

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 607
HOUSE BILL 772

AN ACT TO AMEND THE MUNICIPAL AND COUNTY ZONING ENABLING ACTS SO AS TO MAKE CLEAR THE AUTHORITY OF LOCAL GOVERNMENTS TO ESTABLISH OVERLAY DISTRICTS AND SPECIAL USE OR CONDITIONAL USE DISTRICTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-382 is rewritten to read:

"§ 160A-382. **Districts.**—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 Part; and within those districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or land. Such districts may include, but shall not be limited to, general use districts, in which a variety of uses are permissible in accordance with general standards; overlay districts, in which additional requirements are imposed on certain properties within one or more underlying general or special use districts; and special use districts or conditional use districts, in which uses are permitted only upon the issuance of a special use permit or a conditional use permit. Property may be placed in a special use district or conditional use district only in response to a petition by the owners of all the property to be included. Except as authorized by the foregoing, 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."

Sec. 2. G.S. 160A-392 is amended by adding a new paragraph to read as follows:

"Notwithstanding the provisions of any general or local law or ordinance, no land owned by the State of North Carolina may be included within an overlay district or a special use or conditional use district without approval of the Council of State."

Sec. 3. G.S. 153A-342 is amended by rewriting its first paragraph to read:

"A county may divide its territorial jurisdiction into districts of any number, shape, and area that it may consider best suited to carry out the purposes of this Part. Within these districts a county may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. Such districts may include, but shall not be limited to, general use districts, in which a variety of uses are permissible in accordance with general standards; overlay districts, in which additional requirements are imposed on certain properties within one or more underlying general or special use districts; and special use districts or conditional use districts, in which uses are permitted only upon the issuance of a special use permit or a

conditional use permit. Property may be placed in a special use district or conditional use district only in response to a petition by the owners of all the property to be included. Except as authorized by the foregoing, 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."

Sec. 4. G.S. 153A-347 is amended by adding a new paragraph to read as follows:

"Notwithstanding the provisions of any general or local law or ordinance, no land owned by the State of North Carolina may be included within an overlay district or a special use or conditional use district without approval of the Council of State."

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 4th day of July, 1985.