

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

FILED SENATE
Feb 24, 2025
S.B. 138
PRINCIPAL CLERK

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SENATE BILL DRS35060-MQ-38

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

Sponsors: Senator Bradley (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO RESTORE THE AUTHORITY TO INITIATE DOWN-ZONING IN
MECKLENBURG COUNTY AND MUNICIPALITIES IN MECKLENBURG 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 Mecklenburg County and municipalities
located in Mecklenburg 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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