

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2025

FILED SENATE  
Feb 24, 2025  
S.B. 136  
PRINCIPAL CLERK

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SENATE BILL DRS45075-MQ-48

Short Title: Restore Down-Zoning Auth./Rutherford Co. (Local)

Sponsors: Senator Moffitt (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO RESTORE THE AUTHORITY TO INITIATE DOWN-ZONING IN RUTHERFORD COUNTY AND MUNICIPALITIES IN RUTHERFORD COUNTY.

The General Assembly of North Carolina enacts:

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

"(d) Down-Zoning. – No amendment to zoning regulations or a zoning map that down-zones property shall be ~~initiated, enacted, or enforced~~ initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning ~~amendment.~~ amendment, unless the down-zoning amendment is initiated by the local government. For purposes of this section, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways:

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

**SECTION 2.(a)** This act applies only to Rutherford County and municipalities located in Rutherford County.

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

