

STATE OF NORTH CAROLINA
COUNTY OF SWAIN

MANUFACTURED HOME PARK ORDINANCE

AMENDMENT TO THE MANUFACTURED HOME PARK ORDINANCE

Whereas The Swain County Board of Commissioners duly adopted a
Manufactured Home Park Ordinance on the October 10, 1996, and

Whereas, at a duly called and properly noticed meeting of the Swain County
Board of Commissioners, this amendment to said ordinance was passed unanimously by
the members of the Board of Commissioners.

Now therefore, The Swain County Manufactured Home Park Ordinance is hereby
amended to include item (d) as follows:

Section 202. Class I Manufactured Home Parks

Item C.4. Manufactured Home setbacks

a. setback from boundary lines - 15 feet, except when adjacent property is
owned by the same person or entity owning manufactured home park.

b. front and rear of each manufactured home shall have at least a 30 foot
setback between units.

c. the ends of each manufactured home shall have a setback of at least 30
feet between other manufactured homes.

d. *Unenclosed porches & decks may protrude into the
setback requirements a maximum of eight feet wide and maximum
length of one half the length of the wall of the mobile home.
This does not limit the maximum length or width of porches or
decks that do not protrude into the setback requirements.*

This amendment shall become effective on the day of adoption.

Adopted this the 26th day of June 2000.


Jim Douthit, Chairman
Swain County Board of Commissioners

Attest:


Linda Cable, Clerk and
County Administrator

SWAIN COUNTY
MANUFACTURED HOME PARK ORDINANCE

ARTICLE I
STATUTORY AUTHORIZATION AND GENERAL REGULATIONS

SECTION 101. STATUTORY AUTHORIZATION.

The legislature of the State of North Carolina has in Chapter 153A, Section 121, of the General Statutes delegated the responsibility to local governments of promoting the public health, safety and general welfare.

SECTION 102. STATEMENT OF PURPOSE.

The purpose of this Ordinance is to provide for the proper and orderly development of Manufactured Home Parks in Swain County. Manufactured homes are an important housing alternative to conventional single-family structures. The placement of manufactured homes in parks or clustered groups is a means of providing this housing in an attractive and affordable setting. These regulations are designed to insure that Manufactured Home Parks promote the health, safety and welfare of their residents and do not create negative impacts on adjoining properties.

SECTION 103. JURISDICTION.

The provisions of this Ordinance shall apply to all areas of Swain County, North Carolina.

SECTION 104. EXCEPTIONS TO APPLICABILITY.

1. It is not intended that these regulations interfere with any easement, covenant or other agreement between the parties. However, if these regulations impose greater restrictions or higher standards for the use of a building or land, then these regulations shall control.

2, Manufactured Home Parks existing at the time of this adoption of the Ordinance with spaces completed, ready for occupancy and/or occupied are exempt from the terms of this Ordinance. However, said Manufactured Home Parks shall not be allowed to expand or increase in any manner unless said Manufactured Home Parks meet the requirements of this Ordinance. Upon expansion it is the intent of this Ordinance that the entire Manufactured Home Park, not just the expanded portion, shall be subject to the terms of this Ordinance. Furthermore, the classification within which the Manufactured Home Park falls will be determined by the number of spaces/sites within the Park, not just the expanded portion.

3. The issuance of a Manufactured Home Park Permit or

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Occupancy Permit does not constitute or imply the acceptance, dedication or maintenance of any street or other ground easement, utility line or other facility by Swain County.

SECTION 105. PENALTIES.

1. Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with North Carolina General Statute 14-4. The maximum fine for each offense shall not exceed \$500.00. Each day that the violation continues shall constitute a separate offense.

2. If the Swain County Board of Commissioners find that any person has violated the provisions of this Ordinance it may, in addition to all other remedies available either in law or in equity, institute a civil penalty in the amount of \$50.00 per violation; act or proceed to restrain, correct or abate the violation; prevent occupancy of buildings, structures or land; or prevent any illegal act, conduct, business or use in or about the premises. Each day that the violation continues shall constitute a separate offense.

3. If the Ordinance Administrator finds that a Manufactured Home Park is not in compliance with the terms of this Ordinance, the Administrator shall issue a letter to the owner/operator of said Park describing the violation and listing all corrections that need to be made to bring the Park into compliance. Corrections shall be made within thirty (30) days of mailing of said letter. If the corrections have not been made within the specified time period, the Ordinance Administrator shall issue a Notice of Non-Compliance which shall remain in effect until the Park is in compliance with the terms of this Ordinance. A Notice of Non-Compliance shall prevent the issuance of any permit by Swain County to the Manufactured Home Park owner/operator and thus prevent the Park's expansion and/or redevelopment.

ARTICLE II
MANUFACTURED HOME PARK DESIGN STANDARDS

SECTION 201. MANUFACTURED HOME PARK CLASSIFICATIONS.

For the purpose of this Ordinance, three (3) Manufactured Home Park Classifications have been established as follows:

Class I - Parks with at least three (3) manufactured homes but less than ten (10).

Class II - Parks with at least ten (10) manufactured homes but less than twenty-five (25).

Class III - Parks with twenty-five (25) or more manufactured homes.

SECTION 202. CLASS I MANUFACTURED HOME PARKS.

Class I Manufactured Home Parks shall comply with the following design standards:

A. Roads and Drainage.

Interior roads shall be constructed with drainage systems that prevent water from standing or pooling in the road or its shoulder or with minimum construction standards for secondary roads as adopted by the North Carolina Division of Highways.

B. Utilities.

1. An accessible, adequate, safe and potable supply of water shall be provided in accordance with the standards of the Water Supply Branch of the North Carolina Department of Environment, Health and Natural Resources and/or Swain County Health Department.

2. An adequate and safe sewage disposal facility shall be provided in accordance with the standards of the Division of Environmental Management of the North Carolina Department of Environment, Health and Natural Resources and/or Swain County Health Department.

C. Lots, Unit Sites, Buffers and Setbacks.

1. Each manufactured home shall have an identification number at least four (4) inches high and placed in a conspicuous location that is clearly visible from the access road.

2. Any portion of a proposed Manufactured Home Park that is within 200 feet from an existing residence and visible from said residence (other than that of the Park owner) shall be screened from view with a buffer strip along the property line facing the residence. The buffer requirement may be satisfied by existing natural vegetation meeting the intent of this Ordinance, provided that the natural vegetation is owned by the Manufactured Home Park owner. If the said existing residence is elevated above the proposed Park to the extent that a mature natural or planted tree buffer would not screen the residence, the Ordinance Administrator may waive this requirement.

3. At least two (2) automobile parking spaces shall be provided for each manufactured home site. Additions to individual manufactured homes or other improvements to property shall not interfere with minimum parking requirements. No portion of the required spaces shall be within a street right-of-

way or in any other designated setback area.

4. Manufactured home setbacks:

a. Setbacks from boundary lines - 15 feet, except when adjacent property is owned by the same person or entity owning Manufactured Home Park.

b. Front and rear of each manufactured home shall have at least 30 feet setback between units.

c. The ends of each manufactured home shall have a setback of at least 30 feet between other manufactured homes.

5. The elevation of the first habitable floor of all structures in the 100 year flood plain shall be above the base flood elevation in accordance with the Swain County Flood Damage Prevention Ordinance.

6. The surface area adjacent to the foundation shall be provided with adequate drainage and shall be graded so as to drain surface water away from foundation walls in accordance with the Regulations of Manufactured/Mobile Homes.

7. Each manufactured home, upon being installed on a manufactured home foundation, shall have stabilizing devices made up of a combination of ties, anchoring equipment and ground anchors in accordance with Regulations for Manufactured/Mobile Homes and Swain County Flood Damage Prevention Ordinance.

8. Manufactured homes shall be underpinned within 90 days of installation or within 90 days of expansion of a Manufactured Home Park that causes said Park to come within the terms of this Ordinance.

9. If a manufactured home burns and is uninhabitable, the unit and all associated debris shall be removed from the premises within 90 days after the fire.

SECTION 203. CLASS II MANUFACTURED HOME PARKS.

Class II Manufactured Home Parks shall comply with the requirements for Class I Manufactured Home Parks, plus the following design standards:

A. Roads and Drainage.

Interior roads shall be constructed with an all weather surface that is at least 12 feet wide and with at least a four (4) foot shoulder on each side of the road that is free of any obstruction and can allow easy passage of emergency vehicles.

SECTION 204. CLASS III MANUFACTURED HOME PARKS.

Class III Manufactured Home Parks shall comply with the requirements for Class I and Class II Manufactured Home Parks, plus the following design standards:

A. Roads and Drainage.

1. Interior roads shall be constructed with the following additional standards:

a. Permanent dead end streets or cul-de-sac streets shall have a bulb or other suitable means for vehicles to turn around at the closed end. Bulbs shall have a diameter of at least forty (40) feet.

b. All roads or portions thereof with a slope of fifteen percent (15%) or greater shall be paved with asphalt or concrete.

2. All Parks shall either have at least thirty (30) feet of frontage on a state maintained road or provide access to the Park through adjoining properties, consistent with the terms of this Ordinance, under a joint maintenance agreement recorded with the Swain County Register of Deeds.

SECTION 205. BUFFER STRIP SCREEN DEFINED.

1. Buffer strip screens shall be free of all encroachments by buildings, parking areas, or impervious coverage and may incorporate trees, shrubs, walls, fences, beams and/or other natural or created topographic features. However, the Ordinance Administrator may require the use of trees when neighboring residences are elevated due to topography.

2. Shrubs and/or trees may be used as natural screening provided that when trees are used, only varieties which bear limbs and foliage down to within one (1) foot of ground level shall be allowed.

3. Trees installed as a planted screen shall be evergreen and of a variety which are a minimum height of three (3) feet when planted and which can be expected to reach a height of at least six (6) feet within four (4) years of planting.

4. Shrubs shall be a minimum of three (3) feet at planting and expected to reach six (6) feet within four (4) years.

5. Walls or fences shall be opaque and shall be a minimum of six (6) feet in height as measured from the ground up along the adjoining property line.

6. Grassed and/or landscaped beams or other topographic

features may be used as screening provided that such screening reaches a height of at least six (6) feet within three (3) years of its establishment. All soil slopes shall be stabilized and vegetated.

SECTION 206. GENERAL PROVISIONS.

1. All Manufactured Home Parks shall post a permanent and clearly visible identification sign at each Park entrance. Signs shall be constructed of materials that will not rapidly deteriorate, fade, fall apart or in any way become a hazard to the public health, safety and general welfare.

2. The owner/operator of a Manufactured Home Park that rents spaces and/or homes is responsible for the maintenance of the Park and the enforcement of all restrictions, setbacks and parking requirements. The Manufactured Home Park owner/operator shall record an enforceable operation and maintenance agreement with the Swain County Register of Deeds Office.

ARTICLE III
ORDINANCE ADMINISTRATION

SECTION 301. ORDINANCE ADMINISTRATOR.

The Swain County Administrator shall assign the responsibility of administering and enforcing the Manufactured Home Park Ordinance to the appropriate county personnel who shall be referred to as the Ordinance Administrator.

SECTION 302. REQUIRED APPROVAL.

Manufactured Home Parks shall not be established, altered or expanded until a Construction Permit has been issued by Swain County and said improvements shall not be occupied until an Operating Permit has been issued.

SECTION 303. APPLICATION FOR A MANUFACTURED HOME PARK CONSTRUCTION PERMIT.

1. Application for a Manufactured Home Park Construction Permit shall be available at the office of the Ordinance Administrator during normal business hours. In addition to information requested on this form, the Ordinance Administrator may request additional information to insure a thorough and complete review of the application.

2. The Ordinance Administrator shall dispose of the

completed application within five (5) business days of its receipt as noted by the initials and date of the Ordinance Administrator on the application form. However, a request for additional information shall suspend this time requirement until the requested information has been accepted by the Ordinance Administrator as complete.

3. The Ordinance Administrator shall either approve or deny the application as presented. If approved, the Ordinance Administrator shall issue a Manufactured Home Park Construction Permit without delay. If denied, the Ordinance Administrator shall issue a letter to the applicant stating that the application has been denied and referencing the reasons for this decision. The Administrator shall also explain the specific corrections or steps that need to be taken by the applicant in order for a Construction Permit to be issued.

4. Upon the issuance of a Construction Permit, the permittee may make the specified improvements. Any deviation from the approved plans shall require approval from the Ordinance Administrator.

5. Manufactured Home Park Construction Permits shall be valid for two (2) years.

SECTION 304. APPLICATION FOR A MANUFACTURED HOME PARK ORDINANCE PERMIT.

1. Upon the completion of all improvements authorized under the Manufactured Home Park Construction Permit, the applicant shall call the Ordinance Administrator and request an inspection.

2. The Ordinance Administrator shall inspect the improvements within two (2) business days of the request and shall be prepared to issue an Occupancy Permit on-site at the time of the inspection if all improvements have been made in accordance with the approved plans. If the Ordinance Administrator finds that the improvements are not consistent with the approved plans and the terms of this Ordinance, the Administrator shall also explain the specific corrections or steps that need to be taken by the applicant in order for this Occupancy Permit to be issued. The Administrator shall inspect as outlined in this Section.

3. Manufactured Home Park Occupancy Permits shall be valid until such time that the Park no longer meets the definition of a Manufactured Home Park, plus ninety (90) days.

SECTION 305. ADMINISTRATIVE REVIEW, VARIANCES AND APPEALS.

1. The Swain County Board of Commissioners shall hear and

decide appeals from any decisions or determinations made by the Ordinance Administrator. Appeals shall be submitted in writing to the Ordinance Administrator within thirty (30) days of the decision or determination and shall be heard by the Board in a timely fashion. Appeals may be made by the owner/operator of the Park, the occupants of the Park and/or the owner of any residence within two-hundred (200) feet of the Park.

2. The Swain County Board of Commissioners shall have the power to authorize variances from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this Ordinance will result in practical difficulties or unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured and substantial justice done.

a. A request for variance shall be made in writing and shall fully detail the proposal together with any pertinent information which the applicant feels would be helpful in considering the request.

b. A request for variance shall be heard by the Board within forty-five (45) days of its receipt by the Ordinance Administrator.

c. Where a request for variance concerns the buffer requirements from adjoining residential property, the Ordinance Administrator shall send a copy of the proposed request and a notice specifying the time, date and location of the hearing to the effected property owners within thirty (30) days of the hearing date.

d. Where a request for variance concerns the expansion and/or redevelopment of an existing Manufactured Home Park, the Ordinance Administrator shall send a copy of the proposed request and a notice specifying the time, date and location of the hearing to the occupants of the Park within thirty (30) days of the hearing date.

e. A Variance shall be issued if the Board finds all of the following:

(1) Such waiver and/or modification will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the surrounding area or to the general

public.

(2) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures.

(3) The special circumstances are not the result of the action of the applicant.

(4) In granting of the waiver and/or modification, the public safety and welfare have been assured and substantial justice has been done.

3. Appeals from the Swain County Board of Commissioners shall be filed with the Swain County Superior Court within thirty (30) days from the date of the decision.

ARTICLE IV DEFINITIONS

Manufactured Home - a detached manufactured housing unit built on a chassis, with a body exceeding eight (8) feet in width and a body length of at least thirty-two (32) feet; that said residential dwelling unit shall be designed for transportation after fabrication on its own wheels or 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 and incidental unpacking and assembly operations, including but not limited to, location on jacks or other temporary or permanent foundations, and connection to utilities. Single-section, multi-section and modular housing units shall be considered as manufactured homes; however, recreation vehicles and campers shall not be considered a manufactured home.

Manufactured Home Park - any plot of ground, regardless of its size or the number of contiguous tracts within which it may have been subdivided, upon which three (3) or more manufactured homes, manufactured home sites, or combination thereof, are located and available for rent or lease for dwelling or sleeping purpose.

ARTICLE V APPROVAL AND EFFECTIVE DATE

This Ordinance shall become effective on the day of adoption.

Adopted this the 10th day of OCTOBER, 1996.

Bill Lewis (SEAL)
CHAIRMAN OF THE SWAIN COUNTY
BOARD OF COMMISSIONERS

ATTEST:

Linda Case (SEAL)
CLERK TO THE BOARD