

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 1138

Short Title: Apex/Subdivision Fee Authority.

(Local)

Sponsors: Representative Miner.

Referred to: Local and Regional Government I.

May 15, 1996

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A BILL TO BE ENTITLED

ACT TO GRANT ADDITIONAL AUTHORITY TO THE TOWN OF APEX TO CHARGE FEES IN LIEU OF PARKLAND OR OPEN SPACE DEDICATION BASED ON A PER-UNIT FORMULA AND TO CONDITION SITE PLAN APPROVAL UPON DEDICATION, RESERVATION, IMPROVEMENT, OR PAYMENT OF FEES IN LIEU.

2 The General Assembly of North Carolina enacts:

3 Section 1. The Charter of the Town of Apex, being Chapter 356 of the 1985
4 Session Laws, is amended by adding two new sections to read:

5 "Sec. 6.6. In addition to the authority granted by G.S. 160A-372, the Town of Apex,
6 in the exercise of its powers to regulate the subdivision of land subject to its jurisdiction,
7 is authorized to determine the amount of funds to be paid as a fee in lieu of parkland or
8 open space dedication by using a formula based upon a charge per dwelling unit of the
9 development or subdivision without reference to property tax value; provided that this
10 charge may vary depending on the size or type of the dwelling unit; and further
11 provided that the collection, maintenance, and use of such funds are otherwise
12 consistent with G.S. 160A-372.

13 "Sec. 6.7. As part of its zoning regulations, the Town of Apex shall have the same
14 authority to condition the approval of site plans upon the dedication or reservation of
15 property, the making of public improvements, or the payment of fees in lieu of

- 1 dedication, reservation, or public improvements as the Town of Apex has under its
- 2 powers to regulate the subdivision of land."
- 3 Sec. 2. This act is effective upon ratification.