

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1194

Short Title: Morrisville Off-Site Development. (Local)

Sponsors: Representative T. Harrell.

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

March 29, 2007

A BILL TO BE ENTITLED
AN ACT RELATING TO THE AUTHORITY OF THE TOWN OF MORRISVILLE
CONCERNING CONDITIONS OF OFF-SITE DEVELOPMENT.

The General Assembly of North Carolina enacts:

SECTION 1. In addition to the authority of the Town of Morrisville to place conditions on the approval of development requests as authorized under Chapter 160A of the General Statutes, the Town shall also have the authority in its review of preliminary plats, site plans, and special use permit requests to impose conditions of development which address area-wide impacts of the development and which require improvements to be made on properties located beyond the limits of the development project boundary.

SECTION 2. The Town of Morrisville may exercise the authority granted by Section 1 of this act by ordinance duly adopted in accordance with the public notice and hearing requirements in G.S. 160-364. The Town's authority is subject to the following terms and conditions:

- (1) The development conditions must be in response to and proportionate with impacts resulting from the development proposal.
- (2) The conditions are limited to improvements addressing transportation or stormwater runoff impacts.
- (3) The conditions may address stormwater impacts only if the Town adopts a stormwater utility or other Town-wide plan to address stormwater runoff control.
- (4) The conditions may not address project impacts beyond the point where project-related impacts are less than ten percent (10%) of cumulative impacts.
- (5) The Town may not assess an impact fee as part of this authority, but may require or allow the developer to make payment-in-lieu, when installation or construction of the off-site improvements is impractical

1 or otherwise incapable of being performed in a reasonable period of
2 time.

3 **SECTION 3.** This act applies to the Town of Morrisville only.

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