

PLANNING BOARD'S WRITTEN RECOMMENDATION TO THE BUNCOMBE COUNTY
BOARD OF COMMISSIONERS TO APPROVE APPLICATION ZPH2024-00033
REQUESTING AN AMENDMENT TO THE OFFICIAL ZONING ORDINANCE

WHEREAS, the Planning Board for Buncombe County has reviewed and discussed proposed text amendments (ZPH2024-00033) and held a public hearing for an amendment to The Buncombe County Zoning Ordinance. The Board considered amendments to Chapter 78 (The Buncombe County Zoning Ordinance) of the Buncombe County Code of Ordinances, and more specifically, sections 78-581 Definitions, 78-641 Permitted Uses, 78-644 Steep Slope/High Elevation Overlay District, 78-645 Protected Ridge Overlay District, and 78-678 Uses by right subject to special requirements and special use standards. The amendments propose to create standards to allow Emergency Housing within Buncombe County in response to Tropical Storm Helene.

WHEREAS, the Zoning Administrator certified that notices of the meeting of the Buncombe County Planning Board at which the proposed amendment was considered have been properly emailed to members of the Planning board and public notice of the meeting has been properly published in a newspaper having general circulation in the County.

WHEREAS, in accordance with North Carolina General Statutes and with the provisions set forth in Division 8 of Chapter 78, Article VI of the Buncombe County Code of Ordinances, the Planning Board duly advertised and held a public hearing to consider the proposed amendment; and

WHEREAS, pursuant to Buncombe County Code of Ordinances Sec. 78-717 and N.C. Gen. Stat. § 160D-604(d), the Planning Board has advised and commented on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable and has provided a written recommendation to the board of county commissioners concerning the same (said written recommendation, which is incorporated herein by reference, is attached hereto as "Exhibit B"); and

WHEREAS, the Planning Board recommends that the Buncombe County Board of Commissioners **APPROVE** the proposed text amendment by a vote of 6 to 0.

NOW, THEREFORE, THE BUNCOMBE COUNTY PLANNING BOARD HEREBY RECOMMENDS AS FOLLOWS:

1. The Planning Board recommends that the Buncombe County Board of Commissioners **APPROVE** the proposed Zoning text amendment as presented in Exhibit A.

Read, approved, and adopted this the 18th day of November 2024.

ATTEST

PLANNING BOARD FOR THE
COUNTY OF BUNCOMBE



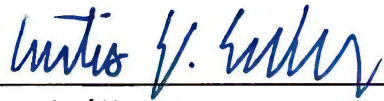
Terri Rogers, Clerk

BY 

Nancy Waldrop, Chair

APPROVED AS TO FORM

Consented to (**YES/NO**):



County Attorney

Planning Board Members:

Nancy Waldrop, Chair - *yes*
John Noor - *yes*
Tim Collins - *yes*
Ken Kahn - *yes*
Eric Robinson - *Not present*
Alan Coxie - *not present*
Jay Marino - *yes*
Karl Koon - *yes*

Exhibit B

PLAN CONSISTENCY STATEMENT

ZONING ORDINANCE AMENDMENT
CONSISTENT WITH PLAN

Pursuant to N.C. Gen. Stat. §160D-604(d) the Buncombe County Planning Board hereby approves and adopts the Plan Consistency Statement amendments to Chapter 78 (The Buncombe County Zoning Ordinance) of the Buncombe County Code of Ordinances, and more specifically, sections 78-581 Definitions, 78-641 Permitted Uses, 78-644 Steep Slope/High Elevation Overlay District, 78-645 Protected Ridge Overlay District, and 78-678 Uses by right subject to special requirements and special use standards. The amendments propose to create standards to allow Emergency Housing within Buncombe County in response to Tropical Storm Helene.

The proposed text amendment is consistent with the Buncombe County 2043 Comprehensive Plan in that the text amendment:

- **Hazards & Resilience – Policy 5:** Invest in building capacity to ensure long-term community resilience, risk reduction, and preparedness
- **Hazards & Resilience – Action 3:** Build capacity for community resilience and preparedness

Therefore, the requested text amendment would be **reasonable and in the public interest**.


Approved and adopted this the 18th day of November 2024.

ATTEST



Terri Rogers, Clerk

PLANNING BOARD FOR THE
COUNTY OF BUNCOMBE

BY 

Nancy Waldrop, Chair

**ZPH2024-00033
EMERGENCY HOUSING TEXT AMENDMENT-PLANNING BOARD VERSION**

Additions underlined in red
Deletions ~~cross-through in red~~

Highlighted ordinance text is text that was modified by the Planning Board

The Planning Board additionally made a request that the Board of Commissioners appropriate funding to be allocated for low to moderate income households who need geotechnical services and evaluations for emergency temporary housing under this Ordinance.

Sec. 78-581. Definitions.

Emergency Housing means the use of travel trailers, manufactured housing, building-code compliant structures for habitation, or other FEMA-approved shelters as a temporary use, related to a declared federal, state, or local disaster, for people: (1) experiencing homelessness, or inadequate shelter resulting from disaster related damages; or (2) assisting with disaster recovery efforts through a government, agency, non-profit, or company.

Travel Trailer means a vehicle primarily designed as a temporary or seasonal dwelling for travel, recreation, or vacation uses, including moveable park model homes, ~~travel trailers, recreational vehicles (RV), and other similar vehicles and uses. and similar transportable structures.~~

Sec. 78-641. Permitted uses

Table 1—Permitted Use Table												
Uses	P = Permitted C = Allowed as Special use SR = Permitted with Special Requirements Blank Space = Not Permitted											
	Districts											
	R-LD	R-1	R-2	R-3	NS	CS	EMP	PS	CR	AI	BDM	OU
<u>Emergency Housing</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>

Sec. 78-644. - Steep Slope/High Elevation Overlay District.

(e) Special requirements.

Steep Slope/High Elevation Overlay Permitted Use Table												
Uses	P = Permitted C = Allowed as Special Use SR = Permitted with Special Requirements Blank Space = Not Permitted											
	Districts											
	R-LD	R-1	R-2	R-3	NS	CS	EMP	PS	CR	<u>AI</u>	BDM	OU
<u>Emergency Housing</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>

Sec. 78-645. - Protected Ridge Overlay District.

Protected Ridge Overlay Permitted Use Table												
Uses	P = Permitted C = Allowed as Special Use SR = Permitted with Special Requirements Blank Space = Not Permitted											
	Districts											
	R-LD	R-1	R-2	R-3	NS	CS	EMP	PS	CR	AI	BDM	OU
<u>Emergency Housing</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>

Sec. 78-678. - Uses by right subject to special requirements and special use standards.

(a) Uses by right, subject to special requirements (SR).

(7) Emergency Housing. Standards shall be as follows:

a) Eligibility. Applicant or owner must provide proof that:

- i. the structure was occupied, as a primary residence, and was damaged or made inaccessible by the declared disaster; or
- ii. are assisting with disaster recovery efforts through a unit of government, agency, non-profit, or company.

b) Siting.

- i. Emergency housing may be on the same site as the damaged or inaccessible home or on a different site;
- ii. Debris Removal: Emergency housing shall not obstruct or prevent recovery and debris removal operations;
- iii. Floodways. Emergency housing shall be prohibited in designated and mapped floodways and non-encroachment areas of the Special Flood Hazard Area (SFHA);
- iv. Landslide & Heavily Damaged Flood areas. For Emergency housing located within landslide or heavily damaged flood areas it is strongly recommended to confer with a geotechnical engineer to evaluate site stability prior to placing emergency housing on the site, and during reconstruction and redevelopment of a site.

c) Temporary Use. Emergency housing shall be permitted for up to two (2) years from the date of the declared disaster and may be extended by the Zoning Administrator for up to one (1) additional year.

d) Number of Units. No more than two (2) emergency housing units may be placed on an individual lot, except where the Zoning Administrator has determined that the site is managed by an entity (FEMA,

another government unit or agency, a non-profit, or company) which is directly assisting with disaster recovery efforts.

- e) Utilities. Emergency housing shall be immediately connected to an approved wastewater system, potable water source, and public electrical service, except where the unit is a travel trailer in which case it shall be connected within the following time limits:
 - i. Electrical & Potable Water: Within three (3) months from the date of placement;
 - ii. Wastewater: Within three (3) months from the date of placement, or proof of contract to remove waste for the duration of the permit for emergency housing.
- f) Addressing. Emergency housing shall meet the E-911 addressing requirements which may differ dependent upon housing unit type.
- g) Setbacks. Setbacks shall apply to emergency housing regardless of type. The Zoning Administrator may reduce the setback for emergency housing to five (5) feet when there are no other appropriate placement options.
- h) Spacing. No travel trailer shall be located less than ten (10) feet from another travel trailer.
- i) Access. Where three (3) or more emergency housing units are placed on a single lot, those units shall be accessed by a vehicular drive aisle on at least one side of the trailer, which is a minimum of 20 feet in width for two-direction traffic, or a minimum of 12 feet in width for single-direction traffic, or a minimum of 30 feet for two-direction traffic that contains on-street parking. No parking shall be allowed within the vehicular drive aisle.
- j) Parking. The minimum required parking for emergency housing shall be one (1) space per emergency housing temporary dwelling unit. The Zoning Administrator may reduce the required parking if the applicant can demonstrate that less than 1 space per temporary dwelling unit is sufficient.
- k) Waste Management. The property owner or operator of group sites shall provide capacity for a weekly accumulation of solid waste and recycling on site through the provision of dumpsters or acceptable containers. Waste containers must be serviced at least once a week unless the group site has been vacant for the entirety of the week.
- l) Overlay Districts. The Steep Slope/High Elevation Overlay and Protected Ridge Overlay provisions apply to emergency housing except for tree screening standards, lot width standards, and overlay-specific height restrictions.