

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 366
HOUSE BILL 862

AN ACT TO AMEND THE CHARTER AND RELATED LAWS OF THE CITY OF
WILMINGTON TO CLARIFY PROCEDURES RELATING TO SPECIAL USE
DISTRICTS AND SPECIAL USE PERMITS.

The General Assembly of North Carolina enacts:

Section 1. Section 23.6 of the Charter of the City of Wilmington, being Chapter 495, Session Laws of 1977, as amended by Chapter 258 of the 1981 Session Laws is amended by rewriting the sixth and seventh paragraphs thereof to read as follows:

"If the petitioner elects to petition for special use district zoning, the petitioner must specify the actual use or uses intended for the property specified in the petition, and the intended use or uses must be permitted in the corresponding general use district either by right or by special use. If the petition is for special use district zoning, the City Council is to approve or disapprove the petition on the basis of the uses requested. If the petition is approved, the City Council shall issue a special use permit authorizing the requested use or uses 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 or uses 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; the timing of development; and such other matters as the City Council may find appropriate or the petitioner may propose."

Sec. 2. Section 1 of Chapter 367, Session Laws of 1981 is repealed.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1983.