

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 367
HOUSE BILL 632

AN ACT TO PROVIDE THAT THE BOARD OF ADJUSTMENT PROCEDURES SHALL APPLY TO THE CITY COUNCIL OF WILMINGTON WHEN ISSUING SPECIAL USE PERMITS OR CONDITIONAL USE PERMITS AND REWRITING G.S. 160A-388(E) TO CLARIFY THE PROCEDURES FOR JUDICIAL REVIEW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-388 is amended by adding a new sentence reading as follows:

"When issuing special use permits or conditional use permits, the city council shall follow the procedures for boards of adjustment set forth in G.S. 160A-388, and every such decision of the city council shall be subject to review by the superior court by proceedings in the nature of certiorari."

Sec. 2. G.S. 160A-388(e) is amended by deleting the last two sentences and inserting the following in lieu thereof:

"Any requests for review by the superior court shall be filed with the clerk of superior court within 30 days after the decision of the board is filed in such office as the ordinance specifies, or after a written copy thereof is delivered to the aggrieved party seeking review, whichever is later. The decision of the board may be delivered to the aggrieved party seeking review either by personal service, or registered mail or certified mail return receipt requested. No aggrieved party shall be entitled to review unless he shall have filed a written request for a copy of the board's decision with the secretary or chairman of the board at the time of its hearing of the case."

Sec. 3. This act applies to the City of Wilmington only.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1981.