

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 253

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

Sponsors: Representative Balkcom.

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 3, 2025

A BILL TO BE ENTITLED
AN ACT TO RESTORE THE AUTHORITY TO INITIATE DOWN-ZONING IN
HENDERSON COUNTY FOR CERTAIN PURPOSES.

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 and is for the purpose (i) of farmland preservation in districts zoned for agriculture
or (ii) for floodplain mitigation in areas designated as special flood hazard areas by the Federal
Emergency Management Agency. 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 Henderson County and the portions of
municipalities located in Henderson 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.

