

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

H

1

HOUSE BILL 1130

Short Title: Cumberland/Subdivision Rec. Areas. (Local)

Sponsors: Representatives Dickson, Lucas, Glazier, McAllister (Primary Sponsors);
and Brisson.

Referred to: Local Government I, if favorable, Finance.

March 28, 2007

A BILL TO BE ENTITLED

1 AN ACT CLARIFYING THAT CUMBERLAND COUNTY MAY REQUIRE IN ITS
2 SUBDIVISION ORDINANCE A PAYMENT IN LIEU OF, RATHER THAN
3 ACTUAL DEDICATION OF, RECREATIONAL AREAS.
4

5 The General Assembly of North Carolina enacts:

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

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

26 **SECTION 3.** This act applies to Cumberland County only.

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