

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL 497

Short Title: Expand Middle Housing. (Public)

Sponsors: Senators Moffitt and Mayfield (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 26, 2025

A BILL TO BE ENTITLED
AN ACT TO REQUIRE THE SITING OF MIDDLE HOUSING STRUCTURES IN ALL
RESIDENTIAL ZONES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 7 of Chapter 160D of the General Statutes is amended by adding a new section to read:

"§ 160D-707. Middle housing.

(a) As used in this section, the following definitions apply:

(1) Duplex. – A parcel or lot with two dwelling units that are designed for residential occupancy.

(2) Fiveplex. – A parcel or lot with five dwelling units that are designed for residential occupancy.

(3) Fourplex. – A parcel or lot with four dwelling units that are designed for residential occupancy.

(4) Long-term rental housing. – A dwelling unit leased to a tenant for a period of not less than 30 days.

(5) Middle housing. – Buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, detached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, and townhouses.

(6) Permitted use. – The ability to be approved without requiring a public hearing, variance, conditional use permit, special permit, or other discretionary zoning action other than a determination that a site plan conforms with applicable zoning regulations.

(7) Sixplex. – A parcel or lot with six dwelling units that are designed for residential occupancy.

(8) Townhouse. – A dwelling unit constructed in a row of two or more attached units where each dwelling unit shares at least one common wall with an adjacent unit and is accessed by a separate outdoor entrance and where each unit may be conveyed or sold separately.

(9) Triplex. – A parcel or lot with three dwelling units that are designed for residential occupancy.

(b) A local government shall allow all middle housing types in areas zoned for residential use, including those that allow for the development of detached single-family dwellings.

(c) A local government may regulate middle housing pursuant to the provisions of this Chapter, provided that the regulations do not act to discourage development of middle housing



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types through unreasonable costs or delay, including zoning, development, siting, or design review standards that restrict middle housing types to less than three stories, or a floor area ratio of less than one. A local government shall apply the same permit and review processes that are applicable to detached single-family dwellings. In permitting middle housing types, nothing in this section shall be construed to prohibit a local government from permitting single-family dwellings in areas zoned to allow for single-family dwellings or additional types of middle housing not required under this section. Nothing in this section affects the validity or enforceability of private covenants or other contractual agreements among property owners relating to dwelling type restrictions. Any regulation adopted pursuant to this section shall not apply to an area designated as a local historic district (i) pursuant to Part 4 of Article 9 of this Chapter or (ii) on the National Register of Historic Places. This section shall only apply to areas that are served, or through extension may be served, by one or more of the following:

- (1) A local government water system.
- (2) A local government sewer system.
- (3) A public water system.
- (4) A wastewater collection or treatment works, the operation of which is primarily to collect or treat municipal or domestic wastewater and for which a permit is issued under Part 1 of Article 21 of Chapter 143 of the General Statutes.

(d) A local government shall not adopt or enforce regulations affecting middle housing with respect to the following:

- (1) Prohibit the use of any dwelling units on an affected lot as a long-term rental.
- (2) Require structures to comply with a commercial building code.
- (3) Require the installation of fire sprinklers.
- (4) Restrict the ability of the owner to determine the size and location of parking spaces.
- (5) Require the establishment of a planned community, as defined in G.S. 47F-1-103, or a condominium unit owner's association, as defined in G.S. 47C-1-103.
- (6) Require a shared feature, open space, or other amenity that would require a planned community, as defined in G.S. 47F-1-103, or a condominium unit owner's association, as defined in G.S. 47C-1-103, to maintain or operate the shared feature, open space, or other amenity. This subdivision shall not apply to stormwater control regulations adopted under G.S. 160D-925.
- (7) Require construction of private streets or roads not intended to be dedicated and accepted into the State highway system or a municipal street system, as each is defined in G.S. 136-66.1.

(e) In adopting regulations or amending a comprehensive plan in accordance with this section, a local government shall consider ways to increase the affordability of middle housing with ordinances or regulations that include waivers or deferrals of system development fees, dedication of recreation areas or open space, or transportation improvements or street construction.

(f) The requirements of this section apply and take effect 18 months after the effective date of this section. If a local government fails to adopt development regulations as required by this subsection, all middle housing types described in this section shall be allowed in any area or district zoned for residential use, without limitation.

(g) Any provision in an instrument recorded on or after the effective date of this section affecting real property is void and unenforceable if it purports to allow the development of a single-family dwelling on the subject property but would prohibit the development of middle housing or an accessory dwelling unit."

SECTION 2. This act is effective when it becomes law.