

NORTH CAROLINA GENERAL ASSEMBLY  
1981 SESSION

CHAPTER 891  
HOUSE BILL 1088

AN ACT REVISING PROCEDURES FOR ADMINISTRATION OF LOCAL ZONING  
REGULATIONS.

The General Assembly of North Carolina enacts:

**Section 1.** G.S. 160A-364 is amended by rewriting the final sentence thereof to read: "In computing such period, the day of publication is not to be included but the day of the hearing shall be included."

**Sec. 2.** G.S. 153A-323 is amended by adding the following sentence at the end thereof: "In computing such period, the day of publication is not to be included but the day of the hearing shall be included."

**Sec. 3.** Chapter 160A of the General Statutes is amended by adding a new section to read:

**"§ 160A-364.1. Statute of Limitations.** — A cause of action as to the validity of any zoning ordinance, or amendment thereto, adopted under this Article or other applicable law shall accrue upon adoption of the ordinance, or amendment thereto, and shall be brought within nine months as provided in G.S. 1-54.1."

**Sec. 4.** G.S. 1-54.1 is amended by adding after the word "law" the words "or adopted by a city under Article 160A of the General Statutes or other applicable law".

**Sec. 5.** G.S. 160A-381 is amended by adding the following sentence at the end thereof: "When issuing or denying special use permits or conditional use permits, the city council shall follow the procedures for boards of adjustment except that no vote greater than a majority vote shall be required for the city council to issue such permits, 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. 6.** G.S. 153A-340 is amended by adding the following sentence at the end thereof: "When issuing or denying special use permits or conditional use permits, the board of commissioners shall follow the procedures for boards of adjustment except that no vote greater than a majority vote shall be required for the board of commissioners to issue such permits, and every such decision of the board of commissioners shall be subject to review by the superior court by proceedings in the nature of certiorari."

**Sec. 7.** G.S. 160A-388(e) as found in the 1980 Interim Supplement is amended by rewriting the last two sentences to read:

"Any petition 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 every aggrieved party who has filed a written request for such copy with the secretary or chairman of the board at the time of its hearing of the case, whichever is later. The decision of the board may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested."

**Sec. 8.** G.S. 153A-345(e) is amended by rewriting the last two sentences to read:

"Any petition 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 every aggrieved party who has filed a written

request for such copy with the secretary or chairman of the board at the time of its hearing of the case, whichever is later. The decision of the board may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested."

**Sec. 9.** G.S. 153A-323 is amended by rewriting the third sentence to read:

"The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing."

**Sec. 10.** An action with respect to the validity of any city zoning ordinance, or amendment thereto, adopted under Article 160A of the General Statutes or other applicable law enacted prior to September 1, 1981, shall be brought within nine months of September 1, 1981.

**Sec. 11.** G.S. 63-33(a) is amended by deleting the words "15 days", and inserting in lieu thereof "10 days".

**Sec. 12.** This act shall become effective September 1, 1981.

In the General Assembly read three times and ratified, this the 9th day of July, 1981.