



# TOWN OF FARMVILLE

## CODE OF ORDINANCES

### CHAPTER 15 – MANUFACTURED HOME PARK

#### Section 1 GENERAL PROVISION

**[This section includes updated and basic introductory language.]**

##### 1.1 Authority and Responsibility

This ordinance is adopted under the authority of North Carolina General Statute (N.C.G.S.) 153A-121. The Town of Farmville Planning Board and Planning staff are responsible for the administration and enforcement of this ordinance.

**[This section cites the enabling legislation and the responsible parties for administration of this ordinance.]**

##### 1.2 Purpose

It is the intent of this ordinance to regulate and guide the establishment of manufactured home parks to promote the public health, safety, and general welfare by:

- 1.2.1 Establishing provisions and design standards designed to create functional, safe, and attractive manufactured home parks, minimize adverse impacts to the development site and adjacent properties, and afford the Town better quality development;
- 1.2.2 Establishing a comprehensive and efficient review process for manufactured home park plans to ensure compliance with this ordinance and other requirements;
- 1.2.3 Ensuring the installation and maintenance of necessary improvements and services; and
- 1.2.4 Establishing procedures for handling such administrative matters as amendments, appeals and variances.

**[This section emphasizes the overall purpose for the regulations and the means by which the general purpose is to be met.]**

##### 1.3 Applicability and Jurisdiction

This ordinance is intended to exclusively regulate the development of new manufactured home parks and the expansion of existing mobile and manufactured home parks. These provisions allow for the rental or lease of individual manufactured home park spaces, while prohibiting the subdivision and sale of spaces as lots.

This ordinance shall apply to manufactured home park developments within the town or in its extraterritorial jurisdiction

**[These provisions apply to new manufactured home park developments and prohibit the sale of individual spaces.]**

#### 1.4 Mobile Homes Prohibited

Mobile homes which, at the time of construction, were not built to the standards of the National Manufactured Housing Construction and Safety Standards Act of 1974 (effective 1976) are prohibited within any manufactured home park approved under this ordinance.

**[Due to safety concerns over mobile homes which were not built to the minimum standards established by the Department of Housing and Urban Development (HUD) in 1976, this ordinance, as is currently enforced, does not allow for the placement of manufactured homes constructed before July 1, 1976.]**

#### 1.5 Relationship with Other Laws

Wherever the provisions of this ordinance are more restrictive or less restrictive than comparable provisions of any other law, ordinance, or regulation, the most restrictive provisions shall apply. It is not intended that these regulations interfere with or annul any easements, covenants, deed restrictions, or other private agreements between parties.

#### 1.6 Severability

Should any section, subsection, or provision of these regulations be held void or invalid by a court of law for any reason, all other sections, subsections, or provisions shall be considered valid and enforceable.

#### 1.7 Reenactment and Repeal of Existing Ordinance

This ordinance is intended to reenact and continue in force some of the provisions of the existing Mobile Home Park Ordinance previously enacted and amended by Town of Farmville. All provisions which are not reenacted are hereby repealed.

1.71 **Effect on Pending Litigation.** All suits at law or in equity and/or all prosecutions resulting from the violation of any ordinance heretofore in effect, which are now pending in any of the courts of this State or of the United States, shall not be abated or abandoned by reason of the adoption of this ordinance, but shall be prosecuted to their finality the same as if this ordinance had not been adopted; and any and all

violations of the existing ordinance, prosecutions for which have not been instituted, may be hereafter filed and prosecuted; and nothing in this ordinance shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending and/or which may heretofore have been instituted or prosecuted.

- 1.72 **Effect on Pending Mobile Home Park Plans.** Any preliminary or as-built mobile home park plan properly submitted for review prior to the effective date of this ordinance shall continue to be reviewed under the regulations in existence at the time of submittal. Any addition, expansion, or other new manufactured home park activity, however, shall follow the applicable procedures and requirements outlined in this ordinance.

**[This is standard language to address the new ordinance's effect on the previous requirements and pending litigation. This section recognizes that it would be unreasonable to apply the revised ordinance to mobile home parks being reviewed under the previous ordinance.]**

1.8 Effective Date

This ordinance shall take full force and effect on June 3, 1998, as adopted by the Town of Farmville Board of Commissioners on June 2, 1998.

**Section 2 REVIEW AND APPROVAL PROCEDURES**

**[This section includes review procedures similar to those followed during subdivision plan review. A construction plan step has been added to ensure proper review prior to installation and/or construction of major improvements (e.g., streets, water lines, etc.).]**

2.1 Purpose

This section sets forth review and approval procedures for manufactured home parks plans to ensure compliance with the provisions of this ordinance.

2.2 Approval Required

From the time these provisions become effective, no permits for manufactured home parks shall be issued, nor construction initiated, except as allowed in this section.

2.3 General Review and Approval Process

All manufactured home parks proposed on or after the effective date of this ordinance shall be reviewed as outlined below.

- 2.3.1. **Manufactured home parks.** Manufactured home parks require review and approval by the Planning Board and Town Planner. The

developer may submit a sketch plan for review to aid in the preparation of subsequent submittals. Generally, the review of these developments utilizes a three-step process of preliminary, construction, and as-built plans. Preliminary and construction plans must be submitted in accordance with their respective submittal deadline for consideration by the Planning Board and/or Town Planner. As-built plans may be submitted at any time.

**[The Planning Board is responsible for action on preliminary plans after recommendation by Town Planner; the Town Planner is responsible for action on construction plans; and as-built plans.]**

1.2.

#### 2.4 Preliminary Plan Review Process

The following review procedures shall be followed during the review of preliminary plans for major and minor manufactured home parks. Preliminary plans submitted for review under this section shall conform to Sec. 4., Plan Requirements.

- 2.4.1 The developer is encouraged to discuss the project and applicable regulations with the Town Planner and other review agency representatives to determine the procedures and requirements to be met when preparing submittals. In particular, the developer is advised to take into consideration those items specifically outlined in Sec. 4.C., Table of Map Requirements. Further, the developer is encouraged to submit a preliminary plan for the entire development site to ensure all requirements of the ordinance can be met.
- 2.4.2 The developer may submit five (5) copies of a sketch plan for the proposed development to the Planning Department. Within ten (10) working days, the Town Planner shall review the draft plan and notify the developer of applicable regulations which may affect the preparation of the preliminary plan.
- 2.4.3 The developer shall submit the appropriate number of copies of the preliminary plan to the Planning Department. Preliminary plans for major manufactured home parks must be submitted at least twenty (20) working days prior to the next regularly-scheduled meeting of the Planning Board, if to be considered by the Board at that time.

**[The twenty (20) working day submittal deadline is to allow ample time for the Town Planner to review the plans prior to Planning Board consideration. The number of copies will be spelled out on a separate handout. Such requirements do not belong within the ordinance since unnecessary public hearings and delays would result if something as simple as the required number of map copies needed to be changed in the future.]**

2.4.4 The Town Planner shall then transmit copies of the preliminary plan to the applicable reviewing and regulatory agencies, generally including, but not limited to, the following:

- \* North Carolina Department of Transportation, Division of Highways
- \* Pitt County Health Department, Environmental Health Division
- \* Pitt County Emergency Services Department
- \* Town of Farmville Planning Board
- \* Town of Farmville Utilities Department
- \* Pitt County Board of Education
- \* U.S. Army Corps of Engineers
- \* U.S. Postal Service
- \* Any applicable utility company (ies) providing service to the proposed development

Such agencies shall be given seven (7) working days to provide the Town Planner with written development conditions, requirements, and comments concerning the proposed development.

2.4.5 Upon receipt and compilation of reviewing agency conditions, requirements, and comments, the Town Planner shall follow the process outlined below regarding manufactured home park plans.

- 1) **Manufactured Home Park.** Prior to the Planning Board meeting, the Town Planner shall forward the compiled conditions, requirements, and comments to the Planning Board members. The Town Planner shall conduct a meeting, if necessary to review and discuss the preliminary plan, written conditions, requirements, and comments, and to determine plan acceptability for presentation to the Planning Board. The preliminary plan; written conditions, requirements, and comments; and a recommendation from the Town Planner shall then be forwarded to the Planning Board for consideration and action. The Planning Board may add reasonable conditions and requirements to the approval to promote public health, safety, and welfare. Failure on the part of the Planning Board to act on the preliminary plan within sixty (60) days of the first review at a regular meeting shall constitute approval, except where the developer voluntarily withdraws the plan from consideration or requests that review be continued. Such requests shall be provided to the Town Planner in writing.

**[As is currently the practice for preliminary plats for major subdivisions, the Town Planner will review and offer a recommendation to the Planning Board on preliminary plans for all manufactured home parks.]**

2.4.6 The Planning Board shall take one of the following actions on preliminary manufactured home park plans.

- 1) Approval. Approval of the preliminary plan is authorization for the developer to proceed with development of the park, or preparation of a construction plan if installation of major improvements is required.
- 2) Conditional Approval. Conditional approval of the preliminary plan is authorization for the developer to proceed with development of the park, as permitted or limited by conditions or requirements, or with preparation of a construction plan if installation of major improvements is required. Submittal of a revised preliminary plan may be included as a condition of approval.

**[Since the preliminary plan is only a tentative drawing, it should not be used for construction purposes. This ordinance will not allow construction to begin until a construction plan based on more detailed information is approved.]**

- 3) Disapproval. Disapproval of the preliminary plan shall require submittal of a revised plan.

2.4.7 Preliminary plan approval shall remain valid provided that a construction plan, if required, or an as-built plan for the entire development or first phase or section is submitted and approved within two (2) years.

**[Preliminary plan approval will remain valid indefinitely as long as a construction plan, if required or an as-built plan is approved within 24 months.]**

2.4.8 A copy of the preliminary plan shall be stamped and dated with the action taken and shall be returned to the developer with any accompanying conditions, requirements, and comments.

## 2.5 Space Evaluations for On-Site Sewage Disposal Systems

2.5.1 Before the design of a construction plan, if required, or installation of septic systems, the subdivider shall apply to and receive the results from the Pitt County Environmental Health Division for individual space evaluations for the entire manufactured home park or a phase of the park.

2.5.2 Based upon more detailed information from such evaluations, a construction plan illustrating drainage improvements may be required, although not previously identified during preliminary plan review. The construction plan shall then be prepared, submitted, and

reviewed in accordance with Sec. 2.F., Construction Plan Review Process.

**[Where onsite sewage disposal is used - just about everywhere in Farmville's ETJ- it is necessary to receive the results of detailed soils analyses before proceeding with further design, engineering, and development work. This section is intended to put this step in the proper order and notes that such field work may identify the need for a construction plan for drainage improvements, even if the construction plan was not identified as a requirement during preliminary plan review.]**

## 2.6 Construction Plan Review Process

These procedures allow for review of construction plans by the Town Planner. Construction plans submitted for review under this section shall conform to Sec. 4., Plan Requirements, and shall include all improvements and land-disturbing activities which are planned, but not necessarily required by this ordinance.

**[The entire construction plan process is new, but reflects similar requirements as the Subdivision Ordinance. This will be an intermediate step between preliminary and as-built plan review. The Town's Plan Review Committee, meeting twice monthly, will review and approve construction plans.]**

- 2.6.1 The developer shall submit to the Town Planner the appropriate number of copies of the construction plan for the entire manufactured home park or a phase or section of the park prepared in accordance with Sec. 4., Plan Requirements. The construction plan shall be submitted at least fifteen (15) working days prior to the next regularly-scheduled meeting of the Town Plan Review Committee, if to be considered by the committee at that time.
- 2.6.2 The construction plan shall be transmitted to the Planning Board and affected service providers. The reviewers shall return conditions, requirements, and technical comments to the Town Planner within seven (7) working days.
- 2.6.3 The Town Planner shall conduct a meeting to review and discuss the proposed construction plan and recommended conditions, requirements, and comments and to act upon the plan. The Town Planner may add reasonable conditions and requirements to the approval to promote public health, safety, and welfare. Failure on the part of the Town Planner to act on the construction plan within Sixty (60) days of first review at a regular meeting shall constitute approval, except where the developer voluntarily withdraws the plan from consideration or requests that review be continued. Such requests shall be provided to the Town Planner in writing.

2.6.4 The Town Planner shall take one of the following actions on an acceptable plan.

- 1) Approval. Approval of the construction plan is authorization for the developer to begin construction of the park. Before construction of improvements (e.g., water and sewer facilities) which are to be owned and maintained by the service provider(s), construction plan approval also must be obtained from the respective service provider(s).
- 2) Conditional Approval. Conditional approval of the construction plan is authorization for the developer to begin construction, as permitted or limited by the conditions. Before construction of improvements (e.g., water and sewer facilities) which are to be owned and maintained by the service provider(s), construction plan approval also must be obtained from the respective service provider(s). Submittal of a revised construction plan may be included as a condition of approval. As required by other provisions of this ordinance, evidence that these conditions have been met shall be provided to Town of Farmville concurrent with submittal of the as-built plat.

**[Construction plan approval allows for the installation and/or construction of required improvements.]**

- 3) Disapproval. Disapproval of the construction plan shall require submittal of a revised plan and/or other supplemental materials pertinent to the proposed improvements.

2.6.5 Construction plan approval shall remain valid provided that an as-built plan for the entire development or first phase or section is submitted and approved within two (2) years.

**[Construction plan approval will remain valid indefinitely provided an as-built plan is approved within 24 months.]**

## 2.7 Installation and Certification of Improvements

Once the preliminary plan or construction plan, if required, is approved, the necessary improvements for the manufactured home park may be installed. Installation shall be in compliance with any conditions placed on construction and/or preliminary plan approval. All improvements required by Sec. 3., Design and Improvement Standards, including septic and water supply systems, streets, and parking areas, shall be installed and functional prior to submittal of the as-built plan. The developer's engineer or surveyor shall, as part of the as-built plan submittal, furnish a letter certifying that the manufactured home park improvements have been completed in accordance with the approved construction plan and any associated conditions and requirements. Any variation from the approved construction

plan shall be indicated in the certification letter and on the as-built plan, and subject to additional review requirements cited in Sec. 2.H.3.

**[As is currently the case, all required improvements, including septic systems, streets, parking pads, etc. must be complete prior to as-built plan submittal. In addition, the project engineer or surveyor must certify that all required improvements conform with the approved plans.]**

## 2.8 As-Built Plan Review Process

The following review procedures shall be followed during the review of as-built manufactured home park plans.

2.8.1 After approval of the preliminary plan or construction plan, if required, and completion of the required improvements, the developer shall submit an as-built plan for the entire development or the first phase or section of the development to the Planning Department. If an as-built plan is not submitted and approved within twenty-four (24) months, preliminary plan and construction plan approval shall become null and void, and vested rights shall cease.

**[Improvements must be completed for the phase or section of the development site included on the as-built plan only.]**

2.8.2 The developer shall submit the appropriate number of copies of the as-built plan to the Planning Department. The as-built plan submittal shall also include the project engineer's or surveyor's certification that all improvements have been completed and are in conformance with approved plans, as well as all other required supplementary materials.

2.8.3 Where any variation from the approved construction plan occurs, the Town Planner shall determine whether the extent of the change(s) warrants second review by review agencies as stipulated in Sec. 2.F., Construction Plan Review Process.

2.8.4 The Town Planner shall review the as-built plan and other materials for completeness. The Town Planner may submit the as-built plan to any agency which reviewed the preliminary and construction plans to ensure compliance with applicable regulations.

2.8.5 The Town Planner shall act on all as-built plans. Failure on the part of Town of Farmville to act within thirty (30) days of as-built plan submittal shall constitute approval, except where the developer voluntarily withdraws the final plat from consideration. Such requests shall be provided to the Planning Department in writing.

- 2.8.6 Upon inspection of the site and review of comments by reviewing agencies, the Town Planner shall take one of the following actions:

**[The Town Planner is responsible for action on all as-built plans.]**

- 1) Approval. Approval of the as-built plan is authorization to issue an operating permit for all or the approved portion of a manufactured home park. The action of the Town Planner and the date shall be noted on the as-built plan and the Town Planner shall send a stamped copy of the plan to the developer.

**[Conditional approval of an as-built plan is not an option. All required improvements for as-built plans must be completed before approval.]**

- 2) Disapproval. Disapproval of the as-built plan shall require that the Town Planner state the reason(s) for disapproval and notify the developer of the action and reason(s) in writing.

### **Section 3 DESIGN AND IMPROVEMENT STANDARDS**

#### 3.1 Purpose

The purpose of this section is to set forth the minimum design and improvement standards for manufactured home parks to ensure that the provisions of this ordinance are met.

#### 3.2 General Objective

These provisions and design standards are designed to create functional and attractive manufactured home parks, minimize adverse impacts, and afford the Town better quality development. The following are general objectives to be achieved through this ordinance.

**[Each development is different. The use of conditional approval of preliminary plans acknowledges this fact. Hence, it must be understood that all plans will not be treated exactly the same under this system. The minimum requirements only provide a starting point for review, while the general objectives of the ordinance (listed below) may necessitate additional improvements.]**

- 3.2.1 Developments should be designed to avoid an adverse effect on groundwater and aquifer recharge; to reduce site grading and cut and fill; to prevent accelerated erosion; to prevent flooding; to provide adequate access to spaces and building sites; and to mitigate adverse effects of noise, traffic, and drainage on neighboring properties.
- 3.2.2 To the maximum extent practicable, developments should be located to preserve the natural features of the site, to address areas of environmental sensitivity, and to minimize alteration of natural

features except as otherwise permitted by this ordinance. In particular, the following areas or items should be considered for protection or preservation:

- 1) Unique or fragile areas, such as regulated wetlands;
- 2) Lands within flood hazard areas;
- 3) Identified habitats of endangered wildlife; and
- 4) Historically significant structures and sites, as listed on federal or state lists of historic places.

**[These items are standard design considerations. This language is not intended to enable absolute protection of such resources, but suggests that these issues be given proper consideration.]**

- 3.2.3 An adequate surface and subsurface drainage system shall be designed, installed, and maintained to meet the following objectives:
- 1) Each building site shall have a suitable building area safe from flooding and erosion, and shall conform to the Flood Damage Prevention Ordinance.
  - 2) The drainage system shall be designed to minimize inundation of public and private land during the 10-year storm. It shall also prevent excess infiltration or inundation of surface water and/or groundwater into septic tank nitrification fields.
  - 3) The system of drainage shall protect all roads, driveways, utilities, and other improvements from damage that may be caused by improper stormwater management.
  - 4) Drainage ditches, underground tile, and swales shall be coordinated with the existing and proposed general drainage system.
  - 5) Drainage ditches and swales shall be designed and constructed to avoid excessive rates of flow, erosion, or overflow into developed areas subject to potential damage. Underground tile shall be kept free from obstructions.
  - 6) The drainage system shall be designed so as not to impede the natural drainage of water.

**[Most of this is entirely new language which attempts to clearly spell out the issues rather than rely on unwritten assumptions that drainage will be properly handled. Drainage problems are a common complaint from park residents.]**

### 3.3 Specific Standards

This section sets forth the design and improvement standards to ensure properly planned, designed, constructed, and maintained manufactured home parks.

- 3.3.1 **Parking.** A parking pad shall be constructed on each manufactured home park space to allow for off-street parking for two (2) vehicles. Each parking pad shall not be less than 20 feet by 20 feet, and shall be graded and surfaced with asphalt, concrete, or other similar and impervious materials. Each parking pad shall be directly connected to a driveway or to the travelway of a manufactured home park street. (see Appendices A and B).

**[Offstreet parking for two vehicles is required. This section stipulates the minimum parking pad size and requires paving of the parking area.]**

- 3.3.2 **Driveways.** Each manufactured home park space shall have direct access onto an approved manufactured home park street or state road by way of a driveway, unless the parking pad is directly connected to the travelway of a manufactured home park street. Driveways shall be at least ten (10) feet wide, and graded and surfaced with asphalt, concrete, or similar and impervious materials. No more than two manufactured home park spaces may share a common driveway (see Appendices A and B). Design options for connecting a driveway to a street are as follows:

**[Driveways are intended to provide access from the Manufactured Home Park street to the parking pad. This section requires a minimum width of 10 feet for driveways and requires the paving of these improvements. Driveways may serve no more than two Manufactured Home Park spaces.]**

- 1) Valley Gutter Design. Concrete valley gutters must be designed so as not to impede surface water flow along road side ditches (see Appendix C). Valley gutters may be installed in areas where the surface water flow is minimal and where a shallow ditch cross section can be effectively utilized. The design shall allow for safe and efficient vehicular movement onto the manufactured home park space.

**[This driveway design option may be utilized on development sites with limited surface water drainage along streets ( e.g., sandy soils). The driveway is designed to allow surface water to flow across driveways when necessary.]**

- 2) Driveway Tile Installation. If driveway tile is to be installed, the tile must be a minimum of 15 inches in diameter and have one foot of

cover material (see Appendix C). Road side ditches should be a sufficient depth to allow the driveway to be installed over the tile and the necessary cover material. Driveway tile installation is required in areas where surface water flows or stands for extended periods of time or when required by the Town of Farmville Planning Department. In addition, North Carolina Department of Transportation driveway installation requirements must be met when driveways are installed along state maintained roads.

**This is the standard driveway design. A minimum driveway tile size (15") has been stipulated since smaller tiles are easily obstructed with debris, causing surface water to pond for extended periods of time. North Carolina Department of Transportation requirements must be met when driveways are installed along state roads.]**

3.3.3 **Streets.** All streets within manufactured home parks shall be designated as private and shall be paved.

**[All Manufactured Home Park streets will remain private since the streets do not meet all North Carolina Department of Transportation requirements. Whereas the former regulations allowed unpaved streets for manufactured home parks, these provisions require paving of all manufactured home park streets.]**

1) Street requirements. Except as listed below, all streets must be constructed in accordance with the North Carolina Department of Transportation requirements for public streets. The exceptions from NCDOT standards are based upon the permitted driveway design for the individual spaces.

(1) Valley Gutter Design (see Appendix C).

1. Right-of-way width: 45 feet
2. Pavement width: 20 feet
3. Minimum centerline radius: 150 feet
4. Swale section:
  - Front slope: Horizontal distance of 5 feet with a slope of 5:1
  - Back slope: Slope of 5:1
  - Longitudinal slope: 0.3 %

(2) Driveway Tile Installation (see Appendix C).

5. Right-of-way width: 50 feet
6. Pavement width: 20 feet
7. Minimum centerline radius: 150 feet

2. Cul-de-sacs. Every permanent dead-end street shall be developed

as a cul-de-sac and shall not exceed eight hundred (800) feet in length, except where the shape of the tract of land being developed makes this requirement impractical. The length of the cul-de-sac shall be measured from the centerline of the nearest intersecting through street to the center of the turnaround. All North Carolina Department of Transportation design options for cul-de-sacs are allowed within parks.

**[The present ordinance limits cul-de-sacs to 600 feet in length. This section suggests that cul-de-sacs can be longer and that this not be a "hard and fast" rule when the configuration of the original parcel would make this standard impractical.]**

3. Temporary Turnarounds. In cases where streets are proposed to be extended, the Town Planner may permit a temporary turnaround for a period not to exceed two (2) years. Such turnarounds must be designed as a cul-de-sac bulb and constructed to North Carolina Department of Transportation base standards, but not necessarily paved.

**[Temporary cul-de-sacs may be required to aid emergency services providers.]**

4. Street Offsets. Whenever possible, proposed intersections on one side of a street, or road, or highway shall coincide with existing or proposed intersections on the opposite side of such street, road, or highway. In any event, however, street offsets, as measured between the centerlines of intersecting streets, shall meet the following requirements:

**[These standards acknowledge differences in traffic/speed limits for the two classes of roads.]**

- (1) Internal Streets. Street offsets within developments shall be at least one hundred and twenty-five (125) feet apart.
- (2) Primary or Secondary Roads. Street offsets created by manufactured home park streets intersecting with primary highways or secondary roads shall be at least two hundred and fifty (250) feet apart.

**[North Carolina Department of Transportation has requested that intersecting streets along state roads to be constructed at least 250 feet apart.]**

- 3.3.4 **Access.** Each manufactured home park development, and each individual space located therein, shall have direct access to a public or private street. Private easements for providing ingress and egress to a manufactured home park or individual space are not acceptable.

**[Each manufactured home park development and individual space must "touch" a street. Easements are not an option for access.]**

**3.3.5 Space Size and Space Width.** Each space shall meet the minimum area and lot width requirements outlined below. Notwithstanding these standards, the developer shall provide sufficient area on each space to ensure that all other requirements of this ordinance and other applicable development regulations can be met. Space size shall not include street rights-of-way or designated screening areas, and space width shall be measured along the right-of-way. Space width for spaces on the bulb of a cul-de-sac and for flag-shaped spaces may be reduced to forty (40) feet. In addition, flag-shaped spaces shall provide sufficient width at the right-of-way line to allow driveway installation at least ten (10) feet from any parcel line. The computed area of flag-shaped spaces shall exclude area provided for access or "panhandle."

**[For the first time, these regulations set forth minimum space sizes. This is a minimum standard and can not be realized in all developments due to natural characteristics of the site (e.g., soils, drainage features, etc.) and the placement of required improvements (e.g., septic system, repair area, parking pad, etc.). Flag-shaped spaces are now allowed, provided that the bulk of space meets the minimum space requirements.]**

1. With septic tank system:

- (1) Minimum Size: 21,780 square feet
- (2) Minimum Width: 80 feet, except 60 feet for flag-shaped space or space adjacent to bulb of cul-de-sac

2. With public or community sewage system:

(1) Minimum Size: 17,500 square feet

(2) Minimum Width: 80 feet, except 60 feet for flag-shaped space or space adjacent to bulb of cul-de-sac

**3.3.6 Setbacks.**

1. Principal structures:

**[Setback requirements for principal structures remain unchanged.]**

- (1) Private road travel way: 30 feet
- (2) All other rights-of-way: 40 feet

- (3) Space boundary: 10 feet
- (4) Other structures: 20 feet

- 2. Accessory structures: All accessory structures shall comply with the setback requirements for principal buildings, except for the following:

**[This section allows for reduced setbacks for smaller structures, such as outdoor storage buildings.]**

- (1) Space boundary: 5 feet
- (2) Other structures: 5 feet

### 3.3.7 Drainage.

- 1. Drainage Aspects of Construction Plan. The proposed plan for managing drainage for all areas of the development shall be shown on the preliminary plan. The plan shall show all pertinent information required to evaluate the proposed system, including the location, elevation, type, and size of all existing and proposed drainage improvements, including existing drain tile used for agricultural purposes.
- 2. Off-site Drainage Easements. Drainage easements of appropriate widths and lengths, as deemed reasonably necessary by the Environmental Health Division and/or the sedimentation plan, if required, to allow for future drainage maintenance and improvements to effectively control surface and/or subsurface water, shall be identified on construction and as-built plans. Off-site easements across property(ies) not being developed may be deemed necessary by the Pitt County Environmental Health Division when no natural drainage outlet exists to effectively control surface and/or subsurface water. Evidence of a recorded easement, and agreement if applicable, shall be provided to the Town Planner at the time of as-built plan submittal and may require review and approval by the Town Attorney. Any revisions to recorded drainage easements required by this ordinance must be approved by the Town Planner.

**[Offsite drainage easements are not addressed by the existing ordinance. This language strives to ensure that an adequate drainage outlet can be provided.]**

### 3.3.8 Utilities.

- 1) Utility Ownership and Easements. Where a developer installs or causes the installation of water, sewer, electrical power, telephone,

natural gas, cable television, or other similar facilities and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity other than the developer, the developer shall transfer the necessary ownership or easement rights to enable operation and maintenance of such facilities. Where practicable, such easements should be located adjacent to or centered on space lines, or adjacent to the street right-of-way, to avoid conflicts with the placement of other required improvements. It is not the intent of Town of Farmville to determine the terms or conditions of any easement negotiated between the developer and the utility company or service provider.

- 2) Necessary Utilities. The developer shall ensure that every space within a development is served with or designed to allow for adequate utilities, including water, sewage disposal, electric power, and telephone service.

**[These are basic services to be provided within a manufactured home park.]**

- (1) Water Supply and Sewage Disposal. All new manufactured home parks shall be connected to an existing public water supply and, when practicable, a public or community sewage system. Fire protection provisions in Sec. 3.C.11.a. must be met for development sites served with a six inch or larger water line. An individual water meter is required for each space. During as-built plan review, the agency or entity which owns and operates such a system shall certify that the new development is accepted for addition to the system.

**[This section requires that all new manufactured home parks be served by a public water supply instead of a private well(s).]**

If a new sewer system (e.g., package sewage treatment plant, etc.) is proposed to serve the development, certification that a site has been approved for the proposed system from the appropriate agency which has jurisdiction over the system shall be provided to the Town Planner as part of the construction plan submittal.

**[This language recognizes that such approval may not be given prior to preliminary plan approval, hence allows more time for the developer to gain necessary approval.]**

- (2) Electrical Power and Telephone Service. Electrical distribution lines and telephone lines shall be placed underground within easements or rights-of-way. Extensions, relocations and upgrades of existing overhead lines along

existing public rights-of-way shall be permitted. All such facilities, either overhead or underground, shall be installed in accordance with the prevailing standards and practices of the utility or service company.

- 3.3.9 **Solid Waste Provisions.** The manufactured home park operator is responsible for the proper collection and disposal of all solid waste. The operator may contract with a solid waste collection contractor to provide such services.

**[The operator is ultimately responsible for solid waste collection and disposal, even if a private party is contracted with to provide such service.]**

- 3.3.10 **Screening.** Due to the nature and intensity of manufactured home parks, screening is required in all manufactured home parks to minimize potential adverse effects on adjacent properties and land uses, and to preserve the Town's appearance and character. The screening area is to provide a medium density screen intended to partially block visual contact between manufactured home parks and adjacent properties along public roadways.

**[This section is new. It attempts to protect adjacent property values by requiring screening areas along the state road frontage of all new major manufactured home parks. The screening area must be maintained by the operator for the life of the development. Three screening area options are available to the developer.]**

1. **Screening Area Description.** The screening area shall contain at least one of the screening area options of berms, plantings, or fences cited in Sec. 3.C.10 (d)., unless existing vegetation can be used to fulfill part or all of the screening requirements, as allowed in Sec. 3.C.10.(b).
2. **Existing Vegetation.** Existing vegetation is encouraged to be retained and used to fulfill the purposes of this section. The Town Planner shall determine what additional screening, if any, shall be installed to meet the screening area requirements. If at any time the existing vegetation is removed, altered, or no longer meets the screening area requirements of this section, the operator will be responsible for replacement with acceptable screening material within 90 days.
3. **Location.** The required screening area shall be located adjacent to the rights-of-way of the entire public road frontage of the development site, except where permitted driveway openings and sight distance triangles are to be provided. Screening areas may

be installed in drainage maintenance and utility easements with the approval of the Town Planner and the affected entity having jurisdiction over the easement.

4. Screening Area Specifications and Design. Specifications for the screening area options are listed below. Combinations of these options may be allowed in achieving compliance with the provisions of this section, upon approval by the Planning Board during preliminary plan review. Appendices D and E provide graphic representations of screening area specifications.

- (1) Berms.

1. Minimum Height: 5 feet
2. Minimum Crown Width: 3 feet
3. Side slope: 3:1 or flatter

- (2) Plantings.

4. Minimum Screening Area Width: 5 feet
5. Number of Plants per 100 linear feet:

Shrub: 25

Understory Tree: 5

Canopy Tree: 3

Plant Specifications:

Shrubs. All shrubs must be evergreen and shall reach a minimum height of thirty-six (36) inches, and a minimum spread of thirty (30) inches within three (3) years of planting.

Understory Tree. Understory trees shall be a minimum of four (4) feet high and one (1) inch in caliper, measured six (6) inches above grade, when planted. When mature, an understory tree should be between fifteen (15) and forty (40) feet high.

Canopy Tree. Canopy trees shall be a minimum of eight (8) feet high and two (2) inches in caliper, measured six (6) inches above grade, when planted. When mature, a canopy tree should be at least forty (40) feet high and have a minimum crown width of thirty (30) feet.

Grouping shrubs and trees may be grouped or clustered, however no more than fifty percent (50%) of each

required plant material may be grouped or clustered. The remainder of the materials shall be evenly distributed throughout the screening area.

(3) (3) Fences

1. Minimum Height: 5 feet
  2. Maximum Height: 8 feet
  3. Fence materials: masonry or stone walls, wood or similar opaque materials
5. Maintenance. The owner is responsible for maintaining berms to adequately control soil erosion and sedimentation. The owner is also responsible for maintaining any plantings and fences selected as screening materials. Plantings should be kept in good health and appearance. Any dead, unhealthy, or missing plants shall be replaced within (90) days with vegetation which meets the approval of the Town Planner. All fences shall be maintained in a safe manner vertical to the ground. Fences no longer maintained in a safe manner through neglect, lack of repair, manner of construction, method of placement, or otherwise shall be repaired or replaced with appropriate substitute materials which meets the approval of the Town Planner.

**3.3.11. Public Safety and Service Provisions.** The following provisions are required in all manufactured home parks to ensure the safety of park residents and the security of private property within such developments.

1. Fire Protection. Every manufactured home park shall be provided adequate fire protection according to the following standards if the site is served by a six (6) inch or larger water line. The Emergency Services Coordinator or Fire Chief may authorize or require deviations from the standards for this section if other arrangements are more satisfactory.

**[The current regulations do not require the installation of fire hydrants. This section sets forth requirements for fire hydrant installation within manufactured home parks, comparable to those required within subdivisions.]**

- (1) Hydrant Location. Hydrants shall be located adjacent to the street right-of-way. If practicable, hydrants shall be located at street intersections, or on space lines if located other than at an intersection.

- (2) Hydrant Spacing. Each manufactured home park space located along an internal development street shall be located no further than 400 feet from a hydrant, as measured along the road right-of-way. Spaces developed along an existing state road external to the development, or along an existing private street, shall be no further than one (1) mile from a hydrant.
  - (3) Minimum line size. All water lines serving hydrants shall be at least six (6) inches in diameter.
  - (4) Design and Installation. All hydrants shall have two (2) 2 inch and one (1) 4 inch hose connections which shall be located between 18 and 24 inches from finished grade. All hydrant threads shall be national standard threads.
2. Street Lights. All manufactured home park spaces and streets shall be sufficiently illuminated to ensure the security of property and the safety of persons using such streets. The distance between street lights shall not exceed 400 feet, as measured along street rights-of-way.
  3. Manufactured Home Park Name. The name of the proposed manufactured home park shall not duplicate or be phonetically similar to the name of any other park or planned development in the Town.

**[Duplication of development names can cause confusion emergency services providers and the municipal staff, as well as the public.]**

4. Street Names. Proposed street names, regardless of the prefix or suffix used, shall not duplicate or be phonetically similar to the name of any other street or road name anywhere in the Town, or its ETJ. Extensions of existing streets shall use the existing street name, except where a new road name can be used to avoid further duplication.
5. Street Addresses. Assigned street addresses shall be displayed for each manufactured home in accordance with town policy and regulations.
6. Street Signs and Traffic Control Signs. Street name signs which meet town specifications, and traffic control signs which conform to the Manual of Uniform Traffic Control Devices and North Carolina Department of Transportation specifications shall be installed at the expense of the developer, or payment collected for installation by the Town, prior to as-built plan approval.

7.Entryway Identification Signs. The use of permanent entryway identification signs at major entrances to a manufactured home park is encouraged. Such signs shall not be located in rights-of-way, sight distance triangles, or any other location which would obstruct the view of motorists and lead to unsafe vehicular movements. If lighted, such signs shall be illuminated by internal or reflected lights which do not cause glare or otherwise annoy motorists or adjacent property owners. All signage shall comply with the Town's Zoning Ordinance in regards to all signs.

**[Such signs aid in locating manufactured home parks and are especially helpful in the early stages of development/operation.]**

8.Mailboxes. Prior to as-built plan submittal, the park operator shall install Neighborhood Delivery Collection Box Units to allow for postal delivery service for each space taking access off a manufactured home park street. The location for the units shall be in close proximity to a park entrance and have direct access to the park street. Sufficient off-street parking for three vehicles per Neighborhood Delivery Collection Box Unit shall be constructed adjacent to the units, in accordance with Sec. 3.C.1., Parking.

**[The United States Postal Service has requested that these "grouped" mailboxes be installed near the entrance to manufactured home parks. Three offstreet parking spaces are required for each unit.]**

#### **Section 4 PLAN REQUIREMENTS**

**[This section identifies the information to be shown on all map submittals.]**

##### **4.1 General Map Standards**

All preliminary, construction, and as-built plans for manufactured home parks submitted for review shall conform with the following map standards:

- 4.1.1. Boundary line. The area proposed to be developed shall be clearly shown and identified by a heavier weight line than all other plat features. This line should not enclose any areas which are not to be improved or developed.
- 4.1.2. Nonbuildable areas. Areas within the development that are not reviewed and approved for use as manufactured home park spaces or required improvements (e.g., street right-of-way) during original review shall be labeled "nonbuildable." In addition, a note shall be included on the plan which states that before the status of such areas can be changed and building permits issued, the owner must comply

with applicable regulations.

- 4.1.3. Future streets. Areas anticipated for future streets shall be appropriately designated and labeled, but need not be included within the boundary line of the proposed development. If not included, however, the developer is encouraged to reserve adequate land area for future right-of-way and sight distance triangles.
- 4.1.4. External features. Required reference features outside the boundary line of the development, such as adjoining subdivisions of record, adjoining developments, easements, and streets shall be shown with dashed lines.
- 4.1.5. Consecutive numbers. All spaces within a park shall be consecutively numbered, regardless of the number of phases or sections. The addition of block letters or other references is permitted.
- 4.1.6. Section and phase numbering. All development sections and phases shall be consecutively numbered using Arabic numbers only.
- 4.1.7. Multiple Sheets. When submittals include more than one sheet, appropriate match lines shall be shown.

#### 4.2 Key to Interpretation of Table of Map Requirements

The Table of Map Requirements in Sec. 4.C. identifies the minimal information which must be shown for each type of submittal. The developer is encouraged to provide additional information which may aid in review. Except for sketch plans, submittals must be prepared by individuals qualified to do such in accordance with N.C.G.S. 89. The following key indicates the abbreviation and specifications for each type of submittal.

- 4.2.1 Sketch plans are an optional, initial step in the review process. When prepared, the draft plan shall be drawn at a suitable scale with sufficient detail to enable the Town Planner or other agency representatives to provide advice and information pertaining to the proposed development.
- 4.2.2 Preliminary plans. Preliminary plans shall be prepared at a scale of 1" = 200' or less with sheet sizes not larger than 36" by 48". The boundary shown on the plat shall conform with a "Class C" rural land survey.
- 4.2.3 Construction plans shall be prepared at a scale of 1" = 100' or less with sheet sizes no larger than 36" by 48".

4.2.4 As-built plans. The as-built plan shall be prepared using the criteria for preliminary plans. The as-built plan shall substantially conform to the approved preliminary plan and, if required, construction plan.

4.3 Table of Map Requirements

As listed in the table in this subsection, the necessary information indicated for each sketch plan ("S"), preliminary plan ("P"), construction plan ("C"), or as-built plan ("A") map submittal shall be shown.

4.3.1 **Information Block**

1. Park name, including Arabic phase or section numbers and space numbers	S	P	CA	
2. Landowner's name(s), address(es), and phone number(s)	S	P	C	A
3. Location (township, town, state)		P	C	A
4. Date of preparation of map	S	P	C	A
5. Map scale, in written and graphic form	S	P	C	A
6. Name, address, telephone number, registration number and seal of surveyor or engineer		P	C	A
7. Type of map submittal (i.e., sketch, preliminary, construction, as-built)	S	P	C	A
8. Tax parcel number(s)		P	C	A

4.3.2 **Locational Information**

1. Vicinity map, with an appropriate scale and	S	P	C	A
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sufficient accuracy, to show the park's location in relation to the road network and existing developments

- |    |  |   |   |    |   |
|----|--|---|---|----|---|
| 2. | North arrow, oriented to top of map unless impractical   | S | P | CA |   |
| 3. | Adjoining property owners, land uses, streets, development sites   | S | P | C  | A |
| 4. | Fire district  | S | P | C  | A |
| 5. | Distance to nearest fire department from most distant space in park along existing/proposed road network                   | S | P | C  | A |
| 6. | Distance from nearest existing fire hydrant, whether within or outside the park boundaries, to the most distant park space | S | P |    |   |

**4.3.3 Manufactured Home Park Information**

- |    |   |   |   |    |   |
|----|---|---|---|----|---|
| 1. | Approximate boundary line of proposed park  | S | P |    |   |
| 2. | Boundary lines of proposed park, with bearings and distances, referenced to the center-line of the nearest public street intersection |   |   | C  | A |
| 3. | Existing and proposed space lines with scaled dimensions  | S | P | CA |   |
| 4. | Monuments and markers   |   |   | C  | A |
| 5. | Individual space numbers and approximate space areas (sq.ft.)   | S | P |    |   |

or acres)

- |  |  |   |   |   |  |
|--|--|---|---|---|--|
| 6. Individual space numbers and calculated space areas (sq. ft. or acres)  |  | C | A |   |  |
| 7. Typical space layout, including driveway, parking area, building envelope, septic system and repair area          |  | P | C | A |  |
| 8. Location and design of screening area   |  | P | C | A |  |
| 9. Location of solid waste collection facilities and identification of party responsible for collection and disposal |  | P | C | A |  |

**4.3.4 Development information.**

- |   |   |   |   |   |   |
|---|---|---|---|---|---|
| 1. Building setback lines from all rights-of-way  |   | S | P | C | A |
| 2. Reserved, special, or nonbuildable areas and their intended use(s)   | S | P | C | A |   |
| 3. Topographic contours at intervals of one (1) foot or less, referenced to state or federal monuments if within 2,000 feet for major parks |   | P | C |   |   |
| 4. Finished grading elevations  |   | C | A |   |   |
| 5. Erosion control measures   |   |   | C | A |   |
| 6. Names of proposed streets and "private" designation  | P | C | A |   |   |
| 7. Proposed street layout and right-of-way dimensions   | S | P |   |   |   |
| 8. Street right-of-way dimensions and centerline horizontal curve data  |   |   | C | A |   |
| 9. Typical street crosssection  |   | P | C | A |   |

10. Sight distance triangles at intersections	P	C	A	
11. Proposed or existing driveway design, dimensions and method of surfacing	P	C	A	
12. Proposed or existing parking area design, dimensions and method of surfacing	P	C	A	
13. Natural and man-made features, including water-courses, drainageways, ditches, railroad lines, electric transmission lines, pipelines, and bridges	S	P	C	A
14. Existing and proposed easements for features and major improvements in m. above, as well as for drainage, utilities, signs, trails, recreation areas, etc. with dimensions and ownership status		P	C	A
15. Existing and proposed utilities and services with sizes, including sewer, water, fire hydrants, street lights, mailboxes culverts, tile, and ditches		P	C	A
16. Screening area location and design	P	C	A	
17. Existing farm drain tile	S	P	C	A
18. Permanent buildings	S	P	C	A
19. 100-year flood hazard areas and floodways		P	C	A
20. Existing and proposed lakes and ponds		P	C	A
21. Wooded areas	P	C	A	

- |                                    |   |   |   |
|------------------------------------|---|---|---|
| 22. Tentative wetlands boundaries  | P |   |   |
| 23. Identified wetlands boundaries |   | C | A |

**4.3.5 Certifications, Approvals, Summary Data, and Notes.**

- |  |   |   |   |   |
|--|---|---|---|---|
| 1. Notarized Certificate of Survey Accuracy  |   | P | C | A |
| 2. Summary Site Data, including total acreage, number of spaces, linear feet of streets, and acreage of reserved areas | S | P | C | A |
| 3. Listing of utility or service providers   | S | P | C | A |
| 4. Any special notes relating to such items as flood elevations, utilities, nonbuildable areas, etc.                   |   | P | C | A |

**Section 5 ADMINISTRATION**

**5.1 Amendments**

The Town of Farmville Board of Town Commissioners may amend the terms of this ordinance in accordance with this section. Proposals to amend, supplement, modify, or repeal any of the provisions of this ordinance may be initiated by the Board of Town Commissioners, the Planning Board or Planning Department Staff, or any other interested person. If the review or approval of any State or Federal agency is needed, appropriate measures shall be taken to ensure that such agency has an opportunity to provide comments on the proposed amendment prior to action by the Board of Town Commissioners.

**[The amendment procedures have been updated and provide clearer steps for changing ordinance provisions.]**

**5.1.1 Planning Board Action.** Any proposed text amendment shall be submitted to the Planning Department at least twenty (20) working days prior to the next regular meeting of the Planning Board if to be considered at that time. The Planning Board shall provide a recommendation to the Board of Town Commissioners on all such requests. The Planning Department shall assist with preparation of the text for the ordinance amendment, as necessary. The Planning

Board may review the request and provide a recommendation during a regular meeting, or may schedule a public hearing prior to providing a recommendation. If a public hearing is scheduled, it shall be advertised in accordance with N.C.G.S.153A-323. Failure of the Planning Board to submit its recommendation within 120 days after first consideration of the proposed amendment shall constitute a favorable recommendation.

5.1.2 **Board of Town Commissioners Action.** The Board of Town Commissioners shall hold a public hearing to consider any ordinance amendment and the Planning Board recommendation in accordance with N.C.G.S. 153A-323.

5.1.3 **Record of Amendments.** All approved text amendments shall be recorded in the Town of Farmville Code of Ordinances.

## 5.2 Variances

**[The current ordinance does not include provisions for granting variances. Language has been added to identify the criteria and procedures to be used by the Planning Board in considering deviations from the adopted requirements.]**

5.2.1 **Criteria.** A variance may be granted by the Planning Board if it concludes that strict enforcement of this ordinance would result in **practical difficulties or unnecessary hardships** for the applicant. The Board, in granting a variance, shall ensure that the spirit of this ordinance is maintained, public welfare and safety ensured, and substantial justice done. The board may reach these conclusions if it makes the following findings:

1. The hardship or difficulty is one suffered only by the applicant, not the neighbors or the general public;
2. The hardship is caused by circumstances related to the applicant's land, not his/her personal or financial situation;
3. The hardship is unique, or nearly so, and not one shared by many surrounding properties; and
4. The hardship or difficulty is not the result of the applicant's own actions.

5.2.2 **Procedure.**

1. The petitioner shall submit a written variance request to the Planning Department at least twenty (20) working days prior to

the next regular meeting of the Planning Board if to be considered at that time. The request shall pertain to a preliminary, construction or as-built plan under consideration or review as required by this ordinance, and not a hypothetical situation.

2. The request and an accompanying staff recommendation shall be forwarded to the Planning Board.
3. Reasonable conditions, including a limitation on the duration of the variance, may be imposed by the Planning Board to ensure that the objectives of this ordinance are met. All such conditions are enforceable as any other applicable requirement of this ordinance.
4. Planning Board findings regarding the criteria listed above, action, and any supplemental conditions shall be recorded in the Board's official minutes.

### 5.3 Time Extensions

A single time extension, for a period of time not to exceed six (6) months, may be granted by the Planning Board to allow the petitioner additional reasonable time to meet the requirements of this ordinance. Time extensions shall not be granted to allow for the continuation of illegal activities. The procedure for considering a time extension shall generally be the same as for a variance request outlined in Sec. 5.B., except that the following shall apply.

**[Currently, no procedure for granting time extensions exists. Time extensions are not available for any illegal activities, such as noncompliance with erosion control requirements.]**

- 5.3.1 The petitioner must adequately demonstrate that a good faith effort has been made to comply with the original time allotment.
- 5.3.2 The request shall be submitted within the last ninety (90) days prior to the expiration of the original time period and in sufficient time to be scheduled for consideration by the Planning Board.
- 5.3.3 Additional time granted by the Planning Board shall be added to the end of the original time period.

### 5.4 Appeals

**[No appeal process exists in the current ordinance. This section allows for the appeal of a staff decision to the Planning Board and the appeal of a Planning Board action to the Board of Town Commissioners.]**

- 5.4.1 **Notice of Appeal.** Any aggrieved person may file an appeal to the Planning Board or Board of Commissioners relating to the interpretation or application of this ordinance. In cases of an alleged misinterpretation or misapplication by the Town Planner or other Town staff member, the appeal shall first be made to the Planning Board. In cases relating to a decision by the Planning Board, recourse shall be to the Board of Commissioners. The written notice of appeal must specify the grounds for the appeal and is considered filed when the notice is delivered to the Town Planner or the Town Manager, as appropriate.
- 5.4.2 **Time to Appeal.** An appeal must be initiated within thirty (30) days after the date of the decision or order.
- 5.4.3 **Stay of Action.** An appeal stays all actions by the Town Planner seeking enforcement of or compliance with the order or decision, unless the Town Planner certifies to the Planning Board that, because of the facts surrounding the situation, a stay would cause imminent peril to life or property. In that case, proceedings shall not be stayed except by order of the Planning Board or a court, issued on application of the party seeking the stay, after notice to the Town Planner.
- 5.4.4 **Decision.** The Planning Board or Board of Town Commissioners shall provide a written decision regarding the appeal which includes findings of fact, rationale for the decision, and a summary of evidence or testimony presented.
- 5.4.5 **Final Recourse.** Appeal of a decision by the Board of Commissioners shall be to the Superior Court.

## 5.5 Burden of Proof

**[This section identifies which party is responsible for presenting evidence during consideration of an administrative action.]**

- 5.5.1 **Appeals.** The Town Planner shall have the initial burden of presenting
- 5.5.2 **Variations.** The applicant seeking the variance shall bear the burden of presenting sufficient evidence to allow the Planning Board to reach the conclusions outlined in Sec. 5.B.1., and shall have the burden of persuasion on those issues.
- 5.5.3 **All other situations.** Except as outlined in Sec. 5.E.1. above, the burden of providing sufficient, accurate information necessary to

ensure that the provisions of this ordinance may be carried out, shall reside with the applicant.

5.6 Maintenance and Supervision

The manufactured home park operator is responsible for the maintenance of all improvements, except for utilities which are owned and/or operated by the utility provider. The operator is also responsible for the supervision of all park operations and for maintaining the park in compliance with all requirements of this ordinance.

**[As is required by the current regulations, the manufactured home park operator is responsible for the maintenance of all improvements required by this ordinance.]**

5.7 Enforcement

The Town Planner shall be responsible for the enforcement of this section and the investigation of all complaints of suspected violations. The Town Planner shall also notify the operator of any violations of this ordinance, and the required corrective measures and resulting administrative action if such measures are not completed or installed within an identified reasonable time period.

5.8 Notification of Change in Ownership

The new manufactured home park operator shall inform the Town Planner of changes in park ownership.

5.9 Fees

Reasonable fees to cover the administrative costs of this ordinance shall be charged in accordance with a separate fee schedule, as adopted by the Board of Town Commissioners.

**[Review fees are recommended for consideration with this ordinance.]**

**Section 6 LEGAL PROVISIONS**

6.1 Vested Rights

Any manufactured home park plan properly submitted for review prior to the effective date of this ordinance shall continue to be reviewed under the ordinance procedures and requirements in existence at the time of submittal. Any addition, expansion, or other new manufactured home park activity, however, shall follow the applicable procedures and requirements outlined in this ordinance.

## 6.2 Violations and Penalties

6.2.1 **Notice.** If the Town Planner finds that any of the provisions of this ordinance are being or will be violated, notice of such violation(s) and specific corrective actions, including the time period to comply, shall be mailed to the property owner using certified mail. If corrective measures are not taken, or an appeal or variance request is not submitted by the property owner in accordance with Sec. 5., legal action may be instituted by the Town in accordance with the remainder of this section.

6.2.2 **Civil Penalties.** In addition to any other remedies cited in this section for the enforcement of the provisions of this Ordinance, the regulations and standards herein may be enforced through the issuance of citations by the Town Planner in accordance with G. S. 153A-123. These citations are in the form of a civil penalty. The Town may recover this penalty in a civil action in the nature of a debt if the offender does not pay the assessed penalty within 72 hours after being cited for a violation. In addition, no permits shall be released by the Town until the violation is corrected and all assessed penalties are paid in full.

The following civil penalties are established, and are in addition to any other penalties which may be imposed by a court, for violation of the provisions of this Ordinance.

Warning Citation: Correct the violation within 30 days

Penalty Citation: up to \$100.00 per day

**[This section has been updated and allows 30 days for the operator to gain compliance before penalties are assessed. The 30-day period also coincides with the time period allotted for filing an appeal.]**

6.2.3 **Injunctive Relief.** Wherever the Town Attorney has reasonable cause to believe that any person is violating or threatening to violate this ordinance or any term, condition, or provision of approval, the Town Attorney may, either before or after the institution of any other action or proceeding authorized by this code, institute a civil action in the name of the Town for injunctive relief to restrain the violation or threatened violation. The action shall be brought in the Superior Court of Pitt County. Upon determination by a court that an alleged violation is occurring or is threatened, it shall enter such orders or judgments as are necessary to abate the violation or to prevent the threatened violation. The institution of an action for injunctive relief under this section shall not relieve any party to such proceedings from any civil penalty prescribed for violations of this section.

**Section 7 DEFINITIONS AND WORD INTERPRETATIONS**

7.1 Definitions

Acre. A land area equal to 43,560 square feet.

Town Planner. Except as otherwise specifically provided, this person, and his designee(s), who are primarily responsible for the administration and enforcement of this ordinance.

Appeal. A request for a review by the Planning Board of the Town Planner's interpretation of any provision of this ordinance.

Applicant. Any person or entity that requests any administrative action or approval as allowed under this ordinance.

Base flood. The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Berm. A man-made mound of dirt with gently sloping sides and crown.

Best Management Practices (BMP). A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

Buffer, vegetative. An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams and rivers.

Building. (See structure)

Code. (See ordinance)

Common area. A dedicated area, including structures, that is part of a development, and is accessible to, and usable by, all residents of a manufactured home park for recreational, social, or meeting purposes.

Community water supply system. (See public water supply system)

Cul-de-sac. (See Street, cul-de-sac)

Developer. Any person who develops or proposes to develop land as permitted by this ordinance.

Development. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations and/or any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

Development site. Entire land area devoted for the required improvements associated with the approval of a section or phase of a manufactured home park.

Driveway. A private travel way which provides access from a public or private road or street.

Easement. The grant by a land owner to another person, the general public, a government agency, a corporation, or any other entity to use or limit the use of public or private land for a specific purpose.

Erosion. The wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.

Extraterritorial jurisdiction (ETJ). That portion of a city or town planning jurisdiction that lies outside the corporate limits of the city or town within which municipal land use regulations apply.

Fence. Any artificially constructed barrier erected to enclose or screen areas of land used as a boundary or means of protection or confinement.

Flood. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation of runoff of surface waters from any source. Also includes the term flooding.

Flood hazard area. The land in the flood plain subject to a one percent (1%) or greater chance of flooding in any given year. Also known as the "area of special flood hazard."

Flood Insurance Rate Map (FIRM). An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood plain. (See flood hazard area)

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood (100-year flood event) without cumulatively increasing the water surface elevation more than one (1) foot.

Frontage. The side(s) of a lot abutting a legally accessible public or private street right-of-way.

Lake. Any natural or impounded body of water, including, but not limited to, a reservoir or pond.

Land division. (See subdivision)

Landowner. Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner. Also includes a person holding a valid option to purchase land to act as an agent or representative.

Lot. A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

Manufactured home. (See also mobile home) A factory-built, single-family structure that is built to meet the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401), is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

Manufactured home park. Any development where three (3) or more manufactured homes, intended for occupancy as dwelling units, are placed in close proximity upon the same parcel or tract.

Manufactured home space. Any area of ground within a manufactured home park which has been planned, designed, and approved for the exclusive use of one (1) manufactured home.

Manufactured home space, flag. A space which has less than the required amount of frontage on a street and relies on a panhandle-shaped corridor for access to the bulk of the space.

Mean sea level. The average height of the sea for all stages of the tide used as a reference for establishing various elevations. For purposes of this code, this term is synonymous with "National Geodetic Vertical Datum (NGVD)."

Mobile home. (See also manufactured home) A transportable, factory-built home, designed to be used as a residential dwelling and manufactured prior to the National Manufactured Housing Construction and Safety Standards Act of 1974, which became effective on June 15, 1976.

Modular home. A dwelling unit constructed in accordance with the standards set forth in the North Carolina Building Code applicable to site-built homes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a

modular home may consist of two (2) sections transported to the site in a manner similar to a manufactured home, or a series of panels or room sections transported on a truck and erected or joined together on the site.

National Geodetic Vertical Datum (NGVD). A vertical control, as corrected in 1929, used as a reference for establishing varying elevations.

Nonconforming situation. A situation that occurs when, on the effective date of this code, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located.

Off-site. Any area not contained within the boundaries of the site being developed, whether or not the developer owns such land.

Open space. An area of land and/or water which is generally unimproved and is reserved for recreation, resource protection, amenity, or buffer purposes.

Ordinance. Synonymous with Town of Farmville Manufactured Home Park Ordinance.

Parcel. A continuous area of land in the possession of or owned by, or recorded as the property of, the same person or persons, and which is uniquely identified by the Town of Farmville Tax Office.

Parking space. Specific site within a parking area designed to accommodate a single motor vehicle.

Permit, operating. A permit issued by the Town Planner to the manufactured home park operator upon the approval of an as-built plan for a phase or entire portion of a manufactured home park. The permit certifies conformance with the provisions of this ordinance.

Petitioner. Any person or entity that requests any administrative action or approval as allowed under this ordinance.

Plat, as-built. A map of a portion of or of an entire manufactured park which shows all installed and completed improvements required by this ordinance.

Plan, construction. The map and accompanying text, prepared and submitted under the prescribed conditions set forth in this ordinance, which details required improvements such as streets, fire hydrants, and street lighting.

Plan, drainage. The portion of a construction plan that illustrates the proposed system designed to provide adequate surface and subsurface drainage for the proposed development.

Plan, erosion and sedimentation control. A plan that outlines the procedure designed to

control accelerated erosion and sedimentation resulting from certain land disturbing activities.

Plan, preliminary. A tentative map of a proposed manufactured home park which shows the layout of the parcel or tract, including spaces, roads, and other features, in sufficient detail to allow the proposed manufactured home park to be properly evaluated.

Plan, sketch. A rough plan of a manufactured home park.

Planning agency. The Town of Farmville Planning Board and/or Town Planner responsible for carrying out the provisions of this ordinance.

Public hearing. A legally required, advertised meeting at which an appointed or elected board accepts public comment about matters relating to this ordinance.

Public or community sewage system. A single system of wastewater collection, treatment and disposal owned and operated and/or maintained by a sanitary district, a metropolitan sewage district, a water and sewer authority, a town or municipality, a public utility, or, a home owners association.

Public water supply system. A water supply system intended for the provision of potable water to the public as approved by the NC State Board of Health and/or the Town of Farmville Health Director.

Right-of-way. A strip of land occupied, or intended to be occupied, by a street; crosswalk; railroad; road; utility transmission line or pipeline; water main; storm or public or community sewage system main; or other similar improvement.

Septic tank system. A subsurface sanitary sewage system consisting of a septic tank and a subsurface disposal field.

Setback. 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, boundary line, or other structure in which no other structure may be erected. Also referred to as the "minimum building line."

Sight distance triangle. The area at the intersection of two roads or streets that is designated as necessary for safe ingress and egress, and which must be kept clear of obstructions.

Sign. Any object, display, or structure, or portion thereof, which is located outdoors and is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location through the use of words, letters, figures, designs, symbols, colors, or illumination.

Sign face. The surface of a sign where copy, messages, or advertisements are attached for display to the public, including any parts of the sign structure upon which such information

is located.

Storm drainage facilities. The system of inlets, conduits, channels, ditches, and appurtenances which serve to collect and convey storm water through and from a given drainage area.

Storm, ten-year. The surface runoff resulting from a rainfall of intensity expected to be equaled or exceeded, on the average, once in ten years, and of a duration which will produce the maximum peak rate of runoff, for the watershed of interest under average antecedent wetness conditions.

Storm water runoff. The direct runoff of water resulting from precipitation in any form.

Street. A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles.

Street, cul-de-sac. A permanent dead-end street which has one end open to traffic and terminates in a circular turnaround.

Street, private. A street right-of-way serving lots within a subdivision dedicated for the exclusive use of the property owners and their guests and maintained, or intended to be maintained, by a homeowners association.

Street, public. A street right-of-way dedicated for public use and maintained or intended to be maintained by the North Carolina Department of Transportation.

Street jog. Distance between the centerlines of two streets which intersect on opposite sides of the same road.

Structure. Anything constructed or erected, including a building; a manufactured or mobile home; a storage tank for gases or liquids; or any other permanent, man-made facilities, including swimming pools, walls, and signs.

Structure, accessory. A minor structure that is located on the same lot as a principal structure and is used incidentally to a principal structure or contains an accessory use.

Structure, principal. The primary structure on a lot or a structure that contains a principal use.

Subdivision. A subdivision shall include all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of sale or building development, whether immediate or future, and shall include all division of land involving the dedication of a new street or change in existing streets; however, the following is not included within this definition and is not subject to the regulations prescribed by this chapter:

- a) The combination or recombination of portions of previously subdivided and

recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the town as required in this chapter;

- b) The division of land into parcels greater than ten (10) acres if no street right-of-way dedication is involved;
- c) The public acquisition by purchase of strips of land for widening or opening streets;
- d) The division of a tract in single ownership, the entire area of which is no greater than two (2) acres into not more than three (3) lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards contained in this chapter; or
- e) The division of a tract among the heirs of a deceased person, where no person other than an heir receives any of the property at the time of the division.

Town Planner (TP). Representatives of local and state agencies who collectively review and evaluate preliminary plans and construction plans for compliance with all regulations. The TP recommends action to be taken by the Planning Board on preliminary plans and takes action on all construction plans.

Tract. (See parcel)

Variance. A grant of relief by the Planning Board to a person from the requirements of this code where unusual or unique circumstances peculiar to the property exist, literal enforcement would result in unnecessary and undue hardship, and such relaxation of the regulations would not be contrary to the public interest objectives of this code.

Vested rights. Those projects that are built or those projects that at a minimum have established a vested right under North Carolina law as of the effective date of this ordinance based on at least one of the following criteria:

- o having an outstanding valid building permit as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1), or
- o having expended substantial resources (time, labor, money) and having an approved site specific or phased development plan as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1).

Violation. Failure on the part of any person to comply with the provisions of this ordinance.

Watercourse. Any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary or lake.

Watershed. The entire land area that contributes surface drainage to a particular point

where surface water is withdrawn for drinking purposes.

Water supply watershed. The entire land area which drains to a surface water supply intake, including the critical and protected areas.

Wetlands. Transitional lands between terrestrial and aquatic systems where the land supports predominantly hydrophytes; where the substrate is predominantly undrained hydric soil; and where the substrate is nonsoil and is saturated with water or covered by shallow water for a specified period of time during the growing season of each year.

Working days. Days exclusive of Saturday and Sunday during which weather conditions or soil conditions permit land-disturbing activity to be undertaken.

## 7.2 Word Interpretation

For the purposes of this code, certain words shall be interpreted as follows:

- 1.2.1 Words used in the present tense include the future tense.
- 1.2.2 Words used in the singular number include the plural and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.
- 1.2.3 The word "person" includes an individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.
- 1.2.4 The words "used for" shall include the meaning "designed for."
- 1.2.5 The word "shall" is always mandatory.

## 7.3 References or Citations

Whenever any provision or definition of this code refers to or cites a section of the North Carolina General Statutes (N.C.G.S.) or any other state or local law and that section is later amended or superseded, this ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

Adopted June 2, 1998