



SENATE BILL 242: Recreational Land Fee Changes.

2019-2020 General Assembly

Committee:

Introduced by: Sen. Burgin

Analysis of: Third Edition

Date:

June 19, 2019

Prepared by:

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Staff Attorney

OVERVIEW: Senate Bill 242 would allow Harnett County to adopt a subdivision control ordinance to allow a developer to provide up to \$500 per residential construction lot to the county to acquire recreational land or areas and to develop and construct recreational facilities to serve the development or subdivision, and would allow Mecklenburg County to enter into a reimbursement agreement with private property owners for the design and construction of certain park infrastructure.

CURRENT LAW:

Municipal Law: G.S. 160A-372 states 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. G.S. 160A-372(c).

County Law: G.S. 153A-331 states that a subdivision ordinance may provide for the provision of funds by a developer to be used by a county to acquire recreational areas to serve the residents of the subdivision or development, or more than one subdivision or development, within the immediate area.

S.L. 2009-162 authorized Mecklenburg County to enter into a reimbursement agreement with private property owners for the design and construction of park infrastructure on parks that: (i) are included in the county's Parks Master Plan; (ii) are located on property that is adjacent to or in close proximity to other property owned by the private property owner or its affiliates; and (iii) are located on the property owned by the private property owner that is to be leased or transferred to the county.

BILL ANALYSIS: Senate Bill 242 would allow Harnett County to adopt a subdivision control ordinance that provides for the provision of funds by a developer to be used by a county to also develop and construct recreational facilities to serve the residents of the subdivision or development, or more than one subdivision or development within the immediate area. The funds charged by the county for these purposes under a subdivision control ordinance cannot exceed \$500 per residential construction lot.

Senate Bill 242 would amend S.L. 2009-162 to allow Mecklenburg County to enter into a reimbursement agreement with private property owners for the design and construction of park infrastructure on land currently owned by the county.

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EFFECTIVE DATE: The act would be effective when it becomes law.

BACKGROUND: A similar provision to Section 1 of Senate Bill 242 was enacted for Johnston County. (S.L. 2012-122).

**Staff attorneys Brad Krehely, Howard Marsilio, and Samantha Yarborough substantially contributed to this summary.*