

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

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**SENATE BILL 1122  
House Committee Substitute Favorable 6/2/04**

Short Title: Chapel Hill School Sites.

(Local)

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Sponsors:

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Referred to:

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May 17, 2004

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE THE TOWN OF CHAPEL HILL TO POSTPONE FOR  
2 EIGHTEEN MONTHS THE APPROVAL OF SPECIAL USE PERMITS AND  
3 SITE PLANS PROPOSED ON SITES RESERVED AS SCHOOL SITES ON THE  
4 TOWN'S ADOPTED COMPREHENSIVE LAND-USE PLAN.  
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6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 160A-381(d), as it applies under S.L. 2003-237 to the  
8 Town of Chapel Hill and that area where the Town of Chapel Hill exercises territorial  
9 planning jurisdiction, including any area under that Town's jurisdiction pursuant to a  
10 Joint Planning Agreement with Orange County, reads as rewritten:

11 "(d) An ordinance enacted under the authority of this Part may provide for the  
12 reservation of school sites in accordance with comprehensive land use plans approved  
13 by the council or the planning agency. In order for this authorization to become  
14 effective, before approving such plans the council or planning agency and the board of  
15 education with jurisdiction over the area shall jointly determine the specific location and  
16 size of any school sites to be reserved, which information shall appear in the  
17 comprehensive land use plan. Prior to the adoption of such plans (or of any amendment  
18 to such plans) affecting areas reserved for schools, the owner of that parcel of land  
19 reserved for schools or proposed to be reserved for schools, or any portion thereof, as  
20 shown on the county tax records, and the owners of all parcels of land abutting that  
21 parcel, as shown on the county tax records, shall be mailed a notice of the proposed  
22 plans or amendment to plans by first class mail at the addresses shown on such county  
23 tax records. Whenever a special use permit or site plan development is submitted for  
24 approval which includes part or all of a school site to be reserved under the plan, the  
25 council or planning agency shall immediately notify the board of education and the  
26 board shall promptly decide whether it still wishes the site to be reserved. If the board of  
27 education does not wish to reserve the site, it shall so notify the council or planning  
28 agency and no site shall be reserved. If the board does wish to reserve the site, the  
29 special use permit or site plan development shall not be approved without such

1 reservation. The board of education shall then have ~~12~~ 18 months beginning on the date  
2 of final approval of the special use permit or site plan development within which to  
3 acquire the site by purchase or by initiating condemnation proceedings. If the board of  
4 education has not purchased or begun proceedings to condemn the site within ~~12~~ 18  
5 months, the owner and applicant for the special use permit or site plan development  
6 may treat the land as freed of the reservation."

7           **SECTION 2.** This act is effective when it becomes law and applies to  
8 special use permits and site plan developments approved on or after that date.