



County of Franklin

North Carolina

Board of County Commissioners
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RESOLUTION ADOPTING AN ADEQUATE PUBLIC SCHOOLS ORDINANCE (APSO)

WHEREAS, the North Carolina Constitution has established, and the North Carolina Supreme Court has reaffirmed that North Carolina State Government must "guarantee (to) every child ...an opportunity to receive a sound basic education in our public schools" and must operate a "general and uniform system of schools in which "equal opportunities shall be provided for all students" (*Leandro v. State of North Carolina*, 346 N.C. 336, 347, 488 S.E. 2nd 249, 255 (1997)); and

WHEREAS, the State of North Carolina has delegated to Counties the responsibility to ensure this sound, basic education. The County of Franklin (the "County") is such a geographic subdivision of the State of North Carolina, and as such is mandated by the North Carolina General Assembly to operate school facilities. Specifically, the Franklin County Board of Education has been empowered and is responsible for the provision of such facilities; and

WHEREAS, the public costs associated with the large volume and rapid pace of residential development and the related burden on the County's Public School System jeopardize the County's ability to provide an adequate public education to the County's schoolchildren; and

WHEREAS, the County is empowered, pursuant to North Carolina General Statutes Chapter 153, to implement land use and associated regulations that protect the health, safety and welfare of its citizens; and

WHEREAS, in order to provide for the orderly growth of the County in order to protect the health, safety and welfare of its citizens, The County adopted a Comprehensive Land Use Plan in 2000. The Comprehensive Plan calls for the County to "manage the physical development of Franklin County to protect its resources, preserve its rural atmosphere, and simultaneously promote industrial and retail growth" and to "consider adopting performance standards to encourage development at a rate that parallels the availability of infrastructure and services"; and

WHEREAS, pursuant to NCGS 160A – 383, prior to adopting or rejecting any zoning amendment, a County's governing board shall adopt a statement describing whether its action is consistent with an adopted Comprehensive Plan and explaining why the board considers the action taken to be reasonable and in the public interest. The County finds that the provisions of NCGS 160A-383 reflects the North Carolina General Assembly's recognition of the importance of the Comprehensive Plan in guiding land development in North Carolina Counties; and

WHEREAS, the purpose of this ordinance is to protect the health, safety and welfare of all County residents, but particularly of the County's children by ensuring that adequate school facilities are available to all children in Franklin County, and that such facilities are available concurrent with or roughly concurrent with the demand for school facilities created by new development; and

WHEREAS, many other North Carolina local governments, such as Cabarrus, Currituck, Davidson and Orange Counties and the Towns of Davidson and Harrisburg, have adopted adequate public facilities ordinances; and

WHEREAS, the County intends to assure property owners and developers of property for residential use, through adoption of a Capital Improvements Plan (CIP) for Schools associated with this Ordinance, that adequate school facilities will be put in place based on a schedule of capital improvements reasonably related to projected facilities need; and


WHEREAS, the County hereby identifies the "Franklin County Schools Long Range Plan – North Carolina Public School Facility Needs Survey" as Certified by the Franklin County Board of Commissioners on January 4, 2006 and hereby incorporated by reference as the adopted CIP for this Ordinance.

NOW THEREFORE, the Franklin County Board of Commissioners adopts the attached Adequate Public Schools Ordinance and referenced attachments as Chapter 4, Article 33 of the Unified Development Ordinance.

Adopted this 19th Day of June, 2006



Sidney Dunston, Chairman
Franklin County Board of Commissioners


Kristen King, Clerk to the Board
Franklin County

