ORDINANCE #

AN ORDINANCE TO AMEND CHAPTER 1, SECTION 1.2.3, DEFINITIONS, CHAPTER 4, SECTION 4.7.11.4, USES, CHAPTER 4, SECTION 4.7.14, TABLE OF USES BY ZONING DISTRICT, CHAPTER 5, SECTION 5.7, AND CHAPTER 5, SECTION 5.18 OF THE TOWN OF BLACK MOUNTAIN LAND USE CODE TO ADD DEFINITIONS AND STANDARDS FOR EMERGENCY TEMPORARY HOUSING

WHEREAS, the Town of Black Mountain Planning Board is charged with reviewing and updating land use planning, zoning and subdivision regulations; and

WHEREAS, the Planning Board made a commitment to the Town Council to review the text of the Land Use Code in the years since its adoption to address any residual inconsistencies in the text and to look for opportunities to clarify or improve text; and

WHEREAS, upon recommendation of the Planning Board, the following text amendments are consistent with the comprehensive plan and reasonable in the public interest because theyare consistent with county and state regulations and promote the general safety, health, and welfare of the community;

WHEREAS, the Town of Black Mountain has the authority, pursuant to Article 7 of Chapter 160D of the North Carolina General Statutes, to adopt land development regulations, clarify such regulations, and may amend regulations from time to time in the interest of public health, safety and welfare; and

WHEREAS, the Town Council finds that the land use code text amendments are consistent with the comprehensive plan and are reasonable and in the public interest because of the following findings:

- Consistent with county and state regulations
- Promote the general safety, health, and welfare of the community

WHEREAS, after notice duly given, a public hearing was held on January 13, 2025, as part of the regularly scheduled Town Council meeting at 6:00 p.m. in the Council Room of Town Hall, 160 Midland Avenue.

NOW, THEREFORE, BE IT RESOLVED that Chapter 1, Section 1.2.3, Definitions, Chapter 4, Section 4.7.11.4, Uses, Chapter 4, Section 4.7.11.14, Chapter 5, Section 5.7, and Chapter 5, Section 5.18 of the Town of Black Mountain Land Use Code, be amended with the following (additions are underlined in bold and deletions are shown as red struck text):

Chapter 1

Section 1.2.3 Definitions

Emergency Housing: The use of travel trailers, manufactured housing, building-code compliant structures for habitation, or other FEMA-approved shelters as a temporary use related to 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 unit of government, agency, nonprofit, or company.**

Travel Trailer: A vehicle primarily designed as a temporary or seasonal dwelling for travel, recreation, or vacation use, including moveable park model homes, recreational vehicles (RVs), and other similar vehicles.

Chapter 4

Section 4.7.11.4 Uses

A. Permitted uses shall be based on the general category of use that has been established for a lot or group of lots in the **TND** master plan. The general land use categories are listed below with particular uses allowed and suggested amounts for each, expressed as a percentage of the total gross area of the neighborhood.

Use	Amount	Allowable Use
Public	At least 5%	Parks, squares, greenbelts, sidewalks/walkways, streets, alleys, ~~and~~ civic uses**, and emergency housing**.
Civic	At least 2%	Community buildings including meeting halls, libraries, post offices, schools, child care centers, clubhouses, religious buildings, recreational facilities, museums, performing arts buildings, ~~and~~ municipal buildings**, and emergency housing**.
Shop front	2% to 20%	Residential and commercial uses; approximately 50% of the building area shall be designated for residential use. ***Also, emergency housing.**
Attached Homes (Multi-Family)	15% to 30%	Buildings for residential use and limited commercial use, such as a coffee house, home occupation, ~~or~~ bed and breakfast inn**, and emergency housing**.
Detached Homes	30%	Buildings for residential uses, customary home occupational uses, ~~and~~ bed and breakfast inns**, and emergency housing**.
Business	5% to 15%	Office, bar/brewery, restaurant, brew pub/tavern, retail, including eating establishments, mobile retail vendors***, and other commercial uses provided they produce little or no noise, odor, dust or vibration**. **Also, emergency housing.**

* Residential uses are not permitted on the ground floors of shop front buildings.

** Business uses shall be grouped together as follows: office and retail may be grouped with shop front buildings to form town centers. All other business uses shall be grouped together outside town and neighborhood center.

*** Mobile retail vendors shall allow up to 6 vendors per parcel and there is a limit of ten (10) mobile retail vendors allowed in the district.

Section 4.7.14 Table of Uses by Zoning District

Category	Use	CR-1	SR-2	TR-4	UR-8	NMU-8	OI-6	CBD	HB-8	LI-8	HI-0
Residential	**Emergency Housing**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	

Chapter 5 Additional Use Standards for Specified Uses

Section 5.7 Manufactured Homes on Individual Lots **and Emergency Housing**

5.7.1 Purpose

Because manufactured homes are built in the controlled environment of a manufacturing plant, are transported in one or more sections on a permanent chassis, and are built to the "HUD Code" which is a different standard that a module or stick-built home, these guidelines are established locally to ensure that manufactured homes will meter certain specifications that protect the health, safety and welfare of residents and to protect land values of adjacent properties.

5.7.2 General Provisions

A. The zoning administrator shall permit the temporary use of ~~manufactured homes, park model homes, or recreational vehicles~~ **travel trailers, manufactured housing, building-code compliant structures for habitation, or other FEMA-approved shelters** on individual lots under the following circumstances:

1. When fire, flood, ~~or~~ other natural catastrophe, **or a declared federal, state, or local disaster**, makes an existing ~~single-family~~ dwelling uninhabitable, as ~~an alternative and temporary residence used on the same lot~~ **emergency housing** for a period not to exceed ~~six months~~ **one (1) year**.
    a. **Upon submission of documentation from an aid agency, a unit of government, or a North Carolina-licensed contractor, that the repair or reconstruction of the dwelling will take more than one (1) year, the Zoning Administrator may extend the time period for up to two (2) additional years, with extension approval required at each one-year interval and with approval contingent on the submission of documentation from an aid agency, a unit of government, or a North Carolina-licensed contractor that the repair or reconstruction of the dwelling is ongoing and not complete.**
2. During the active construction period of any single-family dwelling, as a temporary residence on the same lot by the owner of the lot for a period not to exceed 24 months or the active construction period, whichever is less.

3. During the active period of construction/installation of a manufactured home, as a temporary residence on the same lot for a period not to exceed six months or the active construction period, whichever is less.
4. During the active promotion of any residential subdivision or planned unit development, the zoning administrator may permit a manufactured home within the development to be used solely for the prupose of a temporary sales office for a period of up to 12 months. The manufactured home may not serve as a residence.
5. As part of a manufactured housing or "park home" sales or manufacturing business.

B. Building Permit. Electrical, plumbing, driveway and/or utility permits may be required for emergency housing.

Section 5.18 Emergency Housing

5.18.1 Purpose

To permit 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.

5.18.2 General Provisions

A. Eligibility. Applicant must provide proof they:

1. **Own, occupy or occupied, as their primary residence, a structure damaged or made inaccessible by the declared disaster; or,**
2. **Are assisting with disaster recovery efforts through a unit of government, agency, nonprofit, or company.**

B. Siting

1. **Emergency housing may only be on a site other than a damaged or inaccessible home if said housing is operated by FEMA or other federal agency, by a unit of state government, or a unit of local government.**
2. **Debris Removal. Emergency housing shall not obstruct or prevent recovery and debris removal operations.**
3. **Floodways and Floodplains. Emergency housing shall be prohibited within regulated floodways and floodplains.**
4. **Landslide and Heavily Damaged Flood Areas: Emergency housing applicants located within landslide or heavily damaged flood areas is strongly recommended to confer with a geotechnical engineer to evaluate site stability prior to placement of the emergency housing on a 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 one (1) emergency housing unit may be placed on an individual lot, except where the site is operated by FEMA or other federal agency, by a unit of state government, or a unit of local government.

E. Utilities. Emergency housing shall be immediately connected to an approved public or private 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:

1. **Electrical Service and Potable Water: Within three (3) months from the date of placement.**
2. **Wastewater: Within six (6) months from the date of placement, with the option of the Zoning Administrator extending 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 emergency housing unit type.

G. Setbacks. Setbacks shall apply to emergency housing regardless of type.

H. Spacing. Emergency housing units shall be separated from each other by a distance of at least ten (10) feet.

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 widths 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. A site plan that shows uniformity with this access requirement must be submitted.

J. Parking. The minimum required parkigng 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 one space per temporary dwelling unit is sufficient. Parking spaces will be of an all-weather surface.

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. Dumpsters shall not be located within any required setbacks.

L. Steep Slope. The provisions of the Erosion Prevention and Slope Protection Ordinance apply to emergency housing.

M. Building Permit. Electrical, plumbing, driveway, and/or utility permits may be required for emergency housing.

READ, APPROVED AND ADOPTED, by a vote of _____ to _____ on this the 13th day of January 2025.

_____

C. Michael Sobol, Mayor

ATTEST:

_____

Wesley M. Barker, Town Clerk