

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 907
HOUSE BILL 1600

AN ACT RELATING TO ZONING BY WAKE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. In addition to the authority conferred upon it by the general and local law, the County of Wake may create by legislative process general use districts, in which a variety of general and special uses are permitted; conditional use districts, in which limited uses are permitted only upon petition of the landowner and upon approval by the County; and overlay zoning districts which may be applied coincidentally with general or special use districts and which may impose additional regulations on all or part of the underlying district or districts. The County of Wake may promulgate transitional zoning regulations to minimize the effect of potential or proposed development upon dissimilar adjoining districts or uses.

A person petitioning for rezoning of a tract of land where conditional use 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 requests a general use or an 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 requests conditional use district zoning, the petition must specify the proposed use or uses for all property specified in the petition and may specify all State and local development regulations which will apply to the property if developed as proposed. The use or uses proposed for a conditional use district must be permitted uses in the corresponding general use district. If the petition is for conditional use district zoning, the Board of Commissioners may approve or disapprove the petition on the basis of the specific use or uses and development regulations requested.

It is the further intent of this section to authorize the creation of districts for specific uses and the imposition of reasonable conditions in order to secure the public health, safety and welfare, and to ensure that substantial justice be done.

Sec. 2. Chapter 333, Session Laws of 1985 is repealed, but such repeal does not affect any actions taken or pending under that act.

Sec. 3. This act applies to Wake County only.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 7th day of July, 1986.