

UDO-96
(VERSION SENT TO THE PLANNING BOARD
BY THE CITY COUNCIL)
AN ORDINANCE AMENDING
CHAPTERS A (DEFINITIONS) AND B (ZONING) OF THE
UNIFIED DEVELOPMENT ORDINANCES (UDO)
REGARDING ROOMING OR BOARDING HOUSES
AND THE DEFINITION OF FAMILY

Be it resolved, by the City Council of the City of Winston-Salem that the *Unified Development Ordinances* (UDO) is hereby amended as follows:

Section 1. Article II of Chapter A Definitions is amended by revising the definitions as indicated below:

"BOARDING OR ROOMING HOUSE. An owner occupied dwelling, or part thereof, in which lodging is provided to more than ~~three (3)~~ one (1) but not more than eight (8) ~~paying~~ resident guests on a weekly or longer basis."

"FAMILY. One or more persons related by blood, adoption, or marriage, and their foster parents, or children, or stepparents, or stepchildren, living together in a single dwelling unit; or a number of persons eighteen (18) years or older, not exceeding four (4) and their children or stepchildren ~~under eighteen (18) years of age,~~ living together as a single housekeeping unit in a single dwelling unit, though not all related by blood, adoption, or marriage; and such domestic servants as are employed on the same premises.

For the purposes of this definition, a family living together as a single housekeeping unit implies some common and unified activity among members of the household and reasonable access to all areas of the dwelling unit. The terms "family" and "single housekeeping unit" are not to be construed as simply certain numbers of people with little or no contact or relationship. As such, the presence of certain structural features to the dwelling unit, including, but not limited to, (1) separate double key or other locking mechanisms on internal bedroom doors which have the purpose of preventing access while the bedroom is not occupied, (2) multiple mailboxes on the house or property, (3) locked or partitioned inside stairwells or doors physically separating parts of the house, (4) separate electrical meters, (5) separate kitchens, or (6) multiple exterior entrances to living areas, shall constitute evidence that there is not a single housekeeping unit established, and that the terms of the definition of "family" are not met.

A family may include five (5) or fewer foster children placed in a family foster home licensed by the State of North Carolina. The term *family* shall not be construed to include any group of persons living together as a fraternal, sororal, social, honorary, or professional organization.

For the purposes of this definition, the following persons shall be considered related by blood: (A) any relative of the head of household or of the spouse (whether living or dead) of the head of household to the third degree of collateral ~~consanguinity~~ kinship, or to any degree of lineal

consanguinity kinship, as defined in State law; and, (B) a parent or child by adoption, marriage, or legitimization of any person (including the head of household or spouse of the head of household) described in (A) above; and, (C) a dependent, as defined in State law, of any person described in (A) or (B) above."

Section 2. Table 2.6 Permitted Uses Table is revised by adding "60" (or current number) in the "Conds" column opposite the use "Residential Building, Single Family".

Section 3. Section 2-5 "Use Conditions" is revised by adding a new section 2-5.60 (or current number) as follows:

2-5.60 RESIDENTIAL BUILDING, SINGLE FAMILY

No double key or other locking mechanism which has the purpose of preventing access while the room is uninhabited shall be installed on any interior bedroom door within the dwelling unit, except for a single bedroom if used as lodging for a resident guest under home occupation provisions.

Section 4. Section 2-5.8 Boarding or Rooming House Use Conditions of Chapter B Zoning is hereby revised to read as follows:

"(A) Minimum Lot Size in RM Districts

In RM Districts, the minimum lot area shall be determined based on the minimum lot area required for a two-unit dwelling in the district.

Section 5. Section 2-6 Accessory Uses of Chapter B Zoning is revised by amending Section 2-6.4(B)(1)(b)(i) and 2-6.4(C)(1)(a) to read as follows:

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

Section 6. Section 2-6 Accessory Uses of Chapter B Zoning is revised by amending Section 2-6.4(D) Home Occupation by revising subsection 2-6.4(D)(2)(a)(iii) to read as follows:

"(iii) Lodging, or boarding and lodging, of not more than ~~three~~ one resident guests, where the owner is an occupant of the property. All lodging or boarding of guests under the home occupation provisions must be registered with the Zoning Officer when established.

Section 8. This ordinance shall be effective upon adoption.