

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 722
HOUSE BILL 1138

AN 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.

The General Assembly of North Carolina enacts:

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

"Sec. 6.6. In addition to the authority granted by G.S. 160A-372, the Town of Apex, in the exercise of its powers to regulate the subdivision of land subject to its jurisdiction, is authorized to determine the amount of funds to be paid as a fee in lieu of parkland or open space 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. 160A-372. In no event may a fee in lieu of parkland or open space 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 the Town of Apex.

"Sec. 6.7. As part of its zoning regulations, the Town of Apex 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 the Town of Apex has under its powers to regulate the subdivision of land. For the purpose of this section, 'site plan' excludes single family detached residences."

Sec. 2. This act is effective upon ratification. This act does not apply to land located in Chatham County.

In the General Assembly read three times and ratified this the 21st day of June, 1996.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives