

STAFF SUMMARY OF TA18-04 TEXT AMENDMENT REQUEST

APPLICATION SUMMARY

Case Number: TA18-04

Request:

To amend the Zoning Ordinance to allow for temporary relocation housing for displaced persons as a result of natural or other disasters.

Applicant:

New Hanover County

Subject Ordinance:

Zoning Ordinance

Subject Article(s) and Section(s):

- Article V: Table of Permitted Uses
- Section 63: Additional Restrictions on Uses Permitted by Right

BACKGROUND

Staff has prepared an amendment to the Zoning Ordinance to permit temporary relocation housing for persons displaced as a result of a disaster during an event's recovery period. While the Zoning Ordinance does contain some provisions for certain types of temporary buildings and uses, temporary relocation housing is not specifically addressed. The proposed text will provide clarity on the permitted housing options and their accompanying requirements when a disaster occurs.

The options for temporary relocation housing will be enabled as the result of a federal Disaster Declaration where public or individual assistance is made available, or as determined by the County Manager. Units will be allowed to remain for a duration period of 12 months from the date of the declaration, unless extended by the Board of Commissioners. The proposed text is consistent with the NHC Emergency Operations Plan that suggests temporary housing options be identified and permitted.

This amendment would allow temporary relocation housing in all zoning districts by-right. The housing units may consist of temporary housing types such as manufactured homes, travel trailers or recreational vehicles, tiny homes, or other temporary units on an individual lot, or as multiple units grouped in a community setting. In addition to compliance with the zoning regulations prescribed in the draft language, temporary relocation housing must also adhere to any applicable code requirements.

PROPOSED AMENDMENT

Red Text – Proposed Additions

Article V: Table of Permitted Uses

Permitted Uses	PD	R 20S	R 20	R 15	R 10	R 7	B 1	B 2	I 1	I 2	O & I	A R	A I	S C	R A	R F M U	Supp Regs	NAICS
Other																		
Temporary Relocation Housing	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	63.12	

Section 63: Additional Restrictions on Uses Permitted by Right

Section 63.12: Temporary Relocation Housing

Temporary housing utilizing nonpermanent facilities for the displaced as a result of a natural or other disaster in a neighborhood or area shall be allowed provided they meet the following requirements:

1. The proposed location shall be within a disaster area with specifically defined boundaries and under specific conditions as determined by a federal Disaster Declaration where public or individual assistance is made available, or as determined by the County Manager.
2. Temporary accommodations for the displaced as permitted by this section shall not be installed for more than 12 months from the date of the declaration or determination, except as authorized by the Board of Commissioners.
3. Temporary housing units shall be removed from the site within thirty (30) calendar days after completion of the rehabilitation work which may include, but not be limited to, issuance of a Certificate of Occupancy, Certificate of Completion, or final inspection if this occurs prior to the 12-month expiration or Board authorization term.
4. All applicants for temporary housing units shall register with the Planning Department.
5. Temporary housing units may be subject to additional agency approvals which may include, but not be limited to, water supply, wastewater disposal, solid waste management and disposal, building permits, stormwater permits, or other utilities through the applicable regulatory office. Additional code requirements which may include, but not be limited to, building code and fire code shall be adhered to.
6. Temporary housing units shall comply with either the minimum National Flood Insurance Program standards as set forth in Code of Federal Regulations, Title 44 Part 60 or the Flood Damage Prevention Ordinance.
7. Each housing unit shall have a minimum setback of five (5) feet from any street right-of-way or property line.
8. For temporary housing units in a community or group setting, the following shall apply:

- a. All units shall be setback a minimum of twenty (20) feet from the perimeter of the site;
- b. A sketch plan showing the general location and estimated number of units, parking, access points and traffic circulation, and provisions for utilities including power, water supply, wastewater disposal, stormwater management, and solid waste management shall be submitted to the Planning Department.

Staff Analysis

Currently, the Zoning Ordinance does not specifically address the allowance for temporary relocation housing for displaced persons as a result of a natural or other disaster. In the immediate and long-term recovery periods following such a disaster, the need to provide temporary housing may be a critical and time-sensitive need. The proposed language will provide specific provisions to address where temporary relocation housing can be located in compliance with zoning or other regulations. The proposed amendment would allow temporary housing on individual lots as well as multiple temporary housing units grouped in a community setting.

Staff concludes that the proposed text amendment is **CONSISTENT** with the Comprehensive Plan because it allows for a range of short-term housing types to be available to displaced persons affected by a disaster during the recovery period.

STAFF RECOMMENDATION

Staff recommends approval of the requested amendment. Staff concludes that the amendment is:

1. Consistent with the purposes and intent of the 2016 Comprehensive Plan because it allows for a range of short-term housing types to be available to displaced persons affected by a disaster during the recovery period.
2. Reasonable and in the public interest because temporary housing is necessary for residents to return to the community, repair their properties, and resume their lives; and a short-term allowance of safe and temporary housing options is critically needed.