

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: NEW BUSINESS

Meeting Date: February 25, 2025

Item Details

Presenter(s): Councilmember Terry Mahaffey (Sponsor)

Allen Coleman, Town Clerk

Department(s): Governing Body

Town Clerk's Office

Requested Motion

Possible motion to adopted a Resolution of Support of House Bill 24, An Act to Restore the Authority For Local Governments to Initiate Downzoning and direct the Town Clerk to provide a certified copy of this resolution to all elected representatives representing the Town of Apex in the North Carolina General Assembly as well as the entire Wake County Delegation.

Approval Recommended?

Yes

Item Details

On December 11, 2024, Senate Bill 382, North Carolina Session Law (S.L.) 2024-57, "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.

Included in the over one-hundred page piece of legislation, were provisions to amend 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. The new law severely erodes municipal authority to adopt zoning text amendments applicable to entire nonresidential zoning districts and severely limits the authority of local governments to adopt regulations related to residential zoning districts given the time, effort, and cost of identifying all of the owners of the parcels within such zoning districts.

In land use law, “down-zoning” 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 2024-7 broadened the definition of downzoning and created significant limits to local authority by including any development regulations as prompting a “non-conformity”, effectively banning the creation of any non-trivial developments from occurring. This type of “hand-cuffing” greatly impacts local governments from establishing development standards like parking, setbacks, landscaping, signage, and more, that are at the best interest of their communities.

On January 29, 2025, House Bill 24 was filed and had over 30 sponsors across party lines. This bill would repeal previously enacted Session Law 2024-57 (Senate Bill 382). Provisions within this legislative would be supportive of local municipal governing bodies to make their own zoning decisions based at the will of the voters that elected them.

If adopted, the Town Clerk is directed to provide a certified copy of the adopted resolution to all elected representatives representing the Town of Apex in the North Carolina General Assembly as well as the entire Wake County Delegation.

Attachments

- NB2-A1: House Bill 24 - North Carolina General Assembly
- NB2-A2: Resolution of Support of House Bill 24 (**to be provided under separate cover**)

