

NORTH CAROLINA GENERAL ASSEMBLY
1967 SESSION

CHAPTER 1208
HOUSE BILL 1240

1 AN ACT TO AMEND CHAPTERS 153 AND 160 OF THE GENERAL STATUTES
2 RELATING TO COUNTY AND MUNICIPAL ZONING.

3
4 The General Assembly of North Carolina do enact:

5
6 **Section 1.** G.S. 160-172, as the same appears in the 1964 Replacement Volume 3D
7 of the General Statutes, is hereby amended by adding the following provisions at the end
8 thereof:

9 "Such regulations may also provide that the board of adjustment or the local legislative
10 body may issue special use permits or conditional use permits in the classes of cases or
11 situations and in accordance with the principles, conditions, safeguards, and procedures
12 specified therein, and may impose reasonable and appropriate conditions and safeguards upon
13 such permits."

14 **Sec. 2.** G.S. 160-177 is hereby rewritten to read as follows:

15 **"G.S. 160-177. Planning Board; Zoning Plan; Certification to Legislative Body.** In order to
16 avail itself of the powers conferred by this Article, such legislative body shall appoint a town or
17 city planning board or a joint planning board under the provisions of G.S. 160-22 or of a
18 special Act of the General Assembly. The town or city planning board or joint planning board
19 shall have the duty of preparing a zoning plan, including both the full text of a zoning
20 ordinance and a map or maps showing proposed district boundaries. The planning board may
21 hold such public hearings, if any, as it deems necessary in the course of preparing this plan.
22 Upon completion, the planning board shall certify this plan to the legislative body. The
23 legislative body shall not hold its required public hearing or take action until it has received this
24 certified plan from the planning board. Following its required public hearing, the legislative
25 body may, if it deems wise, refer the plan back to the planning board for any further
26 recommendations which said board may wish to make prior to final action by the legislative
27 body in adopting, modifying and adopting, or rejecting the ordinance."

28 **Sec. 3.** G.S. 160-181.2, as the same appears in the 1965 Supplement to the 1964
29 Replacement Volume 3D of the General Statutes, is hereby amended by deleting the work
30 "natural" in line 18 thereof.

31 **Sec. 4.** G.S. 153-266.10, as the same appears in 1964 Replacement Volume 3C of
32 the General Statutes, is hereby amended by adding the following provisions at the end thereof:

33 "Such regulations may also provide that the board of adjustment or the board of county
34 commissioners may issue special use permits or conditional use permits in the classes of cases
35 or situations and in accordance with the principles, conditions, safeguards, and procedures
36 specified therein, and may impose reasonable and appropriate conditions and safeguards upon
37 such permits."

38 **Sec. 5.** G.S. 153-266.17, as the same appears in the 1965 Supplement to the 1964
39 Replacement Volume 3C of the General Statutes, is hereby amended by adding the following
40 sentences at the end of the first paragraph thereof:

41 "If it deems wise in order to provide more adequate representation to residents of the
42 county, the board of county commissioners may create a board of adjustment which is larger
43 than that specified above, whose members shall be appointed for three-year terms or for such

1 lesser terms as may be specified in the zoning ordinance in order to assure that the terms of all
2 members shall not expire at the same time.

3 "Any ordinance enacted pursuant to this Article shall provide that members of the board of
4 adjustment, insofar as possible, shall be appointed from different areas within the county's
5 zoning jurisdiction. In the event that less than the entire county is zoned, at least one resident of
6 each area which is zoned shall be appointed to the board of adjustment."

7 **Sec. 6.** G.S. 153-266.17 is hereby further amended by deleting the word "four" in
8 line 57 and by substituting therefor the words "four-fifths of the."

9 **Sec. 7.** G.S. 153-266.17 is hereby further amended by inserting the following new
10 paragraph at the end thereof:

11 "The chairman of the board of adjustment is authorized in his official capacity to administer
12 oaths to witnesses in any matter coming before the board. Any member of the board while
13 temporarily acting as chairman shall have and exercise like authority."

14 **Sec. 8.** Should any Section, clause, or provision of this Act be declared by the
15 courts to be unconstitutional or invalid for any reason, such decision shall not affect the validity
16 of the Act as a whole nor of any part thereof other than the part so declared to be
17 unconstitutional or invalid.

18 **Sec. 9.** All laws and clauses of laws in conflict with this Act are hereby repealed.

19 **Sec. 10.** This Act shall become effective upon its ratification.

20 In the General Assembly read three times and ratified, this the 6th day of July, 1967.