

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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SENATE BILL 374

Short Title: Regulation of Accessory Dwelling Units. (Public)

Sponsors: Senators Moffitt and Mayfield (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 28, 2023

1 A BILL TO BE ENTITLED  
2 AN ACT TO INCREASE AFFORDABLE HOUSING BY ALLOWING FOR THE  
3 CONSTRUCTION OR SITING OF ACCESSORY DWELLING UNITS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** Part 1 of Article 9 of Chapter 160D of the General Statutes is  
6 amended by adding a new section to read:

7 **"§ 160D-917. Accessory dwelling units.**

8 (a) A local 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, including applicable provisions from State fire prevention code, for each detached  
11 single-family dwelling in areas zoned for residential use that allow for development of detached  
12 single-family dwellings. An accessory dwelling unit may be built or sited at any time before,  
13 concurrently, or after the primary dwelling has been constructed or sited. Nothing in this section  
14 shall prohibit a local government from permitting accessory dwelling units in any area not  
15 otherwise required under this section. For the purposes of this section, the term "accessory  
16 dwelling unit" means an attached or detached residential structure that is used in connection with  
17 or that is accessory to a primary single-family dwelling and that has less total square footage than  
18 the primary single-family dwelling.

19 (b) Development and permitting of an accessory dwelling unit shall not be subject to any  
20 of the following requirements:

21 (1) Owner-occupancy of any dwelling unit, including an accessory unit.

22 (2) Minimum parking requirements or other parking restrictions, including the  
23 imposition of additional parking requirements where an existing structure is  
24 converted for use as an accessory dwelling unit.

25 (3) Conditional use zoning.

26 (c) In permitting accessory dwelling units under this section, a local government shall  
27 not do any of the following:

28 (1) Prohibit the connection of the accessory dwelling unit to existing utilities  
29 serving the primary dwelling unit.

30 (2) Charge any fee other than a building permit that does not exceed the amount  
31 charged for any single-family dwelling unit similar in nature.

32 (d) Except as otherwise provided in this section, a local government may regulate  
33 accessory dwelling units pursuant to this Chapter, provided that the regulations do not act to  
34 discourage development or siting of accessory dwelling units through unreasonable costs or  
35 delay. Nothing in this section shall affect the validity or enforceability of private covenants or  
36 other contractual agreements among property owners relating to dwelling type restrictions.



1       (e)     A local government may impose a setback minimum for accessory dwelling units of  
2 5 feet or the setback minimum imposed generally upon lots in the same zoning classification,  
3 whichever is less."

4               **SECTION 1.(b)** This section becomes effective October 1, 2023.

5               **SECTION 2.** Local governments shall adopt land use ordinances and regulations or  
6 amend their comprehensive plans to implement the provisions in this act no later than October 1,  
7 2023.

8               **SECTION 3.** Except as otherwise provided, this act is effective when it becomes  
9 law.