



Buncombe County Planning and Development
Long Range Planning Division
46 Valley St.
Asheville, NC 28801

EMERGENCY HOUSING STANDARDS TEXT AMENDMENT MEMORANDUM

To: Buncombe County Planning Board
From: Long Range Planning Division
Date: 11-8-2024
Re: Text Amendments Addressing Emergency Housing

PURPOSE

Emergency Housing Standards address short-term temporary housing needs for people experiencing a housing impact because of a declared federal, state, or local disaster. Emergency Housing Standards can be implemented by amending local ordinances. Given the emergency need, options exist to expedite review processes including holding the Planning Board and Board of Commissioner meetings within the same time period. Staff proposes expediting the Emergency Housing Standards text amendment review based on the following:

1. Extreme loss of housing due to the disaster;
2. Pre-existing lack of available housing units exacerbating the lack of options;
3. Cold weather further threatening the health and wellbeing of unhoused people; and
4. Unprecedented scale of disaster meaning many individuals will be without safe, permanent housing for a long time.

Following a natural disaster, FEMA may provide travel trailers for short-term emergency housing needs and manufactured homes for longer-term recovery efforts. Zoning regulations that prohibit travel trailers and manufactured homes: (1) limit FEMA housing options for impacted residents, (2) leave impacted residents at greater risk for homelessness; (3) immediately threaten residents' health and wellbeing as a result of homelessness; and (4) may result in residents being forced to leave their communities.

REGULATION & ENFORCEMENT

Emergency Housing Standards would be enforced through the normal permitting process of obtaining a Site Plan Review (SPR) permit for the placement of a temporary dwelling unit. Zoning enforcement for a violation of requirements would be initiated by receipt of a community complaint.

REGULATIONS IN OTHER JURISDICTIONS

This is a brief summary of what other North Carolina local governments are doing:

LOCATION	REGULATORY EXAMPLES
Brevard	Allows RVs and other temporary housing for up to 180 days following a declared disaster. Brevard is discussing amending this requirement to allow for a longer timeframe.
Asheville	UDO allows the City Manager or designee to waive or flex temporary use requirements permits during an emergency.
Carteret County	Permits RVs as a temporary use for up to 180 days in the following circumstances: <ol style="list-style-type: none"> During construction of a single-family home for up to 9 months on the site In the event of an emergency or disaster where the government has provided the RV During the period when a damaged home is being replaced or rebuilt On any parcel of one acre or larger in size and with specific setbacks Requires RVs in place for more than 2 weeks be anchored to NC wind codes
Pender County	Allows the following standards to be temporarily relieved during an emergency declaration, but must meet all setbacks or seek a variance first, and shall be allowed for up to 18 months, or up to three years after Hurricane Florence: <ol style="list-style-type: none"> RVs and Manufactured homes allowed on residential lots when the home has been damaged by fire, flood, hurricane, etc. Commercial modular building permitted for damage to non-residential structures from fire, flood, hurricane, etc.
Cape Carteret	Allows RVs as temporary dwellings on the same lot where a home is being repaired following a natural disaster for up to one year.
Whiteville	Allows manufactured housing and RVs to be used as temporary housing, for up to 18 months, for those directly affected by Hurricane Florence, as determined by FEMA or Insurance Company. The RV or manufactured home must be placed on a lot where active repair and reconstruction of a primary structure is occurring. The temporary housing must be removed within 30 days of completion of repair or reconstruction of the primary structure. Setbacks are not required.

EXISTING BUNCOMBE COUNTY ORDINANCES

Buncombe County's Zoning Ordinance allows travel trailers to be used for temporary housing for up to 180 days per calendar year within specific zoning districts (R-3, PS, CR, and OU). These units may not be permanently affixed to the ground or site and must remain road-ready. Travel trailers which are disconnected from utilities and not in-use are considered parked vehicles and are not regulated. There are separate Travel Trailer Park standards for three (3) or more trailers on a single site. There are no special provisions allowing emergency housing related to a disaster declaration.

Manufactured homes are currently allowed in all R-zoned districts, BDM, OU, and EMP. They are not permitted in commercial-zoned districts. Further, the R-1, R-2, and BDM districts prohibit singlewide homes, requiring only multi-sectional units and other design standards in those districts. Any lot containing more than two manufactured homes is considered a Manufactured Home Park, regulated under a separate ordinance, and prohibited in most districts except for R-3 and OU.

SUMMARY OF PROPOSED ZONING ORDINANCE TEXT AMENDMENTS

The following table summarizes the proposed Zoning Ordinance Text Amendments:

1	Define Emergency Housing
2	Revise Travel Trailer definition
3	Add Emergency Housing to the Permitted Use Table and allow in all zoning districts with special requirements
4	Add Emergency Housing to the Steep Slope Overlay District and Protected Ridge Overlay District
5	<p>Create special requirement standards for Emergency Housing:</p> <ul style="list-style-type: none"> a. Applicant must have owned or occupied a primary residence that was damaged, or be assisting with recovery efforts through a government, agency, non-profit, or company b. Emergency housing is NOT required to be on the same lot as a damaged home c. The housing may not obstruct or prevent recovery and debris removal operations d. The housing is not permitted in a regulated Floodway e. Within landslide and heavily damaged flood areas, geotech review is <u>recommended</u> f. Allowed up to two (2) years from date of declared emergency, with option to extend g. Up to two (2) units permitted on a single lot, except when part of a group site h. Connected to approved utilities (waste, water, electric) i. Meets E-911 Addressing standards j. Meets underlying zoning district setback requirements, with option for ZA reduction k. Travel Trailers shall be no closer than ten (10) feet apart from each other l. Emergency housing in group sites must be accessed by a vehicular drive aisle on one side m. 1 parking space is required per unit n. Waste management of the site is required o. Exempt from some Steep Slope & Protected Ridge overlay requirements

PROPOSED REVIEW TIMELINE

Staff recommend an expedited review timeline for the Planning Board and Board of Commissioners given the ongoing impacts of Hurricane Helene. To accomplish this, both the Planning Board and the Board of Commissioner public hearings can occur on the same day to be advertised through the same public notice process.

1. October 18: Review Draft (Fire Marshal, Permits, Env. Health, Addressing, FEMA)
2. November 1: Finalize Draft
3. November 8: First Legal advertisement in Citizen Times
4. November 15: Second Legal advertisement in Citizen Times
5. November 18: Planning Board Meeting and
6. November 19: Board of Commissioners Meeting

PUBLIC NOTICE REQUIREMENTS:

- Published once per week for two successive calendar weeks,
- First notice not less than 10 or more than 25 days before the hearing.
- The day of publication is not counted in computing these times, but the day of the hearing is included.

REFERENCES:

- (A) 2024 Emergency Housing and Shelter Code Amendments. The City of Port Townsend.

- (B) FEMA Temporary Housing Units. 2023. FEMA.
- (C) Lovelady, Adam. Temporary Housing and Zoning Amendments. 2018. Coates' Canons NC Local Government Law. UNC School of Government.
- (D) Lovelady, Adam. Adjusting Development Regulations for Disaster Recovery. 2024. Coates' Canons NC Local Government Law. UNC School of Government.