

ORDINANCE NO. 24-11-08

ORDINANCE AMENDING THE OFFICIAL ZONING ORDINANCE OF BUNCOMBE COUNTY, CHAPTER 78, ARTICLE VI OF THE BUNCOMBE COUNTY CODE OF ORDINANCES, THE ZONING ORDINANCE OF BUNCOMBE COUNTY
ZPH2024-00033

- WHEREAS, pursuant to N.C. Gen. Stat. §160D-7-1, the County may adopt a zoning ordinance to regulate development within its territorial jurisdiction;
- WHEREAS, on December 1, 2009, the Buncombe County Commissioners enacted Buncombe County Ordinance No. 09-12-01 which established a comprehensive zoning plan for the properties located in Buncombe County outside of the boundaries of incorporated municipalities and their zoning jurisdictions;
- WHEREAS, pursuant to N.C. Gen. Stat. §160D-6-2, the County may amend its zoning ordinance after giving proper public notice and holding a public hearing;
- WHEREAS, the Planning Board 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, Sec. 78-644 Steep Slope/High Elevation Overlay District, Sec. 78-645 Protected Ridge Overlay District, and 78-678 Uses by Right Subject to Special Requirements and Special Use Standards, and is attached as exhibit A.
- WHEREAS, in accordance with the procedures set forth in the Buncombe County Zoning Ordinance, the Planning Board met to consider the proposed amendment on November 18, 2024, at which meeting a motion to **approve** the proposed text amendment with proposed changes passed by a vote of **7 to 0**; and,
- WHEREAS, this Board has reviewed these written recommendations of the Buncombe County Planning Board; and
- 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 Board of Commissioners duly advertised and held a public hearing to consider the proposed amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS THAT:

Section 1. This Board has considered whether this proposed amendment is consistent with the Buncombe County 2043 Comprehensive Plan, and hereby finds the following:

- 1) The proposed text amendment is consistent with the Buncombe County 2043 Comprehensive Plan in that the text amendment:
 - a) **Hazards & Resilience – Policy 5:** Invest in building capacity to ensure long-term community resilience, risk reduction, and preparedness.
 - b) **Hazards & Resilience – Action 3:** Build capacity for community resilience and preparedness.

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

Section 2. This Board does hereby **approve** and adopt the Plan Consistency Statement and 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, Sec. 78-644 Steep Slope/High Elevation Overlay District, Sec. 78-645 Protected Ridge Overlay District, and 78-678 Uses by Right Subject to Special Requirements and Special Use Standards. The amendments propose to establish emergency housing standards.

Section 3. If any section, subsection, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance;

Section 4. All ordinances and clauses of ordinances in conflict herewith be and are hereby repealed to the extent of such conflict; and

Section 5. This ordinance is effective upon adoption.


Read, approved and adopted this the 19th day of November, 2024.

ATTEST



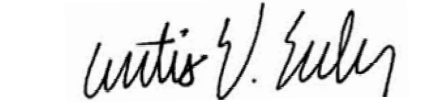
Sarah Gross, Clerk

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

BY 

Brownie Newman, Chairman

APPROVED AS TO FORM



County Attorney

EXHIBIT A

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

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 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.