



RESOLUTION 2025-08 OPPOSING HB 765 AND SB 688

WHEREAS, Senate Bill 688 and House Bill 765 have been introduced in the 2025 session of the North Carolina General Assembly that changes many aspects of local planning and zoning, contains numerous problematic provisions and detrimentally impacts local government land use authority; and

WHEREAS, zoning regulations are adopted to promote the health, safety, and general welfare of the citizens of the Town of Pineville jurisdiction through development regulations. The bills will result in development inconsistent with our community vision established by our Pineville area land use plan, small area plans, strategic economic development plan and other adopted plans; and

WHEREAS, these bills would supersede and render Town-adopted development standards null, allowing detrimental development to occur regardless of the damage to the environment, municipality, citizens or adjacent properties. Development regulations include provisions to regulate the use of buildings and land, land development, planned developments, development of subdivisions, sidewalks, driveways, dimensional building standards; environmental protection such as landscape buffers and open space requirements; and water system management.

NOW THEREFORE, BE IT RESOLVED, the Town of Pineville, North Carolina, opposes SB 688 and HB 765 for the following reasons:

- Both bills are an egregious overreach in limiting local government land use authority solely to that expressly authorized in the Statutes.
- Both bills remove the ability of local governments to apply certain conditions based upon voluntary consent and prohibit local governments from establishing parameters that uphold public health, safety and welfare.
- Both bills make recovery of damages including punitive damages and attorney fees to any developer against any member of an elected or appointed decision-making body if their decision is deemed arbitrary or capricious. We view this as a direct attempt to discourage elected officials from making decisions in fear of punishment by land developers and limiting the ability to represent the residents.
- HB 765 creates an unnecessary paperwork burden and additional cost to taxpayers by setting a 14-calendar-day period within which an amendment application must be determined to be complete or deficient. Requires a maximum 90-calendar-day review period for review of an amendment. Failure to decide the application within the 90-day period shall constitute approval.

- HB 765 bans elected governing boards to make decisions on preliminary plats and final plats, bans voluntary agreements of conditional rezoning, removes citizen input from all subdivision decisions and further removes any ability of residents' concerns to be addressed through the public hearing process.
- HB 765 retracts the authority of local governments to establish or enforce development regulations under the general ordinance-making power established in the Statutes.
- HB 765 limits application fees so that they "shall not exceed the amount reasonably required to support, administer, and implement programs authorized by the NCGS" yet also requires taxpayer money to reward attorney fees to successful plaintiffs who challenge local government decision-making.
- HB 765 bars local governments from reserving public water or sewer capacity for speculative or future development yet requires a reserve on capacity for approved developments up to and potentially beyond a 24-month period.
- HB 765 adds by right development of 4 units per acre, and 6 units per acre including multifamily structures in all residential zones, as well as adds by right development of multifamily housing in commercial, business, or industrial zones, in certain cities based on population.
- HB 765 retracts the general ordinance-making power of counties and cities to establish or enforce development regulations.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to North Carolina Senators, North Carolina Representatives and neighboring Cities and Towns in North Carolina.

ADOPTED this 13th day of May 2025.

Mayor David Phillips

ATTEST:

Town Clerk Lisa Snyder