

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 119
SENATE BILL 569

AN ACT AMENDING THE CHARTER OF THE CITY OF WILMINGTON TO
AUTHORIZE ZONING DENSITY BONUSES IN PROJECTS CONTAINING
SPECIFIED AMOUNTS OF LOW AND MODERATE INCOME HOUSING.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the City of Wilmington, being Chapter 495 of the 1977 Session Laws, as amended, is amended by adding a new section to read as follows:

"Sec. 23.10. Low and Moderate Income Housing; Density Bonuses.

(a) The City Council may provide for the granting of density bonuses in one or more zoning districts in which residential uses are permitted, or provide other incentives of value to a developer of housing within the City and its extraterritorial zoning jurisdiction, if any, if the developer agrees to construct at least fifteen percent (15%) of the total housing units within the development for persons and families of low and moderate income. The size of the density bonus may vary with the percentage of housing units constructed within the development for persons or families of low or moderate income.

(b) The City Council may provide for the enforcement of a developer's commitment to provide low and moderate income housing by ordinance or through the adoption of rules and regulations. Such ordinance or rules and regulations may require the developer to record restrictive covenants applicable to the property, to convey real estate interests in the property, to enter into binding contracts satisfactory to the City or to take other lawful action prescribed by the City. The City may prescribe the period of time during which the developer's commitment shall be binding.

(c) When used in this section, the following terms have the meanings indicated:

(1) 'Density bonus' means an increase in the number of housing units allowed on the tract of land upon which the development is located, when compared to the maximum number of housing units which would be allowed on the tract of land in the absence of the density bonus.

(2) 'Low and moderate income' has the meaning prescribed by the regulations of the United States Department of Housing and Urban Development applicable to the City of Wilmington. In the absence of such regulations, the term 'low and moderate income' shall have the meaning prescribed by the City Council by ordinance or resolution.

The term 'low and moderate' shall also be construed to mean low or moderate income."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 27th day of May, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives