

**RESOLUTION IN SUPPORT OF LOCAL LEGISLATION FOR UNION COUNTY
CONCERNING LOCAL GOVERNMENT ZONING CONTROL AND SESSION LAW
2024-57 (S.B. 382)**

WHEREAS, on December 11, 2024, S.L. 2024-57 (S.B. 382), a bill 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 (“the Act”); and

WHEREAS, the Act includes a Section 3K.1 entitled “No Local Government Initiated Down-Zoning without Consent of Affected Property Owner” (the “Zoning Amendment”); and

WHEREAS, the Zoning Amendment, among other revisions, amends N.C.G.S. § 160D-601 by removing a local government’s ability to initiate a “down-zoning amendment” to its own zoning regulations or zoning map without written consent of all property owners whose property is the subject of the down-zoning, functionally preventing or making substantially impossible the previously held local freedom to deal with certain zoning matters in all the ways that seem best to a local community; and

WHEREAS, the traditional zoning regulations of local governments are subject to amendment or repeal at the will of the local government which created them, with local residents able to petition their local leaders for a variety of actions and local elected leaders subject to the will of local voters; and

WHEREAS, the Zoning Amendment removes this traditional authority and ability of local governments in zoning regulation and, thereby, limits the authority of local voters to express their policy preferences by and through local elected officials; and

WHEREAS, the Zoning Amendment constrains local government control of zoning regulations, resulting in a more rigid regulatory framework that is the same throughout the State, regardless of how rural or urban those local areas may be, with more limited ability for a local government to meet the needs of its residents in a manner which promotes the health, safety, and welfare of local constituents; and

WHEREAS, Union County in particular needs to be responsive in zoning matters in its jurisdiction, as Union County is one of the ten most populous counties in North Carolina, while also being one of the fastest growing counties in the State, which results in unique issues concerning population growth, density, and related pressures which necessitate the ability to respond to those issues through zoning regulations; and

WHEREAS, the Union County Board of Commissioners (the “Board”), composed of local government officials elected by the people at the local level in Union County, are those officials who are in the best position to consider and respond to the full range of highly localized concerns related to zoning maps and zoning regulations and their effect on Union County’s jurisdiction, in particular due to Union County’s position as a higher-population, higher-growth county adjoining a highly urbanized area; and

WHEREAS, while Union County constituents have been deprived of some these regulatory powers and the ability to address unique concerns in favor of a one-size-fits all approach imposed at the State level through the Zoning Amendment, local control may be

restored through an exemption from the constraints of the Zoning Amendment through a local bill applying to Union County and exempt Union County from the strictures of the State imposed Zoning Amendment; and

WHEREAS, in particular, restoration of Union County’s ability to initiate “down-zoning” regulations itself would return control of zoning within Union County’s jurisdiction to the County’s constituents through their elected representatives on the Board; and

WHEREAS, such local control would help to ensure that the Board is able to protect the health, safety, and welfare of the people of Union County through any necessary zoning regulations which are in the best interests of the people of Union County; and

NOW, THEREFORE, BE IT RESOLVED that the Union County Board of Commissioners requests that the Union County Legislative Delegation sponsor a bill in the General Assembly, support such bill, and continuously advocate for the passage of such bill, which repeals the limitation on local government initiated down-zoning amendments set forth in Section 3K.1 of the Act as it particularly pertains to Union County; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to the Union County Legislative Delegation to the North Carolina General Assembly and to all municipalities located in Union County.

Adopted this 21st day of January, 2025.

Melissa Merrell, Chair
Union County Board of Commissioners