

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 915
Committee Substitute Favorable 5/8/89

Short Title: Orange Omnibus Bill.

(Local)

Sponsors:

Referred to:

March 27, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE SUNDRY AMENDMENTS CONCERNING LOCAL
3 GOVERNMENT IN ORANGE COUNTY.

4 The General Assembly of North Carolina enacts:

5 Section 1. The Charter of the Town of Chapel Hill, being Chapter 473,
6 Session Laws of 1975, is hereby amended by adding a new Section 5.20 to read as
7 follows:

8 "Sec. 5.20. Ordinances permitting low and moderate housing and providing density
9 bonuses.

10 (a) For the purpose of increasing the availability of housing for persons of low
11 and moderate income, and thereby promoting the public health, safety and welfare, the
12 Town of Chapel Hill may grant a density bonus or provide other incentives of
13 equivalent financial value to a developer of housing within the Town and its
14 extraterritorial planning jurisdiction, if the developer agrees:

15 (1) To construct at least twenty-five percent (25%) of the total units of a
16 housing development for persons and families of low or moderate
17 income; or,

18 (2) To construct at least ten percent (10%) of the total units of a housing
19 development for lower income households.

20 (b) For the purposes of this Article, 'density bonus' means a density increase of at
21 least twenty-five percent (25%) over the otherwise maximum allowable residential
22 density under the applicable zoning classification. The density bonus shall not be
23 included when determining the number of housing units which is equal to ten percent

1 (10%) or twenty-five percent (25%) of the total. The Town may apply the density
2 bonus to housing developments consisting of five or more dwelling units."

3 Sec. 2. The Charter of the Town of Carrboro, being Chapter 476 of the
4 Session Laws of 1987, is amended by adding a new section to Article 9 to read:

5 "Section 9-6. **Stopwork Orders.** The Board of Aldermen may provide in its land
6 use ordinance that the land use administrator may issue stopwork orders whenever
7 violations of the land use ordinance are discovered and the administrator concludes that
8 irreparable injury will occur if the alleged violation is not terminated immediately. The
9 ordinance shall provide for an expedited procedure whereby a stopwork order may be
10 appealed to the board of adjustment. The ordinance may also provide that a violation of
11 a stopwork order that has not been appealed or that has been upheld on appeal shall
12 constitute a misdemeanor."

13 Sec. 3. G.S. 153A-123 is amended by adding a new subsection (h) to read as
14 follows:

15 "(h) A county may provide in its zoning ordinances, subdivision regulations, or
16 other land use ordinance that the administrator of the ordinance may issue stopwork
17 orders when violations of such ordinances are discovered and the administrator
18 concludes that irreparable injury will occur if the alleged violation is not terminated
19 immediately. The ordinance shall provide for an expedited procedure whereby a
20 stopwork order may be appealed to the board of adjustment. The ordinance may also
21 provide that a violation of a stopwork order that has not been appealed or that has been
22 upheld on appeal shall constitute a misdemeanor. This section shall only apply to
23 Orange County."

24 Sec. 4. The Charter of the Town of Chapel Hill, being Chapter 473, Session
25 Laws of 1975, is hereby amended by adding a new Section 3.12 to read as follows:

26 "Sec. 3.12. Disclosure of property and business interests.

27 (a) The Town Council of Chapel Hill may require by ordinance the disclosure by
28 the Mayor and members of the Council of their, and their spouses', personal financial
29 interests including but not limited to interests in real property and in entities doing
30 business with the town or applying for permits or approvals from the Town. The
31 Council may establish minimum percentage interests below which disclosure would not
32 be required.

33 (b) The Town Council of Chapel Hill may require by ordinance that the Mayor
34 and Council members shall not vote on matters involving their property or business
35 interests; provided, that the Council may exempt from disqualification matters such as
36 zoning or development decisions in which all properties similarly situated would be
37 similarly affected."

38 Sec. 5. (a) Section 5.23 of the Charter of the Town of Chapel Hill, being
39 Chapter 473, Session Laws of 1975, as added by Chapter 330, Session Laws of 1977,
40 and renumbered to be Section 5.33 under G.S. 160A-496, reads as rewritten:

41 "~~Sec. 5.33. Removal of trees from public and private property.~~ **Tree protection**
42 **regulations.** The Town is authorized to adopt ordinances after holding of a public
43 hearing thereon, to regulate ~~removal-planting, removal, and substantial destruction of~~
44 trees and shrubs and their surrounding soils, to the extent that the root systems of trees

1 and shrubs extend into such soils, ~~from~~ on public and private property within the town
2 and its extraterritorial planning jurisdiction in order to preserve, protect, and enhance
3 ~~one of the most~~ valuable natural resources of the community, and to protect the health,
4 safety, and welfare of its citizens."

5 (b) All development and zoning ordinances of the Town of Chapel Hill
6 enacted and all steps taken by that town to enact development and zoning ordinances
7 prior to the effective date of this section which would have been valid under subsection
8 (a) of this section are hereby validated, ratified, and confirmed.

9 Sec. 6. This act is effective upon ratification.