

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

FILED SENATE
Feb 25, 2025
S.B. 165
PRINCIPAL CLERK

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SENATE BILL DRS45085-MQ-65

Short Title: Restore Down-Zoning/Union & Iredell Cos. (Public)

Sponsors: Senators Johnson and Sawyer (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO RESTORE THE AUTHORITY TO INITIATE DOWN-ZONING IN UNION AND
3 IREDELL COUNTIES AND MUNICIPALITIES WITHIN UNION AND IREDELL
4 COUNTIES.

5 The General Assembly of North Carolina enacts:

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

8 "(d) Down-Zoning. – No amendment to zoning regulations or a zoning map that
9 down-zones property shall be ~~initiated, enacted, or enforced~~ initiated nor is it enforceable without
10 the written consent of all property owners whose property is the subject of the down-zoning
11 ~~amendment.~~ amendment, unless the down-zoning amendment is initiated by the local
12 government. For purposes of this section, "down-zoning" means a zoning ordinance that affects
13 an area of land in one of the following 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 Union and Iredell Counties and the
23 municipalities located therein.

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

