

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 798

Short Title: Cary Recreational Fees.

(Local)

Sponsors: Representative Mosley (By Request).

Referred to: Finance.

April 1, 1999

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE CARY CHARTER TO GRANT ADDITIONAL
2 AUTHORITY TO THE TOWN OF CARY TO CHARGE FEES IN LIEU OF
3 RECREATIONAL LAND OR OPEN SPACE DEDICATION BASED ON A PER-
4 UNIT FORMULA AND TO CONDITION SITE PLAN APPROVAL UPON
5 DEDICATION, RESERVATION, IMPROVEMENT, OR PAYMENT OF FEES IN
6 LIEU.
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8 The General Assembly of North Carolina enacts:

9 Section 1. The Charter of the Town of Cary, being Chapter 868 of the 1971
10 Session Laws, is amended by adding two new sections to read:

11 "Sec. 9.4. In addition to the authority granted by G.S. 160A-372, the Town of Cary,
12 in the exercise of its powers to regulate the subdivision of land subject to its jurisdiction,
13 is authorized to determine the amount of funds to be paid as a fee in lieu of recreational
14 land or open space dedication by using a formula based upon a charge per dwelling unit
15 of the development or subdivision without reference to property tax value; provided that
16 this charge may vary depending on the size or type of the dwelling unit; and further
17 provided that the collection, maintenance, and use of such funds are otherwise consistent
18 with G.S. 160A-372. In no event may a fee in lieu of recreational land or open space
19 dedication that is required for a development or subdivision exceed the fair market value
20 of the land area that would have otherwise been required to be dedicated. For the

1 purpose of this section, fair market value is to be determined at final plat approval with
2 respect to a development or subdivision.

3 Sec. 9.5. As part of its zoning regulations, the Town of Cary shall have the
4 same authority to condition the approval of all residential development plans, including
5 all residential site plans, upon the dedication or reservation of property, the making of
6 public improvements, or the payment of fees in lieu of dedication, reservation, or public
7 improvements as the Town of Cary has under its powers to regulate the subdivision of
8 land, including Section 9.4 as set forth above."

9 Section 2. This act is effective when it becomes law.