal plans, policies, and standards. To assure compliance with these and other ordinance requirements, the ordinance may provide for performance guarantees to assure successful completion of required improvements. If a performance guarantee is required, the city shall provide a range of options of types of performance guarantees, including, but not limited to, surety bonds or letters of credit, from which the developer may choose. For any specific development, the type of performance guarantee from the range specified by the city shall be at the election of the developer.

The ordinance may provide for the reservation of school sites in accordance with comprehensive land use plans approved by the council or the planning board. In order for this authorization to become effective, before approving such plans the council or planning board and the board of education with jurisdiction over the area shall jointly determine the specific location and size of any school sites to be reserved, which information shall appear in the comprehensive land use plan. Whenever a subdivision is submitted for approval which includes part or all of a school site to be reserved under the plan, the council or planning board shall immediately notify the board of education and the board of education shall promptly decide whether it still wishes the site to be reserved. If the board of education does not wish to reserve the site, it shall so notify the council or planning board and no site shall be reserved. If the board of education does wish to reserve the site, the subdivision shall not be approved without such reservation. The board of education shall then have 18 months beginning on the date of final approval of the subdivision within which to acquire the site by purchase or by initiating condemnation proceedings. If the board of education has not purchased or begun proceedings to condemn the site within 18 months, the subdivider may treat the land as freed of the reservation.

The ordinance may provide that a developer may provide funds to the city whereby the city may acquire recreational land or areas to serve the development or subdivision, including the purchase of land that may be used to serve more than one subdivision or development within the immediate area. All funds received by the city pursuant to this paragraph shall be used only for the acquisition or development of recreation, park, or open space sites. Any formula enacted to determine the amount of funds that are to be provided under this paragraph shall be based on the value of the development or subdivision for property tax purposes. The ordinance may



1 allow a combination or partial payment of funds and partial dedication of land when the
2 governing body of the city determines that this combination is in the best interests of the
3 citizens of the area to be served.

4 The ordinance may provide that in lieu of ~~required—street or sidewalk~~
5 ~~construction, construction to serve a commercial or residential site, subdivision, or~~
6 ~~development,~~ a developer may be required to provide funds that the city may use for the
7 construction of ~~roads—roads, sidewalks, or community service facilities to serve the occupants,~~
8 residents, or invitees of the ~~subdivision—commercial or residential site, subdivision, or~~
9 development ~~and or~~ these funds may be used for ~~roads—roads, sidewalks, or community service~~
10 ~~facilities~~ which serve more than one ~~subdivision—commercial or residential site, subdivision, or~~
11 development within the ~~area~~ area, in accordance with a comprehensive land-use plan adopted
12 by the council or planning board. ~~All funds received by the city pursuant to this paragraph shall~~
13 ~~be used only for development of roads, including design, land acquisition, and construction.~~
14 ~~However, a city may undertake these activities in conjunction with the Department of~~
15 ~~Transportation under an agreement between the city and the Department of Transportation.~~
16 ~~Any formula adopted to determine the amount of funds the developer is to pay in lieu of~~
17 ~~required street construction shall be based on the trips generated from the subdivision or~~
18 ~~development.~~ The ordinance may require a combination of partial payment of funds and partial
19 dedication of constructed streets when the governing body of the city determines that a
20 combination is in the best interests of the citizens of the area to be served."

21 **SECTION 2.** This act applies only to the City of Kannapolis and the areas that its
22 subdivision control ordinance covers.

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