

**ALAMANCE COUNTY
MANUFACTURED
HOME PARK
ORDINANCE**

Adopted by
Board of Commissioners
October 7, 1996

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ALAMANCE COUNTY MANUFACTURED HOME PARK ORDINANCE

WHEREAS, North Carolina General Statute Section 153A-121(a) provides that “a county may by ordinance define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the county; and may define and abate nuisances”; and

WHEREAS, North Carolina General Statute Section 153A-134 provides that “a county may by ordinance, subject to the general law of the state, regulate and license occupations, businesses, trades, professions, and forms of amusement or entertainment and prohibit those that may be inimical to the public health, welfare, safety, order, or convenience”; and

WHEREAS, the Alamance County Board of Commissioners declares the following factors in the design of manufactured home parks necessary to protect the public welfare, safety, and general health of the citizens of Alamance County: adequate lot sizes and configurations, established set-backs, and established road standards; and

WHEREAS, this Board declares that manufactured home parks regulated under current rules do not adequately address public concerns in regard to providing for the orderly growth and efficient development of Alamance County.

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners for the County of Alamance, as follows:

ARTICLE 100: Title

This document shall be known as and referred to as the Alamance County Manufactured Home Park Ordinance.

ARTICLE 200: Authority

Section 201. Jurisdiction

The provisions of this Ordinance shall apply to the unincorporated areas of Alamance County as well as the extra-territorial jurisdictions that do not enforce zoning regulations pertaining to manufactured home parks.

Section 202. Exceptions to Applicability

- (A) Nothing contained herein shall repeal, modify, or amend any Federal or State law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which this Ordinance specifically replaces. When other ordinances or statutes impose more restrictive standards than those contained in this Ordinance, the more restrictive ordinances or statutes shall govern.

- (B) It is not intended that this Ordinance interfere with any easement, covenants or other agreements between parties. However, if the provisions of this Ordinance impose greater restrictions or higher standards for the use of a building or land, then the provisions of this Ordinance shall control.

Section 203. Criminal Penalties

Any person violating any provision of this Ordinance shall be guilty of a Class III misdemeanor and, upon conviction, shall be punished in accordance with N. C. G. S. 15A-1340.23 or by fine of not more than two-hundred dollars (\$200.00) or both. Each day that the violation continues shall constitute a separate offense.

Section 204. Remedies

If any development and/or land use is found to be in violation of this Ordinance, the County Manager may initiate an action in the name of Alamance County, in addition to all other remedies available either at law or in equity, institute an action or proceedings to restrain or correct the violation; an action to prevent occupancy of the building, structure, or land; or an action to prevent any illegal act, conduct, business, or use in or about the premises.

Section 205. Severability

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

ARTICLE 300: Definitions

For the purpose of this Ordinance, certain terms and words are hereby defined; words used in the present tense shall include the future; words used in the singular number shall include the plural number; and the plural the singular; and the word “shall” is mandatory and not directory.

Clearway - a cleared area of land in a manufactured home park with a minimum width of forty (40’) feet. The clearway is to be free of all obstacles that would prevent access by vehicles for emergency or other purposes. (Note: The clearway is privately owned by the manufactured home park operator.)

Manufactured Home (Also known as Mobile Home) - a residential dwelling unit, designed for transportation after fabrication on its own wheels or on flatbeds, or other trailers, and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy except for minor unpacking and assembly operations. Travel trailers and campers shall not be considered manufactured homes.

Manufactured Home Park - a park comprised of three (3) or more manufactured homes on one tract of land.

Travelway - a road in a manufactured home park that shall be eighteen (18) feet in width and comprised of four (4) inches compacted of gravel. (Note: The travelway is privately owned by the manufactured home park operator.)

ARTICLE 400: Word Interpretation

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

Words in the present tense include the future tense.

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.

The word “person” includes a firm, association, corporation, municipal corporation, trust, and company as well as an individual.

The word “structure” shall include the word “building”.

The word “lot” shall include the words “plot”, “parcel”, or “tract”.

The word “shall” is always mandatory and not merely directory.

The word “will” is always mandatory and not merely directory.

ARTICLE 500: Development Specifications

SECTION 501. Minimum Space Size

(A) Manufactured home parks shall have a minimum space size of 30,000 sq. ft. per unit outside of designated watersheds (septic system and well).

Manufactured home parks may also be located on the following minimum space sizes:

| <u>Services Provided</u> | <u>Minimum Space Size</u> |
|--|---------------------------|
| Community/Public Water & Septic System | 20,000 sq. ft. |
| Community/Public Sewer & Well | 10,000 sq. ft. |
| Community/Public Water & Sewer | 8,000 sq. ft. |

- (B) Manufactured home parks located in the balance of watershed (BOW) shall have a minimum space size of one (1) acre (septic system and well).
- (C) Manufactured home parks located in the watershed critical areas (WCA) of watersheds shall have a minimum space size of two (2) acres (septic system and well).

NOTE: Additional acreage may be required by the Alamance County Health Department to accommodate sewage disposal and well systems.

Manufactured home parks located on municipal utilities may be located on the following minimum space sizes:

| <u>Services Provided</u> | <u>Minimum Space Size</u> |
|---------------------------------|---------------------------|
| Municipal Water & Septic System | 20,000 sq. ft. |
| Municipal Sewer & Well | 10,000 sq. ft. |
| Municipal Water & Sewer | 8,000 sq. ft. |

Section 502. Road Standards

Manufactured home parks shall have a “clearway” of forty (40’) feet. Within each designated clearway there shall be a “travelway” with a minimum width of eighteen (18’) feet. The travelway shall consist of a minimum of four (4”) inches of gravel and shall be maintained for all weather access.

Section 503. Space Frontage

- (A) Each designated manufactured home space shall have a minimum width of one-hundred (100’) feet of frontage on the travelway.
- (B) Manufactured homes spaces fronting on cul-de-sacs shall have a minimum of thirty-five (35’) feet of frontage at the edge of the travelway.

Section 504. Parking

Each manufactured home space shall provide for two (2) designated parking spaces outside of the clearway for each manufactured home space. Each parking space shall have a minimum dimension of twenty (20’) feet in length and ten (10’) feet in width, with four (4”) inches of compacted gravel.

Section 505. Cul-de-sacs

Every travelway within a manufactured home park shall end with a cul-de-sac where the travelway does not intersect with a public road or intersect into another travelway. The radius of the cul-de-sac shall be thirty-five (35’) feet. There shall also be included a fifty (50’) foot radius

of clearway within the cul-de-sac. In lieu of a cul-de-sac a T-turn around design per NCDOT specifications is allowable with a minimum of ten (10') feet of clearway on all sides of the T-turn around.

Section 506. Setbacks

The following setbacks are established for units within manufactured home parks:

- Side: ten (10') feet
- Rear: ten (10') feet
- Front: forty-five (45') feet (from centerline of travelway - effective front setback is twenty-five 25' feet)

Note: Side and rear setbacks are to be measured from the side and rear lot boundaries.

Section 507. Existing Manufactured Home Parks

Manufactured home parks in existence prior to the effective date of this Ordinance shall be allowed to continue in operation, including the replacement of manufactured homes on any existing lot. Existing lot sizes, road standards and existing manufactured home setbacks (or placement on the lot) shall be allowed to continue.

ARTICLE 600: Reviews

The Board of Commissioners may authorize individual reviews of the application of this Ordinance where there are practical difficulties or particular hardships in the way of carrying out the strict letter of the provisions of this Ordinance. Upon finding practical difficulties or unnecessary hardships existing with a strict application, individual requirements may be modified, provided they are consistent with the spirit, purpose, and intent of the ordinance, substantial justice, and the public health and welfare secured. All requests for a review shall be written and submitted to the Administrative Services Department. Prior to consideration of a review by the Board of Commissioners, the request shall be referred to the Alamance County Planning Board for the Planning Board's recommendation.

Notice: Decisions by the Board of Commissioners shall be reached only after a public hearing, quasi-judicial in nature, and after notice has been given by certified mail to the applicant. In addition, notice of the time and place of such public hearing shall be published in a paper of general circulation in the county not less than ten days nor more than thirty days previous to the hearing. Such notice shall contain the address or location of the property for which a hearing by the Board is sought, as well as a brief description of the nature of the application.

ARTICLE 700: Cluster Development

Clustering of spaces within manufactured home parks is not permitted.

ARTICLE 800: Site Plan Requirements

Site plans shall be submitted for manufactured home parks as required by the Alamance County Health Department. Manufactured home parks located in a designated watershed in Alamance County shall also submit a site plan for review and approval per the Alamance County Watershed Protection Ordinance.

ARTICLE 900: Expansion to Existing Development

Existing manufactured home parks may be expanded as long as the expanded portion of the park meets the minimum provision of this Ordinance.

ARTICLE 1000: Changes and Amendments

- (A) After receiving a recommendation from the Alamance County Planning Board, the Board of Commissioners may, on its own motion or on petition, after public notice and hearing, amend, supplement, change or modify the Manufactured Home Park regulations and restrictions as described herein.
- (B) Spaces within manufactured home parks are not transferable lots that can be deeded or sold except by an approved subdivision plat. Approved manufactured home park plans are not to be construed as a subdivision.

ARTICLE 1100: Effective Date

All manufactured home park plans formally approved prior to the effective date of this Ordinance shall be considered grandfathered. A grandfathered manufactured home park shall have a period of eighteen (18) months from the effective date of this Ordinance to begin development and receive an Operating Permit from the Alamance County Health Department. Thirty-six (36) months after the effective date of this Ordinance, all grandfathered manufactured home parks must have completed construction per the manufactured home park's approved plan as well as have obtained all appropriate permits from the Alamance County Health Department.

If a manufactured home park does not begin development within the eighteen (18) month period or does not complete construction within thirty-six (36) months, the plans for the manufactured home park must be resubmitted and comply with the provisions of this Ordinance.

This Ordinance shall take effect and be in force on October 7, 1996.

Adopted this 7th day of October, 1996.

* * * * *

The foregoing ordinance was adopted by the Board of Commissioners for the County of Alamance during regular session on October 7, 1996, and amended on

January 6, 1997, to be effective on that date. See Minute Book No. 32, Pages 64 and 77.