

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE BILL 956

Short Title: Zoning/Johnston County Open Space. (Local)

Sponsors: Representative Daughtry (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

May 17, 2012

1 A BILL TO BE ENTITLED  
2 AN ACT RELATING TO THE USE OF OPEN SPACE FUNDS FOR JOHNSTON  
3 COUNTY.

4 The General Assembly of North Carolina enacts:

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

6 "(c) A subdivision control ordinance may provide that a developer may provide funds to  
7 the county whereby the county may acquire recreational land or areas to serve the development  
8 or subdivision, including the purchase of land that may be used to serve more than one  
9 subdivision or development within the ~~immediate area~~ county. All funds received by the county  
10 pursuant to this paragraph shall be used only for the acquisition or development of recreation,  
11 park, or open space sites.

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

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

33 The ordinance may provide for the reservation of school sites in accordance with  
34 comprehensive land use plans approved by the board of commissioners or the planning board.  
35 For the authorization to reserve school sites to be effective, the board of commissioners or



1 planning board, before approving a comprehensive land use plan, shall determine jointly with  
2 the board of education with jurisdiction over the area the specific location and size of each  
3 school site to be reserved, and this information shall appear in the plan. Whenever a  
4 subdivision that includes part or all of a school site to be reserved under the plan is submitted  
5 for approval, the board of commissioners or the planning board shall immediately notify the  
6 board of education. The board of education shall promptly decide whether it still wishes the site  
7 to be reserved and shall notify the board of commissioners or planning board of its decision. If  
8 the board of education does not wish the site to be reserved, no site may be reserved. If the  
9 board of education does wish the site to be reserved, the subdivision may not be approved  
10 without the reservation. The board of education must acquire the site within 18 months after the  
11 date the site is reserved, either by purchase or by exercise of the power of eminent domain. If  
12 the board of education has not purchased the site or begun proceedings to condemn the site  
13 within the 18 months, the subdivider may treat the land as freed of the reservation."

14 **SECTION 2.** This act applies to Johnston County only.

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