

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:

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

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 and is for the purpose (i) of farmland preservation in districts zoned for agriculture or (ii) for floodplain mitigation in areas designated as special flood hazard areas by the Federal Emergency Management Agency. 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 Henderson County and the portions of municipalities located in Henderson 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.



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