



Town of Southern Shores

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A Resolution of Support for Legislation Restoring Zoning Authority to Local Governments Resolution # 2025-0301

WHEREAS, regulating development is considered the most basic tool local governments have access to stay consistent with their Land Use Plans, promote safety, maintain land use compatibility, achieve appropriate density, ensure orderly growth and development, and adequately address new land-use trends; and

WHEREAS, land-use trends are continually changing and evolving, and a local government's ability to govern land use is essential to maintain a safe and sustainable community, consistent with its adopted Land Use Plan; and

WHEREAS, communities in North Carolina deal with growth and development challenges routinely and their zoning authority is one of the only means to balance growth with the needs of the community and constituent concerns; and

WHEREAS, Senate Bill 382, 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”

was enacted by the General Assembly on December 11, 2024; and

WHEREAS, Senate Bill 382 amended N.C.G.S. 160D-601, and eliminated or greatly diminished local government's ability to enact or enforce zoning ordinances or zoning map amendments that could be considered as down-zoning without written permission of any affected property owner; and

WHEREAS, down-zoning refers to any zoning provision that reduces development density to any degree, or removes any permitted uses of land from any zoning district; and

WHEREAS, the stringent requirements of Senate Bill 382 could result in the empowerment of a single property owner to override the will of a majority of affected property owners, a unanimous governing board, a municipality's Land Use Plan, and the will of the community, with regard to possible local legislation; and

WHEREAS, proposed legislation has been introduced in the General that would restore local government's ability to fulfill its obligation to its citizens through regulation of development to stay consistent with its Land Use Plans and maintain land-use compatibility, achieve appropriate density, promote safety, ensure orderly growth and development, and adequately address new land-use trends; and

WHEREAS, suggested legislation would restore local governments' ability to provide land-use regulations that support each municipality's infrastructure ability to serve and protect and are in the best interest of their communities to maintain sustainability; therefore, be it

RESOLVED, That the Southern Shores Town Council strongly supports the adoption of legislation that would modify GS 160D-601(d), restoring the ability of local governments across North Carolina to initiate and enforce down-zoning amendments, and also consider any local government regulatory ordinance enacted as down-zoning retroactively to December 11, 2024.

This 4th day of March, 2025.

SEAL

A. Elizabeth Morey
Mayor

ATTEST:

Sheila Kane
Town Clerk