

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

FILED SENATE
Feb 24, 2025
S.B. 137
PRINCIPAL CLERK

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SENATE BILL DRS15060-MQ-26

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

Sponsors: Senator Moffitt (Primary Sponsor).

Referred to:

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

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

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

22 SECTION 2.(a) This act applies only to Henderson County and the portions of the
23 Town of Fletcher, the Town of Mills River, the Village of Flat Rock, the Town of Laurel Park,
24 and the City of Saluda that are located in Henderson County.

25 SECTION 2.(b) This act is effective when it becomes law and applies retroactively
26 to January 31, 2025.

