

**RESOLUTION REQUESTING CITY OF NEW BERN'S DELEGATION TO THE GENERAL ASSEMBLY OF NORTH CAROLINA TO INTRODUCE AND/OR SUPPORT LEGISLATION TO EXEMPT THE CITY OF NEW BERN FROM THE PROVISIONS OF PART III, SUBPART III-K OF SB 382 AND TO RESTORE THE ORIGINAL PROVISIONS OF N.C.G.S. § 160D-601(d)**

**THAT 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 ("SB 382"), became law on December 11, 2024; and

**WHEREAS**, Part III, Subpart III-K of SB 382 entitled LOCAL GOVERNMENT (the "Down-zoning Provision"), amends N.C.G.S. § 160D-601(d) by prohibiting local governments from enacting or enforcing any zoning regulations, or zoning map amendments, that would constitute "down-zoning" without first obtaining the written consent of all property owners whose property would be subject to such an amendment; and

**WHEREAS**, N.C.G.S. § 160D-601(d) previously required written consent for non-government initiated zoning regulation or zoning map amendments that reduced the uses of a property. The consent requirement of the Down-zoning Provision greatly extends the application of the consent requirement to now include amendments initiated by the local government as well; and

**WHEREAS**, the Down-zoning Provision applies 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, all of which constitute the most basic tools local governments have available to maintain land use compatibility, achieve desired density, and ensure orderly growth and development; and

**WHEREAS**, as a practical matter, the Down-zoning Provision eliminates the authority of a local government to adopt a zoning text amendment applicable to entire non-residential zoning districts and severely limits the authority of a local government to adopt regulations related to residential zoning districts the given the time, effort, and cost of identifying all of the owners of parcels within such zoning districts, and the likelihood that all owners will consent to the amendment. In short, the Down-zoning Provision empowers a single property owner to override the will of a unanimous governing board, a developer, and perhaps all or a vast majority of the other property owners affected by the amendment; and

**WHEREAS**, all North Carolina local governments continue to face planning challenges presented by growth and development. Each local government's zoning authority provides a means to balance those challenges with the needs of the particular community based upon the will of the people as determined through public engagement, and ultimately, elections. The Down-zoning Provision effectively freezes local government zoning in non-residential districts as such zoning regulations existed on June 11, 2024, and as such greatly diminishes local government authority to manage growth and change consistent with the needs of each jurisdiction; and

**WHEREAS**, prior to the effective date of Down-zoning Provision, the City of New Bern initiated a rewrite of its entire land use ordinance, the same not having been rewritten in substance since 1991, and incurred considerable expense in the newly initiated rewrite before the project was suspended due to the Down-zoning Provision; and

**WHEREAS**, the Board of Aldermen of the City of New Bern desires to proceed with the rewrite of the City's land use ordinance in order to meet the needs of its citizens, and to do so requires that the City be exempt from the Down-zoning Provision and the original provisions of N.C.G.S. § 160D-601(d) be restored and applicable to the City of New Bern.

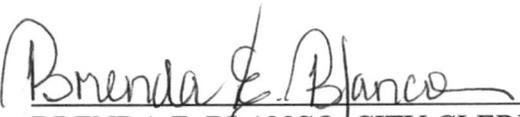
**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:**

**Section 1.** That the elected representatives for the City of New Bern who serve in the North Carolina General Assembly be and they are hereby requested to introduce and secure the passage of local legislation to exempt the City of New Bern from the provisions of Part III, Subpart III-K of SB 382 so that the original provisions of N.C.G.S. § 160D-601(d) are restored and applicable to the City of New Bern.

**Section 2.** That a certified copy of this resolution be forwarded to the Hon. Bob Brinson, member of the North Carolina Senate, and the Hon. Steve Tyson, member of the North Carolina House of Representatives.

ADOPTED THIS 10<sup>th</sup> DAY OF FEBRUARY, 2026.

  
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JEFFREY T. ODHAM, MAYOR

  
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BRENDA E. BLANCO, CITY CLERK