RESOLUTION NO. 2025-XX

A RESOLUTION IN SUPPORT OF HOUSE BILL 24
AN ACT TO RESTORE THE AUTHORITY FOR LOCAL GOVERNMENTS
TO INITIAITE DOWNZONING

WHEREAS, the North Carolina General Assembly will be considering House Bill 24, which provides for Subpart III-K LOCAL GOVERNMENT of North Carolina Session Law 2024-57 (Senate Bill 382) to be repealed in its entirety; and

WHEREAS, provisions within this legislation support local municipal governing bodies in making their own zoning decisions based on the will of the voters that elected them; and

WHEREAS, North Carolina Session Law 2024-57 entitled "AN ACT TO MAKE MODIFICATIONS TO AND PROVIDE ADDITIONAL APPROPRIATIONS FOR DISASTER RECOVERY; TO MAKE TECHNICAL, CLARIFYING AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2023; AND TO MAKE VARIOUS CHANGES TO THE LAW", became law on the 11th of December 2024; and

WHEREAS, Subpart III-K of Session Law 2024-57 amends North Carolina General Statutes 160D-601(d) by prohibiting local governments from enacting or enforcing any zoning regulations or zoning map amendments that would constitute "downzoning" without first obtaining the written consent of all property owners whose property would be subject to such an amendment; and

WHEREAS, the passage of North Carolina Session Law 2024-57 severely erodes municipal authority to adopt zoning text amendments applicable to entire zoning districts given the time, effort, and cost of identifying all of the owners of the parcels within such zoning districts. Moreover, the new law as adopted would empower a single property owner to override the will of a unanimous governing body, a developer, and perhaps all or a vast majority of the property owners affected by the amendment; and

WHEREAS, in law use law "downzoning" is commonly referred to as rezoning a property to a new zoning district that is less intense or less dense than the prior district. North Carolina Session Law 2024-57 broadened the definition of downzoning and created significant limits to local authority by including any development regulations as prompting a "nonconformity", effectively banning the creation of any non-trivial development ordinances from occurring. This legislation greatly impacts local governments from establishing development standards like parking, setbacks, landscaping, signage, and more, that are in the best interest of their communities; and

WHEREAS, all North Carolina local governments continue to face challenges presented by growth and development. Each local government's zoning authority has historically provided a means to balance those challenges with the needs of the community based on the will of the residents as determined through the municipal elections; and

WHEREAS, the downzoning provision of North Carolina Session Law 2024-57 effectively freezes local government zoning and greatly diminishes the role of local governments granted by the Constitution of the State of North Carolina to manage growth and change consistent with the needs of its jurisdiction.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:

Section 01. The City Council of the City of Brevard is unanimously in support of the passage of the proposed House Bill 24 to Restore the Authority of Local Governments to Initiate Downzoning; and

Section 02. The City Council of the City of Brevard are request that the elected representatives for the City of Brevard in Transylvania County who serve in the North Carolina General Assembly secure the passage of the proposed bill; and

Section 02. The City Clerk is hereby directed to provide a certified copy of this resolution to all elected representatives representing the City of Brevard in the North Carolina General Assembly as well as the entire Transylvania County Delegation.

Adopted and approved this the 17th day of March, 2025.

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Maureen Copelof
Mayor

ATTEST:

_____
Denise Hodsdon, CMC
City Clerk