

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2025

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PRINCIPAL CLERK

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SENATE BILL DRS15221-MQ-71

Short Title: Expand Middle Housing. (Public)

Sponsors: Senators Moffitt and Mayfield (Primary Sponsors).

Referred to:

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

4 The General Assembly of North Carolina enacts:

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

7 "**§ 160D-707. Middle housing.**

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

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

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

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

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

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

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

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

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

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

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

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



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

13 (1) A local government water system.

14 (2) A local government sewer system.

15 (3) A public water system.

16 (4) A wastewater collection or treatment works, the operation of which is  
17 primarily to collect or treat municipal or domestic wastewater and for which  
18 a permit is issued under Part 1 of Article 21 of Chapter 143 of the General  
19 Statutes.

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

22 (1) Prohibit the use of any dwelling units on an affected lot as a long-term rental.

23 (2) Require structures to comply with a commercial building code.

24 (3) Require the installation of fire sprinklers.

25 (4) Restrict the ability of the owner to determine the size and location of parking  
26 spaces.

27 (5) Require the establishment of a planned community, as defined in  
28 G.S. 47F-1-103, or a condominium unit owner's association, as defined in  
29 G.S. 47C-1-103.

30 (6) Require a shared feature, open space, or other amenity that would require a  
31 planned community, as defined in G.S. 47F-1-103, or a condominium unit  
32 owner's association, as defined in G.S. 47C-1-103, to maintain or operate the  
33 shared feature, open space, or other amenity. This subdivision shall not apply  
34 to stormwater control regulations adopted under G.S. 160D-925.

35 (7) Require construction of private streets or roads not intended to be dedicated  
36 and accepted into the State highway system or a municipal street system, as  
37 each is defined in G.S. 136-66.1.

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

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

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

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