

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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SENATE BILL 1122

Short Title: Chapel Hill School Sites. (Local)

Sponsors: Senator Kinnaird.

Referred to: State Government, Local Government, and Veterans' Affairs.

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.