

Manufactured Housing Park Ordinance

Lenoir County, NC



2002

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AN ORDINANCE OF THE BOARD OF COMMISSIONERS

**OF LENOIR COUNTY ESTABLISHING REGULATIONS
FOR MANUFACTURED HOUSING PARKS WITHIN THE COUNTY**

ENACTMENT:

An ordinance establishing regulations for Manufactured Housing Parks within the County of Lenoir, North Carolina, and providing for the administration, enforcement and amendment thereof, in accordance with the provisions of North Carolina General Statutes 153-A, Article 18 inclusive.

PREAMBLE:

WHEREAS, in order to promote the health, safety and general welfare of the citizens of Lenoir County; and

WHEREAS, in order to provide for planned manufactured housing parks in the County, it is desirable and necessary to adopt the Manufactured Housing Park Ordinance for the unincorporated areas of Lenoir County as set forth herein.

NOW THEREFORE, be it ordained by the Board of Commissioners of Lenoir County as follows:

Section 1. Authority

Lenoir County hereby exercises its authority to adopt and enact a manufactured housing park ordinance under the provisions granted by the North Carolina General Statute 153A-121.

Section 2. Purpose

The purpose of this ordinance is to regulate and guide the placement of, and the establishment of, manufactured housing parks in order to promote the public health, safety, and general welfare of the citizens of Lenoir County. This ordinance is designed to accomplish the following specific objectives:

- (a) to further the orderly layout of manufactured housing parks;
- (b) to secure safety from fire, panic, and other dangers;
- (c) to insure that proper facilities are provided for park residents.

Section 3. Jurisdiction

These regulations set forth in this ordinance shall be applicable within unincorporated areas of Lenoir County located outside of the extraterritorial jurisdictions of municipalities.

Section 4. Effective Date

This ordinance shall take effect and be in force from and after July 1, 2001.

Section 5. Definitions

Tense and number: unless other wise stated the following words shall, for the purpose of this ordinance, have the meaning herein indicated. Words used in present tense include the future. The singular number includes plural and the plural includes the singular.

Development Review Board: body established by the Board of County Commissioners for the purpose of review and approval of subdivisions and manufactured housing parks in Lenoir County.

Existing manufactured housing park: any manufactured housing park in existence on the effective date of this ordinance is exempt from the provisions of this ordinance. Additions of 10 or more cumulative spaces at such parks shall be subject to the requirements of this ordinance.

Manufactured housing: moveable or portable dwelling constructed to be towed on its own chassis and designed without a permanent foundation for year-round occupancy.

Manufactured housing park: any site or tract of land upon which are located three or more contiguous manufactured housing spaces to be occupied for dwelling purposes.

Manufactured Housing Subdivision: creation of manufactured housing spaces for the purpose of sale shall be subject to the Lenoir County Subdivision Regulations.

Manufactured housing space: a plot of land designed to accommodate a single manufactured housing unit in accordance with the requirements of this ordinance.

Planning Board: body appointed by the Board of County Commissioners for the purpose of review of planning matters and subsequent recommendation to the Board of Commissioners, when applicable. The Planning Board shall hear and decide requests for appeals and variances related to this ordinance.

Yard area: shall mean that portion of land immediately surrounding a manufactured home that is set aside for the individual use of the manufactured home resident.

Section 6. **Park Plan Preparation and Approval Procedures**

No person shall construct or operate a new manufactured housing park or alter or extend an existing manufactured housing park as defined herein after the effective date of this ordinance unless the plans and specifications for such have been submitted and approved by the Development Review Board. The construction or addition shall be in accordance with the plans and specifications as approved by the Development Review Board.

Section 6.1 Sketch Plan

The developer may submit a sketch plan prior to submission of a detailed preliminary plan to the County Inspections Department for a courtesy review. The Inspections Department shall advise the developer of general compliance with the requirements of this ordinance.

The sketch plan should be drawn at a scale of not more than 1" = 100' and should contain information such as the name of the park, total acreage, conceptual space designation, street layout, cross sections, proposed drainage, proposed water & sewer service, and contact information regarding the developer and design professional.

Section 6.2 Preliminary Plan

Following sketch plan review, if applicable, the developer shall prepare a preliminary plan at a scale of 1" = 100' or less on an original reproducible plan showing the following information:

1. Mobile Home Park name
2. Name of Owner or Developer
3. Vicinity map
4. Dimensions and bearings of exterior property lines
5. Land contours and vertical intervals of not greater than two (2) feet.
6. Proposed lot lines and numbers, and approximate dimensions
7. Lot size
8. Roads and easements in the vicinity.
9. All existing and proposed structures.
10. Road cross section details.
11. Water system designed to meet state or county regulations.
12. Sewage disposal designed to county and/or state standards
13. Drainage plan
14. Recreation areas
15. Street light locations
16. Location of 100-year flood plain line
17. Buffer and landscaping plan if available
18. Sign location and dimensions
19. Parking spaces
20. Fire Hydrants existing and/or proposed
21. Proposed phasing of the park development, if applicable

Section 6.3 Preliminary Plan Approval

Technical Review: Upon receipt of the reproducible original and ten (10) copies of a properly submitted plan, the Inspections Department shall obtain the necessary comments and recommendations from the NC Department of Transportation, the County Health Department, the Board of Education and other agencies that may be deemed necessary or desirable. The Inspections Department Staff, the County Manager, or designee, and other agencies as deemed appropriate along with the developer, if he so desires, shall meet to review the plans and comments. Meetings shall be scheduled every two weeks as necessary. The technical review shall be completed within thirty (30) calendar days of submission of a complete and accurate plan.

Development Review Board Action: Upon completion of the technical review of the plan, the Development Review Board shall approve or disapprove the plan. The Development Review Board shall have forty (40) calendar days to take action on the plan.

- (a) If the preliminary plan is approved, approval shall be noted on the original reproducible copy of the plan. One print of the plan shall be transmitted to the developer and the reproducible original shall be retained by the Inspections Department.
- (b) When a preliminary plan is disapproved, the Inspections Department Director shall specify the reasons for such action in writing within five (5) working days of the action. One copy of such reasons and the reproducible original of the plan shall be retained by the Inspections Department and a print of the plan with reasons for disapproval shall be given to the developer. If the preliminary plan is disapproved, the developer may make the recommended changes and submit a revised preliminary plan.

Section 6.4 Construction Permits

If the preliminary plan is approved, the developer may obtain the required development permits and proceed with construction. No permits shall be issued prior to address assignments by the County.

Section 6.5 Final Plan Approval

After preliminary plan approval and after the construction of the park including all required improvements, the developer shall prepare a final plan. This plan shall contain all of the requirements of the preliminary plan and shall reflect the "as-built" conditions of the park. Upon approval of the construction by the Inspections Department, the Development Review Board Chairman shall sign the final plan. The final plan must be submitted to the Inspections Department within one year of the preliminary plan approval unless a written request for an extension of time is submitted by the developer and signed by the Development Review Board Chairman prior to the end of the one-year period.

Section 6-6. Occupancy

No manufactured housing spaces shall be occupied until all improvements have been approved by the Inspections Department for the phase of the park under review and the final plan for that phase has been signed by the Development Review Board Chairman.

Section 7. **Specifications**

1. Parks shall contain at least contiguous three (3) spaces.
2. The amount of land for each space utilizing individual septic tank systems shall be determined by the Lenoir County Health Department after an investigation of soil conditions, the proposed method of sewage disposal and proposed water system. However, in no case shall the size of the spaces be less than 10,000 square feet for spaces utilizing septic systems.
3. Spaces located in the 100-year flood plain shall comply with the Lenoir County Flood Damage Prevention Ordinance.
4. A minimum of two (2) off-street parking spaces shall be provided for each space.
5. Each manufactured housing space shall be a minimum of forty (40) feet wide.
6. All roads in any park shall be a minimum of eighteen (18) feet in width and shall be installed with an aggregate base in accordance with NCDOT standards. Road rights-of-way should generally be thirty (30) feet in width.
7. Cul-de-sacs should not exceed one thousand (1,000) feet in length with a minimum diameter of eighty (80) feet and an improved surface radius of thirty five (35) feet.
8. All streets shall have street name signs provided by the County.
9. All spaces shall be permanently identified with numbers in accordance with addressing guidelines for Lenoir County.
10. The developer must indicate plans for refuse collection service to the park.
11. Each space must be provided water, sewer, electrical and telephone connections. Developers are encouraged to place all wiring underground.
12. Parks served by a central water system shall be required to install hydrants equal to the total linear feet of roadway divided by one thousand (1,000) or the total number of spaces divided by forty, whichever is greater. Parks adjacent to a permanent surface water source water body shall install a dry hydrant as close to the water source as possible.
13. Each unit shall be provided with anchorage in accordance with the NC uniform Standard Code for Mobile Homes (NCGS 143, Article 9A).
14. Central mailboxes shall not be located within the public street right-of-way.
15. Requirements for improvements to existing facilities which will be used to serve expansions of existing manufactured housing parks shall be determined by the Development Review Board based on factors including, but not limited to, the size of the expansion, the dependency of the expansion on the existing facilities and the condition of the existing facilities.

Section 8 **Administration**

Section 8.1 Appeals

The Planning Board shall hear and decide appeals concerning actions of the Development Review Board, Development Review Board Chairman or any administrative official charged with the enforcement of this ordinance. Such appeals must be submitted in writing within thirty (30) calendar days of the subject action to the Inspections Department Director. The Planning Board shall take action on the appeal within forty five (45) days. An appeal from the decision of the Planning Board may be made to the Board of County Commissioners. Decisions of the Board of County Commissioners may be appealed to the Superior Court.

Section 8.1 Amendments

The Board of County Commissioners may from time to time amend this ordinance; however, no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendations. The Planning Board shall have forty days (40) within which to submit a report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have approved the amendment.

Section 8.2 Enforcement

This ordinance may be enforced by any of the remedies authorized by NCGS 153A-123, including but not limited to the following:

- (1) Violation of this ordinance is a misdemeanor and shall be subject, upon conviction, to a fine and/or imprisonment as provided by G.S. 14-4.
- 2) The violation of any provision of this ordinance shall subject the offender to a civil penalty in the amount of \$50.00 to be recovered by Lenoir County. Violators shall be issued a written citation which must be paid within ten (10) days.
- 3) Each day's continuing violation of this ordinance shall be a separate and distinct offense.
- 4) Nothing in this Section shall be construed to limit the use of remedies available to the County. The County may seek to enforce this ordinance by using any one, all, or a combination of remedies.

Section 8.3 Variances

The Planning Board may authorize a variance from these regulations when, in its opinion, undue hardship may result from strict compliance. Variance requests shall be initiated in writing by the property owner at least fifteen (15) working days prior to the Planning Board meeting. The owner shall specify the reason for the request. No variance shall be granted unless the Planning Board finds:

- a) that there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would cause an unusual and unnecessary hardship on the property owner and beyond what other park developers would meet, and
- b) that the circumstance giving rise to the need for the variance are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction.

Section 8.4 Separability

Should any section or provision of this ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

CERTIFICATES

The certificates herein shall appear on final plats, if applicable.

a) Certificate of Ownership. Dedication and Jurisdiction

I hereby certify that I am the owner of the property shown and described hereon and that I hereby adopt this plan of subdivision with my own free consent and dedicate all streets, alleys, walks, parks, conservation space and other areas to public or private use as noted. All roads and drainage easements are dedicated for public utility purposes. Further, I certify that the land as shown hereon is located within the subdivision jurisdiction of Lenoir County.

Date

Signature of Owner

b) Certificate of Accuracy and Mapping

I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision, description recorded in Book _____, Page _____; that the error of closure as calculated by latitudes and departures is 1: _____; that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____, Page _____; that this map was prepared in accordance with G.S. 47-30 as amended.

Witness my hand and seal this _____ day of A.D., 20__

Seal

Surveyor, registration number

c) Certificate of Proposed Subdivision Road Construction Standards

Department of Transportation
Division of Highways
Proposed Subdivision Road

Construction Standards Certification approved _____

District Engineer

Date

d) Certificate of Disclosure - Lenoir County Flood Plain Management

I hereby certify that prior to entering into any agreement or any conveyance with a prospective buyer, I shall prepare and sign, and the buyer of the subject real estate shall receive and sign, a statement which fully and accurately discloses that the subject real estate, or a portion of the subject real estate, is located within a flood hazard area and that the buyer must satisfy the requirements of the Lenoir County Flood Plain Management Regulations prior to the issuance of construction permits.

Date

Signature of Owner

e) Certificate of Disclosure for Private Developments

I acknowledge that neither the State nor the County shall be responsible for maintenance of any streets, drainage, open space or other areas which are designated for private use. I acknowledge that prior to contracting with a prospective buyer, I shall give the buyer a written statement which discloses the existence and location of such private areas and specifies the maintenance responsibilities for same. When applicable, the statement shall disclose that the street(s) will not be constructed to minimum standards sufficient to allow their inclusion on the State highway system for maintenance.

Date

Signature of Owner

f) Certificate of Disclosure for Homeowner's Association Covenants, Conditions and Restrictions.

North Carolina

Lenoir County

Home Owner's Association Covenants, Conditions and Restrictions filed for registration on the _____ day of _____ at _____ (a.m./p.m.) and duly recorded in Deed Book _____, at Page _____.

Register of Deeds

g) Certificate Disclaiming Water/Sewer Suitability

Notwithstanding Lenoir County approval of this plat, lots shown on said plat may not receive Health Department approval for on site sewage disposal systems, nor for individual water supply systems.

h) Certificate of Review Officer

North Carolina

Lenoir County

I, _____, Review Officer of Lenoir County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer

i) Certificate of Registration by Resister of Deeds

North Carolina

Lenoir County

Filed for Registration on the _____ day of _____ (a.m./p.m.) and duly recorded in Map Book _____, at Page _____.

Register of Deeds

j) Certificate Disclaiming the need for any Drainage Improvements or Easements

I hereby certify, to the best of my knowledge, that at the time of this survey the subdivision shown hereon does not require drainage improvements or easements to serve the development shown hereon.

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k) **Certificate of Approval**

I hereby certify that the subdivision shown on this plat is in all respects in compliance with the Lenoir County Subdivision Ordinance and that therefore this plat has been approved by the Lenoir County Development Review Board.

DEVELOPMENT REVIEW BOARD OFFICER

DATE

- Flood Statement:
THIS PROPERTY IS LOCATED IN ZONE_____, AND IS/IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA, AS DETERMINED BY NIFP RATE MAP DATED _____, _____: COMMUNITY PANEL NUMBER _____.

Manufactured Housing Park Ordinance Checklist

Lenoir County, NC
Community Development Department (252) 559-2272

NOTE: this checklist serves as a guide in the preparation and review of proposed manufactured housing parks. Users must refer to the current ordinance to determine the precise requirements.

Sketch Plan

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- Sewage disposal designed to county and/or state standards
- Drainage plan
- Recreation areas
- Street light locations

- Location of 100-year flood plain line
- Buffer and landscaping plan if available
- Sign location and dimensions
- Parking spaces
- Fire Hydrants existing and/or proposed
- Proposed phasing of the park development, if applicable

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