



SENATE BILL 249: Zoning/Recreational Land Req.-Morrisville

2015-2016 General Assembly

Committee: Senate Judiciary II
Introduced by: Sen. Stein
Analysis of: First Edition

Date: April 15, 2015
Prepared by: Janice Paul
Committee Counsel

SUMMARY: *Senate Bill 249 authorizes the Town of Morrisville to require developers of multifamily units to provide funds for the acquisition of recreational areas to serve the units, including the purchase of land that may be used to serve more than one multifamily development or residential subdivision within the immediate area.*

[As introduced, this bill was identical to H322, as introduced by Reps. Avila, Adcock, D. Hall, which is currently in House Local Government.]

CURRENT LAW:

G.S. 160A-372 provides that a subdivision ordinance may provide for the provision of funds by a developer to be used by a municipality to acquire recreational areas to serve the residents of the subdivision or development, or more than one subdivision or development, within the immediate area. Funds received by a municipality may be used only for the acquisition or development of recreation, park, or open space sites. Any formula enacted to determine the amount of funds to be provided by a developer shall be based upon the value of the development for property tax purposes. A combination of funds and partial dedication of land may be allowed when the municipality determines that this combination is in the best interests of the area residents.

BILL ANALYSIS: Senate Bill 249 would provide the Town of Morrisville with the same authority to require developers of multifamily units to provide funding for recreational areas to serve residents of the multifamily units and other residents in the immediate area, as is provided in G.S. 160A-372 for subdivision development.

Funds received from developers of multifamily units may be combined with funds received from residential subdivision developers under G.S. 160A-372. The use of the funds is limited to the acquisition or development of recreation, park, or open space sites. Any formula used to determine the amount of funds due shall be based upon a flat fee per unit. The ordinance may allow for a combination of funds and dedication of land, if the town council determines that this is in the best interests of the residents to be served.

EFFECTIVE DATE: The act is effective when it becomes law. It applies to the Town of Morrisville only.

BACKGROUND: The General Assembly gave this authority to the Town of Cary in 2007 (S.L. 2007-321).

Barbara Riley, former Staff Attorney with the Research Division, and Brad Krehely, counsel to Senate State and Local Government, contributed substantially to this summary.

