

## Planning and Zoning Recommendations

05/22/26

(Proposed changed to existing UDO section in Red)

### Recommendation 1.

*This proposed amendment to Accessory Buildings Sec 21-8-1, and Accessory Buildings 21-8-1.1, Greenhouse section of The Table of Authorized Uses UDO, and Sec 21-16-1 Definitions is consistent with applicable elements of the Foxfire Village Land Use Plan and Long-Range Plan and is reasonable and in the public interest in order to provide clear and consistent guidance to property owners.*

Sec. 21-8-1. - Accessory buildings.

Accessory buildings are permitted within **all zoning districts except the RM district the districts specified in appendix A** with the approval of a development permit. A development permit will be issued when the accessory building meets the requirements of the district and the following:

- (1) No accessory building shall be built upon a lot until the construction of a main building has commenced.
- (2) Accessory buildings shall not be rented. **or used for gain.**
- (3) Accessory buildings on single lots of one acre or less shall not exceed ten percent of the total area under roof of the main building or 400 square feet, whichever is greater. A single accessory building is permitted. Accessory buildings on single lots larger than one acre but less than two acres shall not exceed ten percent of the total area under roof of the main building or 600 square feet, whichever is greater. A single accessory building is permitted. On single lots of two acres to four acres, total accessory building square footage shall not exceed 25 percent of the total area under roof of the main building or 800 square feet, whichever is greater. Two accessory buildings are permitted. On single lots greater than four acres, total accessory building square footage shall not exceed 40 percent of the total area under roof of the main building or 1,200 square feet whichever is greater. Three accessory buildings are permitted. Total area under roof includes garages, screened and unscreened porches, but does not include unfinished utility and crawl spaces.
- (4) Building exteriors of accessory buildings shall be of a material and color to blend with the main building and surroundings and be aesthetically compatible. Metal or plastic accessory buildings are not allowed, except greenhouses may be constructed of polycarbonate panels or glass installed in aluminum or metal frames.
- (5) All accessory building foundations must be screened with lattice or plantings per section 21-8-4, Landscaping.
- (6) Roof shall overhang sidewalls, except at the gable ends, in an amount proportional to the size of the building.
- (7) Flat roofs are not permitted.

- (8) Accessory buildings shall be located between the setback lines and the main building.
  - (9) The accessory building shall not be located in the front yard.
  - (10) Accessory buildings located on corner lots shall not be located in the portion of the yard adjacent to either street.
  - (11) Accessory buildings shall not be attached to the main building and must be a minimum of ten feet from the main building.
  - (12) Accessory buildings larger than 12 feet in any direction (or greater than 144 square feet total), including storage sheds, require a permanent foundation such as a cement slab or footings with block and brick or other facing materials. Above ground exposed concrete blocks are not permitted.
  - (13) Detached garages, when the main building has no garage, are not considered accessory buildings for purposes of the restrictions in subsection (3) above. Carports are not permitted.
  - (14) Additional accessory buildings to those permitted by sub-section (3) above are permitted within the RA-5, EU, RE, and RF-200 zoning districts. The restrictions as to number and total square footage for accessory buildings set forth in sub-section (3) above do not apply to additional accessory buildings in these zoning districts.
- (Ord. No. 2021-07, § 2, 7-13-2021; Ord. No. 2023-11, § 1, 6-13-2023; Ord. No. 2024-05, § 1, 2-13-2024)

Sec. 21-8-1.1. - Additional accessory buildings.

Additional accessory buildings to those permitted by section 21-8-1 Are permitted within the EU, RE, **RF-200**, and RA-5 zoning districts when they meet the following requirements:

- (1) The following accessory buildings are permitted:
  - a. Stable or barn.
  - b. Storage buildings.
  - c. Run-in shed.
  - ~~d. Pool house.~~
  - ~~e. Greenhouse.~~
  - f. Tool shed.
  - g. Detached guest quarters not to exceed 50 percent of the square footage of the primary residence, exclusive of garages, screened and unscreened porches, and unheated utility spaces. Only one detached guest quarter is permitted.
  - h. Detached garage.
  - i. Chicken coop.
  - j. Rabbit hutch.
  - k. Other accessory buildings that are subordinate and incidental to the use of equine, small farm, and rural estate properties.**
- (2) No accessory building shall be built upon a lot until the construction of a main building has commenced.

- (3) Accessory buildings shall not be rented. ~~or used for gain.~~
- (4) Guest quarters shall not be permitted unless a primary residence exists.
- (5) No trailer, mobile or manufactured home shall be allowed on any lot, except during the active construction of a permitted structure, and are not considered accessory buildings. This prohibition does not apply to farm, horse trailers.
- (6) Building exteriors shall be of a material and color to blend with the main buildings and surroundings and be aesthetically compatible with the main building.
- (7) Flat roofs are not permitted.
- (8) Accessory buildings shall be located between the setback lines and the main building.
- (9) Accessory buildings shall not be located in the front yard.
- (10) Accessory buildings located on a corner lot shall not be located in the portion of the yard adjacent to the street.
- (11) Accessory buildings shall not be attached to the main building.
- ([Ord. No. 2021-07](#), § 2, 7-13-2021; [Ord. No. 2024-07](#), § 4, 2-13-2024; Ord. No. [2024-18](#), § 3, 12-10-2024)

#### **Table of Authorized uses based on the above changes-**

- Greenhouse. No on-premise sales RS-20, RS-30, RS-40WS
- Greenhouse- sales of products grown on premises allowable in VB, RA5, RE, RF200, EU, and CZ.

#### **Proposed additions to Sec 21-16-1. - Definitions**

- **Stable:** A building in which domestic animals (especially horses) are sheltered and fed, typically divided into stalls or compartments.
- **Barn:** A large farm building used for storing grain, hay, or other crops, and often for housing livestock or farm equipment. It can also refer to a very large or bare building in a non-farm context.
- **Storage Building:** A building or structure primarily used for storing goods, materials, equipment.
- **Run-in Shed:** A simple, usually three-sided shelter with a roof and open front, designed for animals (especially horses) to enter for protection from weather elements like rain, wind, or sun.
- **Pool House:** A small freestanding structure located near a swimming pool, typically used for changing clothes, storing pool equipment, providing bathrooms/showers, or offering guest amenities.
- **Greenhouse:** A structure with glass or transparent walls and roof, used for growing or protecting plants under controlled temperature and climate conditions.
- **Tool Shed:** A small outbuilding or shed used for storing tools, often garden or yard tools.

- **Detached Guest Quarters** (or guesthouse/guest quarters): A separate, detached small building or living space (near a main house) designed for accommodating guests, providing temporary lodging with its own facilities.
- **Detached Garage**: A freestanding, roofed, and enclosed structure (separate from the main dwelling) designed primarily to shelter or store one or more motor vehicles.
- **Chicken Coop**: A small building or enclosure for housing and keeping chickens or other poultry.
- **Rabbit Hutch**: A cage or small enclosure (usually made of wood and wire mesh) for keeping domestic rabbits.

## **Recommendation 2.**

*This proposed amendment to Sec. 4.1 of Foxfire General Code, UDO Sec. 21-8-6 Home Occupations, and Sec 21-16-1 Definitions is consistent with applicable elements of the Foxfire Village Land Use Plan and Long-Range Plan and is reasonable and in the public interest in order to provide clear and consistent guidance to property owners.*

### **Foxfire General Code, Sec. 4-1. - Restrictions in residential areas.**

It shall be illegal for a residence to be used in the manufacture, point of sale, wholesale or retail selling or servicing of any product in the residential areas except if the business activity occurs completely within the walls of a residential dwelling **or accessory building**, ~~has a noise level that cannot be heard in surrounding homes~~ **has a noise level that does not exceed a level generally accepted in residential areas**, has no walk-in trade, and ~~does not require employees, employee parking~~ **/or does not require** special equipment that is not completely contained within the residential **or accessory** building. There shall be no exterior signs that indicate a business condition exists.

(Code 1993, § 7-17; Code 2002, § 8-2; Ord. of 6-8-2004)

### **Sec. 21-8-6. - Home occupations.**

Home occupations are permitted in residential zoning districts, provided that the use and/or structures shall adhere to the minimum standards of the district and the following:

- (1) There shall be no signs advertising the occupation.
- (2) There shall be no more than one employee other than the bona fide residents of the dwelling.
- (3) The portion of the dwelling used for the home occupation shall not exceed 30 percent of the first floor area of the dwelling **but can occupy entirety of an accessory building**.
- (4) The occupation shall be conducted entirely within the dwelling **or accessory building**.
- (5) No sounds shall be audible outside the building.
- (6) ~~The home occupation shall not involve the manufacture of hard goods and/or the utilization of large noise generating machinery.~~ **Noise levels from the home occupation shall not exceed a level generally accepted in residential areas.**
- (7) There shall be no walk-in trade.

([Ord. No. 2021-07](#), § 2, 7-13-2021)

### **Proposed additions to Sec 21-16-1. - Definitions**

**Walk-in trade** (also called walk-in business or walk-in customers) refers to the portion of a business's revenue or activity that comes from unscheduled customers who spontaneously enter the premises without a prior appointment.

**Home Occupation** any business conducted for gain within a residential dwelling or accessory building (working remotely from home is not considered a home occupation).

### **Recommendation 3.**

*This proposed amendment is consistent with applicable elements of NC G.S. § 160D-301 (b) (3) and in the public interest in order to provide clear and consistent guidance in administrative policies.*

To promote informed and transparent appointments, the following process shall apply when filling vacancies or expired terms on the Planning and Zoning Board:

1. Planning and Zoning Board Vacancies shall be posted publicly on the Foxfire Village Website where possible, within 5 business days of the vacated seat. In the case of expired terms, the vacancy shall be posted publicly 30 days prior to the end of term. The P&Z Board Chair shall receive all applications as they are submitted and will organize and dissemination to the remaining P&Z Board members.
2. The P&Z Board Chair shall schedule interviews for qualified applicants. All current P&Z Board members shall have the opportunity to participate in interviewing candidates.
3. Following the interviews, the P&Z Board shall collectively review the applications and interview outcomes in regular or special meeting, then recommend by majority vote candidate(s) during the meeting to be presented to the Village Council.
4. The Foxfire Village Council shall receive all submitted applications (with ineligible applicants marked as such), the P&Z Board's recommendations, and may conduct additional due diligence, including but not limited to contacting candidates directly, as it deems necessary. The Foxfire Village Council shall make the final appointment decision(s) in accordance with applicable law and this chapter. This process is intended to assist the appointing authorities in making fully informed decisions with addition of the knowledge and experience gained by current Planning and Zoning members about the operations, conduct, and abilities essential to their board.

#### **Recommendation 4.**

*This proposed amendment to Use of dwelling units and short-term rentals section of UDO Sec 21-8-13, Definitions UDO Sec 21-16-1 and Appendix A is consistent with applicable elements of the Foxfire Village Land Use Plan and Long-Range Plan and is reasonable and in the public interest in order to provide clear and consistent guidance to property owners.*

#### **Sec. 21-8-13. - Use of dwelling units and short-term rentals.**

Dwelling units may be occupied or held ready for occupancy for residential purposes only. Accessory or other uses of dwelling units (e.g., home occupations) may be permissible under other provisions of this UDO. Dwelling units may be occupied or held ready for occupancy by one family on a long-term basis. A dwelling unit is occupied or held ready for occupancy by one family on a long-term basis if the dwelling unit is being occupied as a permanent residence by one family, or is offered for sale or rent as a permanent residence for one family, or is being offered for rent or is rented to one family for a minimum period of at least 90 days.

Short-term rental (STR) of dwelling units.

Short-term rentals are not permitted within the RS20, RS30, and RS40WS zoning districts. A dwelling unit is occupied or held ready for occupancy on a short-term basis if the dwelling unit is rented or offered for rent or otherwise occupied for periods of less than 30 days, for more than a total of 20 days within a calendar year. Rental of a dwelling unit for less than 20 days in a calendar year is not considered an STR. Short-term rentals are permitted in the RM, EU, RE, RF-200, and RA-5 zoning districts subject to the regulations below.

Owners of dwelling units operating as a short-term rental in zones RS-20, RS-30, and RS-40 WS during the 365 days prior to (date of adopted ordinance) must apply for an annual STR Nonconforming Use Permit with the Village Zoning Administrator. Once a property fails to be used as a short-term rental for a period of 180 consecutive days, that nonconforming use is now discontinued and the dwelling must comply with the conforming uses of the assigned zone.

Owners of dwelling units used for short-term rental purposes, apply with the Village Zoning Administrator and receive a copy of NCGS Chapter 42A- Vacation Rental Act and the short-term rental regulations, set forth below.

- a. No displays of goods, products, services, or other advertising shall be visible from outside of the dwelling.
- b. No activities other than lodging shall be provided.
- c. Off-street parking shall be required
- d. No signage shall be allowed for short-term vacation rentals.
- e. The length of stay of guests shall be less than 30 days.

- f. Exterior lighting shall be residential in nature and shall comply with the lighting requirements in the UDO.
- g. The short-term vacation rental owner or operator shall maintain liability insurance on the property, which covers the short-term vacation rental use and guests.
- h. The short-term vacation rental shall comply with all current and applicable building codes.
- i. The short-term vacation rental must be reviewed annually and inspected for compliance with the annual zoning permit.
- j. Occupancy of the STR shall be limited to 2 individuals per bedroom
- k. Foxfire Village UDO and Foxfire Village Code shall be followed at all times- 3 infractions of the UDO will result in loss of STR Nonconforming Use Permit

Owners of short-term rentals are strongly encouraged to carry general liability insurance.

All short-term rentals shall have a designated responsible party who is available 24 hours a day during all times that the property is rented or used on a transient basis. The name, telephone number, and email address of the designee shall be conspicuously posted within the short-term rental unit. Foxfire Village Administrator shall supply the Foxfire Police Department with a current master list of all STRs and the designee contact information for each permitted STR. The designee shall reside within 30 miles of the short-term rental property and should be available to respond to complaints within one hour of their receipt. Continuous nonresponse will result in loss of STR Nonconforming Use Permit.

All commercial activity is prohibited. STR guests shall comply with all village ordinances including with regard to noise and unlawful acts.

The dates and instructions for trash and recycling collection shall be posted prominently with the STR. Trash receptacles must be the size and number authorized by existing refuse contracts. The STR operator shall ensure that all receptacles are set out for collection on the proper collection day and removed from the street or alley on the scheduled collection day, in accordance with Chapter 14 of the village Code. As stated above, repeated violations of ordinance or code will result in loss of STR Nonconforming Use Permit.

#### **Appendix A - Table of Authorized uses:**

Change Short Term Rentals to allowable only in RM, RA-5, EU, RE, RF-200, and CZ

#### **Sec 21-16-1 Definitions:**

**Short Term Rental (STR):** refers to the use of a residential dwelling for rental purposes for a period of no less than 20 days and no more than 30 consecutive days per contracted transient lodging event in exchange for financial consideration.

**STR Nonconforming Use Permit:** an official acknowledgement from Foxfire Village that a property's use as a Short Term Rental (STR) was legal prior to the new zoning ordinance

and may continue as long as it is not discontinued (for a period of 180 days or more), discontinued for continuous violation of Foxfire Village Code or UDO infractions, enlarged, extended, or intensified. The application for STR Nonconforming Use Permits will expire annually after (date of ordinance adoption) and is transferable with the deed of the property.