

# Backyard Cottages in North Carolina<sup>1</sup>

## Planning

### ***Where are they allowed?***

Charlotte Mecklenburg	All R zones and Urban Residential Mixed-use Districts, including non-conforming lots
Asheville	All R zones, including non-confirming lots
Winston Salem	All SF R zones, conforming lots only
Chapel Hill	All R zones
Durham	All R zones, conforming lots only, prohibited in flood zones
Wilmington	SF, MF and HD (Historic District) zones

### ***Minimum lot sizes and widths***

Charlotte Mecklenburg	Per R zones
Asheville	Per R zones
Winston Salem	Per R zones
Chapel Hill	2X of required size for R zone
Durham	Per R zones
Wilmington	+ 50% of required size for R zone, or 5,000 sq. ft., whichever is less

### ***Number of units permitted***

Charlotte Mecklenburg	(1) per property, but attached ADU's can exceed, based on R district
Asheville	(1) per property
Winston Salem	(1) per property
Chapel Hill	(1) per property
Durham	(1) per property
Wilmington	(1) per property

## Site

### ***Location on site***

Charlotte Mecklenburg	Behind primary unit, less than 30% site coverage of rear yard
Asheville	Behind primary unit
Winston Salem	Behind front façade of primary unit
Chapel Hill	(1) per property
Durham	Behind primary unit, except in RR zones
Wilmington	Behind primary unit

**Unit size**

Charlotte Mecklenburg	50% of primary, 800 sq. ft. max
Asheville	70% of primary, 800 sq. ft. max
Winston Salem	5% of total lot size
Chapel Hill	50% of primary, 750 sq. ft. max
Durham	50% of primary, 400 sq. ft. min.
Wilmington	30% of primary, or 1,200 sq. ft., whichever is less

**Set backs: side, rear, from house, alley + corner lots**

Charlotte Mecklenburg	Per R zone, 15' rear
Asheville	Per R zone, 6' side and rear
Winston Salem	75' from front property line, 3' side and rear including corner and alley lots
Chapel Hill	Per R zone
Durham	Per R zone
Wilmington	Per R zone

**Height restrictions**

Charlotte Mecklenburg	No taller than primary unit
Asheville	25'
Winston Salem	17'
Chapel Hill	Per R zone
Durham	35'
Wilmington	No taller than primary unit

**Built over garage?**

Charlotte Mecklenburg	Yes
Asheville	Yes, 25' max height
Winston Salem	Yes
Chapel Hill	Yes
Durham	Yes
Wilmington	Yes, 800 sq. ft. max.

**Side and rear entry and view restrictions?**

Charlotte Mecklenburg	Not connected to primary unit, side or rear entrances only
Asheville	No
Winston Salem	No
Chapel Hill	No
Durham	Entrance needs to face street
Wilmington	No

***Exterior lighting restrictions?***

Charlotte Mecklenburg	No
Asheville	No
Winston Salem	No
Chapel Hill	No
Durham	No
Wilmington	No

Parking

***Off-street parking required?***

Charlotte Mecklenburg	(1) space
Asheville	(1) space
Winston Salem	(1) space
Chapel Hill	No
Durham	(1) space, except none in DD (downtown) zone
Wilmington	(2) spaces

***Driveway requirements?***

Charlotte Mecklenburg	No, alley or corner lots can have separate driveway
Asheville	No
Winston Salem	No
Chapel Hill	No
Durham	No
Wilmington	No

***Parking in front property permitted?***

Charlotte Mecklenburg	Yes
Asheville	No
Winston Salem	Yes, but varies per district and doesn't count as req'd space
Chapel Hill	Yes, but limited to 40-50% of area
Durham	No
Wilmington	Yes

Character<sup>2</sup>

***Match style, roofline, or materials? Pattern of neighborhood?***

Charlotte Mecklenburg	Subordinate to SF character, roof and exterior materials consistent with primary
Asheville	No, except in historic districts where they need to comply with historic ordinance
Winston Salem	No
Chapel Hill	Subordinate to primary unit, SF character
Durham	SF character
Wilmington	No

## Occupancy Restrictions<sup>3</sup>

### **Owner occupied?**

Charlotte Mecklenburg	No
Asheville	No
Winston Salem	Yes
Chapel Hill	No
Durham	No
Wilmington	No

### **Deed restrictions (sold separately?)**

Charlotte Mecklenburg	Yes, as long as allowed in district
Asheville	Yes, as per NC condominium law, no lot splitting
Winston Salem	No
Chapel Hill	Yes, as per NC condominium law
Durham	Yes, as per NC condominium law
Wilmington	Yes, as per NC condominium law, no lot splitting

### **Register unit?**

Charlotte Mecklenburg	No
Asheville	No, units are tracked through permitting process
Winston Salem	No
Chapel Hill	No
Durham	No
Wilmington	No

### **Number unrelated adults?**

Charlotte Mecklenburg	(6) including primary
Asheville	(5) per unit
Winston Salem	(4) including primary
Chapel Hill	(4) including primary
Durham	(6) including primary
Wilmington	(3) per unit

### **For rent signs permitted?**

Charlotte Mecklenburg	Yes
Asheville	Yes
Winston Salem	Yes
Chapel Hill	–
Durham	Yes
Wilmington	Yes

## History

### ***Date of last ordinance?***

Charlotte Mecklenburg	2012
Asheville	2015
Winston Salem	Some time ago
Chapel Hill	2003
Durham	2006
Wilmington	2000

### ***Potential changes to ordinance?***

Charlotte Mecklenburg	Entire zoning ordinance will be updated next year
Asheville	Just updated to make less restrictive
Winston Salem	Yes, in process of making it less restrictive
Chapel Hill	Yes, in process of making it less restrictive
Durham	Yes, in process of making it less restrictive
Wilmington	Maybe, to make it less restrictive

### ***Information or Incentive programs?***

Charlotte Mecklenburg	No
Asheville	No
Winston Salem	No
Chapel Hill	No
Durham	No
Wilmington	No

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<sup>1</sup> All information is based on interviews with planning staff at each of the cities.

Charlotte Mecklenburg	Grant Meacci
Asheville	Alan Glines
Winston Salem	Walter Farabee
Chapel Hill	John Richardson
Durham	Dennis Doty
Wilmington	Christine Hughes

<sup>2</sup> Senate Bill 25 prohibits legislating character of SF house, except as per Historic Districts

<sup>3</sup> North Carolina law prohibits occupancy requirements.