

Ordinance #21-0667
2022 Ordinance Book, Page 22

UDO-CC15
ORDINANCE AMENDING CHAPTERS 5, 6, AND 11 OF THE UNIFIED DEVELOPMENT ORDINANCES TO REVISE PROVISIONS REGARDING DWELLING, ACCESSORY (ATTACHED AND DETACHED); PARKING REQUIREMENTS FOR DWELLING, SINGLE FAMILY, ACCESSORY; AND THE DEFINITION OF A DWELLING UNIT, ACCESSORY DWELLING UNIT (ATTACHED), AND ACCESSORY DWELLING UNIT (DETACHED)

Be it ordained by the _____, that the Unified Development Ordinances are amended as follows:

Section 1. Section 5.3.1.A of the UDO is amended as follows:

5.3 ACCESSORY STRUCTURES AND USES

5.3.1 GENERAL REQUIREMENTS

A. PURPOSE

Unless the principal use is expressly stated, a use accessory to a principal use is permitted if, in the opinion of the Director of ~~Inspections~~ **Planning and Development Services**, the accessory use is customarily incidental to the principal use.

Section 2. Section 5.3.4 of the UDO is amended as follows:

5.3.4 USES WHICH MAY ONLY BE ACCESSORY TO PRINCIPAL USES

B. DWELLING, ACCESSORY (ATTACHED)

1. In Forsyth County, the Zoning Officer shall issue a zoning permit for an attached accessory dwelling if the following requirements are met (F):

a. **STRUCTURE**

The principal building shall not be altered in any way so as to appear from a public street to be multiplefamily housing.

i. **PROHIBITED ALTERATIONS**

Prohibited alterations include, but are not limited to:

1. Multiple entranceways;
2. Multiple mailboxes; or
3. Multiple nameplates.

ii. **ACCESS**

Wherever feasible and consistent with the State Residential Building Code, access to the accessorydwelling unit shall be by means of existing doors.

iii. **STAIRWAYS**

NOTE: Items to be removed are indicated with a ~~strike through~~; items to be added are shown as **highlighted**. Items with a single underscore are applicable to Forsyth County only, and *italicized* items are applicable to Winston-Salem only.

No new stairways to upper floors are permitted on any side of a building which faces a public street.

iv. **UTILITIES**

Electric and/or gas utilities shall be supplied to both units through a single meter.

b. **SIZE OF UNIT**

i. An attached accessory dwelling unit shall occupy no more than fifty percent (50%) of the heated floorarea of the principal building, but in no case shall be greater than one thousand (1,000) square feet.

ii. The sum of all accessory uses, including home occupations, in a principal residential building shall not exceed fifty percent (50%) of the total floor area of the building.

c. **PARKING**

Parking for the attached accessory dwelling shall be served by the same driveway as the principal dwelling.

d. **NUMBER OF ACCESSORY DWELLINGS**

No more than one accessory dwelling, whether attached or detached, shall be located on a lot.

2. *Within the City of Winston-Salem, an attached accessory dwelling unit may be permitted through the special use district rezoning process described in **Section 3.2.19D, Special Use Districts** the Zoning Officer shall issue a zoning permit for an attached accessory dwelling where the following requirements are met (W):*

a. **PRINCIPAL USE**

An accessory dwelling unit shall be subordinate in nature to the principal use residential building, single-family.

b. **STRUCTURE RESERVED**

The principal building shall not be altered in any way so as to appear from a public street to be multiple family housing.

i. **PROHIBITED ALTERATIONS**

Prohibited alterations include, but are not limited to:

1. ~~Multiple entranceways;~~
2. ~~Multiple mailboxes; or~~
3. ~~Multiple nameplates.~~

ii. **ACCESS**

~~Wherever feasible and consistent with the State Residential Building Code, access to the accessory dwelling unit shall be by means of existing doors.~~

iii. **STAIRWAYS**

~~No new stairways to upper floors are permitted on any side of a building which faces a public street.~~

iv. **UTILITIES**

~~Electric and/or gas utilities shall be supplied to both units through a single~~

NOTE: Items to be removed are indicated with a ~~strike through~~; items to be added are shown as **highlighted**. Items with a single underscore are applicable to Forsyth County only, and *italicized* items are applicable to Winston-Salem only.

meter.

c. **SIZE OF UNIT**

- i. *An attached accessory dwelling unit shall occupy no more than fifty percent (50%) of the heated floor area of the principal building, but in no case shall be greater than one thousand (1,000) square feet.*
- ii. *The sum of all accessory uses, including home occupations, in a principal residential building shall not exceed fifty percent (50%) of the total floor area of the building.*

d. **PARKING**

No additional parking is required for an attached dwelling unit. ~~Parking for the attached accessory dwelling shall be served by the same driveway as the principal dwelling.~~

e. **NUMBER OF ACCESSORY DWELLINGS**

No more than one accessory dwelling, whether attached or detached, shall be located on a lot.

f. **HEIGHT**

The height of an attached accessory dwelling shall not exceed that of the principal structure.

C. **DWELLING, ACCESSORY (DETACHED)**

1. In Forsyth County, a Board of Adjustment special use permit shall be issued if the following conditions are met (F):

a. **DIMENSIONAL REQUIREMENTS**

Any detached accessory dwelling shall comply with all dimensional requirements applicable to accessory structures in **Section 5.3.1E, Accessory Structures Permitted in Required Yards**, and **Section 5.3.1F, Size Limits for Accessory Structure**.

b. **BUILDING REQUIREMENTS**

Any detached accessory dwelling shall comply with all building, plumbing, electrical, and other applicable codes, other than a manufactured housing unit.

c. **MANUFACTURED HOME**

- i. A class A or B manufactured home may be used as a detached accessory dwelling; and
- ii. A class C manufactured home may be used as a detached accessory dwelling in those zoning districts where a class C manufactured home is permitted as a principal use according to **Table 5.1.1, Principal Use Table**.

d. **NUMBER OF ACCESSORY DWELLINGS**

No more than one accessory dwelling, whether attached or detached, shall be permitted on the same lot.

2. *In the City of Winston-Salem, ~~a detached accessory dwelling unit may be permitted through the special use district rezoning process described in **Section 3.2.19D, Special Use Districts**~~, the Zoning Officer shall issue a zoning permit for an detached accessory dwelling, where the following requirements are met (W):*

NOTE: Items to be removed are indicated with a ~~strike through~~; items to be added are shown as **highlighted**. Items with a single underscore are applicable to Forsyth County only, and *italicized* items are applicable to Winston-Salem only.

a. PRINCIPAL USE

An accessory dwelling unit shall be subordinate in nature to the principal use residential building, single-family or manufactured home, class A.

b. DIMENSIONAL REQUIREMENTS

i. SETBACKS

1. A detached accessory dwelling created through new construction shall have a minimum setback of five (5) feet from the side and rear property lines.

*2. A detached accessory dwelling created through conversion of an existing legally established accessory structure shall meet the requirements of the North Carolina Building Code regarding setbacks. Any detached accessory dwelling shall comply with the dimensional requirements applicable to accessory structures in **Section 5.3.1E, Accessory Structures Permitted in Required Yards**, and **Section 5.3.1F, Size Limits for Accessory Structure**.*

3. In no instance shall a detached accessory dwelling unit be located in front of the front façade of the principal structure.

ii. The maximum size of a detached accessory dwelling shall not exceed seventy percent (70%) of the total floor area of the principal structure, but in no case shall be greater than one thousand (1,000) square feet. Regardless of the floor area of the principal structure, a detached accessory dwelling of five hundred seventy-six (576) square feet shall be allowed.

iii. The maximum height of a detached accessory dwelling shall not exceed twenty-five (25) feet.

c. PARKING

No additional parking shall be required for a detached accessory dwelling unit.

d. BUILDING REQUIREMENTS

Any detached accessory dwelling shall comply with all building, plumbing, electrical, and other applicable codes, other than a manufactured housing unit.

e. ~~MANUFACTURED HOME~~ RESERVED

~~A class A or B manufactured home may be used as a detached accessory dwelling.~~

f. NUMBER OF ACCESSORY DWELLINGS

No more than one accessory dwelling, whether attached or detached, shall be permitted on the same lot.

g. EXISTING ACCESSORY DWELLINGS APPROVED BY THE BOARD OF ADJUSTMENT WITH AN EXPIRING TERM

i. Existing detached accessory dwellings approved by the Board of Adjustment, through the special use permit process, with an expiring term shall continue to be reviewed and decided upon by the Board of Adjustment.

ii. When renewing the special use permit for said accessory units, the Board must grant an expiring approval term, not to exceed ten years, with permit renewal required at the end of said term.

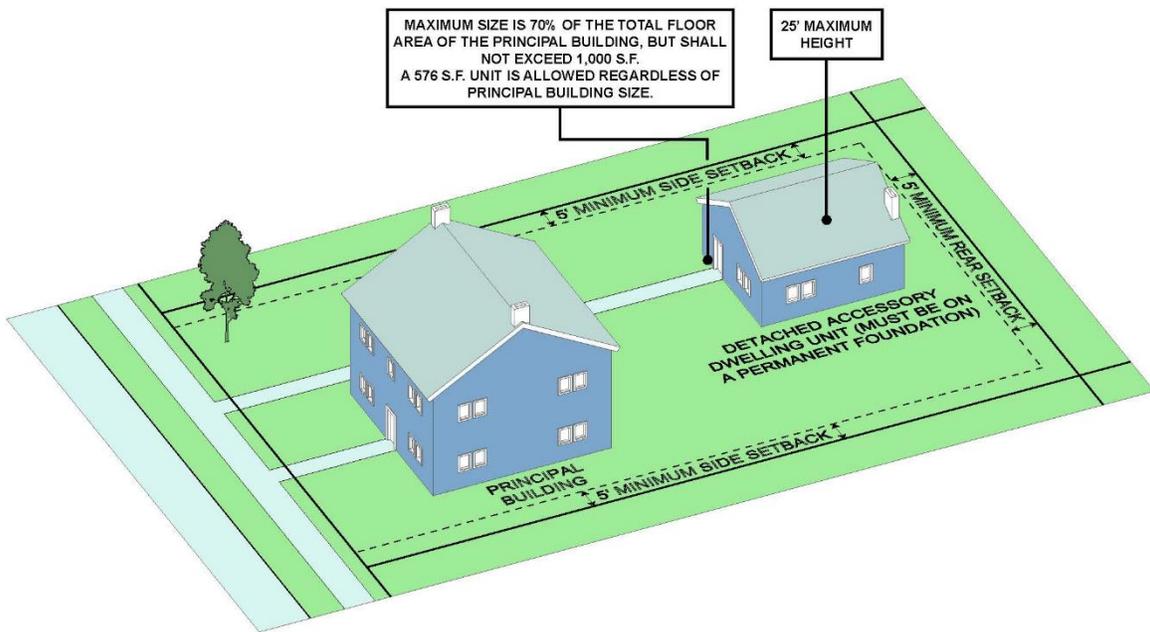
NOTE: Items to be removed are indicated with a ~~strike through~~; items to be added are shown as **highlighted**. Items with a single underscore are applicable to Forsyth County only, and *italicized* items are applicable to Winston-Salem only.

- iii. *Detached accessory dwelling units with a special use permit that has a term that:*
 1. *Expired before September 5, 2017; or*
 2. *Is not renewed before the expiration date shall be reviewed and decided upon through the special use district rezoning process described in **Section 3.2.19D, Special Use Districts.***

h. PERMANENCE

A detached accessory dwelling unit shall be constructed on a permanent foundation. The use of campers, recreational vehicles (RV), or trailers as an accessory dwelling unit is prohibited.

Figure 5.3.4.C.2: Dwelling, Accessory, Detached Provisions (W)



Section 3. Table 6.1.2: Motor Vehicle and Bicycle Parking Space Requirements

TABLE 6.1.2: MOTOR VEHICLE AND BICYCLE PARKING SPACE REQUIREMENTS		
PRINCIPAL USES	MOTOR VEHICLE PARKING SPACES [1] [2]	BICYCLE PARKING SPACES [3] [4]
USES WHICH MAY ONLY BE ACCESSORY TO PRINCIPAL USES [5]		
Dwelling, Single Family, Accessory Attached Dwelling, Single Family, Accessory Attached	1 space per dwelling (Must be located on the same zoning lot and share same driveway as the principal dwelling.)	Exempt Exempt

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Accessory Detached Accessory Detached	1 space per dwelling (Must be located on the same zoning lot and share same driveway as the principal dwelling.)	Exempt Exempt
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Section 4. Table 11.2.2: Definitions of the UDO is amended as follows:

TABLE 11.2.2: DEFINITIONS	
DWELLING UNIT	<p>As used in the Salem Lake watershed protection standards, one or more rooms used as a place of residence for one family, in which there is no area completely closed off for separate living quarters, and there is common access, and kitchen and bathroom facilities, and a single electrical meter.</p> <p>As used in the watershed protection standards, one or more rooms used as a place of residence for one family, in which there is no area completely closed off for separate living quarters, and there is common access, kitchen and bathroom facilities, and a single electrical meter. (F)</p> <p>One or more rooms used as a place of residence for one family, in which there is no area completely closed off for separate living quarters, and there is common access, and kitchen and bathroom facilities, and a single electrical meter.</p>
DWELLING UNIT, ACCESSORY, ATTACHED	<p>A second dwelling unit connected to or located within three (3) feet of a residential building, which is restricted in area, and purpose and occupancy in accordance with Section 5.3.4B, Dwelling, Accessory (Attached), of the Zoning Ordinance.</p>
DWELLING UNIT, ACCESSORY, DETACHED	<p>A dwelling unit located within an accessory structure which is located more than three (3) feet from the principal structure and is restricted in area, and purpose and occupancy in accordance with Section 5.3.4C, Dwelling, Accessory (Detached), of the Zoning Ordinance.</p>

Section 5. This ordinance shall be effective upon adoption.

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