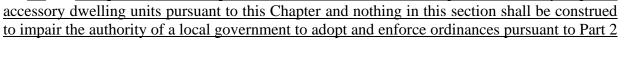
GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2023

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HOUSE BILL 409

Committee Substitute Favorable 4/20/23 PROPOSED COMMITTEE SUBSTITUTE H409-PCS40444-ST-20

Short Title: Regulation of Accessory Dwelling Units. (Public)
Sponsors:
Referred to:
March 20, 2023
A BILL TO BE ENTITLED
AN ACT TO INCREASE AFFORDABLE HOUSING BY ALLOWING FOR THE
CONSTRUCTION OR SITING OF ACCESSORY DWELLING UNITS.
The General Assembly of North Carolina enacts:
SECTION 1.(a) Part 1 of Article 9 of Chapter 160D of the General Statutes is
amended by adding a new section to read:
"§ 160D-917. Accessory dwelling units.
(a) A local government shall allow the development of at least one accessory dwelling
unit which conforms to the North Carolina Residential Code for One- and Two-Family
Dwellings, including applicable provisions from fire prevention codes, for each single-family
detached dwelling in areas zoned for residential use that allow for development of single-family
detached dwellings. An accessory dwelling unit may be built or sited at any time before,
concurrently, or after the primary single-family detached dwelling has been constructed or sited.
Nothing in this section shall prohibit a local government from permitting accessory dwelling
units in any area not otherwise required under this section.
(b) <u>In permitting accessory dwelling units under this section, a local government shall</u>
not do any of the following:
(1) Require owner-occupancy of the accessory dwelling unit.
(2) Require placement in a conditional zoning district.
(3) Establish minimum parking requirements or other parking restrictions,
including imposition of additional parking requirements where an existing
structure is converted for use as an accessory dwelling unit. (4) Prohibit the connection of the accessory dwelling unit to existing utilities
(4) Prohibit the connection of the accessory dwelling unit to existing utilities
systems serving the primary single-family detached dwelling unit, provided
the utility service to that primary single-family detached dwelling unit has capacity to serve both dwellings.
(5) Charge any fees in excess of those charged for the permitting of a
single-family detached dwelling similar in nature.
(c) A local government may impose a setback minimum for accessory dwelling units of
10 feet or the setback minimum imposed generally upon lots in the same zoning classification,
whichever is less.



Except as otherwise provided in this section, a local government may regulate



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law.

1	of this Article to comply with State and federal law, rules, and regulations, or permits consiste
2	with the interpretations and directions of the State or federal agency issuing the permit.
3	(e) Nothing in this section shall apply to any of the following:
4	(1) The validity or enforceability of private covenants or other contractu
5	agreements among property owners related to dwelling type restrictions.
6	(2) Properties located in a historic preservation district established pursuant
7	Part 4 of this Article.
8	(3) Properties designated as a National Historic Landmark by the United Stat
9	Department of Labor.
10	(f) For the purposes of this section, the term "accessory dwelling unit" means an attached
11	or detached residential structure that is used in connection with, or that is accessory to, a prima
12	single-family detached dwelling and that has less total square footage than the prima
13	single-family detached dwelling."
14	SECTION 1.(b) This section becomes effective October 1, 2023, and applies
15	applications for accessory dwelling unit permits submitted on or after that date.
16	SECTION 2. Local governments shall adopt development regulations and amen
17	their comprehensive plan to implement the provisions in this act no later than October 1, 2023

SECTION 3. Except as otherwise provided, this act is effective when it becomes

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