

NORTH CAROLINA GENERAL ASSEMBLY
1963 SESSION

CHAPTER 122
HOUSE BILL 300

AN ACT RELATING TO THE PLANNING AND ZONING POWERS OF THE
TOWN OF CARRBORO.

The General Assembly of North Carolina do enact:

Section 1. Chapter 726 of the Session Laws of 1957 is hereby repealed.

Sec. 2. For the purpose of promoting the orderly growth, expansion, and development of the Town of Carrboro and the adjacent area hereinafter defined, and for the purposes of promoting the health, safety, morals, and general welfare of the citizens of the Town of Carrboro and of the area and community beyond and surrounding the territorial limits of said municipality, as hereinafter defined, the governing body of the Town of Carrboro is hereby authorized and empowered to exercise any planning, zoning, building restrictions and subdivision-control powers conferred upon the Town of Carrboro and vested in its governing body by the Charter of the Town of Carrboro and the General Statutes of North Carolina, or any other statute applicable to the Town of Carrboro, not only within the corporate limits of the Town of Carrboro but also within the area and community beyond and partially surrounding such corporate limits as hereinafter defined. The governing body of the Town of Carrboro is specifically authorized to exercise the subdivision-regulation powers granted under Sections 160-226 through 160-227 of the General Statutes of North Carolina within its area of jurisdiction. Such powers may be exercised to the same extent and according to the same procedures as are applicable to the exercise of planning, zoning, building restrictions and subdivision-control powers within the corporate limits of the Town of Carrboro. Such powers shall specifically include, but shall not be limited to, the power to adopt such ordinances and regulations as may be considered necessary or expedient by said governing body to regulate, control and restrict (a) the height, number of stories, and size of buildings and other structures, (b) the percentage of a lot that may be occupied, (c) the size of yards, courts and other open spaces, (d) the density of population, (e) the location and use of buildings, structures, and land for trade, industry, residence, or other purposes, and (f) the construction of buildings and of electrical and plumbing systems contained therein.

Sec. 3. The governing body of the Town of Carrboro shall by ordinance create a planning board of five (5) members whose members shall be appointed as follows: Three (3) members shall be appointed by the governing body of the Town of Carrboro and shall be citizens and residents of said town; two (2) members shall be appointed by the Orange County Board of Commissioners and shall be citizens and

residents of the area beyond the territorial limits of the Town of Carrboro, as defined by this Act. This planning board shall be empowered to exercise the powers, duties, and functions of a municipal planning board, as defined in Sections 160-22 to 160-24 of the General Statutes, and of a municipal zoning commission, as defined in Article 14 of Chapter 160 of the General Statutes. Members shall be appointed for three-year terms and until their respective successors have been appointed and qualified; provided, that the initial appointees may be appointed to shorter terms of varying duration, to the end that the terms of no more than two (2) members shall expire in any one year. The jurisdiction of this board shall include the area within the corporate limits of the Town of Carrboro and all of the area defined in Section 8 hereof.

Sec. 4. The governing body of the Town of Carrboro shall create a board of adjustment of five (5) members whose members shall be appointed as follows: Three (3) members shall be appointed by the governing body of the Town of Carrboro and shall be citizens and residents of said town; two (2) members shall be appointed by the Orange County Board of Commissioners and shall be citizens and residents of the area beyond and surrounding the territorial limits of the Town of Carrboro, as defined by this Act. Such board of adjustment shall have and exercise all of the powers, duties, and functions enumerated in Section 160-178 of the General Statutes. Members shall be appointed for terms of three (3) years and until their respective successors have been appointed and qualified; provided, that the initial appointees may be appointed to shorter terms of varying duration, to the end that the terms of no more than two (2) members shall expire in any one (1) year. There shall be a quorum of four (4) members for the purpose of hearing cases. The concurring vote of four (4) of the members present for the hearing of any case shall be necessary in order (a) to reverse any order, requirement, decision or determination of any administrative official charged with enforcement of the zoning ordinance or (b) to decide in favor of the applicant any matter upon which it is required to pass under any zoning ordinance or (c) to effect any variation in such ordinance.

Sec. 5. The governing body of the Town of Carrboro shall appoint a building inspector to enforce any ordinances adopted pursuant to this Act. Such inspector shall be the same as the building inspector serving within the town limits.

Sec. 6. The governing body of the Town of Carrboro shall enact no ordinance or ordinances under the provisions of this Act without first holding a public hearing as provided in Section 160-175 of the General Statutes. No further public hearings with respect to the adoption of such ordinance shall be necessary.

Sec. 7. The powers granted to the governing body of the Town of Carrboro by this Act are intended to be supplementary to any powers which have heretofore been granted, or which may hereafter be granted, to such governing body under other provisions of law. The exercise of the powers granted by this Act shall be within the discretion of such governing body. All zoning ordinances and all subdivision-control ordinances heretofore adopted by the Board of Aldermen of the Town of Chapel Hill affecting the area hereinafter described outside the corporate limits of the Town of Carrboro and in effect on the date of the ratification of this Act shall remain in full force and effect until amended, modified or changed by the governing body of the Town of

Carrboro under the powers herein granted. The enforcement of the said ordinances in the area described in Section 8 shall be under the planning board and board of adjustment as herein provided.

Sec. 8. The governing body of the Town of Carrboro is hereby authorized to exercise the powers granted by this Act in that area adjacent to the corporate limits of said town and described as follows: Beginning at a point in the eastern corporate limits of the said town where the center line of the University Railroad Company's track intersects the said corporate limits and running northward along the center line of the said railroad track to its intersection with the northern line of the area described in Chapter 527 of the Session Laws of 1953; running thence along a straight line generally southwestward to the point at which North Carolina Highway No. 54 crosses Morgan's Creek; running thence along a straight line generally southeastward to the point where U. S. Highways 15-501 intersect the boundary between Orange County and Chatham County; running thence in a northeastward direction along the center of U. S. Highways 15-501 to a point 250 feet East of the center line of the Smith Level Road (the road running southward from Carrboro to the Chatham County line); running thence northward parallel to and 250 feet East of the center line of the Smith Level Road to the southern corporate limits of the Town of Carrboro; running thence in a western, northern, eastern and southern direction with the present corporate limits of the Town of Carrboro as the said limits presently run to the beginning.

Sec. 9. All laws and clauses of laws in conflict with the provisions of this Act covering the area described in Section 8 are hereby repealed to the extent of such conflict and any planning, zoning or subdivision powers relative to any portion of the area herein described which were conferred upon the governing body of the Town of Chapel Hill under Chapter 527, Session Laws of 1953 or any amendments thereto are hereby revoked.

Sec. 10. If any Section, subdivision, clause, or provision of this Act shall be adjudged invalid, such adjudication shall apply only to such Section, subdivision, clause, or provision so adjudged, and the remainder of the Act shall be deemed valid and effective.

Sec. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of March, 1963.