

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 1426

Short Title: Pender Impact Fees.

(Local)

Sponsors: Senator Albertson.

Referred to: Finance.

May 30, 1996

A BILL TO BE ENTITLED

AN ACT AUTHORIZING PENDER COUNTY TO IMPOSE IMPACT FEES TO
FUND CAPITAL IMPROVEMENTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-331 reads as rewritten:

"§ 153A-331. **Contents and requirements of ordinance; impact fees authorized.**

(a) A subdivision control ordinance may provide for the orderly growth and development of the county; for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities; for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and of rights-of-way or easements for street and utility purposes including the dedication of rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety, and the general welfare. The ordinance may include requirements that the final plat show sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines, to an appropriate accuracy and in conformity with good surveying

1 practice. A subdivision control ordinance may provide that a developer may provide
2 funds to the county whereby the county may acquire recreational land or areas to serve
3 the development or subdivision, including the purchase of land which may be used to
4 serve more than one subdivision or development within the immediate area.

5 The ordinance may provide that in lieu of required street construction, a developer
6 may provide funds to be used for the development of roads to serve the occupants,
7 residents, or invitees of the subdivision or development. All funds received by the county
8 under this section shall be transferred to the municipality to be used solely for the
9 development of roads, including design, land acquisition, and construction. Any
10 municipality receiving funds from a county under this section is authorized to expend
11 such funds outside its corporate limits for the purposes specified in the agreement
12 between the municipality and the county. Any formula adopted to determine the amount
13 of funds the developer is to pay in lieu of required street construction shall be based on
14 the trips generated from the subdivision or development. The ordinance may require a
15 combination of partial payment of funds and partial dedication of constructed streets
16 when the governing body of the county determines that a combination is in the best
17 interest of the citizens of the area to be served.

18 The ordinance may provide for the more orderly development of subdivisions by
19 requiring the construction of community service facilities in accordance with county
20 policies and standards, and, to assure compliance with these requirements, the ordinance
21 may provide for the posting of bond or any other method that will offer guarantee of
22 compliance.

23 The ordinance may provide for the reservation of school sites in accordance with
24 comprehensive land use plans approved by the board of commissioners or the planning
25 agency. For the authorization to reserve school sites to be effective, the board of
26 commissioners or planning agency, before approving a comprehensive land use plan,
27 shall determine jointly with the board of education with jurisdiction over the area the
28 specific location and size of each school site to be reserved, and this information shall
29 appear in the plan. Whenever a subdivision that includes part or all of a school site to be
30 reserved under the plan is submitted for approval, the board of commissioners or the
31 planning agency shall immediately notify the board of education. That board shall
32 promptly decide whether it still wishes the site to be reserved and shall notify the board
33 of commissioners or planning agency of its decision. If the board of education does not
34 wish the site to be reserved, no site may be reserved. If the board of education does wish
35 the site to be reserved, the subdivision may not be approved without the reservation. The
36 board of education must acquire the site within 18 months after the date the site is
37 reserved, either by purchase or by exercise of the power of eminent domain. If the board
38 of education has not purchased the site or begun proceedings to condemn the site within
39 the 18 months, the subdivider may treat the land as freed of the reservation.

40 The ordinance may require that a plat be prepared, approved, and recorded pursuant to
41 its provisions whenever a subdivision of land takes place.

42 (b) A county may by ordinance provide for a system of impact fees to help defray
43 the costs of certain capital improvements. The impact fees shall be paid at the time the

1 owner or developer applies for a building permit for a dwelling under G.S. 153A-357.
2 The amount of the impact fee set in any ordinance adopted pursuant to this section shall
3 be reasonably related to the burden upon county services which the occupants of the
4 dwelling impose upon county capital improvement requirements.

5 (c) For the purposes of this section:

6 (1) 'Capital improvement' includes the acquisition of land, construction of
7 schools and other improvements to schools, roads, public recreation
8 facilities, sidewalks, bikeways, rescue facilities, surface water drainage,
9 water and sewer facilities, health facilities, and fire stations.

10 (2) 'Dwelling' includes any permanent structure having sleeping
11 accommodations which is used as a residence, including apartment
12 houses and manufactured housing, but excluding nonprofit institutions,
13 nursing homes, and hospitals."

14 Sec. 2. This act is effective upon ratification.