



**ORDINANCE AMENDING CHAPTERS 30 AND 54 OF THE CODE OF ORDINANCES OF  
THE TOWN OF WOODFIN TO AMEND STANDARDS REGULATING SHORT-TERM  
RENTALS AND HOMESTAYS**

Ordinance: 2022-151101

Passed \_\_\_\_\_

WHEREAS, the Town of Woodfin has the authority pursuant to Article 1 of Chapter 160D of the North Carolina General Statutes to adopt development regulations; and

WHEREAS, the Woodfin Town Council may amend said regulations from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Town initiated a recommendation to amend Chapters 46-Subdivisions and 54-Zoning of the Town of Woodfin Code of Ordinances; and

WHEREAS, the public hearing for this text amendment has been noticed in compliance with the North Carolina General Statutes; and

WHEREAS, the Woodfin Planning Board reviewed this text amendment recommendation at its November 1, 2022, public meeting and voted 2-0 to find the amendment a reasonable request considering the potential benefits to development of the Town of Woodfin and surrounding community; and

WHEREAS, the Woodfin Board of Commissioners held the public hearing on November 15, 2022 and, after hearing such, made the following required findings:

The development code text amendment is consistent with the comprehensive plan in the following ways:

1. Provides additional clarity and predictability to development requirements, thereby supporting infill and economic development;
2. Enhances standards for community compatibility and harmony between land uses and concentrates higher impact uses in commercial areas;
3. Advances public health, safety, and welfare by preserving quality of life in residential neighborhoods and minimizes opportunities for nuisance issues and other conflicts; and
4. Supports goals to preserve housing, including affordable housing.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Woodfin, that Chapters 30-Short-term Rental and 54-Zoning are hereby amended as follows:

**Section 1:**

- a. Amend **PART II – CODE OF ORDINANCES** by deleting Chapter 30 - SHORT-TERM RENTALS in its entirety.
- b. Amend **Sec. 54-10. -Definitions.** by inserting the following definitions alphabetically:

*Homestay* means a lodging use that occurs within a resident-occupied single-family dwelling wherein space in the home is rented to transients for compensation for a period of less than one month, and where the use is incidental and subordinate to the primary residential use of the property. A homestay may or may not have a separate kitchen, bathroom and/or entrance.

*Home occupation* means an accessory use of a dwelling unit or an accessory structure for limited non-residential purposes which is clearly incidental and subordinate to the use of the dwelling unit as a permanent and full-time residence.

*Lodging* means a land use that includes the renting of room(s) for transient stays. A single-family dwelling, or any portion thereof, rented or leased for intervals of less than one month is considered a "lodging" use.

*Short-term rental (STR)* means a lodging use that occurs within a single dwelling unit containing a maximum of three bedrooms that is rented to transients for compensation for a period of less than one month.

*Special event* means a temporary outdoor activity held on public or private property, including, but not limited to, seasonal sales, the display of goods and merchandise associated with a retail use, community or cultural events, music or arts events, performances, celebrations/parties, festivals, fairs, and carnivals.

- c. Amend **Sec. 54-10. -Definitions.** by amending the following definitions:

*Hotels, motels, inns* means a lodging use contained within a building or series of buildings under single ownership providing accommodations to transients for compensation, offering either short or extended-stay facilities, and that may customarily include incidental or ancillary services including housekeeping, dining, meeting rooms and recreational facilities.
- d. Amend **Sec. 54-34(a) -Certificate of zoning compliance.** to read as follows:
  - (a) No building, sign or other structure shall be erected, moved, added to, or structurally altered, nor shall any land disturbing activity, including clearing and grubbing of trees and other vegetation be initiated, nor shall a new use or expansion of an existing use occur until an application for a zoning compliance permit is approved by the planning director. No zoning compliance permit shall be issued except in conformity with the provisions of this chapter.

[Leave subitems 1-3 unchanged]

e. Amend **Sec. 54-41(c) & (d)** as follows:

(c) *Penalties.* Violations of this Code shall subject the offender to a civil penalty upon the issuance of a citation for a violation. The town may recover the civil penalty, if not paid to the town administrator within 30 days of the date the citation was issued, in a civil action in the nature of a debt pursuant to G.S. 160A-175. Each day that any violation of the provisions of this Code continues shall constitute a separate and distinct offense and subject the violator to additional civil penalty. The civil penalty shall be \$100.00 for each violation unless otherwise provided in this Code. For purposes of determining the amount of the civil penalty pursuant to this section, the failure to pay the civil penalty shall not constitute a separate and distinct offense that subjects the offender to additional penalty.

(d) *Repeat violation.* For every violation that occurs within one year of the receipt of a notice of violation for a previous offense of the same nature will not require new notice and will result in an immediate civil penalty.

f. Amend **Sec. 54-143. -Uses allowed.** by replacing this section in its entirety with the following:

**Sec. 54-143. -Designation of districts and uses allowed.**

- (a) *Zoning districts.* For the purposes set forth in this Article, the Town of Woodfin is divided into zoning districts, taking into account the design, size, and/or location of one or more of the following:
- (1) Transportation facilities;
  - (2) Schools, parks and other public or community facilities;
  - (3) Emergency and solid waste collection services;
  - (4) Sanitary sewer and stormwater infrastructure;
  - (5) Water supply for community consumption and fire protection;
  - (6) Access and location to other utility services;
  - (7) Potential hazards from fire, flooding, and diseases;
  - (8) Access to light and air from buildings;
  - (9) Protection for occupants of buildings from noise, dust, fumes and other nuisances caused by traffic and other uses;
  - (10) Topography, water bodies and other natural features;
  - (11) Current use of land and buildings for residences, businesses, industries, places of worship, schools and for other uses and heights of buildings, the size and location of yards, and the density of population in each of the zoning districts hereinafter mentioned.
- (b) *Uses allowed.* Only the following permitted “P”, limited “L” and special “S” uses may be allowed in any district as enumerated in the following table:

Table of Uses

[Insert “Table of Uses” here]

- (1) Special uses shall be permitted in specified districts after review and approval by the Board of Adjustment in accordance with procedures and standards established in [Sec. 54-77](#), [Sec. 54-144](#) and other standards identified elsewhere in this chapter.
  - (2) Limited uses shall be permitted in specified districts after review and approval by the planning director in accordance with the standards established in [Sec. 54-144](#) and elsewhere in this chapter.
  - (3) Any use not listed is not allowed unless the planning director determines that the use is similar to a listed use. When determining whether a proposed use is similar to a listed use, the planning director will consider the following:
    - a. The actual or projected characteristics of the proposed use.
    - b. The relative amount of site area or floor area and equipment devoted to the proposed use.
    - c. Relative amounts of sales.
    - d. The customer type.
    - e. The relative number of employees.
    - f. Hours of operation.
    - g. Building and site arrangement.
    - h. Types of vehicles used and their parking requirements.
    - i. The number of vehicle trips generated.
    - j. How the proposed use is advertised.
    - k. The likely impact on surrounding properties.
    - l. Whether the activity is likely to be found independent of the other activities on the site.

Where a use is determined not to be similar to any listed use, a text amendment is required prior to establishment of that use.
- (c) *General regulations for all districts.* The following requirements shall pertain to all zoning districts and any structure or building therein.
- (1) *Building height.* The heights of buildings shall not exceed 35 feet unless otherwise approved as part of the site plan review for a conditional zoning.
  - (2) *Off-street parking.* Off-street parking shall be provided as required in [section 54-176](#).
  - (3) *Lot coverage.* The maximum permissible lot coverage by the principal building and all accessory buildings shall not exceed the following requirements:
    - a. 30 percent of the total lot area for one unit;
    - b. 35 percent of the total lot area for a duplex; or
    - c. 50 percent of the total lot area for three or more units.
  - (4) *Accessory uses and structures.* Accessory structures, and use of accessory structures, are permitted in any district but shall be subordinate and incidental to a primary use and structure.
- a. An accessory structure may not be established or permitted until the principal structure is established or permitted.

- b. Accessory structure use is limited to those uses permitted in the zoning district in which the structure is located.
- c. Accessory structures may not be located in:
  - i. Any portion of the property that is beyond the leading edge of the front façade of a building;
  - ii. Any required front yard or side yard setback;
  - iii. Within 20 feet of any street or highway line; or
  - iv. Within ten feet of any property line that is not a street or highway line, regardless of setbacks.
- g. Amend **Sec. 54-144. -General requirements for all districts.** by replacing the section with a new section as follows:

**Sec. 54-144. -Limited and Special Uses.**

(a) *Limited Uses.* Limited uses are permitted by right, in the districts identified in the Table of Uses found in [Sec. 54-143](#) above, and provided that the specific standards set forth in this section are satisfied. The specified standards are intended to ensure these uses fit the intent of the districts within which they are permitted, and that these uses are compatible with other development permitted within the districts. Identified limited uses shall comply with the following.

(1) Home occupation.

- a. The business activity shall be conducted entirely within the dwelling and carried on by the occupants thereof.
- b. A maximum of one employee who is not a resident of the property shall be allowed.
- c. No display of goods, products, services, signage, or other forms of advertising shall be visible from outside of the dwelling.

(2) Homestay.

- a. A permit to establish a homestay use is required prior the use occurring on the property.
- b. Only one homestay shall be permitted per lot, tract or parcel.
- c. Homestay permits shall be limited to one per person, immediate household, LLC, corporation, trust or other legal entity. A person's immediate household shall include a spouse, children, or any other relative residing in the same home. An ownership stake of five percent or more in an LLC, corporation, trust or other legal entity shall constitute ownership for the purposes of this limitation.
- d. The homestay operation shall be managed and carried on by a person who is: 1) 18 years or older, 2) a full-time resident of the dwelling unit; and 3) present during the homestay term for the entire time lodgers are staying at the property. To be a "full-time resident," the person must reside on the property on a permanent basis, and it must be the person's primary home. For purposes of this homestay ordinance, a person can only have one primary, full-time residence, and the homestay must be operated from that primary, full-time

residence. In order to be "present during the homestay term," the full-time resident shall be at the property overnight and not away on vacation, visiting friends or family, travelling out of town for business or personal reasons, etc. during the homestay term. However, the full-time resident may be temporarily absent from the property for purposes related to normal residential activities such as shopping, working, attending class, etc. e. Applicants must definitively affirm that they live at the property from which the homestay is operated and that they have only one primary, full-time residence. A minimum of two documents establishing proof of residency shall be supplied from an approved list of documents. This does not apply to property owners acting as a co-applicant.

- e. A minimum of one off-street parking space per bedroom shall be required and illustrated on an approved site plan.
- f. When the property owner does not reside on the property, an application for a homestay permit must be submitted by the full-time resident of the property and the property owner together as co-applicants. The homestay permit shall be issued to both parties with all rights and responsibilities afforded to the applicants equally.
- g. No non-residential activities other than lodging shall be allowed.
- h. No special events may be hosted on a homestay property.
- i. No signage shall be allowed for homestays.
- j. The homestay owner or operator shall maintain liability insurance on the property, which covers the homestay use and homestay guests.
- k. Emergency and contact information including a name, phone number and email address must be posted prominently inside the homestay.
- l. The homestay owner or operator must pay any applicable taxes, including occupancy and sales taxes, to the appropriate governmental entity.
- m. The homestay area of the dwelling shall comply with applicable building codes.
- n. Violations of these standards, or failure to obtain a permit for a homestay shall be subject to enforcement action as set forth in Sec. 54-41.

(3) Short-term rental.

- a. A permit to establish a short-term rental use is required prior the use occurring on the property.
- b. Only one short-term rental shall be permitted for any single-family dwelling or single-family property.
- c. Short-term rental permits shall be limited to one per person, immediate household, LLC, corporation, trust or other legal entity. A person's immediate household shall include a spouse, children, or any other relative residing in the same home. An ownership stake of five percent or more in an LLC, corporation, trust or other legal entity shall constitute ownership for the purposes of this limitation.
- d. No more than 10 percent of units in a multi-family or multi-tenant building or development may be used as short-term rentals.

- e. No non-residential activities other than lodging shall be allowed.
- f. No special events may be hosted on a short-term rental property.
- g. No signage shall be allowed for homestays.
- h. The short-term rental owner shall maintain liability insurance on the property, which covers the lodging use and short-term rental guests.
- i. Emergency and contact information including a name, phone number and email address must be posted prominently inside the short-term rental.
- j. The short-term rental owner must pay any applicable taxes, including occupancy and sales taxes, to the appropriate governmental entity.
- k. The short-term rental shall comply with applicable building code.
- l. Violations of these standards, or failure to obtain a permit for a short-term rental shall be subject to enforcement action as set forth in Sec. 54-41 and shall be subject to the following schedule of penalties:

First offense	\$100.00
Second offense	\$300.00
Third offense	\$500.00 and revocation of permit for one year

- h. Amend **Sections 54-145(b), 146(b), 147(b), 148(b), 149(b), 151(b), 152(b), 153(b), 154(b), 155(b) Uses.** By replacing item “(b)” in each sub-section with the following:  
 (b) *Allowable land uses.* All permitted uses, limited uses, and special uses are identified in Sec. 54-143(c). Table of uses. Standards for limited uses and special uses are found elsewhere in this chapter.

[Remove individual use tables in each sub-section.]

- i. Remove “APPENDIX A. – PERMITTED USES TABLE”

**Section 2:** If any provisions of this Ordinance are for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, independent provision and such holding shall not affect the validity of any other provision thereof, and to that end, the provisions of this Ordinance are hereby declared to be severable.

**Section 3:** This Ordinance shall be effective on this 15<sup>th</sup> day of November 2022.

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

Abstains \_\_\_\_\_

Attest:

\_\_\_\_\_  
M. Jerry Vehaun, Mayor

\_\_\_\_\_  
Town Clerk