

RESOLUTION OF PLANNING BOARD RECOMMENDING THAT THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS AMEND THE TEXT OF CHAPTER 78 OF THE BUNCOMBE COUNTY CODE OF ORDINANCES, ARTICLE VI.-THE ZONING ORDINANCE OF BUNCOMBE COUNTY, AND STATEMENT OF CONSISTENCY

RESOLUTION NO. 2019-00001
CASE NO. ZPH2018-00048

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, the provisions set forth in Division 8 (Amendments) of Article VI of the Buncombe County Code of Ordinances were met prior to the public hearing at which this recommendation was considered;

WHEREAS, pursuant N.C. Gen. Stat. §153A-344 and §78-719 of the Buncombe County Code of Ordinances, the Planning Board is charged with making a recommendation to the Board of Commissioners and to comment on whether the proposed amendments are consistent or inconsistent with the Comprehensive Land Use Plan;

WHEREAS, the Buncombe County Planning Board reviewed the following, proposed amendments to the text of The Zoning Ordinance of Buncombe County, North Carolina, at a public hearing held during the January 28, 2019, regular meeting of the Planning Board:

1. *§78-581, Definitions* as follows:
 - a. Add clarifying language specifically defining a HUD-Labeled Manufactured Home.
 - b. Add a definition for HUD-Labeled Manufactured Home Skirting.
2. *§78-641(a), Permitted Uses* as follows:
 - a. Modify Table 1 - Permitted Use Table to include HUD-Labeled Manufactured Housing-Residential as an allowed use with Special Requirements in the R-1, R-2, and BDM zoning districts.
3. *§78-642, Dimensional Requirements* as follows:
 - a. Modify the Footnote numbering system to accommodate new and revised standards.
4. *§78-644, Steep Slope/High Elevation Overlay District* as follows:
 - a. Modify The Steep Slope Permitted Use Table to include HUD-Labeled Manufactured Housing-Residential as an allowed use with Special Requirements in the R-1, R-2, and BDM zoning districts.
5. *§78-645, Protected Ridge Overlay District* as follows:

- a. Modify The Protected Ridge Permitted Use Table to include HUD-Labeled Manufactured Housing-Residential as an allowed use with Special Requirements in the R-1, R-2, and BDM zoning districts.
- 6. *§78-678, Uses by Right Subject to Special Requirements and Conditional Use Standards* as follows:
 - a. Add development standards for HUD-Labeled Manufactured Homes located in the R-1, R-2, and BDM districts to include requirements for skirting, foundations, and dimensional requirements.

WHEREAS, the Zoning Administrator certified that notices of the meeting of the Buncombe County Planning Board at which these amendments were considered have been properly mailed to members of the Planning Board at least ten (10) days prior to the meeting and public notice of the meeting has been properly published in a newspaper having general circulation in the County as required; and

WHEREAS, the Planning Board has reviewed the proposed amendments, has heard public comment, and consulted with planning staff, and, after careful review, has determined that it is in order to recommend to the Board of Commissioners for Buncombe County that the proposed amendments be approved.

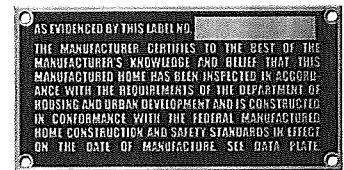
NOW THEREFORE, BE IT RESOLVED, Based on the facts as set forth above the Buncombe County Planning Board hereby finds and concludes as follows pertaining to the proposed amendments to the Zoning Ordinance of Buncombe County:

- 1. The aforementioned, proposed amendments to the text of The Zoning Ordinance of Buncombe County, North Carolina, are consistent with the Buncombe County Comprehensive Land Use Plan and updates, and the 2015 Consolidated Strategic Housing and Community Development Plan, as follows:
 - The 2013 Update to the Comprehensive Plan (*Section 5: Other Planning Efforts*, Pages 43 through 45; and *Section 6: Issues and Recommendations*, Page 67), and the 2017 update to the needs assessment of the Housing Plan, indicate the following objectives: “Promote homeownership;” “Review land use policy and zoning as potential barriers for affordable and special needs housing;” “Continue to encourage, plan for, and promote the construction of new affordable housing options...;” “Ensure the availability of a diverse housing stock;” “[Modify the Zoning Ordinance] to create a clear separation between manufactured homes and manufactured home parks within residential districts which are not constrained by environmental factors...to allow manufactured homes to be placed in a more flexible way (while still respecting the character of the surrounding neighborhood)...”

2. The proposed amendments to the text are reasonable and in the public interest as they would meet a number of objectives as identified in the Buncombe County Comprehensive Land Use Plan Update.
3. This Planning Board hereby recommends that the Board of Commissioners amend Chapter 78 of the Buncombe County Code of Ordinances as follows:

Sec. 78-581. Definitions.

Manufactured home, HUD-labeled means a manufactured home bearing the manufacturer’s label certifying that the home has been inspected in accordance with the requirements of the U.S. Department of Housing and Urban Development and is constructed in conformance with the Federal Manufactured Home Construction and Safety Standards in effect on the date of manufacture. The Certification Label (also known as a “HUD tag”) is a metal plate that is affixed to the outside of the manufactured home. Title 24 Code of Federal Regulations § 3280.11(b) states, “The label shall be approximately 2 in. by 4 in. in size and shall be permanently attached to the manufactured home by means of 4 blind rivets, drive screws, or other means that render it difficult to remove without defacing it. It shall be etched on 0.32 in. thick aluminum plate. The label number shall be etched or stamped with a 3 letter designation which identifies the production inspection primary inspection agency and which the Secretary shall assign. Each label shall be marked with a 6 digit number which the label supplier shall furnish...” All manufactured homes built after June 15, 1976 are required to have one or more label(s) attached to them.



Example of HUD Certification Label. Provided for information only; not to be included in ordinance.

Manufactured/mobile home, residential means a structure which is transportable in one or more sections; designed to be used as a year-round, single-family residential unit; which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities; and which does not meet the standards established by the North Carolina Residential Building Code.

Skirting, manufactured home means a solid, opaque, continuous and unbroken, non-structural enclosure of a foundation crawl space, attached to the structure and extending from the bottom of the structure to the ground. The term “skirting” is synonymous with the term “underpinning.”

Sec. 78-641. Permitted uses.

- (a) *Permitted use table.* Uses are permitted in the various zoning districts pursuant to Table 1.

Table 1 – Permitted Use Table

Uses	P = Permitted C = Allowed as Conditional Use SR = Permitted with Special Requirements Blank Space = Not Permitted											
	R-LD	R-1	R-2	R-3	NS	CS	EMP	PS	CR	AI	BDM	OU
HUD-labeled manufactured homes- Residential	P	SR	SR	P			P				SR	P

Sec. 78-642. Dimensional requirements.

Footnote 5--The dimensional requirements for HUD-labeled manufactured homes (not including manufactured homes in manufactured home parks) are further described in section 78-678(b)(5).

Footnote 65--The Minimum Lot Size Requirements listed in Table 2 above shall not apply to lots created for the provision of infrastructure and/or utilities only; cemetery lots or burial plots; or lots to be permanently dedicated as open space or common area.

Footnotes 76--98: Applicable to Beaverdam Low-Density Residential District (BDM) Only

Et seq.

Footnote 76--Beaverdam Only Development standards:

Et seq.

Footnote 87--Beaverdam Only

Et seq.

Footnote 98--Beaverdam Only

Et seq.

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

Et seq.

(c) *Permitted uses.* Uses are permitted in the High Elevation/Steep Slope Overlay District pursuant to the following table. All uses not listed are not allowed.

(d) *Conditional uses.* All conditional uses shall be administered in accordance with Division VI of this chapter.

(e) *Special Requirements.* Uses are permitted in the High Elevation/Steep Slope Overlay District pursuant to Sec. 78-678. All uses not listed are not allowed.

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

Sec. 78-645. Protected Ridge Overlay District

Et seq.

(c) *Permitted uses.* Uses are permitted in the Protected Ridge Overlay District pursuant to the following table. All uses not listed are not allowed.

(d) *Conditional uses.* All conditional uses shall be administered in accordance with Division VI of this chapter.

(e) *Special Requirements.* Uses are permitted in the Protected Ridge Overlay District pursuant to Sec. 78-678. All uses not listed are not allowed.

Protected Ridge Overlay Permitted Use Table												
---	--	--	--	--	--	--	--	--	--	--	--	--

Uses	P = Permitted C = Allowed as Conditional Use SR = Permitted with Special Requirements Blank Space = Not Permitted											
	R-LD	R-1	R-2	R-3	NS	CS	EMP	PS	CR	AI	BDM	OU
HUD-labeled manufactured homes- Residential	P	SR	SR	P			P				SR	P

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

(a) *Uses by right, subject to special requirements (SR).* Uses by right, subject to special requirements (SR) are uses permitted by right, provided that the specific standards set forth in this section are met. The specified standards are intended to ensure these uses fit the intent of the districts within which they are permitted, and that these uses are compatible with other development permitted within the specified zoning districts.

Et seq.

(5) HUD-Labeled Manufactured Homes-Residential. Standards for HUD-Labeled Manufactured Homes in the R-1, R-2 and BDM zoning districts (not including manufactured homes in manufactured home parks) shall be as follows:

a. The standards set forth herein shall apply to existing manufactured homes which meet the following criteria:

1. Manufactured homes which are renovated at a cost which exceeds 50% of the market value of the structure; and,
2. Manufactured homes which are replaced in their entirety on pre-existing manufactured home lots or spaces; and,
3. Manufactured homes which are placed upon existing newly created vacant lots or spaces.
4. "Market value" shall be determined by the Administrator based upon the most recent tax assessment, appraisal, or actual sale value.

b. Standards:

1. Skirting:

- (a) Manufactured housing shall include skirting.
- (b) Permissible manufactured home skirting includes, but shall not be limited to, stone, brick, wood, or architectural or rusticated block. Other materials may be permitted by the Administrator on a case-by-case basis.
- (c) Vinyl, metal, and foam skirting is prohibited in the R-1, R-2, and BDM districts, except that such materials may be permitted on a case-by-case basis in order to comply with Buncombe County Code, Chapter 34, Article II. Flood Damage Prevention Ordinance.
- (d) Skirting may include openings for dryer vents and combustion air inlets, and openings for the purposes of access and ventilation. Such openings shall be covered for their full height and width with a perforated corrosion and weather-resistant covering that is designed to prevent the entry of rodents.
- (e) Skirting and vents shall comply with all applicable requirements of North Carolina Building Code and Buncombe County Code, Chapter 34, Article II. Flood Damage Prevention Ordinance.

2. Foundations:

- (a) Manufactured homes shall be placed upon permanent foundations.
- (b) Wheels, tongues, and motor vehicular signals shall be removed.

3. Dimensional Requirements:

- (a) Except as otherwise provided below, manufactured homes and manufactured home spaces shall conform to the dimensional requirements of the district in which the development is located as shown in section 78-642, Table 2. Dimensional Requirements, and the subsequent footnotes thereof.
- (b) Manufactured homes in the aforementioned zoning districts shall be multi-sectional (“double-wide,” “triple-wide,” et seq.). Single sectional (“single-wide”) manufactured homes are prohibited.

4. This resolution is approved by a vote of **6 to 2** and shall be effective upon its adoption.

This the 28th day of January, 2019.

BUNCOMBE COUNTY PLANNING BOARD

By: Gene Bell
Chair

Consented to:

Planning Board Members:

Nancy Waldrop
David Rittenberg
Thad B. Lewis
Dusty Pless
Joan M. Walker
Robert J. Martin
Gene Bell
Parker Sloan
Billy Taylor

Debbie Truempy
~~Debbie Truempy, Zoning Administrator~~
Joshua S. Freeman

Approved as to form:

Brandon Freeman
Brandon Freeman, Staff Attorney