

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL DRS35091-MQ-21

Short Title: Winston-Salem/Forsyth Co. Planning & Zoning. (Local)

Sponsors: Senator Lowe (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE ENABLING LAWS RELATING TO THE CITY-COUNTY
PLANNING AND ZONING IN FORSYTH COUNTY AND THE CITY OF
WINSTON-SALEM.

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, Section 1 of Chapter 381 of the 1973
Session Laws, Section 1 of Chapter 587 of the 1993 Session Laws, Section 1 of Chapter 588 of
the 1993 Session Laws, and Section 1 of S.L. 1999-98, reads as rewritten:

"Sec. 23. Zoning. The ~~city~~ City and the ~~county~~ County may by ordinance 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~~ City or ~~county~~ 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 City may also by ordinance confer the authority for the rezoning of property, including site plan amendments, to the joint City and County Planning Board with certain rights of appeal and review before the City Council. Such authority shall be exercised by the joint City and County Planning Board under such rules, regulations, and guidelines as may be established by the City Council.

The ~~Board of Aldermen~~ City Council 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.



1 For any or all these purposes, the City may divide its territorial jurisdiction into districts of
2 any number, shape, and area that may be deemed best suited to carry out the purposes of this
3 section; and within those districts it may regulate and restrict the erection, construction,
4 reconstruction, alteration, repair or use of buildings, structures, or land; those regulations may
5 also provide for density bonuses or other financial incentives to developers as specified
6 hereinabove. All regulations shall be uniform for each class or kind of buildings throughout each
7 district, but the regulations in one district may differ from those in other districts; provided,
8 however, that the City may provide for the creation of special use districts in addition to general
9 use districts.

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

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

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

23 If the petitioner elects to petition for special use district zoning, the petition must specify the
24 actual use intended for the property specified in the petition, and the intended use must be one
25 permitted in the corresponding general use district. If the petition is for special use district zoning,
26 the ~~Board of Aldermen~~ City Council is to approve or disapprove the petition on the basis of the
27 specific use requested. If the petition is approved, the ~~Board of Aldermen~~ City Council shall issue
28 a special use district permit authorizing the requested use with such reasonable conditions as the
29 ~~Board of Aldermen~~ City Council determines to be desirable in promoting public health, safety
30 and general welfare. The act of issuing a special use district permit shall be deemed to be a
31 legislative act of the ~~Board of Aldermen~~ City Council, and the procedural standards applicable
32 to the legislative acts shall apply to the consideration and issuance of a special use permit.

33 The conditions contained in a special use permit issued by the ~~Board of Aldermen~~ City
34 Council may include: location of the proposed use on the property; the number of dwelling units;
35 the location and extent of support facilities such as parking lots, driveways, and access streets;
36 location and extent of buffer areas and other special purpose areas; the timing of development;
37 and such other matters as the petitioner may propose and the ~~Board of Aldermen~~ City Council
38 may find appropriate. With approval of the petitioner, the conditions may include that upon the
39 occurrence or nonoccurrence of a specified event or events, including a stated time period or time
40 lapse, the property automatically reverts to its immediately preceding zoning classification
41 without further notice, proceedings, hearings, or Board action.

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

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

1 of the board, should be brought under the operation and effect of the city zoning ordinance. The
2 board of adjustment and the administrative officer, within said three mile area, shall have and
3 may exercise all the powers and duties now or hereafter conferred upon them by the zoning
4 ordinance of the City of Winston-Salem.

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

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

14 **SECTION 2.** Section 41 of Chapter 677 of the 1947 Session Laws reads as rewritten:
15 "Sec. 41. Definitions. The words "amend," "amendment," "amendments," or "amended," in
16 this Act, shall be deemed to include any modification of the text or phraseology of any provision
17 of any zoning resolution, or amendment thereof, or any repeal or elimination of any such
18 provision, or part thereof, or any addition to the ordinance, or to an amendment thereof, and shall
19 also be deemed to include any change in the number, shape, boundary or area of any district or
20 districts, any repeal or abolition of any map forming part of or referred to, in any zoning
21 resolution or any part of such map, any addition to such map, any new map or maps, or any other
22 change in the map or any map. The terms "Board of Aldermen" and "City Council" in this Act
23 shall be deemed to have the same meaning."

24 **SECTION 3.** This act applies to the City of Winston-Salem only.

25 **SECTION 4.** This act is effective when it becomes law.