

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 710

Short Title: Huntersville Development Rights.

(Local)

Sponsors: Senator Odom.

Referred to: State and Local Government.

April 1, 1999

A BILL TO BE ENTITLED

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2 **AN ACT AUTHORIZING THE TOWN OF HUNTERSVILLE TO ESTABLISH A**
3 **VOLUNTARY TRANSFER OF DEVELOPMENT RIGHTS PILOT PROGRAM**
4 **FOR THE PROTECTION OF FARMLAND, ENVIRONMENTALLY SENSITIVE**
5 **LAND, AND OTHER OPEN LAND WITHIN THE TOWN'S**
6 **EXTRATERRITORIAL JURISDICTION.**

7 The General Assembly of North Carolina enacts:

8 Section 1. In order to protect and sustain the natural resources of the
9 community and provide for orderly planned growth, the Town of Huntersville may
10 establish a voluntary transfer of development rights pilot program to facilitate the
11 protection of farmland, environmentally sensitive land, and other open land in the
12 municipality and its extraterritorial jurisdiction. The Town may adopt ordinances that it
13 deems necessary or appropriate to implement the pilot program, and these ordinances
14 may provide that the owner of property described herein may voluntarily transfer the
15 development rights accruing to his or her property under Article 19 of Chapter 160A of
16 the General Statutes from no more than 1,000 acres located in the open space zoning
17 district to other qualified property located in the open space zoning district. Development
18 rights shall be computed on a per acre basis. The pilot program may authorize the Town
19 to purchase, hold, and convey such rights or to facilitate the direct voluntary transfer of
20 rights between properties. The transfer of rights from or to property shall not be deemed

1 a rezoning of the property requiring compliance with Article 19 of Chapter 160A of the
2 General Statutes.

3 Section 2. Prior to adopting the pilot program authorized under Section 1 of
4 this act, the Mayor shall appoint an Implementation Task Force to advise the Mayor and
5 Board of Commissioners on minimum standards for participation of transferring
6 properties, criteria for establishing receiving zones responsive to market conditions, and
7 administrative and other structural and operational issues of pilot program
8 implementation. The Implementation Task Force shall include, but not be limited to,
9 property owners, development and building industry representatives, and representatives
10 from the Huntersville Board of Commissioners. The Town shall convene no fewer than
11 four meetings of the Implementation Task Force during a period of not less than 90 days
12 and not more than 120 days. The Task Force shall report its recommendations to the
13 Mayor, Board of Commissioners, Huntersville Planning Board, and to the community.

14 Section 3. Upon receipt of the Implementation Task Force's report, but prior to
15 the adoption of the pilot program, the Town shall sponsor a public workshop and the
16 Town's governing body shall hold a public hearing. Notice of the public hearing shall be
17 given in accordance with G.S. 160A-364 and given after the Town has complied with the
18 requirements for the adoption of amendments to the Town's zoning ordinance.

19 Section 4. Authorization to implement the pilot program under this act shall
20 expire five years after the adoption of zoning ordinance amendments establishing districts
21 to accommodate transferable development rights or after the transfer cap of 1,000 acres
22 has been exhausted, whichever occurs first. Development rights transactions in process
23 on the date the authorization expires may be completed.

24 Section 5. This act shall apply only to the Town of Huntersville.

25 Section 6. This act is effective when it becomes law.