

GENERAL ASSEMBLY OF NORTH CAROLINA  
1993 SESSION

CHAPTER 588  
HOUSE BILL 1956

AN ACT CONCERNING ZONING BY THE CITY OF WINSTON-SALEM AND  
FORSYTH COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Section 23 of Chapter 677 of the 1947 Session Laws, as amended by Section 1(d) of Chapter 777 of the 1953 Session Laws and Section 1 of Chapter 381 of the 1973 Session Laws reads as rewritten:

"Sec. 23. Zoning. The city and the county may jointly or separately confer upon the joint City and County Planning Board the authority and the duty of recommending revisions of existing zoning ordinances or preparing new zoning ordinances or resolutions for the city or county or any portion thereof, in accordance with the present zoning ordinance of the City of Winston-Salem and any amendments thereto and in accordance with the authority for county zoning as herein authorized.

The Board of Aldermen of the City of Winston-Salem is hereby empowered, in accordance with the conditions and procedure specified in this act, by ordinance to regulate in any portion or portions of the City of Winston-Salem the uses of buildings and structures for trade, industry, residence, recreation, public activities or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, water supply conservation, soil conservation, forestry or other purposes.

For the purpose of increasing the availability of housing for persons of low or moderate income, and thereby promoting the public safety and welfare, the City may by ordinance provide a density bonus or other incentives of equivalent financial value to a developer of housing if that developer agrees to construct multifamily residential units or single family residential units for rent or sale to persons of low or moderate income, or to donate land to the City or the City of Winston-Salem Housing Authority to be used for the purpose of the development of housing for persons of low or moderate income, in the manner, and in accordance with the standards, requirements, and regulations specified therein. For the purposes of this paragraph, 'density bonus' means a density increase over the otherwise maximum allowable residential density under the applicable zoning classification.

For any or all these purposes, the City may divide its territorial jurisdiction into districts of any number, shape, and area that may be deemed best suited to carry out the purposes of this section; and within those districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or ~~land~~ land; those regulations may also provide for density bonuses or other financial incentives to developers as specified hereinabove. All regulations shall be uniform for

each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts; provided, however, that the City may provide for the creation of special use districts in addition to general use districts.

It is the purpose and intent of this section to permit Winston-Salem to create general use districts in which a variety of uses are permitted, and to also create special use districts in which a single use is permitted upon the issuance by the Board of Aldermen of a special use permit prescribing the conditions under which such use will be permitted.

A person petitioning for rezoning of a tract of land, where special use districts are authorized by ordinance, may elect to request general use district zoning for said tract, or he may elect to request special use district zoning for said tract.

If he elects to petition for general use district zoning, he may not refer, either in his petition or at any hearings related to the petition, to the use intended for the property upon rezoning. The Board of Aldermen may not consider the intended use in determining whether to approve or disapprove the petition, but shall consider the full range of uses permitted within the requested general use district. If the petition is approved, the re-zoned property may be used for any of the uses permitted in the applicable general use district.

If the petitioner elects to petition for special use district zoning, the petition must specify the actual use intended for the property specified in the petition, and the intended use must be one permitted in the corresponding general use district. If the petition is for special use district zoning, the Board of Aldermen is to approve or disapprove the petition on the basis of the specific use requested. If the petition is approved, the Board of Aldermen shall issue a special use permit authorizing the requested use with such reasonable conditions as the Board of Aldermen determines to be desirable in promoting public health, safety and general welfare.

The conditions contained in a special use permit issued by the Board of Aldermen may include: location of the proposed use on the property; the number of dwelling units; the location and extent of support facilities such as parking lots, driveways, and access streets; location and extent of buffer areas and other special purpose areas; the timing of development; and such other matters as the petitioner may propose and the Board of Aldermen may find appropriate, but not to include architectural review or controls.

It is the further intent of this section to permit the creation of districts for specific uses and the imposition of reasonable conditions in order to secure the public health, safety and welfare, and insure that substantial justice be done.

For the purpose of promoting the health, safety, morals and the general welfare of the City of Winston-Salem and its inhabitants, and in order to give full effect to the zoning ordinance of the City of Winston-Salem, as amended from time to time, said zoning ordinance, together with the zone map, and any amendments thereto hereafter adopted, shall operate and have effect within three miles of the corporate limits of the City of Winston-Salem, as now or hereafter established. The Board of Aldermen of the City of Winston-Salem may adopt ordinances from time to time zoning and rezoning all or so much of said three mile area as, within the judgment of the board, should be brought under the operation and effect of the city zoning ordinance. The board of

adjustment and the administrative officer, within said three mile area, shall have and may exercise all the powers and duties now or hereafter conferred upon them by the zoning ordinance of the City of Winston-Salem.

The extension of said zoning ordinance to said three mile area and the ordinance adopted by the Board of Aldermen of the City of Winston-Salem from time to time shall conform with the general development plan for this area, if and when promulgated by either of the planning boards herein created.

Wherever in this Act the City Planning Board or the Board of Aldermen of the City of Winston-Salem or the Board of Adjustment of the City of Winston-Salem are given authority in the territory outside of the corporate limits of the City of Winston-Salem, the exercise of such authority beyond one mile from the corporate limits of the City of Winston-Salem shall be subject to the approval of the Board of Commissioners of Forsyth County."

Sec. 2. Section 25 of Chapter 677 of the 1947 Session Laws, as amended by Section 2 of Chapter 381 of the 1973 Session Laws reads as rewritten:

"Sec. 25. Grant of Power. The Board of Commissioners for the County of Forsyth is hereby empowered, in accordance with the conditions and procedure specified in the subsequent Sections of this Act, by resolution to regulate in any portion or portions of Forsyth County which lie outside of the zoning jurisdiction of incorporated cities and towns, the location, height, bulk, and size of buildings and other structures, the percentage of lot which may be occupied, the size of yards, courts, and other open spaces, the density and distribution of population, the uses of buildings and structures for trade, industry, residence, recreation, public activities or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, water supply conservation, soil conservation, forestry or other purposes.

For the purpose of increasing the availability of housing for persons of low or moderate income, and thereby promoting the public safety and welfare, the County may by ordinance provide a density bonus or other incentives of equivalent financial value to a developer of housing if that developer agrees to construct multifamily residential units or single family residential units for rent or sale to persons of low or moderate income, or to donate land to the County or the City of Winston-Salem Housing Authority to be used for the purpose of the development of housing for persons of low or moderate income, in the manner, and in accordance with the standards, requirements, and regulations specified therein. For the purposes of this paragraph, 'density bonus' means a density increase over the otherwise maximum allowable residential density under the applicable zoning classification.

For any or all these purposes, the County may divide its territorial jurisdiction into districts of any number, shape, and area that may be deemed best suited to carry out the purposes of this section; and within those districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or ~~land~~ land; those regulations may also provide for density bonuses or other financial incentives to developers as specified hereinabove. All regulations shall be uniform for each class or kind of building throughout each district, but the regulations in one district

may differ from those in other districts; provided, however, that the County may provide for the creation of special use districts in addition to general use districts.

It is the purpose and intent of this section to permit Forsyth County to create general use districts in which a variety of uses are permitted, and to also create special use districts in which a single use is permitted upon the issuance by the Board of County Commissioners of a special use permit prescribing the conditions under which such use will be permitted.

A person petitioning for rezoning of a tract of land, where special use districts are authorized by ordinance, may elect to request general use district zoning for said tract, or he may elect to request special use district zoning for said tract.

If he elects to petition for general use district zoning, he may not refer, either in his petition or at any hearings related to the petition, to the use intended for the property upon rezoning. The Board of County Commissioners may not consider the intended use in determining whether to approve or disapprove the petition, but shall consider the full range of uses permitted within the requested general use district. If the petition is approved, the re-zoned property may be used for any of the uses permitted in the applicable general use district.

If the petitioner elects to petition for special use district zoning, the petition must specify the actual use intended for the property specified in the petition, and the intended use must be one permitted in the corresponding general use district. If the petition is for special use district zoning, the Board of County Commissioners is to approve or disapprove the petition on the basis of the specific use requested. If the petition is approved, the Board shall issue a special use permit authorizing the requested use with such reasonable conditions as the Board determines to be desirable in promoting public health, safety and general welfare.

The conditions contained in a special use permit issued by the Board may include: location of the proposed use on the property; the number of dwelling units; the location and extent of support facilities such as parking lots, driveways, and access streets; location and extent of buffer areas and other special purpose areas; the timing of development; and such other matters as the petitioner may propose and the Board may find appropriate, but not to include architectural review or controls.

It is the further intent of this section to permit the creation of districts for specific uses and the imposition of reasonable conditions in order to secure the public health, safety and welfare, and insure that substantial justice be done."

Sec. 3. This act shall apply only to the City of Winston-Salem and Forsyth County.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 30th day of June, 1994.

---

Dennis A. Wicker  
President of the Senate

---

Daniel Blue, Jr.  
Speaker of the House of Representatives