



Resolution of the Town of Kitty Hawk, North Carolina Opposing Senate Bill 382 RE: Zoning Authority of Local Governments

WHEREAS, Senate Bill 382, entitled DISASTER RELIEF-3/BUDGET/VARIOUS LAW CHANGES was initially drafted as Dental Practice Act Changes and then modified for the stated purpose of prioritizing aid for Hurricane Helene recovery efforts; AND

WHEREAS, Senate Bill 382, in addition to many other changes unrelated to Hurricane Helene recovery efforts, includes a section with changes to NCGS 160D-601 entitled Procedure for *adopting, amending, or repealing development* regulations. (d) *Down-Zoning* which would remove local government authority to initiate down-zoning amendments without the written consent of all property owners whose property is the subject of the down-zoning; AND

WHEREAS, for the purposes of this amendment, down-zoning refers to any zoning provision that reduces development density to any degree, removes any permitted uses of land from any zoning district, or creates non-conformities in non-residential zoning districts; AND

WHEREAS, more specifically, the statute requires that communities obtain consent from all property owners that are affected by changes to setbacks, lot coverage, height, and bulk provisions of zoning ordinances which meet the definition of down-zoning; AND

WHEREAS, these are considered the most basic tools communities have available to maintain land use compatibility, achieve desired density, and ensure orderly growth and development; AND

WHEREAS, this proposed statute, if enacted years ago, would have prevented Kitty Hawk from adopting many of our longstanding regulations related to density, which the Town deems vital to protecting the character of our community; AND

WHEREAS, many 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

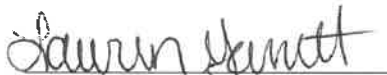
WHEREAS, the provisions re: down-zoning in Senate Bill 382 would effectively lock the current zoning schemes of most communities in place now and into the future, making it nearly impossible for local governments to provide land-use regulations that are in the best interest of their communities; AND

WHEREAS, the reasons for these specific changes were not made clear and local governments were not provided an opportunity to review or comment on the proposed changes prior to its adoption by the House on November 19, 2024; AND

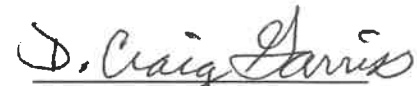
WHEREAS, if Senate Bill 382 becomes law, it would apply to any local government ordinance enacting down-zoning of property during the 180 days prior to its adoption.

NOW, THEREFORE, LET IT BE RESOLVED BY THE TOWN COUNCIL OF KITTY HAWK, NORTH CAROLINA, that we strongly oppose the adoption of Senate Bill 382, specifically, the section which would modify GS 160D-601(d) and restrict all local governments in North Carolina and their ability to control growth and maintain a balanced community. In addition, the Town of Kitty Hawk would request sufficient opportunities in the future to review and comment on any proposed legislation that would alter land use regulatory authority.

Adopted this 5th day of December 2024.


Lauren Garrett, Town Clerk




D. Craig Garriss, Mayor