

Mills River Code of Ordinances
Title XV: Land Usage
Chapter 151 Manufactured Home Parks

This Ordinance is enacted by the Town Council of Mills River, North Carolina pursuant to Chapter 160A of the North Carolina General Statutes. Town Council does hereby ordain and enact into law the following amendments to the Code of Ordinances for the Town of Mills River. Chapter 151 shall read as follows:

CHAPTER 151: MANUFACTURED HOME PARKS

General Provisions

- 151.001 Title
- 151.002 Authority
- 151.003 Purpose
- 151.004 Jurisdiction
- 151.005 Manufactured home parks allowed in certain zoning districts as a special use
- 151.006 Conformance with other ordinances
- 151.007 Definitions
- 151.008 Conflict with other laws

Applications, Plan Review and Approval

- 151.020 Approval/Special Use permit required
- 151.021 Application procedure
- 151.022 Completion of improvements
- 151.023 Amendments to park development plan

Site Development and Improvement Standards

- 151.040 Phasing
- 151.041 Road frontage and off-site access
- 151.042 Density
- 151.043 Common area
- 151.044 Landscaping and Buffers

Ordinance 2016-04

- 151.045 Separation, Dimensional, and Design requirements
- 151.046 Municipal water supply and sewage disposal system connection requirements
- 151.047 Fire protection
- 151.048 Utility requirements
- 151.049 Erosion and sedimentation control
- 151.050 Stormwater drainage
- 151.051 Parking
- 151.052 Driveways
- 151.053 Internal road construction standards
- 151.054 Road names
- 151.055 Road name signs and other regulatory signs
- 151.056 Property addressing
- 151.057 Park identification sign
- 151.058 Manufactured home park name
- 151.059 Setup
- 151.060 Nonresidential uses
- 151.061 Solid waste disposal
- 151.062 Unit type
- 151.063 Beginning a park
- 151.064 Expansion of minor park to major park

Administration

- 151.080 Preexisting/nonconforming manufactured home parks
- 151.081 Expansion of existing manufactured home parks
- 151.082 Waiver of requirements
- 151.083 Appeals
- 151.084 Revocation of certificate of completion
- 151.085 (Reserved)
- 151.086 (Reserved)
- 151.087 (Reserved)

Ordinance 2016-04

151.088	Forms
151.089	Fees
151.090	Amendments
151.999	Penalty
Appendix A:	Manufactured home park site development plan requirements
Appendix B:	Construction Permit Application Form
Appendix C:	Certificate of Completion Application Form

GENERAL PROVISIONS

§ 151.001 TITLE.

This chapter shall be known and cited as the "Manufactured Home Park Ordinance of Town of Mills River, North Carolina."

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005)

§ 151.002 AUTHORITY.

This chapter is enacted pursuant to the authority and provisions of G.S. §§ 160A-174 and 160A-383.1.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005)

151.003 PURPOSE.

The purpose of this chapter shall be to regulate and guide the development of manufactured home parks in order to promote the public health, safety and general welfare of residents of manufactured home parks and the citizens of the Town of Mills River.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005)

§ 151.004 JURISDICTION.

The provisions of this chapter shall apply to all areas within the corporate boundaries of the Town of Mills River to the extent provided by the Town of Mills River Zoning Ordinance (see Chapter 154 of the Town of Mills River Code, as amended or replaced). In the event of a conflict between this chapter and the Zoning Ordinance for the Town of Mills River, the terms and provisions of the Zoning Ordinance shall prevail.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005)

§ 151.005 MANUFACTURED HOME PARKS ALLOWED IN CERTAIN ZONING DISTRICTS AS A SPECIAL USE.

Manufactured home park developments may be located in the MR-30, MR-MU, and MR-NC as a Special Use, subject to a finding by Town Council on the advice and recommendation of the Planning Board that certain conditions are met.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005; Am. Ord. 00052, passed 6-26-2008) Am. Ord. ___ passed ___ 2016)

§ 151.006 CONFORMANCE WITH OTHER ORDINANCES.

(A) This chapter applies in areas under the jurisdiction of the Town of Mills River Zoning Ordinance to the extent allowed by the Zoning Ordinance.

(B) In the case of manufactured home parks proposed for development in designated water supply watershed areas, the parks shall conform to the requirements of the appropriate watershed district according to the terms of the Henderson County Water Supply Watershed Ordinance as amended as or replaced as well as to the standards of this chapter, and, in case of conflict, the most restrictive shall apply.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005)

§ 151.007 DEFINITIONS.

For the purpose of this chapter, the following words shall have the meanings indicated:

APPLICANT. The legal owner of the real property to be developed for a manufactured home park who is responsible for submitting an application for a manufactured home park construction permit and upon whom final responsibility for ensuring compliance with the terms and conditions of this chapter rests. For purposes of submission and review of an application, an agent designated by the legal owner, in writing, will also be considered an APPLICANT.

APPLICATION. A manufactured home park construction permit application form, the site development plan and any other supporting documents.

BUILDING. Any structure having a roof supported by columns or by walls and intended for shelter, housing or enclosure of persons, animals or personal property. Two buildings connected by a common roof shall be considered as 1 building, provided that the width of the connecting roof shall be at least 20% of the principal building width, but in no case less than 6 feet in width. The connection of 2 buildings by means of an open porch, breeze way or passageway without a roof, or with a roof less than 6 feet in width, shall not be deemed to make them 1 building.

BUILDING, ACCESSORY. A detached building subordinate to a main building or manufactured home for purposes customarily incidental to the main or principal building and located on the same lot or manufactured home space therewith.

CERTIFICATE OF COMPLETION (COC). A document issued by the Manufactured Home Park Ordinance Administrator to a manufactured home park applicant upon completion of the park, or phase thereof, which certifies that the park conforms to the requirements of this chapter. A CERTIFICATE OF COMPLETION is required in order to obtain manufactured home set-up permits or other building permits from the Henderson County Inspections Department.

COMMON AREA. Area set aside, dedicated or reserved for the use and enjoyment of residents of a manufactured home park. COMMON AREA may include space for community buildings, ponds, gardens, walking paths, outdoor play areas, swimming pools, ball fields, basketball courts, racquet courts, gazebos, picnic shelters, utility easements, and the like. Areas above subsurface sewage disposal systems or wells may, in some cases, also be used as COMMON AREA. Land within required building setbacks and separation areas, internal roads, exterior road rights-of-way, driveways, parking spaces, common storage facilities, laundry rooms, mail delivery areas, model homes, solid waste disposal areas and areas needed for aboveground utility facilities, including water supply or sewage disposal systems, shall not be considered COMMON AREA.

DRIVEWAY. An area used for ingress or egress of vehicles and allowing access from an internal road to no more than 2 dwelling units.

DWELLING UNIT. A building, or portion thereof, that provides complete and permanent living facilities for 1 family. Also known as a UNIT.

EASEMENT. A grant by the owner of property of the use of a strip of land for specified purpose and use by the public, a corporation or persons. EASEMENTS are typically granted (dedicated) for utility use and for ingress and egress such as a road easement, commonly referred to as a RIGHT-OF-WAY.

FAMILY. One or more persons living independently as a single housekeeping unit and using cooking facilities and certain rooms in common. A FAMILY shall not include a group occupying a boarding house, lodging house, club or fraternity house or similar dwelling.

LOT. A piece of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to same.

MAJOR PARK. Any manufactured home park consisting of 11 or more manufactured homes and/or spaces.

MANUFACTURED HOME. A single-family residential dwelling built in accordance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (which became effective June 15, 1976). For purposes of this chapter, however, the term includes MOBILE HOMES (see definition below).

MANUFACTURED HOME PARK (PARK). A tract of land designed to accommodate 3 or more manufactured or mobile home spaces, 3 or more manufactured or mobile homes or any combination of such for rent or lease. Notwithstanding the foregoing, manufactured home parks which consist of no more than 10 manufactured homes and in which all of the manufactured homes provide or are intended to provide migrant housing subject to and in accordance with the Migrant Housing Act of North Carolina (G.S. §§ 95-222 et seq.) are specifically exempted from the terms of this chapter.

MANUFACTURED HOME PARK CONSTRUCTION PERMIT. A permit issued by the Manufactured Home Park Ordinance Administrator to a manufactured home park applicant upon approval of a Special Use Permit by Town Council which certifies that the applicant may begin improvements to the park or phase site.

MANUFACTURED HOME PARK ORDINANCE ADMINISTRATOR (ADMINISTRATOR). An official or designated person(s) of the Town of Mills River authorized to review applications and plans for manufactured home parks under the terms and conditions of this chapter. THE MANUFACTURED HOME PARK ORDINANCE ADMINISTRATOR may be the Zoning Administrator.

MINOR PARK. Any manufactured home park consisting of 10 or fewer manufactured homes and/or spaces.

MOBILE HOME. A transportable, factory-built home, designed to be used as a single-family residential dwelling and manufactured prior to the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective on June 15, 1976.

OPERATOR. The person responsible for the operation of a manufactured home park.

PHASE. A portion of a manufactured home park delineated on the site development plan.

PLAN, SITE DEVELOPMENT. A graphic representation or map of the tract of land to be developed for a manufactured home park indicating all proposed uses of land, improvements and other general and specific information as may be required to fully disclose the applicant's intentions.

RIGHT-OF-WAY. An easement for ingress and egress, such as a road easement. See EASEMENT.

ROADS, INTERNAL. Vehicular travelways located within a manufactured home park. INTERNAL ROADS may be of 2 types: collector roads or service roads.

(1) **INTERNAL COLLECTOR ROAD.** An internal road which serves 25 or more units or spaces and serves as the most probable and convenient route to and from any external road or street connected to the manufactured home park.

(2) **INTERNAL SERVICE ROAD.** An internal road which serves no more than to 24 units or spaces.

SEPARATION. The required minimum horizontal distance which must be reserved between the nearest vertical surface of a building and the applicable street right-of-way line, street, boundary line or other building or structure in which no other structure may be erected. However, for the purpose of this chapter, all structures attached to manufactured homes, including storage buildings, carports, covered or open porches, covered or open decks and steps, shall not be counted when measuring separation requirements from manufactured homes. See also SETBACK, BUILDING.

SETBACK, BUILDING. The distance from an established property boundary or other line defined in this chapter that establishes the buildable area on a lot and/or a manufactured home space. See also SEPARATION.

SEWAGE DISPOSAL SYSTEM. Any facilities for wastewater (sewage) collection, treatment and disposal. A SEWAGE DISPOSAL SYSTEM may be of the following types:

Ordinance 2016-04

(1) APPROVED PUBLIC OR COMMUNITY SEWAGE SYSTEM. A single system of sewage collection, treatment and disposal owned and operated by a sanitary district, a metropolitan sewage district, a water and sewer authority, a county or municipality or a public utility constructed and operated in compliance with applicable requirements of the North Carolina Division of Environmental Management.

(2) MUNICIPAL SEWAGE DISPOSAL SYSTEM. An approved public or community sewage system which is owned and operated by a county or municipality.

(3) SEPTIC TANK. A subsurface wastewater system consisting of a settling tank and subsurface disposal field.

SPACE, MANUFACTURED HOME. An area of land within a manufactured home park designed for the exclusive use of 1 manufactured or mobile home and associated accessory buildings. A space shall be defined on the ground by the presence of 2 or more of the following:

- (1) A water supply system service connection;
- (2) A sewage disposal system service connection; and
- (3) Electric service equipment.

SPECIAL USE. A use that is not permitted by right, but is permitted after a review and finding by the Town Council that the use will meet all of the required general standards (see § 154.138) and the applicable specific site standards or site conditions.

STATE ROAD STANDARDS. Those standards contained in the NCDOT publication Subdivision Roads - Minimum Construction Standards, dated January 2010, as may be amended.

STREET, EXTERNAL. Vehicular travelway located outside of a manufactured home park that abuts the manufactured home park property.

STREET, MAJOR. An external street whose average daily traffic is greater than 4,000 vehicles per day.

STRUCTURE, ACCESSORY. See BUILDING, ACCESSORY.

TRACT. An area, site, piece of land or property which is the subject of a development application. A TRACT may contain 1 or more smaller parcels or lots all in the same ownership or control.

UNIQUE NATURAL AREAS. An area that contains features sensitive to development and is listed in the publication titled "Natural Areas of Henderson County, A Preliminary Inventory of the Natural Areas of Henderson County, North Carolina," by L.L. Gaddy, Ph.D., dated January 1994.

WASTEWATER. Any sewage or industrial process wastewater discharged, transmitted or collected from a residence, place of business, place of public assembly or other places into a sewage disposal (wastewater) system.

WATER SUPPLY SYSTEM. A system for the collection, treatment, storage and distribution of potable water from the source of supply to the consumer. A WATER SUPPLY SYSTEM may be of the following types:

Ordinance 2016-04

(1) MUNICIPAL WATER SYSTEM. A public water system owned and operated by a local government.

(2) PRIVATE WELL WATER SUPPLY. Any water supply furnishing potable water to less than 15 residences or 25 persons.

(3) PUBLIC WATER SYSTEM.

(a) A system for the provision to the public of piped water for human consumption which serves 15 or more service connections or which regularly serves 25 or more individuals. The term includes:

1. Any collection, treatment, storage or distribution facility under the control of the operator of the system and used primarily in connection with the system.

2. Any collection or pretreatment storage facility not under the control of the operator of the system which is used primarily in connection with the system.

(b) A public water system is either a COMMUNITY WATER SYSTEM or a NONCOMMUNITY WATER SYSTEM as follows:

1. COMMUNITY WATER SYSTEM. A public water system which serves 15 or more service connections or which regularly serves at least 25 year-round residents.

2. NONCOMMUNITY WATER SYSTEM. A public water system which is not a community water system.

WATERSHED ADMINISTRATOR. An official or designated person of Henderson County responsible for the administration and enforcement of the Water Supply Watershed Protection Ordinance for Henderson County.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005; Am. Ord. ____ passed ____ 2016)

§ 151.008 CONFLICT WITH OTHER LAWS.

It is not intended that this chapter repeal, abrogate, annul, impair or interfere with any existing rules, regulations or permit previously adopted or issued pursuant to laws, except that should this chapter conflict with any applicable federal, state or local laws, the most stringent shall govern.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005)

APPLICATIONS, PLAN REVIEW AND APPROVAL

APPLICATIONS, PLAN REVIEW AND APPROVAL

§ 151.020 APPROVAL/SPECIAL USE PERMIT REQUIRED.

No person, firm or corporation shall construct a manufactured home park within the jurisdiction of this chapter without first obtaining Special Use Permit approval from the Town Council as defined in Sections 154.138 and 154.180. Upon approval by Town Council, the Manufactured Home Park Ordinance Administrator shall issue a notice to proceed in the form of a manufactured home park construction permit.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005; Am. Ord. ____ passed ____ 2016)

§ 151.021 APPLICATION PROCEDURE

(A) Planning conference. A planning conference with the Administrator to acquaint the applicant with the approval process is required prior to submitting an application for a manufactured home park construction permit. At the time of the conference, the applicant shall provide a general sketch for discussion and comment.

(B) Application. Prior to constructing a new manufactured home park or phase thereof or prior to expanding an existing park, an applicant shall submit a complete manufactured home park construction permit application (see Appendix B) along with 8 legible copies of the proposed site development plan, drawn at a scale of 1 inch equals 100 feet, a buffer plan (if applicable, per § 151.044), a detailed drainage plan (per § 151.050), a description of the solid waste disposal method (per § 151.061), plus required fees to the Administrator (see Appendix A for site development plan requirements).

(C) Review procedure. Special Use Permit procedure goes to Planning Board for recommendation, then to Council for Public Hearing. Refer to §154.138 and §154.180.

(D) Manufactured home park construction permit.

(1) Application approval. If the application meets the requirements of this ordinance, the Administrator shall issue the applicant a manufactured home park construction permit. The permit shall state the improvements that must be constructed by the applicant prior to issuance of a certificate of completion (see § 151.022).

(2) Application approval with conditions. If the application is approved with conditions, the Administrator shall provide the conditions to the applicant, in writing, within 10 days of the action. The applicant must fulfill all conditions before the Administrator may issue a manufactured home park construction permit. Any development activity started prior to obtaining the permit shall be at the applicant's risk and may be deemed a violation of this chapter.

(3) Application denial. If the application is denied, the Administrator shall inform the applicant, in writing, of the reasons for the denial within 10 days of the action. (See § 151.083, Appeals, for more information.)

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005; Am. Ord. ____ passed ____ 2016)

§ 151.022 COMPLETION OF IMPROVEMENTS.

Ordinance 2016-04

(A) Time period. Upon issuance of a manufactured home park construction permit, the applicant shall have 2 years to complete construction of site improvements as stated in the permit for the park or phase thereof, except as otherwise noted in division (B) below. Extensions may be granted by the Administrator for good cause upon receipt of a written request from the applicant

(B) Site improvements.

(1) Depending on the specifics of the application, a manufactured home park applicant may be required to construct or install the following improvements, in accordance with special provisions, in order to obtain a certificate of completion (see division (C) below).

- (a) Water supply systems;
- (b) Sewage disposal systems;
- (c) Fire protection improvements;
- (d) Drainage improvements;
- (e) Internal roads;
- (f) Park identification signage; and
- (g) Buffers.

(2) Depending on the specifics of the application, a manufactured home park applicant may be required to construct or install the following improvements in accordance with special provisions. The improvements must be completed within 45 days of the date of issuance of a certificate of completion (see division (C) below).

- (a) Parking areas;
- (b) Driveways; and
- (c) Improvements to common solid waste disposal areas.

(3) A manufactured home park applicant shall not be required to construct or install the following site improvements prior to obtaining a certificate of completion:

- (a) Improvements to common areas;
- (b) Road name and regulatory signs; and
- (c) Nonresidential uses (such as laundry rooms, community buildings, park offices, and the like).

(C) Certificate of completion (COC). Once the required site improvements for the park or phase thereof are complete and the applicant has provided evidence that property addresses have been assigned to each manufactured home and other buildings in accordance with § 151.056, the applicant shall apply to the Administrator for a COC (see Appendix C). The Administrator shall conduct a site inspection and either issue a COC or a list of remedial items to be satisfied before a COC will be issued. Once the applicant obtains and maintains a valid COC, he or she may lease spaces and he or she (or the

Ordinance 2016-04

operator or tenants, as applicable) may obtain set-up and building permits for manufactured homes and other buildings within the park.

(D) As-built drawings. One as-built drawing, at a scale of 1 inch equals 100 feet, of the completed park (or phase) shall be submitted to the Administrator at the time an applicant applies for a COC.

(E) Inspection. The Administrator (or his or her designee) is authorized to make the inspections of manufactured home parks as necessary to ensure compliance with this chapter.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005; Am. Ord. ___ passed ___ 2016)

§ 151.023 AMENDMENTS TO PARK DEVELOPMENT PLAN.

Minor changes in the location, siting or character of manufactured homes or other structures may be authorized by the Administrator if required by engineering or other circumstances not foreseen at the time the plan was approved, provided that the changes are within the minimum or maximum requirements set forth in this chapter. An applicant proposing to increase the number of units or to construct buildings (other than accessory buildings for individual manufactured homes) not originally shown on the site development plan shall submit a revised plan for approval by the Administrator under the terms of this chapter.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005)

SITE DEVELOPMENT AND IMPROVEMENT STANDARDS

§ 151.040 PHASING.

Manufactured home parks may be developed in phases of at least 3 units, except when less than 3 spaces remain to be developed.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005)

151.041 ROAD FRONTAGE AND OFF-SITE ACCESS.

(A) Any tract of land to be developed as a manufactured home park must either have frontage on a public (state-maintained) road or have a private right-of-way corridor to the property. The minimum required length of the public road frontage or width of the private right-of-way corridor (at its narrowest point) shall be 30 feet.

(B) Off-site access shall have a minimum 20 foot cleared, unobstructed corridor, with a vertical clearance of at least 13 feet, 6 inches, to allow passage of emergency vehicles. The grade of any road, existing or proposed, within an off-site private right-of-way corridor used to access a manufactured home park shall not exceed 18% if the road is paved. If the road is not paved, the grade shall not exceed 15%.

Ordinance 2016-04

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005)

§ 151.042 DENSITY

(A) The maximum permitted overall density for manufactured home parks is 4 units per acre. The applicant shall provide common area, as defined in § 151.007 and in accordance with § 151.043, and a buffer, in accordance with § 151.044.

(B) The acreage of the entire area within the boundary of a manufactured home park, including areas to be designated as common area, shall be used to determine the overall density of a park. Other standards in this chapter as well as requirements of the Henderson County Department of Public Health or other agency may also affect the density.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005; Am. Ord. ____ passed ____ 2016)

§ 151.043 COMMON AREA.

Manufactured home parks shall contain a minimum of 400 square feet of common area per manufactured home space. Common area shall be accessible for the use and enjoyment of park residents and shall be maintained in good condition by the park applicant. All common area shall be designated as such on the site development plan submitted with the application for a manufactured home park construction permit.

Conveyance of open space, recreational areas and communally owned facilities.

- (A) Common open space, recreational areas and communally owned facilities shall be guaranteed by a restrictive covenant describing the areas and facilities and their maintenance improvement, running with the land for the benefit of residents of the manufactured housing development or adjoining property owners or both.
- (B) The applicant must submit to the Town Council the legal documents which will produce the aforesaid guarantees and, in particular, will provide for restricting the use of common areas and facilities for the designated purposes.

Maintenance. Manufactured home parks shall be approved subject to the submission of an instrument or instruments setting forth a plan for permanent care and maintenance of permanent open spaces, recreational areas, easements, rights-of-way and communally owned facilities which would be legally enforceable.

The developer shall either:

- (A) Maintain responsibility for maintenance and upkeep of open space, recreational areas, and communally owned facilities as described in this section through a management company or some other similar means, or
- (B) Create an owner's association for maintenance and upkeep of open space, recreational areas, and communally owned facilities as described in this section. All lot owners must be part of the

owner's association and must be set up before the lots are sold. A copy of the by-laws of the owner's association must be submitted to the Town Attorney for review and approval.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005; Am. Ord. ___ passed ___ 2016)

§ 151.044 LANDSCAPING AND BUFFERS.

(A) Landscape plan. The proposed development shall be designed as a single architectural scheme with appropriate common landscaping. Landscaping shall meet the requirements of §§ 154.230 through 154.237. The applicant shall include with the application for a manufactured home park construction permit a landscape plan, including a general description of the materials to be used and where the materials shall be planted. The required landscaping must be installed for the entire park or phase thereof prior to issuance of a certificate of completion by the Administrator.

(B) Buffers. Manufactured home parks shall provide a buffer of planted vegetation which shall serve as a partial visual screen to separate different densities of land use. The buffer shall be provided along the perimeter of the park, except where ingress and egress to the park is provided. Buffers shall be allowed within the building setback from the perimeter of the park. Planted buffers shall not be allowed within the right-of-way of any public road.

(1) Materials. Trees and shrubs shall be used with approval of the Administrator. At the time of planting, shrubs shall be at least 1 gallon container plants and trees shall be at least 4 feet in height, measured from ground level.

(2) Method. At least 5 trees and 10 shrubs shall be planted around the perimeter of the park for every 100 feet of the perimeter. The materials may be planted in a line or staggered. In addition, for each 100 linear feet of perimeter, up to 50% of the trees and 50% of the shrubs may be grouped; however, the remaining required materials must be evenly distributed along the perimeter.

Retention of existing vegetation which would provide an equivalent buffer is encouraged. The Administrator shall have the authority to determine if existing vegetation fulfills the intent of the buffer requirement or if additional vegetation should be planted.

(C) Maintenance. Landscaping shall be placed and maintained in common area as described in Section 151.043. Deteriorating materials or materials which are removed or altered shall be replaced in a timely manner. Replacement materials shall conform with the standards of this chapter.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005; Am. Ord. ___ passed ___ 2016)

§ 151.045 SEPARATION, DIMENSIONAL, AND DESIGN REQUIREMENTS.

The following separation, dimensional, and design requirements shall apply to manufactured home parks, except that all structures attached to a manufactured home, including storage buildings, carports, covered or open porches, covered or open decks and steps, shall not be considered part of a manufactured home for purposes of determining separation requirements (see definition).

(A) The minimum tract for development of a manufactured home park is 1.5 acres.

- (B) The maximum density of a manufactured home park is 4 units per acre.
- (C) The minimum lot width for a manufactured home park development is 30 feet of frontage along a public right of way or a 30 foot wide easement to a publicly owned and maintained road.
- (D) All manufactured homes and other buildings, including those which are accessory to individual manufactured home units, shall be located at least 50 feet from any frontage and 25 feet from any side or rear property line or other boundary defining the perimeter of the manufactured home park.
- (E) All manufactured homes shall be located at least 30 feet from the center line of internal collector roads and at least 25 feet from the center line of internal service roads.
- (F) Within a manufactured home park, each manufactured home shall be separated from any other manufactured home by a minimum of 20 feet "short" end to "short" end, 30 feet "short" end to "long" side, and 30 feet "long" side to "long" side.
- (G) The separation between buildings and water supply systems and/or sewage disposal systems shall be as required by regulations of the Henderson County Department of Public Health and the State of North Carolina.
- (H) The minimum footprint for a manufactured home is 14 feet by 70 feet.
- (I) Each footprint must have a permanent foundation.
- (J) Underpinning for each unit shall be brick or other approved masonry product.
- (K) All accessory buildings (detached from units) for individual manufactured home units shall be located at least 20 feet from any manufactured home or other building on a neighboring space or lot. There is no minimum separation between a manufactured home and its own accessory buildings.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005; Am. Ord. ___ passed ___ 2016)

§ 151.046 MUNICIPAL WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM CONNECTION REQUIREMENTS.

(A) **Generality.** Manufactured home parks shall be required to connect to existing municipal water supply and municipal sewage disposal systems when the systems are located within the distance equal to that specified herein of the parks. The distance requirements shall be measured along existing public rights-of-way and/or utility easements. New phases of manufactured home parks existing at the date of enactment of this chapter shall also meet this requirement.

(B) **Municipal water supply system distance requirement.** A park shall connect to a municipal water supply system when the system is located within a distance equal to the product of 100 feet multiplied by the number of spaces proposed for the park. However, if a park is located more than 5,000 feet from an existing municipal water supply system, the connection shall not be required.

(C) **Municipal sewage disposal system distance requirement.** A park shall connect to a municipal sewage disposal system when the system is located within a distance equal to the product of 50 feet multiplied by the number of spaces proposed for the park. However, if a park is located more than 2,500 feet from an existing municipal sewage disposal system, the connection shall not be required.

(D) Exceptions. Exceptions to these provisions may be allowed on the basis of terrain, availability or ease of acquiring easements, denial of allocation by the public utility, insufficient capacity of the municipal system or other circumstances that are unusual or unique to the site. Requests for exceptions must be made, in writing, to the Administrator who may ask that the requests be supported by a professional engineer's review of the manufactured home park plans and planned route of the utility extension. Where the Administrator finds that it would not be economically feasible for a manufactured home park to be connected to a municipal water supply and/or sewage disposal system, other systems may be used, subject to approval by the Henderson County Department of Public Health and the appropriate state agencies.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005)

§ 151.047 FIRE PROTECTION.

Manufactured home parks proposed to be served by a municipal water supply system shall meet the minimum requirements of the system owner for fire hydrant installation. For a manufactured home park without a fire suppression rated water system, that either has or is adjacent to an adequate permanent surface water supply, the applicant may be required to install a dry fire hydrant system if recommended by the Fire Marshal. The Fire Marshal shall determine the type and location of such a system. A road providing all-weather access to the water source that is adequate for fire-fighting equipment shall be required, if applicable.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005; Am. Ord. ___ passed ___ 2016)

§ 151.048 UTILITY REQUIREMENTS.

Utilities located in the interior of the manufactured home park must be underground. The applicant should discuss with utility providers whether easements must be provided and, if so, at what size and location. The easements should be shown on the site development plan.

Exterior lighting is required for all manufactured home park developments. Street lights shall be shown on the development plan and shall be in accordance with local utility provider specifications. All other outdoor lighting must be located, screened, or shielded in order to prevent direct glare onto neighboring lots.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005; Am. Ord. ___ passed ___ 2016)

§ 151.049 EROSION AND SEDIMENTATION CONTROL.

Where required under the North Carolina Sedimentation Pollution Control Act of 1973, evidence of approval of an erosion and sedimentation control plan by the North Carolina Department of Environment and Natural Resources, Land Quality Division, shall be submitted prior to issuance of a manufactured home park construction permit.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005)

§ 151.050 STORMWATER DRAINAGE

Stormwater drainage improvements shall be designed and constructed to minimize erosion and downstream sedimentation, to follow natural drainage where possible, to minimize flooding or standing water conditions, to maintain desirable groundwater conditions and to avoid excessive stormwater discharge to sensitive natural areas. Points of stormwater discharge shall be within the manufactured home park site unless otherwise approved by the Administrator and adjoining property owners. Stormwater control devices shall be properly maintained by the park applicant. A detailed drainage plan shall be submitted as part of the site plan application for manufactured home parks. The plan shall show the general drainage patterns of the manufactured home park. Where the drainage of the manufactured home park does not follow the natural drainage of the property, the applicant shall design the new drainage systems, including swales, ditches, pipes, culverts, detention ponds, lakes or similar devices, to minimize any adverse effect on the proposed manufactured home park and on adjacent and downstream properties. The plan shall include the location, type and size of existing and proposed stormwater drainage improvements.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005)

§ 151.051 PARKING.

Two off-street parking spaces shall be provided and maintained for each manufactured home space. Parking spaces shall, at a minimum, be constructed using 3 inches of crushed stone on a well-compacted subbase.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005)

§ 151.052 DRIVEWAYS.

No more than 2 spaces may be served by a common driveway. Driveways shall be at least 10 feet in width and shall be constructed using a minimum of 3 inches of crushed stone on a well-compacted subbase.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005)

§ 151.053 INTERNAL ROAD CONSTRUCTION STANDARDS.

(A) Access to all manufactured homes and other structures within a park shall be made using internal roads. The maintenance of internal roads and drainage facilities shall be the responsibility of the manufactured home park applicant. For the purpose of this chapter, the location of the driveway entrance for a manufactured home space determines which type of road, collector or service, serves the unit.

(B) Construction standards are as follows:

Table 1 Internal Road Construction Standards		
<i>Road Classification</i>		
Item	Collector	Service
Number of spaces/units served	25 +	1 to 24
Maximum grade stone surface	12%	15%
Paved (asphalt) surface	16%	18%
Minimum road width	18 feet	18 feet
Shoulder width	4 feet	4 feet
Stone base (ABC*) compacted	8 inches	
Minor parks	4 inches	
Major parks	6 inches	
Asphalt	Not required**	Not required**
Cut and fill slope	2:1	1.5:1
Ditch slope	4:1	3:1
Notes: *ABC = Aggregate Base Course, No. 7 stone.		
**Paved roads, if used, shall meet the minimum state road standards for local residential subdivision roads.		

(1) Road construction. All roads must be constructed with suitable stone and shall be properly compacted. Used asphalt is unacceptable as a base course. The subgrade must be of a soil capable of supporting the road above. The road should be built so that water will drain from the road surface into side ditches. Because of the difficulty of operating vehicles and moving manufactured homes on steep grades and because of the high potential for erosion, roads should be constructed along the contour of the land where possible. Maximum road grades shall be as provided in Table 1. If a combination of paved and stone-based roads are proposed, the paved sections must extend 50 feet from any point where the grade exceeds the minimum for a stone-based road. The Administrator may require that a professional engineer or surveyor certify on an as-built drawing that no portion of any internal roads have grades exceeding the maximum allowed by this chapter.

(2) Road drainage and culverts. All internal roads shall be provided with appropriate drainage facilities (see also § 151.050). Road drainage structures shall be constructed in accordance with minimum state road standards. Road drainage side ditches shall have sufficient depth and width to carry the expected volume of stormwater runoff. Where roads cross streams or minor

Ordinance 2016-04

watercourses, culverts shall be designed and installed in accordance with minimum state road standards.

(3) Turnarounds. A cul-de-sac or other turnaround approved by the Administrator is required on any internal road which serves 10 or more spaces. Culs-de-sac shall have a minimum radius of 35 feet. Culs-de-sac and other approved turnarounds shall be surfaced with the same material required on the road they serve.

(4) Vertical clearance. All internal roads, including shoulder areas, shall have a minimum vertical clearance of 13 feet, 6 inches, to allow for the passage of emergency vehicles.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005)

§ 151.054 ROAD NAMES.

The site development plan shall show names, approved by the Henderson County Property Addressing Office, for all proposed internal roads which serve 3 or more spaces.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005)

§ 151.055 ROAD NAME SIGNS AND OTHER REGULATORY SIGNS.

The applicant shall provide road name signs in accordance with the Henderson County Property Addressing Ordinance and regulatory signs (such as "stop" signs) in accordance with applicable state and county policies.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005)

151.056 PROPERTY ADDRESSING.

Prior to issuance of a certificate of completion by the Administrator, the applicant shall provide evidence that each manufactured home space and other building, as necessary, has been assigned a property address number by the Property Addressing Office. The address (number) shall be affixed to the manufactured home so that it is clearly visible from the internal road or driveway serving the space.

(Ord. passed, 3-1-2004; Am. Ord. passed 10-13-2005)

§ 151.057 PARK IDENTIFICATION SIGN.

Major parks shall provide at least 1 sign displaying the name of the park at each entrance. The park name shall not duplicate or closely resemble the name of any existing housing development located in Henderson County. Park name signs shall be at least 1 foot in height by 3 feet in width. Park identification signs shall not be located within the right-of-way for any road.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005)

151.058 MANUFACTURED HOME PARK NAME.

In order to avoid possible confusion for emergency services personnel, the applicant shall choose a name for the manufactured home park which does not duplicate or closely resemble the name of any existing road, subdivision, existing manufactured home park or other housing development located in Henderson County.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005)

§ 151.059 SETUP.

All manufactured homes within a manufactured home park shall be set up in accordance with the standards set by the North Carolina Department of Insurance Regulations for Manufactured/Mobile Homes.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005)

§ 151.060 NONRESIDENTIAL USES.

(A) Convenience establishments of a commercial nature, such as coin-operated laundries, food stores, common storage units, and the like, may be permitted in manufactured home parks subject to the following conditions:

- (1) The uses shall be subordinate to the residential use and character of the park.
- (2) The uses shall present no visible evidence of their commercial character to adjacent properties.
- (3) The uses shall be designed to serve the needs of park residents only.
- (4) The uses shall be designed to be in harmony with the development, including traffic flow, parking, and the like.
- (5) The uses shall be shown on the site development plan at the time of application.

(B) Model manufactured home units may be located in a manufactured home park if they are set up properly as dwelling units and if they conform to all other standards of this chapter. The standards in divisions (A)(1), (2) and (4), above, shall also apply to model units.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005)

§ 151.061 SOLID WASTE DISPOSAL.

Each manufactured home park shall provide a suitable method of solid waste disposal and collection consisting of either private collection from individual manufactured homes or the use of bulk

Ordinance 2016-04

containers (dumpsters). The method shall be in conformance with the Henderson County Solid Waste Ordinance, and a description of the method shall be submitted as part of the application process.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005)

§ 151.062 UNIT TYPE.

No more than 25% of the spaces in a new manufactured home park or in an expansion to an existing manufactured home park shall be occupied by mobile homes, as defined in this chapter. For purposes of determining the percentage of mobile homes allowed in an expansion, only the units added as a result of the expansion are used in the calculation.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005)

§ 151.063 BEGINNING A PARK.

It is specifically noted that the establishment of 2 spaces and/or manufactured homes on a tract of land is not considered a manufactured home park and the development is not subject to the requirements of this chapter. However, if the development is expanded and results in 3 or more spaces and/or manufactured homes on a tract of land, the development, including the first 2 spaces and/or units, shall be considered a manufactured home park as defined by this chapter and shall be subject to the standards in this chapter. In zoned areas, the development shall be subject to the applicable standards of this chapter and to the standards of the Town of Mills River Zoning Ordinance. Compliance with the standards of this chapter, and the Zoning Ordinance if applicable, is therefore encouraged if there is any possibility that a manufactured home park will be established. In no case, however, shall either of the first 2 units be required to be moved in order to achieve compliance with standards of this chapter.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005)

§ 151.064 EXPANSION OF MINOR PARK TO MAJOR PARK.

If expansion of a minor park developed under this chapter results in 11 or more spaces and/or manufactured homes on a tract of land, the development, including the first 10 spaces and/or manufactured homes, shall be considered a major park as defined by this chapter and shall be subject to all of the standards in this chapter, including those for major parks. Compliance with the major park standards of this chapter is therefore encouraged if there is any possibility that a major park will be established. In no case, however, shall any of the first 10 units be required to be moved in order to achieve compliance with standards for major parks in this chapter.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005)

ADMINISTRATION

§ 151.080 PREEXISTING/NONCONFORMING MANUFACTURED HOME PARKS.

(A) Any manufactured home park, as defined by this chapter, existing on the effective date of this chapter or any subsequent amendment thereto may continue to operate without being subject to the requirements of this chapter, unless expansion is proposed (see § 151.081).

(B) Manufactured home parks existing prior to the effective date of this chapter ("preexisting manufactured home parks") must have registered with the Henderson County Planning Department before January 1, 2000. Any preexisting manufactured home park which is not registered may be subject to the provisions of this chapter. Preexisting manufactured home parks registered with the Planning Department may be expanded, provided that any such expansion shall be in accordance with the requirements of this chapter.

(C) A manufactured home park space shall be considered preexisting if, on the effective date of this chapter, the space:

- (1) Contains an occupied manufactured home; or
- (2) Is defined on the ground by the presence of 2 of the following:
 - (a) A water supply system service connection;
 - (b) A sewage disposal system service connection; and
 - (c) Electric service equipment.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005)

§ 151.081 EXPANSION OF EXISTING MANUFACTURED HOME PARKS.

The addition of any new spaces to a manufactured home park existing prior to enactment of this chapter, except as provided in division (A) below, shall be considered an expansion of the park and shall be subject to the requirements of this chapter.

(A) Infilling. If a preexisting manufactured home park is to be expanded but the expansion does not require the construction of new internal roads to serve the new spaces, the development will not be required to comply with the requirements of this chapter, provided that all of the following conditions are met:

- (1) The development must occur within the boundaries of the existing park;
- (2) The number of new spaces shall not exceed more than 33% of the existing spaces; and
- (3) The setbacks for manufactured home units set up on newly created spaces shall not exceed the average setbacks of existing units located wholly or in part within 100 feet on each side of the new space and which front on the same road as the new space.

(B) Other expansions. If expansion of a preexisting manufactured home park involves new internal road construction, the new development will be considered a new phase and shall comply, to

Ordinance 2016-04

the extent possible, with the requirements of this chapter. The compliance shall be determined by the Administrator on a case-by-case basis; however, compliance will not require that any existing units be relocated.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005)

§ 151.082 WAIVER OF REQUIREMENTS

Town Council may approve variations or modifications of any regular provision of this chapter as part of the Special Use process defined in Section 154.180.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005; Am. Ord. ___ passed ___ 2016)

§ 151.083 APPEALS.

Appeals from decisions of the Mills River Town Council shall be made to the Superior Court of Henderson County in the nature of certiorari. An applicant shall file an appeal by giving written notice to the Administrator within 30 days of the decision of the approval authority. A petition for writ of certiorari in the Superior Court must be filed with the Clerk of Superior Court within 30 days after a decision of the Town Council. Unless otherwise ordered by a court of competent jurisdiction, this chapter may be enforced pursuant to §§ 151.084 and 151.085 while any appeal under this section is pending.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005; Am. Ord. ___ passed ___ 2016)

§ 151.084 REVOCATION OF CERTIFICATE OF COMPLETION.

(A) Failure to comply with any of the requirements of this chapter or with any permit issued pursuant to this chapter may subject the manufactured home park applicant to revocation of the certificate of completion (COC) in accordance with this section.

(B) If the Administrator finds a park to be in violation, he or she shall notify the applicant, in writing. The notice shall state the specific violations and set reasonable time limits for corrective actions and subsequent inspections. In the event that the applicant takes no action to correct violations, the Administrator shall notify him or her, by certified mail, that the COC for the park will be revoked at the close of 10 business days from the date of the written notice. Should the applicant correct the violations prior to the COC being revoked, he or she shall request that the Administrator conduct an inspection. If the Administrator finds that the park is no longer in violation, he or she shall notify the applicant that the COC will continue to be valid. If the violations have not been remedied, the COC shall be revoked. The revocation and the reasons for such shall be made in writing to the manufactured home park applicant.

(C) If a COC has been revoked:

(1) The applicant shall not rent or lease any vacant spaces until the violations have been corrected and the COC is reinstated.

Ordinance 2016-04

(2) The applicant shall notify each renter/lessee of a space within the park within 10 days after receiving written notification that the COC has been revoked. The applicant shall provide the Administrator with a signed statement from each renter/lessee indicating that notice from the applicant has been received. Any lease that is renewed after revocation of the certificate of completion shall be at the renter's/lessee's own risk.

(D) The Administrator may revoke a COC for violations of any part of this chapter, except for those regulated by the Henderson County Health, Inspections or Solid Waste Departments. In these cases, the Administrator shall work with the other departments regarding the revocation of a COC.

(E) A COC may be reinstated if the manufactured home park applicant applies to the Administrator and the Administrator finds that the park is in compliance with the regulations for which the COC was revoked.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005)

§ 151.085 (Reserved)

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005; Am. Ord. ___ passed ___ 2016)

§ 151.086 (Reserved)

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005); Am. Ord. ___ passed ___ 2016)

§ 151.087 (Reserved)

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005; Am. Ord. ___ passed ___ 2016)

§ 151.088 FORMS.

Any forms or checklists listed in the Appendices of this chapter are general in nature and may be modified by the Administrator, Planning Board or Town Council as necessary.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005)

§ 151.089 FEES.

Reasonable fees for applications and revisions thereto, certificate of completion inspections, re-inspections and variances under this chapter may be set by the Mills River Town Council. See fee schedule posted in Mills River Town Hall.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005)

§ 151.090 AMENDMENTS.

The Mills River Town Council may, from time to time, amend the terms of this chapter, 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 2 regularly scheduled meetings from the time a proposed amendment is submitted to it within which to submit its recommendation. No amendment shall be adopted by the Town Council until it has held a public hearing on the amendment. Notice of the hearing shall comply with the provisions of G.S. §160A-364, as amended.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005)

§ 151.999 PENALTY.

The construction of a manufactured home park in violation of this chapter, or failure to comply with any of the requirements of this chapter or with any permit issued pursuant to this chapter subject the applicant, the manufactured home park owner and/or developer to revocation of the permit (See § 81-11.) and the penalties and enforcement provisions pursuant to G.S. § 160A-175, including, but not limited to, the following:

(A) Equitable remedies. This chapter may be enforced by equitable remedies, and any unlawful condition existing in violation of this chapter may be enforced by injunction and order of abatement in accordance with G.S. § 160A-175.

(1) Injunction. Where necessary to effectuate compliance with this chapter, the Ordinance Administrator or the other official charged with the responsibility of enforcing the Town of Mills River Ordinances may institute an action in a court of competent jurisdiction seeking an injunction against the further violation of this chapter. The action may be joined with a civil action instituted to collect accrued civil penalties in accordance with the provisions herein.

(2) Order of abatement. Where necessary to abate a condition existing upon land in violation of this chapter or a use made of land in violation of this chapter, the Ordinance Administrator or the other official charged with the responsibility of enforcing the Town of Mills River Ordinances may institute an action in a court of competent jurisdiction seeking an order of abatement of the use or condition of land in violation of this chapter. The action may be joined to an action for an injunction and/or an action to recover civil penalties accrued against an individual for the use or condition of land in violation of this chapter.

(3) Other equitable remedies. This chapter may be enforced by any other equitable remedy which a court of competent jurisdiction deems just and proper.

(B) Civil penalties. Any individual who is found in violation of this chapter may be subject to a civil penalty of \$50. Each day's violation shall be treated as a separate offense.

(1) Compliance order.

(a) Upon making a determination that a person is in violation of this chapter, the Ordinance Administrator or the other official charged with the responsibility of enforcing

the Town of Mills River Ordinances shall issue a compliance order to the owner of the property in violation of this chapter. The compliance order shall notify the violator of the violation in writing. The order shall identify the circumstances giving rise to the violation, including the times, dates and places of the violation. The notification shall further identify the action which is necessary to comply with this chapter. The notification shall state that if the violator does not comply within a reasonable time, not to exceed 15 days, the individual will be subjected to a civil penalty. If circumstances exist such that the violator cannot come into compliance within 15 days, the Ordinance Administrator or the other official charged with the responsibility of enforcing the Town of Mills River Ordinances may grant an extension of time commensurate with the magnitude of the violation. The compliance order shall further state that failure to comply with the terms of the compliance order will subject the violator to a civil penalty and shall further state the amount of the civil penalty.

(b) Failure to comply with the terms of a compliance order issued by the Ordinance Administrator or the other official charged with the responsibility of enforcing the Town of Mills River Ordinances within the time stated in the order shall subject the violator to a civil penalty of \$50. Each day that the violation continues shall be considered a separate offense, and the violator may be subject to an additional civil penalty for each separate offense.

(2) Civil action. When necessary to collect any civil penalty or accrued civil penalties, a civil action may be instituted against an individual for the collection of all accrued penalties by the Ordinance Administrator or the other official charged with the responsibility of enforcing the Town of Mills River Ordinances.

(C) Criminal penalties. Unless otherwise provided by this chapter or other applicable law, violation of this chapter shall constitute a Class 3 misdemeanor punishable by a fine not to exceed \$500. Each day's violation shall be treated as a separate offense.

(1) Warning ticket. Upon the initial violation of a particular provision of this chapter, an individual may be issued a warning ticket. The warning ticket shall identify the particular practice which is in violation of this chapter and shall state the time, date and place of the violation. The warning ticket shall further state that if the individual commits further similar violations within the 6 months following the date of the warning ticket, the Ordinance Administrator or the other official charged with the responsibility of enforcing the Town of Mills River Ordinances may cause a warrant to be issued for the individual's arrest.

(2) Warrant. If an individual violates this chapter within the 6 months following the issuance of a warning ticket in a manner that is similar to the violation specified in the warning ticket, the Ordinance Administrator or the other official charged with the responsibility of enforcing the Town of Mills River Ordinances may cause a warrant to be issued for the arrest of the individual.

(3) Enforcement. Notwithstanding any other provisions of this chapter, the Ordinance Administrator or the other official charged with the responsibility of enforcing the Town of Mills River Ordinances may cause a warrant to be issued without having first issued a warning ticket where he or she deems it necessary to effectively enforce the terms of this chapter.

(Ord. passed 3-1-2004; Am. Ord. passed 10-13-2005)

APPENDIX A: MANUFACTURED HOME PARK SITE DEVELOPMENT PLAN REQUIREMENTS

Section

Per § 151.021(B) of the Manufactured Home Park Ordinance, a manufactured home park developer shall submit 8 legible copies of the proposed site development plan, drawn at a scale of 1 inch equals 100 feet. The following information shall be indicated on the proposed site development plan or presented in supporting documents, if necessary. Each document submitted must be clearly labeled with the name of the developer, the manufactured home park name (including phase number, if applicable), and the date. Applicants for minor parks shall not be required to provide items marked below with an asterisk (*).

- (A) General Legend:
 - (1) Scale (1 inch = 100 feet).
 - (2) North arrow.
 - (3) Property owner's name and address.
 - (4) Applicant's name and address (if different from property owner).
 - (5) Vicinity map showing general location of project site in relation to surrounding area road network.
 - (6) Phase map showing location of subject phase within the overall development (if applicable).
 - (7) Key to symbols, lines and other features used on plan.
- (B) Title Block:
 - (1) Park name (including phase number and range of space numbers, if applicable).
 - (2) Title of plan (site development plan).
 - (3) Name, address and phone number of individual or firm preparing plan elements.
 - (4) Date of plan (and revision dates, if applicable).
 - (5) Tax parcel identification number for each parcel within the manufactured home park or phase thereof.
- (C) Plan Details and Site Characteristics:
 - (1) Boundary lines of the proposed manufactured home park or phase thereof.
 - (2) Topographic contours at 20 foot whole intervals or as otherwise available from United States Geologic Survey (USGS) or Tennessee Valley Authority (TVA) maps*.

Ordinance 2016-04

- (3) Location, names and state road numbers (if applicable) of existing streets/roads (including rights-of-way) inside the manufactured home park.
- (4) Location, names and state road numbers (if applicable) of existing streets/roads (including rights-of-way) within 100 feet of the boundaries of the manufactured home park*.
- (5) Location of existing and proposed bridges, easements and railroad or other rights-of-way within the manufactured home park.
- (6) Location of existing and proposed bridges, easements and railroad or other rights-of-way within 100 feet of the boundaries of the manufactured home park*.
- (7) Location of proposed roads and off-site access corridors, indicating width and approximate finished grade.
- (8) Proposed names of internal roads and, if needed, off-site access corridors.
- (9) Location of driveways and parking spaces.
- (10) Cross sections of typical roads, turnarounds, off-site access corridors, driveways and parking spaces with proposed construction standards noted*.
- (11) Location of existing and proposed utilities with line sizes noted (public water supply and sewage disposal systems only).
- (12) Names of adjoining property owners, manufactured home parks and subdivisions within 100 feet of the boundaries of the manufactured home park, if available through the Henderson County Land Records Office*.
- (13) Approximate location of 100 year flood hazard boundary line (if applicable)*.
- (14) Locations and approximate dimensions of existing manufactured home spaces and manufactured homes (if applicable).
- (15) Proposed locations and approximate dimensions of new manufactured home spaces or manufactured homes.
- (16) Locations of existing and proposed (non-manufactured home) structures (it is not necessary to show locations for accessory buildings for individual manufactured home units).
- (17) Building setback line(s) from manufactured home park boundary per § 151.045(B).
- (18) Building setback line(s) from external streets, rights-of-way or access easements per § 151.045(C).
- (19) Building setback line(s) from internal roads per § 151.045(D).
- (20) Approximate location and dimensions of proposed common areas (if applicable), including outdoor play areas, community buildings, walking paths, and the like (common areas shall be designated as such on the plan per § 151.043).

Ordinance 2016-04

- (21) Fire hydrant locations, if public water supply system proposed.
- (22) Dry hydrant locations, if applicable.
- (23) Zoning district boundaries, water supply watershed boundaries, fire district boundaries and political boundaries*.
- (24) Location of mail delivery points and solid waste collection points (if applicable).
- (25) Location and dimensions of park identification signs.
- (26) Location of existing and proposed ponds, lakes and watercourses (with names noted, if applicable).
- (27) Location of existing and proposed drainage improvements in accordance with § 151.050.

(D) Project Summary:

- (1) Total project or phase area in acres.
- (2) Number of proposed manufactured home spaces in the park or phase thereof (if a phase, also include total number of spaces proposed in park).
- (3) For parks with preexisting spaces, the number of existing spaces in park or phase thereof.
- (4) Dwelling unit density, in units per acre (to nearest 0.1 acre)*.
- (5) Amount of common area provided to nearest 0.1 acre (if applicable).
- (6) Type of proposed water supply system and sewage disposal system.
- (7) Distances to nearest public water supply system and nearest public sewage disposal system.
- (8) Current zoning and water supply watershed districts (if applicable)*.
- (9) Fire district names*.
- (10) For parks without public water supply systems, the distance from the entrance to the park to the nearest water supply source for fire protection or to the nearest fire department if no other source available.

APPENDIX B

Application Number: _____

MR-PL-0016

TOWN OF MILLS RIVER
MANUFACTURED HOME PARK CONSTRUCTION PERMIT APPLICATION FORM

Manufactured Home Park Name _____ Phase (If Applicable) _____

Property Owner's Name _____

Address _____

City/State/ZIP _____ Telephone Number _____

Applicant's Name (if different from Property Owner) _____

Address _____

City/State/ZIP _____ Telephone Number _____

Parcel Identification Number(s): _____

Location and Description of Property to be Developed: _____

Size of Property to be Developed: Entire Park: _____ This Phase: _____

New Park: () Yes () No OR Expansion to Existing Park: () Yes () No

If Expansion to Existing Park, Number of Pre-Existing Spaces: _____

Number of New Spaces Proposed: This Phase _____ Entire Park _____

Water Supply Watershed District: _____ Fire District: _____

Proposed Type of Water Supply System: _____

Proposed Type of Sewage Disposal System: _____

I certify that the information contained in this application and supporting materials is true and accurate to the best of my knowledge.

Signature of Property Owner _____ Date _____

Signature of Applicant (if different from above) _____ Date _____

Town Use Only

Application Received By: _____ Date: _____

Application Fee: \$ _____ Date Paid: _____ Method: _____

Date of Action on Variance (if applicable): _____

Comments: _____

APPENDIX C

Application Number: _____

MR-PL-0017

TOWN OF MILLS RIVER
MANUFACTURED HOME PARK CERTIFICATE OF COMPLETION APPLICATION FORM

Manufactured Home Park Name _____ Phase (If Applicable) _____

Property Owner's Name _____

Address _____

City/State/ZIP _____ Telephone Number _____

Applicant's Name (if different from Property Owner) _____

Address _____

City/State/ZIP _____ Telephone Number _____

Date Manufactured Home Park Construction Permit Issued: _____

Date(s) of Approval of Any Revised Site Development Plan (s): _____

Number of New Spaces Created: Entire Park: _____ This Phase: _____

New Park: () Yes () No OR Expansion to Existing Park: () Yes () No

Does the park and its improvements (shown on the "as-built" drawing) conform with the site development plan and other materials approved at the time of issuance of the Manufactured Home Park Construction Permit? () Yes () No

If no, please explain: _____

I certify that the information contained in this application and supporting materials is true and accurate to the best of my knowledge.

Signature of Property Owner _____ Date _____

Signature of Applicant (if different from above) _____ Date _____

Town Use Only

Application Received By: _____ Date: _____

Application Fee: \$ _____ Date Paid: _____ Method: _____

Date of Action on Variance (if applicable): _____

Comments: _____

Ordinance 2016-04

ADOPTED AND PASSED by the Town Council of the Town of Mills River, North Carolina,
this the 28th day of July, 2016.

ATTEST By:


Larry Freeman, Mayor

Susan L. Powell, MMC, NCCMC
Town Clerk


Ordinance 2016-04

ADOPTED AND PASSED by the Town Council of the Town of Mills River, North Carolina, this the 28th day of July, 2016.

ATTEST By:



Larry Freeman, Mayor



Susan L. Powell, MMC, NCCMC
Town Clerk