

**PLANNING BOARD
FEBRUARY 11, 2021
5:30 PM**



**BRYANT H. WOMACK
BUILDING
40 COURTHOUSE ST.
COLUMBUS, NC 28756**

-
1. Call to Order
 - A. In order to maintain the safety of County residents, the Planning Board and Staff, the Planning Board Meeting scheduled for 5:30 p.m. Thursday, February 11, 2021 will be available for the public to call in and listen to the meeting. Call – 1-301-715-8592, Meeting ID – 821 9144 8792, Password – 876874. To ensure the public is able to safely participate in the Planning Board meeting and the Public Comments portion of the meeting, you may submit a public comment by email to hlynch@polknc.org, or by calling the Planning and Zoning Department at 828-894-2732 by 4:30 p.m. on Wednesday, February 10, 2021. Please include the following information: First and Last Name, Address, and Comment. Comments will be read into record by the Clerk during the Planning Board meeting. There will also be a chance during the Public Comments portion of the meeting to present comments live via telephone. If you have any questions, please contact the Planning and Zoning department at 828-894-2732.
 2. Approval of Agenda
 3. Approval of Minutes
 - A. Approval of Minutes from December 3, 2020
 - B. Approval of Minutes from December 10, 2020
 4. Group Development Application - William Nichols
 5. Mobile Home Park Ordinance
 6. Mobile Home Ordinance
 7. Subdivision Ordinance
 8. Other Business
 9. Public Comments
 10. Adjournment

POLK COUNTY PLANNING BOARD

AGENDA ITEM

FEBRUARY 11, 2021 REGULAR MEETING

Agenda Item#: A.

ATTACHMENTS:

Description	Type	Upload Date
PB Minutes 12.3.2020 - DRAFT	Exhibit	2/2/2021

PLANNING BOARD
December 3, 2020 - 5:30 PM
Bryant H. Womack Building
40 Courthouse Street
Columbus, NC 28722
MINUTES

Members Present: Warren Watson (Chair), Edward Daniel, John Rose, Gerald Pack, Neal Barton, Wayne Horne
Members Present via Zoom: Alexander Hagerty
Member(s) Absent: Lee Barker
Staff Present: Cathy Ruth (County Planner), Hannah Lynch (Secretary)

1. Call to Order - Special Meeting

A. A. In order to maintain the safety of County residents, the Planning Board and Staff, the Planning Board Meeting scheduled for 5:30 p.m. Thursday, December 3, 2020 will be available for the public to call in and listen to the meeting. Call – 1-301-715-8592, Meeting ID – 821 9144 8792, Password – 876874. To ensure the public is able to safely participate in the Planning Board meeting and the Public Comments portion of the meeting, you may submit a public comment by email to hlynch@polknc.org, or by calling the Planning and Zoning Department at 828-894-2732 by 4:30 p.m. on Wednesday, December 2, 2020. Please include the following information: First and Last Name, Address, and Comment. Comments will be read into record by the Clerk during the Planning Board meeting. There will also be a chance during the Public Comments portion of the meeting to present comments live via telephone. If you have any questions, please contact the Planning and Zoning department at 828-894- 2732.

John Rose (Vice-Chair) called the meeting to order at 5:34 PM in Warren Watson's (Chair) absence. He explained this would be a meeting where Zoom was being utilized by one member (Alexander Hagerty) to attend, due to the COVID-19 pandemic. Warren Watson later arrived after the approval of the agenda and took over the meeting as Chair.

2. Approval of Agenda

A motion to approve the agenda was made by Gerald Pack, seconded by Edward Daniel. A vote was taken and all present were in favor. Alexander Hagerty was also in favor, via Zoom. The motion carried unanimously.

3. Mobile Home Park Ordinance

Cathy Ruth presented proposed changes to the Mobile Home Ordinance, as highlighted in yellow in the meeting packet.

The Board discussed changes to the issuance of an operating permit. They agreed to issue an authorization letter when the mobile home park is approved by the Planning Board, and have the Zoning Administrator issue a compliance letter when all improvements are in. This would be the final step before recording the final plan.

The Board also discussed the need for yearly testing of well water at a mobile home park. They agreed it would be prudent to have this testing and discussed how to enforce this. The Board agreed to have mobile home park owners have the testing yearly and issue the results to all mobile home park inhabitants, as well as sign an affidavit for the Zoning Department that this was completed along with a copy of the results. Cathy Ruth agreed to also speak with Environmental Health about enforceable measures that could potentially be taken to ensure any issues with the well water were addressed.

Warren Watson asked about underpinning being required on all mobile homes within a park before occupancy. Cathy Ruth stated she would talk with Building Inspections to see if this is a building code requirement or not, and also if this is something that can be addressed within the Mobile Home Park Ordinance.

The Board discussed screening of a mobile home park. They agreed to require screening and discussed how best to ensure it remains adequate throughout the year. They decided to allow for either evergreen screening or privacy fences (of at least 6' in height). If a mobile home park owner decided to use evergreens, they must be 4' tall at the time of planting and grow to 6' within the two years. They also agreed to add a stipulation that the screening must be maintained.

Cathy Ruth agreed to draft the changes that were discussed and bring this ordinance back at the next meeting on December 10 for further review.

4. Subdivision Ordinance

Cathy Ruth presented changes to the Subdivision Ordinance, as required by NCGS 160D. She reminded the Board the Subdivision Ordinance is about the land itself that is being divided, rather than the use of the land.

The Board discussed several wording changes that were required by 160D, as well as allowing the Polk County Board of Adjustment to handle all appeals and variances of the Subdivision Ordinance.

Cathy Ruth gave the Board an example of a "pan-handle lot" and the reason for them in the county. She explained as Administrator, she reviews small subdivisions within the office and believes it would be prudent to also be able to approve the use of pan-handle lots within these smaller subdivisions, rather than having the applicant come before the Planning Board. The Board agreed to this.

Cathy Ruth presented new definitions added to the ordinance, and remarked that "administrative hearing" should be added. Neal Barton also let her know the

word "standards" at the top of Article 5 throughout that section of the ordinance is misspelled.

Cathy Ruth agreed to make these required changes, and bring this ordinance back at the next Planning Board meeting with additional suggested changes.

5. Other Business

Cathy Ruth explained to the Board at the next meeting on December 10, 2020, they would decide then about having a meeting on December 17, 2020 or not. She asked the four members cycling off soon if they would be willing to stay on through July, they agreed. Cathy Ruth said she would discuss with the attorney and county manager options to see if this is feasible.

Neal Barton mentioned adding a statement to plats to address the scale on plats and making them more accurate. Cathy Ruth agreed she would get him a copy of state standards to present to Neal to look at.

6. Public Comments

None.

7. Adjournment

Warren Watson adjourned the meeting at 6:37 PM.

POLK COUNTY PLANNING BOARD

AGENDA ITEM

FEBRUARY 11, 2021 REGULAR MEETING

Agenda Item#: B.

ATTACHMENTS:

Description	Type	Upload Date
PB Minutes 12.10.2020 - DRAFT	Exhibit	1/28/2021

PLANNING BOARD
December 10, 2020 - 5:30 PM
Bryant H. Womack Building
40 Courthouse Street
Columbus, NC 28722
MINUTES

Members Present: Warren Watson (Chair), John Rose, Neal Barton, Gerald Pack, Alexander Hagerty (via Zoom)

Member(s) Absent: Lee Barker, Wayne Horne, Edward Daniel

Staff Present: Cathy Ruth (County Planner), Hannah Lynch (Secretary)

1. Call to Order

A. A. In order to maintain the safety of County residents, the Planning Board and Staff, the Planning Board Meeting scheduled for 5:30 p.m. Thursday, December 10, 2020 will be available for the public to call in and listen to the meeting. Call – 1-301-715-8592, Meeting ID – 821 9144 8792, Password – 876874. To ensure the public is able to safely participate in the Planning Board meeting and the Public Comments portion of the meeting, you may submit a public comment by email to hlynch@polknc.org, or by calling the Planning and Zoning Department at 828-894-2732 by 4:30 p.m. on Wednesday, December 9, 2020. Please include the following information: First and Last Name, Address, and Comment. Comments will be read into record by the Clerk during the Planning Board meeting. There will also be a chance during the Public Comments portion of the meeting to present comments live via telephone. If you have any questions, please contact the Planning and Zoning department at 828-894-2732.

Warren Watson called the meeting to order at 5:31 PM. He explained this was a meeting where, due to the COVID-19 pandemic, Zoom was being utilized as an option for Board Members and members of the public, and Alexander Hagerty would be utilizing it.

2. Approval of Agenda

A motion to approve the agenda was made by John Rose, seconded by Neal Barton. A vote was taken and all were in favor. Alexander Hagerty was also in favor via Zoom. The motion carried unanimously.

3. Approval of Minutes

A. Approval of Minutes from November 12, 2020

A motion to approve the minutes from November 12, 2020 was made by Gerald Pack, seconded by John Rose. A vote was taken and all were in favor. Alexander Hagerty was also in favor via Zoom. The motion carried unanimously.

B. Approval of Minutes from December 3, 2020

The Board looked over the minutes from the December 3, 2020 meeting. Neal Barton explained there was a mistake with his comments about scale for plats, and that he was referring to scale factor. He agreed to talk with Cathy Ruth about how best to describe this, and the Board agreed to table the approval of these minutes to the next meeting.

4. Group Development Application - Jonathan Rowe

Cathy Ruth presented the application for a Group Development. She explained this is for a property that previously applied for a group development permit and was issued one, but that the applicant has now changed the number and placement of buildings on the site. The project is for a self-storage facility located off NC Hwy 9 near the intersection of NC Hwy 9, Landrum Road, and Sandy Plains Road. She stated the plan received an updated Conditional Use Permit for the new plan, pending the group development approval by the Planning Board. Cathy Ruth described the property as meeting all setbacks and landscaping requirements, and it was properly posted and neighbors were notified before the evidentiary hearing for the updated Conditional Use Permit was held, with no one in attendance in opposition.

Jonathan Rowe explained the reason for the changes, stating once the property was graded, he ended up with more flat space than expected. None of the additional or moved buildings encroach any further into setbacks, and the overall plan is the same, but just with a few more buildings. He explained the site is located significantly lower than the road, and he has added a tree buffer to help minimize visibility of the site.

The Board discussed the project. A motion was made by Gerald Pack to approve the Group Development permit as proposed, seconded by John Rose. A vote was taken and all were in favor. Alexander Hagerty was also in favor via Zoom. The motion passed unanimously.

5. Mobile Home Park Ordinance

Cathy Ruth presented additional changes to the Mobile Home Park Ordinance. She explained she would not be going over changes previously discussed by the Planning Board, but rather just changes to pages 11 and 12 of the ordinance. She explained she spoke with the County Attorney about the requirement for all mobile home parks to have yearly well testing and distribute results to the occupants. The County Attorney did not believe that would be allowed, as it shows discrimination against the mobile home park owners. All owners of property with wells in the county have an initial testing done, but no other testing is required. Cathy Ruth explained to the board they could either choose to not address the water testing in the ordinance, or see if the County Attorney could attend the next Planning Board meeting to discuss with the board. John Rose suggested adding language stating that landlords would have to disclose to renters that the water was not tested yearly, so they are aware and do not assume it is being done. The board agreed to ask the County Attorney to attend the next Planning Board meeting to discuss the issue further.

Cathy Ruth presented the second change to the Mobile Home Park Ordinance regarding screening. She added a note allowing a possible alternative buffer consisting of a 6' high (minimum) solid visual barrier fence. She explained the way it is written, the board may consider it as an alternative to the landscaping barrier required, but they could choose not to. The board agreed to the language as proposed in the drafted ordinance.

6. Subdivision Ordinance

Cathy Ruth presented proposed changes to the Subdivision Ordinance, including some clarifying language and removal of repetitive items.

Cathy Ruth discussed a potential change regarding plat approval being required for a building permit. She explained she would need the County Attorney to look this over, but she does not believe legally it is permissible to deny a building permit based on a violation of another permit. This section would allow building permits to be denied for any properties where a subdivision has been created with a violation. The board agreed to speak with the attorney about this at the next meeting.

The board discussed changes to a provision regarding recombinations of lots. She explained as it reads, recombinations would have to go back in front of the board in which the subdivision was originally approved, but that this seems excessive for something that is exempt from the definition of a subdivision. Warren Watson asked how recombinations would work if a property was in a subdivision with an HOA with covenants, and Cathy Ruth explained that would be a civil issue.

Cathy Ruth explained a change to potentially require 2-lot subdivisions to require an application submittal. She stated she would need to clarify with the attorney about this to be sure this is what she was wanting added.

Another potential issue for the attorney to look at is regarding the Board of Adjustment or the Planning Board hearing appeals over subdivisions not approved in a certain timeframe. Cathy Ruth explained this is something she believes may be redundant in the ordinance, but would check to be sure.

Additionally, Cathy Ruth explained to the board that currently, there is a stipulation in the ordinance for an "exemption" or "exception" to the traffic impact analysis requirement, but no real guidance on when this would be issued. She discussed this and stated the attorney would be looking at it as well.

Cathy Ruth directed the board to look at the setback requirements for subdivisions. Currently, the ordinance reads if a property is being subdivided in a zoned area of the county, the setbacks to be used are located in the Polk County Zoning Ordinance. The chart in the Subdivision Ordinance shows setbacks for properties being subdivided outside of the zoned areas, according to their type of water and sewer/septic. Cathy Ruth explained the setbacks are

different and more restrictive in some areas of the unzoned area, and would like the board to look at this and determine if it is fair. She stated staff would draw up graphics to further explain the differences, to be shown at the next Planning Board meeting.

Cathy Ruth presented several statements in Section 5.9 of the ordinance allowing for discretionary decisions by the administrator. She explained she would like to take these out to make them less discretionary, and would speak with the attorney about it. Warren Watson suggested using language saying "shall require" instead of "may require" to further support this.

Cathy Ruth discussed Section 5.20 regarding clear cutting. She explained she would like the board to discuss this requirement and if it was necessary, or if it should be amended. Currently the ordinance reads if a property is clear cut without leaving a specific sized buffer, they could not develop on the property for three years. The board discussed this and Warren Watson explained this would be a best practice of forestry management. The board agreed this could be left the way it currently is, and the property owner could request a variance if needed.

Cathy Ruth talked to the board about requirements and restrictions for building on a steep slope. She explained it may be better to let NCDEQ handle these requests, as there is no engineer on staff with the county to review plans. She explained she would be having the county attorney look this over as well.

Cathy Ruth finished by explained there would be an addition of a definition for a right-of-way, separate from an easement. As these can be considered two different things, it would be good to have two separate definitions.

Cathy Ruth explained to the board all these changes would be brought back at the next meeting with clarification for some, and a request for the county attorney to attend the meeting to provide clarity for other issues.

7. Mobile Home Ordinance

Cathy Ruth presented the Polk County Mobile Home Ordinance which was previously rescinded by the Planning Board. She feels that in order to address the board's concerns about skirting on mobile homes, it would be best to do that in this ordinance, and then it would apply to all new mobile homes in the county. She explained she talked with Building Inspections and they agreed this could be required before a Certificate of Occupancy was issued to ensure the skirting would be added before having access to power. Cathy Ruth asked the board to take the ordinance home and look at the section regarding skirting, Section 302, for a discussion at the next meeting.

8. Other Business

Warren Watson asked if a special meeting would be needed on December 17, 2020 to continue working on updating ordinances. Cathy Ruth explained she met with the County Manager and Attorney and they feel like it would be possible to extend the Planning Board member terms by 6 months. She

explained she did not feel like a meeting would be needed on December 17, 2020, and that the extension would be brought up at the January 2021 Board of Commissioners meeting.

9. Public Comments

None.

10. Adjournment

A motion to adjourn the meeting was made by Gerald Pack, seconded by John Rose. A vote was taken and all were in favor. Alexander Hagerty was also in favor via Zoom. The motion carried unanimously and the meeting was adjourned.

POLK COUNTY PLANNING BOARD

AGENDA ITEM

FEBRUARY 11, 2021 REGULAR MEETING

Agenda Item#: 4.

ATTACHMENTS:

Description	Type	Upload Date
Nichols - Group Development - Application, Permit, Receipt	Exhibit	12/18/2020
Nichols - Group Development - Site Plan	Exhibit	12/18/2020
Nichols - Group Development - Guest House Plan	Exhibit	12/18/2020
Nichols - Group Development - P74-80 Tax Card	Exhibit	1/28/2021
Nichols - Group Development - P74-80 GIS Overview	Exhibit	1/28/2021
Nichols - Group Development - P74-80 GIS Overview.2	Exhibit	1/28/2021

Background/Purpose of Request:

Section 7.3

Group Development In the case of two (2) or more principal buildings to be constructed on a plot of ground of at least two (2) acres not subdivided into the customary streets and lots and which will not be so subdivided, the application of the terms of this ordinance may be waived by the county Planning Board in a manner that will be in harmony with the character of the neighborhood, provided:

7.3.1 Such uses are limited to those permitted within the zoning district in which the project is located. In no case shall the board authorize a use prohibited in the district in which the project is to be located.

7.3.2 The overall intensity of land use is no higher and the standard of open space is no lower than that permitted in the district in which the project is located.

7.3.3 The distance of every building from the nearest property line shall meet the front yard setback and side yard setback requirements of the district in which the project is located.

7.3.4 The building heights do not exceed the height limits permitted in the district in which the project is located.

7.3.5 All sanitation and utility services shall be reviewed by and approved by the county sanitarian.

7.3.6 A design plan showing how the requirements of Subsection[s] 7.3.1-7.3.5 will be met is submitted along with the application for a group project. The procedure for approval of group development plans shall consist of the submission of a design plan showing the proposed layout, including the location of buildings, driveways, off-street parking spaces and recreation areas, etc., to the administrator for study and recommendation prior to final approval by the Planning Board.



POLK COUNTY

35 Walker Street • PO Box 308 • Columbus, NC 28722 Phone: 828-894-2732 • Fax: 828-894-2913

Land Development Application

Case #:

1. Application Type

Subdivision Type

Major Subdivision ☐
Minor Subdivision ☐
Expedited/Special ☐
Family Subdivision ☐
Subdivision Road Only ☐

Plan Type

Sketch Plan ☐
Preliminary Plat ☐
Construction Plans ☐
Final Plat ☐
Group Development ☒

Note: A pre-application conference with the Subdivision Administrator prior to submitting the preliminary plat for a Major Subdivision is recommended.

2. Project Information

Date of Application _____ Name of Project Heavenly View Farm Phase # _____
Location 2468 Peniel Road Property Size (acres) 30.95 # of Units (residential) _____
Current Zoning MU Proposed Zoning MU
Current Land Use Residential Farm Proposed Land Use Residential Farm
Tax Parcel Number(s) P-74-80 and P-74-107

3. Contact Information

William A. Nichols
Developer
2468 Peniel Road Columbus, NC 28722
Developer Address City, State Zip
704-607-0336 None
Telephone Fax
William A. Nichols William A. Nichols 12/14/20
Signature Print Name Date

William A. Nichols, AIA
Agent (Registered Engineer, Designer, Surveyor, etc.)
2235 Pinewood Circle
Address
Charlotte, NC 28211
City, State Zip
704-607-0336 None
Telephone Fax
William A. Nichols 12/14/20
Signature Print Name Date

Suzanne & William Nichols
Property Owner
2468 Peniel Road
Address
Columbus, NC 28722
City, State Zip
704-607-0336 None
Telephone Fax
William A. Nichols William A. Nichols 12/14/20
Signature Print Name Date

3. Description of Project

Briefly explain the nature of this request.

Permission to construct new Guest House per attached plans:

1. Floor Plan of Proposed Guest House.

2. Isometric of Proposed Guest House.

3. Site Survey of Entire Property (1"=100')

4. Site Survey of Building Complex w/ Guest House (1"=20')

Staff Use Only:

Date Application Received: _____

Received By: _____

Fee Paid: \$ 50⁰⁰ Cash

Case #: _____

Notes: 2021335

#6764

DATE 12/14/20
TIME 14:27:30
USER PLKTIPTON

POLK COUNTY
APPLICATION AND PERMIT

PAGE 1
PROG# PT2000

PERMIT NUMBER ZP 21335 ZONING PERMIT APPLIED 12/14/2020
WORK ORDER# 35873 TYPE NEW PERMIT SEPTIC ISSUED 12/14/2020
LOCATION PENIEL RD EXPIRES 6/12/2021
PIN HEALTH
PARCEL ID P74-80 COLUMBUS REFERENCE E00021310
TOWNSHIP 9 COLUMBUS-OUTSIDE ACREAGE 18.650 CENSUS TRACT
WATERSHED NOT IN WATERSHED FLOOD PLAIN? N SBC#
DIRECTIONS ON PENIEL - SAME PARCEL AS #2468

NICHOLS WILLIAM & SUZANNE OWNER ID 5905
2468 PENIEL RD PHONE 704.373.0092
COLUMBUS NC 28722

OWNER HEAVENLY VIEW LLC
OCCUPANT HEAVENLY VIEW LLC 704.607.0336

SUBDIVISION
M/HOME PARK LOT #:
ZONING DISTRICT MU
COND/SPECIAL USE
SETBACK FRONT: 25 REAR: 25 RIGHT: 15 LEFT: 15
PARKING SPACES
SIGNS/PAVING
TYPE WATER/SEWER
DESCRIPTION GROUP DEVELOPMENT FOR 4TH HOUSE ON PROPERTY

SURVEYOR
GENERAL

SITE PLAN

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PERMIT ISSUED: 12/14/2020 BY: PLCATHYR PERMIT EXPIRES: 6/12/2021 or 12
months from last inspection

I HEREBY CERTIFY THAT THE INFORMATION GIVEN IS TRUE TO THE BEST OF MY
KNOWLEDGE AND THAT ZONING IS SUBJECT TO ALL ADDITIONAL REGULATIONS PERTAINING
TO THE PROPOSED USE. I UNDERSTAND THAT THIS PERMIT IS VOID AND OF NO EFFECT
WITHIN 30 DAYS OF ISSUANCE IF NO BUILDING PERMIT HAS BEEN ISSUED FOR THE
PROPOSED USE.

SIGNATURE OF OWNER/AGENT

DATE

CODE ENFORCEMENT OFFICIAL

DATE 12/14/20
TIME 14:27:30
USER PLKTIPTON

POLK COUNTY
BILLING NOTICE

PAGE 2
PROG# PT2000

PERMIT NUMBER ZP	21335	ZONING PERMIT	APPLIED	12/14/2020
WORK ORDER#	35873	TYPE NEW PERMIT SEPTIC	ISSUED	12/14/2020
LOCATION	PENIEL RD		EXPIRES	6/12/2021
PIN			HEALTH	
PARCEL ID	P74-80	COLUMBUS	REFERENCE	E00021310
TOWNSHIP	9	COLUMBUS-OUTSIDE	ACREAGE	18.650CENSUS TRACT
WATERSHED	NOT IN WATERSHED	FLOOD PLAIN? N	SBC#	
DIRECTIONS	ON PENIEL - SAME PARCEL AS #2468			

NICHOLS WILLIAM & SUZANNE

OWNER ID 5905

PHONE 704.373.0092

2468 PENIEL RD

COLUMBUS NC 28722

OWNER HEAVENLY VIEW LLC
OCCUPANT HEAVENLY VIEW LLC

704.607.0336

SERVICE	QUANTITY	RATE	FEE AMOUNT	FEE PAID	FEE DUE
ZBA	1	50.00	50.00	50.00	
PAID BY: HEAVENLY VIEW LLC				PAID BY CASH	
TRANSACTION 828757 TOTALS			50.00	50.00	

CASH RECEIPT

POLK COUNTY

User ID : PLKTIPTON Collected By : PLKTIPTON
Todays Date : 12/14/2020 Transaction Date 12/14/2020 Number 828757
For : ZONING PERMITS

Received From : HEAVENLY VIEW LLC PMT# ZP00021335

Total Transaction Amt 50.00 CK#:

CORD.

FORMED BY BUTLER ASSOCIATES.

LOCATED IN A SPECIAL FLOOD
BY THE FEDERAL INSURANCE RATE

IT

AD

G BOUNDARY LINE

D UTILITIES

Y LINE

(LINES NOT

)

TOTAL

X LOT PARCEL AND
NGE ANY EXISTING

SHUAL EDWARDS

Y SUPERVISION)

PERVISION)-DEED

BOOK 296

AS CALCULATED

T THE BOUNDARIES

OTTED FROM

T THIS MAP WAS

MENDEED. WITNESS

, 2019.

P74-401
BRIAN M. & MICHELLE M.
HAIT
DB. 392 PC. 1502
PLAT REF: E/2165

30.95 Acres

LOCATED 1/2' EIR
.1' B.G.

SET 1/2' NIR FLUSH
W/ GRADE

LOCATED 1/2' EIR
.3' A.G.

BLUE HORSE LANE

PENIEL ROAD

LOCATED 1' BENT EIP
OFFSET .3' A.G. @ 27.15'

LOCATED
5/8" EIP
@ 175.05'
1' A.G.

FETA TRAIL

LOCATED NAIL

LOCATED NAIL @
BENT 1' EIP .6' A.G.

INTERIOR LINES

NOT
SURVEYED THIS DATE

PROPOSED GUEST HOUSE

EXISTING MAIN HOUSE RESIDENCE

EXISTING CARETAKER'S APT RESIDENCE

EXISTING POOL HOUSE

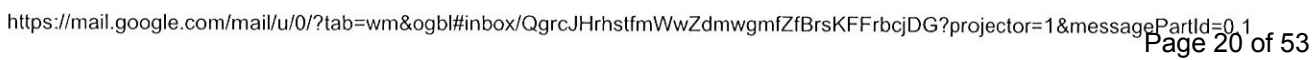
EXISTING BARN

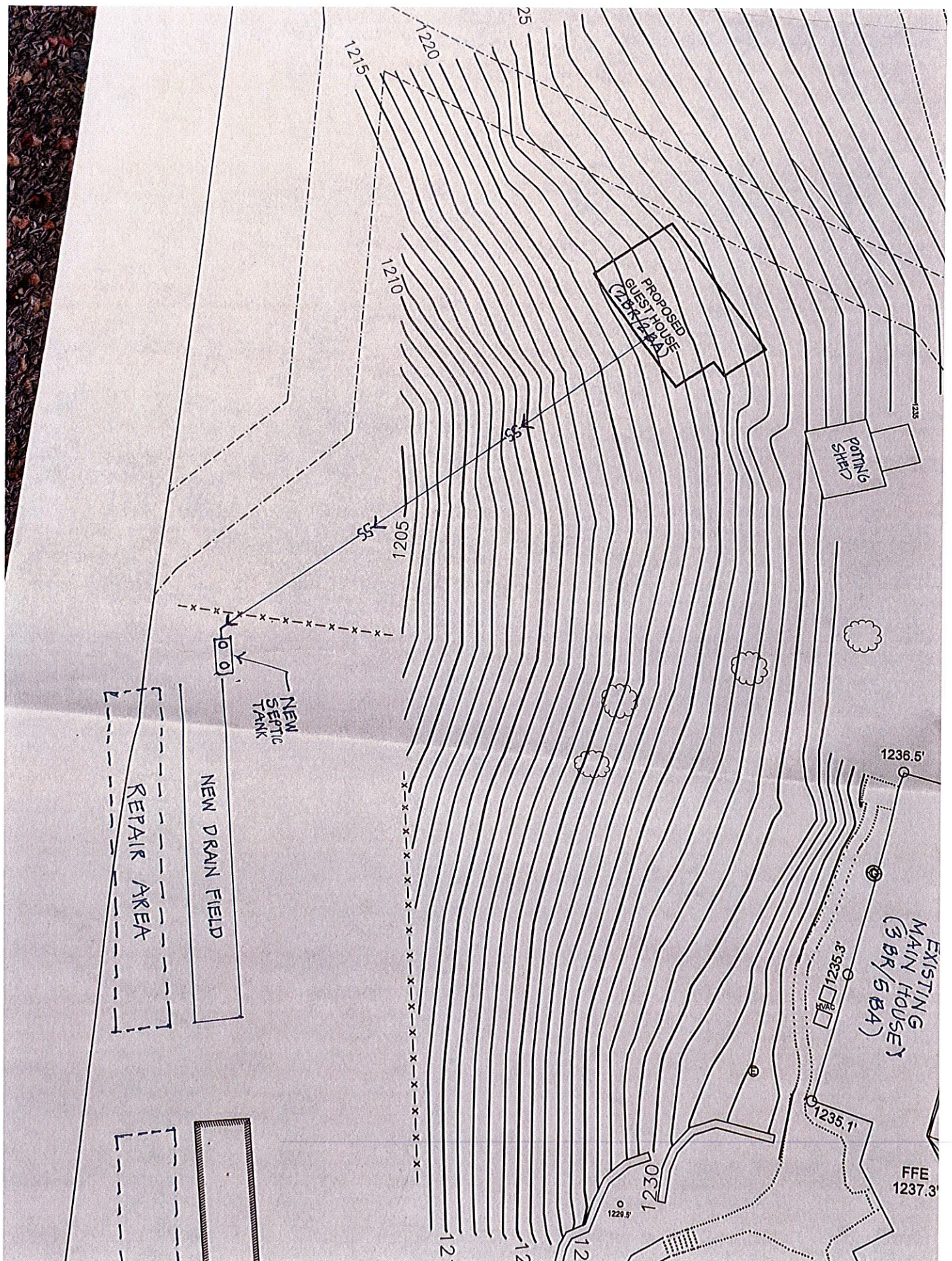
EXISTING RUN-IN SHELTER

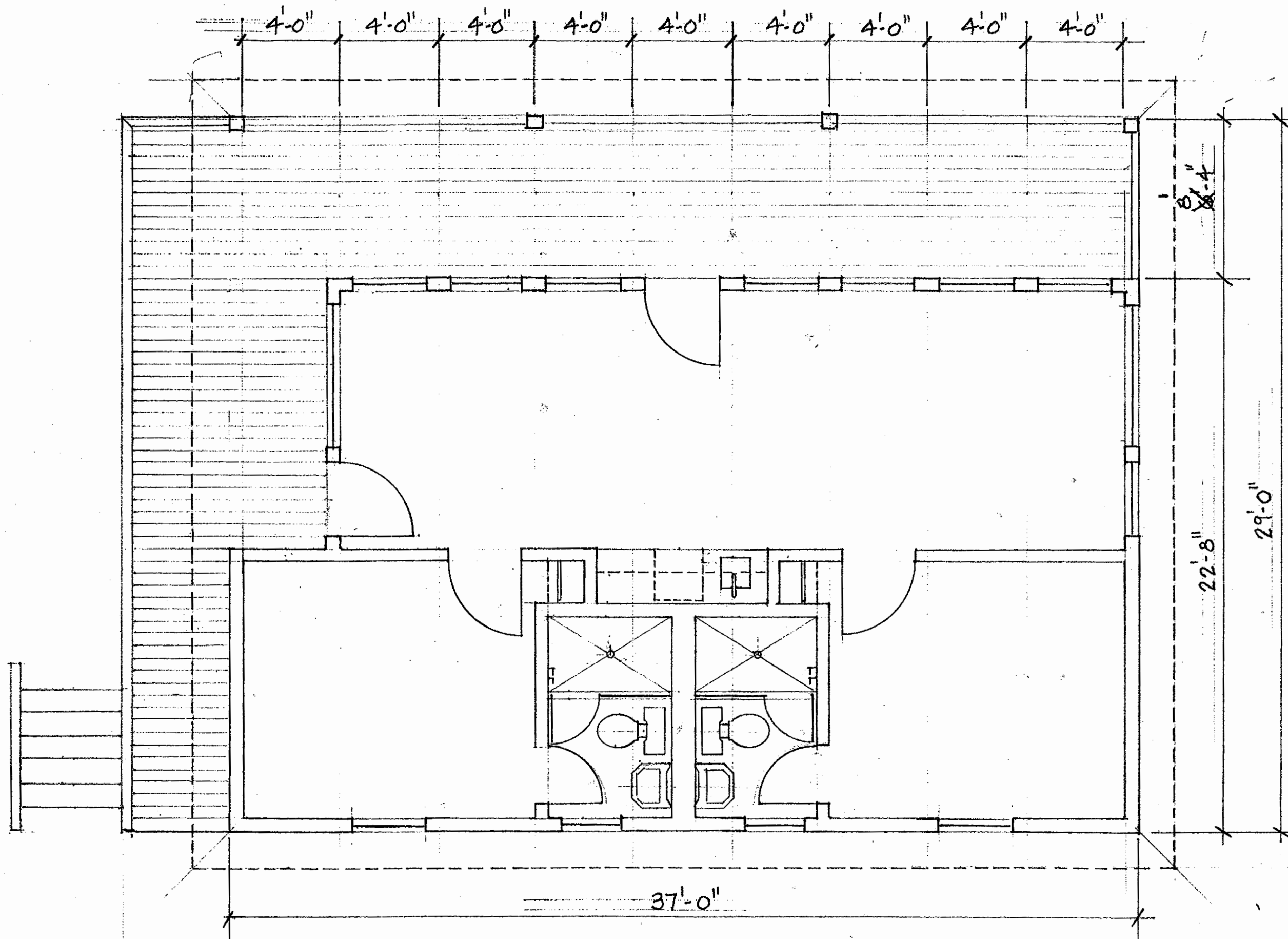
NO BUILDING ZONE
2.39 ACRES

LOCATED BENT 1/2' EIP

L1
L2
L3
L4
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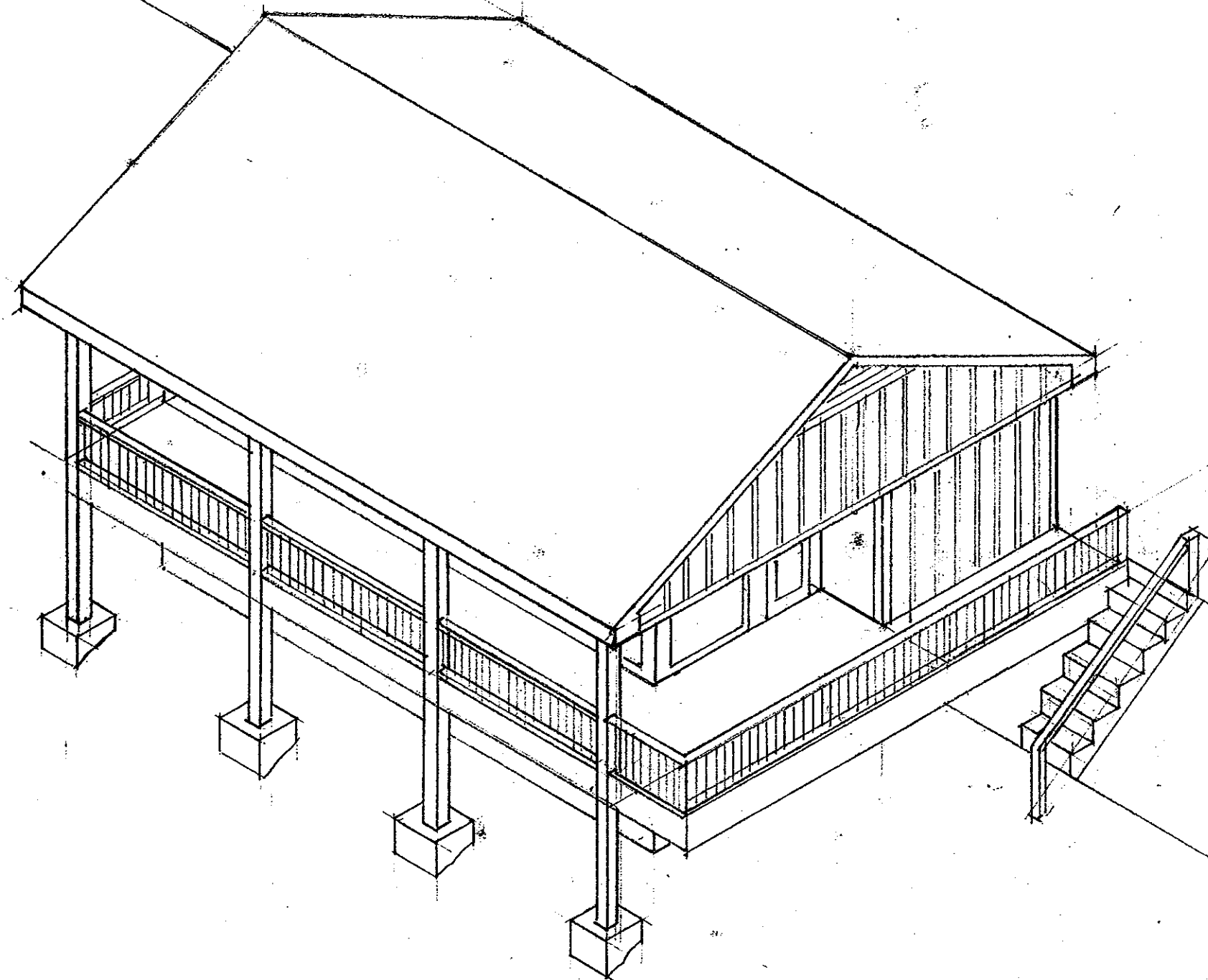






FLOOR PLAN @ GUEST HOUSE

1/4" = 1'-0"



WALKER ESTEN M
2468 PENIEL RD
18.650 AC TWSP: 009

N2 FOUND YR 2020 P74-80
18.65 ACRES
PIN:
DISTRICT: 9 COLUM TOWNSHIP- SWF

POLK COUNTY

ACCOUNT#: 57257
NBHD: P74
Plat Bk/Pg D 79
3.00

MAP P74
79
EXCD:

PAGE 1
APPR: RV2 APPR DT: 12/08/2016
NOTICE: TRF 8/16/2019

Bldg No. 1
Imp Desc: R01 SINGLE FAMILY
Grade: A RESID A GRADE
of Units 5 Rms 3 Bedrms 2.0 Bathrms HBaths

EYB: 2468 PENIEL RD
AYB: 1945 Finished Area: 2,537.00

Exempt Code

LAND VALUE 215,200
MISC VALUE 19,252
BLDG VALUE 398,731
TOTAL VALUE 633,183

TYPE/CODE/DESCRIPTION	PCT	%CMP	UNITS	RATE	STR#	STR%	SIZ%	HGT%	PER%	COST
AC 05 ATTIC - FINISH	100		922	16.75						15,443
AC 10 BASEMENT - FINISHED	100		1153	35.00						40,355
AC 46 PATIO - MASONRY	100		216	4.00						864
AC 50 PORCH	100		607	26.00						15,782
AC 50 PORCH	100		45	26.00						1,170
AC 76 DECK - TYPICAL	100		190	15.00						2,850
AC 76 DECK - TYPICAL	100		84	15.00						1,260
MA R01 RES-SINGLE FAMILY	100		2537	84.50	1.00		94.00			201,513
- AR 01 CNT AIR - IN BASE	100		3805	.00						0
- AR 02 CNT HEAT - IN BASE	100		3805	.00						0
- DS EC09 STONE	20		507	.00						0
- DS EC13 WOOD SIDING	80		2029	.00						0
- DS FN01 CONTINUOUS WALL	100		2537	.00						0
- DS RM07 SLATE	100		2537	.00						0
- DS RT04 GABLE (DOUBLE PITCH)	100		1	.00						0
- FP 09 FIRE PL MAS/ST	100		2	4900.00						9,800
- PL PL01 BATHROOM	100		2	3600.00						7,200

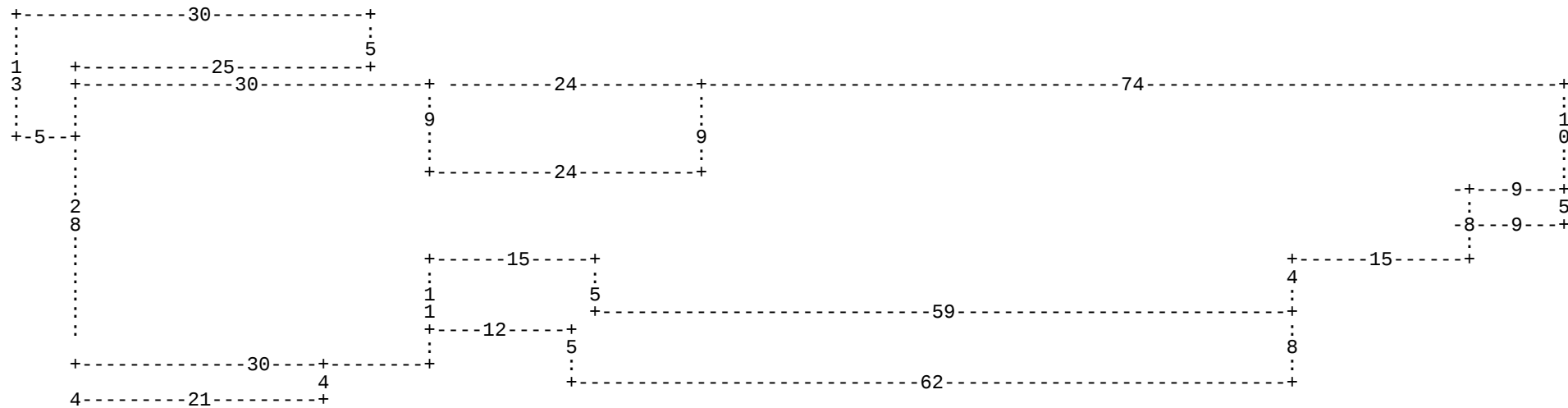
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 QUAL... 190.00 X 562,850
 DEPR.. AV 60.00 - 337,710 T 337,710
 --ASV... 225,140

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	AMOUNT		442	647	WD	8/02/2019	A	1,358,500	
	AMOUNT		296	1582	WD	3/28/2003		800,000	
			243	732		12/31/1997	#		

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4 028	STORAGE 14 X 16	224.00	19.00	1970		AV	44.00	100			1,906	
5 100	POOL-GUNITE 42 X 18	756.00	30.00	1970		AV	44.00	100			12,701	
6 071	CARPORT 24 X 24	576.00	18.00	1970		AV	44.00	100			4,645	
								.00				

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1		AC BS	3.000	30,000.00		.00	.00	.00	.00	.00	.00	.00	90,000	
2		AC OP	15.650	8,000.00		.00	.00	.00	.00	.00	.00	.00	125,200	



45.00 PORCH
2,537.00 RES-SINGLE FA

WALKER ESTEN M
2468 PENIEL RD
18.650 AC TWSP: 009

N2 FOUND YR 2020 **P74-80**
18.65 ACRES
PIN:
DISTRICT: 9 COLUM TOWNSHIP- SWF

POLK COUNTY
ACCOUNT#: 57257
NBHD: P74
Plat Bk/Pg D 79
3.00
MAP P74
EXCD: APPR: RV2 APPR DT: 12/08/2016
NOTICE: TRF 8/16/2019

PAGE 3

Bldg No. 2
Imp Desc: R01 SINGLE FAMILY
Grade : C- RESID C MINUS GRADE
of Units 4 Rms 3 Bedrms 1.0 Bathrms HBaths
EYB: 2466 PENIEL RD
AYB: 1970 Finished Area: 1,872.00
Exempt Code

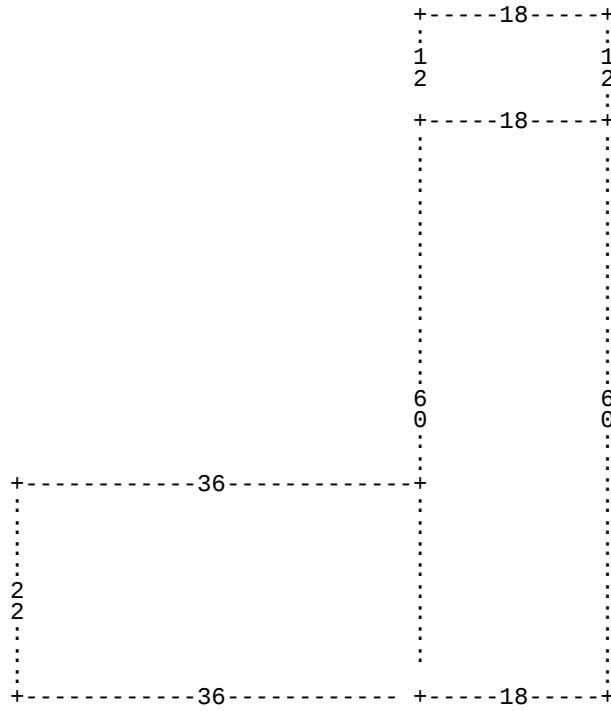
TYPE/CODE/DESCRIPTION	PCT	%CMP	UNITS	RATE	STR#	STR%	SIZ%	HGT%	PER%	COST
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AC 06 ATTIC - UNFINISHE	100		396	.00						0
AC 11 BASEMENT - UNFINISHE	100		684	19.75						13,509
AC 35 CARPORT	100		216	16.25						3,510
AC 76 DECK - TYPICAL	100		216	15.00						3,240
MA R01 RES-SINGLE FAMILY	100		1080	84.50	1.00		101.00			92,172
- AR 01 CNT AIR - IN BASE	100		1080	.00						0
- AR 02 CNT HEAT - IN BASE	100		1080	.00						0
- DS EC13 WOOD SIDING	100		1080	.00						0
- DS FN01 CONTINUOUS WALL	100		1080	.00						0
- DS RM01 ASPHALT SHINGLE	100		1080	.00						0
- DS RT04 GABLE (DOUBLE PITCH)	100		1080	.00						0
- PL PL01 BATHROOM	100		1	3600.00						3,600
RCN...					100	X				167,511
QUAL..					90.00	X				150,759
DEPR.. AV					44.00	-		66,334		66,334
--ASV...										84,425

PROPERTY NOTES:

PERMIT NO	TYPE	DATE	BOOK	PAGE	DT	DATE	QS	SALES	PRICE
AMOUNT									
AMOUNT									

MISC CODE	DESC	UNITS	RATE	AYB	EYB	DT	PCT	%CMP	ADD.DEPR	PCT	VALUE	EXMPT
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							.00					
							.00					
							.00					

#	ZONE	TYPE/CODE	LAND QTY	LAND RATE	DPTH	DPT%	TOP%	LOC%	SIZ%	SHP%	OTH%	ADJ	FMV	EXMPT
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= AC 01

792.00 ATTACHED LIVI

= AC 76

216.00 DECK - TYPICA

= MA R01

1,080.00 RES-SINGLE FA

WALKER ESTEN M
2468 PENIEL RD

N2 FOUND

YR 2020 P74-80
18.65 ACRES

POLK COUNTY

ACCOUNT#: 57257

NBHD: P74

MAP P74

PAGE 5

18.650 AC TWSP: 009

PIN:

DISTRICT: 9 COLUM TOWNSHIP- SWF

Plat Bk/Pg D

79

EXCD:

APPR: RV2 APPR DT: 12/08/2016

NOTICE: TRF 8/16/2019

Bldg No. 3
Imp Desc: R01 SINGLE FAMILY
Grade : B RESID B GRADE
of Units 4 Rms 2 Bedrms 2.0 Bathrms
EYB: 1521 SR
AYB: 1990 Finished Area: 710.00
HBaths

Exempt Code

TYPE/CODE/DESCRIPTION	PCT	%CMP	UNITS	RATE	STR#	STR%	SIZ%	HGT%	PER%	COST
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AC 50 PORCH	100		56	26.00						1,456
AC 76 DECK - TYPICAL	100		80	15.00						1,200
MA R01 RES-SINGLE FAMILY	100		710	84.50	1.00		104.00			62,394
- AR 01 CNT AIR - IN BASE	100		710	.00						0
- AR 02 CNT HEAT - IN BASE	100		710	.00						0
- DS EC13 WOOD SIDING	100		710	.00						0
- DS FN01 CONTINUOUS WALL	100		710	.00						0
- DS RM01 ASPHALT SHINGLE	100		1	.00						0
- DS RT04 GABLE (DOUBLE PITCH)	100		1	.00						0
- PL PL01 BATHROOM	100		2	3600.00						7,200
RCN...										
QUAL..					100	X				89,255
DEPR.. AV					135.00	X				120,494
--ASV...					26.00	-		31,328		31,328 T
										89,166

PROPERTY NOTES:

PERMIT NO	TYPE	DATE	BOOK	PAGE	DT	DATE	QS	SALES	PRICE
AMOUNT									
AMOUNT									

MISC CODE	DESC	UNITS	RATE	AYB	EYB	DT	PCT	%CMP	ADD.DEPR	PCT	VALUE	EXMPT
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							.00					
							.00					
							.00					

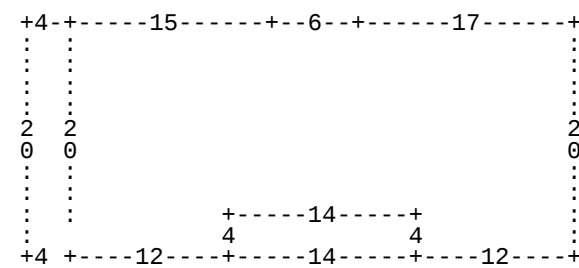
#	ZONE	TYPE/CODE	LAND QTY	LAND RATE	DPTH	DPT%	TOP%	LOC%	SIZ%	SHP%	OTH%	ADJ	FMV	EXMPT
---	------	-----------	----------	-----------	------	------	------	------	------	------	------	-----	-----	-------

P74-80

2468 PENIEL RD

REQUESTED BY JERRY

RUN 1/27/21 TIME 19:10:22



56.00 PORCH

= AC 76

80.00 DECK - TYPICA

= MA R01

710.00 RES-SINGLE FA





Mobile Home Park Ordinance Polk County, North Carolina

Draft: 160D – 12/10/2020

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Article I. Authority, Purpose, Jurisdiction and Legal Provisions

Section 101. Short Title

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

Section 102. Authority

Polk County hereby exercises its authority to adopt and enforce a mobile park ordinance under the provision granted by North Carolina General Statute 153A-121 ~~and 153A-340 & 347, 160D-901 & 910.~~

Section 103. Purpose

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

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

Section 104. Jurisdiction

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

~~Owners of existing mobile home parks shall register their park with the County Planning Department within six months of the enactment of this ordinance.~~

Section 105. Appeals and Variances

~~The Planning Board may authorize a variance from these regulation when, in the Board's opinion, undue hardship may result from strict compliance with this Ordinance. No variance shall be granted unless the Planning Board finds:~~

- ~~1. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land.~~

- ~~2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.~~
- ~~3. That the circumstances giving rise to the need for the variance are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this Ordinance.~~
- ~~4. That the granting of the variance will not be detrimental to the public health, safety and welfare, or injurious to other property in the territory in which said property is situated.~~

A. Appeals

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

B. Variances

When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the Board of Adjustment shall vary any of the provisions of the zoning regulation upon a showing of all of the following:

- (1) Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- (4) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.
- (5) Any variance that is authorized is required to be entered in writing in the minutes of the Planning Board meeting and recorded with the final plan.

Section 106. Compliance with Other Ordinances

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

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

Section 107. Effect of Existing Legislation

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

Section 108. Penalty

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

Section 109. Validity

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

Section 109. Effective Date

~~Effective date of this ordinance shall be January 1, 1996~~

~~Adopted this _____ day of _____, 19__.~~

_____ ~~Polk County Board of Commissioners~~

_____ ~~Timothy J. McCormack, Chairman~~

~~Attest:~~

~~Pam Thomas~~

~~Clerk to the Board~~ _____

Article II. Procedure for Securing Approval of Mobile Home Parks

Section 201. Approval Required

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

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

Prior to the construction of a new mobile home park or the alteration or the expansion of an existing mobile home park, the Developer shall make application to the Administrator for a permit to construct or expand such a park. The application shall be accompanied by ~~four (4)~~ seven (7) copies of the proposed park plan. ~~The Administrator may or may not require the park plan to be drawn by a registered surveyor. If anyone is grieved by the Administrator requiring a registered surveyor to draw a park plan, an appeal may be made to the Planning Board.~~ The application must be received at least ~~ten (10)~~ twenty-one (21) days prior to a regularly scheduled meeting of the Polk County Planning Board, if the application and proposed park plan is to be reviewed by the Planning Board at that time. The Planning Board shall review the proposed plan for compliance with the design standards set forth in this Ordinance.

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

General Information:

1. Proposed name of mobile home park.
2. North arrow, graphic scale, and written scale.
3. Name of record owner, developer, and surveyor or engineer.
4. Vicinity map showing location of park.
5. Authorized signature of a Polk County Health Department representative verifying the representatives on-site visitation and consultation with the developer concerning the location of well and septic systems, if applicable.

Existing Site Data:

1. Total tract boundaries of the park, and a statement of total acreage of the property.
2. All existing rights-of-way, easements, sewer lines, fire hydrants, utility transmission lines, storm water drainage systems, water courses, buildings, wooded areas, and all other significant man-made or natural features within the proposed park and within fifty (50) feet from the boundaries of the park.

3. All existing streets on or abutting the park, including names, right-of-way widths, and type and width of surface treatment.
4. The ownership and use of neighboring properties, including if separated by a street, railroad, or other transportation corridor.

Proposed Site Data

1. Street right-of-way, pavement widths, and street names.
2. Preliminary plans for water, sanitary sewer systems, storm water systems, electricity and gas lines, showing connections to existing systems or proposals for developing new systems. Storm and sanitary sewer profiles, cross-sections and sizes shall be provided when required by the reviewing agencies.
3. Other easements and rights-of-way, including location, dimensions, and purposes.
4. Topographic maps when required by reviewing agencies.
5. Location, size, and number of proposed and existing mobile home sites, all existing and proposed automobile parking areas, and sanitary conveniences such as laundries and solid waste receptacles.
6. Any additional information and specifications as may be required by the reviewing agencies.
7. Existing right-of-way to public road at least forty-five (45) feet in width at the ingress/egress point of the park.
8. Certificate for Mobile Home Park Approval.

Certificate of Approval for Mobile Home Park.

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

Planning Board Chair

Date

~~Action of the Planning Board shall be noted in writing on the original plan drawing, and on three (3) prints of the plan. One (1) print shall be returned to the developer or his agent, one (1) print shall be filed with the County Register of Deeds and one (1) print shall be returned to and become a permanent record of the Planning Board.~~

Section 203. Issuance of ~~Construction Permit~~Authorization and Compliance and Operating Permit

1. After receiving approval of the park plan by the Planning Board, the Administrator is authorized to issue an authorization letter. ~~construction permit.~~ The intent of this

~~authorization letter permit~~ is to enable the execution of the park plan in the field and shall not be construed to entitle the recipient to offer spaces for rent or lease, or to operate a mobile home park as defined in this ordinance. ~~A construction permit fee schedule shall be established by the Board of County Commissioners.~~

2. If the construction of the park has not begun within twelve (12) months from the issue date of the ~~construction permit~~ authorization letter, the Planning Board may grant an extension of the Construction Permit authorization letter if the developer appears before the Planning Board and shows cause.
3. The mobile home park may be developed in phases, construction must begin within twelve (12) months of issuance of authorization letter, unless extension is granted by the Planning Board. The phased development must be authorized in the approval process by the Planning Board. When the developer has completed the construction of the mobile home park, he shall apply to the Building Inspector for an operating permit. The Building Inspector shall make an on-site inspection of the park.
 - a. ~~If the park conforms to the park plan approved by the Planning Board and other agencies, the Building Inspector shall issue the developer an operating permit.~~
 - b. ~~If the park does not conform with the approved plan, the Building Inspector shall delay issuance of the operating permit until it comes into conformity.~~
4. ~~In no case shall the operating permit be issued for less than the minimum number of spaces required by this ordinance.~~
5. ~~The operating permit issued to the developer shall constitute authority to lease or rent spaces in the mobile home park.~~
6. ~~When a mobile home park is to be developed in stages, the proposed park plan may be submitted for the entire development, and application for an operating license may be made for each stage developed.~~
4. When the construction, according to the plan approved by the Planning Board, of the roads, infrastructure, buffering, lighting, and other requirements in this ordinance are complete, the Adminstrator will issue a letter of compliance. The letter of compliance may be issued in phases, according to the plan approved by the Planning Board. This entitles the recipient to offer spaces for rent or lease, or to operate a mobile home park as defined in this ordinance. The plan shall be recorded in the Register of Deeds Office.

Article III. Minimum Design Standards

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

Section 301. Installation Requirements

1. Each mobile home shall be installed with stabilization devices in accordance with the State of North Carolina regulations for installation of manufactured/mobile homes adopted and published by the North Carolina Department of Insurance.
2. It is the responsibility of all mobile home owners to provide proper skirting and stairs. Specific requirements are as follows:
 - a. Skirting is required within one-hundred and twenty (120) days of the date of mobile home installation. The skirting shall be of solid curtain wall material (i.e. treated wood, vinyl, metal, masonry). Materials are to be erected in a fashion as not to create a fire hazard or harbor trash or rodents. Skirting shall have an access door and be properly vented in accordance with State Regulations. Skirting shall be maintained in a good state of repair.
 - b. All mobile homes shall provide stairs at all access points to the interior of the home.
- ~~3. No manufactured home older than 1976 shall be allowed to move into Polk County. Any existing 1976 or older manufactured home within the County may be relocated by the owner or a surviving heir.~~

Section 302. Density Setbacks Requirements

1. The lot area for a mobile home park shall be at least two (2) acres, and the park shall have a minimum of four (4) mobile home spaces at first occupancy. All areas to be included in said park shall be clearly shown on the mobile home park plans in accordance with Article II, Section 202 of this Ordinance.
2. Each mobile home in a mobile home park shall occupy a designated space ~~having at least eighty-five hundred (8500) square feet, and~~ a width of at least sixty five (65) feet, exclusive of common driveways. The following table provides the minimum required spaces based upon the type of water and sewer facilities to be provided:

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

Minimum Mobile Home Space Requirements

	Individual Septic & Water Systems	Public Water & Individual Septic System	Public Sewer & Individual Water System	Multi-user Public Water & Sewer
Minimum space size	40,000 sq. ft.	20,000 sq. ft.	20,000 sq. ft.	10,000 sq. ft
Minimum frontage	100 ft.	100 ft.	75 ft.	65 ft.

Minimum Mobile Home Space Cluster Requirements

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

3. No mobile home nor its appendages (i.e. porches, garages) shall be closer than twenty five (25) feet to the mobile home space boundary line. The twenty five (25) feet minimum setback is required for all front, side and rear yards.
4. No outbuilding shall be closer than ten (10) feet from the mobile home space boundary line.
5. No mobile homes nor its appendages or buildings used for laundry or recreation purposes within a mobile home park shall be closer to each other than fifty (50) feet.
6. No mobile home shall be located closer than thirty (30) feet to the exterior boundary of the park or a boundary street right-of-way. Buildings used for laundry or recreation

purposes shall be located no closer than forty (40) feet to the exterior boundary of the park or the right-of-way of a bounding street.

7. At least two hundred (200) square feet of recreational space for each mobile home space shall be reserved within each mobile home park as common recreation space for the residents of the park. Such areas shall, along with driveways and walkways, be adequately lighted for safety.

Section 303. Streets and Driveways

1. Each mobile home space shall abut a driveway or interior street within the park. Said driveways or interior streets shall be graded and surfaced with not less than four (4) inches of crushed stone or other suitable material on a compacted subbase. All driveways shall be a minimum width of ~~six (6) feet~~ ten (10) feet, and all interior streets shall be a minimum width of twenty (20) feet.
2. Two (2) ~~off-driveway~~ parking spaces per space required. with not less than four (4) inches of crushed stone or other suitable material on a compacted subbase shall be provided for each mobile home space. Required parking spaces may be included within the minimum mobile home space requirements.
3. The entrance to the park shall be graded and surfaced with not less than four (4) inches of crushed stone or other suitable material on a compacted subbase to a minimum width of ~~thirty (30)-~~ forty (40) feet.
4. Fire Marshal and Engineer must sign plat or provide a letter that the driveway and roads meet the requirement above.

Section 304. Street Naming

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

Section 305. Utilities and Site Improvements

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

~~The provisions of Article IV, Section 404(2) of the Subdivision Ordinance for Polk County, North Carolina shall apply to new mobile home parks of six (6) or more lots and to additions of six (6) or more lots or units to existing mobile home parks.~~

2. Adequate and safe sewage disposal facilities shall be provided in all mobile home parks. Such facilities shall include private package treatment plants, shared septic, and/or individual septic. Collection and sewage treatment systems complying with applicable requirements of County and State agencies shall be provided. Where a municipal sewer system is available, connection shall be made thereto and its supply used exclusively.
- ~~3. All streets shall be illuminated from sunset to sunrise. Light poles shall be located approximately along the right-of-way lines of interior streets. Street lamps shall be a minimum of 175 watt mercury vapor or its equivalent, spaced at intervals of not more than three hundred (300) feet.~~
4. Lighting shall be located to illuminate the entrance street at its intersection with the public right-of-way. Light poles shall be located outside the public right-of-way and shall not cast light or glare onto the public road of such intensity as to impair the vision of motorists or interfere with the operation of vehicles. Adequate lighting shall be placed in the areas used for vehicular/pedestrian access including, but not limited to; recreational areas, stairs, sidewalks, crosswalks, intersections, or changes in grade. Lighting mitigation is required.
- ~~5. Cluster Box Units for mail delivery are required. Consult your local Post Office to meet required standards.~~
- ~~6. Screening – All mobile home parks shall be bounded by a buffer area with a minimum of ten (10) feet in depth as measured at right angles to the tract boundary lines. This space shall be used for no other purpose but landscaping, except where access roads cross it. Buffer areas shall be landscaped and consist of evergreens. All landscaping shall be at least four (4) feet in height at the time of planting, growing to six (6) feet within a year and maintained. A solid visual barrier fence, six (6) feet minimum in height, may be accepted as an alternate buffer.~~

Article IV. Definition of Terms

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

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

~~**Cluster Mobile Home Park:** A type of mobile home park that is intended is to allow smaller than minimum space size with dwelling units clustered in smaller areas in order to preserve larger areas of open space and environmental resources.~~

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

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

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

4. **Mobile Home/Manufactured home.** - A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein.

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

~~:- A portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semipermanent foundation having a measurement of over thirty two (32) feet in length and over eight (8) feet in width. Mobile home shall also mean double wide mobile home which is two or more portable manufactured housing units designed for transportation on their own chassis, which connect on site for placement on a temporary or semipermanent foundation having a measurement of over thirty two (32) feet in length and over eight (8) feet in width. Mobile home shall be designed to be used as a dwelling and provide complete, independent~~

~~living facilities for one (1) family, including permanent provisions for living, sleeping, eating, cooking, and sanitation. A mobile home shall actually be used, or held ready for use, as a dwelling.~~

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

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

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

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

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

8. ~~**Operating Permit:** A permit issued by the County Building Inspector to a mobile home park owner or operator upon the installation of a mobile home park plan which conforms to the requirements of this Ordinance.~~

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

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

Article V. Effective Date

This ordinance, and any amendment to it, shall take effect and be in force from and after its adoption by the Board of County Commissioners of Polk County, North Carolina.

Effective date of this ordinance shall be day of , 20.

Adopted this day of, 20.

Chair of the Board of Commissioners

ATTEST:

Clerk to the Board of Commissioners

Mobile Home Park Ordinance

~~Adopted Board of Commissioners December 1995; Amended 01/06/03 Draft 160D.2.11.2021~~

Approved as to content & form:

County Attorney

STATE OF NORTH CAROLINA

POLK COUNTY

MOBILE HOME ORDINANCE POLK COUNTY, NORTH CAROLINA

Article I

Authority, Purpose, Jurisdiction and Legal Provisions

Section 101. Short Title

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

Section 102. Authority

Polk County hereby exercises its authority to adopt and enforce a mobile home ordinance under the provision granted by North Carolina General Statutes 153A-121 and ~~153A-340 and 347.160D-909~~. A local government may adopt and enforce appearance and dimensional criteria for manufactured homes.

Section 103. Purpose

The purpose of this ordinance is to promote the protection of the health, safety and welfare of the communities and to provide an acceptable environment for all the residents with Polk County. This ordinance is designed to accomplish the following objectives:

- a. To secure safety from fire, panic and other dangers.
- b. To protect individuals from hazards associated with electrical dangers.
- c. To protect surrounding properties and residents.

Section 104. Jurisdiction

These regulations shall govern the entrance, movement and set-up ~~of any and all pre 1976~~ mobile homes within Polk County, North Carolina. These regulations apply to all lands lying within the territorial jurisdiction of Polk County and within the planning jurisdiction of any municipality whose governing body by resolution agrees to such regulation. ~~No person or persons may locate or cause to be located, any mobile home manufactured prior to 1976 on any lands situated with Polk County, North Carolina at anytime after the adoption of this ordinance. Owners of pre 1976 mobile homes currently inhabited shall not be affected by this ordinance but movement of said mobile home is restricted to relocation and inhabitation by the lawful owner or his or her spouse, parent, grandparent and/or child. Mobile homes manufactured prior to 1976 inhabited and/or set~~

~~up within a mobile home park if owned by someone other than the park owner may be sold to the park owner or anyone, but cannot be relocated from it's current location.~~

Section 105 Appeals and Variances

A. Appeals

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

B. Variances

The ~~Planning Board~~Board of Adjustment may authorize a variance from these regulations when, in the Board's opinion, undue hardship may result from strict compliance with this Ordinance. No variance shall be granted unless the ~~Planning Board~~Board of Adjustment finds:

- ~~1. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his property.~~
- ~~2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.~~
- ~~3. That the circumstances giving rise to the need for the variance are peculiar to the property and is not generally characteristic of other similar properties with the jurisdiction of this Ordinance.~~
- ~~4. That the granting of the variance will not be detrimental to the public health, safety and welfare, or injurious to other property in the territory in which said property is to be located.~~
- ~~5. Any variance that is authorized shall be entered in writing in the minutes of the Planning Board meeting.~~

~~When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the Board of Adjustment shall vary any of the provisions of the zoning regulation upon a showing of all of the following:~~

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

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

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

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

Section 106. Compliance with Other Ordinances

Any and all proposed movement, location, and inhabitation of ~~pre-1976-manufactured~~ mobile home within Polk County, North Carolina, shall comply with all the requirements of any officially adopted ordinance within Polk County, North Carolina.

Section 107. Effect of Existing Legislation

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

Section 108. Penalty

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

Section 109. Effective Date

Effective date of this ordinance shall be _____, 2003.

Adopted this _____ day of _____, 20__.

Polk County Board of Commissioners

Jack Lingafelter, Chairman

June, 2003 Draft 12/10/2020

Attest:

~~Pam Thomas~~
Clerk to the Board

Approved as to Form:

~~Thomas Hix~~
County Attorney

Article II

Procedure for Securing Approval of Mobile Homes

Section 201. Approval Required

No ~~pre-1976~~ mobile homes may be installed, moved or relocated within the territorial jurisdiction of Polk County until a permit has been issued by the Administrator, authorizing such installation.

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

Prior to the installation of a mobile home, the applicant shall make application to the Administrator for a permit to install such a mobile home on forms required by the Polk County Planning and Zoning Department and the Polk County Building Inspection Department.

Section 203. Issuance of a Zoning Permit and Construction Permit

After receiving application that meets the requirements of this ordinance, the Administrator is authorized to issue a development compliance permit or building permit. A fee schedule shall be established by the Board of County Commissioners.

Article III Minimum Design Standards

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

Section 301. Safety Standards

~~No mobile home older than 1976 shall be allowed to move into Polk County. 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 Polk County under this chapter with the following exception:~~

~~a. Any existing 1976 or older mobile home within the County may be relocated by the owner or a surviving heir.~~

Section 302. Installation Requirements

1. Each mobile home shall be installed with stabilization devices in accordance with the State of North Carolina regulations for installation of manufactured/mobile homes adopted and published by the North Carolina Department of Insurance.
2. It is the responsibility of all mobile home owners to provide proper skirting and stairs. Specific requirements are as follows:

~~a. Skirting is required within one hundred and twenty (120) days of the date prior to issuance of certificate of occupancy of mobile home installation.~~ The skirting shall be of solid

curtain wall material (i.e. treated wood, vinyl, metal, masonry). Materials are to be erected in a fashion as not to create a fire hazard or harbor trash or rodents. Skirting shall have an access door and be properly vented in accordance with State Regulations. Skirting shall be maintained in a good state of repair.

Article IV Definition of Terms

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

1. **Administrator:** The person or persons appointed by the Polk County Board of Commissioners to administer and enforce the provisions of this ordinance.
2. **Construction Permit:** A permit issued by the Building Inspection Administrator authorizing the mobile home to be installed by the owner/agent in accordance with a site plan approved by the Administrator.
3. **Developer:** Any person, firm, trust, partnership, association, or corporation engaged in development, or proposed development.
4. **Development Compliance Permit:** A permit issued by the Administrator authorizing the applicant/developer to install a mobile home in accordance with the development regulations of Polk County.
5. ~~**Mobile Home:** 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 thirty-two (32) feet in length and over eight (8) feet in width. Mobile home shall also mean double wide mobile home which is two or more portable manufactured housing units designed for transportation on their own chassis, which connect on site for placement on a temporary or semi-permanent foundation having a measurement of over thirty-two (32) feet in length and over eight (8) feet in width. Mobile home shall be designed to be used as a dwelling and provide complete, independent living facilities for one (1) family, including permanent provisions for living, sleeping, eating, cooking, and sanitation. A mobile home shall actually be used, or held ready for use, as a dwelling.~~
Mobile Home/Manufactured home. - A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein.
For manufactured homes built before June 15, 1976, "manufactured home" means a portable manufactured housing unit designed for transportation on its own chassis and placement on a

temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width. "Manufactured home" also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width.

6. **Shall:** When used in this Ordinance, it is intended to indicate a mandatory requirement.
7. **Stabilizing Devices:** All components of the anchoring and support systems such as piers, footers, ties, anchoring equipment and any other equipment which supports the mobile home and secures it to the ground.