

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 357
HOUSE BILL 923

AN ACT TO PROVIDE THAT CERTAIN CITIES MAY ALLOW PAWNBROKERS
ONLY WITH A SPECIAL USE PERMIT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-381 reads as rewritten:

"§ 160A-381. Grant of power.

(a) For the purpose of promoting health, safety, morals, or the general welfare of the community, any city may regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes and to provide density credits or severable development rights for dedicated rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11. These regulations may provide that a board of adjustment may determine and vary their application in harmony with their general purpose and intent and in accordance with general or specific rules therein contained. The regulations may also provide that the board of adjustment or the city council may issue special use permits or conditional use permits in the classes of cases or situations and in accordance with the principles, conditions, safeguards, and procedures specified therein and may impose reasonable and appropriate conditions and safeguards upon these permits.

(b) Specifically, the city may require that a pawnshop as defined in Chapter 91A of the General Statutes may only be operated with a special use permit or a conditional use permit, or may have an overlay district wherein a pawnshop as defined in Chapter 91A of the General Statutes may only be operated with a special use permit or a conditional use permit, and the ordinance may provide that the permit may be issued only upon a finding that the pawnshop would not be deleterious to the neighborhood in which it is to be located. Conditions and safeguards on permits for pawnshops may be imposed notwithstanding G.S. 91A-12. This subsection applies only to cities with a population of 200,000 or over, which have a median family income of forty thousand dollars (\$40,000) or over, according to the most recent decennial federal census.

(c) ~~Where~~ Where appropriate, such conditions may include requirements that street and utility rights-of-way be dedicated to the public and that provision be made of recreational space and facilities. When issuing or denying special use permits or conditional use permits, the city council shall follow the procedures for boards of adjustment except that no vote greater than a majority vote shall be required for the city council to issue such permits, and every such decision of the city council shall be

subject to review by the superior court by proceedings in the nature of certiorari. Any petition for review by the superior court shall be filed with the clerk of superior court within 30 days after the decision of the city council is filed in such office as the ordinance specifies, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the clerk at the time of the hearing of the case, whichever is later. The decision of the city council may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested."

Sec. 2. This act is effective upon ratification. G.S. 160A-381(b) as enacted by Section 1 of this act expires June 30, 2001.

In the General Assembly read three times and ratified this the 29th day of June, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives