

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 835

Short Title: Wilmington Special Use.

(Local)

Sponsors: Representative Wright.

Referred to: Ways and Means, if favorable, Judiciary I.

April 7, 1997

A BILL TO BE ENTITLED

1 AN ACT TO MODIFY THE METHOD FOR JUDICIAL REVIEW OF DECISIONS OF
2 THE WILMINGTON CITY COUNCIL RELATING TO SPECIAL USE DISTRICT
3 APPLICATIONS.
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5 The General Assembly of North Carolina enacts:

6 Section 1. Section 23.6 of the Charter of the City of Wilmington, being
7 Chapter 495, Session Laws of 1977, as added by Chapter 258 of the 1981 Session Laws
8 and as amended by Chapter 366 of the 1983 Session Laws, is repealed.

9 Section 2. (a) G.S. 160A-382 reads as rewritten:

10 **"§ 160A-382. Districts.**

11 (a) For any or all these purposes, the city may divide its territorial jurisdiction into
12 districts of any number, shape, and area that may be deemed best suited to carry out the
13 purposes of this Part; and within those districts it may regulate and restrict the erection,
14 construction, reconstruction, alteration, repair or use of buildings, structures, or land.
15 Such districts may include, but shall not be limited to, general use districts, in which a
16 variety of uses are permissible in accordance with general standards; overlay districts, in
17 which additional requirements are imposed on certain properties within one or more
18 underlying general or special use districts; and special use districts or conditional use
19 districts, in which uses are permitted only upon the issuance of a special use permit or a
20 conditional use permit. Property may be placed in a special use district or conditional use

1 district only in response to a petition by the owners of all the property to be included.
2 Except as authorized by the foregoing, all regulations shall be uniform for each class or
3 kind of building throughout each district, but the regulations in one district may differ
4 from those in other districts.

5 (b) It is the intent of the General Assembly that decisions on petitions to establish
6 special use districts or conditional use districts shall be considered legislative acts. Such
7 decisions are not subject to review by proceedings in the nature of certiorari. After a
8 special use district or conditional use district has been established, a decision to issue or
9 deny a special use permit shall be subject to review by proceedings in the nature of
10 certiorari as provided in G.S. 160A-381. This subsection applies to the City of
11 Wilmington only."

12 Section 3. This act is effective when it becomes law.