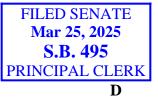
GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2025



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SENATE BILL DRS15222-MQ-28

Short Title:	Regulation of Accessory Dwelling Units.	(Public)
Sponsors:	Senators Moffitt and Mayfield (Primary Sponsors).	
Referred to:		

1			A BILL TO BE ENTITLED					
2	AN ACT	ОТ Л	INCREASE AFFORDABLE HOUSING BY ALLOWING FOR THE					
3	CONS	CONSTRUCTION OR SITING OF ACCESSORY DWELLING UNITS.						
4	The Gene	The General Assembly of North Carolina enacts:						
5		SECT	TION 1.(a) Part 1 of Article 9 of Chapter 160D of the General Statutes is					
6	amended	by addi	ng a new section to read:					
7	" <u>§ 160D-9</u>	917. Ac	ccessory dwelling units.					
8	<u>(a)</u>	A loca	al government shall allow the development of at least one accessory dwelling					
9	unit which conforms to the North Carolina Residential Code for One- and Two-Family							
10	Dwellings	s, inclue	ding applicable provisions from fire prevention codes, for each single-family					
11	detached of	dwellin	g in areas zoned for residential use that allow for development of single-family					
12	detached	dwellin	gs. An accessory dwelling unit may be built or sited concurrently or after the					
13	primary si	<u>ingle-fa</u>	mily detached dwelling has been constructed or sited. Nothing in this section					
14	<u>shall prob</u>	nibit a 🛛	local government from permitting accessory dwelling units in any area not					
15	otherwise		ed under this section.					
16	<u>(b)</u>	<u>In per</u>	mitting accessory dwelling units under this section, a local government shall					
17	<u>not do any</u>	y of the	following:					
18		(1)	Prohibit the use of the primary single-family detached dwelling and the					
19			accessory dwelling for long-term rentals by separate households.					
20		<u>(2)</u>	Require placement in a conditional zoning district.					
21		<u>(3)</u>	Establish minimum parking requirements or other parking restrictions,					
22			including imposition of additional parking requirements where an existing					
23			structure is converted for use as an accessory dwelling unit.					
24		<u>(4)</u>	Prohibit the connection of the accessory dwelling unit to existing utilities					
25			systems serving the primary single-family detached dwelling, provided the					
26			utility service to that primary single-family detached dwelling has capacity to					
27			serve both dwellings.					
28		<u>(5)</u>	Charge any fees in excess of those charged for the permitting of a					
29			single-family detached dwelling similar in nature.					
30		<u>(6)</u>	Set a maximum accessory dwelling unit size of less than 800 square feet.					
31	<u>(c)</u>		al government may do any of the following:					
32		<u>(1)</u>	Impose a setback minimum for accessory dwelling units of 10 feet or the					
33			setback minimum imposed generally upon lots in the same zoning					
34			classification, whichever is less.					
35		<u>(2)</u>	Require that accessory dwelling units be located to the side or rear of the					
36			primary single-family detached dwelling.					



	General	Asseml	oly Of North Carolina	Session 2025		
1		<u>(3)</u>	Require that accessory dwelling units be smaller the	nan the primary		
2			single-family detached dwelling.			
3	<u>(d)</u>		ot as otherwise provided in this section, a local governme			
4	-		ng units pursuant to this Chapter and nothing in this section s			
5			hority of a local government to adopt and enforce ordinances			
6			comply with State and federal law, rules, and regulations, or p			
7	with the i	-	tations and directions of the State or federal agency issuing the	<u>e permit.</u>		
8	<u>(e)</u>	<u>Nothi</u>	ng in this section shall apply to any of the following:			
9		<u>(1)</u>	The validity or enforceability of private covenants or			
10			agreements among property owners related to dwelling type			
11		<u>(2)</u>	Properties located in a historic preservation district establ	ished pursuant to		
12			Part 4 of this Article.			
13		<u>(3)</u>	Properties designated as a National Historic Landmark by	the United States		
14			Department of Interior.			
15		<u>(4)</u>	An accessory dwelling unit that is not connected to water an			
16	<u>(f)</u>		ne purposes of this section, the term "accessory dwelling unit" i	· · · · · · · · · · · · · · · · · · ·		
17			dential structure that is used in connection with, or that is a			
18		-	amily detached dwelling and that has less total square footage	than the primary		
19	single-family detached dwelling."					
20			FION 1.(b) This section becomes effective October 1, 202	· • • • •		
21	applicatio		accessory dwelling unit permits submitted on or after that date			
22			FION 1.(c) A local government that has enacted an ordinan			
23	requirements of this act and G.S. 160D-917, as enacted by this act, is not required to adopt a new					
24	ordinance.					
25	SECTION 2. Local governments shall adopt development regulations to implement					
26	the provisions in this act no later than January 1, 2027. If a local government fails to adopt					
27	development regulations as required by this act by January 1, 2027, accessory dwelling units					
28	shall be allowed in that local government without any limitations.					
29	SECTION 3. Except as otherwise provided, this act is effective when it becomes					
30	law.					