



Vance County

Planning & Development



Manufactured Housing Parks

Ordinance: #3

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ARTICLE ONE - PURPOSE, JURISDICTION, AUTHORITY AND TITLE

1.1 Purpose

(A) The purpose of this Ordinance is to regulate and guide the establishment of Manufactured Home Parks in order to promote the public health, safety, and general welfare of the citizens of Vance County, North Carolina.

(B) This ordinance is designed to accomplish the following specific objectives:

1. To further the orderly layout of Manufactured Home Parks;
2. To secure safety from fire, panic, and other dangers;
3. To provide adequate light and air;
4. To insure that facilities for transportation, parking, water, sewerage, and recreation are provided for Manufactured Home Park residents
5. To maintain and preserve natural topography, cover, significant landmarks, and trees;
6. To provide a framework for processes necessary for the review and approval of development plans; and
7. To include the public in considerations of development adjoining their property and neighborhood. (Adopted 9-14-1998)

1.2 Jurisdiction

These regulations shall govern the establishment and of each and every new Manufactured Home Park and the alteration or expansion of existing Mobile Home Park or Manufactured Home Parks (also, see Article Two, section 2.12) lying within the jurisdiction of Vance County and within the jurisdiction of any municipality whose governing body by resolution agrees to such regulation. (Adopted 9-14-1998)

1.3 Authority

Vance County hereby exercises its authority to adopt and enforce a Manufactured home park ordinance under the provision granted by the North Carolina General Statute 153A-121. (Adopted 9-14-1998)

1.4 Title

This ordinance shall be known as the Manufactured Home Park Ordinance of Vance County, North Carolina, except herein, where it shall be known as "this Ordinance". (Adopted 9-14-1998)

1.5 Definitions

Building and Structure:

Accessory Building or Accessory Structure. A detached subordinate building or structure, the use of which is incidental to that of the principal building and located on the same lot.

Building. Any structure having a roof supported by walls or columns constructed or used for a residence, business, industry or other private or public purposes.

Building Height. The vertical distance measured from the average elevation of the finished grade to the topmost section of the roof.

Building Line. A line perpendicular to the lot depth which establishes the horizontal distance between the structure and the front property line excluding the outermost steps, uncovered porches, gutters and similar fixtures.

Building Separation. The minimum required horizontal distance between buildings.

Principal Building or Principal Structure. A building or structure in which is conducted the principal use of the lot on which it is located. Any dwelling is considered a principal building.

Structure. Anything constructed, erected, or placed.

Temporary Building or Temporary Structure. Any building or structure of an impermanent nature, or which is designed for use for a limited, including any tent or canopy.

County. Refers to Vance County, North Carolina.

Development. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavations, or drilling operations or storage of equipment or materials.

Dwelling:

Dwelling Unit. One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities contained therein. Units in dormitories, hotels, motels, shelters for the homeless, or other structures designed for transient residents are not dwelling units.

Manufactured Dwelling. A dwelling that 1) is composed of one or more components, each of which was manufactured or constructed under the authority of 42 United States Code Section 5401, the National Manufactured Home Construction and Safety Standards Act, and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheel or axles. A mobile home is not a manufactured home. A recreational vehicle or travel trailer is not a manufactured home.

Shelter, Emergency. A facility providing, without charge, temporary sleeping accommodations, with or without meals, for individuals and/or families displaced from their residences as a result of sudden natural or man-made catastrophe including, but not limited to, earthquake, fire, flood, tornado, hurricane, or the release of hazardous or

toxic substance(s) into the environment. Such a natural or man-made catastrophe must be designated by the responsible local, state, or federal official, or an emergency agency such as the American Red Cross or the Emergency Management Assistance Agency.

Single family dwelling. One or more rooms, designed, occupied or intended for occupancy as separate living quarters exclusively by one (1) family, with cooking, sleeping and sanitary facilities contained therein. Units in dormitories, hotels, motels, shelters for the homeless, or other structures designed for transient residents are not dwelling units.

Manufactured homes to be considered a single family dwelling, must be indistinguishable from site-built homes. Manufactured housing that retains the unmistakable look of the traditional single-section mobile home - with a long narrow body and little or no roof pitch or roof overhang shall not be considered as a single family dwelling. The unit must have a continuous and complete permanent perimeter curtain wall and a permanent foundation for the main body.

- a) The term single-family dwelling shall include manufactured homes, Class A-1, when placed on a permanent foundation, converted to real property and taxed as a site-built dwelling as provided by law.
- b) The term single-family dwelling may include manufactured homes, Class A-2, when placed on a permanent foundation, converted to real property and taxed as a site-built dwelling as provided by law, and where a conditional use permit has first been issued.
- c) The term single-family dwelling may include manufactured homes, Class B-1, when placed on a permanent foundation, converted to real property and taxed as a site-built dwelling as provided by law, and where a conditional use permit has first been issued.
- d) The term single family dwelling shall include modular homes.

Easements:

Access Easement. An easement which grants the right to cross property.

Easement. A grant of one or more property rights, by the property owner, to, or for use by, the public, a corporation, or other entities.

Pedestrian Way. A right-of-way or easement dedicated to the public use to facilitate pedestrian access to adjacent streets and properties.

Sight Distance Easement. An easement which grants to the Governing Body the right to maintain unobstructed view across property located at a street or lane intersection.

Utility Easement. An easement that grants the Governing Body or other utility providers the right to install and thereafter maintain any and all utilities including, but not limited to, water lines, sewer lines, septic tank drain fields, storm sewer lines, electrical power lines, telephone lines, natural gas lines and community antenna television systems.

Factory- Built Structure. Any structure that is wholly, or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site.

Factory-Built Housing. A factory-built structure designed for long-term residential use. For the purpose of these regulations, factory-built housing shall consist of three types; modular homes, mobile homes, and manufactured homes.

Family. One or more persons occupying a dwelling unit and living as a single household.

Lots:

Buildable or zone lot. One or more lots of record in one undivided ownership with sufficient total area, exclusive of easements, flood hazards, well and septic tank fields; sufficient total dimensions; and access to permit construction thereon of a principal building together with its required parking and planting yards.

Corner Lot. A lot abutting two (2) or more streets at their intersection.

Lot. A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership, or for development or both. The word "lot" includes "plot", "parcel", or "tract."

Lot Coverage. The portion of a lot covered by buildings(s) and/or structure(s)

Lot Depth. The distance measured along the perpendicular bisector of the smallest possible rectangle enclosing the lot. See Figure 2-C.

Lot of Record. A lot, plot, parcel, or tract recorded in the Office of the Register of Deeds in conformance with the ordinance(s) in effect at the time of recordation.

Lot Width. The mean width measured at right angles to its depth at the building line. See Figure 2-C.

Through Lot. A lot abutting two (2) streets that do not intersect at the corner of the lot.

Manufactured, Mobile and Modular Homes:

Manufactured Dwelling Park. A group development site with required improvements and utilities for the long-term location of manufactured dwellings which may include services and facilities for the residents.

Manufactured Dwelling Space. A designated area of land within a manufactured dwelling park designed for the accommodation of a single manufactured dwelling home in accordance with the requirements of this Ordinance.

Manufactured Home. A factory-built structure that is manufactured or constructed under the authority of 42 United States Code Section 5401, the National Manufactured Home Construction and Safety Standards Act, and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheel or axles.

A mobile home is not a manufactured home. A recreational vehicle or travel trailer is not a manufactured home.

Manufactured Home Development. A general category of development that includes manufactured home subdivisions and manufactured home parks.

Manufactured Home Park: A parcel of land under single ownership on which two or more manufactured homes are located. Also referred to as land-lease or rental communities.

Manufactured Home Subdivision: A subdivision designed and/or intended for the sale of lots for siting manufactured homes. Manufactured Home Subdivisions shall conform to the same land development and site improvement standards that apply to conventional subdivisions.

Mobile Home. A transportable, factory-built home designed to be used as a year-round residential dwelling and built prior to enactment of the National Manufactured Home Construction and Safety Standards Act, which became effective June 15, 1976. A mobile home does not meet the criteria for a manufactured home. A recreational vehicle or travel trailer is not a mobile home.

Modular Home. A factory-built home certified as meeting the North Carolina Building Codes and associated codes as applicable to modular housing. Once certified by the State, modular homes shall be subject to the same standards as a site-built home.

Motor Vehicle, Junked. A motor vehicle that does not display a current license plate and is one or more of the following: 1) is partially dismantled or wrecked; or 2) cannot be self-propelled or moved in the manner in which it originally was intended to move; or 3) more than five (5) years old and appears to be worth less than 48

one hundred dollars (\$100.00); provided that any motor vehicle used on a regular basis for business or personal use shall not be caused to be removed or disposed.

Nonconformity:

Non-conforming. A lot, structure, sign, or use of land, which is now prohibited under the terms of this Ordinance, but was lawful at the date of this Ordinance's enactment, or any amendment or revision thereto.

Nonconforming Lots(s). A Lot of Record that does not conform to the dimensional requirements of the zoning district in which it is located. The nonconformity may result from adoption of this ordinance or any subsequent amendment.

Nonconforming Structure(s). A structure that does not conform to the requirements of this Ordinance. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

Owner. Any holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not.

Planning Department. The Planning Department of Vance County.

Plats:

Plat. A surveyed map or plan of a parcel of land which is to be, or has been subdivided.

Final Plat. The final map of all or a portion of a subdivision or site, showing the boundaries and location of lots, streets, easements and any other requirements of Appendix 2 (Map Standards), which is presented for local government approval and subsequent recordation in the Vance County Register of Deeds Office.

Preliminary Plat. A map indicating the proposed layout of the subdivision or site showing lots, streets, water, sewer, storm drainage, and any other requirements of Appendix 2 (Map Standards), which is presented for preliminary approval.

Plan, Sketch. A rough sketch map of a proposed subdivision or site, showing streets, lots, and any other information required in Appendix 2 (Map Standards) of sufficient accuracy to be used for discussion of the street system and the proposed development pattern.

Private Sewer. A system which provides for collection and/or treatment of wastewater from a development, or property, and which is not maintained with public funds.

Private Water. A system which provides for the supply and/or distribution of potable water for use by a development, project, or owner, and which is not operated or maintained by a government organization or utility district.

Public Sewer. A system which provides for the collection and treatment of sanitary sewage from more than one property and is owned and operated by a government organization or sanitary district.

Public Water. A system which provides distribution of potable water for more than one property and is owned and operated by a government organization or utility district.

Recreational Vehicle:

Recreational Vehicle. A vehicle which is built on a single chassis, designed to be self-propelled or permanently towable by a light duty vehicle, and designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

Recreational Vehicle Park. Any site or tract of land, of contiguous ownership, upon which fifteen (15) or more recreational vehicles or tent spaces are provided for occupancy according to the requirements

Recreational Vehicle Space. A plot of land within a recreational vehicle park designed for the accommodation of one recreational vehicle in accordance with the requirements set forth in this ordinance.

Reservation. An obligation shown on a plat or site plan to keep property free from development and available for public acquisition for a stated period of time. It is not a dedication or conveyance.

Setbacks:

Interior Setback. A setback from any property line not alongside a street.

Rear Setback. A setback from an interior property line lying on the opposite side of the lot from the front street setback.

Setback. The minimum required horizontal distance between a structure or activity and the property line, street right-of-way line, or street centerline.

Side Setback, Any interior property line setback other than a rear setback.

Street Setback. Any setback from a street, road, or lane.

Site Plan:

Final Site Plan.

Preliminary Site Plan.

Sketch Site Plan. A plan of land development submitted to the appropriate approval authority

Slope. An inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance, commonly expressed as "two to one", (2:1).

Soil Scientist. The Soil Scientist of Vance County or his designated agents(s).

Solid Waste. Garbage, refuse and other discarded solid materials.

Streets:

Alley. A roadway which affords only a secondary means of access to abutting property.

Collector Street Plan. A plan, adopted by the Governing Body, for streets not shown on the Thoroughfare Plan, showing collector and, if appropriate, lower classification streets in the planning area.

Collector Street (3). A street whose principal function is to carry traffic between cul-de-sac, local, and subcollector streets, and streets of higher classification, but which may also provide direct access to abutting properties.

Cul-de-sac street (6) A short local street having one end open to traffic and the other end permanently terminated by a vehicular turnaround.

Local Street (5). A street whose primary function is to provide access to abutting properties.

Major Thoroughfare Street (1). Major thoroughfares consist of interstate, other freeway, expressway, or parkway links, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.

Minor Thoroughfare Street (2). Minor thoroughfares collect traffic from collector, subcollector, and local streets and carrying it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating movement of moderate volumes of traffic within and through urban areas and may also serve abutting property.

Private Drive (9). A vehicular travelway not dedicated or offered for dedication as a public street, but resembling a cul-de-sac or a local street by carrying traffic from a series of driveways to the public street system.

Private Lane (8). A private cul-de-sac for vehicular traffic serving four (4) or fewer residential lots in a minor subdivision and maintained pursuant to NCGS 136-102.6.

Private Street (7). A vehicular travelway not dedicated or offered for dedication as a public street, but resembling a cul-de-sac or a local street by carrying traffic from a series of driveways to the public street system.

Public Street. A dedicated public right-of-way for vehicular traffic which 1) has been accepted by NCDOT for maintenance; or 2) is not yet accepted, but in which the roadway design and construction have been approved under public standards for vehicular traffic. Alleys are specifically excluded.

Street Right-of-Way. A strip of land occupied or intended to be occupied by a travelway for vehicles and also available, with the consent of the appropriate governmental agency, for installation and maintenance of sidewalks, traffic control devices, traffic signs, street name signs, historical marker signs, water lines, sanitary sewer lines, storm sewer lines, gas lines, power lines, and communication lines.

Subcollector Street. (4) A street whose principal function is to provide access to abutting properties, but which is also designed to be used or is used to connect local streets with collector or higher classification streets.

Thoroughfare Plan. A plan adopted by the Governing Body for the development of existing and proposed major streets that will adequately serve the future travel needs of an area in an efficient and cost effective manner.

Subdivision:

Subdivider. Any person who subdivides land.

Subdivision. All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future), and includes all division of land involving the dedication of a new street or a change in existing streets; however, the following are not included within this definition and are not subject to any subdivision approval regulations in this Ordinance:

- 1) The combination or recombination of a portion of previously subdivided and recorded lots if the total number of lots is not increased, and the resultant lots are equal to or exceed the standards of this Ordinance;
- 2) The division of land into parcels greater than ten (10) acres if not street right-of-way dedication is involved;
- 3) The public acquisition by purchase of strips of land for the widening or opening of streets; and
- 4) The division of a tract in single ownership, the entire area of which is not greater than two (2) acres into not more than three (3) lots, if no street right-of-way dedication is involved, and if the resultant lots are equal to or exceed the standards of this Ordinance.

Subdivision, Major. A subdivision involving more than four (4) lots, or requiring a new public street(s) for access to interior property, or requiring extension of public sewer or water line, or requiring a waiver or variance from any requirement of this Ordinance.

Subdivision, Minor (Private). A subdivision involving not more than four lots, all or some of which may have access on a private lane, and not requiring a waiver or variance from any requirement of this Ordinance.

Subdivision, Minor (Public). A subdivision involving not more than four (4) lots fronting on an existing approved public street(s), not requiring any new public street(s) for access to interior property, not requiring extension of public sewer or water line and not requiring a waiver or variance from any requirement of this Ordinance.

Swimming Pool. A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18) inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty (30) inches designed, used, and maintained for swimming and bathing.

Tenant. Any person who alone, or jointly, or severally with others, or occupies a building under a lease or holds a legal tenancy.

Tract. All contiguous land and bodies of water in one ownership, or contiguous land and bodies of water in diverse ownership, being developed as a unit, although not necessarily all at one time.

Use:

Use. The purpose or activity for which land or structures is designed, arranged or intended, or for which land or structures are occupied or maintained.

Accessory Use(s). A structure or use that: 1) is clearly incidental to and customarily found in connection with a principal building or use; 2) is subordinate to and serves a principal building or a principal use; 3) is subordinate in area, extent, or purpose to the principal building or principal use served; 4) contributes to the comfort, convenience, or necessity of occupants, business, or industry, in the principal building or principal use served; and 5) is located on the same zone lot as the principal building or use served.

Principal Use(s). The primary purpose or function that a lot or structure serves or is proposed to serve.

Variance. Official permission from the Board of Adjustment to depart from the requirements of this Ordinance.

Waiver. Official permission from any designated body, other than the Board of Adjustment, to depart from the requirements of this Ordinance.

SITE SPECIFIC DEVELOPMENT PLAN. A plan of land development submitted to the appropriate approval authority for the purpose of obtaining one of the following zoning or land use permits or approvals pursuant to NCGS 154A-334.1:

- 1) a Special Use Permit;
- 2) a conditional use zoning sketch or site plan;
- 3) a Planned Development - Residential or Planned Development - Mixed unified development plan;
- 4) a preliminary plat for a major subdivision;
- 5) a major site plan prepared in accordance with Section 3-11 (Site Plan and Plot Plan Procedures), but not including a master of common sign plan, a watershed control plan, or a landscaping plan;
- 6) a preliminary plat for a minor subdivision;
- 7) a plot plan;
- 8) a minor site plan in accordance with Section 3-11 (Site Plan and Plot Plan Procedures);
- 9) a master or common sign plan prepared in accordance with Section 6-1.8 (Master or Common Site Plan);
- 10) a watershed control plan prepared in accordance with Section 7-2.2 (Watershed Control Plan); or
- 11) a landscaping plan prepared in accordance with Appendix 2 (Map Standards).

FLAG LOT. A lot, created by a subdivision, with less street frontage than is required by Article IV (Zoning), and composed of a narrow "flagpole" strip extending from the street and a much wider "flag" section lying immediately behind a lot or lots having the required street frontage for a conventional lot. In the case of a flag lot, the lot line at the end of the flag pole lying generally parallel to the street to which the flagpole connects shall be considered to be the front lot line for setback purposes.

REVERSE FRONTAGE LOT. A through lot which is not accessible from one of the parallel or non-intersecting streets upon which it fronts.

ZERO SIDE SETBACK. An alternate form of dimensional requirements that allows a dwelling unit to have one (1) side setback of zero (0) from a side property line. This definition does not include townhouses.

ARTICLE TWO – GENERAL PROVISIONS

2.1 Compliance

No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations. (Also, see Section 2.12) (Adopted 9-14-1998)

2.2 Abrogation and greater restrictions.

(A) This adoption and implementation of this ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, deed restrictions or other Vance County Ordinances. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(B) The following may impose additional regulations for land uses and structures located in Vance County and are hereby adopted and incorporated into this ordinance by reference as though it was copied herein fully. However, where this ordinance and another regulation conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

1. The North Carolina State Building Code, as adopted by the Building Code Council and enforced by State and local code enforcement officials, And including all volumes.
2. The National Manufactured Home Construction and Safety Standards.
3. The National Flood Insurance Flood Damage Prevention Ordinance.
4. The Vance County Watershed Protection Ordinance.

(C) The following agencies may impose additional regulations for land uses and Structures located in Vance County and are hereby referenced. However, where this ordinance and another regulation conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

1. The North Carolina Department of Transportation.
2. The North Carolina Department of Human Resources, Environmental Health Division and the Vance County Department of Public and Environmental Health.
3. The city of Henderson, for connections to public water and sewer supplies.
4. North Carolina Division of Water Quality – Sedimentation Control.

(Adopted 9-14-1998)

2.3 Establishment of development permit.

(A) A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

(B) A permit shall be construed as permission to proceed with work and not as authority to violate, cancel, alter, or set aside any of the provisions of this ordinance or any regulations included by reference. Issuance of a permit shall not prevent the Planning Department or Inspection Department from thereafter requiring correction of errors in plans, construction or violations of this ordinance.

(Adopted 9-14-1998) (Penalty, see § 2.8)

2.4 Fees

The Governing Body shall establish a Schedule of Fees, charges and expenses, and a collection procedure, for permits, plans review, inspections, variances, appeals and other matters pertaining to this Ordinance. No permit certificate, variance, etc. shall be issued unless or until such costs, charges, fees, or expenses as established, have been paid in full, nor shall any action be taken on proceedings before the administrative board authorized by this Ordinance unless until charges and fees have been paid in full. A fee schedule shall be adopted at the time of the adoption of this Ordinance and shall thereafter be reviewed on an annual basis.

(Adopted 9-14-1998)

2.5 Other approval required.

(A) The granting of a permit under the provisions of this Ordinance shall in no way affect any other type of approval required by any other statute or ordinance of the State or any political subdivision of the State, or of the United States, but shall be construed as an added requirement.

(B) No permit for the construction of any structure to be located shall be granted unless the applicant has first obtained the permit required by this Ordinance.

(Adopted 9-14-1998)

2.6 Interpretation.

In the interpretation and application of this ordinance all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and, (3) deemed neither to limit nor repeal any other powers granted under state statutes.

(Adopted 9-14-1998)

2.7 Warning and disclaimer of liability.

(A) The degree of regulation required by this ordinance considered reasonable for regulatory purposes and is based on many considerations.

(B) This ordinance shall not create liability on the part of Vance County or by any officer or employee thereof for any damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(Adopted 9-14-1998)

2.8 Penalties for violation.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Vance County from taking such other lawful action as is necessary to prevent or remedy any violation.

(Adopted 9-14-1998)

2.9 Lot requirements.

No building or land shall hereafter be used and no building or part thereof shall be erected except in conformity with the regulations herein.

- (A) Every residential building hereafter erected, moved or structurally altered shall be located on a lot. In no case, shall there be more than one principle building and its customary accessory building(s) on any lot, except where a regulating district has been adopted which permits otherwise.
- (B) No lot shall be reduced in size such that compliance with respect to any development, health or safety requirements cannot be met. Examples of such requirement are but not limited to: frontage, building coverage, area, built-upon area, width, setback, parking, landscape, distance between well and septic tank, replacement drainage fields, or signage. Nor shall any nonconformity or violation be increased.
- (C) Where two or more contiguous lots in one ownership form a buildable lot, that buildable lot shall not be reduced in size such that compliance with respect to any development, health or safety requirements cannot be met. Examples of such requirement are; but not limited to: frontage, building coverage, area, built-upon area, width, setback, parking, landscape, distance between well and septic tank, replacement drainage fields, or signage. Nor shall any nonconformity or violation be increased.
- (D) Exemption to b) and c) of this subsection. These prohibitions shall not apply if the lot size is reduced as a direct result of an acquisition or condemnation proceeding by the county, the city or the state.
- (E) Where two or more contiguous lots in one ownership form a buildable lot, the lots shall be combined or recombined into one lot prior to the issuance of any permits.
- (F) Nothing on this ordinance shall be deemed to require any change in the plans, construction or designated use of a building or structure where a building permit was secured prior to the adoption of this ordinance, so long as said building permit remains valid.
- (G) Every lot created shall have permanent direct access to a public road. No lot shall be created that is landlocked or that does not have permanent ingress or egress to the property.

- (H) Every lot created shall have an assured water supply or and shall either have access to a public sewer or shall have the ability to sustain a septic tank system including its drainage fields and replacement drainage fields.
- (I) Every lot created shall be capable of meeting the standards of this ordinance. Every lot created shall be usable by virtue of size, soil type, topography, access to roads, water and sewage disposal.

(Adopted 9-14-1998)

2.10 Parking of Recreational Vehicles or Travel Trailers

For the purposes of this ordinance, a recreational vehicle, also known as travel trailers, shall not be deemed a dwelling unit. The usage of a recreational vehicle for living, sleeping or housekeeping purposes and the connection of such vehicle to utility services (other than for periodic maintenance or repair purposes) shall be prohibited, unless the vehicle is located in a camping and recreational vehicle park, so designed to accommodate recreation vehicles.

(Adopted 9-14-1998)

2.11 Zoned Areas

In areas of the County where a Zoning Ordinance is in effect, residential development shall be permitted only in conformance with the regulations of the zoned district in which they are located.

(Adopted 9-14-1998)

2.12 Existing Mobile Home Parks Or Existing Manufactured Home Parks

- (A) Mobile Home Parks existing at the time of the adoption of the ordinance (Ordinance 3, adopted November 6, 1972) will be allowed to be continued.
- (B) Mobile Home Parks and Manufactured Home Parks constructed in compliance with the ordinance after the adoption of this ordinance (November 6, 1972), but prior to amendments shall be allowed to continue.
- (C) Mobile Home Parks and Manufactured Home Parks constructed in compliance with the ordinance (November 6, 1972), but prior to amendments that were not compliance with the original ordinance shall not be relieved of any responsibility for the adherence to the original ordinance. The provision for the continuance of parks constructed prior to November 6, 1972 or between November 2, 1972 and the adoption of the amendments to this Ordinance shall not be interpreted as permission to continue or initiate any unsafe or unhealthy practices, nor shall it be interpreted to relieve the owner of any responsibility to comply with other existing ordinances or regulations of any regulatory authority. Any legal action pending as a result of non-compliance with the original ordinance shall not be interpreted to be affected by the adoption of amendments to this Ordinance.
- (D) Mobile Home Parks or Manufactured Home Parks existing at the time of the adoption of this Ordinance and any amendments thereof, shall not be allowed to expand or increase in any manner unless such expansion meets fully the requirements set forth in this Ordinance and any amendments thereof.

(Adopted 9-14-1998)

2.13 Variances

Where strict adherence to the provisions of this Ordinance would cause an unnecessary hardship of topographical or other conditions peculiar to the site, the Vance County Board of Adjustments may approve a variance, if such variance can be made without destroying the intent of the ordinance. Any request for a variance shall be reviewed and decided upon in accordance with the provisions of Article 7.4 of this Ordinance.

(Adopted 9-14-1998)

2.14 Severability

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, the declaration shall not affect the validity of this Ordinance as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

2.15 Effective Date

This Ordinance shall take effect and be in force on September 14, 1998.

ARTICLE THREE – HOUSING STANDARDS

3.1 Housing Codes And Regulations

All residential housing to be placed or constructed in Vance County shall conform to the appropriate standards for the type of housing

(A) Site-Built or Modular Housing

1. All site-built or modular housing or any part thereof shall be constructed, altered, expanded, extended, converted, or structurally altered in conformity with the most current North Carolina State Building Code, as adopted by the Building Code Council and enforced by State and local code enforcement officials, and including all appropriate volumes.

(B) Manufactured Homes

2. All manufactured homes shall be manufactured or constructed in conformity with the National Manufactured Home Construction and Safety Standards, with the authority of 42 United States Code Section 5401, the most current version.

All manufactured homes shall be manufactured or constructed in conformity with:

- (A) The authority of 42 United States Code Section 5401, the National Manufactured Home Construction and Safety Standards, the most current version; and
- (B) The most current State of North Carolina Regulations for Manufactured/Mobile Homes; and
- (C) This ordinance.

Any manufactured home that is to be altered (other than cosmetically), expanded, extended, converted, or structurally altered, said construction shall conform with the most current state of North Carolina Regulations for Manufactured/Mobile Homes, except where the wording for inspection by local officials reads “may be inspected,” it shall read “shall be inspected;” and in conformity with the most current North Carolina State Building Code, as adopted by the Building Code Council and enforced by State and local code enforcement officials, and including all appropriate volumes. Such alteration, expansion, extension, or conversions shall only occur with permit obtained from the local building official.
(Adopted 9-14-1998)

3.2 Minimum Housing Standards (Reserved)

3.3 Rehabilitation Standards (Reserved)

ARTICLE FOUR – HOUSING CLASSIFICATIONS

4.1 Class A Multi-Sectional Manufactured Homes

Class A-1. A multi-sectional manufactured home which has not been placed on a permanent or temporary site and/or not been used for human habitation previously; and that satisfies the criteria in Section 4.6.

Class A-2. A multi-sectional manufactured home which has been placed on a permanent or temporary site and/or has been used for human habitation previously, that satisfies the criteria in Section 4.6, and that is found upon inspection to be in excellent or good condition and safe and fit for residential occupancy.

Class A-3. A multi-sectional manufactured home which has or has not been placed on a permanent or temporary foundation and/or has or has not been used for human habitation previously, that is found upon inspection to be in excellent or good condition and safe and fit for residential occupancy, and that does not satisfies the criteria in Section 4.6;

Class A-4. A multi-sectional manufactured home which has or has not been placed on a permanent or temporary site and/or has or has not been used for human habitation previously, and that is found upon inspection to be in poor condition and is unsafe and/or unfit for residential occupancy.
(Adopted 9-14-1998)

4.2 Class B Single-Sectional Manufactured Homes

Class B-1. A single-sectional manufactured home which has not been placed on a permanent or temporary site and/or not been used for human habitation previously; and that satisfies the criteria in Section 4.6:

Class B-2. A single-section manufactured home which has been placed on a permanent or temporary site and/or has been used for human habitation previously, that satisfies the criteria in Section 4.6, and that is found upon inspection to be in excellent or good condition and safe and fit for residential occupancy.

Class B-3. A single-section manufactured home, which has not been placed on a permanent or temporary foundation and/or has or has not been used for human habitation previously, that is found upon inspection to be in excellent or good condition and safe and fit for residential occupancy, and that does not satisfy the criteria in Section 4.6.

Class B-4. A multi-sectional manufactured home, which has or has not been placed on a permanent or temporary site and/or has or has not been used for human habitation previously, and that is found upon inspection to be in poor condition and is unsafe and/or unfit for residential occupancy.
(Adopted 9-14-1998)

4.3 Class C Multi-Sectional Or Single-Section Mobile Homes *

Class C-1. A multi-sectional or single section mobile home_which has been placed on a permanent or temporary site and/or has been used for human habitation previously, that satisfies the criteria in Section 4.6, and that is found upon inspection to be in excellent or good condition and safe and fit for residential occupancy. (See definitions for mobile homes)

Class C-2. A multi-sectional or single section mobile home, which has been placed on a permanent or temporary site and/or has been used for human habitation previously, and that is found upon inspection to be in poor condition and is unsafe and/or unfit for residential occupancy.

See definitions for mobile home – pre-HUD (1976) mobile housing units
(Adopted 9-14-1998)

4.4 Class D Modular Housing

Class D-1. A factory-built home certified as meeting the North Carolina Building Codes and associated codes as applicable to modular housing home which has not been placed on a permanent or temporary site and/or not been used for human habitation previously.

Class D-2. A factory-built home certified as meeting the North Carolina Building Codes and associated codes as applicable to modular housing home which has been placed on a permanent or temporary site and/or has been used for human habitation previously and that is found upon inspection to be in excellent or good condition and safe and fit for residential occupancy.
(Adopted 9-14-1998)

4.5 Class E Site-Built Housing

Class E-1. A site-built home constructed in conformity with the most current North Carolina State Building Code, as adopted by the Building Code Council and enforced by state and local code enforcement officials, and including all appropriate volumes, which has not been placed on a permanent or temporary site and/or not been used for human habitation previously.

Class E-2. A site-built home constructed in conformity with the most current North Carolina State Building Code, as adopted by the Building Code Council and enforced by state and local code enforcement officials, and including all appropriate volumes, which has been placed on a permanent or temporary site and/or has been used for human habitation previously and that is found upon inspection to be in excellent or good condition and safe and fit for residential occupancy.

(Adopted 9-14-1998)

4.6 Compatibility Criteria for Manufactured Housing (reserved for future use)

4.7 Requirements for placement of a manufactured home within a manufactured home park.

- (A) The unit is occupied only as a single family dwelling.
- (B) The unit is set up in accordance with the standards established by the North Carolina Department of Insurance.
- (C) The unit must have a continuous and complete perimeter foundation skirting for the main body. The purpose of this requirement is:
 - 1. To prevent the accumulation of combustible materials, debris or garbage under the unit,
 - 2. To prevent infestation of the area and damage to housing components by wildlife.
 - 3. To prevent accidental exposure to housing systems.

Examples of unacceptable skirting materials include any material of a combustible nature, materials unacceptable for exterior construction, or any wood products not treated for moisture resistance, and include, but are not limited to: plywood, cardboard, untreated wood materials, corrugated sheet metal,. Corrugated sheet plastic, slatted fencing or wire mesh.

- (D) Stairs, porches, ramps and other means of entrance or exit are installed or Constructed in accordance with the standards set by the North Carolina State Building Code, attached firmly to the primary structure, provided with appropriate lateral bracing, is structurally independent and anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of twenty-four (24) square feet. The use of wooden stairs only is prohibited at any entrance.
- (E) All new or used manufactured homes must have required smoke detectors intact And in good operating order.

(Adopted 9-14-1998)

4.8 Permitted Uses By Housing Type

- (A) A manufactured home park is permitted in the following types of developments:

- 1. A-1;
- 2. A-2;
- 3. A-3;
- 4. B-1;
- 5. B-2; and
- 6. B-3.

- (B) A manufactured home park is not permitted in the following types of developments:

1. A-4;
2. B-4;
3. C-1;
4. C-2;
5. Recreational vehicle;
6. D-2; and
7. E-2.

(C) A manufactured home park may be permitted if the owner/manager is in residence in the following types of developments. This requires development plan approval:

1. D-1; and
2. E-1.

(Adopted 9-14-1998)

ARTICLE FIVE – PROCEDURE FOR SECURING APPROVAL

5.1 Approval Required.

No manufactured home park within the jurisdiction of the county shall be established, altered or expanded until a development plan has been approved and all necessary permits obtained.

(Adopted 9-14-1998)

5.2 Development Plan Submittal Requirements.

(A) *General.* The Board of County Commissioners and the County Planning Board have the right and responsibility to review and require revisions to any proposed development plan. The purpose of this review is to relieve demonstrable adverse impacts of the development upon public safety, health, or welfare; to determine that adequate and sustainable utilities and services are available for the development; protect public investments in roads, drainage facilities, sewage facilities, public water supplies; to conserve the value of buildings; and to assure that the regulations of the county are upheld.

(B) *Development plan required.* Prior to the commencement of any construction, including clearing and grading, of a new manufactured home park or the expansion of an existing mobile home park or manufactured home park, a development plan shall be prepared in accordance with the requirements of this chapter, reviewed and approved. No permits of any kind shall be issued on a lot until a development plan is approved.

(C) *Two-step plan submittal, review and approval process, or optional 3-step process.*

1. *General process.* The submittal, review and approval process shall include:

- (a) A conceptual development plan will be prepared and submitted for public comment. This step is optional; however, a conceptual plan shall be prepared if the developer chooses to exercise this option;

(b) A preliminary development plan will be prepared, submitted, reviewed by a Technical Review Committee, reviewed by the Planning Board, commented on by the public, and will receive preliminary approval/denial by the Planning Board; and

(c) A final development plan with all certifications and approvals will be submitted, reviewed by the Planning Director and, when complete, will be forwarded to the Board of Commissioners for final action.

2. *Conceptual development plan (optional).*

(a) Prior to the preparation, review and approval of a development plan, a conceptual plan may be submitted. The purpose of this submittal is to obtain comments from the Planning Board and the public, particularly neighboring properties, regarding the development of a proposed manufactured home park. This step is optional; however, a conceptual plan shall be prepared if the developer chooses to exercise this option. A pre-application conference is recommended for developers prior to beginning a project. Various departments have information, requirements and insight necessary to a successful project.

(b) The conceptual plan shall be of sufficient detail to enable the public to determine the basic design of the park. It shall include:

1. A boundary of the property to be developed;
2. Location of proposed entrances and street locations;
3. Proposed number and size of lots;
4. Total acreage in the park;
5. Location of any proposed common areas or structures;
6. Location of any natural or manmade bodies of water;
7. Tax map, block and parcel number; and
8. Vicinity map showing the location of the development in relationship to major highways and state route (S.R.) roads.

3. *Preliminary development plan.*

(a) The developer shall prepare a preliminary development plan in accordance with this chapter and submit 14 copies. Plans may be submitted in a digital form with the permission of the Planning Director. The proposed development plan shall be prepared by a registered land surveyor or other qualified design professional. Plans shall contain all required information. Any plan that is incomplete, as determined by the Planning Department, shall not be forwarded for review by the Technical Review Committee and shall be returned to the owner for necessary revisions. The development plan must be received at least 10 days prior to the next regularly scheduled meeting of the County Technical Review Committee. All fees shall be due and payable when the development plan is submitted according to the schedule of fees.

(b) The development plan submitted shall be drawn at a scale of 50 feet to 1 inch or larger, and shall be 24 inches by 36 inches in dimension (development may require more than 1 sheet).

(c) The following items shall be required for a complete submittal:

1. The name of the proposed development, the names and address of the owner or owners, and the engineer or surveyor, with registration number;
2. Date of preparation and subsequent revisions, scale (drawn and written), and accurate north arrow;
3. Boundaries of the tract shown with all bearings, distances and including curve data, if applicable. Ties to State Coordinate System shall be shown;
4. A legal description of the property, including ties to the State Coordinate System, and the calculated area of the site in square feet and/or acres;
5. Tax map, block and parcel number;
6. The location of all state boundaries, county boundaries, municipal boundaries and any extra-territorial jurisdictional (ETJ) boundaries within 200 feet of the proposed development site shall be shown on the development plan;
7. Development plan showing existing and proposed (public or private) streets shown with names and street numbers, driveways, recreation areas, parking spaces or areas (including location and dimension), service buildings, water courses, rock outcroppings, easements, mobile home spaces location, dimension and area), and structures (location and dimension);
8. Location of existing shrubs, and trees, generally; and proposed landscape areas or stormwater retention areas (may be shown on a separate plan);
9. Location of all existing fire hydrants within 300 feet of property and all public water or sewer lines within 300 feet of the property;
10. Vicinity map showing the location of the development in relationship to major highways and state route (S.R.) roads;
11. Names of adjoining property owners and present use of the adjoining property;
12. Name, address and telephone number of the utility companies serving the project;
13. Any existing or proposed utility system for gas, surface water drainage, street lights, electrical power, cable, telephone, water supply, fire hydrants, solid waste disposal and sewage disposal facilities;
14. The location, system design, distribution lines and capacity of water system;
15. The location, system design, distribution lines and capacity of sewage disposal system. If septic tanks are to be used, a septic tank permit application may be submitted for each lot.

Submittal of permit applications early in the project will help to avoid delays in site evaluations;

16. Proposed method of solid waste storage, collection and disposal plans. Designation of refuse collection area(s) with dimensions;
17. Proposed finished elevations for paved areas and retention areas with arrows indicating direction of surface flow;
18. Location of light poles;
19. Location, height and type of material for fences, walls and the like;
20. Location and specifications for mail delivery;
21. The maximum width and length of manufactured home which can be accommodated on each individual lot. Show all required setback lines;
22. The location, dimension, composition and numbering system for each manufactured home lot marker;
23. The location, dimension, lighting and composition of a sign identifying the name of the manufactured home park and the address of the park;
24. Land contours with vertical intervals of not less than 2 feet for all manufactured home parks. Location of any floodplain or watershed boundaries within 100 feet; and
25. A preliminary soils report prepared by a registered soil scientist. It is recommended that flagging done by the soil scientist should be left in place until site evaluation is completed by the Public Health Department.

5. *Final development plan.* The developer shall submit a final development plan which shall include all items in division (C)(3)(c) of this section. It shall also include approval of the solid waste system, water system and wastewater system. It shall include all revisions or additions required during the preliminary development plan approval.

(Adopted 9-14-1998)

5.3 Review of Development Plan.

(A) *Conceptual development plan.* The conceptual plan will be reviewed by the Planning Director to determine that required items identified in § 5.2 (C)(2) are included on the plan. The Planning Director will forward the conceptual plan to the Planning Board. The Planning Board and the public will have the opportunity to review the conceptual development plan and make comments at a public meeting.

(B) *Preliminary development plan.*

1. The Planning Department shall circulate copies of the proposed development to the Technical Review Committee at least 7 days prior to the next scheduled meeting of the Technical Review Committee. The developer shall be notified of the date, time and place of the meeting of the Technical Review Committee at which the proposed development will be reviewed. The developer is encouraged to attend the meeting.

The Planning Department shall also circulate copies of the proposed development plan to the following offices for review and comment, as appropriate: the public school system; the United States Postal Service; appropriate utilities; the North Carolina Department of Transportation; and other local, state or federal agencies as appropriate.

2. Each individual shall be responsible for the review of those items of the development plan which pertain to his or her area of expertise. Comments shall be placed in writing and submitted to the Chairperson at the meeting.
3. A “memorandum of understanding” shall be formulated based on the findings of the group. All deficiencies noted shall be included in the memorandum of understanding. The memorandum of understanding shall be forwarded to the developer, a copy sent to each committee member and a copy placed in the development file. All deficiencies shall be resolved prior to the formulation of a recommendation to the Planning Board. Corrections of minor deficiencies may be administered by the Planning Director. Major deficiencies shall require subsequent review by the Technical Review Committee. The Technical Review Committee shall review the proposed development plan to determine if the proposed development plan is in accordance with the requirements set forth in this chapter. The County Health Department shall review the proposed development plan to determine if the plan is in accordance with the minimum health standards and regulations, including a determination that each well is located so as to provide a minimum pollution-free radius of 100 feet.
4. Each agency shall review the plan within a reasonable time. The Technical Review Committee shall formulate and forward a recommendation to the Planning Board for approval or denial based on its findings, once all deficiencies in the plan have been corrected.
5. The Planning Director will forward the development plan to the Planning Board with the recommendation of the Technical Review Committee.

It shall be scheduled, subject to filing deadlines, to be reviewed at the next regular meeting of the Planning Board.

6. The Planning Board shall review the development plan and review the recommendations of the Technical Review Committee. The Planning Board shall hear comments from the public. It shall give preliminary approval, preliminary conditional approval or shall deny the request for approval. The Planning Board may impose additional conditions as it deems necessary for preliminary approval. The Planning Board shall specify its reasons for its action. Action on a proposed plan may not be tabled for more than 2 regular meetings without the owner’s specific written request. It is recommended that the park developer, or his or her agent, be present to answer questions concerning the proposed development plan.

(C) *Final development plan review.* The Planning Director will review the final plan submittal to determine that all necessary revisions and additions required during the preliminary development plan process have been made, that all required approvals and certifications have

been executed and all required fees have been paid. The plan, when complete, shall be forwarded to the Board of County Commissioners for final action.
(Adopted 9-14-1998)

5.4 Notification of Review/Action by Planning Board.

(A) Conceptual development plan.

1. A notice of a conceptual plan review will be published in a newspaper of general circulation.

The notice shall include the time, date and place of the meeting and invite the public to add its comments to the proposed manufactured home park. A description of the location of the proposed development and a vicinity map may be included to clarify the location of the proposed development.

2. A similar notice shall be mailed, at least 7 days prior to the Planning Board meeting, to each property owner wholly or partially within 1,000 feet of the property being developed.

For the purpose of giving mailed notice, the owner of property being developed shall be responsible for providing the name and address of each property owner within 1,000 feet, as obtained from the County Tax Collector, within 15 days of submittal.

3. The developer shall be notified of the date, time and place of the meeting of the Planning Board at which the proposed development will be reviewed. The developer is encouraged to attend the meeting.

(B) Preliminary development plan.

1. A public hearing notice of preliminary development plan review and action by the Planning Board will be published in a newspaper of general circulation. This publication will state the time, date and place of the meeting and invite the public to add its comments at a public hearing on the proposed development. A description of the location of the proposed development and a vicinity map may be included to clarify the location of the proposed development. A legal description of the property shall be included.

2. A similar notice shall be mailed, at least 7 days prior to the Planning Board meeting, to each property owner wholly or partially within 1,000 feet of the property being developed. For the purpose of giving mailed notice, it shall be the responsibility of the developer to obtain a list of the names and addresses of each property owner within 1,000 feet, as obtained from the County Tax Collector, within 15 days of submittal and provide this list to the Planning Department on forms provided. A developer shall not develop a portion of a property more than 1,000 from any property line for the express purpose of circumventing notification of adjoining property owners.

3. The developer shall be notified of the date, time and place of the meeting of the Planning Board at which the proposed development will be reviewed and a decision made. The developer is encouraged to attend the meeting.

(Adopted 9-14-1998)

5.5 Development Plan Approval.

(A) Approval of preliminary plan.

1. *Review, action.*

- (a) The Planning Board shall review the development plan and review the recommendations of the Technical Review Committee.
- (b) The Planning Board shall hear comments from the public.
- (c) It shall give preliminary approval; preliminary conditional approval; or shall deny the request for approval.
- (d) The Planning Board may impose additional conditions as it deems necessary for preliminary approval. The Planning Board shall specify its reasons for its action. Action on a proposed plan may not be tabled for more than 2 regular meetings without the owner's specific written request. It is recommended that the park developer, or his or her agent, be present to answer questions concerning the proposed development plan.

2. *Preliminary approval.* After the Planning Board has given preliminary approval to the proposed development plan, the developer shall proceed to prepare a final development plan. The developer shall make any required revisions or additions and shall obtain final approvals or certification for the solid waste, water and wastewater systems. The final development plan shall be submitted to the Director of Planning.
3. *Conditional approval.* If the development plan is granted conditional approval by the Planning Board, the applicant shall revise and resubmit the plan. The Planning Department shall review the revised plan and, if it meets all the approval conditions and is otherwise substantially unaltered, shall signify on the plan the change from conditional approval to approval. If the development plan is not revised within 60 days to meet the approval conditions, or the applicant notifies the Planning Department that he or she is unwilling to revise the development plan, it shall be deemed denied.
4. *Denied development plan.* If a development plan is denied, the same or similar development plan shall not be submitted for a period of 12 months. The Planning Director shall determine whether a development plan has changed enough to warrant reconsideration. If the Planning Board should disapprove the proposed development plan, the reasons for the action shall be given to the park developer or his or her agent.

5. *Expiration of preliminary development plan approval.* If the final development plan, with required revisions, additions and with the required approvals, is not submitted for approval within 180 days of the preliminary development plan approval, that approval shall expire, and a new development plan must be submitted in accordance with the procedures in this section.

(B) *Approval of final development plan.*

1. *Review, action.* The Board of Commissioners shall review the final development plan, review the recommendations of the Technical Review Committee and review the actions of the Planning Board. The Board of Commissioners shall give final approval, conditional approval or denial of the proposed plan. The Board of Commissioners may impose additional conditions as it deems necessary. Action on a proposed plan may not be tabled for more than 2 regular meetings without the owner's specific written request. It is recommended that the park developer, or his or her agent, be present to answer questions concerning the proposed development plan.
2. *Approval.* After the Board of Commissioners has approved the proposed final development plan, 1 approved copy shall be sent to the Code Enforcement Office and 1 approved copy shall be given to the developer or his or her agent. The original shall be kept on file at the Planning Department. The developer or his or her agent shall then apply for construction permits to the County Health Department and the Code Enforcement Office.
3. *Conditional approval.* If the development plan is granted conditional approval by the Board of Commissioners, the applicant shall revise and resubmit the plan. The Planning Department shall review the revised plan and, if it meets all the approval conditions and is otherwise substantially unaltered, shall signify on the plan the change from conditional approval to final approval. If the development plan is not revised within 60 days to meet the approval conditions, or the applicant notifies the Planning Department that he or she is unwilling to revise the development plan, it shall be deemed denied.
4. *Denied development plan.* If a development plan is denied, the same or similar development plan shall not be submitted for a period of 12 months. The Planning Director shall determine whether a development plan has changed enough to warrant reconsideration. If the Board of Commissioners should disapprove the proposed development plan, the reasons for that action shall be given to the park developer or his or her agent.
5. *Expiration of development plan approval.* If construction does not begin within 2 years following development plan approval; or is begun within 2 years and then discontinued for a period greater than 180 days, the approval shall expire, and a new development plan must be submitted in accordance with the procedures in this section.

(Adopted 9-14-1998)

5.6 Issuance of Development Permit.

(A) *General.*

1. After receiving approval of the development plan by the Board of County Commissioners, the Planning Department shall issue a development permit.

The intent of this permit is to enable the execution of the approved development plan in the field and shall not be construed to entitle the recipient to offer spaces for rent or lease, or to operate a manufactured home park as defined in this chapter.

The County Health Department and the Code Enforcement Office are authorized to issue a construction permit.

2. (a) *Phasing of projects.* Phased projects may be occupied in phases as long as compliance is achieved in each phase and other requirements are met.

(b) *Concurrent review.* Review of all development plans may be concurrent.

(B) *Expiration of development plan; development permit revocation/approval.* If construction does not begin within 2 years following development plan approval, or is begun within 2 years and then discontinued for a period greater than 180 days, the approval shall expire, and a new development plan must be submitted in accordance with the procedures in this section.

1. Any development plan or development permit which has expired and for which the developer wishes to seek reapproval, the developer shall be required to submit revised plans for review and approval and shall include all modifications required by all current codes and ordinances at the time of the new submittal.
2. A development permit, once approved, may be revoked, pursuant to division (C)(3) of this section, if there has been alteration of the site or soil conditions, changes to the proposed facility, or document falsification causing revocation of the permit.

(C) *Administrative procedures.*

1. *Inspections of work in progress.* As the work pursuant to a permit progresses, the local administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.
2. *Stop-work orders.*
 - (a) Whenever a building or part thereof is being constructed, reconstructed, altered or repaired, or property is in violation of this chapter, the administrator may order the work to be immediately stopped.

(b) The stop-work order shall be in writing and directed to the person doing the work.

(c) The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

3. *Revocation of permits.*

(a) The local administrator may revoke and require the return of the development permit by notifying the permit holder in writing stating the reason for the revocation.

(b) Permits shall be revoked for any substantial departure from the approved application, plans or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit.

(c) Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.

4. *Periodic inspections.* The local administrator and each member of his or her Inspections Department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the Department at any reasonable hour for the purposes of inspection or other enforcement action.

5. *Investigation.* The local administrator shall have the power to conduct such investigation as he or she may reasonably deem necessary to carry out his or her duties as prescribed in this chapter, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any complaints or alleged violations of this chapter.

6. *Written statements.* The Board of County Commissioners or its agent shall also have the power to require written statements, certificates and certifications or the filing of reports under oath, with respect to pertinent questions relating to complaints or alleged violations of this chapter.

7. *Violations to be corrected.* When the local administrator finds violations of applicable state and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law in the property he or she owns.

8. *Actions in event of failure to take corrective action.* If the owner of a building or property shall fail to take prompt corrective action, the administrator shall give him or her written notice, by certified or registered mail to his or her last known address or by personal service:

(a) That the building or property is in violation of the chapter;

(b) That a hearing will be held before the local administrator at a designated place and time, not later than 10 days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

(c) That following the hearing, the local administrator may issue an order to alter, vacate or demolish the building; or to remove fill as appears appropriate.

9. *Order to take corrective action.* If, upon a hearing held pursuant to the notice prescribed above, the administrator shall find that the building or development is in violation of the chapter, he or she shall make an order in writing to the owner, requiring the owner to remedy the violation within such period, not less than 60 days, as the administrator may prescribe; provided that where the administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in a lesser period as may be feasible.
10. *Appeal.* Any owner who has received an order to take corrective action may appeal from the order to the Board of Adjustment by giving notice of appeal in writing to the administrator and the clerk within 10 days following issuance of the final order. In the absence of an appeal, the order of the administrator shall be final. The Board of Adjustment shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
11. *Failure to comply with order.* If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the Board of County Commissioners following an appeal, he or she shall be guilty of a misdemeanor and shall be punished in the discretion of the court.
12. *Continuing inspections.*
 - (a) The County Health Department, the County Code Enforcement Office, and/or the local administrator are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this chapter. It shall be the duty of the owners of manufactured home parks to give these agencies free access to the premises at reasonable times for the purpose of inspection.
 - (b) The manufactured park owner and/or operator shall operate the park in compliance with this chapter and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
13. *Suspension.* The issuance of manufactured home permits for a manufactured home park shall be suspended where violations of this chapter occur.

14. *Notification of responsibilities.* The park owner or operator shall notify all occupants of the applicable provisions of this chapter and inform them of their duties and responsibilities under this chapter.

(Adopted 9-14-1998)

5.7 Final Approval.

- (A) 1. When the developer has completed the construction of the manufactured home park, he or she shall request final approval. The development shall be inspected to determine whether the construction conforms to the approved plans and the requirements of this chapter. The Code Enforcement Office, the County Health Department and the County Planning Department shall coordinate all final approvals for the development.
 2. A certificate of compliance shall be issued at the time the development is in full compliance with this chapter and the approved development plans.
- (B) Additional regulations administered by the Code Enforcement Office and/or the County Health Department shall be inspected and approved per those regulations.
- (C) The certificate of compliance, final approval by the Code Enforcement Office and final approval by the County Health Department issued to the developer shall constitute authority to lease or rent spaces in the manufactured home park.
- (D) When a manufactured home park is to be developed in phases, the proposed development plan may be submitted for the entire development and request for final inspection and a certificate of compliance may be made for each phase developed.

(Adopted 9-14-1998)

ARTICLE SIX – DESIGN STANDARDS

6.1 General Design Standards.

- (A) *General.* The purpose of these guidelines is to give a sense of the physical aspect of the county environment to those contemplating new development in the community. Important to this physical appearance is the design of the site, buildings and structures, the natural topography and plant life, signs, street hardware, and miscellaneous other objects that are observed by the public. These standards are not intended to restrict imagination, innovation or variety, but rather to assist in focusing on design principles which can produce creative solutions that will develop a satisfactory visual appearance within the county, preserve taxable values, preserve natural resources and promote the public health, safety and welfare.
- (B) *Standards.*
 1. The landscape shall be preserved in its natural state insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover and natural drainage ways shall

be treated as fixed determinants of road and lot configuration rather than as malleable elements that can be changed to follow a preferred development scheme.

2. Streets shall be designed and located in such a manner as to maintain and preserve natural topography, cover, significant landmarks and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel.
3. Proposed development shall be related harmoniously to the terrain and to the use, scale and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. Proposed buildings shall be related to their surroundings.
4. All open space (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
5.
 - (a) The color, size, height, lighting and landscaping of signs and structures shall be evaluated for compatibility with the local architecture and the maintenance of views and vistas of natural landscapes, recognized historic landmarks, parks and landscaping.
 - (b) The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

(Adopted 9-14-1998)

6.2 General Requirements.

The following standards shall be considered the minimum requirements for all new manufactured home parks:

- (A) It shall be unlawful for any person to construct a new park or make an addition or alteration to an existing park, unless a development plan has been approved in accordance with §§ 5.1 To 5.7;
- (B) The transfer of title of a manufactured home park space or spaces by sale or any other manner shall be prohibited within a manufactured home park, as long as the manufactured home park is in operation;
- (C) Approval of a development plan for the construction of a manufactured home park shall in no way be construed as approval of a subdivision of land;
- (D) Manufactured home parks may not be sold or transferred unless the existing water and sewer systems meet current County Health Department standards and are fully operational. A waiver may be approved by the Planning Director where the use as a park is to be discontinued and where existing water or sewer systems are to be removed, or where a letter of agreement is submitted by the potential buyer stating what remedies will be made, when the remedies shall be made and where the potential buyer

states his or her understanding and agreement that no new permits will be issued in the park until water and sewer systems are brought into full compliance with this chapter and all pertinent county public health standards;

- (E) A business office for the exclusive purpose of park operations may be located within a manufactured home park;
- (F) Commercial operations are specifically prohibited within the park, except that laundry facilities may be operated for the use of the residents, either as an independent structure, in conjunction with the business office or in conjunction with recreational facilities provided within the park. There shall be no indication of commercial operation from outside the park;
- (G) The sale of manufactured homes in the park on a commercial basis shall not be permitted;
- (H) Each manufactured home to be placed in the park shall be located on an individual lot with individual connections to each utility;
- (I) The park owner or his or her designee shall not allow the placement of a manufactured home within a manufactured home park until the appropriate county development permits, health permits and inspections have been finalized and approval for the park received;
- (J) The park owner or his or her designee shall not allow the connection of any manufactured unit to utilities without the appropriate county development permits, health department permits, code enforcement permits or inspections;
- (K) The park owner or his or her designee shall not allow the connection of any manufactured unit to the utilities of any other manufactured unit, nor shall not allow the connection of any manufactured unit to the utilities of any other manufactured home space;
- (L) The park owner or his or her designee shall provide individual utility connections for each designated lot within the park. The park owner shall provide 1 exterior water hose connection and 1 exterior GFI electrical fixture for each manufactured lot;
- (M) No more than 1 manufactured home shall be parked or set up on any 1 space;
- (N) The park owner or his or her designee shall be responsible for maintaining the park free of litter, debris and garbage;
- (O) The park owner shall be responsible for the control of growth of brush, weeds and grass in all areas of the park, including but not limited to vacant lots, recreation areas, open areas and entrance areas. No growth shall be allowed in excess of 12 inches at any time in order to prevent the growth of noxious weeds considered detrimental to health and to prevent the growth of harmful insects. All areas shall be maintained free of heavy undergrowth of any description. All cut or fallen trees, stumps, or rubbish shall be completely removed from the manufactured home park and disposed of properly;

- (P) Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the County Health Department;
 - (Q) Parks shall be maintained free of accumulation of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests;
 - (R) Storage areas shall be so maintained as to prevent rodent harborage. Lumber, pipe and other building materials shall be stored at least 1 foot above the ground;
 - (S) Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be properly screened with wire mesh or other suitable materials;
 - (T) Boxes for the delivery of mail, newspaper or other delivery shall be located on-site. Boxes for deliveries of all types shall not be located on a manufactured home space;
 - (U) Pre-existing dwellings on the site may remain on the site, provided they occupy approved spaces with approved utility connections;
 - (V) No manufactured home may be placed on a lot designated for a smaller sized unit. No multi-sectional manufactured unit may be placed on a lot designated for a single-section manufactured unit. The location of a recreational vehicle, tent or other temporary structure on a manufactured home park space shall be prohibited for human occupancy as a residence; and
 - (W) Manufactured dwelling extensions and any other additions meeting the North Carolina Building Code may be added to any manufactured dwelling, provided that setback within the space can be met and a building permit is obtained from the County Building Department. All these additions shall be removed at the time as the manufactured home to which they were attached by permit is removed from the space.
- (Adopted 9-14-1998)

6.3 Minimum Development Requirements.

- (A) *General.* Mobile homes or manufactured housing used as dwellings within the county and not parked within a manufactured home park as defined by this chapter shall adhere to the following standards which are required of park operators:
 - 1. (a) Where city or community water and sewer are available, these services must be utilized and the property must consist of a minimum of 10,000 square feet; where septic tank and well are utilized the property must consist of a minimum of 40,000 square feet or greater as determined by the County Department of Public Health and the Director of Planning.

The Planning Director and the County Department of Public Health may, in concert and only in full agreement, reduce the minimum manufactured dwelling space where evidence is submitted to show, through use of soil

testing by a certified soils scientist and/or other supportable data, that 40,000 square feet is in excess of the size required for adequate sewage disposal, and where no proposed or existing well site would be jeopardized. The minimum lot size may be adjusted by whatever increment is judged appropriate by the County Department of Public Health and the Planning Director. The minimum lot size shall not be reduced below 30,000 square feet under any circumstances. No request for a reduction of lot size will be considered unless submitted with appropriate evidence.

(b) Well and septic tank must be located a minimum of 10 feet from the property line, and all septic tank installations shall be a minimum of 100 feet from any well.

- 2 (a) Owners of mobile home dwellings other than those living within a mobile home park as defined by this chapter, must obtain a development permit from the Planning Department, a permit from the County Health Department pertaining to the above requirements, and a building permit from the Code Enforcement Office prior to the parking or placement on any property within the county.

A second manufactured unit may be placed on a single lot, provided that this placement must be able to comply with all existing regulations. The lot shall be large enough to allow for the installation of all required utilities, including but not limited to septic tank, drainage field and replacement drainage field. The second sewage system may not be installed within 100 feet of any existing well and may not be located under a habitable structure. The second unit may not be attached to the utilities of any other unit, with the exception of a shared well. There must be a separation of 20 feet between the 2 units.

(b) Manufactured homes as defined by this chapter will be classified as dwellings and/or homes or housing within the county, and any and all ordinances or laws pertaining to dwellings, homes or housing issued or passed by the Board of County Commissioners shall include mobile homes and manufactured homes, except those parked within an approved manufactured home park as defined by this chapter.

(B) *Standards.*

1. *Minimum size of development: 10 acres.* No lot or space may be offered, whether occupied or not, for rent or lease, with or without financial remuneration, outside of a manufactured home park, as defined in this chapter.
2. *Minimum manufactured dwelling space size.*

(a) *Connected to public water and public sewer.* Each manufactured home space shall consist of a minimum of 10,000 square feet. The minimum width of each lot shall be established by determination of the maximum width and length of manufactured home which can be accommodated on each individual lot and shall be shown on the

manufactured home park development plan. In no event shall a lot be less than 45 feet in width at the location of the manufactured dwelling stand.

(b) *Individual well and not connected to public sewer.* A manufactured dwelling space not served by public sewer shall consist of a minimum of 20,000 square feet or greater as determined by the County Department of Public Health and the Director of Planning. The minimum lot width for each space shall not be less than the maximum length of the manufactured unit to be accommodated on the space added to the required side yard setbacks, and shall be sufficient to provide required parking accommodations.

(c) *Connected to public water with septic tanks.* A manufactured dwelling space not served by public sewer shall consist of a minimum of 25,000 square feet or greater as determined by the County Department of Public Health and the Director of Planning. The minimum lot width for each space shall not be less than the maximum length of the manufactured unit to be accommodated on the space added to the required side yard setbacks, and shall be sufficient to provide required parking accommodations.

(d) *Connected to community well with septic tanks.* A manufactured dwelling space not served by public sewer shall consist of a minimum of 30,000 square feet or greater as determined by the County Department of Public Health and the Director of Planning. The minimum lot width for each space shall not be less than the maximum length of the manufactured unit to be accommodated on the space added to the required side yard setbacks, and shall be sufficient to provide required parking accommodations.

(e) *Individual well and septic tank.*

1. A manufactured dwelling space not served by public sewer shall consist of a minimum of 40,000 square feet or greater as determined by the County Department of Public Health and the Director of Planning. The minimum lot width for each space shall not be less than the maximum length of the manufactured unit to be accommodated on the space added to the required side yard setbacks, and shall be sufficient to provide required parking accommodations.
2. The Planning Director and the County Department of Public Health may, in concert and only in full agreement, reduce the minimum manufactured dwelling space, where evidence is submitted to show, through use of soil testing by a certified soils scientist and/or other supportable data, that 40,000 square feet is in excess of the size required for adequate sewage disposal and where no proposed or existing well site would be jeopardized. The minimum lot size may be adjusted by whatever increment is judged appropriate by the County

Department of Public Health and the Planning Director. The minimum lot size shall not be reduced below 30,000 square feet under any circumstances. No request for a reduction of lot size will be considered unless submitted with appropriate evidence prior to or at the time of the development plan submittal.

3. *Rental spaces.* There shall be no less than 15 rental spaces in a manufactured home park.
4. *Space definition.* Each manufactured home space shall be clearly defined by means of permanent markers such as concrete or iron pipe, placed at all corners.
5. *Lot numbering.* Each lot shall be clearly numbered on a permanent monument or marker (at the intersection of the front lot line and the access road) and must be clearly visible from the access road at all times. The lot number shall be readily identifiable by emergency personnel and inspectors. The lot number shall be at least 4 inches in height, and the use of script in lieu of numeric characters is specifically prohibited. The park owner shall be responsible for maintaining the monument or marker at all times.
6. *Stand.* Each manufactured dwelling space shall contain a manufactured dwelling stand, consisting of a properly graded and compacted surface no less than square footage and dimension of the maximum sized unit that can be placed on that space.

(Adopted 9-14-1998)

6.4 Naming of Development.

(A) Development names shall not duplicate or closely approximate phonetically the names of existing developments in the county.

(B) 1. The use of a park name with a numeral (for example: Jones Manufactured Home Park I and Jones Manufactured Home Park II) shall be allowed only where the parks are contiguous.

2. Separate names shall be provided for noncontiguous parks under the same ownership.

(Adopted 9-14-1998)

6.5 Naming of Streets.

Street names shall not duplicate or closely approximate phonetically the names of existing roads, lanes, drives or streets in the county, whether the name is located on a private or public road, lane, drive or street. New street names shall be subject to approval by the Board of County Commissioners.

(Adopted 9-14-1998)

6.6 Identification Sign Required.

(A) 1. A sign identifying the name and address of the development shall be provided at the entrance of the development.

2. The sign shall not exceed 32 square feet in area and shall not exceed 6 feet in height. The letters and numbers must be clearly legible from 150 feet. The use of script in lieu of street numbers shall be prohibited. The sign shall be illuminated from dusk until dawn to make the sign easily visible at all times. No animated, flashing or moving signs shall be allowed.

(B) No plant materials shall be allowed to obstruct or partially obstruct the view of the sign from the public road.

(C) If the sign is installed parallel to the public road, it shall be lighted from the front. If the sign is installed perpendicular to the public road, it shall be lighted on both sides. No lighting may be directed toward the public road. Only indirect, nonflashing lighting shall be used for illumination.

(Adopted 9-14-1998)

6.7 Grading and Drainage.

(A) Residential units of all types shall be located on ground with an elevation that is not susceptible to flooding and which is graded to prevent water from ponding or accumulating under or around the structure.

(B) Each lot or space shall be graded and grassed to prevent erosion and provide adequate storm drainage away from the residential unit.

(C) The slope of the surface of a manufactured home stand or pad shall not exceed 3% for the length of the manufactured unit.

(D) No banks, except along natural water courses, in the development shall have a slope steeper than 1 foot rise to 4 foot run.

(D) All floodplain regulations shall be adhered to. Generally, no access roads, enclosed common or storage areas, utilities, residential unit or manufactured home space may be located in a floodplain; however, outdoor recreation, open space or landscaping may be located within the floodplain. The location of a manufactured home park in a flood hazard area is expressly prohibited.

(E) Grading shall be limited to that which is necessary. Natural vegetation and trees should be preserved where reasonably possible. Disruption of natural sheet flow shall be minimized to the greatest extent possible.

(Adopted 9-14-1998)

6.8 Roads and Drives.

(A) *General.*

1. The purpose of these requirements is to promote road safety, assure adequate access for fire and rescue vehicles, alleviate traffic congestion and promote adequate vehicular circulation. The manufactured home park shall have roads and driveways that directly abut all spaces.
2. The right-of-way of any new street or change in any existing street shall be delineated on the development plan or plat with particularity, and these streets shall be designated either public or private. Any street designated on a development plan or plat as public shall be conclusively presumed to be an offer of dedication to the public of that street and shall meet NCDOT standards as are required for public roads.

(B) *Public roads.*

1. All public roads shall be constructed and maintained to N.C. Department of Highways "Subdivision Roads—Minimum Construction Standards." Submittal for review and approval shall be in accordance with G.S. § 136-102.6.
2. Roadway alignments shall be in conformance with the county thoroughfare plan.
3. The amount of road pavement should be minimized through efficient layout and design.
4. Permanent dead-end streets or culs-de-sac shall be provided with a turnaround of at least 60 feet in diameter.
5. Streets or drives within the manufactured home park shall intersect as nearly as possible at right angles, and no street shall intersect at less than 60 degrees. Where a street intersects a public street or road, the design standards of the North Carolina State Highway Commission shall apply.
6. The applicant must demonstrate that access from a public road to the site is adequate, has the capacity to handle traffic generated by the proposed project, and will not endanger the safety of the general public.
7.
 - (a) Where property abuts a road with a U.S. or N.C. designation and a road with a State Route number (and assigned a name for purposes of emergency response) access to the property shall be by way of the State Route.
 - (b) Exceptions to this rule shall be instances where the Planning Commission determines that direct access onto a road with a U.S. or N.C. designation would promote traffic safety.
8. Where 1 or more contiguous parcels are under single ownership, and any 1 of the parcels abuts a road with a U.S. or N.C. designation and a road with a State Route number, access to all of the parcels under single ownership shall be by way of the road with a State Route number.

9. No more than 1 direct access approach onto a road with a U.S. or N.C. designation shall be provided to any individual parcel of record as of the date of this chapter.

10. Exceptions:

(a) The Planning Commission may, with approval by the State Highway Commission, approve additional access if the additional access is deemed to be significantly beneficial to the safety and operation of the highway, or if allowing only 1 access approach would be a safety hazard or increase traffic congestion; and

(b) The Planning Commission may approve additional access when the parcel is bisected by steep slopes or other topographic features in such a manner as to render some portion of the property inaccessible without additional road access.

11. Where a future roadway is designed on an approved thoroughfare plan or county map, development plans for development adjacent to the designated roadway shall include provisions for future access to the roadway.

12. Access shall be consolidated wherever possible.

13. Safe sight distance will be required at each entrance to the development.

14. All entrances to the development shall meet N.C. Department of Highways "Policy on Street and Driveway Access to North Carolina Highways."

15. Any public road that is extended shall be continued as a public road.

(C) *Private roads.*

1. All private roads shall be constructed and maintained to N.C. Department of Highways "Subdivision Roads—Minimum Construction Standards," except:

(a) Interior private roads necessary for the delivery of mail, the collection of garbage or ingress/egress for mail delivery vehicles and garbage collection vehicles shall be paved, per DOT standards above. The pavement shall be kept in good repair at all times; and

(b) Other interior roads, not necessary for the delivery of mail, collection of garbage or ingress/egress for mail delivery vehicles and garbage collection vehicles, do not have to be paved, and the base may be reduced to 4 inches of stabilized material, per DOT standards above. The material shall be kept in good repair and replaced or augmented as necessary to maintain a level and stable roadway. These roads shall be kept free of potholes and wash-boarding. Access to each mobile home space shall be provided by streets with a minimum right-of-way of 45 feet, of which 20 feet shall be graded and drained for automobile circulation within the park.

2. Maintenance of all private roads shall be provided by the owner or operator of the park.
3. No private road may connect 2 public roads.
4. All private roads shall terminate within the development and shall not connect to other private or public roads on adjoining properties.
5. All streets in the manufactured home park shall be adequately illuminated from sunset until sunrise. The minimum size street light shall be a 175 watt mercury-vapor (approximately 7,000 lumen class) or its equivalent, spaced at intervals of not more than 300 feet.

(Adopted 9-14-1998)

6.9 Access Requirements.

- (A) All entrances to the development shall be a minimum of 300 feet from the intersection of 2 public streets. If a manufactured home park has more than 1 direct access to a public street, the access points shall be a minimum of 200 feet apart.
- (B) No space shall have direct access to a public street.
- (C) All spaces shall abut a private street contained within the park.
- (D) Adequate access shall be provided to each space, with a minimum driveway width of 20 feet unless more is deemed necessary because of topographical conditions or street curvature.

(Adopted 9-14-1998)

6.10 Setbacks.

- (A) All sewage facilities shall be located 100 feet from any existing well.
- (B)
 1. All structures shall be located a minimum of 50 feet from all public road rights-of-way and property lines.
 2. A vegetative buffer area of a minimum of 50 feet from all public road rights-of-way and property lines shall be maintained. This area shall be left in its natural state, provided that the existing vegetation serves the purpose of providing a visual screen or visual buffer and of providing a physical separation of uses. The property shall not be graded, cleared or otherwise changed until the preliminary development plan has been approved and an evaluation made of the existing vegetation. Mature trees within this area may not be removed until this evaluation has occurred. If the property has been clear-cut, graded, cleared or otherwise changed prior to land acquisition, the vegetative buffer shall be replanted and shall contain a combination of fences, walls, earthen berms and landscaping to serve that purpose of providing a visual screen or visual buffer and a physical separation of uses. The developer shall include existing mature trees and natural plant materials in the design of the buffer area to the greatest extent feasible.

(C) No portion of a dwelling unit or group of attached dwelling units or roofed attachments may encroach within 10 feet on each side of its assigned space or lot and 10 feet from the rear line of the assigned space or lot. The intent is that there shall be a minimum clearance of 20 feet between each dwelling unit or attached group of dwelling units, measured from the outmost point of roofed surface of the unit or any attachments.

(D) There shall be a minimum front setback for each unit from the interior street of 20 feet. (Adopted 9-14-1998)

6.11 Parking.

(A) *Parking and parking lots; purpose.* The purpose of this section is to provide for adequate parking for residential developments and to maintain all roadways and entrances free of impediments to traffic. All parking areas shall be designed for pedestrian safety.

(B) *General regulations.*

1. All parking areas shall be landscaped. There shall be no large expanses of concrete;
2. No required parking shall be allowed on public roads or entrances. No required parking shall be allowed on private roads, except where additional width has been provided expressly for this purpose;
3. The site owner shall not allow the parking of abandoned or disabled vehicles in the development;
4. If boats, trailers or other recreation or storage vehicles are allowed in the manufactured home park, the park owner shall provide additional parking facilities on each space or shall provide a separate storage area for these items. Boats, trailers or other recreational or storage vehicles shall not be stored or parked on public roads, private roads, entrances or required parking spaces or vacant manufactured home space. These items may not be stored or parked on an occupied manufactured home space, unless a specific storage/parking area has been specified for that space on the development plans. Parking or storage of these items shall not be located on septic tanks, septic tank drainage fields, or be located in proximity to any wells. Additionally, parking or storage shall not require passage over septic tanks or septic tank drainage fields;
5. All parking spaces shall be located such that headlights are not directed at the public road. Any spaces that must be located such that headlights are directed at the road shall be screened by a combination of walls, fences, earthen berms and landscaping to prevent the intrusion of the headlights into the public road;
6. At least 10% of all parking lot areas where more than 12 parking spaces are provided shall be landscaped. This may be waived by the Planning Commission;
7. To avoid large expanses of paved parking area, the following provisions, which may be waived by the Planning Commission, shall apply:

(a) No more than 12 parking spaces will be permitted in a continuous row and the break between rows (the island) must be landscaped;

(b) The ends of parking rows and landscaped islands shall be a minimum of 6 feet wide and shall be adequately landscaped with shade trees, ground cover, and shrubs; and

(c) Double rows of parking shall be separated by a minimum 6-foot planting strip adequately landscaped with shade trees and shrubs.

8. Parking area design shall include provision for the physically handicapped as required under state standards;

9. All lighting in parking areas shall be arranged to prevent direct glare of illumination onto adjacent properties; and

10. Off-street parking areas and driveways, exclusive of required landscaping, shall be surfaced with materials approved by the Planning Commission.

(C) *10,000-square-foot manufactured home spaces.* Each residential dwelling unit within a development:

1. Shall be provided 3 parking spaces, each 9 feet by 19 feet, for the exclusive use of that unit and its visitors on each manufactured home space;

2. Shall be provided 2 parking spaces for the exclusive use of the unit, where additional visitor parking is supplied by widening the roadway width to allow parking on 1 or both sides of the private road; or

3. Shall be provided 3 spaces in a common parking area.

(E) *Other size manufactured home spaces.* Each residential dwelling unit within a development shall be provided 3 parking spaces, each 9 feet by 19 feet, for the exclusive use of that unit and its visitors on each manufactured home space.

(Adopted 9-14-1998)

6.12 Landscaping.

(A) Landscaping is required to promote attractive development, to protect and preserve water quality, the appearance and character of the surrounding area, and to delineate and define vehicular and pedestrian passageways and open space within the development.

(B) Landscaping shall be provided throughout the development with ample trees and shrubs, in addition to groundcover, to provide shade and break up open areas. The developer shall include existing mature trees and natural plant materials in the design of the site to the greatest extent feasible. The preservation of native and existing plant materials is a cost-effective method of providing the required landscaping. All banks and open areas shall be grassed. The planting of new materials may be waived or modified

by the Planning Commission where natural features, topography and natural vegetation serve the same purpose.

- (C)
1. A vegetative buffer area of a minimum of 50 feet from all public road rights-of-way and property lines shall be maintained.
 2. This area shall be left in its natural state, provided that the existing vegetation serves the purpose of providing a visual screen or visual buffer and a physical separation of uses.
 3. The property shall not be graded, cleared or otherwise changed until the preliminary development plan has been approved and an evaluation made of the existing vegetation.
 4. Mature trees within this area may not be removed until this evaluation has occurred.
 5. The developer shall include existing mature trees and natural plant materials in the design of the buffer area to the greatest extent feasible.
- (D) If the property has been clear-cut, graded, cleared or otherwise changed prior to land acquisition, the vegetative buffer shall be replanted and shall contain a combination of fences, walls, earthen berms and landscaping to serve the purpose of providing a visual screen or visual buffer and providing a physical separation of uses.
1. All plant material installed shall be healthy and of the best quality.
 2. All plant material installed shall be balled and burlap-covered or container-grown.
 3. All trees shall be a minimum 1-1/2 inch caliper at breast height (5 feet) at installation.
 4. All dead or damaged plant materials shall be replaced for a 1-year period.

(Adopted 9-14-1998)

6.13 Installation, Alteration and Use of Utilities.

(A) *General.* The installation, alteration or use of all utilities, including but not limited to electrical service, plumbing fixtures and sewage disposal systems, shall conform to all applicable codes.

(B) *Regulations.*

1. The park owner or his or her designee shall not allow the connection of any manufactured home to the utilities of any other manufactured home.
2. The park shall provide individual utility connections for each designated lot within the park.
3. All utilities shall be installed underground except where extreme conditions of topography make this requirement unreasonable.

4. Placement of utilities serving the manufactured home stand shall comply with the N.C. Building Code.
5. Minimum electrical service of 200 ampere, 120–240-volt single phase shall be provided to each manufactured dwelling stand. The service panel and location as well as all wiring shall be in accordance with the National Electrical Code.
6. Each manufactured dwelling shall be required to connect to the utilities provided at each manufactured dwelling space.
7. Each manufactured home located within a park shall comply with the current state regulations in both manufacture and installation, and must be inspected to assure compliance prior to occupancy.

(Adopted 9-14-1998)

6.14 Water.

(A) *General.* There shall be a safe, adequate, continuous and conveniently located potable water supply provided for each development in compliance with applicable regulations. The water supply and pressure shall be adequate for the development's requirements. Water for drinking, cooking, laundry, and general sanitary uses for each individual manufactured dwelling shall be obtained only from faucets or other plumbing connections located within each dwelling unit. Where a municipal water supply is available, connection shall be made thereto and its supply used exclusively. When a municipal water supply is not available, a community water supply shall be developed, and its supply used exclusively in accordance with the standards of Department of Environment, Health and Natural Resources.

(B) *Specifics.*

1. If the development is to be located within 300 feet of a public water system, the developer is encouraged to connect to the system. A certification shall be provided that the public water system will provide water to the development. Fire hydrants shall be installed in any development hooking to a public water system.
2. If the development is not within 300 feet of a public water system or the developer does not connect to the public water system, a private water system shall be installed, inspected, tested and approved by the County Public Health Department or the state. Dry hydrants may be required in areas near large bodies of water to facilitate fire protection to the development.
3. Calculations showing the maximum capacity of the water system shall be submitted along with calculations showing the maximum daily water usage of the development.
4. The construction of the project may be phased, with future phases being constructed as additional water becomes available. No phase shall include less than 15 spaces. No construction phase may begin until an assured water supply has been determined.

5. An emergency water supply plan shall be submitted where the development is not connected to a public water supply.
6. The issuance of manufactured home permits for a manufactured home park shall be suspended where the water system or any component has failed, until the time as the system is restored to full function. Where the water system has more than 1 component and 1 or more components fails, leaving occupied spaces with no water, the park owner shall, at his or her expense, move any existing manufactured unit to alternate spaces within the park with a functioning water system.
7. Where wells are used for water supply purposes, every reasonable precaution shall be taken to prevent possible contamination of the well. Areas within 100 feet of a water supply well shall not be used for septic tank drainage fields, replacement drainage fields, stormwater runoff detention, storage of toxic or hazardous materials, garbage collection or other uses that are deemed as a potential risk to the water supply. Grading and drainage shall be evaluated for positive slope, and other potential risk to the water supply.
8. All public toilet, shower, lavatory, faucets, drinking fountains and laundry facilities must be maintained in a clean, sanitary condition and be kept in good repair and working order at all times. They shall be safely and adequately lighted. Facilities shall be easily accessible to all persons, including handicapped persons, and shall be conveniently located. Areas around outdoor faucets or drinking fountains shall be properly drained.

(Adopted 9-14-1998)

6.15 Sanitary Facilities.

- (A) Each development shall be provided with an adequate sewage disposal system, either by connection to a public sewer, a private sewage system (collection systems and sewage treatment plants complying with the requirements of the N.C. Department of Environment, Health and Natural Resources should be provided), or a septic tank system constructed in compliance with the regulations of the County Board of Health and the State of North Carolina. Individual septic tank systems will be considered if soil, topography and ground water conditions are favorable.
- (B) In accordance with County Health Department regulations, all sewage waste from toilets, showers, bathtubs, lavatories, wash basins, refrigerator drains, sinks, faucets, and water-using appliances not herein mentioned shall be piped into the development's approved sewage disposal system.
 1. If the development is to be located within 300 feet of a public sewage system, the developer is encouraged to connect to the system. A certification shall be provided that the public sewage system will allow connection and provide service to the development.
 2. If the development is not within 300 feet of a public sewage system, or if the developer does not connect to the public sewage system, a private sewage

system or septic tank system shall be installed, inspected, tested and approved by the County Public Health Department or the state.

3. Calculations showing the maximum capacity of the sewage system shall be submitted along with calculations showing the maximum daily effluent generated by the development.
4. The construction of the project may be phased, with future phases being constructed as additional waste disposal becomes available. No phase shall include less than 15 spaces. No construction phase may begin until an approved waste disposal system has been determined.
5. Private sewage systems, septic tank systems, drainage fields and replacement drainage fields shall be located 100 feet from all existing wells. No underground utilities, roads, recreation areas or structures shall be located in a drainage field or replacement drainage fields.
6. All public toilet, shower, lavatory, faucets, drinking fountains and laundry facilities must be maintained in a clean, sanitary condition and be kept in good repair and working order at all times. They shall be safely and adequately lighted. Facilities shall be easily accessible to all persons, including handicapped persons, and shall be conveniently located.
7. The issuance of manufactured home permits for a manufactured home park shall be suspended where the sewage disposal system or any component has failed, until such time as the system is restored to full function. Where the sewage disposal system has more than 1 component and 1 or more components fails, leaving occupied spaces with no sewage waste disposal, the park owner, at his or her expense, shall move any existing manufactured unit to alternate spaces within the park with a functioning sewage system.
8. If the development makes use of septic tanks for sewage waste disposal, the system shall be pumped on a regular basis to assure effective operation. The development may be required to pump more frequently where problems have occurred, to assure continued effective operation. The developer shall submit a proposed maintenance schedule for the development.
9. Provision shall be made for plugging the sewer pipe, such as capping or installation of a rubber boot with a compression band, when a mobile home does not occupy a space. Surface drainage shall be diverted away from the rise. The rim of the riser pipe shall extend at least 4 inches above ground elevation.

(Adopted 9-14-1998)

6.16 Solid Waste Disposal.

- (A) The development owner shall provide commercial solid waste disposal for all residents of the development, and the responsibility of disposal shall not be assigned by the owner to individual tenants.

(B) The storage, collection and disposal of solid waste in the manufactured home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, safety or fire hazards, or pollution.

1. Collection areas shall be kept in a clean and sanitary condition at all times.
2. All refuse and garbage shall be disposed of in containers provided.
3. Large items such as appliances and furniture shall not be allowed at dumpster sites or elsewhere on the site.
4. The development shall provide solid waste dumpsters for disposal of solid waste. The number, the size and placement of the dumpsters shall be determined by calculations submitted, showing the basis for determining the number of dumpsters, size of dumpsters and the frequency of pickup. The location of the dumpsters shall be convenient and accessible by all tenants.
5. All dumpsters shall be located on an appropriately sized concrete pad, typically 10 feet by 17 feet with a concrete approach apron. All dumpster areas shall be screened from view by residents and public by combinations of fencing, walls and landscaping. No dumpster site shall be located on a manufactured home space.
6. Solid waste disposal sites shall be located so that the container can be emptied by a solid waste truck without backing onto any public street. Sufficient turning radius must be provided for the solid waste truck to exit the park without backing up, typically not less than 50 feet.
7. All internal or private roads necessary for the collection of solid waste must be paved in accordance with NCDOT standards for public roads.
8. Manufactured home parks or small residential site development with 4 units or less may provide individual waste container pickup for individual units, provided that:
 - (a) The development owner shall provide commercial solid waste disposal for all residents of the development and the responsibility of disposal shall not be assigned by the owner to individual tenants. The manufactured home park management shall be responsible for the proper storage, collection and disposal of solid waste;
 - (b) The site owner or the commercial solid waste contractor shall provide and maintain all waste containers;
 - (c) All streets used for collection within the development are paved to NCDOT standards; and
 - (d) The size of containers and frequency of pickup shall be submitted for approval.

(Adopted 9-14-1998)

6.17 Insect and Rodent Control Measures.

Insect and rodent control measures to safeguard the public health and comfort shall be practiced for all uses, structures and areas of the development.

(Adopted 9-14-1998)

6.18 Residential Fencing and Walls.

Except as otherwise noted in this chapter, fences or yard walls are permitted subject to the following regulations:

(A) Rear yard fencing and walls may be constructed to a maximum height of 6 feet from the following materials: wood, brick, stone, wrought iron, stucco, chain link or combinations of the preceding;

(B) Side and front yard fencing may be constructed to a maximum height of 6 feet from the following materials: wood, brick, stone, wrought iron, stucco, chain link or combinations of the preceding;

(C) Barbed wire, razor wire or concertina wire is specifically not permitted; and

(D) No fencing or walls shall be allowed in the road right-of-way or in areas required for safe sight distance.

(Adopted 9-14-1998)

6.19 Animal Control; Site Development.

(A) If pets are allowed, the site owner shall establish regulations to ensure adequate control of animals and disposal of animal wastes. Animal wastes shall be disposed of so as to maintain a safe and sanitary environment for all residents.

(B) If pets are allowed, the site owner shall provide a pet walking/sanitary site with a minimum of 1,200 square feet per 50 dwelling units or spaces. There shall be a minimum of 1 lot per development, The site owner shall be responsible for maintaining this area in a safe and sanitary manner.

(Adopted 9-14-1998)

6.20 Recreational Areas and Facilities Requirements for 10,000-Square Foot Lots.

The site owner shall establish and maintain a safe and sanitary recreational environment for all residents.

(A) 1. A play lot for preschool children containing a minimum of 1,200 square feet shall be provided within 500 feet of every dwelling.

2. There shall be a minimum of 1 lot per development.

(B) 1. One or more passive or active recreational area(s) for school-age children and adults, containing a minimum of 1 acre per 100 dwelling units or spaces shall be provided.

2. There shall be a minimum of 1 lot per development.

(C) These recreational areas shall not be in an area utilized for any sewage system or part of a sewage system thereof.

(Adopted 9-14-1998)

6.21 Registration.

(A) Every mobile home park manufactured home park owner or operator shall maintain an accurate register containing a record of all lessees of mobile home spaces in the park.

(B) The register shall contain the following information:

1. Name, address and space number of each lessee;

2. The date the manufactured dwelling entered the park; and

3. The license number of manufactured dwelling unit, recreational vehicle, car or truck with the state of issuance, make and type of vehicle.

(C) The owner or his or her designee shall keep the register available at all times for inspection by the Enforcement Officer, public health officials and other officials whose duties necessitate acquisition of the information contained in the register.

(Adopted 9-14-1998)

6.22 Park Manager or Owner Quarters.

(A) 1. One single-family dwelling may be located within the park for the exclusive use of the park manager or owner.

2. The dwelling shall be located in an area designated on the development plan, shall be placed on a lot appropriate for the dwelling and must be approved with the development plan.

3. A manufactured home space may not be used for this purpose.

(B) A manager or owner may reside in a manufactured home unit on a manufactured home space, provided the unit does not exceed the maximum size designated for that space.

(Adopted 9-14-1998)

ARTICLE SEVEN – ADMINISTRATION; BOARD OF ADJUSTMENT

7.1.1 Procedures; General.

(A) The Board of County Commissioners shall provide for the manner in which the provisions of this chapter shall be determined, established and enforced, and amended, supplemented or changed.

(B) A Board within this context shall mean any board, commission or agency empowered therein.

(Adopted 9-14-1998)

7.1.2 Notice.

(A) *Rezoning, variance, or watershed waiver.* Whenever there is a request for a zoning map amendment, conditional use permit, variance or watershed waiver involving a parcel of land, the owner of that parcel as shown on the county tax listing, and the owners of all parcels of land adjoining and contiguous to that parcel of land as shown on the county tax listing, shall be mailed a notice of the proposed request.

1. Notice shall be by first-class mail to the last address listed for the owners on the county tax abstracts. This must be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing.
2. The person or persons mailing the notice shall certify to the Board of County Commissioners that proper notice has been given, and this certification shall be deemed conclusive in the absence of fraud.
3. (a) The first-class notice required under division (A)(1) above shall not be required if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the county elects to use the expanded published notice provided for in this subsection.

In this instance, the county may either elect to make the mailed notice provided for in division (A)(1) above, or may as an alternative elect to publish once a week for 4 successive calendar weeks in a newspaper having general circulation in the area affected by the proposed zoning map amendment and explains the nature of the change. The final 2 advertisements shall comply with and be deemed to satisfy the provisions of G.S. § 153A-323. The advertisement shall not be less than 1/2 of a newspaper page in size.

The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by first-class mail pursuant to this section. The person(s) mailing the notice shall certify to the Board of Commissioners that fact, and the certificates shall be deemed conclusive in the absence of fraud.

(b) In addition to the published notice, a county shall post 1 or more prominent signs on or immediately adjacent to the subject area reasonably calculated to give the public notice of the proposed rezoning.

4. The provisions of this section shall not be applicable to any zoning map adoption that initially zones property added to the territorial coverage of the chapter.
5. Notice of the proposed action shall also be published in a newspaper of general circulation in accordance with North Carolina General Statutes.
6. Each site shall be posted in a conspicuous location(s) with the time, date and notice of public hearing. Posting shall not be required in the case of comprehensive zoning.

(B) *Text amendment and appeal.* Whenever there is a request for an action involving a text amendment to this chapter or an appeal of an interpretation of this chapter; the notice of the proposed action shall be published in a newspaper of general circulation in accordance with North Carolina State Statutes.

(C) *Board approval of subdivision or site development plan.* Whenever there is a request for an action involving a Board approval under this chapter, the meeting of the designated Board shall have an agenda duly posted in accordance with G.S. §§ 143-318.9 *et seq.*, the North Carolina Open Meetings Statutes.

7.1.3 Organization.

The Board of Commissioners shall require that each of the Boards provided for by this chapter adopt rules and maintain records.

(A) *Rules of conduct.* Each Board shall adopt rules necessary to conduct its affairs and to establish Board organization, committees, procedures, meeting notice and meeting conduct.

(B) *Conformance of rules.* The rules adopted by the Board shall be in conformance with state law and the provisions of this chapter.

(C) *Election and terms of officers.* Unless otherwise provided by this chapter, a Chairperson and Vice-Chairperson of the Board shall be elected by members of the Board to serve a 1-year term. The Secretary does not have to be a member of the Board.

(D) *Record of meetings.*

1. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question or, if absent or failing to vote, indicate that fact.
2. The Board shall also keep records of its examinations and other official actions. All these records and minutes shall be public record.

(Adopted 9-14-1998)

7.1.4 Alternate Members.

(A) *Inclusion of alternates.* The Board of Commissioners may appoint alternate members to serve in the absence of regular members.

(B) *Powers and duties.* Each alternate member, attending a meeting of the Board and serving in the absence of a regular member, has and may exercise all the powers and duties of a regular member.

(Adopted 9-14-1998)

7.1.5 Terms.

(A) *Length of term.*

1. Members and alternate members of the Board shall serve a term of 3 years, provided that upon initial appointment the terms of office may be staggered.
2. The terms of all Board members shall not expire at the same time.

(B) *Maximum executive terms.* Regular members shall not serve more than 2 consecutive terms.

(C) *Filling of vacancies.*

1. A new member or an alternate may be appointed to fill the unexpired term of the member so vacating.
2. Members filling vacancies shall serve for the remainder of the unexpired term.

(Adopted 9-14-1998)

7.1.6 Compensation.

Compensation, if any, for Board members may be provided by the Board of Commissioners.

(Adopted 9-14-1998)

7.3 Technical Review Committee.

(A) *Establishment.* A Technical Review Committee is hereby established for the purpose of reviewing development plans and for forwarding a recommendation to the Planning Board for approval or denial based on its findings. The Technical Review Committee shall meet on a regular basis.

1. The Technical Review Committee shall consist of: the Planning Director; Economic Development Director; Floodplain Administrator; Watershed Administrator; Public Health Director; Chief Building Official; Emergency Management Services Director; Soil and Water Conservation Director; Erosion and Sedimentation Control Administrator; County Sheriff; and Chief Fire Official.
2. Each member may select an alternate from that member's staff.

(B) *Officers.* The Planning Director shall serve as Chairperson to the Technical Review Committee and shall provide a recording secretary for the purpose of maintaining permanent records of its proceedings.

(C) *Powers and duties.*

1. The Technical Review Committee shall have the following powers and duties:

- (a) To provide for a continuing, coordinated and comprehensive review of the technical aspects of this chapter, and for the approval of certain technical aspects of development proposals;
- (b) To review all technical aspects of development occurring within the jurisdiction of the county;
- (c) To recommend approval or denial of development plans to the Planning Board based on a technical review;
- (d) To formulate a memorandum of understanding for each development which details the cumulative comments and deficiencies discovered during the review process from each member. It will also contain any agreements reached with the developer;
- (e) Communicate with the developer to notify of the time, date and place of the meeting at which his or her development will be reviewed, and to transmit a copy of the Committee's memorandum of understanding to the developer;
- (f) To recommend to the Planning Board the closing of streets, alleys, easements and other rights-of-way; and
- (g) To perform any other related duties that the Board of County Commissioners may direct.

2. (a) Each individual shall be responsible for the review of those items of the development plan which pertain to their area of expertise.

(b) Comments shall be placed in writing and submitted to the Chairperson at the meeting.

(Adopted 9-14-1998)

7.4.1 Authority.

A Board of Adjustment is hereby established pursuant to G.S. § 153A-345.

(Adopted 9-14-1998)

7.4.2 Membership.

(A) *Number of members.* The Board of Adjustment shall consist of at least 5 members and may have alternates as appointed by the Board of Commissioners.

(B) *Powers and duties.* The Board of Adjustment shall have the following powers and duties:

1. To hear and decide appeals from and review any order, requirement, decision, determination, or interpretation made by an administrative official charged with enforcing this chapter;
2. To hear and decide any exceptions which are specifically delegated to it by this chapter;
3. To determine and vary application of zoning regulations in harmony with their general purpose and intent and in accordance with general and specific rules contained herein;
4. To hear and decide appeals for variances from the zoning provisions of this chapter in cases where special conditions would make strict and literal interpretation and enforcement of the zoning provisions of this chapter result in a loss of privileges shared by other properties within the same zoning district;
5. To interpret zoning maps and pass upon disputed questions of district boundary lines and similar questions that may occur in the administration of this chapter; and
6. To hear and decide all matters referred to it or upon which it is required to pass under this chapter.

(Adopted 9-14-1998)

7.4.3 Voting.

(A) *Required vote for approval.* A 4/5 vote of its members shall be required to:

1. Affirm or reverse any order, wholly or partially; modify a requirement, decision, determination or interpretation of an administrative officer charged with enforcing this chapter;
2. Decide in favor of the applicant on a matter upon which the Board is required to pass under this chapter; or
3. Grant a variance from the provisions of the chapter.

(B) *Vote of the Chairperson.* The Board Chairperson shall vote as any other Board member.

(C) *Delay of decision.* The Board may, at its discretion, direct that its decision be delayed to a date and time specific subsequent to the Board's vote on an appeal.

(Adopted 9-14-1998)

7.4.4 Court Review.

(A) *Appeal to Superior Court.* Each decision of the Board shall be subject to Superior Court review by proceedings in the nature of certiorari.

(B) *Timing of appeal.*

1. Any petition for review by the Superior Court shall be filed with the Clerk of Superior Court within 30 days after the decision by the Board is filed in the Planning or Building Inspections Department; or
2. After a written copy thereof is delivered to every aggrieved party who has filed a written request for a copy with the Secretary or Chairperson of the Board at the time of its hearing of the case, whichever is later.

(Adopted 9-14-1998)

7.4.5 Notice of Decision.

The decision of the Board may be delivered to the aggrieved party either by personal service or by registered mail, return receipt requested.

(Adopted 9-14-1998)

7.4.6 Oaths.

The Chairperson of the Board or any member temporarily acting as Chairperson shall administer oaths to witnesses in any matter coming before the Board.

(Adopted 9-14-1998)

7.4.7 Appeals to Board.

(A) *Appeal eligibility.* Any person aggrieved or any officer, department, board or bureau of the jurisdiction may make an appeal.

1. Appeals shall be made within the time prescribed by the Board of Adjustment by general rule, by filing with the officer from whom the appeal is taken and with the Board a notice of appeal, specifying the grounds thereof.
2. The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record from which the action was taken.

(B) *Effect of appeal.* An appeal stays all proceeding in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after notice of appeal has been filed with him or her, that because of facts stated in the certificate, a stay would, in the officer's opinion, cause imminent peril to life or property, or that, because the violation charged is transitory in nature, a stay would seriously interfere with enforcement of this chapter.

(C) *Effect of certification.* If certification occurs in accordance with division (B) of this section, the proceeding may not be stayed except by a restraining order, which may be granted by a court of competent jurisdiction. Notice of the restraining order shall be given in writing to the officer from whom the appeal is taken.

- (D) *Notice of hearing.* The Board shall fix a reasonable time for hearing the appeal, give due notice of the appeal to the parties, and decide the appeal within a reasonable time.
- (E) *Action of Board.* The Board may reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination or interpretation appealed from, and shall make any order, requirement, decision, determination or interpretation that in the Board's opinion ought to be made under the circumstances.
- (F) *Conditions rehearing.* The Board shall not be required to hear an appeal or application previously denied if it finds that there has been no substantial change in conditions or circumstances bearing on the appeal or application.

(Adopted 9-14-1998)

7.4.8 Variances.

(A) *Application.* An application for a variance shall be submitted in writing to the Board by filing a copy of the completed application with the Planning Director. The applicant has the burden of proving unnecessary hardship. The proof must be compelling and reasons for granting the variance must be substantial. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences or the disapproval of one's neighbors also do not qualify. The hardship that the applicant must prove must be measured against the community's need for strictly enforced regulations that protect its citizens. Evidence supporting the request for a variance shall be submitted at the time of the application for the variance.

(B) *Procedure.* The Board shall:

1. Fix a reasonable time for holding a public hearing on the variance request;
2. Give notice of the variance request as prescribed in § 7.1.2; and
3. Decide the variance request within a reasonable time.

(C) *Grounds for a variance.*

1. The Board shall make findings of fact that the requirements of division (D) below have been met by the applicant.
2. The variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure.
3. The Board shall not, under any circumstances, grant a variance to permit a use or density not otherwise permitted by this chapter in the zoning district involved.
4. Neither the nonconforming use of lands, buildings or structures in the same zoning district, nor the permitted use of lands, buildings or structures in other zoning districts shall be considered as grounds for the issuance of a variance.

(D) *Granting of variance.* A variance may be granted by the Board if evidence presented by the applicant persuades it to reach the following conclusions:

1. There are practical difficulties or unnecessary hardships that would result from the strict enforcement of this chapter. The Board may reach this conclusion if it finds that:
 - (a) If the applicant complies with the provisions of this chapter, he or she can make no reasonable use of his or her property;
 - (b) The hardship of which the applicant complains results from unique circumstances related to the applicant's property;
 - (c) The hardship relates to the applicant's property, rather than personal circumstances; and
 - (d) The hardship is not the result of the applicant's own actions.
2. The variance is in harmony with the general purpose and intent of this chapter and preserves the spirit of this chapter; or
3. The granting of the variance assures the public safety and welfare and does substantial justice.

(E) *Conditions.* In granting a variance, the Board may prescribe reasonable and appropriate conditions and safeguards as will assure that the use of the property to which the variance applies will be compatible with surrounding properties and will not alter the essential character of the neighborhood.

1. Violations of the conditions and safeguards, when a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.
2. A variance granted subject to a condition shall be permitted only so long as there is compliance with the condition.
3. If a violation of a variance occurs, the Enforcement Officer may revoke the certificate of occupancy.
3. In the event that any condition is held invalid, for any reason, the holding shall have the effect of invalidating the variance granted and shall render the variance null and void.

(F) *Duration.* The variance may be issued for an indefinite duration or for a specified duration only. Unless otherwise specified, construction or operation shall be commenced within 12 months of the date of issuance of a variance, or the variance shall become void.

(Adopted 9-14-1998)