

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025**

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HOUSE BILL 323

Short Title: Down-Zoning/Cornelius/Davidson/Huntersville. (Local)

Sponsors: Representative Helfrich.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary 3, if favorable, Housing and Development, if favorable, Rules, Calendar, and Operations of the House

March 10, 2025

A BILL TO BE ENTITLED

AN ACT TO RESTORE THE AUTHORITY TO INITIATE DOWN-ZONING IN THE TOWNS OF CORNELIUS, DAVIDSON, AND HUNTERSVILLE.

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 the Town of Cornelius, the Town of Davidson, and the Town of Huntersville and includes the extraterritorial jurisdiction exercised by those municipalities as established pursuant to G.S. 160D-201.

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.

