

Mobile Home Park Ordinance
Polk County, North Carolina

Adopted December 1995, Amended January 6, 2003 and May 3, 2021

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Article I. Authority, Purpose, Jurisdiction and Legal Provisions

Section 101. Short Title

This ordinance shall be titled Mobile Home Park Ordinance, Polk County, North Carolina, and may be cited as the Mobile Home Park Ordinance.

Section 102. Authority

Polk County hereby exercises its authority to adopt and enforce a mobile park ordinance under the provision granted by North Carolina General Statute 153A-121, 160D-901 & 910.[1]

Section 103. Purpose

The purpose of this ordinance is to promote the protection of the health, safety and welfare of the community and to provide an acceptable environment for what are in fact small communities of mobile homes. This ordinance is designed to accomplish the following objectives:

a. To further the orderly layout of mobile home parks;
b. To secure safety from fire, panic and other dangers;
c. To provide adequate light and air circulation;
d. To insure that facilities for vehicular circulation, parking, water supply and sewerage facilities, and recreation facilities are provided for mobile home park residents.

Section 104. Jurisdiction

These regulations shall govern the establishment of each and every mobile home park established after the effective date of this ordinance. Additionally, these regulations shall govern the alteration or expansion of existing mobile home parks after the effective date of this ordinance. These regulations apply to all lands lying within the territorial jurisdiction of Polk County and within the planning jurisdiction of any municipality whose governing body by resolution agrees to such regulation. No person or persons may locate or cause to be located, in regard to property under his possession or control, more than two (2) mobile homes on a tract of land without complying with the provisions of this ordinance. Mobile home sales lots shall not be subject to this ordinance.[1]

Section 105. Appeals and Variances

A. Appeals[1]
Appeals may be taken by any person aggrieved, or by any official or board of Polk County affected by, any ruling or decision of the ordinance administrator to the Board of Adjustment. Such appeal shall be taken within 30 days of ruling or decision, as provided by the rules of the Board of Adjustment, by filing with the ordinance administrator and with the secretary of the Board of Adjustment a notice of appeal and specifying the grounds thereof. The ordinance administrator shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the ordinance administrator certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may

be granted by the Board of Adjustment or by a court of record on application, on notice to the ordinance administrator and on due cause shown.

B. Variances[1]
When unnecessary hardships would result from carrying out the strict letter of a regulation, the Board of Adjustment shall vary any of the provisions of the regulation upon a showing of all of the following:

(1) Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

(4) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

(5) Any variance that is authorized is required to be entered in writing in the minutes of the Planning Board meeting and recorded with the final plan.

Section 106. Compliance with Other Ordinances

All proposed mobile home parks shall comply with all the requirements of any officially adopted ordinance in effect in the proposed area.

The sale of lots for the purpose of a mobile home park shall constitute a subdivision and; therefore, shall comply with the standards and procedure set forth in the Polk County Subdivision Ordinance.

Section 107. Effect of Existing Legislation

Where this Ordinance conflicts with existing ordinances, statutes, or regulations effective in the jurisdiction of this Ordinance and enacted by the County, State, or Federal government or their agencies, then the ordinance, statute or regulation requiring the higher standard shall apply.

Section 108. Penalty

Any person violating the provisions of this ordinance shall be guilty of a misdemeanor and shall be subject to fine and/or imprisonment as provided by General Statute 14-4. Each day's continuing violation of this ordinance shall be a separate and distinct offense. Nothing in this Section shall be construed to limit the use of remedies available to the County.

Section 109. Validity

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Article II. Procedure for Securing Approval of Mobile Home Parks

Section 201. Approval Required

No mobile home park within the territorial jurisdiction of Polk County shall be established, altered or expanded until a permit has been issued by the Administrator, authorizing such construction.

Section 202. Procedures for Review and Approval of a Mobile Home Park Plan

Prior to the construction of a new mobile home park or the alteration or the expansion of an existing mobile home park, the Developer shall make application to the Administrator for a permit to construct or expand such a park. The application shall be accompanied by seven (7) copies of the proposed park plan. The application must be received at least twenty-one (21) days prior to a regularly scheduled meeting of the Polk County Planning Board, if the application and proposed park plan is to be reviewed by the Planning Board at that time. The Planning Board shall review the proposed plan for compliance with the design standards set forth in this Ordinance.[1]

The park plan shall be drawn at a scale of twenty (20) feet to one (1) inch or larger and shall include the following information:

General Information:

1. Proposed name of mobile home park.

2. North arrow, graphic scale, and written scale.

3. Name of record owner, developer, and surveyor or engineer.

4. Vicinity map showing location of park.

5. Authorized signature of a Polk County Health Department representative verifying the representatives on-site visitation and consultation with the developer concerning the location of well and septic systems, if applicable.

Existing Site Data:

1. Total tract boundaries of the park, and a statement of total acreage of the property.

2. All existing rights-of-way, easements, sewer lines, fire hydrants, utility transmission lines, storm water drainage systems, water courses, buildings, wooded areas, and all other

significant man-made or natural features within the proposed park and within fifty (50) feet from the boundaries of the park.

3. All existing streets on or abutting the park, including names, right-of-way widths, and type and width of surface treatment.

4. The ownership and use of neighboring properties, including if separated by a street, railroad, or other transportation corridor.[1]

Proposed Site Data

1. Street right-of-way, pavement widths, and street names.

2. Preliminary plans for water, sanitary sewer systems, storm water systems, electricity and gas lines, showing connections to existing systems or proposals for developing new systems. Storm and sanitary sewer profiles, cross-sections and sizes shall be provided when required by the reviewing agencies.

3. Other easements and rights-of-way, including location, dimensions, and purposes.

4. Topographic maps when required by reviewing agencies.

5. Location, size, and number of proposed and existing mobile home sites, all existing and proposed automobile parking areas, and sanitary conveniences such as laundries and solid waste receptacles.

6. Any additional information and specifications as may be required by the reviewing agencies.

7. Existing right-of-way to public road at least forty-five (45) feet in width at the ingress/egress point of the park.

8. The plans must comply with the North Carolina Fire Code and/or other applicable codes. No authorization shall be issued without the prior approval of the county fire marshall, or designee.[1]

9. Certificate for Mobile Home Park Approval.[1]

Certificate of Approval for Mobile Home Park.
I, _____, Planning Board Chair, certify that the said Board fully approved the Mobile Home Park entitled _____.

_____ _____
Planning Board Chair Date

Section 203. Issuance of Authorization and Compliance [1]

1. After receiving approval of the park plan by the Planning Board, the Administrator is authorized to issue an authorization letter. The intent of this authorization letter is to enable the execution of the park plan in the field and shall not be construed to entitle the recipient to offer spaces for rent or lease, or to operate a mobile home park as defined in this ordinance.

2. If the construction of the park has not begun within twelve (12) months from the issue date of the authorization letter, the Planning Board may grant an extension of the authorization letter if the developer appears before the Planning Board and shows cause.

3. The mobile home park may be developed in phases, construction must begin within twelve (12) months of issuance of authorization letter, unless extension is granted by the Planning Board. The phased development must be authorized in the approval process by the Planning Board.

4. When the construction, according to the plan approved by the Planning Board, of the roads, infrastructure, buffering, lighting, and other requirements in this ordinance are complete, the Adminstrator will issue a letter of compliance. The letter of compliance may be issued in phases, according to the plan approved by the Planning Board. This entitles the recipient to offer spaces for rent or lease, or to operate a mobile home park as defined in this ordinance. The plan shall be recorded in the Register of Deeds Office.

Article III. Minimum Design Standards

This section sets forth minimum design standards which are stated as follows: [1]

Section 301. Installation Requirements

1. Each mobile home shall be installed with stabilization devices in accordance with the State of North Carolina regulations for installation of manufactured/mobile homes adopted and published by the North Carolina Department of Insurance.

Section 302. Density Setbacks Requirements

1. The lot area for a mobile home park shall be at least two (2) acres, and the park shall have a minimum of four (4) mobile home spaces at first occupancy. All areas to be included in said park shall be clearly shown on the mobile home park plans in accordance with Article II, Section 202 of this Ordinance.

2. The following table provides the minimum required spaces based upon the type of water and sewer facilities to be provided:[1]

For the purpose of this table, multi-user can be public water and sewer or private community water and sewer. Public sewer can also apply to private package treatment plants.

Minimum Mobile Home Space Density Requirements

	Individual Septic & Water Systems	Public Water & Individual Septic System	Public Sewer & Individual Water System	Multi-user Public Water & Sewer
Average Lot Density	1 lot per 40,000 sq. ft.	1 lot per 20,000 sq. ft.	1 lot per 20,000 sq. ft.	1 lot per 10,000 sq. ft
Minimum frontage	50 ft.	50 ft.	50 ft.	50 ft.
Minimum Open Space Dedication	50%	50%	50%	50%
Exterior Development Setbacks	100 feet	100 feet	100 feet	100 feet

3. Open space must be dedicated for the time Mobile Home Park is in use. Buildings used for accessory, laundry or recreation purposes may be located in the open space area.

4. Structures permitted within the mobile home park site plan area shall be limited to mobile homes, their accessory structures, recreation area structures and mobile home park facilities.

Section 303. Streets and Driveways [1]

1. Each mobile home space shall abut a driveway or interior street within the park. Said driveways or interior streets shall be graded and surfaced with not less than four (4) inches of crushed stone or other suitable material on a compacted subbase. All driveways shall be a minimum width of ten (10) feet, and all interior streets shall be a minimum width of twenty (20) feet.

2. Two (2) parking spaces per space required.

3. The entrance to the park shall be graded and surfaced with not less than four (4) inches of crushed stone or other suitable material on a compacted subbase to a minimum width of forty (40) feet.

Section 304. Street Naming

1. In order to lessen confusion which could hamper the response time for emergency vehicles, the name of the mobile home park and the roads shall not duplicate nor closely approximate the name of an existing park, subdivision and roads within Polk County. All roads and street addresses shall be in accordance with the Polk County Property Address Ordinance.[1]

Section 305. Utilities and Site Improvements [1]

1. An accessible, adequate, safe and potable supply of water shall be provided in each mobile home park. Where a municipal water supply is available, connection shall be made thereto and its supply used exclusively. When a municipal water supply is not available, individual wells or a central community water supply system shall be developed, and its supply used exclusively in accordance with the standards of applicable County and State agencies.

2. Adequate and safe sewage disposal facilities shall be provided in all mobile home parks. Such facilities shall include private package treatment plants, shared septics, and/or individual septics. Collection and sewage treatment systems complying with applicable requirements of County and State agencies shall be provided. Where a municipal sewer system is available, connection shall be made thereto and its supply used exclusively.

3. Lighting shall be located to illuminate the entrance street at its intersection with the public right-of-way. Light poles shall be located outside the public right-of-way and shall not cast light or glare onto the public road of such intensity as to impair the vision of motorists or interfere with the operation of vehicles. Adequate lighting shall be placed in the areas used for vehicular/pedestrian access including, but not limited to; recreational areas, stairs, sidewalks, crosswalks, intersections, or changes in grade. Lighting mitigation is required.

4. Cluster Box Units for mail delivery are required. Consult your local Post Office to meet required standards.

5. Screening – All mobile home parks shall be bounded by a buffer area with a minimum of ten (10) feet in depth as measured at right angles to the tract boundary lines. This space shall be used for no other purpose but landscaping, except where access roads cross it. Buffer areas shall be landscaped and consist of evergreens. All landscaping shall be at least four (4) feet in height at the time of planting, growing to six (6) feet within a year and maintained. A solid visual barrier fence, six (6) feet minimum in height, may be accepted as an alternate buffer.

Article IV. Definition of Terms

For the purposes of this ordinance, certain terms or words used herein shall be defined as follows:

Administrator: The person or persons appointed by the Polk County Board of Commissioners to administer and enforce the provisions of this ordinance.

Construction Permit: A permit issued by the Administrator authorizing the mobile home park developer to construct a mobile home park in accordance with a park plan approved by the Polk County Planning Board.

Developer: Any person, firm, trust, partnership, association, or corporation engaged in development, or proposed development, of a mobile home park.

Lighting Mitigation. Mitigating the impact of outdoor lighting fixtures in order to protect neighboring properties and roads from direct glare or hazardous interference of any kind. Lighting mitigation typically involves directing lighting fixtures away from adjacent properties but may also include the installation of planted buffers, screens, walls, etc.[1]

Mobile Home/Manufactured home. - 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.
For manufactured homes built before June 15, 1976, "manufactured home" means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width. "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 semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width.

Mobile Home Park: A parcel or contiguous parcels of land which have been so designated and improved that it contains four (4) or more manufactured/mobile home lots available to the general public for placement thereon of manufactured /mobile homes for occupancy.

Mobile Home Park Plan: A plan of a proposed mobile home park, prepared by the developer in accordance with Article II, Section 202, and presented to the Polk County Planning Board for approval.

Mobile Home Space or Lot: A piece of land within a mobile home park:

a. whose boundaries are delineated in accordance with the requirements of this Ordinance;

b. that is designed and improved in accordance with the requirements of this Ordinance or the Subdivision Regulations if the lot is to be offered for sale.

Shall: When used in this Ordinance, it is intended to indicate a mandatory requirement.

Stabilizing Devices: All components of the anchoring and support systems such as piers, footers, ties, anchoring equipment and any other equipment which supports the mobile home and secures it to the ground.

Article V. Effective Date

This ordinance, and any amendment to it, shall take effect and be in force from and after its adoption by the Board of County Commissioners of Polk County, North Carolina.
Effective date of this ordinance shall be 3rd day of May, 2021.

Adopted this 3rd day of May, 2021.

_____
Chair of the Board of Commissioners

ATTEST:

_____
Clerk to the Board of Commissioners

Approved as to content & form:

_____
County Attorney