

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 202
HOUSE BILL 269

AN ACT RELATING TO ZONING IN THE CITY OF ROCKY MOUNT.

The General Assembly of North Carolina enacts:

Section 1. The governing body of the City of Rocky Mount, in addition to the authority conferred upon it by the general or local law, is hereby empowered by ordinance to regulate in any portion or portions of the City of Rocky Mount within its existing zoning jurisdictions the use of buildings and structures for trade, industry, residence, recreation, public activities or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, water supply conservation, soil conservation, forestry or other purposes.

For any or all these purposes, the city may divide its territorial jurisdiction into districts of any number, shape, and area that may be deemed best suited to carry out the purposes of this act; and within those districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or land. All regulations shall be uniform for each class or kind of building throughout each district; provided, however, that the city and county may provide for the creation of special use districts in addition to general use districts.

It is the purpose and intent of this act to permit the city to create general use districts in which a variety of uses are permitted, and to also create special use districts in which a single use is permitted upon the issuance by the governing body of a special use permit prescribing the conditions under which such use will be permitted.

A person petitioning for rezoning of a tract of land, where special use districts are authorized by ordinance, may elect to request general use district zoning for said tract, or he may elect to request special use district zoning for said tract.

If the petitioner elects to petition for general use district zoning, the governing body may not consider the intended use in determining whether to approve or disapprove the petition, but shall consider the full range of uses permitted within the requested general use district. If the petition is approved, the rezoned property may be used for any of the uses permitted in the applicable general use district.

If the petitioner elects to petition for special use district zoning, the petition must specify the actual use intended for the property specified in the petition, and the intended use must be one permitted in the corresponding general use district. If the petition is for special use district zoning, the governing body is to approve or disapprove the petition on the basis of the specific use requested. If the petition is approved, the governing body shall issue a special use permit authorizing the requested use with such

reasonable conditions as the governing body determines to be desirable in promoting public health, safety and general welfare.

The conditions contained in a special use permit issued by the governing body may include: location of the proposed use on the property; the number of dwelling units; the location and extent of support facilities such as parking lots, driveways, and access streets; location and extent of buffer areas and other special purpose areas; the timing of development; and such other matters as the governing body may find appropriate or the petitioner may propose, but not to include architectural review or controls.

It is the further intent of this section to permit the creation of districts for specific uses and the imposition of reasonable conditions in order to secure the public health, safety and welfare, and insure that substantial justice be done.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1981.