

GENERAL ASSEMBLY OF NORTH CAROLINA  
1989 SESSION

CHAPTER 478  
HOUSE BILL 915

AN ACT TO MAKE SUNDRY AMENDMENTS CONCERNING LOCAL  
GOVERNMENT IN ORANGE COUNTY.

The General Assembly of North Carolina enacts:

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

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

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

- (1) To construct at least twenty-five percent (25%) of the total units of a housing development for persons and families of low or moderate income; or,
- (2) To construct at least ten percent (10%) of the total units of a housing development for lower income households.

(b) For the purposes of this Article, 'density bonus' means a density increase of at least twenty-five percent (25%) over the otherwise maximum allowable residential density under the applicable zoning classification. The density bonus shall not be included when determining the number of housing units which is equal to ten percent (10%) or twenty-five percent (25%) of the total. The Town may apply the density bonus to housing developments consisting of five or more dwelling units."

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

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

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

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

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

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

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

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

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

"Sec. 5.33. ~~Removal of trees from public and private property.~~ **Tree protection regulations.** The Town is authorized to adopt ordinances after holding of a public hearing thereon, to regulate removal, planting, removal, and substantial destruction of trees and shrubs and their surrounding soils, to the extent that the root systems of trees and shrubs extend into such soils, from on public and private property within the town and its extraterritorial planning jurisdiction in order to preserve, protect, and enhance one of the most valuable natural resources of the community, and to protect the health, safety, and welfare of its citizens."

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

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 27th day of June, 1989.