

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

**SESSION LAW 2019-61
SENATE BILL 84**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WALKERTOWN TO ALLOW
THE TOWN TO ENACT CERTAIN PROCEDURES RELATED TO ZONING AND
SPECIAL USE PERMITTING.

The General Assembly of North Carolina enacts:

SECTION 1. The Town Charter of the Town of Walkertown, being Chapter 936 of the Session Laws of 1983, is amended by adding a new section to read:

"Section 10.1. The Town Council of the Town of Walkertown is hereby empowered by ordinance to regulate in any portion or portions of the Town the uses of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, water supply conservation, soil conservation, forestry, or other purposes.

For any or all of these purposes, the Town 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 section; and within those districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. All regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts; provided, however, that the Town may provide for the creation of special use districts in addition to general use districts.

It is the purpose and intent of this section to permit the Town to create general use districts in which a variety of uses are permitted, and to also create special use districts in which a single use is permitted upon the issuance by the Town Council of a special use permit prescribing the conditions under which such use will be permitted.

A person petitioning for rezoning of a tract of land, where special use districts are authorized by ordinance, may elect to request general use district zoning for said tract, or the person may elect to request special use district zoning for said tract.

If a person elects to petition for general use district zoning, the person may not refer, either in the petition or at any hearings related to the petition, to the use intended for the property upon rezoning. The Town Council may not consider the intended use in determining whether to approve or disapprove the petition, but shall consider the full range of uses permitted within the requested general use district. If the petition is approved, the rezoned property may be used for any of the uses permitted in the applicable general use district.

If the petitioner elects to petition for special use district zoning, the petition must specify the actual use intended for the property specified in the petition, and the intended use must be one permitted in the corresponding general use district. If the petition is for special use district zoning, the Town Council is to approve or disapprove the petition on the basis of the specific use requested. If the petition is approved, the Town Council shall issue a special use district 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 act of issuing a special use district permit shall be deemed to be a legislative act of the Town Council, and the procedural



standards applicable to the legislative acts shall apply to the consideration and issuance of a special use permit.

The conditions contained in a special 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 petitioner may propose and the Town Council may find appropriate.

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."

SECTION 2. This act is effective when it becomes law and applies to petitions filed on or after that date.

In the General Assembly read three times and ratified this the 27th day of June, 2019.

s/ Bill Rabon
Presiding Officer of the Senate

s/ Tim Moore
Speaker of the House of Representatives