

**RESOLUTION NO. 245**  
**RESOLUTION CONCERNING GENERAL ASSEMBLY LEGISLATION DESIGNED TO**  
**REMOVE LOCAL AUTHORITY ON LAND USE MATTERS**

Whereas, the Village of Flat Rock, North Carolina, has noted with concern those continuing and constant legislative proposals of the North Carolina General Assembly which aim to wrest land-use decisions from the duly elected local officials;

Whereas, the Village of Flat Rock is small (8.2 square miles), semi-rural in nature, and is traversed by two N.C. Scenic Highways; has a small commercial district (14 acres) featuring local restaurants and vendors; and is peopled by those who chose to purchase residential property in Flat Rock with the expectation that the land-use ordinance would ensure their future quality of life and their property values;

Whereas, the citizens of Flat Rock were granted a State charter in 1995 to establish their own municipality, to protect the unique character of their community, and to protect the largest historic district in North Carolina (6.2 square miles). This historic district, designated by the U.S. Department of the Interior, contains 56 separate properties that justify such a designation, including 23 properties under preservation easements held by the N.C. State Historic Properties Office; and three properties designated as N.C. State Historic Landmarks;

Whereas, the Village of Flat Rock issued its most recent update to our Comprehensive Land Use Plan, as mandated by N.C. General Statute 160D-501, in June 2022 and has scrupulously ensured that its Land Use Ordinance and its Plan are fully aligned and transparent to any interested party, as also mandated by the State;

Whereas, the basic statutory framework for N.C. city government was established in 1917, when land-use decision-making authority was designated to the municipal level. Legislative history reveals that alterations to State requirements since 1917 and until recent years, were based on appropriate study, review, and public input. Throughout this century of updates, the control of local land-use decisions and development continued to reside with locally elected officials;

Whereas, the most recent update to land-use regulation (G.S. Chapter 160D) supplied regulations that were updated, reorganized and edited for clarity. Chapter 160D, which included new requirements, was passed in 2019 after four years of extensive review, vetting, public discussion, and draft alterations. After the bill passed, guidance was provided to all N.C. land use professionals and elected officials. These elements of professional policy development and implementation were important, allowing consideration of the varying priorities across North Carolina. They also reduced the harsh consequences of land management without prior planning.

Whereas, recent legislation House Bill 765 Local Government Development Regulations Omnibus proposes that local governments be stripped of their authority over the use and development of land located within their legal boundaries, thus overturning 100 years of established State policy and procedures; negating the well-established notion that voters should have a say – through elections – in the governing of their communities;

Whereas, HB 765 further seeks to negate and remove established zoning, without providing due process for input by local officials or citizens, to include dictating density requirements based on population. These measures effectively remove any workable land policy development by localities;

Whereas, Senate Bill 493 is intended to eliminate or freeze use of municipal extraterritorial jurisdiction authority, which authority has been accepted since the end of the 19<sup>th</sup> century. Such action will again affect the ability of localities to follow their state-mandated Land Use Plans, will greatly impact planning for future infrastructure, and erode community compatibility;

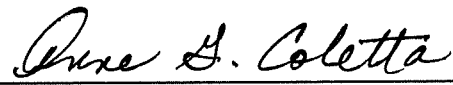
Whereas, similar bills were introduced in the Senate within the last month, with more proposals to strip authority from locally-elected officials: SB 495, allowing accessory dwelling units be permitted in all single-family residential zones; SB 497, requiring that “middle housing,” including six-plexes, be allowed in all residential zones; SB 499, which permits residential development “by right” in all areas zoned for commercial use; and SB 688, which prohibits local government from planning, zoning or development regulation authority and further requires that cities allow at least four or five residential units per acre, depending on the size of the municipality.

Be it resolved, that the Village of Flat Rock opposes all legislative efforts to remove the established authority of North Carolina municipalities to control the development of property within its legal boundaries and further petitions the North Carolina General Assembly to use policy development procedures that include the needs and desires of current citizens, and further to provide protective measures for those communities of historic importance.

This resolution was adopted by the Flat Rock Village Council on April 21, 2025.



Michelle Parker, CMC  
Village Clerk



Anne G. Coletta  
Mayor

