



# BUNCOMBE COUNTY

## PLANNING & DEVELOPMENT

**Agenda - Special Meeting**  
**Buncombe County Planning Board**  
**November 18, 2024**  
**30 Valley Street, Asheville, NC 28801**

- 1. Call to Order**
- 2. Announcements – Nancy Waldrop**
- 3. Roll Call of Board Members**
- 4. Approval of Agenda**
- 5. Public Comment**
- 6. Public Hearing:**

**ZPH2024-00033 Emergency Housing Text Amendment**

The Board will consider 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.

- Staff Presentation
- Public Hearing
- Planning Board Discussion
- Planning Board Vote and Consistency Statement with BC Comprehensive Plan

- 7. Adjournment**



**BUNCOMBE COUNTY**  
PLANNING & DEVELOPMENT  
(828) 250-4830 - [PlanningInfo@BuncombeCounty.org](mailto:PlanningInfo@BuncombeCounty.org)  
[www.buncombecounty.org/planning](http://www.buncombecounty.org/planning)

**Notice of Special Meeting-November 18, 2024**

This notice is for your information only; there is no required response or action. If you have any questions about this special meeting, please call **828-250-4830** or e-mail [planninginfo@buncombecounty.org](mailto:planninginfo@buncombecounty.org)

Notice is hereby given that the Buncombe County Planning Board will hold a special meeting at 9:30 am on November 18, 2024 at 30 Valley Street, Asheville, NC 28801 at which the Board will hold a public hearing to consider the following application:

**ZPH2024-00033 Emergency Housing Text Amendment:**

The Board will consider 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.

Visit the following web link for more information: [engage.buncombecounty.org/h8003](http://engage.buncombecounty.org/h8003) or contact [planninginfo@buncombecounty.org](mailto:planninginfo@buncombecounty.org) or 828-250-4830. Nathan Pennington, Planning Director

Nancy Waldrop  
Buncombe County Planning Board Chair



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"> <li>a. During construction of a single-family home for up to 9 months on the site</li> <li>b. In the event of an emergency or disaster where the government has provided the RV</li> <li>c. During the period when a damaged home is being replaced or rebuilt</li> <li>d. On any parcel of one acre or larger in size and with specific setbacks</li> </ol> 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"> <li>a. RVs and Manufactured homes allowed on residential lots when the home has been damaged by fire, flood, hurricane, etc.</li> <li>b. Commercial modular building permitted for damage to non-residential structures from fire, flood, hurricane, etc.</li> </ol>
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"> <li>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</li> <li>b. Emergency housing is NOT required to be on the same lot as a damaged home</li> <li>c. The housing may not obstruct or prevent recovery and debris removal operations</li> <li>d. The housing is not permitted in a regulated Floodway</li> <li>e. Within landslide and heavily damaged flood areas, geotech review is <u>recommended</u></li> <li>f. Allowed up to two (2) years from date of declared emergency, with option to extend</li> <li>g. Up to two (2) units permitted on a single lot, except when part of a group site</li> <li>h. Connected to approved utilities (waste, water, electric)</li> <li>i. Meets E-911 Addressing standards</li> <li>j. Meets underlying zoning district setback requirements, with option for ZA reduction</li> <li>k. Travel Trailers shall be no closer than ten (10) feet apart from each other</li> <li>l. Emergency housing in group sites must be accessed by a vehicular drive aisle on one side</li> <li>m. 1 parking space is required per unit</li> <li>n. Waste management of the site is required</li> <li>o. Exempt from some Steep Slope &amp; Protected Ridge overlay requirements</li> </ul>

## 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.

**ZPH2024-00033  
EMERGENCY HOUSING TEXT AMENDMENT**

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

**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>	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR

**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 must provide proof they:

- i. occupied, as their primary residence, a structure 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 six (6) months from the date of placement, with the option for the Zoning Administrator to extend for an additional six (6) months with proof of contract to remove waste.
- 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.