

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 488
HOUSE BILL 631

AN ACT RELATING TO THE GRANTING OF SPECIAL USE PERMITS,
CONDITIONAL USE PERMITS AND OTHER MATTERS IN MECKLENBURG
COUNTY AND THE CITY OF CHARLOTTE.

The General Assembly of North Carolina enacts:

Section 1. The governing bodies of Mecklenburg County and the City of Charlotte, in addition to the authority conferred upon each of them by the General Statutes and local laws, are each hereby empowered to adopt ordinances or amendments to ordinances to provide for the following:

- (1) The creation or establishing of a board to hear and decide applications for special use permits and conditional use permits in accordance with rules of procedure which may be adopted by the board of county commissioners or the city council.
- (2) Any board established pursuant to the act shall consist of at least three members who shall be selected from the active membership of the Charlotte-Mecklenburg Planning Commission and a quorum shall consist of a majority (but at least three) of the members of the board.
- (3) The board of county commissioners and the city council may hear appeals taken from the decisions of the board or boards. Such local appellate review may be either *de novo*, or upon a review of the record established at the hearing before the board which made the decision (with the option of also hearing additional evidence), as established in the ordinances creating such board or boards. However, in the event of one dissenting vote from the decision of the board or boards, the board of county commissioners and the city council shall hear an appeal taken from such decision of the board or boards. Appeals from the decision of the board (where no appeal to the applicable governing body is provided) and appeals from the decision of the applicable governing body (where such an appeal is provided) shall comply with the provisions of G.S. 153A-345(e) and G.S. 160A-388(e).
- (4) With respect to special use permits or conditional use permits, the ordinance may classify or establish categories for such permits, with requests for permits under some categories to be heard by the board created pursuant to this act and the requests for permits under other categories to be heard by the board of county commissioners or by the city council.

Sec. 2. This act shall apply to Mecklenburg County and the City of Charlotte only.

Sec. 3. All laws and clauses of law in conflict with this act are hereby repealed.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1983.