



Winston-Salem/Forsyth County
PLANNING & DEVELOPMENT SERVICES

Bryce A. Stuart Municipal Building
100 East First Street
P.O. Box 2511
Winston-Salem, NC 27102
CityLink 311 (336.727.8000)
[www.cityofws.org/departments/
planning-and-development-services](http://www.cityofws.org/departments/planning-and-development-services)

Memorandum

TO: Mayor Allen Joines and Members of the City Council
FROM: A. Paul Norby, Director of Planning and Development Services
DATE: August 24, 2017
SUBJECT: UDO 267 Proposed Accessory Dwelling Regulation Changes

As you know, accessory dwellings have been allowed in single family zoning districts here since the 1930's. Allowing accessory dwellings in single family neighborhoods has also been a common feature of many zoning ordinances around the nation. Our ordinance allowed them if certain occupancy qualifications were met such as kinship, age or handicap, or employment for household duties by the occupant of the primary dwelling. Attached accessory dwellings within the main structure are allowed to be permitted administratively, while detached accessory dwellings must receive a Special Use Permit from the Board of Adjustment.

Recent case law has led the City Attorney's Office to advise that these occupancy qualifications are not legal, and therefore, changes to the current accessory dwelling regulations are necessary. Planning staff has discussed approaches to such changes over the past two years with the Community Development/Housing/General Government Committee and the City-County Planning Board. After a public hearing and much discussion of several options, the Planning Board last year recommended simply eliminating the kinship and other occupancy qualifications of the present regulations. Since that time, the Community Development/Housing/General Government Committee has discussed a number of other approaches to accessory dwellings, most of which contained a number of restrictions concerning accessory unit size, height, location on the lot, maximum occupancy, off-street parking, etc.

After several months of discussion about various options, the Committee at its August 15 meeting agreed to send forward for public hearing at the City Council two versions of UDO 267:

1. The version recommended by the Planning Board, which is retaining the current accessory dwelling regulations but deleting the occupancy qualifications that conflict with recent case law. This would continue to allow accessory dwellings as an attached unit within the main residential structure under administrative approval as long as the attached unit meets the current restrictions concerning exterior alterations, access, stairways, utilities and maximum size of unit, and parking. Detached units would continue to require a Board of Adjustment Special Use Permit, which would require a site plan by the applicant, and provide for a public hearing and testimony by affected parties.
2. This version would allow attached or detached accessory dwellings only through Special Use District rezoning, which would require a site plan by the applicant and a full rezoning process through both the Planning Board and Elected Body.

Copies of both versions are attached for consideration.

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citylink@cityofws.org

City Council: Mayor Allen Joines; Vivian H. Burke, Mayor Pro Tempore, Northeast Ward; Denise D. Adams, North Ward; Dan Besse, Southwest Ward; Robert C. Clark, West Ward; John C. Larson, South Ward; Jeff MacIntosh, Northwest Ward; Derwin L. Montgomery, East Ward; James Taylor, Jr., Southeast Ward; City Manager: Lee D. Garrity

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