

TRANSYLVANIA COUNTY MANUFACTURED HOME PARK ORDINANCE

Sec. 11-1. Short Title.

This Ordinance shall be known and cited as the "Transylvania County Manufactured Home Park Ordinance."

Sec. 11-2. Authority and Enactment Clause.

This Ordinance is adopted under the authority and provisions of the General Statutes of North Carolina, Article 6, Chapter 153A-121.

Sec. 11-3. Jurisdiction.

This Ordinance shall apply to the unincorporated areas of Transylvania County located outside the planning jurisdiction of a municipality, as established pursuant to G.S. Section 160A-360. Municipalities within Transylvania County may elect to allow this Ordinance to be effective within their corporate limits or extraterritorial jurisdiction.

Sec. 11-4. Purpose.

To regulate and guide the manufactured home park developments in order to promote the public health, safety and general welfare of Transylvania County citizens.

To insure that adequate facilities for transportation, fire safety, emergency access, parking, water, and sewage disposal are provided for manufactured home park residents.

Sec. 11-5. Definitions.

For the purpose of this Ordinance, the following words shall have the meaning indicated.

Building: Any structure built for support, shelter, or enclosure for any occupancy or storage.

Certificate of Completion: A document issued by the Inspection Department to a manufactured home park developer upon completion of the park, or phase thereof, that certifies that the park conforms to this Ordinance. A Certificate of Completion is required in order to obtain manufactured home set-up permits or other building permits from the Transylvania County Inspections Department.

Community sewer system: Any sewage system serving ten (10) or more connections.

Community or public water system: A system for the provision to the public of piped water for human consumption if the system serves fifteen (15) or more service connections or which regularly serves twenty-five (25) or more individuals.

Developer: A person, firm, corporation or duly authorized agent submitting an application for a Manufactured Home Park Construction Permit.

Easement: A grant by the property owner for the use by the public, a corporation, or person(s) of a strip of land for specified reasons.

Existing Manufactured Home Park: A manufactured home park shall be considered existing if, on the effective date of this Ordinance, there are spaces containing an occupied manufactured home, or are defined on the ground by the presence of water and sewer service connections and electric service equipment.

Manufactured Home: A single-family dwelling unit suitable for year-round occupancy and containing the same water supply, waste disposal, and utility conveniences as immobile housing and designed to be transported on its own chassis and wheels.

Manufactured Home Park: A parcel or contiguous parcels of land owned and/or managed as part of the same business operation that is designed to accommodate five (5) or more manufactured homes unless each manufactured home is separated by more than 500 feet.

Manufactured Home Park Construction Permit: A permit issued by the Planning Department to a manufactured home park developer upon application and site development plan approval.

Manufactured Home Park Plan: A proposed manufactured home park plan prepared by the developer in accordance with guidelines set forth in this Ordinance.

Manufactured Home Space: A parcel of land within a manufactured home park designed for the exclusive use of one (1) manufactured home and associated accessory buildings.

Phase: A portion of a manufactured home park development delineated on a site plan.

Road: A dedicated public or private right-of-way for routine vehicular traffic.

- a. *Cul-de-Sac:* Local roads with one (1) end open for vehicular access and the other end terminating in a vehicular turnaround. The length of the cul-de-sac shall be measured along the center line from its intersection with the center line of the road from which it runs to the center of the cul-de-sac turnaround.

Setback: The distance from an established property boundary or other line defined in this Ordinance that establishes the buildable area on a lot and/or a manufactured home space.

Site number: A permanent number identifying a manufactured home site.
(Ord. of 2-26-74, Art. I, § 5)

Sec. 11-6. Approval/Permit Required.

Any person, firm or corporation wanting to construct, alter or expand a manufactured home park shall first submit an application and site development plan for approval to the Planning Department.

Sec. 11-7. Preapplication Conference.

Prior to preliminary plan application, the manufactured home park developer is invited to submit a sketch plan of the proposed park to the Planning Department. The purpose of submitting the sketch plan is to give the developer an opportunity to obtain the advice and assistance from the Planning Department.

Sec. 11-8. Permit Application.

Prior to constructing a new manufactured home park or expanding an existing manufactured home park, the developer shall submit a permit application to the Planning Department. The returned application shall be accompanied by five (5) copies of the proposed park plan.

Sec. 11-9. Specifications for Application/Site Development Plans.

- (1) All manufactured home parks or any addition to an existing manufactured home park that brings the total spaces in the park to five (5) or more shall be prepared by a registered land surveyor or engineer and show the entire park (including the original spaces).
- (2) The proposed manufactured home park site development plan shall be drawn at a scale no smaller than one inch equals one hundred feet. The following information shall be indicated on the proposed site development plan or presented as supporting documents, unless specifically waived by the Planning Department or Planning Board.

(a) Title Block

- Name and address of owner of record
- Manufactured home park name
- Location (township, county, state)
- Date(s) of survey(s)
- Graphic scale and written scale
- Fire district
- Tax parcel number

(b) Roads

- Existing and platted roads on abutting properties and in the proposed manufactured home park
- Right-of-ways, location and dimensions, if applicable
- Proposed road name(s)
- Cross-section of typical internal road with indication of design standards to be met

(c) Utilities

- Utility and other easements of record on and abutting to the manufactured home park
- Transmission lines
- Approximate location of natural gas lines
- Storm sewers, culverts, detention ponds, and other drainage facilities, if any (proposed/actual)

(d) Site Calculations

- Acreage in total project or phase
- Total number of manufactured home spaces
- Linear feet in roads
- Area of each space

(e) Other Details

- Sketch vicinity map showing the relationship between the proposed manufactured home park and surrounding area
- North arrow
- The location and name of all water courses, as identified on U.S.G.S. 7.5 minutes series (topographic) maps
- Any natural features affecting the site
- The location of any area of special flood hazard and floodway, if applicable
- The location of any cemetery
- Existing buildings or structures, railroads, and bridges on the land
- Names of adjacent property owners
- The existing uses of the land
- The accurate location and description of all manufactured home park spaces corners and space numbers
- Appropriate number of plan copies
- Park identification sign plan (sketch with dimensions)

(f) A written statement from either the NC Department of Environment, Health and Natural Resources or the Transylvania County Health Department permitting plans for the community sewer system, if applicable.

(g) A written statement from the NC Department of Environment, Health and Natural Resources approving and permitting plans for a community water system, if applicable.

(h) A copy of the erosion control plan and a written statement from the NC Department of Environment, Health and Natural Resources stating that an erosion control plan has been submitted and approved for the project, if applicable.

(i) A written statement from the District Engineer of the Division of Highways of NC Department of Transportation certifying approval of any proposed road and highway plans, if applicable.

- (j) Any other information considered by the manufactured home park developer, the Planning Department and/or Planning Board that is pertinent to reviewing the plat.

Sec. 11-10. Permit Application, Review and Approval.

- (1) The Planning Department shall review the proposed manufactured home park plans to ensure that all requirements of this Ordinance are completed. The park developer or the developer's agent should be present to answer any questions concerning the park plan. At the Planning Director's discretion or the developer's request, a manufactured home park site development plan may be submitted to the Planning Board for their review and approval. Such request should be made in writing at least ten (10) working days prior to a regular Planning Board meeting.
- (2) The Planning Department or Planning Board shall approve, approve conditionally, or disapprove the proposed plan and shall notify the developer, in writing, of its decision within ten (10) working days after the proposed plan is submitted for review by the Planning Department or ten (10) working days following a regular scheduled Planning Board meeting. The Planning Board's decision shall be entered in the Planning Board minutes.

Sec. 11-11. Manufactured Home Park Construction Permit and Manufactured Home Park Certificate of Completion.

- (1) Following Manufactured Home Park Plan Approval, the Planning Department is authorized to issue a manufactured home park construction permit. The intent of this permit is to enable the execution of the park 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 Ordinance.
- (2) If the construction of the park has not begun within twelve (12) months from the issue date of the manufactured home park construction permit, the permit shall become null and void. The Planning Board may grant an extension of the manufactured home park construction permit if the developer appears before the Planning Board and shows cause.
- (3) Certificate of Completion - Once the required manufactured home park site improvements are complete, the developer shall notify the Planning Department. At the request of the Planning Department, the Inspection Department shall conduct a site inspection(s) and issue a Certificate of Completion or a list of remedial items that must be satisfied before a Certificate of Completion will be issued. Once a Certificate of Completion is issued, spaces within the park or phase may be leased and set-up permits for manufactured homes may be obtained.
- (4) In no case shall the manufactured home park Certificate of Completion be issued for fewer than the minimum number of spaces required by this Ordinance.

Sec. 11-12. Fees.

A fee for reviewing and approving manufactured home parks shall be established by the Board of Commissioners and posted in the Planning Department.

Sec. 11-13. Existing/Non-conforming Manufactured Home Parks.

- (1) Any manufactured home park, existing on the effective date of this Ordinance or any subsequent amendment thereto, may continue to operate without being subject to the requirements of this Ordinance, unless expansion is proposed.
- (2) In-filling. If a manufactured home park existing prior to enactment of this Ordinance is to be expanded and such expansion involves more than two spaces but does not require the construction of a new road to serve the new spaces, the development will not be required to comply with the requirements of this Ordinance provided that the following conditions are met:
 - a. The development must occur within the original manufactured home park, and
 - b. All setback requirements are met.
- (3) Other Expansions. If expansion of an existing manufactured home park involves new road construction, the new development will be considered a new phase and shall comply with the requirements of this Ordinance, regardless if the proposed manufactured home park is on a different tax parcel(s) or owned by another individual.

Sec. 11-14. Amendments to the Park Development Plan.

Minor changes in the location or character of a manufactured homes space or other structures may be authorized by the Planning Department if required by engineering or other circumstances not foreseen at the time the plan was approved, provided that such changes meet the requirements set forth in this Ordinance. A developer proposing to increase the number of spaces shall submit a revised plan for approval by the Planning Department.

Sec. 11-15. Property Access.

All manufactured home parks shall have an access road, built to the minimum road standards of this Ordinance, from the property to a state-maintained road.

Sec. 11-16. Density.

Each manufactured home space shall contain at least five thousand (5,000) square feet of ground area. Transylvania County Health Department requirements or other local and state regulations may affect the development density.

Sec. 11-17. Separation and Setback Requirements.

- (1) Each manufactured home space shall be clearly defined by permanent markers placed at all corners.
- (2) No manufactured home space shall be located on ground within a defined floodway in accordance to the Transylvania County Flood Damage Control Ordinance. Manufactured home spaces may be located in an area of special flood hazard provided the requirements of the Transylvania County Flood Damage Control Ordinance are met.
- (3) Each manufactured home shall be located at least twenty (20) feet from any other manufactured home, at least twenty (20) feet from the manufactured home park boundary and at least twenty-two and one half (22.5) feet from the center line of all interior roads and thirty (30) feet from the edge of the right-of-way of any state maintained road.
- (4) All manufactured homes shall be located at least one hundred (100) feet from any public water or sewage treatment facility.

Sec. 11-18. Parking.

Two (2) off-street parking spaces shall be provided and maintained for each manufactured home space. Each parking space shall have a minimum width of nine (9) feet and a minimum length of eighteen (18) feet. Parking spaces shall, at a minimum, be constructed using four (4) inches of crushed stone on a well-compacted sub-base.

Sec. 11-19. Public Road Access.

Manufactured home spaces within a manufactured home park shall not have direct vehicular access to a state maintained road. Access to all manufactured homes and other structures within a manufactured home park shall be made using roads located within the park.

Sec. 11-20. Road and Design Standards.

The manufactured home park roads minimum construction standards are as set forth in this Ordinance. Manufactured home park roads may be designated public or private.

- (1) Public manufactured home park roads shall be built to minimum construction standards of the NC Department of Transportation as required by G.S. 136-102.6.
- (2) Private manufactured home park roads shall meet the following minimum road construction standards.
 - a. Cul-de-Sacs - The required turnaround on a dead-end road in a manufactured home park shall have an unobstructed roadway radius of not less than thirty-five feet (35'). If the road length does not exceed fifteen hundred feet (1500') and if construction difficulties will not permit a turnaround, the use of a "Y" or a "T" or other turning space of a design that will allow a vehicle with

a wheel base of at least twenty-five feet (25') to complete a turning movement with a maximum of one (1) backing movement, shall be permitted.

- b. Road Grades - Maximum road grades shall be eighteen percent (18%).
 - c. Road Widths - Manufactured home park roads shall have a minimum roadbed width of eighteen (18) feet and shoulder width of two (2) feet.
 - d. Roadbed Base - After subgrade preparation, the roadbed shall be surfaced with material of no lower classification than crushed rock, stone, or gravel. The crushed rock or stone size shall be from one and one-half inches (1 1/2") down, including dust. Stone shall be spread uniformly over the area to be covered and thoroughly rolled and compacted to no less than six inches (6").
 - e. Maximum cut and fill slopes shall be approximately 1.5:1.
 - f. No road in an area subject to flooding shall be approved if it is more than two feet (2') below the elevation of a 100 year flood. Fill may be used in accordance to the Transylvania County Flood Damage Control Ordinance. Drainage openings for roads in areas subject to flooding shall be provided and designed not to restrict the flow of water and unduly increase flood heights.
 - g. Every road shall be designed to accommodate a ten (10) year storm water run-off by natural or artificial means.
- (3) Connections with State Road System - If a new manufactured home park road connects to a state maintained road, a permit authorizing construction on state right-of-way is required from the Division of Highways before beginning construction. When a new manufactured home park road connects to a state maintained road, the design standards of the NC Department of Transportation for intersections shall be required.
- (4) Internal road and drainage facility maintenance shall be the manufactured home park owner's responsibility.

Sec. 11-21. Internal Road Names and Signs.

All proposed roads within a manufactured home park shall be assigned a name. Such names shall not duplicate any existing road names in Transylvania County. All proposed road names and signs shall be approved by the Planning Department in accordance with the Road Naming Ordinance.

Sec. 11-22. Regulatory Signs.

All manufactured home park roads intersecting with a state maintained road shall have a stop or yield sign, whichever meets and conforms to NC Department of Transportation specifications, installed and maintained by the developer.

Sec. 11-23. Manufactured Home Space Numbering.

Each manufactured home space shall have a four-inch-high, or larger, permanent site number mounted or painted so that it is clearly visible from the adjacent road prior to the issuance of a Certificate of Completion by the Inspection Department. The manufactured home park owner is responsible for maintaining site numbers.

Sec. 11-24. Manufactured Home Park Name.

A manufactured home park name shall not duplicate or closely resemble the name of any existing road, subdivision, existing manufactured home park or other housing development located in Transylvania County. Proposed park names shall be approved by the Planning Department.

Sec. 11-25. Park Identification Sign.

Manufactured home park identification signs shall meet the Transylvania County Sign Control Ordinance requirements.

Sec. 11-26. Administration.

The Planning Department through and by the Planning Director is hereby designated a planning agency pursuant to G.S. 153A-321 and is appointed to serve as the manufactured home park administrator. The Planning Director or his representative is authorized to make the inspections, during normal business hours, to ensure that the requirements of this Ordinance are met.

Sec. 11-27. Variances.

Where strict adherence to the provisions of this Ordinance would cause an unnecessary hardship because of topographical or other conditions peculiar to the site, the Planning Board may authorize a variance, if such variance can be made without destroying the intent of the Ordinance. Any variance thus authorized shall be entered into the minutes of the Planning Board and the reasoning on which the departure was justified shall be set forth.
(Ord. of 2-26-74, Art. IV § 3)

Sec. 11-28. Appeals.

Appeals from decisions of the Planning Department shall be taken to the Planning Board; appeals from decisions of the Planning Board shall be taken to the Board of Commissioners; appeals from decisions of the Board of Commissioners shall be taken to the appropriate Court of Record as provided by law. Appeals must be filed within fifteen (15) working days from the date the respective order or decision is issued. Appeals shall only be filed by the developer or agent representing the developer.

Sec. 11-29. Penalties.

Any person violating this Ordinance shall be guilty of a misdemeanor. Each day's violation of any provision of this Ordinance shall constitute a separate and distinct offense. For the purpose of this Ordinance, a violation begins from the date of first notification by the Planning Department. The Planning Department or County Attorney, may bring such action as to enjoin any such violations by action for injunction. Further violations shall be subject, upon conviction, to fine and/or imprisonment as provided by North Carolina General Statute 14-4. (Ord. of 2-26-74, Art. IV, § 6)

Sec. 11-30. Amendment procedure.

This Ordinance may be amended from time to time by the Board of Commissioners as provided by the General Statutes. No amendments shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation. The Planning Board shall have forty-five (45) days within which to submit its recommendation. If the Planning Board fails to submit a recommendation within the specified time, it shall be deemed to have approved the amendment. (Ord. of 2-26-74, Art. IV, § 9)

Sec. 11-31. Conflicting Ordinances.

Wherever the provisions of any other law, ordinance or regulation impose higher standards than are required by the provisions of this Ordinance, the provisions of such law, ordinance or regulation shall govern. (Ord. of 2-26-74, Art. IV, § 8)

Sec. 11-32. Validity.

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 this Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Sec. 11-33. Effective Date.

This Ordinance shall take effect and be in force on and after the date of its adoption by the Board of Commissioners of Transylvania County, this 23 day of October, 1995, amended April

Robert H. Masengill, Chairman

Sandra P. Jameson, Clerk to Board