



Local Regulations for Accessory Dwellings Units (ADU's, a.k.a. Secondary Dwellings) in Buncombe County, NC

Buncombe County

The Zoning Ordinance for **Buncombe County** can be found at the following link from our website: <https://www.buncombecounty.org/common/planning/zoning-ordinance.pdf>

On page 33, the Permitted Use Table shows that two dwelling units are allowed in almost all of Buncombe's zoning districts except for one small area, and that more than two dwelling units are allowed in many other districts.

On page 40, the Dimensional Requirements Table specifies the dimensional requirements for structures and setbacks and also the total number of dwelling units that are allowed on a property based on a few different factors.

Buncombe County permits accessory dwelling units (ADUs), garage apartments, and second/third/fourth homes all the same as a new home on the property.

Questions:

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City of Asheville

New regulations for ADUs were adopted by City Council on June 23, 2015. These few [slides](#) provide a summary of the ADU regulations and this presentation, [ADU Rules](#), provides graphics that depict the rules and show various ways ADUs can be situated on lots. The City also produced an [ADU Guide](#) that includes frequently asked questions and the basic process and rules.

Note: after passing the 2015 regulations, Asheville subsequently passed new zoning requirements for residential districts, which now allow more units in multifamily districts that effectively obviate the need for ADUs in those districts.

Asheville's complete regulations related to Accessory Dwelling Units (ADUs) can be found [here](#). Scroll to *(b) Permitted accessory uses and structures, (3) Accessory dwelling uses* for details.

Asheville's [Zoning and Development](#) web pages, part of the Planning and Urban Design Department.

Questions:

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Town of Weaverville

Commentary

The term secondary dwelling was chosen so as to create additional distance between said term and accessory structures. Governed similarly, related to their placement on the property, secondary dwellings are inhabitable while accessory structures are not.

According to the Town, the cap on the square footage of a secondary dwelling and its relationship with the size of the primary structure has not been an issue.

Regulations

The following are the **Town of Weaverville's** regulations related to secondary dwellings. The entire set of the Town's zoning regulations can be found online [here](#).

Sec. 36-5. - Definitions of specific words and terms.

Dwelling - Secondary. A dwelling unit not exceeding 800 square feet of gross floor space and located on a lot with an existing single-family dwelling. No more than one such dwelling shall be situated on any lot and shall not be considered as an accessory use herein defined.

Sec. 36-104. - Notes on table of uses. (excerpt)

The abbreviations and symbols shown in the Table of Uses have the following meanings:
"PS" = Permitted with Standards; "-" = Not Permitted

Sec. 36-105. - Table of uses.

USES	R-1	R-2	R-3	R-12	C-1	C-2	I-1
RESIDENTIAL							
Dwelling - Secondary	PS	PS	PS	-	-	-	-

Sec. 36-124. - Dwelling - Secondary.

- (a) Secondary dwelling units shall be accessory and subordinate to the primary living quarters.
- (b) No more than one secondary dwelling unit is permitted on any lot.
- (c) A secondary dwelling unit may only be located within a side or rear yard and within the setback established by the applicable zoning district.
- (d) No secondary structure shall exceed two stories in height.
- (e) Secondary dwelling units may be created as an independent structure, an addition to an existing primary structure, or a second story within detached garages.
- (f) The gross floor space of a secondary dwelling unit shall not exceed 800 square feet. The ground floor area of an attached garage shall not be calculated as part of the total square footage of any secondary dwelling that is built as the second story of a detached garage; provided, such ground floor garage area shall not be converted into a dwelling space.
- (g) At least one off-street parking space shall be provided.

(h) Properties with multifamily dwellings as defined herein shall not be permitted a secondary dwelling.

Questions:

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Town of Weaverville

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Town of Black Mountain

5.19.1 - Secondary dwellings.

Secondary dwellings may be located in a building separate from the principal dwelling subject to the following requirements:

- A. Secondary dwellings shall meet the setbacks of the principal structure as set forth for the zoning district in which it is located.
- B. Secondary dwellings shall be built to North Carolina Residential Building Code Standards.
- C. The secondary dwelling size shall not exceed 50 percent of the square footage of the livable area of the primary structure or 1,100 square feet, whichever is less.
- D. No secondary dwelling will be sited between the principal building and an adjacent public roadway, not including a private alleyway or driveway.
- E. Only one secondary dwelling unit shall be permitted per zoning lot.
- F. The exterior of the secondary dwelling will be of same style as the principal residence in terms of exterior material, siding, roof pitch, window detailing, roofing materials, and foundation or skirting appearance.
- G. If a manufactured home, the secondary dwelling shall not be pulled up to or attached to the primary residence, and must meet the requirements for manufactured housing in [section 5.16](#) of this chapter.
- H. Adequate off-street parking shall be provided at a ratio of two cars per dwelling unit on the same lot.
- I. If there will be no public sanitary sewer service to the secondary dwelling, the county health department shall approve a septic system prior to construction.
- J. Lots with duplexes shall not be allowed a secondary dwelling.

([Ord. No. O-16-09](#), § 1, 5-9-2016)

Questions:

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