

# REQUEST FOR BOARD ACTION

## HENDERSON COUNTY PLANNING BOARD

**MEETING DATE:** November 14, 2024

**SUBJECT:** LDC Text Amendment – TX-2024-03, Helene Recovery - Temporary Housing and Temporary Debris Storage and Reduction Sites (TDSR's)

**PRESENTER:** Autumn Radcliff, Planning Director

**ATTACHMENTS:** 1. Draft Text Amendment

### SUMMARY OF REQUEST:

Due to ongoing recovery efforts from Hurricane Helene, the LDC needs to be amended to allow for temporary uses to address temporary housing due to Helene and Temporary Debris Storage and Reduction sites (TDSRs) as part of Henderson County's recovery. The amendment would allow for Henderson County to permit these uses in all zoning districts as part of the Federal Disaster Declaration for a temporary period. The temporary use would be allowed for 18 months from the declaration with the possibility of two, 1-year extensions. The amendment would add these uses to the Table of Permitted and Special Use's as a temporary use along with the Supplemental Requirements (SR's).

### BOARD ACTION:

The Planning Board is requested to review the proposed amendment and make a recommendation to the Board of Commissioners. The Board of Commissioners must hold a public hearing before adopting any amendments to the Land Development Code.

**Suggested Motion:** I move that the Planning Board recommend the proposed text amendment TX-2024-03 for temporary housing and temporary debris storage and reduction sites due to Helene, and that it is reasonable and consistent with the 2045 Comprehensive Plan.

**Text Amendment Summary:** Amend the LDC to allow for the following temporary uses in all zoning districts in response to ongoing recovery efforts from Hurricane Helene and the Federal Disaster Declaration. These amendments would allow for temporary housing and Temporary Debris Storage and Reduction Sites (TDSRs). The amendment would add these uses to the Table of Permitted and Special Use's as a temporary use and the Supplemental Requirements (SR's).

## **Amendment 1: Temporary Housing Post Federal Disaster Declaration**

### **Temporary housing following natural disasters.**

The purpose of temporary housing units following a disaster is to have safe, sanitary and secure housing for individuals impacted by the disaster for a temporary period. The Federal Emergency Management Agency ("FEMA") or the County may establish a temporary housing site of approved structures or may temporarily expand existing Manufactured Home Parks or Recreational Vehicle Parks to house displaced individuals following an declared disaster. The location of the temporary housing units shall be within the boundaries of the Federally and locally declared disaster area, under specific conditions as determined by the Federal Disaster Declaration where public or individual assistance is made available. Individuals whose homes have been impacted by the disaster may also place temporary housing units on parcels in the county while repairs or construction on their home impacted by the disaster is actively taking place.

- (A) Approved temporary housing units include recreational vehicles (RV's), travel trailers, park model recreational vehicles, modular homes, or manufactured homes.
- (B) FEMA or the County may establish a designated site of approved temporary units, may temporarily expand an existing Manufactured Home Park or Recreational Vehicle Park, or place the temporary structure on an individual's property. FEMA or the County shall retain ownership of such approved temporary structures.
- (C) Individuals that have homes within the Federally and locally declared disaster area that have been impacted by the disaster may place an approved temporary structure on property in the county while repairs or construction on the home impacted by the disaster is actively taking place.
- (D) Manufactured home parks may allow recreational vehicles and park model recreational vehicles as a temporary use within the park.
- (E) A Zoning Permit is required for all approved units that will be utilized as a temporary housing unit. Henderson County will maintain a database of these units' location, owner, and permit expirations.
- (F) Approved temporary housing units may be permitted for a period of eighteen (18) months and may receive a maximum of two (2), 1-year extension requests upon application and upon a showing that repairs or construction on the home affected by the disaster is actively taking place.
- (G) Approved temporary housing units must adhere to all applicable local, state, and federal laws and must obtain all applicable permits or approvals including public or private utilities (power, water, or sewer), wells, septic systems, and NCDOT driveway permits and encroachments.
- (C) Approved temporary housing units shall be removed from the site where temporarily permitted upon the sooner to occur of the date 30 calendar days after completion of the rehabilitation work or the expiration. Recreational vehicles or travel trailers may remain on individual's property but shall be disconnected from utilities and registered as a vehicle.
- (G) For FEMA or County established site for temporary housing units in a community or group setting, the following shall apply:
  - a. Approved units shall be set back a minimum of 20 feet from the perimeter of the site and shall not located within any right-of-way.

- b. A sketch plan showing the general location and estimated number of dwelling units, parking, ingress and egress, and provisions for utilities including power, water supply, wastewater disposal, stormwater management, and solid waste management. This plan shall be submitted to the Zoning Administrator and shall be followed in the siting of the approved temporary housing units on the property.

## **Amendment 2: County Contracted Temporary Debris Storage and Reduction Sites (TDSRs) Post Federal Disaster Declaration**

### **Temporary debris storage and reduction sites following natural disasters.**

The County, in compliance with the requirements of NCDEQ and FEMA as they may exist at the time, may establish sites for temporary debris storage and reduction sites (TDSRs) following a declared disaster. The proposed location shall be within a area with specifically defined boundaries and under specific conditions as determined by a Federal Disaster Declaration where public or individual assistance is made available.

- (A) Approved TDSR's shall be approved by NCDEQ and shall meet all applicable setbacks and regulations under federal and state laws.
- (B) A Zoning Permit is required for all approved TDSR's. A sketch plan showing the general location and setbacks shall be submitted to the Zoning Administrator.
- (C) Approved TDSR's shall be used for debris storage and reduction sites for a period of eighteen (18) months with up to two (2), 1-year extension requests provided that the NCDEQ permit remains in effect.