

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H.B. 253
Feb 27, 2025
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40160-MQ-56

Short Title: Restore Down-Zoning/Farmland & Floodplain. (Local)

Sponsors: Representative Balkcom.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO RESTORE THE AUTHORITY TO INITIATE DOWN-ZONING IN
3 HENDERSON COUNTY FOR CERTAIN PURPOSES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 160D-601(d), as amended by Section 3K.1(a) of S.L. 2024-57,
6 reads as rewritten:

7 "(d) Down-Zoning. – No amendment to zoning regulations or a zoning map that
8 down-zones property shall be ~~initiated, enacted, or enforced~~ initiated nor is it enforceable without
9 the written consent of all property owners whose property is the subject of the down-zoning
10 ~~amendment.~~ amendment, unless the down-zoning amendment is initiated by the local
11 government and is for the purpose (i) of farmland preservation in districts zoned for agriculture
12 or (ii) for floodplain mitigation in areas designated as special flood hazard areas by the Federal
13 Emergency Management Agency. For purposes of this section, "down-zoning" means a zoning
14 ordinance that affects an area of land in one of the following ways:

- 15 (1) By decreasing the development density of the land to be less dense than was
16 allowed under its previous usage.
17 (2) By reducing the permitted uses of the land that are specified in a zoning
18 ordinance or land development regulation to fewer uses than were allowed
19 under its previous usage.
20 (3) ~~By creating any type of nonconformity on land not in a residential zoning~~
21 ~~district, including a nonconforming use, nonconforming lot, nonconforming~~
22 ~~structure, nonconforming improvement, or nonconforming site element."~~

23 SECTION 2.(a) This act applies only to Henderson County and the portions of
24 municipalities located in Henderson County.

25 SECTION 2.(b) This act is effective when it becomes law and applies retroactively
26 to December 11, 2024. Any adopted ordinance affected by Section 3K.1 of S.L. 2024-57 shall
27 be in effect as it was on or before December 11, 2024.

