

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2011

S

1

SENATE BILL 731

Short Title: Zoning/Design and Aesthetic Controls.

(Public)

Sponsors: Senators Clodfelter; Gunn, Hartsell, and Vaughan.

Referred to: Commerce.

April 20, 2011

A BILL TO BE ENTITLED

**AN ACT PROVIDING FOR ZONING CONTROL OF STRUCTURAL DESIGN AND
AESTHETICS IN DESIGNATED HISTORIC DISTRICTS.**

The General Assembly of North Carolina enacts:

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

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

(1) In areas designated as local historic districts pursuant to G.S.160A-400.4 or in areas listed on the National Register of Historic Places; or

(2) Where the regulations are directly and substantially related to the requirements of applicable fire and life safety codes adopted under G.S. 143-138.

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

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

"(j) Regulations relating to building design elements adopted under Parts 2 and 3 of Article 18 of this Chapter may not be applied to residential structures containing four or fewer structures, except under the following circumstances:

(1) In areas designated as local historic districts or in areas listed on the National Register of Historic Places; or

(2) Where the regulations are directly and substantially related to the requirements of applicable fire and life safety codes adopted under G.S. 143-138.

Regulations prohibited by this section may not be applied either in traditional zoning districts or through districts designated as parallel conditional districts. For purposes of this subsection, the phrase "building design elements" means exterior building color, type of style, or exterior cladding material, exterior nonstructural architectural ornamentation, architectural styling of windows and doors, the number and types of rooms, and interior layout of rooms. The phrase does not include buffering or screening of development to minimize visual impacts or impacts



1 of light and noise on surrounding, parking and loading areas, or signage of buildings or
2 collections of buildings."

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