

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 731
Commerce Committee Substitute Adopted 5/10/11

Short Title: Zoning/Design and Aesthetic Controls.

(Public)

Sponsors:

Referred to:

April 20, 2011

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING FOR ZONING CONTROL OF STRUCTURAL DESIGN AND
3 AESTHETICS IN DESIGNATED HISTORIC DISTRICTS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 160A-381 is amended by adding a new subsection to read:

6 "(g) Regulations relating to building design elements adopted under Parts 2 and 3 of
7 Article 19 of this Chapter, or adopted pursuant to any recommendation made under
8 G.S. 160A-452(6)c., may not be applied to residential structures containing four or fewer
9 dwelling units, except under the following circumstances:

- 10 (1) In areas designated as local historic districts pursuant to G.S. 160A-400.4.
11 (2) In areas listed on the National Register of Historic Places.
12 (3) To individually designated local, State, or national historic landmarks.
13 (4) The regulations are directly and substantially related to the requirements of
14 applicable fire and life safety codes adopted under G.S. 143-138.

15 Regulations prohibited by this section may not be applied either in traditional zoning districts
16 or through districts designated as parallel conditional districts. For purposes of this subsection,
17 the phrase "building design elements" means exterior building color, type of style or exterior
18 cladding material, style or materials of roof structures or porches, exterior nonstructural
19 architectural ornamentation, location or architectural styling of windows and doors, including
20 garage doors, the number and types of rooms, and interior layout of rooms. The phrase does not
21 include buffering or screening of development to minimize visual impacts or impacts of light
22 and noise on surrounding parking and loading areas, or signage of buildings or collections of
23 buildings."

24 **SECTION 2.** G.S. 153A-340 is amended by adding a new subsection to read:

25 "(j) Regulations relating to building design elements adopted under Parts 2 and 3 of
26 Article 18 of this Chapter, or pursuant to any recommendation made pursuant to
27 G.S. 160A-452(6)c., may not be applied to residential structures containing four or fewer
28 dwelling units, except under the following circumstances:

- 29 (1) In areas designated as local historic districts.
30 (2) In areas listed on the National Register of Historic Places.
31 (3) To individually designated local, State, or national historic landmarks.
32 (4) The regulations are directly and substantially related to the requirements of
33 applicable fire and life safety codes adopted under G.S. 143-138.

34 Regulations prohibited by this section may not be applied either in traditional zoning districts
35 or through districts designated as parallel conditional districts. For purposes of this subsection,
36 the phrase "building design elements" means exterior building color, type of style or exterior
37 cladding material, style or materials of roof structures or porches, exterior nonstructural



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2 garage doors, the number and types of rooms, and interior layout of rooms. The phrase does not
3 include buffering or screening of development to minimize visual impacts or impacts of light
4 and noise on surrounding parking and loading areas, or signage of buildings or collections of
5 buildings."

6 **SECTION 3.** This act is effective when it becomes law.