

**ALAMANCE COUNTY
MANUFACTURED HOME PARK
ORDINANCE**

Originally adopted by
THE BOARD OF COMMISSIONERS
October 7, 1996

Amended by
Board of Commissioners
November 16, 2015

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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, North Carolina General Statute Section 153A-341.1 makes the provisions of North Carolina General Statute Section 160A-383.1 binding on counties and the aforementioned statute provides that a county may adopt criteria “designed to protect property values, to preserve the character and integrity of the community or individual neighborhoods within the community, and to promote the health, safety and welfare of area residents”; 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 shall be construed to preempt or supersede valid restrictive covenants running with the land. 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

Pursuant to N.C.G.S. §14-4, 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 imprisonment or by fine of not more than five hundred dollars (\$500.00) or both. Each day that the violation continues shall constitute a separate offense. The payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve the person of the liability for any taxes, fees, costs, or penalties otherwise imposed under this ordinance.

Section 204. Remedies

If any development and/or land use is found to be in violation of this Ordinance, the County Manager or designee 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. Pursuant to N.C.G.S. §153A-140, the County Manager may remove, abate, or remedy any violations of this Ordinance that is dangerous or prejudicial to the public health or safety. The expense of any action shall be paid by the person charged, and, if not paid, shall be a lien upon the land or premises where the nuisance arose, and shall be collected as unpaid taxes.

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 that is 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.)

Existing Manufactured Home Park – A manufactured home park for which plans have been submitted to and approved by the Health Director or Planning Director on or before the date of adoption of these rules.

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, campers, or motor homes (or any other transportable structure with or without a permanent foundation) being used as a residence within an approved Manufactured Home Park shall be considered a manufactured home. Travel trailers, camper and motor homes being stored on a site (and not used as a residence on site) shall not be considered manufactured homes.

Manufactured Home Space - that portion of land in a Manufactured Home Park allotted to or designed for accommodation of one manufactured home.

Manufactured Home Park – a park comprised of three (3) or more manufactured homes on one tract of land, regardless of whether or not a fee is charged to occupy the land.

Operator – a person who owns or is responsible for the operation of a manufactured home park or travel trailer park.

Travelway – a road or driveway used for access in a manufactured home park allowing for the circulation of vehicle traffic. (Note: The travelway is privately owned by the manufactured home park operator. “Road” should not be considered the same a publicly built or dedicated access easement.)

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

<u>(A) Services Provided</u>	<u>Minimum Space Size</u>
Individual Septic and Well	30,000 sq. ft.
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 manufactured home space size of one (1) acre.

(C) Manufactured home parks located in the watershed critical areas (WCA) of watersheds shall have a minimum manufactured home space size of two (2) acres.

(D) 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.

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

Section 502. Road Standards

(A) Manufactured home parks shall have a “clearway” of fifty (50’) feet.

(B) Within each designated clearway there shall be a “travelway.” The travelway shall be maintained for all weather and emergency vehicle access. Every travelway that does not either intersect a public road or intersect into another travelway must provide a for vehicle turnaround as follows:

- a. For dead ends less than 150’ in length (as measured from the nearest road or travelway intersection center-line to the center point of the dead end, cul-de-sac or other end point of the travelway) with a minimum width of twenty-six feet (26’) or other configuration as approved by the appropriate regulating agency.
- b. For cul-de-sacs less more than 150’ in length (as measured from the nearest road or travelway intersection center-line to the center point of the dead end, cul-de-sac or other end point of the travelway) with a minimum width of ninety-six feet (96’) or other configuration as approved by the appropriate regulating agency.
- c. No cul-de-sac or other dead end shall exceed 2500’ in length as measured from the nearest road or travelway intersection center-line to the center point of the dead end, cul-de-sac or other end point of the travelway.

(C) All travelways must originate from a public right-of-way.

(D) These standards are a minimum and will be subject to review and approval by the appropriate agency.

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 home 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. 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 25' feet)

In all cases, each lot boundary should be clearly identified with corner markers.

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

Section 506. 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 manufactured home spaces. Existing manufactured home space sizes, road standards and existing setbacks (or placement within the space) shall be allowed to continue as long as it does not interfere with public safety or health.

Section 507. Signage

(A) Each manufactured home park must display and maintain a permanent sign with the name and address as assigned according the Alamance County Addressing Ordinance. These signs shall be no more than ten (10) feet from each entrance. The sign shall be clearly visible with lettering at least four (4) inches high. If the sign is posted perpendicular to the main road, the name and address number shall be visible from both directions.

(B) Each manufactured home space shall be consecutively numbered as assigned according the Alamance County Addressing Ordinance. Each space will display a sign no more than ten (10) feet from the driveway or required parking area and will be clearly visible from the travelway. Numbers should be at least four (4) inches high. If the sign is posted perpendicular to the travelway, the address should be visible from both directions.

Section 508. Garbage Disposal and General Maintenance

All garbage and refuse in every manufactured home park shall be stored in suitable water-tight and fly-tight standard garbage receptacles, and kept covered with tight fitting covers. At least one such receptacle shall be provided and conveniently located for every manufactured home space except where a dumpster or dumpsters are conveniently located and used in the same manner as separate receptacles. Operators are responsible for ensuring that the park is properly maintained according to all applicable ordinances.

Section 509. Water and Sewage Disposal

All manufactured home parks will be subject to monitoring and enforcement of water quality standards. Each space shall be provided an individual connection to a water supply and wastewater disposal system approved by the appropriate regulatory authority. No site plan will be approved prior to review and approval by the appropriate regulatory authority.

Section 510. Manufactured Homes Connected with a Fair

Manufactured homes serving itinerant workers connected to a fair may be parked on the fairgrounds for the duration of the fair, but not to exceed twenty (20) days, providing they are connected to a wastewater system as approved by the appropriate regulatory authority.

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 the 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 Alamance County Planning 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 Planning 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.

All Manufactured Home Park Site Plans are required to show, at minimum:

- Date of Submission.
- Name and address of owner(s)
- Name of subdivision (Subdivision names shall not duplicate or approximate, phonetically, existing subdivision names.)
- Location designation including a vicinity map (township, county, state) showing the property and surrounding area.
- Name and address of surveyor or engineer.
- Scale in figures and bar graph.
- North arrow.
- Bearings and distances of property boundary.
- Surrounding property lines, property owners and subdivisions.
- Topography including watercourses, wooded areas and contours at five feet (5') intervals or less.
- Location, extent and identification of marginal land.
- Acreage of property within the park.
- Total proposed number of spaces.
- Square feet of each space.
- Existing Conditions (on property to be subdivided and within 300' feet of property being subdivided) including (but not limited to) boundaries and identification of political subdivisions, boundaries and identification of land use districts, buildings, structures or utilities (public or community), street right-of-way (including width of pavement and names), location and size of bridges, culverts and other storm drainage facilities, location, width and purpose of all easements.
- Proposed Conditions including travelway alignments, clearways, and all associated dimensions including cul-de-sacs, t-turnarounds, clear zone measurements, parking areas, curve radii and site distance measurements as needed, proposed utilities and any other infrastructure and storm drainage facilities, all easements, manufactured home spaces including separation lines, numbers and approximate dimensions of spaces and setbacks, any proposed public use (open space) sites.
- Any other information deemed necessary for site plan review by the Planning Department
- Approval of any other departments or agencies as required for compliance with the requirements of this or any other 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

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.

ARTICLE 1100: Effective Date

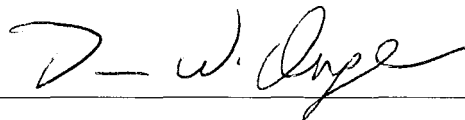
All manufactured home park plans formally approved prior to the effective date of this Ordinance shall be considered grandfathered. A grandfathered manufactured home park shall have a period of eighteen (18) months from the effective date of this Ordinance to begin development and receive an Operating 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 parks' 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.

The Alamance County Board of Commissioners hereby adopts this Ordinance.

This 16th day of November, 2015.

ALAMANCE COUNTY BOARD OF COMMISSIONERS



Chair

Eddie Bull

Vice Chair

Phil S. Boyd

Commissioner

Linda Massey

Commissioner

[Signature]

Commissioner