

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 148
SENATE BILL 114

AN ACT FOR THE COUNTY OF ONSLOW AND ITS MUNICIPALITIES AND
FOR THE COUNTY OF NASH CONCERNING ZONING.

The General Assembly of North Carolina enacts:

Section 1. A city or county in addition to the authority conferred upon them by any general or local law, may by ordinance regulate in any portion or portions of its zoning jurisdiction, 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. Provided, however, that no county ordinance may affect bona fide farms, but any use of farm property for nonfarm purposes is subject to such county ordinance.

For any or all of these purposes, the city or county may divide its zoning jurisdiction into districts of any number, shape, and area that may be deemed best suited to carry out the purposes of this act; and within those districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structure 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 or county may provide for the creation of conditional use districts in addition to general use districts.

It is the purpose and intent of this act to permit a city or county to create general use districts in which a variety of uses are permitted, and also to create conditional use districts in which uses are permitted only upon the issuance by the governing board of a conditional use permit prescribing the conditions under which such use will be permitted.

A 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 the petitioner elects to petition for general use district zoning, the governing board may not consider the intended use 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 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 conditional use. If the petition is for conditional use district zoning, the governing board is to approve or disapprove the petition on the basis of the uses requested. If the petition is approved, the governing board shall issue a conditional use permit authorizing the requested use or uses with such reasonable conditions as the governing board determines to be desirable in promoting public health, safety, and general welfare. Every decision of the governing board to issue or deny a conditional use permit shall be subject to review by the Superior Court by proceedings in the nature of certiorari.

The conditions contained in a conditional use permit issued by the governing board 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 governing board may find appropriate or the petitioner may propose.

Sec. 2. This act applies only to: Onslow County, the city of Jacksonville, the towns of Holly Ridge, Richlands, and Swansboro, and Nash County.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of May, 1985.