

STATE OF NORTH CAROLINA

COUNTY OF WATAUGA

WATAUGA COUNTY MANUFACTURED HOME PARKS ORDINANCE

Section 1. Authority and Purpose.

Pursuant to the authority granted to counties in North Carolina General Statute 153A-121 and for the purpose of establishing minimum standards for the design and construction of manufactured home parks in order to protect and promote the health, safety, and general welfare of the public, the Board of Commissioners of Watauga County do order and ordain the following.

Section 2. Definitions.

- a. "Manufactured Home" - means 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 is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.
- b. "Manufactured Home Park" - means the rental of any site or tract of land upon which three (3) or more manufactured homes occupied for dwelling or sleeping purposes are located. Leases of a term longer than ten (10) years shall be constructed as a sale of property. In determining the term of a proposed lease, periods that may add to the original term by options to renew or extend shall be included. Any sale of land within the manufactured home park shall comply with the Watauga County Ordinance to govern subdivision and multi-unit structures.
- c. For purposes of this ordinance, the term "mobile home" may be substituted for "manufactured home."

Section 3. Compliance with County and Appalachian Board of Health Rules.

It shall be unlawful for a person, firm or corporation to park or store a manufactured home or build or alter a manufactured home park within the county as now or hereafter fixed, except in accordance with this ordinance and with the "Rules Governing The Sanitary Design, Construction, Maintenance, and Operation Of Mobile Home Parks In Alleghany, Ashe and "Watauga Counties" as amended from time-to-time. Said Board of Health rules are incorporated herein and attached as an appendix to this ordinance. Where this ordinance and Board of Health rules impose overlapping or contradictory standards, the more restrictive or higher standards shall be controlling. Any person, firm, or home park within Watauga County is advised to work simultaneously with the County Department of Planning and Inspections and the Appalachian District Health Department to devise plans for said construction or alteration.

Section 4. Preliminary site plan submission.

No person, firm, or corporation shall commence construction or alteration of a manufactured home park within Watauga County without first securing the approval of a preliminary site plan from the Watauga County Planning Board. One (1) copy of said site plan shall be submitted to the Department of Planning and Inspections at least five (5) working days prior to the regular monthly meeting of the Planning Board to allow for staff review and placement on the meeting agenda. Subsequent to staff review but prior to the Board meeting, the developer shall submit eight (8) copies of the preliminary site plan.

Section 4.1 Preliminary site plan specifications.

The preliminary site plan shall be drawn at a scale of not less than one hundred (100) feet to the inch on sheets 18 x 24 inches and shall include the following:

- a. Items 1-7 of Section 3 (b) of the Board of Health Rules.
- b. Sketch vicinity map of the park's location.
- c. Landscaping, buffering, open space plans.
- d. Designated parking areas.
- e. Appalachian District Health Department certificate indicating approval of the plan.

Section 5. Park development standards.

The standards of Section 5 of the Board of Health Rules shall be met. In addition, the following standards shall apply:

- a. Minimum setbacks:
 1. from right-of-way of roads bordering park 20 feet.
 2. from right-of-way of roads inside park 10 feet, but at least 15 feet from the edge of the road travel surface.
 3. between all manufactured homes and attachments thereto including porches, decks, storage areas, etc. - 25 feet.
 4. from exterior property line - 20 feet.
- b. Parking space sufficient to accommodate at least two (2) automobiles shall be constructed for each manufactured home space.
- c. Roads within manufactured home parks shall be constructed to either NC DOT standards or "county standards" as defined in the Watauga County Ordinance To Govern Subdivisions And Multi-Unit Structures" as amended from time-to-time, with the exception that right-of-way may be reduced to thirty (30) feet.

- d. A minimum of four hundred (400) square feet of common open space per lot shall be required. Common open space shall be exclusive of road right-of-way, parking areas, or any areas set aside for solid waste collection or utility equipment.
- e. A twenty-five (25) foot-wide buffer shall be provided around the perimeter of the park. The purpose of the buffer is to create the impression of spatial separation between parks and adjacent land uses without eliminating visual contact. Buffers shall consist of plantings of evergreen and/or deciduous trees spaced no more than thirty (30) feet apart. Such trees shall be at least six to seven (6-7) feet tall for evergreens and six to eight (6-8) feet tall with a one and one-half (1-1/2) inch caliper (trunk measured six (6) inches above grade) for deciduous trees at time of planting and shall reach a height of no less than twenty (20) feet at maturity. In addition, plantings of low-growing shrubs, bushes, and/or trees shall be placed at ten (10) foot intervals.

Plantings within buffer areas shall be staggered unless topography is prohibitive. No planting shall be placed in a public road right-of-way. Lists of recommended plantings are available from the Planning and Inspections Department.

In combination with or in lieu of a buffer, the following may be provided:

A ten (10) foot-wide screening strip shall be provided around the perimeter of the park. The purpose of screening is to eliminate visual contact between the park and adjacent land uses. Screening shall consist of plantings of evergreen trees at ten (10) foot intervals. Such trees shall meet the height and caliper standards described in this section for buffer areas.

- f. Maximum permissible density for a manufactured home park is six (6) spaces per acre.

Section 6. Individual manufactured homes within a park.

Individual manufactured homes within a park shall be set-up, connected to utilities, and tied down in compliance with the North Carolina "Uniform Standards Code for Mobile homes Act," and shall be inspected for compliance by the Planning and Inspections Department in order to be approved for permanent electrical power.

Prior to performing any individual manufactured home inspections, the Planning and Inspections department shall confirm compliance with this and all other applicable regulations. Such regulations may include (when applicable) but are not limited to Soil Erosion and Sedimentation Control Ordinance, Flood Damage Prevention Ordinance, Ordinance to Govern Structures Located on Land Adjacent to National Park Service Land.

Section 7. Applicability to existing manufactured home parks.

All manufactured home parks in operation on the effective date of this ordinance shall not be affected by this ordinance, except for expansions or additions, which must comply.

Section 8. Registration.

It shall be the duty of the owner of a manufactured home park to keep an accurate register containing a record of all manufactured homes, owners, and occupants of the park. Said information shall be reported annually to the Watauga County Tax Supervisor in accordance with NCGS 105-316.

Section 9. Variances

When unnecessary hardships would result from strict application of the ordinance, upon application by an aggrieved party with standing, the Planning Board may hold a hearing pursuant to NCGS §160A-388 (a2) and may grant variances to the provisions of the ordinance in accordance with the standards and procedures established in NCGS §160A-388(d), and as established by County policy.

Section 10. Enforcement and Remedies.

If the Planning and Inspections Department find that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order the discontinuance of illegal use of land, buildings, or structures; the removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; the discontinuance of any illegal work being done; and shall take any action authorized by this ordinance to insure compliance with, or to prevent violation of, its provisions.

In accordance with NCGS 153A-123 violation of this ordinance is a misdemeanor and is punishable by a fine of \$50 dollars or 30 days imprisonment or both. Each day of violation is a separate offense.

In lieu of or in addition to the criminal penalties outlined above, any person violating this ordinance may be subject to a civil penalty, under NCGS 153A-123(c), in the discretion of the Board of County Commissioners, not to exceed \$100.00. No penalty shall be assessed prior to notice to the violator. For every day a violator is in violation of this ordinance, it may be considered a separate offense. If the violator does not pay such penalty within 30 days of notification of its assessment by written citation it may be recovered by the County in a civil action in the nature of a debt. The violator may contest said penalty in the court of appropriate jurisdiction.

Section 11. Amendment procedure.

This ordinance may be amended from time to time by the Board of County Commissioners, but no amendment 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 thirty (30) days within which to submit its report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have approved the amendment. All amendments must be submitted through the public hearing process in accordance with NCGS 153A.

Should any Federal or State regulation or statute incorporated herein by reference or otherwise referred to herein, be changed or amended, or should either require or mandate a different procedure or change or impose new, different or additional requirements, then, in that event, this ordinance shall be deemed to have been amended without further action to have complied with such new, additional or amended requirements.

Section 12. Prior Ordinances, Rules and Regulations Repealed.

All ordinances, rules and regulations heretofore adopted by Watauga County governing mobile homes and mobile home parks, trailers, and trailer parks, which are in conflict with the provisions of this ordinance are hereby repealed.

Section 13. Partial Invalidity.

If any provision or clause of this ordinance affecting manufactured home parks in Watauga County shall be declared invalid, such declaration shall not invalidate any other provision or clause of said ordinance.

Section 14. Conflict With Other Ordinances or Regulations.

Where another applicable regulation, ordinance, or statute imposes more restrictive regulations than those contained in this ordinance, the more restrictive regulation shall govern.

Section 15. Effective Date.

This ordinance shall be in full force and effective on and after the 10th day of July, 1989.
Amended on the 18th Day of February, 2014

Section 16. Appeals Procedure.

Every decision of the Planning Board shall be subject to *de novo* review at the request of any aggrieved party with standing by the Watauga County Board of Commissioners. The appeal to the Commissioners must be filed within 30 days of actual or constructive notice of the Planning Board's decision.