

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE DRH30290-LRx-69 (02/27)

Short Title: Cumberland/Subdivision Rec. Areas.

(Local)

Sponsors: Representative Dickson.

Referred to:

A BILL TO BE ENTITLED

AN ACT CLARIFYING THAT CUMBERLAND COUNTY MAY REQUIRE IN ITS
SUBDIVISION ORDINANCE A PAYMENT IN LIEU OF, RATHER THAN
ACTUAL DEDICATION OF, RECREATIONAL AREAS.

The General Assembly of North Carolina enacts:

SECTION 1. In addition to the authority granted by G.S. 153A-331, Cumberland County, in the exercise of its powers to regulate the subdivision of land subject to its jurisdiction, is authorized to require a payment in lieu of actual dedication of land for recreational areas and to determine the amount of funds to be paid as a fee in lieu of recreation area dedication by using a formula based upon a charge per dwelling unit of the development or subdivision without reference to property tax value; provided that this charge may vary depending on the size or type of the dwelling unit; and further provided that the collection, maintenance, and use of such funds are otherwise consistent with G.S. 153A-331. In no event may a fee in lieu of recreation area dedication that is required for a development or subdivision exceed the fair market value of the land area that would have otherwise been required to be dedicated. For the purpose of this section, fair market value is to be determined with respect to a development or subdivision, at the time the initial development application submittal is made to Cumberland County.

SECTION 2. As part of its zoning regulations, Cumberland County shall have the same authority to condition the approval of site plans upon the dedication or reservation of property, the making of public improvements, or the payment of fees in lieu of dedication, reservation, or public improvements as it has under its powers to regulate the subdivision of land. For the purpose of this section, "site plan" excludes single family detached residences.

SECTION 3. This act applies to Cumberland County only.

SECTION 4. This act is effective when it becomes law.