

**Carteret County Manufactured Homes, Manufactured Home Parks,
and Recreational Vehicle Parks Regulations**

**THE CARTERET COUNTY MANUFACTURED HOME, MANUFACTURED HOME PARK, AND
RECREATIONAL VEHICLE PARK ORDINANCE**

Enactment:

An ordinance establishing regulations for manufactured home parks, recreational vehicle parks, and manufactured homes within the county of Carteret, North Carolina and providing for the administration, enforcement, and amendment thereof, in accordance with the provisions of North Carolina GS 153-A Article 18.

Preamble:

WHEREAS, in order to promote the health, safety, morals, and general welfare of the inhabitants of the County of Carteret, North Carolina; to regulate the placement of manufactured homes on individual lots; and to provide for desirable planned manufactured home and recreational vehicle park developments and the establishment of uniform regulations for such parks, it is necessary to adopt a Manufactured Home, Manufactured Home Park, and Recreational Vehicle Park Ordinance for Carteret County as hereinafter set forth.

Now, therefore, be it ordained by the County of Carteret, North Carolina, as follows:

**ARTICLE I. REQUIREMENTS FOR MANUFACTURED HOMES, MANUFACTURED HOME PARKS,
AND RECREATIONAL VEHICLE PARKS**

Section 1. Authority and enactment.

- 1.1. *Authority.* The provisions of this ordinance are adopted under the authority granted by the General Assembly of North Carolina, General Statute 153-A-121 [153A-121] inclusive.
- 1.2. *Jurisdiction.* The regulations set forth in this ordinance shall be applicable within all unincorporated areas of Carteret County not under the planning and regulatory jurisdiction of a municipality.
- 1.3. *Title.* This ordinance shall be known as, referred to, and cited as the "Carteret County Manufactured Home, Manufactured Home Park, and Recreational Vehicle Park Ordinance", and hereinafter referred to as the "ordinance".
- 1.4. *Effective date.* This ordinance was adopted by the Carteret County Board of County Commissioners on the 13th day of September, 1999.
- 1.5. *Interpretation.* In interpreting and applying the provisions of this ordinance, those provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity, and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this ordinance imposes a greater restriction upon the use of manufactured homes or recreational vehicles or premises, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this ordinance shall govern. Likewise, where other ordinances, easements, covenants, or other agreements impose additional or greater restrictions than those regulations set forth herein, the more restrictive regulations shall have precedence.

Section 2. General provisions.

- 2.1. *Relationship to land use plan.* It is the intention of the board of commissioners that this chapter implement the planning policies adopted by the board of commissioners for the county, as reflected in the land use plan and other planning documents. While the board of commissioners reaffirms its commitment that this chapter and any amendment to it be in conformity with adopted planning policies, the board hereby expresses its intent that neither this chapter nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document.
- 2.2. *No use or sale of manufactured homes and recreational vehicles except in conformity with chapter provisions.*
 1. Subject to Article VI of this ordinance (Approval and Permit Procedures for Manufactured Home/Recreational Vehicle Parks), no person may use, occupy, or sell any manufactured homes or recreational vehicles or authorize or permit the use, occupancy, or sale of manufactured homes or recreational vehicles under his control except in accordance with all of the applicable provisions of this ordinance.
 2. For purposes of this section, the "use" or "occupancy" of a manufactured home or recreational vehicle relates to anything and everything that is done to, on, or in that manufactured home or recreational vehicle.
- 2.3. *Fees.*

1. Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for permits, variances, and other administrative relief as may be

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required by this ordinance. The amount of the fees charged shall be as set forth in the county's budget or as established by resolution of the board of commissioners filed in the office of the county clerk.

2. Fees established in accordance with this subsection shall be paid upon submission of a signed application or notice of appeal.

2.4. *Severability.* It is hereby declared to be the intention of the board of commissioners that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this ordinance since the same would have been enacted without the incorporation into this ordinance of such unconstitutional or invalid section, paragraph, sentence, clause, or phrase.

Section 3. Definitions.

3.1. *General.* For the purpose of interpreting this ordinance, certain words and terms used are defined in this section. Except as defined in this section, all other words used in this ordinance shall have their standard dictionary definition. For general interpretation, the following shall apply in all uses and cases in this ordinance:

1. The present tense includes the future tense, and the future tense includes the present tense.
2. The singular number includes the plural number, and the plural number includes the singular number.
3. The word "may" is permissive, and the word "shall" is mandatory.
4. The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
5. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
6. Words imparting the masculine gender include the feminine and neuter.

3.2. *Word and term definitions.*

Accessory use or structure. A use or a structure on the same lot or manufactured home or recreational vehicle park space with, but of a nature customarily incidental and subordinate to, the principal use or structure.

Board of adjustment. A semi-judicial body, composed of representatives from Carteret County, which is given certain powers under and relative to this ordinance.

Board of commissioners. The Board of Commissioners of Carteret County.

Buffer. A screening device used to moderate the adverse impacts of one land use upon another. Buffers may include walls, privacy fences, hedges, landscaped areas, berms, mounds, or combinations of the above. See section 8-46(21). (amended November 19, 2007)

Certificate of occupancy/compliance. A statement, signed by an administrative officer authorized by the Carteret County Board of Commissioners, setting forth that the building, structure or use complies with this ordinance, and that the same may be used for the purpose stated herein.

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

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

A public water system is either a "community water system" or a "non-community water system" as follows:

- a. "Community water system" means a public water system which serves 15 or more service connections or which regularly serves at least 25 year-round residents.
- b. "Non-community water system" means a public water system which is not a community water system.

Compactor, trash. See trash receptacle. (Amended November 19, 2007)

Dumpster. See trash receptacle. (Amended November 19, 2007)

Fence. A structure, other than a building, that is a barrier and is used as a boundary, screening, or means of protection or confinement. This definition includes chain-link, split rail, and other types of open fences, unless otherwise specified. A fence functions like a fence but is usually 6 inches or thinner. (Amended November 19, 2007)

Fence, privacy. A fence with no gaps in the structure that are wider than one-quarter inch, except at the edges of the gate. A privacy fence is usually made from solid materials including, but not limited to, brick, masonry products, and wood. (Amended November 19, 2007)

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Junkyard or salvage yard. An establishment operated or maintained for the purpose of storing, dismantling, salvaging, recycling, buying or selling scrap or used materials such as paper, metals, rubber, rags, glass, wrecked, used or dismantled products and articles such as machinery, vehicles, appliances and the like. (amended November 19, 2007)

Improvements. The addition of any building, accessory building, and parking area.

Lot. Land area of defined boundaries in single ownership, set aside for separate use or occupancy, and recorded as such in the office of the Carteret County Registrar of Deeds.

Lot, area of. The parcel of land enclosed within the boundaries formed by the property lines.

Lot, corner. A lot abutting two streets or roads (including platted but unopened streets or roads).

Lot, depth. The depth of a lot, for the purpose of this ordinance, is the distance measured in the mean direction of the side lines of the lot from the midpoint of the front line to the midpoint of the opposite lot line.

Lot line. Any boundary of a parcel of land.

Lot line, front. Any boundary line of a lot running along a street right-of-way line. If a lot abuts two right-of-way lines, the front lot line shall be the shorter of the two. If a lot abuts more than two right-of-way lines, the front lot line shall be determined by the enforcement officer.

Lot line, rear. The lot line opposite the front lot line.

Lot line, side. Any lot line which is not a front or rear lot line.

Lot of record. A lot, a plat or a map which has been recorded in the office of the Registrar of Deeds of Carteret County, or a lot described by metes and bounds, the description of which has been recorded in the aforementioned office.

Lot width. The distance between the side lot lines as measured along the front building line as specified by the applicable front yard setback in this ordinance.

Manufactured home. A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §5401, et seq.

For manufactured homes built prior to June 15, 1976, "manufactured home" means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width. "Manufactured home" also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width.

Manufactured home park. Any single parcel of land upon which three or more manufactured homes or one-story modular homes on-frame or chassis, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations. Manufactured home parks are referred to in this ordinance as "MH park(s)." (Amended 2-15-10)

MH/RV space. A plot of land within a MH/RV park designed for the accommodation of a single manufactured home, one-story modular home on-frame or chassis, or recreational vehicle in accordance with the requirements set forth in this section. (Amended 2-15-10)

MH/RV stand. That portion of the manufactured home/recreational vehicle space designed for and used as the area occupied by the MH/RV proper.

Modular home. A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular home may consist of 2 or more sections, or a series of panels or room sections erected or joined together on the site. (Amended 2-15-10)

Mound. A rounded hill, natural formation, or man-made bank or hill of earth and/or stones. (Amended November 19, 2007)

Nonconforming use. A use of building or land that does not conform with the regulations of this ordinance but was lawful before adoption of this ordinance.

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"Park model" recreational vehicle. A manufactured home typically built in accordance with the construction requirements of HUD National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §5401, et seq., but because of their limited size they are not required to be labeled by the HUD manufacturing housing program. Since these park model type units are not under the jurisdiction of the HUD program, they are labeled and sold as recreational vehicles.

Park office/store. A central structure or structures built according to the provisions of the North Carolina Building Code that may contain a retail sales counter and/or coin operated machines for park residents' use only, provided they are completely enclosed within the building and there is no exterior advertising. Vending machines are exempt. If a single-family dwelling is proposed for use as the park owner, manager or operator residence, the park office/store may be located within a portion of the residence providing the structure is built or renovated according to the provisions of the North Carolina Building Code. A park office/store shall not be located within a manufactured home.

Permitted structural use. A structure/use meeting all of the requirements of this ordinance.

Planning commission. A board appointed by the board of commissioners for the following purposes: (a) to develop and recommend long-range development plans and policies; (b) to advise the board of commissioners in matters pertaining to current physical development for the county's planning jurisdiction.

Planning and Development Department. Department consisting of the planning staff and building inspection staff for Carteret County. (Amended November 19, 2007)

Recreational vehicle. A recreational vehicle is a vehicle which is: (1) built on a single chassis; (2) self-propelled or permanently towable by a light duty truck; and (3) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use. Recreational vehicles must be ready, willing, and able to move off-site within 48 hours. When a recreational vehicle is located within a special flood hazard area, the local flood prevention ordinance must be met. Recreational vehicles include "park model" recreational vehicles as defined by this ordinance. Notwithstanding any provisions herein, a tent shall be considered a recreational vehicle for the purpose of this ordinance, and tents shall be permitted in recreational vehicle parks.

Recreational vehicle parks. Any single parcel of land upon which two or more recreational vehicles, occupied for sleeping purposes, are located regardless of whether or not a charge is made for such purposes. Recreational vehicle parks are referred to in this ordinance as "RV park(s)."

Setback line. The line on the front, rear and sides of a lot which delineates the area upon which a structure may be built and maintained.

Sign. Any words, lettering, parts of letters, pictures, figures, numerals, phrases, sentences, emblems, devices, design, trade names or trademarks by which anything is made known, such as the designation of an individual, firm, association, profession, business commodity or product, which are visible from any public way and used to attract attention.

Single-family dwelling. A building designed and constructed for use as one dwelling unit built according to the provisions of the North Carolina Building Code.

Stabilizing system. A combination of the anchoring system and the support system when properly installed.

Storage. A depository for commodities or items for the purpose of future use or safekeeping.

Street. A public thoroughfare which affords access to abutting property and is recorded as such in the office of the Carteret County Registrar of Deeds.

Thoroughfare or major thoroughfare. For the purposes of this ordinance the terms thoroughfare or major thoroughfare shall mean the rights-of-way of Highways 70, 24, 58, 101 and 12. (Amended November 19, 2007)

Trash receptacle. Any container, structure, or building (including dumpsters and compactors) designed to hold, crush or otherwise compact, and/or receive the trash of one or more businesses, one or more public or semi-public institutions, and/or two or more residences. (Amended November 19, 2007)

Use. The purpose for which land or structure thereon is designed, arranged or intended to be occupied or used, or for which it is occupied, maintained, rented, or leased.

Use, accessory. A use incidental to and customarily associated with the use-by-right and located on the same lot with the use-by-right, and operated and maintained under the same ownership with the operation of the use-by-right.

Use-by-right. A use which is listed as an unconditionally permitted activity in this ordinance.

Use, nonconforming. A use of structure or land that does not conform with the regulations of the district in which the structure or land is situated or with the requirements of this ordinance.

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Variance. A modification or alteration of any of the requirements of this ordinance.

Wall. A structure, other than a building, that is a barrier and is used as a boundary, screening, or means of protection or confinement. A wall functions like a fence but is usually thicker than 6 inches. (Amended 11-19-07)

Yard. Any open space on the same lot with a structure and unoccupied from the ground upward except by trees, shrubbery, or fences.

Yard, front. A yard across the full width of the lot, extending from the front line of the structure to the front lot line.

Yard, rear. A yard located behind the rear line of the main structure, if extended, to the perimeter of the lot.

Yard, side. A yard between the structure and side lot line, extending from the front building line to the rear building line.

(Ord. of 9-15-03(1))

Section 4. Certificate of occupancy for new manufactured home and recreational vehicle parks.

4.1. It shall be unlawful for any person to maintain or operate a MH or RV park constructed after the adoption of this ordinance, within the jurisdiction of this ordinance, unless such person shall first obtain a certificate of occupancy.

4.2. It shall be unlawful for any person to alter or make any additions to any MH/RV park within the jurisdiction of this ordinance until a building permit has been issued.

4.3. When the developer of the MH/RV park is satisfied that construction has been completed in accordance with the plan approved by the planning commission, certification of the proper installation of utilities shall be made, and the site shall be inspected by the Carteret County Building Inspector. Once the building inspector issues a letter to the director of planning and inspections stating the MH/RV park is in compliance with the approved plan and other applicable regulations, the certificate of occupancy shall be issued by the department of planning and inspections.

4.4. The MH/RV park shall be maintained in compliance with the plan. In the event of violation of the plan, or any provision of this ordinance, the Carteret County Building Inspector, as the enforcement officer hereunder, may take action pursuant to Article VIII of this ordinance to remedy, correct, or abate the violation.

4.5. Reserved. (Deleted 12-19-2011)

4.6. The Carteret County Planning and Inspections Department may, after due notice, subject to the right of appeal, suspend or revoke the certificate of occupancy for failure to maintain the park in compliance with the provisions of this ordinance.

4.7. Except for the nonconforming provisions of this ordinance, the certificate of occupancy may be revoked for a specific section of the MH/RV park which is in violation of the approved plan or a provision of this ordinance, and occupancy may be allowed to continue in portions of the park which are in conformity with the certificate of occupancy.

4.8. All MH and RV parks existing on the effective date of this ordinance cannot expand unless such expansions comply with all applicable procedures and requirements of this ordinance.

Section 5. Triennial inspection of manufactured home/recreational vehicle parks. (Amended 11-15-10)

5.1. The Carteret County Planning and Inspections Department and Health Department may conduct as many inspections of MH/RV parks as are deemed necessary to insure the maintenance of the applicable standards. Each park shall be inspected at least once every 3 (three) calendar years.

5.2. The MH/RV park operators in Carteret County shall pay an inspection fee once every 3 (three) calendar years. The fee will be payable initially upon application for the certificate of occupancy for a park. As long as the park remains in operation, the fee shall be paid once every 3 (three) calendar years in the same month in which the original certificate of occupancy was granted.

5.3. The certificate of occupancy for a MH/RV park may be revoked if the inspection fee is not paid.