



# TOWN OF YADKINVILLE

"A TOWN IN PROGRESS"

## PLANNING BOARD REGULAR MEETING MONDAY, FEBRUARY 15, 2021

5:30 P.M.

Yadkinville Town Hall  
Commissioners Chambers  
213 Van Buren Street, Yadkinville, NC 27055

### MINUTES

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#### PLANNING BOARD MEMBERS

##### (PRESENT/ABSENT):

Anna Logan Howe –Chair - Present  
Rhyne Dowell – Vice Chair – Absent  
Virgil Dodson - Present  
Mary Reavis - Present  
Tony Snow - Present  
R.J. Speaks - Absent  
Danny Coe – Absent (excused)

#### TOWN OFFICIALS PRESENT:

Mike Koser, Town Manager  
Abigaile Pittman, Planning Director

#### 1. CALL MEETING TO ORDER

*Ms. Anna Logan Howe, Chair called the meeting to order at 5:30 p.m. and determined that a quorum was present.*

#### 2. APPROVAL OF MINUTES

- November 16, 2020 – Regular Meeting Minutes

*Virgil Dodson moved to approve the September 21, 2020 Planning Board meeting Minutes. Tony Snow seconded the motion and it passed unanimously by a vote of 4-0.*

#### 3. NEW BUSINESS

- ZTA-2021-01
  - Applicant: Abigaile Pittman, Planning Director
  - Amendment: Request to amend the Town of Yadkinville Code of Ordinances, Title 9, Development Ordinance, Section 3.4 Special Requirements for Certain Uses; Section 3.4.2 Residential Uses;

Section 3.4.2.2 Accessory Structures, 3.4.8.1 Nonresidential Accessory Structures, to revise the regulations for accessory structures.

Planning Director Abigaile Pittman reviewed the proposed text amendment, referencing the staff report in the agenda packets. She reviewed the noteworthy revisions including:

- Providing minimum setbacks for accessory residential structures and separations from other structures
- Allowing residential accessory structures in side yards
- Increasing the number of residential structures from 2 to 3 for lots 1 acre or larger; and
- Establishing setbacks for through or reverse frontage lots
- Clarified size and area limitation for accessory structures located on properties of larger acreage.
- Allows for the temporary use of portable storage containers for up to 14 days, whereas they are currently prohibited.
- Clarifies setbacks and separations from other structures for nonresidential accessory structures

The Planning Board suggested the following revisions to the text amendment:

(Note: Planning Board recommended revisions area in blue font.)

Section 3.4.2.2.F.2 - For lots that are two (2) acres or more, ~~but less than five (5) acres in area,~~ the maximum total area of all accessory structures shall not exceed 200 percent of the gross floor area of the principal structure or 2500 square feet, whichever is ~~greater~~ less, provided that when accessory structures total more than 600 square feet accessory structures shall be set back a minimum of 20 feet from the property line.

Section 3.4.2.2.F.3 - ~~For lots that are five (5) acres or more in area, there is no maximum total area for accessory structures, provided that when accessory structures total more than 600 square feet accessory structures shall be set back a minimum of 20 feet from the property line.~~

Section 3.4.2.2.H. - ~~Utility service, such as water, sewer and electricity, to the accessory structure shall be provided by branching service from the principal structure.~~

Section 3.4.2.2.I.3. - A portable storage container may only be used as a temporary accessory structure for up to 44 30 days in duration, except when the container is used in association with construction on the same site, in which case the container may remain for the duration of the construction project and shall be removed upon completion. No more than two (2) portable storage containers may be located on a lot with a single-family or

duplex dwelling. The gross square footage of a portable storage container on a lot with a single-family or duplex dwelling shall not exceed 150 square feet. A portable storage container is not subject to the location and setback requirements of Section 3.4.2.2; however, it must be located on the lot and outside any street right-of-way.

Section 3.4.8.1.G.2. - In zoning districts other than LI and HI, a portable storage container may only be used as a temporary accessory structure for up to 14 30 days in duration, except when the container is used in association with construction on the same site, in which case the container may remain for the duration of the construction project and shall be removed upon completion. No more than two (2) portable storage containers may be located on a lot. A portable storage container is not subject to the location and setback requirements of Section 3.4.2.2; however, it must be located on the lot and outside any street right-of-way.

Virgil Dodson made a motion to recommend approval of ZTA-2020-01, a request to amend the Development Ordinance, Section 3.4 Special Requirements for Certain Uses; 3.4.2 Residential Uses; 3.4.2.2 Accessory Structures; 3.4.8.1 Nonresidential Accessory Structures, to revise the regulations for accessory structures. This recommendation is based on the request's consistency with consistency with Section 3.4 of the Development Ordinance and Strategy CC2 of the adopted Town of Yadkinville Comprehensive Plan. Tony Snow seconded the motion and it passed unanimously by a vote of 4-0.

- Discussion Item: Providing input to staff and the Board of Commissioners regarding the development of shipping container housing, tiny home housing and other alternative housing not addressed by the Comprehensive Plan or Development Ordinance

Planning Director Abigaile Pittman reviewed North Carolina Law Regarding Regulating Single- and Two- Family Dwellings, Including Shipping Container Homes and Tiny Homes:

- NC law prohibits local governments from adopting regulations that require specific building design elements for single- and two- family dwellings unless certain conditions exist. These cannot be regulated directly.
- Nor can they be regulated indirectly through a plan consistency review (such as putting the design standards in the adopted plan rather than in the zoning ordinance and then having the zoning ordinance require that new development be consistent with the plan).

- Regulations for commercial and multifamily structures are not affected by the new law.

The law provides a list of what cannot be regulated. The prohibition covers:

- Exterior building color
- Type or style of exterior cladding material
- Style or materials of roofs or porches
- Exterior nonstructural architectural ornamentation
- Location or architectural styling of windows and doors, including garage doors
- Location of rooms; and Interior layout of rooms.

There are several items that are explicitly listed as not being “building design elements” and that can be regulated. These are:

1. Height, bulk, orientation on the lot, location of structure on a lot
2. Use of buffering or screening to minimize visual impacts, to mitigate impacts of light or noise, or to protect the privacy of neighbors
3. Regulations governing permitted uses of land or structures.

**Exceptions** The law creates a number of exceptions to this prohibition of design regulations:

1. For new developments, design standards may be applied voluntarily as “part of and in the course of” seeking a zoning amendment or a zoning, subdivision, or other development regulation approval.
2. Deed restrictions
3. Historic district regulations, National Register listings, and local, state and national landmarks
4. Those directly related to safety codes
5. For manufactured housing
6. Those adopted as a condition of participation in the flood insurance program.

Planning Director Abigaile Pittman reviewed information about shipping container homes and showed some photos. She stated that some advantages to shipping container homes are that they are usually more cost-effective than traditional housing; quick to construct; they can be modular homes, but they can be mobile homes; and they’re durable.

Like any other single- or two-family dwelling in NC, the town cannot apply regulations to building design elements. As long as shipping container homes meet the North Carolina (NC) Building Code, they can be modified into a single- or two- family dwelling. If converted shipping containers have a permanent chassis and are transported to the site on their own running gear and otherwise comply with all HUD standards, they are considered to be a manufactured home.

In NC, Carolina Beach, Wilmington, New Hanover County, and Boone explicitly allow renovated shipping containers to be used as homes. Wilmington allows the use of shipping containers for various applications, including storage buildings and even accessory apartments. However, Kure Beach outlawed them in any zoning district in May 2016. During their review of the shipping container issue the Kure Council considered two proposed changes and received feedback from the public:

Option 1: To amend the zoning ordinance to define shipping containers and then ban their use as dwellings anywhere in Town.

Option 2: To restrict the use of containers as dwellings and permits that use only within the RA-2T district in the northern area of Town which already has trailers used as dwellings.

Primary Issues considered by Kure Beach in deciding to prohibit shipping container homes:

- Given the impossibility of expressly identifying every prohibited use, municipalities have to periodically review their list of uses and make adjustments. Municipalities are required to treat unlisted uses as the most nearly similar in lieu of a blanket provision prohibiting all unlisted uses.
- The lack of authority to regulate aesthetics or appearance standards for residential dwellings, including shipping container homes.
- Kure Beach Council stated that they personally thought that someone should be able to put whatever house they want on their property, but on the other hand they recognize that the biggest investment for most of their citizens is their house and if their citizens feel it is hurting their property values, they agreed that this was a reasonable argument. They therefore agreed that they should manage the shipping container use because the community has a character that must be considered.

The Board members recommended two options for regulating shipping container homes:

1. Define them in the Development Ordinance, then prohibit their use as dwellings; or
2. Only permit them subject to a conditional use permit in RMH zoning districts, which is also the only district where manufactured homes are permitted.

Planning Director Abigaile Pittman reviewed information about tiny homes and showed some photos. Generally speaking, a tiny home is defined as having 400 square feet or less. Ms. Pittman stated that an argument for tiny homes is the need for modern, affordable housing solutions for situations like government-subsidized housing, micro-housing for young professionals, disaster relief housing, and to help reduce homelessness. Tiny homes have a smaller footprint, are Eco friendly and energy efficient, are affordable cost-wise,

have the potential for mobility, a good downsizing solution, and allow for debt reduction.

Stick-built tiny homes are only required to meet the requirements of the North Carolina Building Code, which includes being on a permanent foundation. The Town of Yadkinville's Development Ordinance would allow a tiny home as a single-family dwelling in the RR, RM, RH, RMH, OI and NB zoning districts. However, the minimum lot sizes in these zoning districts range from 20,000 sq. ft. to 10,000 sq. ft. to 5,000 sq. ft. Purchasing typical single family lots to build a tiny home has been a deterrent to their development.

Ms. Pittman stated that if a tiny home has a permanent chassis and is transported to a site on its own running gear and otherwise comply with all HUD Standards and Regulations for manufactured homes (aka mobile homes), and would only be allowed in the Town's RMH District. However, tiny homes permanently on wheels are classified as RVs and may not be considered legal dwellings. For this reason, some NC communities like Asheville and Buncombe County only allow tiny homes in campgrounds at the express discretion of the campground. In Yadkinville, RVs would be allowed in campgrounds in the RR and LI zoning districts subject to a Conditional Use Permit and the additional conditions of Section 3.4.6.2 of the Development Ordinance. Additional standards for RV tiny homes could be developed and adopted.

Ms. Pittman explained that tiny houses are sometimes built as accessory dwellings to a principal residential dwelling, in this context they are used as a way for an aging parent or grandparent to be as close as a walk through the back yard but still have privacy and some degree of independence. The Town's Development Ordinance allows detached accessory dwellings in a rear yard subject to the issuance of a Conditional Use Permit, and criteria addressing location, setbacks, maximum size, maximum height, and compliance with the NC Building Code.

Ms. Pittman stated that when a tiny home is constructed as a single-family dwelling, it is legally like any other single- or two- family dwelling in NC, and the town cannot apply regulations that require specific building design elements to tiny homes. She stated that a tiny home, meeting the definition of a manufactured dwelling in a mobile home park, or a RV in a campground, could only be regulated through appearance standards on the mobile home park or campground, or by appearance standards offered as private restrictions as part of a Conditional Use application process.

Ms. Pittman stated there are also some examples of tiny home communities that are publicly owned and operated. One regional example is Tiny Houses Greensboro, a nonprofit that is creating a tiny house community to provide a stable housing environment and community support. They partner with the City of Greensboro to develop land and address building codes and zoning issues.

They also work with local housing organizations that assist in qualifying potential residents. Residents are required to participate in construction and other volunteer opportunities.

The Planning Board members made the following recommendations:

1. If a tiny home has a permanent chassis and is transported to a site on its own running gear and otherwise comply with all HUD Standards and Regulations for manufactured homes, then they should be considered as allowable in the RMH District.
2. If a tiny home is permanently on wheels and classified as an RV they could be permitted in campgrounds in the RMH District subject to the issuance of a Conditional Use Permit. Several Board members felt that a tiny home campground could be a positive tourist attraction.
3. The Board felt more cautious about stick built tiny home communities given that NC law prohibits regulations that require specific building design elements for single- or two- family dwellings. Additionally, for a tiny home single family development to be feasible a new zoning district would need to be created with a smaller lot size than what is currently offered in the Town's zoning regulations. And the only way to have enforceable conditions of any kind is if the developer/property owner offers them as part of a Conditional Use Zoning process. Because the law allows that design standards may be applied voluntarily as "part of and in the course of" seeking a zoning amendment or a zoning, subdivision, or other development regulation approval.

The Board requested that Planning Director Pittman return to them at a future meeting with greater details about these three options.

- Approval of Planning Board 2021 meeting schedule

*A motion was made by Mary Reavis to approve the Planning Board's 2021 meeting schedule. The motion was seconded by Tony Snow, and it passed unanimously by a vote of 4-0.*

#### 4. UPDATES

Planning Director Pittman reviewed the Board of Commissioners' action on a zoning amendment recommended by the Planning Board at its November 16, 2020 meeting:

- ZMA-2020-01
  - Applicant: Mark A. Jarvis
  - Map Amendment: Request to rezone two (2) parcels from the Residential Medium Density District (RM) to the Residential High-Density Conditional Zoning District (CZRH). The property is identified as

property identification numbers (PINs)  
5807612017 and 580719611297 with  
approximately 6.725 acres and is located on W.  
Lee Ave. in Yadkinville.

Status: ZMA-2020-01 was approved unanimously by the Board of  
Commissioners at its meeting of January 4, 2021

**5. OTHER BUSINESS**

**6. ADJOURNMENT - Next Scheduled Board Meeting is March 15, 2020**

*Mary Reavis made a motion for the Planning Board to adjourn. Tony Snow  
seconded the motion and the motion passed unanimously by a vote of 4-0.*



Anna Logan Howe Chair



Date