

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 915

Short Title: Orange Omnibus Bill.

(Local)

Sponsors: Representatives Hackney and Barnes.

Referred to: Government.

March 27, 1989

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

Section 1. (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 alteration~~ of trees and shrubs and their surrounding soils from 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. 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. **Stop Work Orders.** The Board of Aldermen may provide in its land use ordinance that the land use administrator may issue stop work 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

1 ordinance shall provide for an expedited procedure whereby a stop work order may be
2 appealed to the board of adjustment. The ordinance may also provide that a violation of
3 a stop work order that has not been appealed or that has been upheld on appeal shall
4 constitute a misdemeanor."

5 Sec. 3. The Charter of the Town of Chapel Hill, being Chapter 473, Session
6 Laws of 1975, is hereby amended by adding a new Section 3.12 to read as follows:

7 "Sec. 3.12. Disclosure of Property and Business Interests.

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

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

19 Sec. 3.1. The Charter of the Town of Chapel Hill, being Chapter 473,
20 Session Laws of 1975, is hereby amended by adding a new Section 5.20 to read as
21 follows:

22 "Sec. 5.20. Ordinances Requiring and Permitting Low and Moderate Housing and
23 Providing Density Bonuses.

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

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

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

34 (b) For the purposes of this Article, 'density bonus' means a density increase of at
35 least twenty-five percent (25%) over the otherwise maximum allowable residential
36 density under the applicable zoning classification. The density bonus shall not be
37 included when determining the number of housing units which is equal to ten percent
38 (10%) or twenty-five percent (25%) of the total. The Town may apply the density
39 bonus to housing developments consisting of five or more dwelling units.

40 (c) For the purpose of increasing the availability of housing for persons of low
41 and moderate income and thereby promoting the public health, safety and welfare, the
42 Town of Chapel Hill may enact ordinances requiring that developers of housing within
43 the Town and its extraterritorial planning jurisdiction:

- 1 (1) Construct at least twenty-five percent (25%) of the total units of a
2 housing development for persons and families of low or moderate
3 income; or,
4 (2) Construct at least ten percent (10%) of the total units of a housing
5 development for lower income households.
6 (d) The Town may exercise the authority granted in subsection (c) of this section
7 only if the Town either grants a density bonus or provides other incentives of equivalent
8 financial value to a developer required to provide low and moderate income housing."
9 Sec. 4. This act is effective upon ratification.