

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2025

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HOUSE BILL 1226

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

Sponsors: Representatives K. Brown and Baker (Primary Sponsors).

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Rules, Calendar, and Operations of the House

May 6, 2026

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO DELEGATE REZONING  
AUTHORITY TO THE JOINT CITY-COUNTY PLANNING BOARD SUBJECT TO  
APPEAL AND FINAL REVIEW RETAINED BY THE CITY COUNCIL.

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. Prior to conferring such authority, the City Council  
shall establish rules, regulations, and guidelines under which this authority shall be exercised by  
the joint City and County Planning Board, and the City Council shall provide appropriate rights  
of appeal and final review.

~~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



1 bonus' means a density increase over the otherwise maximum allowable residential density under  
2 the applicable zoning classification.

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

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

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

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

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

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

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

47 For the purpose of promoting the health, safety, morals and the general welfare of the City of  
48 Winston-Salem and its inhabitants, and in order to give full effect to the zoning ordinance of the  
49 City of Winston-Salem, as amended from time to time, said zoning ordinance, together with the  
50 zone map, and any amendments thereto hereafter adopted, shall operate and have effect within  
51 three miles of the corporate limits of the City of Winston-Salem, as now or hereafter established.

1 The ~~Board of Aldermen~~ City Council of the City of Winston-Salem may adopt ordinances from  
2 time to time zoning and rezoning all or so much of said three mile area as, within the judgment  
3 of the board, should be brought under the operation and effect of the city zoning ordinance. The  
4 board of adjustment and the administrative officer, within said three mile area, shall have and  
5 may exercise all the powers and duties now or hereafter conferred upon them by the zoning  
6 ordinance of the City of Winston-Salem.

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

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

16 **SECTION 2.** Section 41 of Chapter 677 of the 1947 Session Laws reads as rewritten:

17 "Sec. 41. Definitions. The words "amend," "amendment," "amendments," or "amended," in  
18 this Act, shall be deemed to include any modification of the text or phraseology of any provision  
19 of any zoning resolution, or amendment thereof, or any repeal or elimination of any such  
20 provision, or part thereof, or any addition to the ordinance, or to an amendment thereof, and shall  
21 also be deemed to include any change in the number, shape, boundary or area of any district or  
22 districts, any repeal or abolition of any map forming part of or referred to, in any zoning  
23 resolution or any part of such map, any addition to such map, any new map or maps, or any other  
24 change in the map or any map. The terms "Board of Aldermen" and "City Council" in this Act  
25 shall be deemed to have the same meaning."

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

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