

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

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**SENATE BILL 494  
State Government, Local Government, and Veterans' Affairs Committee  
Substitute Adopted 4/21/03  
State Government, Local Government, and Veterans' Affairs Committee  
Substitute #2 Adopted 4/24/03  
House Committee Substitute Favorable 6/4/03**

Short Title: Carrboro Sprinklers/Chapel Hill Zoning.

(Local)

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Sponsors:

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Referred to:

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March 20, 2003

A BILL TO BE ENTITLED

1  
2 AN ACT TO ALLOW THE TOWN OF CARRBORO TO REQUIRE SPRINKLERS  
3 IN BARS, CLUBS, AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY  
4 THAT HAVE GATHERINGS OF MORE THAN ONE HUNDRED PEOPLE AND  
5 SELL ALCOHOLIC BEVERAGES AND TO AUTHORIZE THE TOWN OF  
6 CHAPEL HILL TO POSTPONE FOR EIGHTEEN MONTHS THE APPROVAL  
7 OF SPECIAL USE PERMITS AND SITE PLANS PROPOSED ON SITES  
8 RESERVED AS SCHOOL SITES ON THE TOWN'S ADOPTED  
9 COMPREHENSIVE LAND-USE PLAN.

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** Section 9-5 of the Charter of the Town of Carrboro, being  
12 Chapter 476 of the 1987 Session Laws, as amended, reads as rewritten:

13 "Section 9-5. Sprinkler Systems.

14 (a) Notwithstanding any provision of the North Carolina State Building Code or  
15 any general or local law to the contrary, the board of aldermen may adopt an ordinance  
16 requiring that sprinkler systems be installed in all of the following types of buildings  
17 constructed within the town or its extraterritorial planning jurisdiction: (i) buildings in  
18 excess of 50 feet in height; (ii) nonresidential buildings containing at least 5,000 square  
19 feet of floor surface area; or (iii) buildings designed for assembly occupancy (as defined  
20 in the North Carolina State Building Code) that accommodate more than 25 people.  
21 This ordinance applies to existing buildings only to the extent and under the  
22 circumstances that the provisions of the North Carolina State Building Code apply to  
23 preexisting buildings.

24 (b) Notwithstanding any provision in the North Carolina State Building Code or  
25 any other provision of law, the Board of Aldermen may adopt an ordinance requiring

1 that sprinkler systems be installed in bars, clubs, and other places of public assembly  
2 that are designed for occupancy by 100 or more persons and that sell alcoholic  
3 beverages. This ordinance may be made applicable to any new occupancy prior to  
4 issuance of a certificate of occupancy. The ordinance may also be made applicable to  
5 any existing occupancy at the end of a period of three years following the date of  
6 enactment of the ordinance."

7         **SECTION 2.** G.S. 160A-381 is amended by adding a new subsection to  
8 read:

9         "(d) An ordinance enacted under the authority of this Part may provide for the  
10 reservation of school sites in accordance with comprehensive land-use plans approved  
11 by the council or the planning agency. In order for this authorization to become  
12 effective, before approving such plans the council or planning agency and the board of  
13 education with jurisdiction over the area shall jointly determine the specific location and  
14 size of any school sites to be reserved, which information shall appear in the  
15 comprehensive land-use plan. Whenever a special use permit or site plan development  
16 is submitted for approval which includes part or all of a school site to be reserved under  
17 the plan, the council or planning agency shall immediately notify the board of education  
18 and the board shall promptly decide whether it still wishes the site to be reserved. If the  
19 board of education does not wish to reserve the site, it shall so notify the council or  
20 planning agency and no site shall be reserved. If the board does wish to reserve the site,  
21 the special use permit or site plan development shall not be approved without such  
22 reservation. The board of education shall then have 18 months beginning on the date of  
23 final approval of the special use permit or site plan development within which to acquire  
24 the site by purchase or by initiating condemnation proceedings. If the board of  
25 education has not purchased or begun proceedings to condemn the site within 18  
26 months, the owner and applicant for the special use permit or site plan development  
27 may treat the land as freed of the reservation."

28         **SECTION 3.** Section 1 of this act applies to the Town of Carrboro only.  
29 Section 2 of this act applies to the Town of Chapel Hill only and shall apply in that area  
30 where the Town of Chapel Hill exercises territorial planning jurisdiction, including any  
31 area under that Town's jurisdiction pursuant to a Joint Planning Agreement with Orange  
32 County.

33         **SECTION 4.** This act is effective when it becomes law.