

# UDO-CC15

## Request Summary

- Petitioner: Planning and Development Services staff
- Request: Amend Chapters 5, 6, and 11 relating to the definitions of Dwelling Unit and Dwelling, Accessory and parking standards and provisions for Dwelling, Accessory (Attached and Detached)

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## Background

- Accessory Dwelling Units (ADUs) are small secondary dwelling units on the same lot as a principal structure with similar amenities as a standard house.
- ADUs have been allowed by the Winston-Salem Zoning Ordinance since as early as 1930 but were subject to occupancy requirements.
  - relatives, adopted persons, dependents, or servants of the property owner
  - individuals over the age of 55 and handicapped persons
  - Attached ADU required staff approval; detached ADU required BOA approval

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## Background

- In September 2017, City Council adopted a version of the ordinance:
  - retained the existing ADU regulations
  - removed occupancy requirements based on case law
  - changed the approval process to the Special-Use District Rezoning
  - Two ADUs have been approved since 2017
- In fall 2020, City Council asked staff to research best management practices for ADUs. Staff presented their findings in April 2021.
- Based on these findings, City Council asked staff to review and propose amendments to the current provisions to better meet affordable housing goals within the City.

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## Background

- After review, staff determined that current provisions are not in line with our peer communities.
- Proposed amendment would simplify the ordinance and bring provisions in line with peers.
- Minor revisions to the definitions and Section 5.3.1.
- Amendment maintains attached and detached distinction.



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## Key Ordinance Provision Amendments

- Approval Process:
  - Changing from Special Use Rezoning to Permitted with Conditions
  - Removes elected body review, \$1,000 fee, 2-month approval process
  - Zoning staff approval if conditions met
- Principal Use:
  - Adding principal use for both attached and detached ADUs
  - Attached: residential building, single-family
  - Detached: residential building, single-family or manufactured home, class A
- Number Allowed:
  - No change from current provision.



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## Key Ordinance Provision Amendments

- Parking:
  - Removal of the 1 off-street parking space requirement for ADUs
  - No additional parking required for both attached and detached ADUs
- Setbacks:
  - No change to attached ADU provisions
  - New detached ADUs – 5 feet from side or rear property lines
  - Conversions – compliance with NC Building Code
  - No ADUs placed in front of front façade of principal



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## Key Ordinance Provision Amendments

- Size:
  - No change to the attached provisions
  - Detached: 70% of total floor area of principal with 1,000 sf maximum
  - No matter square footage of principal, allowed 576 sf
- Height:
  - Attached: adding provision that ADU cannot exceed height of principal
  - Detached: amending to 25 ft. maximum
- Other Changes:
  - Attached: removing structural requirements
  - Detached:
    - Adding permanence provision and prohibiting use of RVs and trailers
    - Removing use of manufactured homes, class A and B as ADUs

	Asheville	Charlotte	Durham	Greensboro	Raleigh	Wilmington
Approval Process	Permitted with conditions	Permitted with conditions	Permitted with conditions	Permitted with conditions	Permitted with conditions	Permitted with conditions
Principal Use	Single-family detached	Single-family detached	Lot w/ 1 or 2 primary dwellings or community service uses	Single-family residential	Single-family detached or attached two-unit living	Single dwelling
Number	1 per single-family dwelling	1 per lot	1 per residential lot and 3 for civic uses	1 allowed	1 per lot	1 per lot
Parking	1 space required if off-street parking required for principal	No parking requirement	No parking requirement	1 off-street parking space	not subject to Sec. 7.1.2.C: Parking Requirements by Use	No mention of parking in provision
Size	70% of principal not to exceed 800 sf (detached) and 1000 sf (attached)	Detached: 50% of principal & 30% of rear yard. 800 heated sf max Attached: 35% of principal not to exceed 800 sf.	Residential Use: not to exceed 800 sf, except in RR District Civic Use: 800 sf max.	Min. 400 sf not to exceed 30% of primary dwelling	less than the GFA of principal dwelling; max: 800sf for lots less the 40,000sf; max. 1,000sf for lots over 40,000sf	Internal: 30% of principal Conversions, attached, and detached: 900 sf.
Setbacks	General standards for accessory uses	Detached – 15 ft. Garage Conversions – 5 ft. if accessed by alley	Accessory structure requirements; ADU can be located in side yard with specific conditions	Requirements of principal and minimum area requirements of district.	5 to 15 ft. based on lot size	Attached: comply with principal Detached: comply with accessory structures
Height	Attached: requirement of principal Detached: 25 ft.	Detached: height of principal	Attached: height limits of principal Detached: accessory structures provisions	Requirements of principal use	26 ft.	Internal: Meet requirements of principal No other mention of height in ordinance. Accessory structures limits to height of principal building



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## Summary

- The Legacy 2030 Comprehensive Plan highlighted ADUs as a way to provide creative housing options that accommodate the growing population and promote infill development, age-friendly communities, and gentle density.
- The *Winston-Salem/Forsyth County Housing Study and Needs Assessment* and the Winston-Salem Affordable Housing Coalition identified revisiting the ADU ordinance to aid in addressing housing needs, particularly regarding affordable housing. The Affordable Housing Coalition has endorsed this amendment.
- Only two ADUs have been permitted under current ordinance provisions.
- Staff believes the proposed provisions will bring the UDO in line with peer communities.

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## Recommendation

- The City-County Planning Board recommended approval at its November 10, 2021 meeting by a 5-2 vote.