

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2025**

S

1

**SENATE BILL 138**

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

Sponsors: Senator Bradley (Primary Sponsor).

Referred to: Rules and Operations of the Senate

February 25, 2025

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.



\* S 1 3 8 - V - 1 \*