

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 51
HOUSE BILL 224

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARY CONCERNING
ZONING REGULATIONS.

The General Assembly of North Carolina enacts:

Section 1. Section 9.1 of the Charter of the Town of Cary, as enacted by Chapter 868 of the Session Laws of 1971, is amended by adding five new paragraphs at the end to read:

"In addition to the authority conferred upon it by general or local law, the Town of Cary is hereby empowered to create, through the legislative process, general use zoning districts, in which a variety of uses are permitted; conditional use zoning districts, in which limited uses are permitted only upon approval by the Town; overlay zoning districts, which are applied coincidental with the general or conditional use district; and transitional zoning regulations.

The overlay zoning districts may impose additional regulations on some property within the underlying general or conditional use district and not on all properties within those districts.

A person petitioning for rezoning of a tract of land where conditional use districts or overlay districts are authorized by ordinance, may elect to request a general use district, a conditional use district, or an overlay district for the tract. If the petitioner elects to petition for the general use or overlay district zoning, and if the petition is approved, the rezoned property may be used for any of the uses permitted in the applicable general use or overlay district. If the petitioner elects to petition for conditional use district zoning, the petition must specify the actual use or uses, and all other development regulations authorized by State law, which are intended for the property specified in the petition. The intended use or uses and development regulations must be permitted in the corresponding general use district. If the petition is for conditional use district zoning, the Town Council is to approve or disapprove the petition on the basis of the specific use or uses and development regulations requested. If the petition is approved, the Town Council shall issue a conditional use permit authorizing the requested use with such reasonable conditions as the Town Council determines to be desirable in promoting public health, safety and general welfare.

The conditions contained in a conditional use permit issued by the Town 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 Town Council may find appropriate or the petitioner may propose, including 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 ensure that substantial justice be done."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1985.