

**CD/H/GG ALTERNATE PROPOSAL
TO ELIMINATE KINSHIP PROVISIONS AND REQUIRE
SPECIAL USE DISTRICT REZONING APPROVAL**

**AN ORDINANCE REVISING
CHAPTER B OF THE *UNIFIED DEVELOPMENT ORDINANCES*
TO AMEND REGULATIONS FOR ACCESSORY DWELLINGS**

Be it ordained by the City Council of the City of Winston-Salem, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Chapter B, Article II of the *UDO* is amended as follows:

**Chapter B - Zoning Ordinance
Article II – Zoning Districts, Official Zoning Maps, and
Uses**

2-6 ACCESSORY USES

2-6.4 USES WHICH MAY ONLY BE ACCESSORY TO PRINCIPAL USES

(B) Dwelling, Accessory (Attached). ~~.....An attached accessory dwelling unit may be permitted through the Special Use District Rezoning process described in Section B.6-2.2 where the following requirements are met:~~

- ~~(1) **Occupancy Requirements.**A zoning permit for an attached accessory dwelling shall be conditioned upon the property owner signing a statement verifying that one of the occupancy requirements is being met. The zoning permit shall automatically terminate when the occupancy requirement is no longer met. [Reserved]~~
 - ~~(a) **At Least Fifty-Five (55) or Handicapped.**The principal or accessory dwelling unit shall be occupied by a person at least fifty five (55) years of age or handicapped; or, [Reserved]~~
 - ~~(b) **Relation.**The principal dwelling unit or the attached accessory unit shall be occupied by the following categories of persons: [Reserved]~~
 - ~~(i) **Relative.**Any relative under the civil law of the first, second, or third degree of kinship to the head of the household owning and occupying the principal dwelling on the lot, or to the spouse (whether living or deceased) of the head of the household; [Reserved]~~
 - ~~(ii) **Adopted Person.**A son or daughter by legal adoption, or the adoptive parents of the head of the household or such person's spouse, whether spouse is living or deceased; [Reserved]~~

~~(iii) Other Dependent.A dependent of the head of the household or of such person's spouse as defined by the North Carolina Department of Revenue; or, [Reserved]~~

~~(iv) Servant.A servant employed on the premises and the servant's family, but only if such servant receives more than one-half of his/her annual gross income in return for services rendered on the premises. [Reserved]~~

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

(a) Prohibited Alterations.Prohibited alterations include, but are not limited to: multiple entranceways, multiple mailboxes, or multiple nameplates.

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

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

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

(3) Size of Unit.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 be greater than one thousand (1,000) square feet. 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.

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

(5) Number of Accessory Dwellings.No more than one accessory dwelling, whether attached or detached, shall be located on a lot.

(C) Dwelling, Accessory (Detached).A detached accessory dwelling unit may be permitted through the Special Use District Rezoning process described in Section B.6-2.2 where the following requirements are met:

(1) Occupancy Requirements.~~A Special Use Permit for the detached accessory dwelling must be approved by the Board of Adjustment in accordance with the requirements of Section B.6 1.4. In addition, the applicant must submit a statement verifying that the occupancy requirements of this section are being met. The permit shall automatically terminate with the termination of occupancy by such persons. The principal dwelling unit or the detached accessory unit shall be occupied by the following categories of persons. [Reserved]~~

(a) ~~Relative (F).Any relative under the civil law of the first, second, or third degree of consanguinity to the head of the household owning or occupying the principal~~

~~dwelling on the lot, or to the spouse (whether living or deceased) of the head of the household; [Reserved]~~

~~Relative (W). Any relative under the civil law of the first, second, or third degree of kinship to the head of the household owning or occupying the principal dwelling on the lot, or to the spouse (whether living or deceased) of the head of the household; [Reserved]~~

- ~~(b) Adopted Person.A son or daughter by legal adoption, or the adoptive parents of the head of the household or such person's spouse, whether spouse is living or deceased; [Reserved]~~
- ~~(c) Other Dependent.A dependent of the head of the household or of such person's spouse as defined by the North Carolina Department of Revenue; or, [Reserved]~~
- ~~(d) Servant.A servant employed on the premises and the servant's family, but only if such servant receives more than one half of his/her annual gross income in return for services rendered on the premises. [Reserved]~~

(2) Dimensional Requirements.Any detached accessory dwelling shall comply with all dimensional requirements applicable to accessory structures in Sections B.3-1.2(F) and (G).

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

(4) Manufactured Home (F).A Class A or B manufactured home may be used as a detached accessory dwelling; 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 B.2.6.

Manufactured Home (W). A Class A or B manufactured home may be used as a detached accessory dwelling.

(5) Number of Accessory Dwellings.No more than one accessory dwelling, whether attached or detached, shall be permitted on the same lot.

Section 2. This ordinance shall be effective upon adoption.