

## MANUFACTURED HOME PARKS

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## **Part 1. In General**

### **Section 1. Authority and Responsibility**

This Ordinance is adopted under the authority of North Carolina General Statute (N.C.G.S.) 153A-121. The County Planning Board, Technical Review Committee and Planning staff are responsible for the administration and enforcement of this Ordinance.

### **Section 2. Purpose**

It is the intent of this Ordinance to regulate and guide the establishment of manufactured home parks to promote the public health, safety, and general welfare by:

- A. Establishing provisions and design standards designed to create functional, safe, and attractive manufactured home parks, minimize adverse impacts to the development site and adjacent properties, and afford the County better quality development;
- B. Establishing a comprehensive and efficient review process for manufactured home park plans to ensure compliance with this Ordinance and other requirements;
- C. Ensuring the installation and maintenance of necessary improvements and services; and
- D. Establishing procedures for handling such administrative matters as amendments, appeals and variances.

### **Section 3. Applicability and Jurisdiction**

This Ordinance is intended to exclusively regulate the development of new manufactured home parks and the expansion of existing mobile and manufactured home parks. These provisions allow for the rental or lease of individual manufactured home park spaces, while prohibiting the subdivision and sale of spaces as lots.

This Ordinance shall apply to manufactured home park developments within the County outside the corporate or extraterritorial jurisdiction of any municipality. This Ordinance may also regulate such development activity within the jurisdiction of any municipality whose governing body agrees, by resolution, to such applicability

### **Section 4. Mobile Homes Prohibited**

Mobile homes which, at the time of construction, were not built to the standards of the National Manufactured Housing Construction and Safety Standards Act of 1974 (effective 1976) are prohibited within any manufactured home park approved under this Ordinance.

### **Section 5. Relationship with Other Laws**

Wherever the provisions of this Ordinance are either more restrictive or less restrictive than comparable provisions of any other law, ordinance, or regulation, the most restrictive provisions shall apply. It is not intended that these regulations interfere with or annul any easements, covenants, deed restrictions, or other private agreements between parties.

### **Section 6. Severability**

Should any section, subsection, or provision of these regulations be held void or invalid by a court of law for any reason, all other sections, subsections, or provisions shall be considered valid and enforceable.

## **Section 7. Reenactment and Repeal of Existing Ordinance**

This Ordinance is intended to reenact and continue in force some of the provisions of the existing Mobile Home Park Ordinance previously enacted and amended by the County. All provisions which are not reenacted are hereby repealed.

- A. *Effect on pending litigation.* All suits at law or in equity and/or all prosecutions resulting from the violation of any ordinance heretofore in effect, which are now pending in any of the courts of this state or of the United States, shall not be abated or abandoned by reason of the adoption of this chapter, but shall be prosecuted to their finality the same as if this Ordinance had not been adopted; and any and all violations of the existing Ordinance, prosecutions for which have not been instituted, may be hereafter filed and prosecuted; and nothing in this Ordinance shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending and/or which may heretofore have been instituted or prosecuted.
- B. *Effect on pending mobile home park plans.* Any preliminary or as-built mobile home park plan properly submitted for review prior to the effective date of this Ordinance shall continue to be reviewed under the regulations in existence at the time of submittal. Any addition, expansion, or other new manufactured home park activity however, shall follow the applicable procedures and requirements outlined in this Ordinance.

## **Section 8. Effective Date**

This Ordinance shall take full force and effect on February 1, 1998, as adopted by the County Board of Commissioners on November 17, 1997.

## **Sections 9-20 Reserved**

### **Part 2. Review and Approval Procedures**

#### **Section 21. Purpose**

This Part sets forth review and approval procedures for manufactured home parks plans to ensure compliance with the provisions of this Ordinance.

#### **Section 22. Approval Required**

From the time these provisions become effective, no permits for manufactured home parks shall be issued, nor construction initiated, except as allowed in this Part.

#### **Section 23. General Review and Approval Process**

All manufactured home parks proposed on or after the effective date of this Ordinance shall be reviewed as outlined below.

- A. *Minor manufactured home parks.* The review and approval process for minor manufactured home parks is designed to allow for review and action by the administrator. The developer may submit a sketch plan for review to aid in the preparation of subsequent submittals. Generally, the review of these developments utilizes a two-step process of preliminary and as-built plans without regular submittal deadlines. However in cases where construction of major improvements is necessary, submittal of a construction plan also will be required.

- B. *Major manufactured home parks require review and approval by the Planning Board, Technical Review Committee and Administrator.* Additional action by the Board of Adjustment and/or Board of Commissioners may be required to comply with the County Zoning Regulations. The developer may submit a sketch plan for review to aid in the preparation of subsequent submittals. Generally, the review of these developments utilizes a three step process of preliminary, construction, and as-built plans. Preliminary and construction plans must be submitted in accordance with their respective submittal deadline for consideration by the planning board and for technical review committee. As-built plans may be submitted at any time.
- C. Unless provided otherwise by law, all rights, privileges, benefits, burdens, and obligations created by development approvals made pursuant to this Chapter 160D-104, attach to and run with the land.

#### **Section 24. Preliminary Plan Review Process**

The following review procedures shall be followed during the review of preliminary plans for major and minor manufactured home parks. Preliminary plans submitted for review under this Section shall conform to Part 4 Plan Requirements.

- A. The developer is encouraged to discuss the project and applicable regulations with the administrator and other review agency representatives to determine the procedures and requirements to be met when preparing submittals. In particular, the developer is advised to take into consideration those items specifically outlined in Section 83, Table of Map Requirements. Further, the developer is encouraged to submit a preliminary plan for the entire development site to ensure all requirements of the chapter can be met.
- B. The developer may submit five (5) copies of a sketch plan for the proposed development to the Planning Department. Within five (5) working days, the administrator shall review the draft plan and notify the developer of applicable regulations which may affect the preparation of the preliminary plan.
- C. The developer shall submit the appropriate number of copies of the preliminary plan to the Planning Department. Preliminary plans for major manufactured home parks must be submitted at least twenty (20) working days prior to the next regularly scheduled meeting of the Planning Board, if to be considered by the Board at that time.
- D. The administrator shall then transmit copies of the preliminary plan to the applicable reviewing and regulatory agencies, generally including, but not limited to, the following:
  1. North Carolina Department of Transportation, Division of Highways
  2. Pitt County Health Department, Environmental Health Division
  3. Pitt County Engineering Department
  4. Pitt County Emergency Services Department
  5. Pitt County Natural Resources Conservation Service
  6. Pitt County Board of Education
  7. U.S. Army Corps of Engineers

8. U.S. Postal Service
9. Any applicable utility company(ies) providing service to the proposed development

Such agencies shall be given seven (7) working days to provide the administrator with written development conditions, requirements, and comments concerning the proposed development.

- E. Upon receipt and compilation of reviewing agency conditions, requirements, and comments, the administrator shall follow the process outlined below for minor and major manufactured home park plans.
  1. *Minor manufactured home park.* The administrator shall take the appropriate action listed in Section 24(F) on minor manufactured home park plans. The administrator may add reasonable conditions and requirements to the approval to promote public health, safety, and welfare. Failure on the part of the administrator to act on the preliminary plan within forty-five (45) days of receipt of an acceptable plan shall constitute approval, except where the developer voluntarily withdraws the plan from consideration or requests that review be continued. Such requests shall be provided to the administrator in writing.
  2. *Major manufactured home park.* Prior to the Planning Board meeting, the administrator shall forward the compiled conditions, requirements, and comments to the Technical Review Committee. The Technical Review Committee shall conduct a meeting to review and discuss the preliminary plan, written conditions, requirements, and comments, and to determine plan acceptability for presentation to the Planning Board. The preliminary plan; written conditions, requirements, and comments; and a recommendation from the Technical Review Committee shall then be forwarded to the Planning Board for consideration and action. The Planning Board may add reasonable conditions and requirements to the approval to promote public health, safety, and welfare. Failure on the part of the Planning Board to act on the preliminary plan within forty-five (45) days of the first review at a regular meeting shall constitute approval, except where the developer voluntarily withdraws the plan from consideration or requests that review be continued. Such requests shall be provided to the administrator in writing.
- F. The Planning Board or administrator, as applicable, shall take one of the following actions on preliminary manufacture home park plans:
  1. *Approval.* Approval of the preliminary plan is authorization for the developer to proceed with development of the park, or preparation of a construction plan if installation of major improvements is required.
  2. *Conditional approval.* Conditional approval of the preliminary plan is authorization for the developer to proceed with development of the park, as permitted or limited by conditions or requirements, or with preparation of a construction plan if installation of major improvements is required. Submittal of a revised preliminary plan may be included as a condition of approval.
  3. *Disapproval.* Disapproval of the preliminary plan shall require submittal of a revised plan.
- G. Preliminary plan approval shall remain valid provided that a construction plan, if required, or an as-built plan for the entire development or first phase or section is submitted and approved within two (2) years.
- H. A copy of the preliminary plan shall be stamped and dated with the action taken and shall be returned to the developer with any accompanying conditions, requirements, and comments.

- I. Any development approval issued exclusively in electronic form shall be protected from further editing once issued.

## **Section 25. Space Evaluations for On-Site Sewage Disposal Systems**

- A. Before the design of a construction plan, if required, or installation of septic systems, the subdivider shall apply to and receive the results from the County Environmental Health Division for individual space evaluations for the entire manufactured home park or a phase of the park.
- B. Based upon more detailed information from such evaluations, a construction plan illustrating drainage improvements may be required, although not previously identified during preliminary plan review. The construction plan shall then be prepared, submitted, and reviewed in accordance with Section 26, Construction Plan Review Process.

## **Section 26. Construction Plan Review Process**

These procedures all for review of construction plans by the Technical Review Committee. Construction plans submitted for review under this Section shall conform to Part 4, Plan Requirements, and shall include all improvements and land-disturbing activities which are planned, but not necessarily required by this Ordinance.

- A. The developer shall submit to the administrator the appropriate number of copies of the construction plan for the entire manufactured home park or a phase or section of the park prepared in accordance with Part 4, Plan Requirements. The construction plan shall be submitted at least fifteen (15) working days prior to the next regularly scheduled meeting of the Technical Review Committee, if to be considered by the Committee at that time.
- B. The construction plan shall be transmitted to the Technical Review Committee and affected service providers. The reviewers shall return conditions, requirements, and technical comments to the administrator within seven (7) working days.
- C. The Technical Review Committee shall conduct a meeting to review and discuss the proposed construction plan and recommended conditions, requirements, and comments and to act upon the plan. The Technical Review Committee may add reasonable conditions and requirements to the approval to promote public health, safety, and welfare. Failure on the part of the Technical Review Committee to act on the construction plan within forty-five (45) days of first review at a regular meeting shall constitute approval, except where the developer voluntarily withdraws the plan from consideration or requests that review be continued. Such requests shall be provided to the administrator in writing.
- D. The Technical Review Committee shall take one (1) of the following actions on an acceptable plan:
  1. *Approval.* Approval of the construction plan is authorization for the developer to begin construction of the park. Before construction of improvements (e.g., water and sewer facilities) which are to be owned and maintained by the service provider(s), construction plan approval also must be obtained from the respective service provider(s).
  2. *Conditional approval.* Conditional approval of the construction plan is authorization for the developer to begin construction, as permitted or limited by the conditions. Before construction of improvements (e.g., water and sewer facilities) which are to be owned and maintained by the service provider(s), construction plan approval also must be obtained from the respective service provider(s). Submittal of a revised construction plan may be included as a condition of approval. As required by other provisions of this Ordinance, evidence that these conditions have been met shall be provided to the county concurrent with submittal of the as-built plat.

3. *Disapproval.* Disapproval of the construction plan shall require submittal of a revised plan and/or other supplemental materials pertinent to the proposed improvements.
- E. Construction plan approval shall remain valid provided that an as-built plan for the entire development or first phase or section is submitted and approved within two (2) years.
- F. A copy of the construction plan shall be stamped and dated with the action taken and shall be returned to the developer with any accompanying conditions, requirements, and comments.
- G. Any development approval issued exclusively in electronic form shall be protected from further editing once issued.

### **Section 27. Installation and Certification of Improvements**

Once the preliminary plan or construction plan, if required, is approved, the necessary improvements for the manufactured home park may be installed. Installation shall be in compliance with any conditions placed on construction and/or preliminary plan approval. All improvements required by Part 3, Design and Improvement Standards, including septic and water supply systems, streets, and parking areas, shall be installed and functional prior to submittal of the as-built plan. The developer's engineer or surveyor shall, as part of the as-built plan submittal, furnish a letter certifying that the manufactured home park improvements have been completed in accordance with the approved construction plan and any associated conditions and requirements. Any variation from the approved construction plan shall be indicated in the certification letter and on the as-built plan, and subject to additional review requirements cited in Section 28(C).

### **Section 28. As-Built Plan Review Process**

The following review procedures shall be followed during the review of as-built manufactured home park plans:

- A. After approval of the preliminary plan or construction plan, if required, and completion of the required improvements, the developer shall submit an as-built plan for the entire development or the first phase or section of the development to the Planning Department. If an as-built plan is not submitted and approved within twenty-four (24) months, preliminary plan and construction plan approval shall become null and void, and vested rights shall cease.
- B. The developer shall submit the appropriate number of copies of the as-built plan to the Planning Department. The as-built plan submittal shall also include the project engineer's or surveyor's certification that all improvements have been completed and are in conformance with approved plans, as well as all other required supplementary materials.
- C. Where any variation from the approved construction plan occurs, the administrator shall determine whether the extent of the change(s) warrants a second review by review agencies as stipulated in Section 26, Construction Plan Review Process.
- D. The administrator shall review the as-built plan and other materials for completeness. The administrator may submit the as-built plan to any agency which reviewed the preliminary construction plans to ensure compliance with applicable regulations.
- E. The administrator shall act on all as-built plans. Failure on the part of the County to act within thirty (30) days of an as-built plan submittal shall constitute approval, except where the developer voluntarily withdraws the final plat from consideration. Such requests shall be provided to the Planning Department in writing.

- F. Upon inspection of the site and review of comments by reviewing agencies, the administrator shall take one (1) of the following actions:
1. *Approval.* Approval of the as-built plan is authorization to issue an operating permit for all or the approved portion of a manufactured home park. The action of the administrator and the date shall be noted on the as-built plan and the administrator shall send a stamped copy of the plan to the developer.
  2. *Disapproval.* Disapproval of the as-built plan shall require that the administrator state the reason(s) for disapproval and notify the developer of the action and reason(s) in writing.
  3. Any development approval issued exclusively in electronic form shall be protected from further editing once issued.

## **Sections 29-40 Reserved**

### **Part 3. Design and Improvement Standards**

#### Division 1. Generally

#### **Section 41. Purpose**

The purpose of this Ordinance is to set forth the minimum design and improvement standards for manufactured home parks to ensure that the provisions of this Ordinance are met.

#### **Section 42. General Objectives**

These provisions and design standards are designed to create functional and attractive manufactured home parks, minimize adverse impacts, and afford the County better quality development. The following are general objectives to be achieved through this Ordinance:

- A. Developments should be designed to avoid an adverse effect on groundwater and aquifer recharge; to reduce site grading and cut and fill; to prevent accelerated erosion; to prevent flooding; to provide adequate access to spaces and building sites; and to mitigate adverse effects of noise, traffic, and drainage on neighboring properties.
- B. To the maximum extent practicable, developments should be located to preserve the natural features of the site, to address areas of environmental sensitivity, and to minimize alteration of natural features except as otherwise permitted by this Ordinance. In particular, the following areas or items should be considered for protection or preservation:
  1. Unique or fragile areas, such as regulated wetlands;
  2. Land within flood hazard areas;
  3. Identified habitats of endangered wildlife; and
  4. Historically significant structures and sites, as listed on federal or state lists of historic places;
- C. An adequate surface and subsurface drainage system shall be designed, installed, and maintained to meet the following objectives:

1. Each building site shall have a suitable building area safe from flooding and erosion, and shall conform to the Flood Damage prevention Ordinance and the Soil Erosion and Sedimentation Control Ordinance.
2. The drainage system shall be designed to minimize inundation of public and private land during the ten-year storm. It shall also prevent excess infiltration or inundation of surface water and/or groundwater into septic tank nitrification fields.
3. The system of drainage shall protect all roads, driveways, utilities, and other improvements from damage that may be caused by improper stormwater management.
4. Drainage ditches, underground tile, and swales shall be coordinated with the existing and proposed general drainage system.
5. Drainage ditches and swales shall be designed and constructed to avoid excessive rates of flow, erosions, or overflow into developed areas subject to potential damage. Underground tile shall be kept free from obstructions.
6. The drainage system shall be designed so as not to impede the natural drainage of water.

## **Sections 43-50 Reserved**

### Division 2. Specific Standards

#### **Section 51. Generally**

This Division sets forth the design and improvement standards to ensure properly planned, designed, constructed, and maintained manufactured home parks.

#### **Section 52. Parking**

A parking pad shall be constructed on each manufactured home park space to allow for off-street parking for two (2) vehicles. Each parking pad shall not be less than twenty (20) feet by twenty (20) feet, and shall be graded and surfaced with asphalt, concrete, or other similar and impervious materials. Each parking pad shall be directly connected to a driveway or to the travelway of a manufactured home park street. (See Appendixes A and B).

#### **Section 53. Driveways**

Each manufactured home park space shall have direct access onto an approved manufactured home park street or state road by way of a driveway, unless the parking pad is directly connected to the travelway of a manufactured home park street. Driveways shall be at least ten (10) feet wide, and graded and surfaced with asphalt, concrete, or similar and impervious materials. No more than two (2) manufactured home park spaces may share a common driveway (See Appendixes A and B). Design options for connecting a driveway to a street are as follows:

- A. *Valley gutter design.* Concrete valley gutters must be designed so as not to impede surface water flow along road side ditches (see Appendix C). Valley gutters may be installed in areas where the surface water flow is minimal and where a shallow ditch cross section can be effectively utilized. The design shall allow for safe and efficient vehicular movement onto the manufactured home park space.
- B. *Driveway tile installation.* If a driveway tile is to be installed, the tile must be a minimum of fifteen (15) inches in diameter and have one (1) foot of cover material (see Appendix C). Road side ditches

should be a sufficient depth to allow the driveway to be installed over the tile and the necessary cover material. Driveway tile installation is required in areas where surface water flows or stands for extended periods of time or when required by the County Engineering Department. In addition, North Carolina Department of Transportation driveway installation requirements must be met when driveways are installed along state maintained roads.

## **Section 54. Streets**

All streets within manufactured home parks shall be designated as private and shall be paved.

- A. *Street requirements.* Except as listed below, all streets must be constructed in accordance with the North Carolina Department of Transportation requirements for public streets. The exceptions from NCDOT standards are based upon the permitted driveway design for the individual spaces.
1. *Valley gutter design (see Appendix C).*
    - a. Right-of-way width: forty (45) feet;
    - b. Pavement width: twenty (20) feet;
    - c. Minimum centerline radius: one hundred fifty (150) feet;
    - d. Swale section:
      - i. front slope: horizontal distance of five (5) feet with a slope of 5:1;
      - ii. back slope: slope of 5:1
      - iii. longitudinal slope: 0.3 percent
  2. *Driveway tile installation (see Appendix C).*
    - a. Right-of-way width: fifty (50) feet;
    - b. Pavement width: twenty (20) feet;
    - c. Minimum centerline radius: one hundred fifty (150) feet;
- B. *Cul-de-sacs.* Every permanent dead-end street shall be developed as a cul-de-sac and shall not exceed twelve hundred (1200) feet in length, except where the shape of the tract of land being developed makes this requirement impractical. The length of the cul-de-sac shall be measured from the centerline of the nearest intersecting through street to the center of the turnaround. All North Carolina Department of Transportation design options for cul-de-sacs are allowed within parks.
- C. *Temporary turnarounds.* In cases where streets are proposed to be extended, the Technical Review Committee or administrator may permit a temporary turnaround for a period not to exceed two (2) years. Such turnarounds must be designed as a cul-de-sac bulb and constructed to North Carolina Department of Transportation base standards, but not necessarily paved.
- D. *Street offsets.* Whenever possible, proposed intersections on one (1) side of a street, or road, or highway shall coincide with existing or proposed intersections on the opposite side of such street, road, or highway. In any event, however, street offsets, as measured between the centerlines of intersecting streets, shall meet the following requirements:

1. *Internal streets.* Street offsets within developments shall be at least one hundred and twenty five (125) feet apart.
2. *Primary or secondary roads.* Street offsets created by manufactured home park streets intersecting with primary highways or secondary roads shall be at least two hundred and fifty (250) feet apart.

### **Section 55. Access**

Each manufactured home park development, and each individual space located therein, shall have direct access to a public or private street. Private easements for providing ingress and egress to a manufactured home park, or individual space, are not acceptable.

### **Section 56. Space Size and Space Width**

Each space shall meet the minimum area and lot width requirements outlined below. Notwithstanding these standards, the developer shall provide sufficient area on each space to ensure that all other requirements of this Ordinance and other applicable development regulations can be met. Space size shall not include street rights-of-way or designated screening areas, and space width shall be measured along the right-of-way. Space width for spaces on the bulb of a cul-de-sac and for flag-shaped spaces may be reduced to forty (40) feet. In addition, flag-shaped spaces shall provide sufficient width at the right-of-way line to allow driveway installation at least ten (10) feet from any parcel line. The computed area of flag-shaped spaces shall exclude area provide for access or “panhandle”.

#### **A. *With septic tank system:***

1. *Minimum size:* twenty thousand (20,000) square feet;
2. *Minimum width:* sixty (60) feet, except forty (40) feet for flag-shaped space or space adjacent to bulb of cul-de-sac;

#### **B. *With public or community sewage system:***

1. *Minimum size:* ten thousand (10,000) square feet;
2. *Minimum width:* sixty (60) feet, except forty (40) feet for flag-shaped space or space adjacent to bulb of cul-de-sac;

### **Section 57. Setbacks**

- A. *Minimum setbacks.* Minimum setback requirements must comply with those cited in the County’s Zoning Ordinance.
- B. *Accessory structures.* All accessory structures shall comply with the setback requirements for principal buildings, except for the following:
  1. *Space boundary:* five (5) feet;
  2. *Other structures:* five (5) feet;

### **Section 58. Drainage**

- A. *Drainage aspects of construction plans.* The proposed plan for managing drainage for all areas of the development shall be shown on the preliminary plan. The plan shall show all pertinent

information required to evaluate the proposed system, including the location, elevation, type, and size of all existing and proposed drainage improvements, including existing drain tile used for agricultural purposes.

- B. *Off-site drainage easements.* Drainage easements of appropriate widths and lengths, as deemed reasonably necessary by the Environmental Health Division and/or the Engineering Department to allow for future drainage maintenance and improvements to effectively control surface and/or subsurface water, shall be identified on construction and as-built plans. Off-site easements across property(ies) not being developed may be deemed necessary by the Environmental Health Division and/or the Engineering Department when no natural drainage outlet exists to effectively control surface and/or subsurface water. Evidence of a recorded easement, and agreement if applicable, shall be provided to the administrator at the time of as-built plan submittal and may require review and approval by the County Attorney. Any revisions to recorded drainage easements required by this Ordinance must be approved by the Technical Review Committee or administrator.

## **Section 59. Utilities**

- A. *Utility ownership and easement.* Where a developer installs or causes the installation of water, sewer, electrical power, telephone, natural gas, cable television, or other similar facilities and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity other than the developer, the developer shall transfer the necessary ownership or easement rights to enable operation and maintenance of such facilities. Where practicable, such easements should be located adjacent to or centered on space lines, or adjacent to the street right-of-way, to avoid conflicts with the placement of other required improvements. It is not the intent of the County to determine the terms or conditions of any easement negotiated between the developer and the utility company or service provider.
- B. *Necessary utilities.* The developer shall ensure that every space within a development is served with or designed to allow for adequate utilities, including water, sewage disposal, electric power, and telephone service.
  - 1. *Water supply and sewage disposal.* All new manufactured home parks shall be connected to an existing public water supply and, when practicable, a public or community sewage system. Fire protection provisions in Section 62(A) must be met for development sites served with a six-inch or larger water line. An individual water meter is required for each space. During asbuilt plan review, the agency or entity which owns and operates such a system shall certify that the new development is accepted for addition to the system.

If a new sewer system (e.g., package sewer treatment plant, etc.) is proposed to serve the development, certification that a site has been approved for the proposed system from the appropriate agency which has jurisdiction over the system shall be provided to the administrator as part of the construction plan submittal.

- 2. *Electrical power and telephone service.* Electrical distribution lines and telephone lines shall be placed underground within easements or rights-of-way. Extensions, relocations and upgrades of existing overhead lines along existing public rights-of-way shall be permitted. All such facilities, either overhead or underground, shall be installed in accordance with the prevailing standards and practices of the utility or service company.

## **Section 60. Solid Waste Provisions**

The manufactured home park operator is responsible for the proper collection and disposal of all solid waste. The operator may contract with a solid waste collection contractor to provide such services. The

operator and contractor shall comply with the County Solid Waste Recycling, Collection, and Disposal Ordinance.

## **Section 61. Screening**

Due to the nature and intensity of manufactured home parks, screening is required in all major manufactured home parks to minimize potential adverse effects on adjacent properties and land uses, and to preserve the County's appearance and character. The screening area is to provide a medium density screen intended to partially block visual contact between manufactured home parks and adjacent properties along public roadways.

- A. *Screening area description.* The screening area shall contain at least one (1) of the screening area options of berms, plantings, or fences cited in Subsection D of this Section, unless existing vegetation can be used to fulfill part or all of the screening requirements, as allowed in Subsection B of this Section.
- B. *Existing vegetation.* Existing vegetation is encouraged to be retained and used to fulfill the purposes of this Section. The administrator shall determine what additional screening, if any, shall be installed to meet the screening area requirements. If at any time the existing vegetation is removed, altered, or no longer meets the screening area requirements of this Section, the operator will be responsible for replacement with acceptable screening material within ninety (90) days.
- C. *Location.* The required screening area shall be located adjacent to the rights-of-way of the entire public road frontage of the development site, except where permitted driveway openings and sight distance triangles are to be provided. Screening areas may be installed in buffer areas required by the County Water Supply Watershed Ordinance, and in drainage maintenance and utility easements with the approval of the Technical Review Committee and the affected entity having jurisdiction over the easement.
- D. *Screening area specifications and design.* Specifications for the screening area options are listed below. Combinations of these options may be allowed in achieving compliance with the provisions of this Section, upon approval by the Planning board during preliminary plan review. Appendices D and E provide graphic representations of screening area specifications.
  1. *Berms*
    - a. *Minimum height:* five (5) feet
    - b. *Minimum crown width:* three (3) feet
    - c. *Side slope:* 3:1 or flatter
  2. *Plantings*
    - a. *Minimum screening area width:* five (5) feet
    - b. *Number of plants per one hundred (100) linear feet:*
      - i. *Shrub:* twenty-five (25)
      - ii. *Understory tree:* five (5)
      - iii. *Canopy tree:* three (3)

c. *Plant specifications:*

- i. *Shrubs:* All shrubs must be evergreen and shall reach a minimum height of thirty-six (36) inches, and a minimum spread of thirty (30) inches within three (3) years of planting.
- ii. *Understory tree.* Understory trees shall be a minimum of four (4) feet high with one (1) inch in caliper, measured six (6) inches above grade, when planted. When mature, an understory tree should be between fifteen (15) and forty (40) feet height.
- iii. *Canopy tree.* Canopy trees shall be a minimum of eight (8) feet high and two (2) inches in caliper, measured six (6) inches above grade, when planted. When mature, a canopy tree should be at least forty (40) feet high and have a minimum crown width of thirty (30) feet.
- d. *Grouping:* Shrubs and trees may be grouped or clustered, however no more than fifty (50) percent of each required plant material may be grouped or clustered. The remainder of the materials shall be evenly distributed throughout the screening area.

3. *Fences*

- a. *Minimum height:* five (5) feet
  - b. *Maximum height:* eight (8) feet
  - c. *Fence materials:* masonry or stone walls, wood or similar opaque materials
- E. *Maintenance.* The owner is responsible for maintaining berms to adequately control soil erosion and sedimentation. The owner is also responsible for maintaining any plantings and fences selected as screening materials. Plantings should be kept in good health and appearance. Any dead, unhealthy, or missing plants shall be replaced within ninety (90) days with vegetation which meets the approval of the administrator. All fences shall be maintained in a safe manner vertical to the ground. Fences no longer maintained in a safe manner through neglect, lack of repair, manner of construction, method of placement, or otherwise shall be repaired or replaced with appropriate substitute materials which meets the approval of the administrator.

## **Section 62. Public Safety and Service Provisions**

The following provisions are required in all manufactured home parks to ensure the safety of park residents and the security of private property within such developments.

- A. *Fire protection.* Every manufactured home park shall be provided adequate fire protection according to the following standards if the site is served by a six (6) inch or larger water line. The Emergency Services Coordinator may authorize or require deviations from the standards for this Section if other arrangements are more satisfactory.
1. *Hydrant location.* Hydrants shall be located adjacent to the street right-of-way. If practicable, hydrants shall be located at street intersections, or on space lines if located other than at an intersection.
  2. *Hydrant spacing.* Each manufactured home park space located along an internal development street shall be located no further than four hundred (400) feet from a hydrant, as measured along the road right-of-way. Spaces developed along an existing state road external to the

- development, or along an existing private street, shall be no further than one (1) mile from a hydrant.
3. *Minimum line size.* All water lines serving hydrants shall be at least six (6) inches in diameter.
  4. *Design and installation.* All hydrants shall have two (2) 2 ½ inch and one (1) 4 ½ inch hose connections which shall be located between eighteen (18) and twenty-four (24) inches from finished grade. All hydrant threads shall be national standard threads.
- B. *Street lights.* All manufactured home park spaces and streets shall be sufficiently illuminated to ensure the security of property and the safety of persons using such streets. The distance between street lights shall not exceed four hundred (400) feet, as measured along street rights-of-way.
  - C. *Manufactured home park name.* The name of the proposed manufactured home park shall not duplicate or be phonetically similar to the name of any other park or planned development in the County.
  - D. *Street names.* Proposed street names, regardless of the prefix or suffix used, shall not duplicate or be phonetically similar to the name of any other street or road name anywhere in the County. Extensions of existing streets shall use the existing street name, except where a new road name can be used to avoid further duplication.
  - E. *Street addresses.* Assigned street addresses shall be displayed for each manufactured home in accordance with County policy and regulations.
  - F. *Street signs and traffic control signs.* Street name signs which meet County specifications, and traffic control signs which conform to the Manual of Uniform Traffic Control Devices and North Carolina Department of Transportation specifications shall be installed at the expense of the developer, or payment collected for installation by the County, prior to as-built plan approval.
  - G. *Entryway identification signs.* The use of permanent entryway identification signs at major entrances to a manufactured home park is encouraged. Such signs shall not be located in rights-of-way, sight distance triangles, or any other location which would obstruct the view of motorists and lead to unsafe vehicular movements. If lighted, such signs shall be illuminated by internal or reflected lights which do not cause glare or otherwise annoy motorists or adjacent property owners.
  - H. *Mailboxes.* Prior to as-built plan submittal, the park operator shall install neighborhood delivery collection box units to allow for postal delivery service for space taking access off a manufactured home park street. The location for the units shall be in close proximity to a park entrance and have direct access to the park street. Sufficient off-street parking for three (3) vehicles per neighborhood delivery collection box unit shall be constructed adjacent to the units, in accordance with Section 52, Parking.
  - I. *Safety fencing.* The Planning Board may require fencing within any manufactured home park adjacent to any areas deemed unsafe by the Board. Proposed manufactured home parks will be evaluated by the Board on an individual basis to determine the applicability of and construction standards for safety fences. The maintenance of such fencing is the responsibility of the park operator as described in section 61(E).

**Sections 63-80 Reserved**

## Part 4. Plan Requirements

### Section 81. General Map Standards

All preliminary, construction, and as-built plans for manufactured home parks submitted for review shall conform with the following map standards:

- A. *Boundary line.* The area proposed to be developed shall be clearly shown and identified by a heavier weight line than all other plat features. This line should not enclose any areas which are not to be improved or developed.
- B. *Nonbuildable areas.* Areas within the development that are not reviewed and approved for use as manufactured home park spaces or required improvements (e.g., street right-of-way) during original review shall be labeled “nonbuildable”. In addition, a note shall be included on the plan which states that before the status of such areas can be changed and building permits issued, the owner must comply with applicable regulations.
- C. *Further streets.* Areas anticipated for future streets shall be appropriately designated labeled, but need not be included within the boundary line of the proposed development. If not included, however, the developer is encouraged to reserve adequate land area for future right-of-way and sight distance triangles.
- D. *External features.* Required reference features outside the boundary line of the development, such as adjoining subdivisions of record, adjoining developments, easements and streets shall be shown with dashed lines.
- E. *Consecutive numbers.* All spaces within a park shall be consecutively numbered, regardless of the number of phases or sections. The addition of block letters or other references is permitted.
- F. *Section and phase numbering.* All development sections and phases shall be consecutively numbered using Arabic numbers only.
- G. *Multiple sheets.* When submittals include more than one (1) sheet, appropriate match lines shall be shown.

### Section 82. Key to Interpretation of Table of Map Requirements

The Table of Map requirements in Section 83 identifies the minimal information which must be shown for each type of submittal. The developer is encouraged to provide additional information which may aid in review. Except for sketch plans, submittals must be prepared by individuals qualified to do so such in accordance with N.C.G.S. 89. The following key indicates the abbreviation and specifications for each type of submittal.

- A. Sketch plans are an optional, initial step in the review process. When prepared, the draft plan shall be drawn at a suitable scale with sufficient detail to enable the administrator or other agency representatives to provide advice and information pertaining to the proposed development.
- B. *Preliminary plans.* Preliminary plats shall be prepared at a scale of 1" = 200' or less with sheet sizes not larger than 36" by 48". The boundary shown on the plat shall conform with a “Class C” rural land survey.
- C. Construction plans shall be prepared at a scale of 1" = 100' or less with sheet sizes no larger than 36" by 48"

- D. *As-built plans.* The as-built plan shall be prepared using the criteria for preliminary plans. The asbuilt plan shall substantially conform to the approved preliminary plan and, if required, construction plan.

**Section 83. Table of Map Requirements**

As listed in the Table in this Section, the necessary information indicated for each sketch plan (“S”), preliminary plan (“P”), construction plan (“C”), or as-built plan (“A”) map submittal shall be shown.

A. *Information block*

- |  |                   |   |
|--|-------------------|---|
| 1. Park name, including Arabic phase or section numbers and space numbers                | P      C A        | S |
| 2. Landowner’s name(s), address(es), and phone number(s)                                 | S      P      C A |   |
| 3. Location (township, county, state)  | P      C A        |   |
| 4. Date of preparation of map  | S      P      C A |   |
| 5. Map scale, in written and graphic form  | S      P      C A |   |
| 6. Name, address, telephone number, registration number and seal of surveyor or engineer | P      C A        |   |
| 7. Type of map submittal (i.e., sketch, preliminary, construction, as-built)             | P      C A        | S |
| 8. Tax parcel number(s)  | P      C A        |   |

B. *Locational information*

- |   |                   |          |
|---|-------------------|----------|
| 1. Vicinity map, with an appropriate scale and sufficient accuracy, to show the park’s location in relation to the road network and existing developments | P      C A        | S        |
| 2. North arrow, oriented to top of map unless impractical   | S      P      C A |          |
| 3. adjoining property owners, land uses, streets, development sites   | P      C A        | S        |
| 4. Fire district  | S      P      C A |          |
| 5. Distance to nearest fire department from most distant space in park<br>Along existing/proposed road network  | C A               | S      P |





E. *Certifications, approvals, summary data, and notes*

- |  |   |   |   |   |
|--|---|---|---|---|
| 1. Notarized certificate of survey accuracy  | P | C | A |   |
| 2. Summary site data, including total acreage, number of spaces, linear feet of streets, and acreage of reserved areas | S | P | C | A |
| 3. Listing of utility or service providers   | S | P | C | A |
| 4. Any special notes relating to such items as flood elevations, utilities, nonbuildable areas, etc.                   | P | C | A |   |

**Sections 84-100 Reserved**

**Part 5. Administration**

**Section 101. Amendments**

The Board of County Commissioners may amend the terms of this Ordinance in accordance with this Section. Proposals to amend, supplement, modify, or repeal any of the provisions of this Ordinance may be initiated by the Board of County Commissioners, the Planning Board or staff of the Planning Board, or any other interested person. If the review or approval of any state or federal agency is needed, appropriate measures shall be taken to ensure that such agency has an opportunity to provide comments on the proposed amendment prior to action by the Board of County Commissioners.

- A. *Planning Board action.* Any proposed text amendment shall be submitted to the Planning Department at least twenty (20) working days prior to the next regular meeting of the Planning Board if to be considered at that time. The Planning Board shall provide a recommendation to the Board of County Commissioners on all such requests. The Planning Department shall assist with preparation of the text for the Ordinance Amendment, as necessary. The Planning Board may review the request and provide a recommendation during a regular meeting, or may schedule a legislative hearing prior to providing a recommendation. If a legislative hearing is scheduled, it shall be advertised in accordance with N.C.G.S. 160D-601; failure of the Planning Board to submit its recommendation within one hundred twenty (120) days after first consideration of the proposed amendment shall constitute a favorable recommendation.
- B. *Board of County Commissioners action.* The Board of County Commissioners shall hold a legislative hearing to consider any Ordinance Amendment and the Planning Board recommendation in accordance with N.C.G.S. 160D-601.
- C. *Record of Amendments.* All approved text amendments shall be recorded in the Pitt County Code of Ordinances.

**Section 102. Variances**

- A. *Variances.* A variance may be granted by the Board of Adjustment if it concludes that strict enforcement of this Ordinance would result in practical difficulties or unnecessary hardships for the applicant. The Board, in granting a variance, shall ensure that the spirit of this Ordinance is maintained, public welfare and safety ensured, and substantial justice done. The Board may reach these conclusions if it makes the following findings:
  - 1. The hardship or difficulty is one suffered only by the applicant, not the neighbors or the general public;

2. The hardship is caused by circumstances related to the applicant's land, not his/her personal or financial situation;
3. The hardship is unique, or nearly so, and not one shared by many surrounding properties; and
4. The hardship or difficulty is not the result of the applicant's own actions.

**B. Procedure**

1. The petitioner shall submit a written variance request to the Planning Department at least twenty (20) working days prior to the next regular meeting of the Board of Adjustment if to be considered at that time. The request shall pertain to a preliminary, construction or as-built plan under consideration or review as required by this Ordinance.
2. The request and an accompanying staff recommendation shall be forwarded to the Board of Adjustment.
3. Reasonable conditions, including a limitation on the duration of the variance, may be imposed by the Board of Adjustment to ensure that the objectives of this Ordinance are met. All such conditions shall be recorded in the Board's official minutes.
4. Board of Adjustment findings regarding the criteria listed above, action, and any supplemental conditions shall be recorded in the Board's official minutes.

**Section 103. Time Extension**

A single time extension, for a period of time not to exceed six (6) months, may be granted by the Planning Board to allow the petitioner additional reasonable time to meet the requirements of this Ordinance. Time extensions shall not be granted to allow for the continuation of illegal activities. The procedure for considering a time extension shall generally be the same as for a variance request outlined in Section 102, except that the following shall apply:

- A. The petitioner must adequately demonstrate that a good faith effort has been made to comply with the original time allotment.
- B. The request shall be submitted within the last ninety (90) days prior to the expiration of the original time period and in sufficient time to be scheduled for consideration by the Planning Board.
- C. Additional time granted by the Planning Board shall be added to the end of the original time period.

**Section 104. Appeals**

- A. *Notice of Appeal.* Any aggrieved person may file an appeal to the Planning Board or Board of Commissioners relating to the interpretation or application of this Ordinance. In cases of alleged misinterpretation or misapplication by the administrator or other County staff member, the appeal shall first be made to the Planning Board. In cases relating to a decision by the Planning Board, recourse shall be to the Board of Commissioners. The written Notice of Appeal must specify the grounds for the appeal and is considered filed when the Notice is delivered to the administrator or the County Manager, as appropriate.
- B. *Time to appeal.* An appeal must be initiated within thirty (30) days after the date of the decision or order.

- C. *Stay of action.* An appeal stays all actions by the administrator seeking enforcement of or compliance with the order or decision, unless the administrator certifies to the Planning Board that, because of the facts surrounding the situation, a stay would cause imminent peril to life or property. In that case, proceedings shall not be stayed except by order of the Planning Board or a court, issued on application of the party seeking the stay, after notice to the administrator.
- D. *Decision.* The Planning Board or Board of County Commissioners shall provide a written decision regarding the appeal which includes finding of fact, rationale for the decision, and a summary of evidence or testimony presented.
- E. *Final recourse.* Appeal of a decision by the Board of Commissioners shall be to the Superior Court.

#### **Section 105. Burden of Proof**

- A. *Appeals.* The administrator shall have the initial burden of presenting sufficient evidence and argument to justify the order or decision being appealed. Subsequently, the appellant shall have the burden of presenting evidence and argument to the contrary, as well as the burden of persuasion.
- B. *Variations.* The applicant seeking the variance shall bear the burden of presenting sufficient evidence to allow the Planning Board to reach the conclusions outlined in Section 102(A), and shall have the burden of persuasion on those issues.
- C. *All other situations.* Except as outlined in Subsection (A) above, the burden of providing sufficient, accurate information necessary to ensure that the provisions of this Ordinance may be carried out, shall reside with the applicant.

#### **Section 106. Maintenance and Supervision**

The manufactured home park operator is responsible for the maintenance of all improvements, except for utilities which are owned and/or operated by the utility provider. The operator is also responsible for the supervision of all park operations and for maintaining the park in compliance with all requirements of this Ordinance.

#### **Section 107. Enforcement**

The administrator shall be responsible for the enforcement of this Section and the investigation of all complaints of suspected violations. The administrator shall also notify the operator of any violations of this Ordinance, and the required corrective measures and resulting administrative action if such measures are not completed or installed within an identified reasonable time period.

#### **Section 108. Notification of Change in Ownership**

The new manufactured home park operator shall inform the administrator of changes in park ownership.

#### **Section 109. Fees**

Reasonable fees to cover the administrative costs of this Ordinance shall be charted in accordance with a separate fee schedule, as adopted by the Board of County Commissioners.

#### **Sections 110 Conflicts of Interest**

1. No member of the Board of Commissioners or any appointed board shall vote on any legislative decision required by this Ordinance where the outcome of the matter being considered is

reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

2. No member of the Board of Commissioners or any appointed board shall vote on any amendment to this Ordinance if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.
3. No Planning Department staff member shall make a final decision on an administrative decision required by this Ordinance if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or to the Planning Director.

No Planning Department staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation by this Ordinance unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with the County to provide staff support shall engage in any work that is inconsistent with his or her duties or the interest of the County.

4. No member of any board exercising quasi-judicial functions shall participate in or vote on any quasi-judicial matter required by this Ordinance in a manner that would violate an affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change; undisclosed ex parte communications; a close familial, business, or other associational relationship with an affected person; or a financial interest in the outcome of the matter.

## **Sections 111-120 Reserved**

### **Part 6. Legal Provisions**

#### **Section 121. Vested Rights**

- A. Any manufactured home park plan properly submitted for review prior to the effective date of this Ordinance shall continue to be reviewed under the Ordinance procedures and requirements in existence at the time of submittal. Any addition, expansion, or other new manufactured home park activity, however, shall follow the applicable procedures and requirements outlined in this Ordinance.
- B. A plan with an established vested right, has the right to undertake and complete the development and use of property under the terms and conditions of an approval secured as specified in NCGS 160D-108 or under common law.

#### **Section 122. Violations and Penalties**

- A. *Notice.* If the administrator finds that any of the provisions of this Ordinance are being or will be violated, notice of such violation(s) and specific corrective actions, including the time period to comply, shall be mailed to the property owner using certified mail. If corrective measures are not taken, or an appeal or variance request is not submitted by the property owner in accordance with Part 5, legal action may be instituted by the County in accordance with the remainder of this Section.

- B. *Civil penalties.* In addition to any other remedies cited in this Section for the enforcement of the provisions of this Ordinance, the regulations and standards herein may be enforced through the issuance of citations by the administrator in accordance with N.C.G.S. 153A-123. These citations are in the form of a civil penalty. The County may recover this penalty in a civil action in the nature of a debt if the offender does not pay the assessed penalty within seventy-two (72) hours after being cited for a violation. In addition, no permits shall be released by the County until the violation is corrected and all assessed penalties are paid in full.

The following civil penalties are established, and are in addition to any other penalties which may be imposed by a court, for violation of the provisions of this Ordinance:

1. *Warning citation:* correct the violation within thirty (30) days
  2. *Penalty citation:* up to one hundred dollars (\$100.00) per day
- C. *Injunctive relief.* Wherever the County Attorney has reasonable cause to believe that any person is violating or threatening to violate this Ordinance or any term, condition, or provisions of approval, the County Attorney may, either before or after the institution of any other action or proceeding authorized by this Ordinance, institute a civil action in the name of the County for injunctive relief to restrain the violation or threatened violation. The action shall be brought in the Superior Court of the County. Upon determination by a court that an alleged violation is occurring or is threatened, it shall enter such orders or judgments as are necessary to abate the violation or to prevent the threatened violation. The institution of an action for injunctive relief under this Section shall not relieve any party to such proceedings from any civil penalty prescribed for violations of this Section.

## Sections 123-130 Reserved

### Part 7. Definitions and Word Interpretations

#### Section 131. Definitions

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

***Acre:*** A land area equal to forty-three thousand, five hundred sixty (43,560) square feet.

***Administrator:*** Except as otherwise specifically provided, this person, and his designee(s), who are primarily responsible for the administration and enforcement of this Ordinance.

***Appeal:*** A request for a review by the Planning Board of the administrator's interpretation of any provision of this Ordinance.

***Applicant:*** Any person or entity that requests any administrative action or approval as allowed under this Ordinance.

***Base flood:*** The flood having a one (1) percent chance of being equaled or exceeded in any given year.

***Berm:*** a man-made mound of dirt with gently sloping sides and crown.

***Best Management Practices (BMP):*** A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

**Buffer, vegetative:** An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams and rivers.

**Building:** Any structure that encloses a space used for sheltering any occupancy. Each portion of a building separated from other portions by a fire wall shall be considered a separate building. Any structure used or intended for supporting or sheltering any use or occupancy. (Section 202, 2018 NC State Building Code)

**Code:** See **Ordinance**

**Common area:** A dedicated area, including structures, that is part of a development, and is accessible to, and usable by, all residents of a manufactured home park for recreational, social, or meeting purposes.

**Community water supply system:** See **Public Water Supply System**

**Cul-de-sac:** See **Street, cul-de-sac**

**Decision, Administrative:** Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this Ordinance or local government development regulations.

**Decision, Legislative:** The adoption, amendment, or repeal of a regulation under this Ordinance or an applicable local act.

**Decision, Quasi-judicial:** A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations.

**Developer:** A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

**Development:** Any man-made change to improved or unimproved real estate. Without altering the scope of any regulatory authority granted by statute or local act, includes any of the following:

1. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
2. The excavation, grading, filling, clearing, or alteration of land.
3. The subdivision of land as defined in NCGS 160D-802.
4. The initiation or substantial change in the use of land or the intensity of use of land.

**Development Approval or Permit:** An administrative or quasi-judicial approval that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Includes any of the following: zoning permits, site plan approvals, special use permits, variances, certificates of appropriateness, plat approvals, development agreements, building permits, subdivision of land, permits issued by the State of North Carolina for development, driveway permits, erosion and sedimentation control permits, and sign permits.

**Development Regulation:** Any State statute, rule, or regulation, or local ordinance affecting the development or use of real property in the County, including any of the following: unified development ordinance, zoning regulation (including zoning maps), subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, and housing code.

**Development site:** Entire land area devoted for the required improvements associated with the approval of a section or phase of a manufactured home park.

**Driveway:** A private travel way which provides access from a public or private road or street.

**Easement:** The grant by a land owner to another person, the general public, a government agency, a corporation, or any other entity to use or limit the use of public or private land for a specific purpose.

**Erosion:** The wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.

**Extraterritorial jurisdiction (ETJ):** That portion of a city or town planning jurisdiction that lies outside the corporate limits of the city or town within which municipal land use regulations apply.

**Fence:** Any artificially constructed barrier erected to enclose or screen areas of land used as a boundary or means of protection or confinement.

**Flood:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation of runoff of surface waters from any source. Also includes the term flooding.

**Flood hazard area:** The land in the floodplain subject to one (1) percent or greater chance of flooding in any given year. Also known as the "area of special flood hazard".

**Flood Insurance Rate Map (FIRM):** An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**Floodplain:** See **Flood hazard area**

**Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood (100-year flood event) without cumulatively increasing the water surface elevation more than one (1) foot.

**Frontage:** The side(s) of a lot abutting a legally accessible public or private street right-of-way.

**Hearing, Evidentiary:** A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by this Ordinance.

**Hearing, Legislative:** A hearing to solicit public comment on a proposed legislative decision; may also be referred to as a "public hearing".

**Lake:** Any natural or impounded body of water, including, but not limited to, a reservoir or pond.

**Land division:** See **Subdivision**

**Landowner:** The holder of the title in fee simple. Absent evidence to the contrary, the County may rely on the county tax records to determine who is a landowner. The landowner may authorize a person holding a

valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approvals.

**Lot:** A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

**Manufactured home:** As defined in NCGS 143-145(7), a structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of NCGS 143-145(7) except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401). "Manufactured home" also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width. May also be referred to as a "mobile home".

**Manufactured home park:** Any development where three (3) or more manufactured homes, intended for occupancy as dwelling units, are placed in close proximity upon the same parcel or tract.

**Manufactured home park, major:** Any manufactured home park which is not considered a minor manufactured home park.

**Manufactured home park, minor:** A manufactured home park with less than five (5) proposed and existing manufactured home park spaces and does not require street construction.

**Manufactured home space:** Any area of ground within a manufactured home park which has been planned, designed, and approved for the exclusive use of one (1) manufactured home.

**Manufactured home space, flag:** A space which has less than the required amount of frontage on a street and relies on a panhandle-shaped corridor for access to the bulk of the space.

**Mean sea level:** The average height of the sea for all stages of the tide used as a reference for establishing various elevations. For purposes of this Ordinance, this term is synonymous with "National Geodetic Vertical Datum (NGVD)".

**Modular home:** A dwelling unit constructed in accordance with the standards set forth in the North Carolina Building Code applicable to site-built homes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two (2) sections transported to the site in a manner similar to a manufactured home, or a series of panels or room sections transported on a truck and erected or joined together on the site.

**National Geodetic Vertical Datum (NGVD):** A vertical control, as corrected in 1929, used as a reference for establishing varying elevations.

**Nonconforming situation:** A situation that occurs when, on the effective date of this Ordinance, an existing lot or structure or use of an existing lot or structure does not conform to one (1) or more of the regulations applicable to the district in which the lot or structure is located.

**Off-site:** Any area not contained within the boundaries of the site being developed, whether or not the developer owns such land.

**Open space:** An area of land and/or water which is generally unimproved and is reserved for recreation, resource protection, amenity, or buffer purposes.

**Ordinance:** Synonymous with Pitt County Manufactured Home Park Ordinance.

**Parcel:** A continuous area of land in the possession of or owned by, or recorded as the property of, the same person or persons, and which is uniquely identified by the County Tax Office.

**Parking space:** Specific site within a parking area designed to accommodate a single motor vehicle.

**Permit, operating:** A permit issued by the administrator to the manufactured home park operator upon the approval of an as-built plan for a phase or entire portion of a manufactured home park. The permit certifies conformance with the provisions of this Ordinance.

**Petitioner:** Any person or entity that requests any administrative action or approval as allowed under this Ordinance.

**Plat, as-built:** A map of a portion of or of an entire manufactured park which shows all installed and completed improvements required by this Ordinance.

**Plan, construction:** The map and accompanying text, prepared and submitted under the prescribed conditions set forth in this Ordinance, which details required improvements such as streets, fire hydrants, and street lighting.

**Plan, drainage:** The portion of a construction plan that illustrates the proposed system designed to provide adequate surface and subsurface drainage for the proposed development.

**Plan, erosion and sedimentation control:** A plan that outlines the procedure designed to control accelerated erosion and sedimentation resulting from certain land disturbing activities.

**Plan, preliminary:** A tentative map of a proposed manufactured home park which shows the layout of the parcel or tract, including spaces, roads, and other features, in sufficient detail to allow the proposed manufactured home park to be properly evaluated.

**Plan, sketch:** A rough plan of a manufactured home park.

**Planning agency:** The County Planning Board or any authorized administrator responsible for carrying out the provisions of this Ordinance.

**Public or community sewage system:** A single system of wastewater collection, treatment and disposal owned and operated and/or maintained by a sanitary district, a metropolitan sewage district, a water and sewer authority, a county or municipality, a public utility, or a home owners association.

**Public water supply system:** A water supply system intended for the provision of potable water to the public as approved by the State Board of Health and/or County Health Director.

**Right-of-way:** A strip of land occupied, or intended to be occupied, by a street, crosswalk, railroad, road, utility transmission line or pipeline, water main, storm or public or community sewage system main, or other similar improvement.

**Septic tank system:** A subsurface sanitary sewage system consisting of a septic tank and a subsurface disposal field.

**Setback:** The required minimum horizontal distance which must be reserved between the nearest vertical surface of a building and the applicable street right-of-way line, boundary line, or other structure in which no other structure may be erected. Also referred to as the “minimum building line”.

**Sight distance triangle:** The area at the intersection of two (2) roads or streets that is designated as necessary for safe ingress and egress, and which must be kept clear of obstructions.

**Sign:** Any object, display, or structure, or portion thereof, which is located outdoors and is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location through the use of words, letters, figures, designs, symbols, colors, or illumination.

**Sign face:** The surface of a sign where copy, messages, or advertisements are attached for display to the public, including any parts of the sign structure upon which such information is located.

**Storm drainage facilities:** The system of inlets, conduits, channels, ditches, and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

**Storm, ten-year:** The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in ten years, and of a duration which will produce the maximum peak rate of runoff, for the watershed of interest under average antecedent wetness conditions.

**Stormwater runoff:** The direct runoff of water resulting from precipitation in any form.

**Street:** A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles.

**Street, cul-de-sac:** A permanent dead-end street which has one (1) end open to traffic and terminates in a circular turnaround.

**Street, private:** A street right-of-way serving lots within a subdivision dedicated for the exclusive use of the property owners and their guests and maintained, or intended to be maintained, by a homeowners association.

**Street, public:** A street right-of-way dedicated for public use and maintained or intended to be maintained by the North Carolina Department of Transportation.

**Street jog:** Distance between the centerlines of two (2) streets which intersect on opposite sides of the same road.

**Structure:** Anything constructed or erected, including a building; a manufactured or mobile home; a storage tank for gases or liquids; or any other permanent, man-made facilities, including swimming pools, walls, and signs.

**Structure, accessory:** A minor structure that is located on the same lot as a principal structure and is used incidentally to a principal structure or contains an accessory use.

**Structure, principal:** The primary structure on a lot or a structure that contains a principal use.

**Subdivision:** A subdivision shall include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale

or building development, whether immediate or future, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations of this Ordinance:

1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown in its subdivision regulations;
2. The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;
3. The public acquisition by purchase of strips of land for widening or opening roads or for public transportation system corridors;
4. The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the County, as shown in its subdivision regulations;
5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes; or
6. The division of land by any method of transfer from a grantor to a grantee (or grantees) who is a member of the grantor's immediate family, solely for the residential use of the grantee (or grantees). For the purposes of this section, the term "immediate family" shall include only direct lineal descendants (children and grandchildren) and direct lineal ascendants (father, mother, grandfather, and grandmother).

**Technical Review Committee (TRC):** Representatives of local and state agencies who collectively review and evaluate preliminary plans and construction plans for compliance with all regulations. The TRC recommends action to be taken by the Planning Board on preliminary plans and takes action on all construction plans.

**Tract:** See **Parcel**

**Variance:** A grant of relief by the Planning Board to a person from the requirements of this Ordinance where unusual or unique circumstances peculiar to the property exist, literal enforcement would result in unnecessary and undue hardship, and such relaxation of the regulations would not be contrary to the public interest objectives of this Ordinance.

**Vested Right:** The right to undertake and complete the development and use of property under the terms and conditions of an approval secured as specified in NCGS 160D-108 or under common law.

**Violation:** Failure on the part of any person to comply with the provisions of this Ordinance.

**Watercourse:** Any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary or lake.

**Watershed:** The entire land area that contributes surface drainage to a particular point where surface water is withdrawn for drinking purposes.

**Water supply watershed:** The entire land area which drains to a surface water supply intake, including the critical and protected areas.

**Wetlands:** Transitional lands between terrestrial and aquatic systems where the land supports predominantly hydrophytes; where the substrate is predominantly undrained hydric soil; and where the substrate is nonsoil and is saturated with water or covered by shallow water for a specified period of time during the growing season each year.

**Working days:** Days exclusive of Saturday and Sunday during which weather conditions or soil conditions permit land-disturbing activity to be undertaken.

### **Section 132. Word Interpretation**

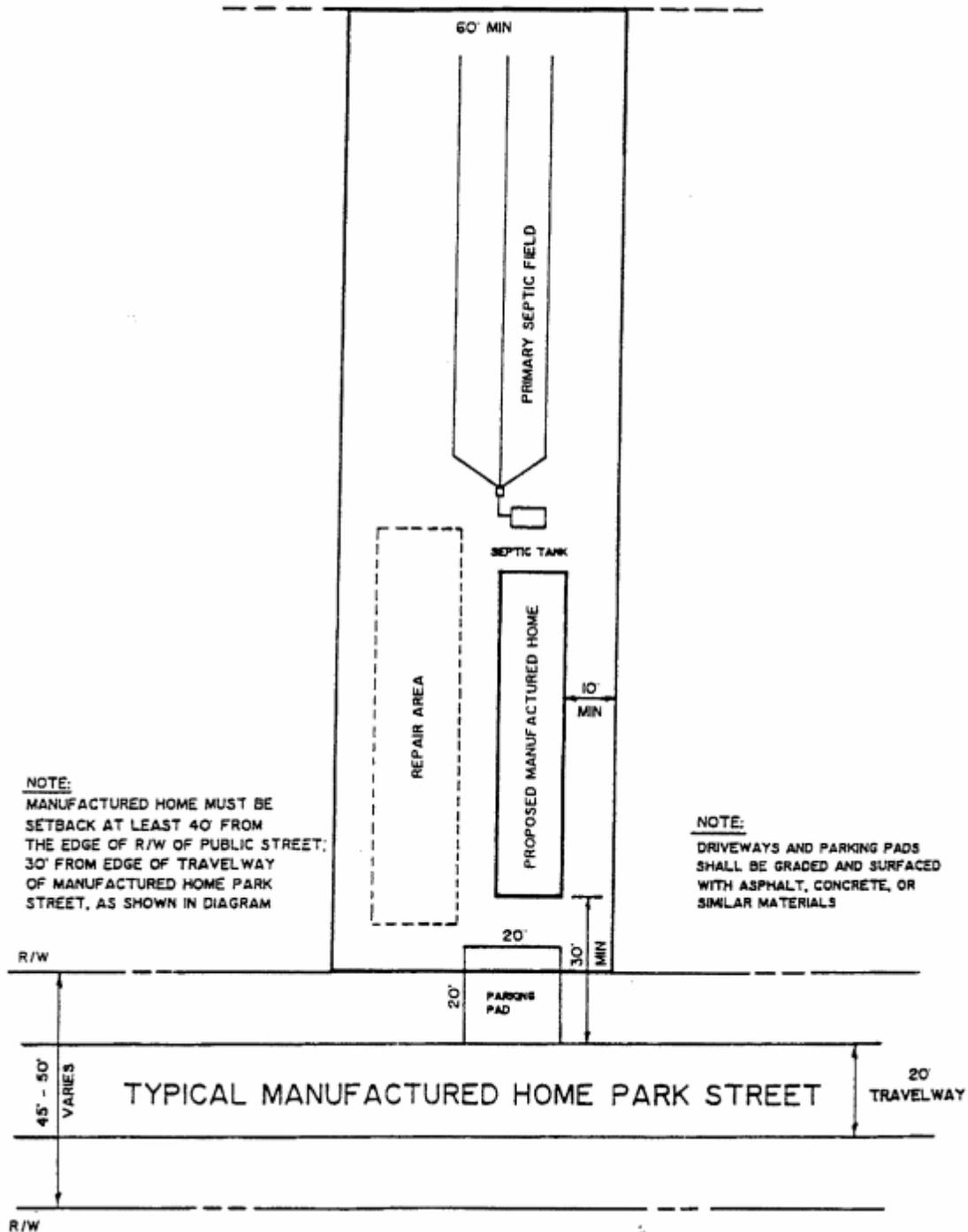
For purposes of this Ordinance, certain words shall be interpreted as follows:

- A. Words used in the present tense include the future tense.
- B. Words used in the singular number include the plural and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.
- C. The word “person” includes an individual, partnership, firm, association, joint venture, public or private corporation, trust estate, commission, board, public or private institution, utility, cooperative, interstate body or other legal entity.
- D. The words “used for” shall include the meaning “designed for”.
- E. The word “shall” is always mandatory.

### **Section 133. References or Citations**

Whenever any provision or definition of this Ordinance refers to or cites a section of the North Carolina General Statutes (N.C.G.S.) or any other state or local law and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

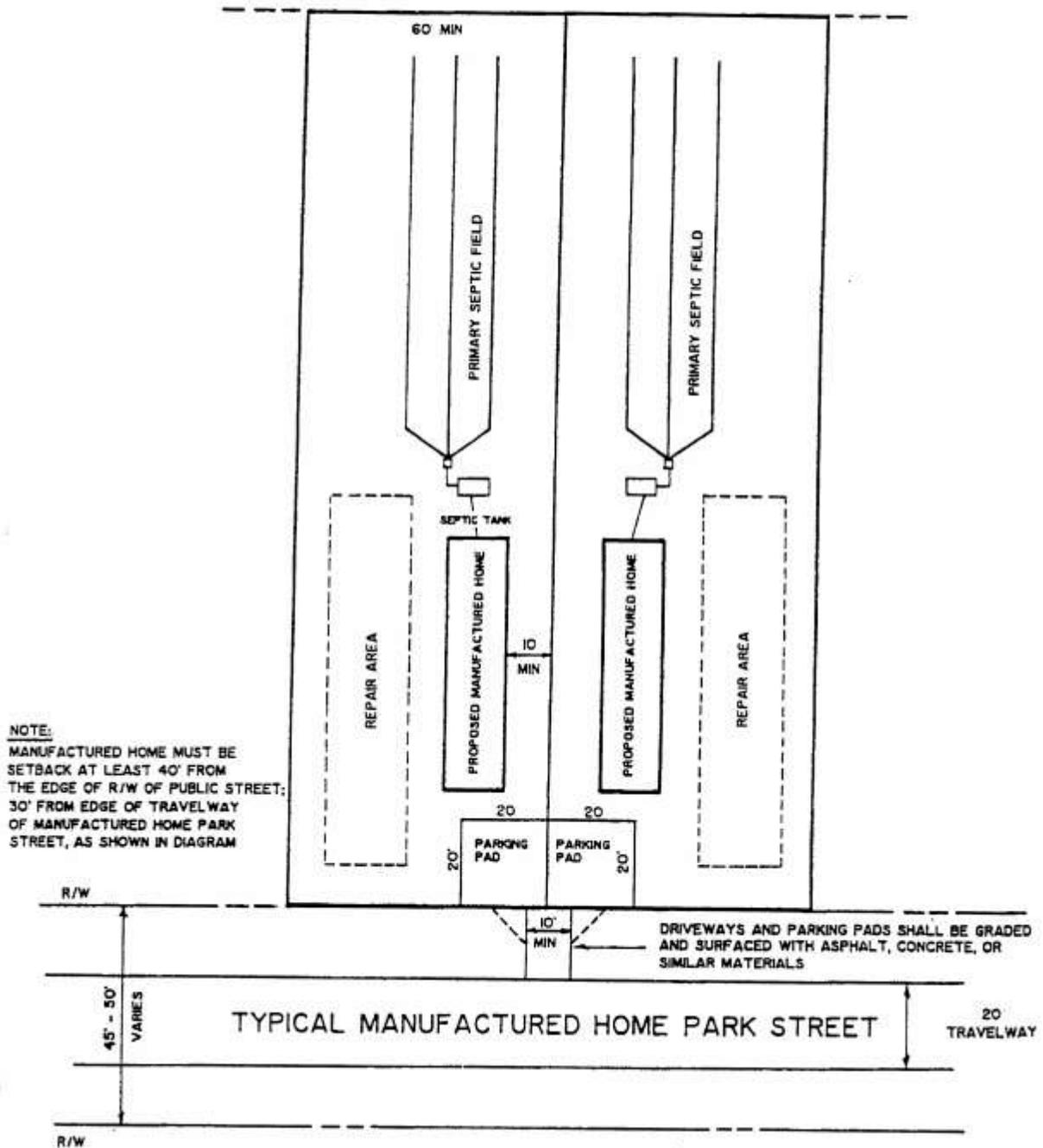
TYPICAL SPACE LAYOUT  
(NO DRIVEWAY)



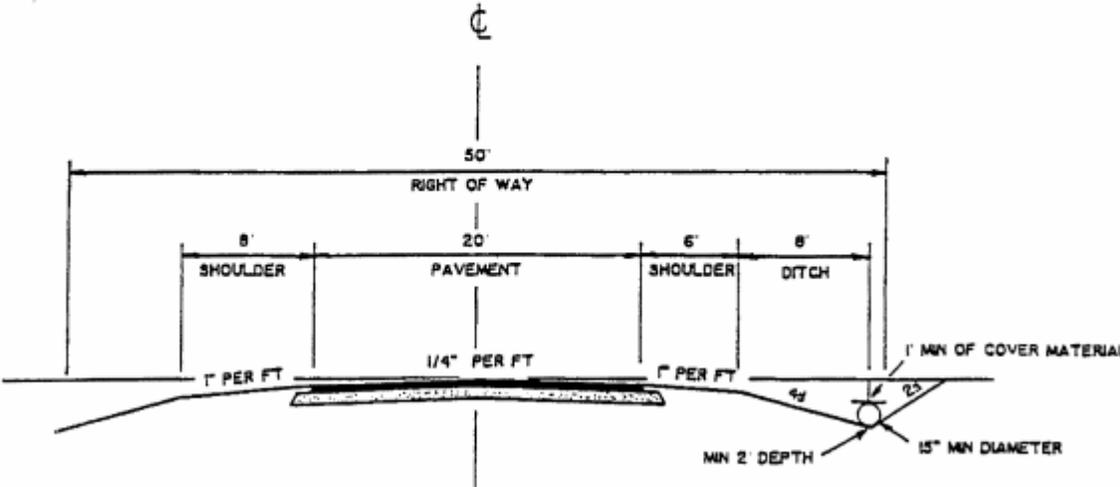
NOTE:  
MANUFACTURED HOME MUST BE SETBACK AT LEAST 40' FROM THE EDGE OF R/W OF PUBLIC STREET; 30' FROM EDGE OF TRAVELWAY OF MANUFACTURED HOME PARK STREET, AS SHOWN IN DIAGRAM

NOTE:  
DRIVEWAYS AND PARKING PADS SHALL BE GRADED AND SURFACED WITH ASPHALT, CONCRETE, OR SIMILAR MATERIALS

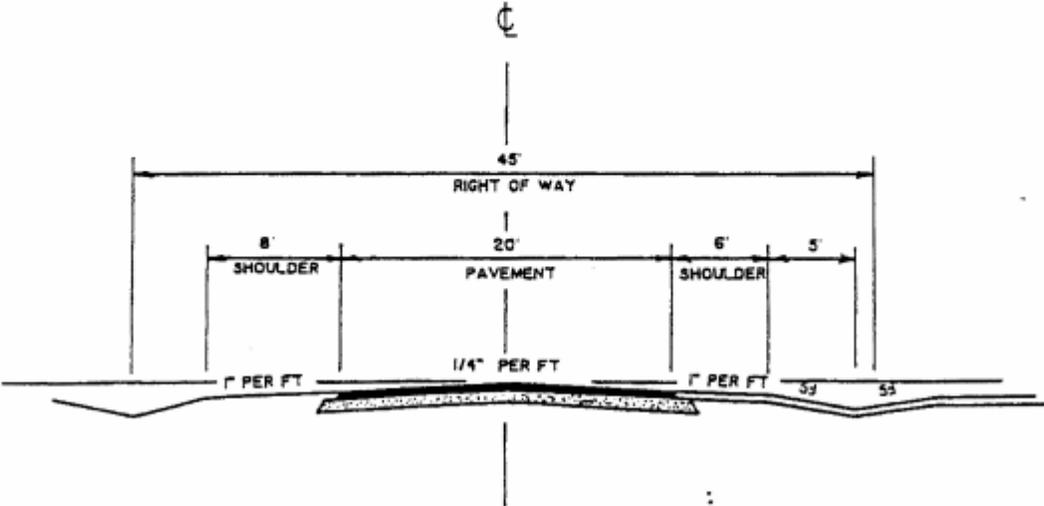
TYPICAL SPACE LAYOUT  
WITH SHARED DRIVEWAY



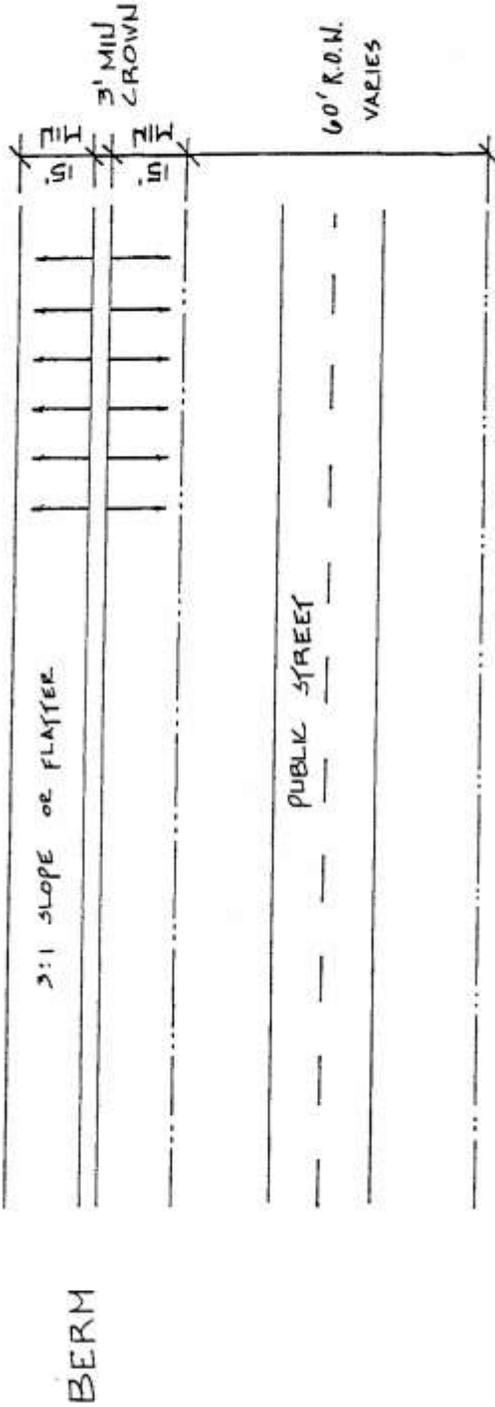
### STREET CROSS SECTION FOR DRIVEWAY TILE INSTALLATION



### STREET CROSS SECTION FOR VALLEY GUTTER DESIGN OF DRIVEWAYS



SCREENING



APPENDIX D

