

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

FILED SENATE
Feb 27, 2025
S.B. 198
PRINCIPAL CLERK

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SENATE BILL DRS45031-MQ-17

Short Title: Restore Down-Zoning Auth./Multiple Counties. (Local)

Sponsors: Senator Adcock (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO RESTORE THE AUTHORITY TO INITIATE DOWN-ZONING IN CHATHAM,
3 DURHAM, AND WAKE COUNTIES.

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. For purposes of this section, "down-zoning" means a zoning ordinance that affects
12 an area of land in one of the following ways:

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

21 SECTION 2.(a) This act applies only to Chatham, Durham, and Wake Counties and
22 the municipalities located therein.

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

