



SENATE BILL 84: Walkertown Zoning Authorizations.

2019-2020 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	March 20, 2019
Introduced by:	Sen. Krawiec	Prepared by:	Jessica Sammons*
Analysis of:	First Edition		Staff Attorney

OVERVIEW: *Senate Bill 84 would amend the Charter of the Town of Walkertown to permit the Town to create general use zoning districts and special use zoning districts, and to provide that the issuance of a special use district permit is a legislative act.*

[As introduced, this bill was identical to H181, as introduced by Rep. Conrad, which is currently in House Rules, Calendar, and Operations of the House.]

CURRENT LAW: Article 19 of Chapter 160A authorizes cities to adopt zoning ordinances for the purpose of promoting health, safety, morals, or the general welfare of the community. For those purposes, a city may divide its territorial jurisdiction into districts of any number, shape, and area and may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or land. These districts may include general use districts in which a variety of uses are permissible in accordance with general standards, 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. The act of a governing body to rezone property is a legislative decision. The act of a governing body to issue a special use permit or a conditional use permit is a quasi-judicial decision. The governing board procedures for legislative decisions are different from those for quasi-judicial decisions.

BILL ANALYSIS: Senate Bill 84 would amend the Charter of the Town of Walkertown to authorize the Town to create general use zoning districts to allow a variety of uses, and to create special use zoning districts to allow a single use upon the issuance by the Walkertown Town Council of a special use permit prescribing the conditions upon which the special use will be permitted.

Additionally, the bill would (i) deem the issuance of a special use permit by the Town Council to be a legislative act and (ii) would make the procedural standards for legislative acts applicable to the Council's consideration and issuance of a special use permit.

EFFECTIVE DATE: The act is effective when the bill becomes law and would apply to rezoning petitions filed on or after that date.

**Billy Godwin, counsel to Senate State & Local Government, substantially contributed to this summary.*

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