

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 258
HOUSE BILL 620

AN ACT TO AMEND THE CITY OF WILMINGTON CHARTER CONCERNING
ZONING.

The General Assembly of North Carolina enacts:

Section 1. Chapter 495, Session Laws of 1977, being the Charter of the City of Wilmington, is amended by adding the following new section to Article XXIII:

"Sec. 23.6. Zoning. The City Council of the City of Wilmington, in addition to the authority conferred upon them by any general or local law, is hereby empowered by ordinance to regulate in any portion or portions of the City of Wilmington's zoning jurisdiction the uses 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, structure or land. All regulations shall be uniform for each class or kind of building throughout each district, but the regulations in one district may differ from those in other districts; provided, however, that the City 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 uses are permitted only upon the issuance by the City Council 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 City Council 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 City Council is to approve or disapprove the petition on the basis of the specific use requested. If the petition is approved, the City Council shall issue a special use permit authorizing the requested use with such reasonable conditions as the City Council determines to be desirable in promoting public health, safety and general welfare. Every decision of the City Council shall be subject to review by the Superior Court by proceedings in the nature of certiorari.

The conditions contained in a special use permit issued by the City Council 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 City Council may find appropriate or the petitioner may propose.

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 24th day of April, 1981.