

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 122
HOUSE BILL 441

AN ACT RELATED TO ZONING BY THE CITY OF ROCKY MOUNT.

The General Assembly of North Carolina enacts:

Section 1. Section 300 of the Charter of the City of Rocky Mount, being Chapter 938 of the 1963 Session Laws is amended by adding the following new language at the end:

"The City Council is hereby empowered, in accordance with the conditions and procedure specified in this act, by ordinance to regulate in any portion or portions of the City of Rocky Mount, including those portions of Nash and Edgecombe Counties in which it has extraterritorial zoning authority, 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 section; 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, but the regulations in one district may differ from those in other districts; provided, however, that the City may provide for the creation of conditional use districts in addition to general use districts.

It is the purpose and intent of this section to permit the City of Rocky Mount to create general use districts in which a variety of uses are permitted, and to also create conditional use districts in which a single use, or a limited number of uses, is permitted upon the issuance by the City Council of a conditional use permit prescribing the conditions under which such use or uses will be permitted. Each conditional use district created shall correspond to a general use district and the use or uses permitted pursuant to the conditional use permit must be a use allowed in the corresponding general use district.

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

If he elects to petition for general use district zoning, he may not refer, either in his petition or at any hearings related to the petition, to the use or uses intended for the property upon rezoning. The City Council may not consider the intended use or uses 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 conditional use district zoning, the petition must specify the actual use or uses intended for the property specified in the petition, and the intended use or uses must be a use permitted in the corresponding general use district. If the petition is for conditional use district zoning, the City Council shall approve or disapprove the petition on the basis of the specific use or uses requested. If more than one use is requested in a petition for conditional use district zoning, the City Council may approve all the uses requested, fewer than all uses requested, or a single use. If the petition is approved, the City Council shall issue a conditional use permit authorizing the requested use or uses with such reasonable conditions as the City Council determines will promote the public health, safety and general welfare.

The conditions contained in a conditional 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 determines will promote the public health, safety and general welfare, provided; however, that such condition shall not 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. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1983.