

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021**

**S**

**1**

**SENATE BILL 243**

Short Title: Design Elem.Exempt-Historic Downtown Davidson. (Local)

Sponsors: Senator Marcus (Primary Sponsor).

Referred to: Rules and Operations of the Senate

March 15, 2021

A BILL TO BE ENTITLED  
AN ACT TO ALLOW CERTAIN DESIGN AND AESTHETIC CONTROLS FOR  
STRUCTURES LOCATED ALONG NC HIGHWAY 115 IN THE HISTORIC  
DOWNTOWN OF DAVIDSON.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 160D-702 reads as rewritten:

**"§ 160D-702. Grant of power.**

(a) A local government may adopt zoning regulations. Except as provided in subsections (b) and (c) of this section, a zoning regulation may regulate and restrict the height, number of stories, and size of buildings and other structures; the percentage of lots that may be occupied; the size of yards, courts, and other open spaces; the density of population; the location and use of buildings, structures, and land. A local government may regulate development, including floating homes, over estuarine waters and over lands covered by navigable waters owned by the State pursuant to G.S. 146-12. A zoning regulation shall provide density credits or severable development rights for dedicated rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11. Where appropriate, a zoning regulation may include requirements that street and utility rights-of-way be dedicated to the public, that provision be made of recreational space and facilities, and that performance guarantees be provided, all to the same extent and with the same limitations as provided for in G.S. 160D-804 and G.S. 160D-804.1.

(b) Any regulation relating to building design elements adopted under this Chapter may not be applied to any structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings except under one or more of the following circumstances:

- (1) The structures are located in an area designated as a local historic district pursuant to Part 4 of Article 9 of this Chapter.
- (2) The structures are located in an area designated as a historic district on the National Register of Historic Places.
- (3) The structures are individually designated as local, State, or national historic landmarks.
- (4) The regulations are directly and substantially related to the requirements of applicable safety codes adopted under G.S. 143-138.
- (5) Where the regulations are applied to manufactured housing in a manner consistent with G.S. 160D-908 and federal law.
- (6) Where the regulations are adopted as a condition of participation in the National Flood Insurance Program.



1           (7)   The structures are located along the portion of NC Highway 115 beginning in  
2           the Town of Davidson at the city limit line at the railroad and continuing north  
3           until the intersection with Ridge Road in the Town of Davidson.

4           Regulations prohibited by this subsection may not be applied, directly or indirectly, in any  
5 zoning district or conditional district unless voluntarily consented to by the owners of all the  
6 property to which those regulations may be applied as part of and in the course of the process of  
7 seeking and obtaining a zoning amendment or a zoning, subdivision, or development approval,  
8 nor may any such regulations be applied indirectly as part of a review pursuant to G.S. 160D-604  
9 or G.S. 160D-605 of any proposed zoning amendment for consistency with an adopted  
10 comprehensive plan or other applicable officially adopted plan.

11          For the purposes of this subsection, the phrase "building design elements" means exterior  
12 building color; type or style of exterior cladding material; style or materials of roof structures or  
13 porches; exterior nonstructural architectural ornamentation; location or architectural styling of  
14 windows and doors, including garage doors; the number and types of rooms; and the interior  
15 layout of rooms. The phrase "building design elements" does not include any of the following:  
16 (i) the height, bulk, orientation, or location of a structure on a zoning lot, (ii) the use of buffering  
17 or screening to minimize visual impacts, to mitigate the impacts of light and noise, or to protect  
18 the privacy of neighbors, or (iii) regulations adopted pursuant to this Article governing the  
19 permitted uses of land or structures subject to the North Carolina Residential Code for One- and  
20 Two-Family Dwellings.

21          Nothing in this subsection affects the validity or enforceability of private covenants or other  
22 contractual agreements among property owners relating to building design elements.

23          (c)    A zoning regulation shall not set a minimum square footage of any structures subject  
24 to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings."

25           **SECTION 2.(a)** This act applies only to the Town of Davidson.

26           **SECTION 2.(b)** This act is effective when it becomes law.