



**MARTIN**  
== *county* ==

## **Subdivision Ordinance**

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# NORTH CAROLINA

## MARTIN COUNTY

### SUBDIVISION ORDINANCE

#### ARTICLE I - INTRODUCTORY PROVISIONS

##### SECTION 1. TITLE

This Ordinance is entitled "Subdivision Ordinance for Martin County, North Carolina," and may be cited as the "Subdivision Ordinance."

##### SECTION 2. AUTHORITY AND PURPOSE

This Ordinance is adopted pursuant to Chapter 160D, , of the General Statutes of North Carolina for the purpose of establishing procedures and standards for the development and subdivision of land within the limits of the jurisdiction of Martin County in order to promote the public health, safety and general welfare of the County. It is designed to lessen congestion of the streets and highways; to further the orderly outlay and use of land; to insure proper legal description and proper documenting of subdivided land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land and avoid undue concentration of population; to facilitate adequate provisions for transportation, water, sewage, schools, parks, playgrounds, and other public requirements; and help conserve and protect the physical and economic resources of Martin County.

##### SECTION 3. JURISDICTION

This Ordinance shall govern all subdivisions of land lying within Martin County except land within the subdivision jurisdiction of any municipality, unless such municipality shall have by resolution formally requested the County to enforce this Ordinance within the municipality's jurisdiction.

## ARTICLE II - INCLUSIONS AND EXCEPTIONS

A "subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and includes all divisions of land involving the dedication of a new street or a change in existing streets; however, the following shall not be included within this definition nor be subject to the regulations authorized by this Ordinance.

- (a) The combination or recombination of portions of previously subdivided and recorded lots if (1) the total number of lots is not increased and (2) the resultant lots are equal to or exceed the standards of the County as required by this Ordinance;
- (b) The division of land into parcels greater than five (5) acres if no streets, roads, or right of ways are involved;
- (c) The public acquisition by purchase of strips of land for widening or opening streets; and
- (d) The division of a tract in single ownership whose entire area is no greater than two (2) acres into no more than three (3) lots, if no street right of way dedication is involved and if the resultant lots are equal to or exceed the standards of the County as required by this Ordinance.
- (e) The division of property belonging to the heirs of a single individual when such property is divided only for the settlement of the estate and not for sale as building sites.
- (f) Cemeteries.

### SECTION 2. PLATS NOT SUBJECT TO REGULATIONS

However, plats in these five categories, (a - f), shall have the stamp "THIS PLAT IS NOT SUBJECT TO SUBDIVISION APPROVAL" signed and dated by the Planning Director or the Chairman of the Planning Board before filing in the Office of the Register of Deeds, inasmuch as determination must be made as to whether or not the resultant lots are equal to or exceed the standards of the County as shown in this Ordinance.

## ARTICLE III - LEGAL PROVISIONS

### SECTION 1. DUTY OF SUBDIVIDER AND/OR AUTHORIZED AGENT

A plat must be prepared, approved, and recorded whenever the subdivision of land takes place, as defined in this Ordinance. The owner of land shown on a subdivision plat submitted for recording, or his/her authorized agent, shall sign a statement on the plat stating whether any land shown thereon is within the subdivision regulation jurisdiction of Martin County. This Ordinance prohibits the expansion of existing subdivisions by another owner without including the original lots.

### SECTION 2. DUTY OF REGISTER OF DEEDS

From the time that this Subdivision Ordinance is filed with the Register of Deeds of Martin County, no subdivision plat of land within the County's jurisdiction may be filed or recorded until it has been submitted to and approved by the appropriate board or agency, as specified in this Ordinance, and until this approval is entered in writing on the face of the plat by the chairman or head of the board or agency. The Register of Deeds of Martin County may not file or record a plat of a subdivision of land located within the territorial jurisdiction of Martin County that has not been approved in accordance with this Ordinance.

### SECTION 3. DUTY OF CLERK OF COURT

The Clerk of Superior Court may not order or direct the recording of a plat where such recording would be in conflict with Article III, Section 2.

### SECTION 4. PENALTIES FOR VIOLATION

Any person who is the owner, or the agent of the owner, of any land located within the jurisdiction of Martin County, subdivides his/her land in violation of the Subdivision Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of land before the plat has been properly approved under Martin County's Subdivision Ordinance and recorded in the office of the Martin County Register of Deeds, he/she is guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from this penalty. The County, through its attorney or other official designated by the County Board of Commissioners, may enjoin illegal subdivision, transfer, or sale of land by action for an injunction, and/or an Order of Abatement.

Pursuant to N.C. General Statute 153A-123 as amended from time to time, a violation of any part of this Ordinance may result in civil penalties being assessed against the violator

in lieu of criminal penalties. When civil penalties are invoked in the County's discretion, the penalty will be assessed in an amount up to Twenty-five Dollars (\$25) per day for every day's violation payable to the Clerk of the Board of the County Commissioners. A citation shall be prepared and issued by the Planning Director for the County and shall require payment within ten (10) working days of issuance. If the civil penalty is not paid within ten (10) working days of the service of the citation then the County has the option of collecting the civil penalty by a civil action in the nature of debt in the General Court of Justice of North Carolina.

As permitted by statute, the County may use any of the listed penalties for violation of the Ordinance on a non-exclusive basis.

#### SECTION 5. SEPARABILITY

Should any section or provision of this Ordinance be held void or invalid, it shall not affect the validity of any other section or provision of this ordinance which is not itself void or invalid.

#### SECTION 6. VARIANCES

Where, because of severe topographical or other conditions peculiar to the site, strict adherence to the provisions of this Ordinance would cause an unnecessary hardship, the Planning Board may authorize a variance to the terms of this Ordinance only to the extent that is absolutely necessary and not to an extent which would violate the intent of this Ordinance.

## ARTICLE IV - DEFINITIONS

### SECTION 1. GENERAL

For the purpose of this Ordinance, certain terms and words used herein shall be used, interpreted and defined as follows:

- A. Arterial Street - A street connecting widely separated areas carry a large volume of traffic which may be fast, heavy or both. Arterial streets are sometimes referred to as "major thoroughfares", "freeways", etc. And are usually numbered State or Federal Highways.
- B. Authorized Agent - One who is acting as representative for, or by the authority of the sub divider.
- C. Board of Commissioners - The Board of County Commissioners; the governing body of the County of Martin, North Carolina.
- D. Building Setback Line - A line parallel to the front property line which establishes the minimum allowable distance between nearest portions of any Building, steps, eaves, gutters, and similar fixtures, and the street right-of-way line when measured perpendicularly thereto.
- E. CAMA - The Coastal Area Management Act of 1974 as amended.
- F. Collector Street - A street which serves as the connecting street system between local residential streets and the thoroughfare system.
- G. Corner Lot - a lot which occupies the interior angle at the intersection of two (2) street lines.
- H. Cul-de-sac - A short street having but one end open to traffic and the other end being permanently terminated and a vehicular turnaround provided.
- I. Dedication - To set apart by gift, one's private property to some public use, made by the owner in writing and accepted for such use by or on behalf of the public in writing.



- J. Disclosure Statement - A statement prepared and signed by the sub divider and the buyer of the subject real estate, fully and completely disclosing the status (whether public or private) of the street upon which the lot fronts. The statement shall also include an explanation of the consequences and responsibility as to maintenance and construction of proposed streets.
- K. Double Frontage Lot - A continuous (through) lot of the same depth as the width of a block containing two tiers of lots which is accessible from both of the streets upon which it fronts.
- L. Easement - A grant by the property owner for use by the public, a corporation or person(s) of a strip of land for specific reasons.
- M. Frontage Road - A Street that is parallel to a full or partial access controlled street facility and functions to provide controlled access to adjacent land.
- N. Group Development - A group of two or more principal structures built on a single lot, tract or parcel of land of at least 40,000 square feet and designed for occupancy by separate families, business firms, or other enterprises as regulated by Article IX, Section 1, of this Ordinance.
- O. Local Road (Private Street) - A short private road with a fifty (50) foot right-of-way easement which is designed according to the MINIMUM CONSTRUCTION STANDARDS FOR SUBDIVISION ROADS as set forth by the Division of Highways of the North Carolina Department of Transportation except that said local road does not have to be paved. However, it must have an all-weather gravel surface.
- P. Lot - A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership, for development, or for leasing. The word "lot" includes the word "parcel" or "plot".
- Q. Lot of Record - A lot which is a part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Martin County prior to the adoption of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this Ordinance.
- R. Major Modifications means a change in the scope of a project that does not qualify as a minor modification and will be subject to the same review as a new project.
- S. **Minor modification** means a change of a subdivision that does not increase the net built-upon area within the project or does not increase the overall size that have been approved for the project.
- T. Minor Street - A Street whose primary function is to provide access to abutting properties and is designed to discourage use by through traffic. Minor

streets may also be referred to as “neighborhood” streets.

- U. Official Maps or Plans (Land Development Plan or Comprehensive Plan) - Any maps or plans officially adopted by the County Board of Commissioners as a guide for the development of the County.
- V. Planning Board - The Planning Board of Martin County.

- W. Plat - A map or plan delineating a tract or parcel of land to be subdivided, land to be dedicated for public use, or right-of-way for street or utility purposes. The word "plat" shall include the terms "map", "plot", and "plan".
- X. Plat, Final - A map of subdivision land prepared in a form suitable for filing of record with necessary affidavits, dedications, acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets, public Areas, and other dimensions of land, as prescribed by this Ordinance.
- Y. Plat, Preliminary - A map of a proposed subdivision land showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land, as prescribed by this Ordinance.
- Z. Reservation - A reservation of land not involving the transfer of property rights. It simply constitutes an obligation to keep property free from development for a stated period of time.
- AA. Shall - The word "shall" is always mandatory and not merely directory.
- BB. Single Tier lot - A lot which backs upon a limited access highway, a railroad, a physical barrier, or a non-residential use and to which vehicular access from the rear is usually prohibited.
- AA. Street (Public) - A public dedicated right-of-way for vehicular traffic constructed according to the MINIMUM STANDARDS FOR SUBDIVISION ROADS as set forth by the Division of Highways of the North Carolina Department of Transportation at the time the street is constructed.
- BB. Structure - Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having more or less permanent location on the ground.
- CC. Sub divider - Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.
- DD. Subdivision Review Committee - A committee consisting of five members, Planning Director, Tax Assessor, Water Director, Sheriff and Fire Chief in the jurisdiction of the subdivision, which shall review minor subdivision plats for approval.

## ARTICLE V - SUBDIVISION REVIEW PROCEDURE

### SECTION 1. CATEGORIES

The following steps outline the requirements for subdivision plat approval. There are two categories for subdivisions and subdivision review included in this Ordinance-major and minor. Each is defined and the procedural requirements are included in Article V.

### SECTION 2. MINOR SUBDIVISION REVIEW PROCEDURE

#### A. Purpose

Provision for the minor subdivision review process has been developed within the context of this document in order to provide a more expeditious and convenient review for smaller developments that would be less likely to have extensive impact on nearby residents or other subdivisions, planned or developed.

#### B. Definition

For the purpose of this Ordinance, a minor subdivision shall be defined as a subdivision of land that:

1. Involves no more than four (4) lots and paving of roadway of 300' or more to the Department of Transportation's standards.
2. Does not involve any new streets or alteration of an existing street, except as allowed elsewhere in this Ordinance, or interfere with adequate prospective access to interior property; and
3. Does not require the creation of new drainage easements through lots in order to serve property at the rear of the tract; and
4. Creates no new or residual parcels that do not conform to the requirements or this Ordinance; and
5. Does not constitute an enlargement or extension of a previously approved minor plat above four (4) lots maximum. The fifth lot would constitute A major subdivision.
6. Includes contiguous land under single ownership.

C. Plat Review

When a minor subdivision is submitted for review, only a final plat need be presented for approval.

One (1) copy of the plat must be submitted to the Planning Director for the County who will submit it to the Subdivision Review Committee. The Subdivision Review Committee will have ten (10) calendar days to review and act on the proposed subdivision, unless the sub divider consents to a time extension.

It shall be the duty of this Committee to insure that the following agencies have an opportunity to review and make recommendations concerning the proposed subdivision. If the following agencies have not submitted comments within ten (10) Work days after receiving the plat, the Committee may consider the plat acceptable, unless an extension of time is agreed upon.

1. The Division of Highways District Engineer as to proposed roadways.
2. The Martin County Health Department or the North Carolina Department of Human Resources, Division of Health Services as appropriate, for proposed water and sewage systems.
3. The local CAMA Permit Officer to determine if the property lies within A designated Area of Environmental Concern and what permits are required.
4. The County Water Works Operator as to proposed water service.
5. The County Soil Conservation Service Agent as to matters of topography and drainage.
6. Any other agencies or officials as the Subdivision Review Committee may deem necessary or desirable.

D. Information Required

The final plat shall include the information required under Article VI, Section 1. Any further information requested by the Subdivision Review Committee shall be submitted upon request.

E. Action

The Subdivision Review Committee shall approve, approve conditionally, disapprove, or refer the plat to the Planning Board for their approval.

1. If the final plat is found to be in compliance with this Ordinance and

Has met the approval of the Subdivision Review Committee, it shall be certified for recording by a member of the Committee. The sub divider or his/her authorized agent shall file the final plat with the Register of Deeds of Martin County for recording within ninety (90) days after the approval by the Committee or such approval shall be void.

2. If the final plat receives conditional approval, the sub divider shall resubmit The plat to the Subdivision Review Committee for approval after the conditions have been met.
3. If the final plat is disapproved, the reasons for such action shall be recorded in writing and one (1) copy shall be sent to the sub divider and another to the Planning Board Chairman. The sub divider shall have thirty (30) days within which to appeal, in writing, to the Planning Board with notice to the Planning Director for the County. The Planning Board shall have fifteen (15) working days to act on the appeal or the plat shall be deemed approved unless an extension of time shall be agreed upon by the sub divider or his agent.
4. If the Subdivision Review Committee is unsure as to proper application of this Ordinance to the proposed plat, or it finds the proposal is for a major subdivision, it may submit the plat to the Planning Board. In such cases, review shall take place within fifteen (15) days or the plat shall be considered approved, unless an extension of time is agreed upon in writing by the sub divider or his agent.
5. The Subdivision Review Committee shall present to the Planning Board at the regular meeting any plats which have been reviewed for their information.

### SECTION 3. MAJOR SUBDIVISION REVIEW PROCEDURE

#### A. Purpose

The major subdivision review process is lengthier and more involved due to the likely impact of a larger subdivision on surrounding areas and/or the proposal of new roadways which must be carefully reviewed. The extensive review process allows for determination and prevention of any adverse effects and assures quality development.

#### B. Definition

A major subdivision is a subdivision of five (5) or more lots.

C. Plat Review

1. Sketch Plan Review (Note: This sketch plan does not necessarily have to be drawn by a Registered Land Surveyor nor does it have to be staked out on the ground.)

- (a) Information Required

When a subdivision is subject to the major subdivision review process, the sub divider shall present a sketch plan of the proposed subdivision to the Building Inspector for his/her review. It shall contain the following information:

- (1) Name of subdivision and its location by municipality, township, county, and state.
    - (2) Vicinity map showing the relationship between the proposed subdivisions and neighboring tracts.
    - (3) Proposed street right-of-way and lot layout.
    - (4) Total acreage of tract to be subdivided.
    - (5) Minimum lot size and total number of lots.
    - (6) Location of all existing or proposed water and sewer lines and sizes, if applicable.
    - (7) Approximate location of land to be dedicated or reserved for public or private use and the approximate amount of area.
    - (8) The location of all designed Areas of Environmental Concern within the subdivision.
    - (9) Any additional relevant information which would be supportive to the review process as required by the Planning Department.

- b. Action

The Planning Director for the County shall review and discuss with the sub divider his/her plans and determine whether more information is needed prior to presentation to the Planning Board. When sufficient information is available, the Planning Director shall request that a preliminary plat be prepared by the sub divider.

## 2. Preliminary Plat Review

### (a) General

The sub divider shall submit two (2) copies of the preliminary plat and any supplementary materials to the Planning Office at least five (5) work days prior to the regularly scheduled meeting of the Planning Board, at which time the plat will be considered. The Planning Director will place the preliminary plat on the Planning Board's agenda.

The agencies included in Article V, Section 2-C, shall have an opportunity to review and make recommendations concerning the proposed subdivision. Written comments from these agencies shall be presented to the Planning Board along with the preliminary plat. If comments have not been received within ten (10) work days from the date the plat was received, the Planning Director may consider the plat acceptable, unless an extension of time is agreed upon by all parties concerned.

### (b) Information Required

The preliminary plat shall depict or include the information required in Article VI, Section 1.

### (c) Action

After review of the preliminary plat, the Planning Board may approve the plat conditionally approve the plat or disapprove the plat. If the plat is conditionally approved or disapproved, then the sub divider may appeal the Planning Board's action to the Board of Commissioners. If the Planning Board approves the plat, the Board of Commissioners shall be provided with a copy of the approved plat for information purposes. Upon the expiration of six (6) working days following the approval of the preliminary plat by the Planning Board, the sub divider may proceed with preparation of the final plat and the installation of improvements. If the sub divider wishes to appeal a decision of the Planning Board disapproving a plat or conditionally approving a plat, such appeal shall be filed with the Clerk to the Board of Commissioners within fifteen (15) calendar days of the decision by the Planning Board. The Clerk to the Board of County Commissioners shall provide copies of the appeal to the members of the Martin County Board of Commissioners, the County Manager, the Planning Board Chairman, the County Attorney, and the Planning Director within six (6) working days of the receipt of the appeal. The sub divider's appeal shall state specific grounds for the appeal. The



Board of County Commissioners shall hear appeals and review approval conditions at the next scheduled county commissioner's meeting. At the time the appeal is heard by the Board of County Commissioners, the sub divider, the Planning Board Chairman or his designee and the Planning Director shall have the opportunity to comment on the plat orally or in writing. Said appeal shall not be a formal hearing. Within three (3) days after hearing the appeal, the Board of Commissioners shall approve or disapprove the preliminary plat. If the Board approves the plat, such approval shall be noted on three (3) copies of the plat. One (1) copy shall be retained by the Board of Commissioners, one (1) copy shall be retained in the Planning Office records and one (1) copy shall be given to the sub divider.

If the Board of Commissioners disapprove the preliminary plat, it shall give the sub divider the reasons in writing and one (1) copy of the plat and shall instruct the sub divider concerning possible re- submission of the plat to the Martin County Planning Board. Upon approval of the preliminary plat by Martin County Board of Commissioners, the sub divider may proceed with the preparation of the final plat, and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this Ordinance. Preliminary plat approval shall in no way be construed as constituting an official action of approval for recording of the subdivision as required by this Ordinance.

### 3. Final Plat Review

#### (a) General

The final plat shall constitute only that portion of the preliminary plat which the sub divider proposes to record and develop at this time; such portion shall conform to all requirements of this Ordinance. No final plat shall be approved unless and until the sub divider shall have installed in that area represented on the final plat all improvements required by this Ordinance, or shall have guaranteed their installation as provided in Article VII Section 2.

#### (b) Information Required

- (1) The final plat shall depict or contain the information required in Article VI, Section 1.

The appropriate certificate forms as set forth in Article VI, Section 2, shall appear on at least three (3) copies of the Final plat.

(2) The final plat shall be prepared by a registered land surveyor and/or engineer and shall be drawn in accordance with the approved preliminary plat.

(c) Action

The Planning Board shall within 15 days of submission, review the final plat as to compliance with the approved preliminary plat and shall take action on the final plat. Final approval will be based on compliance and such satisfactory completion of required improvements or posting of adequate security, guaranteeing completion.

The Planning Director for the county shall check the final plat against the subdivision preliminary layout for accuracy, charging the costs to the sub divider if the plat is found to be in error. If a final plat has been recorded prior to installation of improvements due to improvement guarantees, the same procedure shall be followed when improvements have been completed.

The Planning Board shall approve or disapprove the final plat. Should the Planning Board approve the final plat, such approval shall be indicated on three (3) copies of the plat by the signed certificate of approval for recording, as set forth in Article VI, Section 2.

If the final plat is disapproved by the Planning Board reasons for such disapproval shall be stated in writing and one (1) copy shall be retained for the Planning Director records and one (1) copy shall be transmitted to the sub divider. If the final plat is dis-approved, the sub divider may make such changes as will bring the plat into compliance with this Ordinance and resubmit it to the Planning Board for review, or the sub divider may appeal the Planning Board's decision to the Board of County Commissioners, in writing within fifteen (15) days from the date of the Planning Board action, to the Clerk to the Board of Commissioners and the Planning.

(D) Approval Does Not Constitute Acceptance of Dedications the approval of a plat in accordance with this Ordinance shall not be deemed to constitute or affect the acceptance by the county, a governmental unit, or a public body of the dedication of any street or other ground, a public utility line, or other facility shown on plat. However, the Board of County Commissioners may by resolution, accept any dedication made to the public of lands or facilities for parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision regulated jurisdiction.

<b>Information Needed</b>	<b>Preliminary Plat</b>	<b>Final Plat</b>
<b>The name of the subdivision</b>	X	X
<b>A sketch vicinity map showing the relationship between the proposed subdivision and surrounding area at an appropriate scale</b>	X	
<b>Site location</b>	X	X
<b>A topographic map showing vertical contours every two (2) feet or less if the Planning Board so requests and USGS topographical information is not sufficient</b>	X	
<b>Total acreage of tract to be subdivided as computed by the double meridian distance method with the location of previously subdivided lots within the tract.</b>	X	X
<b>Corporate limits, township boundaries, county lines, if on the subdivision tract</b>	X	X
<b>The names addresses, and telephone numbers of all owners, mortgages, registered surveyors, land planners, and professional engineers responsible for the subdivision</b>	X	X
<b>The registration numbers and seal of the professional engineers and registered surveyors</b>	X	X
<b>Date of survey and plat preparation</b>	X	X
<b>Scale denoted both graphically and numerically the North Carolina Grid System, true north or magnetic north showing the date of survey</b>	X	X
<b>The exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands</b>	X	X
<b>The names of adjoining property owners</b>		
<b>The boundaries of the tract or portion there-of to be subdivided distinctly and accurately represented with all bearings and distances shown</b>	X	X
<b>The names of any adjoining subdivision of record or proposed and under review</b>	X	X
<b>Minimum building setback lines</b>	X	X
<b>Existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains, both on land being subdivided and land immediately adjoining</b>	X	X

**Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line, and building setback line, whether curved or straight. This should include the radius central angle, and tangent distance for the center line of curved streets and curved for streets. All dimensions shall be measured to the nearest one-hundredth of a foot and all angles to the nearest ten seconds.**

X X

**The blocks shall be numbered consecutively be numbered consecutively throughout each block.**

X

**Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds and any other natural features affecting the site, including the location of known areas subject to flooding**

X X

**Proposed roadways, existing and platted streets on adjoining properties and in the proposed subdivision, Right of ways, pavement widths, approximate grades, design and engineering data for all corners and curves, and typical street cross sections**

X X

**Street names and the location of street signs**

X X

**The location and dimensions of right of ways, utility or other easements**

**The plans for utility layouts including sanitary sewers, storm sewers, water distribution lines, natural gas, telephone and electric service or plans for individual water supply systems and sewage disposal systems**

X X

**The location of the appropriate number of solid waste container sites (major subdivision only)**

X X

The following items are to be attached to or presented with the appropriate plat to the Planning Board and/or the County Commissioners.

<b>INFORMATION REQUIRED (Continued)</b>	<b>PRELIMINARY PLAT</b>	<b>FINAL PLAT</b>
Letter of tentative approval of water supply and sewage disposal plans by appropriate County and state authorities	X	
Improvement Certificate or letter of approval for water and sewage systems by appropriate County and state authority		X
Certificate from the designated Coastal Area Management Act (CAMA) permit officer	X	X
Certifying whether the subdivision is located within an Area of Environmental Concern (AEC) (See Section 2)		
Type of street dedication; all streets must be designated either "public" or "local road"	X	X
Letter of approval from the Department of Transportation as to proposed roadway alignment and construction	X	
Letter of approval from the Department of Transportation stating whether the new roadway is constructed to appropriate state standards, and/or an improvements from the sub divider that the roadway will be constructed to appropriate state standards (See Section 2)		X
A copy of any deed restrictions or similar covenants	X	X
A copy of the deed disclosure statement where proposed roadways are designated public" or "Local road"	X	X
		X
The accurate locations and descriptions of all monuments, markers, and control points		
Any other information considered by either the Sub-divider, Subdivision Review Committee Building Inspector, Planning Board or Board of Commissioners to be pertinent to the review of the plat	X	X
Linear error of closure shall not exceed one (1) foot per 7,500 feet. Angular error of closure Shall not exceed twenty-five (25) seconds times the square root of the number of angles turned.		X
Applicable Certificates in Article VI, Section 2	X	X

## ARTICLE VI - REQUIRED INFORMATION FOR PROCESSING PLATS

### SECTION 1. INFORMATION REQUIRED TO BE CONTAINED IN OR DEPICTED ON FINAL AND PRELIMINARY PLATS

#### A. General

The preliminary and final plats shall depict or contain the relevant information included in this Article. Due to the provisional status of the preliminary plat, the certification requirements and plat standards vary from those of a final plat. The nature of the final plat as a permanent recorded document lends itself to a greater degree of accuracy and inclusion of various certificates.

#### B. Size and Scale

All preliminary and final plats shall conform to the North Carolina Uniform Map Law as amended.

#### C. Information Required

The preliminary and final plats shall depict or contain the information indicated in the following table. An "X" indicates that the information is required.

### SECTION 2. CERTIFICATES TO BE APPLIED TO FACE OF PLAT

#### A. Preliminary Plat

1. The Martin County Board of Commissioners hereby approves, disapproves, this preliminary subdivision plat. This action shall In no way be construed as constituting approval for recording.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair, Martin County  
Board of Commissioners

2. The area designated hereon is in part located within, is in totally located within, is not located within an Area of Environmental Concern and requires, does not require a CAMA Permit prior To construction of improvements.

\_\_\_\_\_, \_\_\_\_  
Date

\_\_\_\_\_  
Coastal Area Management Act  
Permit Officer

B. Final Plat

1. I certify that the land as shown hereon is within the subdivision regulations jurisdiction of the County of Martin.

-----

Date

-----

Owner or Authorized Agent

2. The public streets designated hereon are in accordance with the minimum standards of the Department of Transportation for acceptance of the subdivision street on the state highway system for maintenance. This certificate of approval shall not be deemed an acceptance of the dedication of such streets designated herein.

-----

Date

-----

District Engineer  
Division of Highways

3. State of North Carolina, ----- County, I  
(drawn under my supervision) from (an actual survey by me)  
actual survey made under my supervision) (deed description  
recorded in Book \_\_\_\_\_, Page \_\_\_\_\_; Book \_\_\_\_\_, Page \_\_\_\_\_  
\_\_\_\_\_  
Etc.) (Other); that the ratio of precision as calculated by  
latitudes and departures is that the boundaries not surveyed  
are  
Shown as broken lines plotted from information found in Book  
\_\_\_\_\_, Page \_\_\_\_\_. This map was prepared according to  
G.S. 47-30 as amended.  
Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Surveyor or Engineer

North Carolina  
Martin County

I, a Notary Public of the County and State of aforesaid,  
certify that \_\_\_\_\_, a Registered Land Surveyor,  
Personally appeared before me this day and acknowledged the  
execution of the foregoing instrument.

Witness my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_,

\_\_\_\_\_  
Notary Public

My commission expires:

4. I hereby certify that the subdivision plat shown hereon has been  
found to comply with the Subdivision Regulations of Martin  
County by the Martin County Planning Board and/or Subdivision  
Review Committee and that it has been approved for recording in  
the Office of the Register of Deeds.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair,  
Martin County Planning Board



5. The area designated hereon is in part located within, is in totality located within, is not located within, an Area of Environmental Concern, and appropriate permits have, have not been acquired by the sub divider.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Coastal Area Management Act

## ARTICLE VII - IMPROVEMENTS REQUIRED AND MINIMUM STANDARDS OF DESIGN

### SECTION 1. GENERAL

Approval of the final plat by the Planning Board is subject to the sub divider having installed or guaranteed the improvements required in this Ordinance. Each sub- division shall contain the improvements in Article VII, unless otherwise approved by the Board of Commissioners through the variance procedures in Article III, Section 6, or otherwise stated in this Ordinance.

- A. Suitability of Land - Land subject to periodic flooding, irregular drainage conditions, excessive erosion or topographical and other reason unsuitable for residential use as determined by the appropriate board or agency, shall not be platted for residential use nor for any other use by a citizen that will continue or increase the danger to health, safety, or property unless the hazards can be and are corrected.
- B. Fill Areas - Areas that have been used for the disposal of solid waste or liquid waste shall not be subdivided into commercial or residential building sites. This shall include those areas that have been used for disposal of trash, demolition waste, chemical waste and other waste materials.

### SECTION 2. IMPROVEMENTS INSTALLATION AND GUARANTEES

Final Plats of subdivisions may be approved by the Planning Board after the sub-divider has complied with one of the following procedures:

- A. All required improvements have been installed by the subdivide in accordance with the requirements of this Ordinance. -

Defects Guarantee

- B. The subdivider/owner shall accept all responsibility for repairs to all utility taps, drainage facilities, water and sewer lines, and other improvements.

- C. Certificate of Dedication and Maintenance

The sub divider shall certify the dedication of all improvements as follows:

- That all property and improvements are owned by the sub divider and free of any encumbrance or lien except as enumerated;
- That the sub divider has freely dedicated or reserved all required right of way easements, streets, utilities, open spaces,

or other improvements to public or private use as noted on the improved preliminary plat and has freely established minimum building setback lines;

- That the sub divider shall be responsible for the maintenance of all improvements until either said improvements are taken over by the appropriate public agency or arrangement satisfactory to the Planning Board have been made for maintenance of said improvements;
- That the sub divider has prepared a disclosure statement pursuant to chapter 136 of the North Carolina General Statutes and this Ordinance that discloses the ownership and maintenance responsibilities for all streets or roads within the subdivision.

This certificate shall be filed, along with the final plat to the Planning Board when improvements are completed, and forwarded to the Register of Deeds to be recorded either with the final plat or as a separate document. In any and all events, the disclosure statement must be submitted to the Planning Board with the final plat.

### SECTION 3. LOT DESIGN STANDARDS

- A. Lot size, shape, and location shall be made with due regard to topographic conditions, contemplated use, and the surrounding area.
- B. Every lot shall front on or about a public dedicated right of way, or a local road where authorized by this Ordinance.
- C. Double frontage or reverse frontage lots shall be avoided except where necessary to separate residential development from through traffic or nonresidential use.
- D. Lot width at the right of way shall not be less than 35'.
- E. Corner lots for residential use shall have an extra width of 15' to allow adequate building setback from side streets.
- F. Required minimum lot size shall be 20,000 square feet, Minimum lot width at the 35' setback building line shall be 100 feet.
- G. The minimum building setback line, or the distance between the subdivision street or local road right-of-way line and the building line shall be not less than thirty-five (35) feet. On arterial streets, the building setback line shall not be Less than fifty (50) feet.

### SECTION 4. UTILITIES

All lots to be subdivided must be served by on site wells and septic tank systems or public sanitary sewer and water facilities.

- A. Individual on site wells and septic tank systems
  - 1. Wells shall be located and constructed based on the regulations as promulgated by the Division of Health Services of the North Carolina Department of Human Resources and administered by the local Health Department Sanitarian.
  - 2. Septic tanks and other sewage facilities shall comply with all applicable state and county public health laws and regulations and based on a design provided after inspection by the Martin County Health Department Environmental Specialist.

#### B. Public Water Facilities

Upon submittal of a preliminary plat, plans and specifications shall be provided by the sub divider to the Planning Office showing necessary water mains and items accessory to each that lie wholly within the rights of way in the subdivision. After

approval of the preliminary plat and these plans and specifications by the Planning Board or County Commissioners and the applicable agencies, installation of the improvements by the sub divider can begin. The Planning Director for the County or his/her agent shall act as inspector to see that all of the proper plans and specifications are faithfully carried out. Where existing water mains are within five hundred (500) feet, proposed water mains shall connect with the existing system in accordance with prescribed specifications. Where water mains are not within five hundred (500) feet but plans have been formulated for their installation, the water mains may be required at the Board's discretion. Where water mains are not within five hundred (500) feet, and plans do not exist, the installation of such facilities will not be required.

Where water mains are not within five hundred (500) feet, and plans do not exist for their extension to within five hundred (500) feet of the subdivision, the sub divider may use a private water system approved by the Martin County Health Department and other authorizing agencies. The total cost of any water distribution improvements and accessories is to be paid by the sub divider.

C. Sanitary Sewer and Water Facilities for Subdivisions in Municipalities Within the Jurisdiction of this Ordinance

The sub divider shall install water and sewer utilities in keeping with County and Municipal specifications. The County or Municipality shall not provide water and sewer services to the subdivision unless the applicable specifications are adhered to.

Plans and specifications shall be furnished to the Town Manager and County Manager for the installation of necessary sanitary sewer lines, water mains and items accessory to each that lie wholly within the public right of way in the subdivision. After approval of these plans and specifications by the Town Manager or designee, County Manager, and other authorizing state agencies, installation can begin under periodic inspection. The Director of Planning or his agent shall act as inspector to see that all plans and specifications are faithfully carried out.

County mains shall be installed to conform with and to tie into the County or Municipal system prior to the paving of any streets involved.

The total cost of the sanitary sewer and water distribution improvements and accessories thereto designed to connect with and become a part of an existing sanitary sewer or water distribution system is to be borne by the sub divider.

## SECTION 5. SEDIMENTATION AND EROSION CONTROL

Persons engaged in land-disturbing activities shall take all reasonable measures to protect all public and private property from damage by such activities. When any land-disturbing activity is to be undertaken on a tract where more than one contiguous acre is to be uncovered, the sub divider is required to follow the North Carolina Sedimentation and Erosion Control Plan.

## SECTION 6. BLOCKS

The lengths, widths, and shapes of blocks shall be determined with due regard to: provision of adequate building sites suitable to the special needs of the type of use contemplated; requirements as to lot sizes and dimensions; needs for vehicular and pedestrian circulation, control, and safety of roadway traffic; limitations and opportunities of topography; and convenient access to water areas.

- A. Length - Blocks shall not be less than four hundred (400) feet (unless a local road is permitted); nor more than eight hundred (800) feet in length.
- B. Width - Blocks shall have sufficient width to allow two (2) tiers of lots of minimum depth except where single-tier lots are required to separate residential development from through vehicular traffic or another type of use, or when abutting a water area.

## SECTION 7. ROADWAY IMPROVEMENTS

- A. Access to lots or parcels formed by the division of a tract of land meeting the criteria of a minor subdivision may be served by a "local road", with the following provisions:
  - 1. Such road shall have a private right of way easement of fifty (50) feet extending to the nearest State maintained road if physically feasible.
  - 2. Such road shall be designed according to accepted policies of the North Carolina Department of Transportation, and must have an all-weather gravel surface.
  - 3. The alignment of such road shall meet applicable standards of the North Carolina Department of Transportation.
  - 4. The addition of a fifth lot to a minor subdivision served by a local road will constitute a major subdivision and at that time, the local road will be required to be paved to Department of Transportation Specifications in existence at the time of the expansion of the subdivision.
  - 5. Each deed describing a lot within a minor subdivision, served by a local road, shall have an accompaniment, a disclosure statement, clearly stating that the local road serving said lot is private in nature, and is not constructed to present standards of the North Carolina Department of Transportation for admission to the State Highway System, thus is not eligible for state maintenance. It shall reveal the party or parties responsible for maintenance and shall further state that Martin County has no liability to provide any maintenance or improvement assistance

for said road.

In addition, this document shall disclose the conditions upon which local roads are permitted in a minor subdivision. Before any conveyance is made from any of the four (4) lots allowed, which would bring the subdivision size to five (5) lots, the local road meet the standards as set out in Section B below for public roads serving major subdivisions.

6. Restrictive covenants shall be recorded along with the deed of each lot. The covenants shall embody the restrictions in the Martin County Ordinance in reference to local roads serving minor subdivisions. All or that part of the restrictive covenants dealing with local roads shall be approved by the Planning Board, Planning Director and the County Attorney and shall be a condition upon which approval of a final plat will be based.
7. Local roads for minor subdivisions shall be designed so that all driveways enter the local road rather than the adjoining state maintained road.

- B. Access to lots or parcels formed by a tract of land constituting a major development, including the enlargement of a previously approved minor development above the four (4) lots maximum, shall meet the present design and construction criteria as referenced in SUBDIVISION ROADS, MINIMUM CONSTRUCTION STANDARDS, published periodically by the North Carolina Department of Transportation. The following shall be considered the acceptable minimum standards of design for new subdivision streets and in no case shall be less than those of the North Carolina Department of Transportation as referenced above.

1. In any new major subdivision, the street layout shall conform to the arrangement, width, and location indicated by official plans or maps for Martin County, North Carolina. In areas for which such plans have not been completed, the streets shall be designed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, and to proposed use of land to be served by such streets. Any new proposed subdivision street shall be paved according to the Department of Transportation standards for such streets.

Streets in major subdivisions should be designed so that all driveways connect with the new streets in the subdivision rather than with the adjoining state maintained road.

- (A) Minor thoroughfares, local streets and cul-de-sacs shall be so laid out that utilization by through traffic will be discouraged.

- (B) All new proposed street systems within a subdivision shall be coordinated within the existing street or road system surrounding said subdivision.
- (C) Where, in the opinion of the Planning Board, it is necessary to provide for future street access to an adjoining property, proposed streets shall be extended by platting to the boundary of such property and temporary turnaround shall be provided.
- (D) When a subdivision abuts a major thoroughfare or principal arterial street, the sub divider may be required to construct A frontage road, or reverse frontage on a minor street for the lots to be developed adjacent to the thoroughfare.  
Where reverse frontage is established, private driveways shall be prohibited from having direct access to the thoroughfare.
- (E) Street names which duplicate or are phonetically similar to existing street names in the County shall be prohibited.  
A proposed street which is in alignment with an existing street shall bear the name of the existing street.
- (F) When a tract of land is subdivided into lots which are larger than the norm, the lots will be designed and arranged so that they allow for future opening of streets and further logical subdivision.

2. All new streets other than local roads meeting the standards of this Ordinance, shall be designated public dedicated right of way. Each shall be dedicated as public streets accessible to the public at large.

- (A) The provision of street right of ways shall conform and meet the requirements of the adopted Thoroughfare Plan for applicable municipalities and shall meet the specifications set out by the Division of Highways of the North Carolina Department of Transportation in rural planning areas under the auspices of this Ordinance.
- (B) The urban planning areas shall consist of that area within the urban planning boundary with appropriately adopted



## Thoroughfare Plans.

- (C) The rural planning area shall be that area outside the urban planning boundary without adopted Thoroughfare Plans.

- 3. Right of way widths, measured from lot line to lot line shall be as wide as existing streets to be extended, as specified in an applicable Thoroughfare Plan or as set out in SUBDIVISION ROADS, MINIMUM CONSTRUCTION STANDARDS, published periodically by the North Carolina Department of Transportation, whichever is more restrictive.

The sub divider must secure the entire right of way width for dedication purposes.

- 4. Proposed streets shall be adjusted to the contours of the land so as to produce streets having gradients which provide for safety, proper drainage, and usable lots.
- 5. Street shall be laid out to intersect as nearly as possible at right angles and no street shall intersect any other street at an angle less than 75 degrees.
  - (A) Intersection off-sets are not allowed. Intersections which cannot be aligned should be separated by a minimum of 125' between centerlines for safety purposes.
  - (B) Minimum site distance shall be determined by Department of Transportation standards.
- 6. Horizontal, vertical, and reverse curves shall be designed by the sub divider according to standards of the Department of Transportation and in the interest of public safety and general welfare. Factors to be considered, among others, shall be the type and importance of the street, sight distance, anticipated traffic volume and design speed.
- 7. Cul-de-sacs shall have a vehicular turn around area with a right of way diameter of one hundred (100) feet. Cul-de-sacs shall not be used to avoid connection with an existing street or to avoid the extension of an important street in an adjoining area.
- 8. Frontage Road - When a subdivision abuts or contains a fully or partially controlled access facility, whether existing or proposed, a frontage road may be required by the Planning Board.

9. Signs

- (a) Street name signs - Appropriate street name signs which meet Department of Transportation regulations and conform to the size, color, and design of road signs presently used by Martin County or the applicable municipality shall be installed by the developer at all street intersections.
  - (B) Stop and Yield Signs - Stop and yield traffic signs shall be installed by the developer at appropriate street intersections as required by the Division of Highways. Any supplemental signs deemed necessary to public safety and welfare by the Planning Board shall also be required to be installed by the developer.
10. Industrial Access or Commercial Complex Roads - The minimum construction standards for industrial access road requests or for commercial shopping centers and apartment complexes will be reviewed individually by the Department of Transportation. The construction standards for pavement design will be in line with expected usage.

SECTION 8. EASEMENTS

- A. The sub divider shall convey easements to the County or appropriate utility company for both underground and overhead utility installation. Easements shall be as required by the County or utility companies and normally centered along rear or side lot lines.
- B. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right of way as will be adequate for the purpose of managing stormwater runoff in a manner that will safeguard the health and property of the citizens of Martin County.

## SECTION 9. PERMANENT REFERENCE POINTS

Prior to the approval of the final plat, permanent reference points shall have been established in accordance with the requirements set forth in this Section.

- A. Subdivision Tie Points - At least two points of the subdivision not over eight hundred (800) feet apart shall be designated by course and distance (tie) from a readily discernible reference marker. If a corner is within two thousand (2,000) feet of a U.S. Geodetic Survey or N.C. Grid System coordinated monument, or Martin County coordinated system, if such exists, then this corner shall be marked with a monument so designated by computed X & Y coordinates which shall appear on the map with a statement identifying this Monument to an accuracy of at least 1: 10,000. When such a monument is not available, the tie shall be made to some pertinent and readily recognizable landmark or identifiable point, physical object or structure. However, if in the opinion of the Planning Board, a subdivision is of such small size, or if there is an existing tie within a reasonable distance of the subdivision, this shall not be required.

Each marker shall have embedded in its top or attached by suitable means, a metal plate of non-corrosive material and marked plainly with the point, the surveyor's registration number, the month and year it was installed, and the word "marker", "monument", or "control corner". A marker shall be set thirty (30) inches in the ground, unless this requirement is impractical because of unusual conditions. In flood zones set out in the FEMA Rate Index Maps, one (1) marker in each subdivision is required to have its elevation recorded on the metal plate.

- B. Property Markers - A steel or iron pipe or the equivalent of not less than three-fourths (3/4) inches in diameter and at least thirty (30) inches in length shall be set at all corners, except those located by monuments. A marker shall also be set at a point of curve, and point of tangency, unless a monument has already been placed at said points.
- C. Accuracy - The allowable angular error of closure and the linear error of closure for surveys shall be in accordance with North Carolina General Statutes 47-30 as amended from time to time.

## ARTICLE VIII - PUBLIC FACILITIES

### SECTION 1. PROVISIONS FOR RECREATION AREAS

Every sub divider who subdivides or develops a major subdivision on a natural waterway shall reserve a portion of such land for the purpose of recreation to serve the residents of the subdivision.

## ARTICLE IX- PERMIT CHOICE

An applicant shall not be made to wait for final action on the proposed change before proceeding if the applicant elected determination under prior rules. (G.S. 143-755; G.S. 160D-108(b).)

If a local development regulation changes after an application is submitted, the applicant may choose the version of the rule that applies; but may require the applicant to comply with new rules if the applicant delays the application for six months. (G.S. 143-755; G.S. 160D-108(b); S.L. 2019-111, Pt. I.)

An application for one development permit triggers permit choice for permits under any development regulation; such permit choice is valid for eighteen months after approval of the initial application. (G.S. 143-755; G.S. 160D-108(b); S.L. 2019-111, Pt. I.)

This ordinance is bound by the requirements of G.S. 160D. All applicable requirements of the statute shall apply

Approval of the project shown on the original plat transfers to any new owner of the property.

### SECTION 7. EFFECTIVE DATE

This Ordinance shall take effect on \_\_\_\_\_

Duly adopted this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Chair of the Board of Commissioners

ATTEST:

\_\_\_\_\_  
(SEAL)

**AN ORDINANCE TO REGULATE MOBILE HOMES, TRAVEL TRAILERS, MOBILE  
HOME PARKS AND TRAVEL TRAILER PARKS IN  
MARTIN COUNTY, NORTH CAROLINA**

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**AN ORDINANCE TO REGULATE MOBILE HOMES, TRAVEL TRAILERS, MOBILE  
HOME PARKS AND TRAVEL TRAILER PARKS IN  
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# **AN ORDINANCE TO REGULATE MOBILE HOMES, TRAVEL TRAILERS, MOBILE HOME PARKS AND TRAVEL TRAILER PARKS IN MARTIN COUNTY, NORTH CAROLINA**

**BE IT ORDAINED BY THE MARTIN COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:**

## **ARTICLE I— IN GENERAL**

### **SECTION 1. AUTHORITY AND JURISDICTION**

Martin County hereby exercises its authority to regulate residential mobile home and travel trailer parks under-160D of the General Statutes of North Carolina.

This Ordinance shall govern: (1) each and every new mobile home park and travel trailer park and any expansion of any existing mobile home park or travel trailer park, and (2) the placing, location, or setting up of any mobile home or travel trailer within the jurisdiction of Martin County and any municipality requesting the enforcement of this Ordinance within their Jurisdiction of Government body resolution. (3) All existing mobile home and travel trailer parks in Martin County shall be subject to Sections 3, and 4 of Article IV; Section 3 of Article V; Article VII; Article VIII of this Ordinance. These provisions apply whether or not a mobile home or travel trailer park desires to expand its capacity. This Ordinance is to be applied in harmony with the North Carolina State Building Code as it applies to mobile homes.

### **SECTION 2. TITLE AND PURPOSE**

**This Ordinance may be cited as the Martin County Mobile Home and Travel Trailer Ordinance.**

The purposes for which this Ordinance is established are: (1) to regulate the location, setting up, anchoring and use of mobile homes and travel trailers within Martin County; (2) to regulate the development of mobile home and travel trailer parks within Martin County; and (3) to promote the health, safety, and general welfare of the citizens of Martin County in general and the residents and occupants of mobile home and travel trailer parks in particular.

### **SECTION 3. DEFINITIONS**

For the purpose of this Ordinance, certain terms and works used herein shall be defined and interpreted as follows:

- A. Building Permit – a permit issued by the Building Inspector or his designee upon receipt of an application, site plan, and receipt of a permit fee when locating a mobile home within the Jurisdiction of Martin County. This permit contains information concerning the mobile home and shall be issued prior to any inspections.
- B. Construction Permit – a permit issued by the Director of Planning or his designee pursuant to this Ordinance authorizing a developer to construct or expand a mobile home or travel trailer park. This permit shall be issued only upon request by a letter signed by the owner or developer of the mobile home or travel trailer park.

- C. Developer – any person, firm, trust, partnership, joint venture, syndicate, association or corporation or any combination of such entities engaged in the development of proposed development of a mobile home or travel trailer park.
- D. Interior Transportation Rights of Way – streets within a mobile home or travel trailer park which serve only the park residents and are not designed for through traffic.
- E. Mobile Home – A detached residential dwelling unit designed for transportation after fabrication upon the streets or highways on its own wheels. A travel trailer is not to be considered a mobile home. A modular home is not to be considered a mobile home for purposes of location in a mobile home park.
- F. Mobile Home Park – any site or tract in single ownership on which more than two mobile homes are located and/or occupied on which facilities are provided for more than two mobile homes, whether or not a charge is made for the use of the mobile home or the use of the site or tract.
- G. Mobile Home Space – a plot of land within a mobile home park designed for the accommodation of one mobile home.
- H. Natural or Artificial Barrier – any river, pond, canal, roadway, levee, embankment, fence, hedge, tree row, or similar obstruction which limits access and/or visibility.
- I. Plat – a map or plan delineating the division of a mobile home or travel trailer park into individual tracts on which mobile homes or travel trailers will be placed. The word “plat” shall also include the terms map, plot, and plan.
- J. Structural Additions – any roofed, canopied, or enclosed porch, room or structure which is used in connection with the mobile home. A concrete slab, deck, or ramp with no roof shall not be considered a structural addition for the purposes of this Ordinance.
- K. Travel Trailer - a wheeled, vehicular, portable structure built on a chassis which is designed to be used as travel and/or recreational purposes. This definition is intended to include structures mounted on auto or truck bodies that are referred to as campers or motor homes.
- L. Travel Trailer Park – Any site or tract of land in single ownership upon which is located, or upon which facilities are provided for more than two (2) travel trailers regardless of whether or not a rent is charged for the privilege of locating or occupying a site on the tract.
- M. Travel Trailer Space – a plot of land within a travel trailer park for the accommodation of one (1) travel trailer.



## **ARTICLE II –REGULATIONS AND PERMITS FOR LOCATING MOBILE HOMES**

### **SECTION 1. PROCEDURES**

- A. No person shall locate, relocate or cause to be located or relocated any mobile home intended for use as a dwelling, other than one in a mobile home park with an approved sewage disposal system, or in an area served by a public or community sewage disposal system without first obtaining an improvement permit from the Martin County Health Department. The Martin County Health Department will issue the permit after making a determination that a septic tank or other ground absorption sewage disposal system can be installed in accordance with local and state health regulations. System design and certification may be accepted by a NC Licensed Soil Engineer in lieu of the Martin County Health Department.

After the improvements permit has been issued and the work has been completed on the ground absorption sewage disposal system, the Martin County Health Department will make a final inspection. If it finds that the system has been properly installed, it will issue a certificate of completion. A mobile home may not lawfully be occupied until this certificate has been issued.

- B. Any person locating or relocating a mobile home in Martin County must secure a building permit. The Martin County Building Inspector shall issue a building permit upon receipt of an application which includes the (1) name and mailing address of the owner; (2) description of the mobile home to include the name of the manufacturer; year of construction, and wind zone; and (3) the proposed location of the mobile home.

Dealers of mobile homes who place mobile homes upon their sales lot are exempt from this requirement.

The building inspector shall inspect each mobile home to determine compliance with the following:

1. All mobile homes shall be anchored in a manner approved by the State of North Carolina Regulations for Mobile Homes, published and amended by the North Carolina Department of Insurance. The anchoring shall be completed within 6 months of the issuance of the building permit. In no event shall electricity be approved to the structure prior to completion of tie down and approved inspection of electrical, plumbing, and mechanical systems as well as underpinning. Compliance with the flood plain certification must also be approved if home is located in a flood zone.
2. All mobile home skirting (UNDERPINNING) shall be of at least 29 gage metal, concrete form board, or masonry from the bottom of the unit to the ground. Other ridged material may be utilized upon prior approval of the building inspector. Such skirting shall contain an access door measuring not less than eighteen (18) inches by twenty-four (24) inches near the water

connection termination. All mobile home skirting (UNDERPINNING) shall be installed within 90 days of the final inspection by the building inspector.

3. All mobile homes shall be installed according to the mobile home manufacturers printed instructions and all applicable state and federal regulations. The mobile home manufacturer's instructions should be designed by a licensed architect or engineer. Instructions should be designed by a licensed architect or engineer. Instructions shall specify the location and required stabilizing devices (tie-downs, piers, blockings, etc.) on which the design of the fastening devices attached to the home is based. If such instructions do not exist, the standards included in the "State of North Carolina Regulations for Mobile Homes" shall apply.
4. Compliance with the FEMA Floodplain set-up based on an elevation certificate prepared by a registered surveyor, is required if the location is determined to be in a flood plain after a site plan review by the Planning Director. The after-construction survey must be completed and approved by the Floodplain Administrator prior to allowing electricity to be supplied.

Combined paragraphs in C as follows:

- C. It shall be unlawful for an individual, partnership, firm or corporation to allow any electric current for use in any mobile home to be turned on or to continue to furnish electricity for use in such mobile home without having first ascertaining that a label of compliance is attached to said mobile home, unless owner has satisfactory evidence on file with the North Carolina Department of Motor Vehicles that the home was manufactured prior to September 1, 1971.

### **ARTICLE III – APPLICATION FOR MOBILE HOME OR TRAVEL TRAILER PARK CONSTRUCTION PERMIT**

#### **SECTION 1. APPLICATION PROCESS**

- A. No person shall construct or make any addition to a mobile home or travel trailer park that alters the number of sites within the park or affects the facilities required therein until they first secure a permit authorizing such construction or additions. The construction or addition shall be in accordance with a copy of the site plans, and construction specifications that must be submitted with the application for a construction and or building permit.
- B. The application for a mobile home or travel trailer park construction permit along with one reproducible copy of a plat delineating the proposed park layout shall be filed with the Martin County Planning Department at least ten (10) work days prior to the regular meeting of the Martin County Planning Board. The plat will be reviewed by the Planning Board at their regularly scheduled meeting. The plat should be drawn consistent with the North Carolina Uniform Map Law and the additional requirements (e.g. scale) contained herein. See the Appendix for certificates which must be attached to the plat.
- C. Any plat of a new mobile home park shall be signed by a registered surveyor or engineer, and any expansion of an existing mobile home park must also be represented on a plat bearing the signature of a registered surveyor or engineer and the plat shall be recorded in the Register of Deeds office prior to obtaining a construction permit.

- D. The proposed plat shall be submitted by the Director of Planning to the following for their comments prior to submittal to the Planning Board: Martin County Health Department, the District Highway Engineer, State Health Officials when applicable, the Martin County Sheriff, local fire chief and any other agencies deemed necessary. If comments have not been received within ten (10) days, the Planning Board shall consider the plat acceptable unless an extension of time is agreed upon.

## SECTION 2. CONTENTS OF PARK PLAN

- A. The plat shall be drawn at a scale not smaller than one (1) inch to one hundred (100) feet. The plat shall contain the following information – for any and all park sizes:
1. Name of proposed park.
  2. General location map with township, municipality, county and state of proposed park.
  3. Name, address, and phone number of developer.
  4. Scale, represented numerically and graphically.
  5. Date of plat preparation and name of surveyor or engineer.
  6. Show adjacent properties noting the legal owner's name and the location of existing streets.
  7. Dimensions and bearings of exterior property lines of proposed park.
  8. Topographic features, including two horizontal and vertical concrete monuments.
  9. Proposed streets showing horizontal alignment, and unique name or number.
  10. Mobile home spaces well defined and sufficient for delineation on the ground.
  11. Travel trailer spaces well defined and dimensioned.
  12. Proposed surface water drainage plan.
  13. Location of existing and proposed permanent structures.
  14. Location, purpose, and dimensions of areas to be used for purposes other than for mobile home or travel trailer sites.
  15. Location and intensity of area lights and evidence that a power company will provide service to the park. All parks are required to have at least one area light per acre.
  16. Plans for water supply and sewage disposal system, showing the location, size, and the number of hookups to each system to comply with the *Laws and Rules for Sanitary Sewage Collection Treatment and Disposal - Section 190D of the North Carolina Administrative Code* and the standard of the Martin County Waterworks.
  17. Designation of areas subject to flooding from Federal Flood Insurance Rate Maps.
  18. A certificate applied to the plat by the Coastal Area Management Act Permit Officer stating whether any portion or the entirety of a park is in a designated area of Environmental Concern and whether appropriate CAMA permits have been acquired if deemed necessary by the Planning Department.
  19. Any other information considered by either the developer, the building inspector, the Director of Public Works if within a municipality, Water Department Director, or the Planning Board to be pertinent to the application.
  20. The certificates shown on Appendix #1 must be made a part of the plat.
  21. Show screening and/or fencing plan details on the plat.
  22. Any proposed solid waste containers must be depicted on the plat.

23. When a plot is for a park expansion, it must show the existing area as well as the proposed addition.
24. A list of any structural additions that may be allowed on site that may meet setbacks.

### SECTION 3. REVIEW PROCESS

- A. All comments, the proposed plan, and any additional information shall be presented to the Planning Board by the Director of Planning at their regularly scheduled meeting.
- B. The Martin County Planning Board shall review the proposed park plan in accordance with the plat requirements and design standards contained in this Ordinance, to the greatest extent feasible. The Planning Board shall review and take action on park plat with complete supporting information within sixty (60) days.
- C. Applications and plats for mobile home and travel trailer park expansions of up to three (3) spaces, may be approved administratively by the Director of Planning under the following terms and conditions:
  1. The Director of Planning will notify the Planning Board Chair upon receipt of all minor expansion plats within 72 hours of receipt.
  2. The Director of Planning shall not approve any plats in less than twenty (20) working days.
  3. If the Chair of the Planning Board determines that the minor plat is so complex that full Board review is necessary, the plat will be placed on the agenda for the next regularly scheduled Planning Board meeting.
  4. Any minor plats originally rejected by the Director of Planning may be appealed to the full Board for consideration.
  5. The Director of Planning may approve only one minor expansion plat for any one mobile home or travel trailer park during a twelve (12) month period.
  6. Variances to this ordinance may be requested in writing to the Board of Commissioners, acting as the Board of Adjustments, and presented to the Clerk of the Board. A copy must also be presented to the Planning Director. Any request for a variance shall be considered and granted only to the extent that is absolutely necessary due to topographical issues, and not to an extent that would violate the intent of this Ordinance.

### SECTION 4: ACTION

- A. After considering all available information, the Planning Board shall approve, approve with conditions (conditionally), or disapprove the plat.
  1. If approved conditionally (with conditions), the conditions and reasons thereof shall be stated in writing to the developer, and the Planning Board may require the developer to submit a revised plat.
  2. If the Planning Board should disapprove the plat, the reasons for such action shall be stated in writing and transmitted to the developer. If the plat is disapproved, the

applicant may make such changes as will bring the plat into compliance with this Ordinance and resubmit it to the Planning Board. The developer may appeal the Planning Board's decision to the Board of Adjustment in writing, within thirty days from the date of the Planning Board's action. This appeal should be made with notice to the Clerk to the Board of Commissioners and the Director of Planning.

3. If approved, the developer may proceed with the installation of improvements in accordance with the approved plat pursuant to the issuance of a construction permit by the Building Inspections office.

#### **SECTION 5. ISSUANCE OF A CONSTRUCTION PERMIT**

- A. After approval of a construction permit application by the Planning Board or the Board of Adjustments, the Building Inspector shall promptly issue a construction permit in accordance with the instructions of the Planning Board or the Board of Adjustments.
- B. During construction, all field work shall be in accordance with the approved plans. It shall be the responsibility of the developer to inform the Building Inspector of the progress of field work so that timely inspections can be made.

#### **ARTICLE IV – DESIGN STANDARDS AND SPECIFICATIONS FOR MOBILE HOME PARKS**

##### **SECTION 1. SUITABILITY OF LAND**

Land subject to flooding, improper drainage, erosion, or that is for topographic reasons unsuitable for residential use as determined by the Planning Board, shall not be developed for mobile home parks if such use would continue or increase the danger to health, safety, or property, unless the hazards can be corrected and/or avoided prior to construction. However, tracts that can meet the requirements of the National Flood Insurance Ordinance may be developed consistent with the requirements of this Ordinance and the Martin County Flood Ordinance and the written approval of a representative of the NC Department of Division of Health and Services.

Areas which have been used for the disposal of waste, including solid, liquid, or chemical waste, shall not be developed as a mobile home park.

##### **SECTION 2. SITE DEVELOPMENT**

- A. The amount of land for each mobile home space served by an individual well and septic tank shall be determined by the Martin County Health Department or a NC Licensed Soil Engineer after an investigation of soil conditions. Parks to be served by public water and sewage disposal systems shall have adequate area in each space to provide for the mobile home, resident vehicles and required setbacks.

- B. Each mobile home space shall contain a minimum of 7,000 square feet and have iron markers placed at each corner. Lots should be marked and identified in a logical sequence with reflective numbers or letters at least 4 inches high and 2 inches wide.
- C. There shall be at least fifteen (15) feet clearance between mobile homes and side lot lines. No mobile homes shall be located closer than thirty-five feet to an exterior boundary line of the park and no closer than fifteen feet to the edge of any interior transportation right-of-way.
- D. Rights-of-way and street design requirements follow:
  - 1. Interior roads and parks of less than 14 (fourteen) spaces shall be all weather roads constructed of gravel packed to a depth of three inches and graded with proper drainage consistent with the NC Department of Transportation standards for unpaved roads.
  - 2. In parks of fourteen or more spaces, the minimum right-of-way and pavement widths, minimum thickness of base and surface course to be used shall meet the required pavement designs as described in the NORTH CAROLINA DEPARTMENT OF TRANSPORTATION MINIMUM CONSTRUCTION STANDARDS FOR SUBDIVISION ROADS.
  - 3. Intersection with a public roadway shall be designed to facilitate free movement of traffic, and reviewed and approved on the application plat by the NC Department of Transportation, Division of Highways.
- E. Dead end streets shall not serve more than 14 lots and the closed end shall have a cul-de-sac bulb with not less than a 96 foot diameter in the right of way (per NCDOT standard) and 35 foot radius in the travel path to allow for emergency vehicle operations and turnaround.
- F. Parking space sufficient to accommodate at least two (2) automobiles shall be required for each mobile home space. The parking area shall have a stone or gravel base with a minimum of three inches of compacted thickness.
- G. The area of the mobile home space shall be improved to provide an adequate foundation for the placement of the mobile homes and provide anchors and tie-down facilities in every mobile home space to comply with Article III.
- H. Parks must provide sufficient screening, in the form of natural growth or fencing to shield the park from adverse effects of adjacent public roadways, industrial or commercial use, or other incompatible development. All areas that may be considered unsafe for children must be fenced with a solid fence of least 5 feet in height.
- I. The park shall be graded and seeded to prevent ponding or accumulation of water according to the Department of Natural Resources and Community Development erosion and sedimentation plan. Any uninhabited lots shall be maintained and kept clear of debris.
- J. Identification signs for mobile home or travel trailer parks shall not exceed four (4) by eight (8) feet at the entrance of the park and placed in compliance with the Department of Transportation Standards. Signs must be approved and permitted by the Planning Director and the Building Inspector.

- K. In all mobile home parks accommodating or designed to accommodate 16 (sixteen) or more mobile homes, there shall be one or more recreation areas of at least 12,000 square feet which are easily accessible to all park residents. Recreation areas shall be located free of traffic hazards and shall not abut a roadway for a distance of at least 35 feet. The area shall be relatively flat, well drained and suitable for recreation.

### **SECTION 3. WATER SUPPLY, SEWAGE DISPOSAL, ELECTRICAL AND REFUSE COLLECTION FACILITIES**

- A. Each mobile home space shall be equipped with plumbing and electrical connections for sufficient capacity. Electrical connections and wiring shall be in accordance with the National Electric Code as amended from time to time.
- B. Each mobile home space shall be provided with and shall be connected to a sewage disposal and water supply system as approved by the Martin County Health Department and Martin County Water Utilities.
- C. Parks with more than 15 spaces shall provide space for a solid waste container site in accordance with the Department of Transportation regulations. This shall be at no cost to the County, and shall be shown on the original plat for the park. The mobile home or travel trailer park owner is responsible for all solid waste disposal fees generated by the park residents.
- The park owner of any size shall be responsible for refuse collection where suitable collection is not available from governmental agencies.

### **SECTION 4. STRUCTURAL ADDITIONS**

The allowance of any type of structural additions must be approved by the Planning Board along with the original site plan and design by the owner/developer. If allowed by the original design plan within the park, the park owner shall sign an agreement to be brought, along with information required to obtain a building permit which will conform to all volumes of the North Carolina Building Code. Any such structure shall meet the setback requirements of Section 2-C.

### **SECTION 5. MANAGEMENT**

In each mobile home park, the owner or authorized agent shall be in charge of keeping the mobile home park, its facilities, and equipment in good repair and in clean, orderly, safe and sanitary condition so as not to create a public nuisance at all times.

## **ARTICLE V – SPECIFICATIONS FOR TRAVEL TRAILER PARKS**

### **SECTION 1. SITE SUITABILITY**

A complete site plan shall be reviewed by the Planning Director along with the Planning Board to determine whether the site is suitable in accordance with the current Floodplain Development Permit adopted by the Martin County Commissioners and the Martin County Flood Ordinance and with Erosion Control and Sedimentation, Drainage, and Flooding considerations.

Areas which have ever been used for the disposal of waste, including solid, liquid, or chemical waste, shall not be developed as a travel trailer park.

## SECTION 2. SITE DEVELOPMENT

- A. Every travel trailer space shall contain at least 2,000 square feet.
- B. There shall be a minimum distance of 15 feet between each travel trailer.
- C. Parking sufficient to accommodate one motor vehicle and one travel trailer shall be constructed within each space. No more than one camping vehicle may be parked on each space. Site plan shall specify whether sites are drive through or back-in and have sufficient driveway to accommodate safe vehicle movement.
- D. Set-back from public streets shall be a minimum of 35 feet from the right-of-way
- E. Grading shall prevent water from ponding or accumulating within the park, and shall be a part of the plat/plan presented to the Planning Director. Each space shall have access by way of an interior street to the public road. These all-weather roads shall have a minimum width of thirty-five feet.
- F. Proper drainage ditches with sloped and seeded banks shall be developed into the park.
- G. Cul-de-sacs and dead end roads shall not exceed one thousand feet in length measured from the entrance to the center of the turnaround, with a bulb diameter of ninety-six feet to allow for emergency vehicles. All intersections of a public roadway shall be approved by the Division of Highways, Department of Transportation, before any permits are issued.
- H. Each park shall have a central structure that will provide toilet facilities required by current codes and laws. Vending machines for park residents may also be housed in this structure or in a shelter near the recreation area. No exterior advertising is allowed.
- I. Swimming pools or bathing areas must be installed, altered, improved, or used only when found to be in compliance with the Martin County Health Department, and permits issued and work inspected by the Martin County Building Inspector.
- J. Identification signs for travel trailer parks shall not exceed four (4) feet by eight (8) feet at the entrance of the park, in accordance with the Martin County Sign Ordinance.

## SECTION 3. SANITARY FACILITIES, WATER SUPPLY, SEWAGE DISPOSAL, GARBAGE COLLECTION AND UTILITIES

- A. Sanitary Facilities
  - 1. All toilet, shower, lavatory, and laundry facilities shall be provided and maintained in a clean and sanitary condition and kept in good repair at all times. They shall be safely and adequately lighted. Facilities shall be easily accessible for wheelchair and other physical impairments to comply with all State and County Health regulations.
  - 2. All buildings shall be constructed in accordance with the North Carolina State Building Code, as it is amended from time to time, using the current code at the time of permit issue.



**B. Water Supply**

A safe, adequate, and conveniently located water supply must be provided for each park. No water supply shall be installed, altered, or used without the approval of the Martin County Utilities and Martin County Health Department.

**C. Sewage Disposal**

1. Sewage dumping stations shall be designed and approved by the Martin County Health Department. Each park shall be provided at least one (1) sewage dumping station.
2. No method of sewage disposal shall be installed, altered, or used without the approval of the Martin County Health Department. All sewage waste, if not self-contained within the camper unit, including waste from toilets, showers, bathtubs, lavatories, wash basins, sinks, and water using appliances not herein mentioned, shall be piped into an approved sewage disposal system.

**D. Garbage and Refuse Disposal**

1. The park owner is responsible for refuse collection. Garbage cans with lids should be provided for each space, and located no further than 50 feet away from any trailer space. Racks or platforms shall be provided to store containers to prevent tipping and spillage. No garbage shall be left outside a container.
2. Storage, collection, and disposal of refuse shall be managed as not to create health hazards, rodent harborage, insect breeding areas, accidents, fire hazards, or air pollution, or any other situation to cause a public nuisance.

**E. The installation and use of electrical service shall comply with all applicable codes in existence at the time of installation. The Martin County Electrical/Building Inspector shall approve all installation and use, if the use should be different that when installed.**

**F. Each park shall provide a well-drained recreation area on at least one half acre (1/2) per every 25 camper spaces. The park owner is responsible for the development and upkeep of this area at all times.**

**G. Only one mobile home, or constructed building shall be allowed within a travel trailer park to be used as an office or the residence of persons responsible for the operation and maintenance of the travel trailer park. Accessory buildings used for storage, recreation, and maintenance may be allowed as shown and approved from the original plat.**

**SECTION 4. PARK EXPANSION**

When expansion of the existing park is proposed, the developer shall provide the Planning Director, for the review of the Planning Board, with an improvement plan showing the existing area and the

proposed addition, to include a completed site plan as outlined in the Permitting section of this ordinance, along with payment of the fee as set by the Martin County Board of Commissioners.

#### **ARTICLE VI – MOBILE HOME AND TRAVEL TRAILER PARK REGISTER**

It shall be the duty of the owner or operator of a mobile home and /or travel trailer park to keep an accurate register containing a record of all occupants and owners of mobile homes or travel trailers located within their park. The register shall be submitted to the County Tax Supervisor's Office in accordance with **G.S. 105-316**, and shall be available for inspection at all times by the County Building Inspection Department, the County Health Department, and other government agencies and officials authorized by the Board of Commissioners. The registry shall be maintained for a period of three years by the County Tax Office.

#### **ARTICLE VII – INSPECTION**

The Martin County Health Department and the Martin County Building Inspector are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this ordinance upon consent of the park operator. However, such inspections may take place without the consent of the operator by the use of "Administrative Search and Inspections Warrants" in compliance with applicable NC Statutes. It shall be the duty of the owners or occupants of mobile home and travel trailer parks to give these agencies free access to the park premises at reasonable times for the purpose of inspection.

#### **ARTICLE VIII – LEGAL PROVISIONS**

##### **SECTION 1. PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS**

The provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety and general welfare. Wherever the requirements of this Ordinance are at a variance with the requirements of any other lawfully adopted regulations. The most restrictive or that imposing the higher standards shall govern.

##### **SECTION 2. REMEDIES**

Pursuant to N.C. G. S. 153A-123 violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with allowable deviations) shall subject the violator to a civil penalty. Nothing herein contained shall prevent Martin County from taking such other lawful action, including an action for injunctions and/or orders of abatement as are necessary to prevent or remedy any violation.

### SECTION 3. AMENDMENTS

The Planning Board shall consider and make recommendations to the Martin County Commissioners concerning each proposed amendment. No amendment shall be adopted by the Martin County Commissioners until after a public notice and hearing on the language of the amendment. Before taking such lawful action, the Commissioners shall consider the Planning Board's recommendation on each proposal. If no recommendation is received from the Planning Board within thirty (30) days after the public hearing, the proposed amendment shall be deemed to have been approved by the Commissioners, and adopted.

### SECTION 4. SEPARABILITY CLAUSE

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decisions 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 5: PERMIT CHOICE

Developers have the right to choose for an application to be reviewed under the regulations applicable at the original application. This applies to the initial permit application and to subsequent related development permits. If an application is on hold for six months, whether the applicant voluntarily places it on hold, or fails to respond requests for additional information, the permit choice is waived. An applicant shall not be made to wait for final action on the proposed change before proceeding if the applicant elected determination under prior rules. (G.S. 143-755; G.S. 160D-108(b)). If a local development regulation changes after an application is submitted, the applicant may choose the version of the rule that applies, but may require the applicant to comply with new rules if the applicant delays the application for six months. (G.S. 143-755; G.S. 160D-108(b); S.L. 2019-111.Pt.1)

An application for one development permit triggers permit choice for permits under any development regulation, such permit choice is valid for eighteen months after approval of the initial application. (G.S. 143-755; G.S.160D-108(b); S.L.2019-111.Pt.1)

**SECTION 6: EFFECTIVE DATE**

Upon the adoption of this Ordinance, all previous Mobile Home and Travel Trailer Park Ordinances are hereby repealed, except for any section expressly set out and retained herein.

**This Ordinance shall take effect when it is duly adopted by the Board of Commissioners of the County of Martin in North Carolina, this**

**The \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_**

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**Ronnie Smith, Chair  
Martin County NC Board of Commissioners**

**ATTEST:**

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**Julia Reese, Clerk  
Martin County NC Board of Commissioners**

**APPENDIX I**

**CERTIFICATES TO BE APPLIED TO FACE OF PLAT**

The area designated heron ( ) is in part located within, ( ) is totally located within, ( ) is not located within an area of Environmental Concern and requires, ( ) does ( ) does not require a CAMA Permit prior to construction improvements.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Coastal Area Management Act Permit Officer

-----  
State of North Carolina \_\_\_\_\_ County

I, \_\_\_\_\_ certify that this map was drawn by me from an actual survey made by me, deed description recorded in Book \_\_\_\_\_ Page \_\_\_\_\_; as calculated latitudes and departures is

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Surveyor or Engineer

Note: Surveyor's and/or Engineer's certificate will be in accordance with the provisions of G. S. 47-30 as Amended

-----  
The Martin County Health Department gives approval of the design and for the construction of septic tank / sanitary systems on the lots shown on this plat.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Signature of Sanitarian

**AN ORDINANCE TO REGULATE MOBILE HOMES, TRAVEL TRAILERS, MOBILE  
HOME PARKS AND TRAVEL TRAILER PARKS IN  
MARTIN COUNTY, NORTH CAROLINA**

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**AN ORDINANCE TO REGULATE MOBILE HOMES, TRAVEL TRAILERS, MOBILE  
HOME PARKS AND TRAVEL TRAILER PARKS IN  
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# **AN ORDINANCE TO REGULATE MOBILE HOMES, TRAVEL TRAILERS, MOBILE HOME PARKS AND TRAVEL TRAILER PARKS IN MARTIN COUNTY, NORTH CAROLINA**

**BE IT ORDAINED BY THE MARTIN COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:**

## **ARTICLE I– IN GENERAL**

### **SECTION 1. AUTHORITY AND JURISDICTION**

Martin County hereby exercises its authority to regulate mobile home and travel trailer parks under 160D of the General Statutes of North Carolina.

This Ordinance shall govern: (1) each and every new mobile home park and travel trailer park and any expansion of any existing mobile home park or travel trailer park, and (2) the placing, location, or setting up of any mobile home or travel trailer within the jurisdiction of Martin County and any municipality requesting the enforcement of this Ordinance within their Jurisdiction of Government body resolution. (3) All existing mobile home and travel trailer parks in Martin County shall be subject to Sections 3, and 4 of Article IV; Section 3 of Article V; Article VII; Article VIII of this Ordinance. These provisions apply whether or not a mobile home or travel trailer park desires to expand its capacity. This Ordinance is to be applied in harmony with the North Carolina State Building Code as it applies to mobile homes.

### **SECTION 2. TITLE AND PURPOSE**

**This Ordinance may be cited as the Martin County Mobile Home and Travel Trailer Ordinance.**

The purposes for which this Ordinance is established are: (1) to regulate the location, setting up, anchoring and use of mobile homes and travel trailers within Martin County; (2) to regulate the development of mobile home and travel trailer parks within Martin County; and (3) to promote the health, safety, and general welfare of the citizens of Martin County in general and the residents and occupants of mobile home and travel trailer parks in particular.

### **SECTION 3. DEFINITIONS**

For the purpose of this Ordinance, certain terms and works used herein shall be defined and interpreted as follows:

- A. Building Permit – a permit issued by the Building Inspector or his designee upon receipt of an application, site plan, and receipt of a permit fee when locating a mobile home within the Jurisdiction of Martin County. This permit contains information concerning the mobile home and shall be issued prior to any inspections.
- B. Construction Permit – a permit issued by the Director of Planning or his designee pursuant to this Ordinance authorizing a developer to construct or expand a mobile home or travel trailer park. This permit shall be issued only upon request by a letter signed by the owner or developer of the mobile home or travel trailer park.



- C. Developer – any person, firm, trust, partnership, joint venture, syndicate, association or corporation or any combination of such entities engaged in the development of proposed development of a mobile home or travel trailer park.
- D. Interior Transportation Rights of Way – streets within a mobile home or travel trailer park which serve only the park residents and are not designed for through traffic.
- E. Mobile Home – A detached residential dwelling unit designed for transportation after fabrication upon the streets or highways on its own wheels. A travel trailer is not to be considered a mobile home. A modular home is not to be considered a mobile home for purposes of location in a mobile home park.
- F. Mobile Home Park – any site or tract in single ownership on which more than two mobile homes are located and/or occupied on which facilities are provided for more than two mobile homes, whether or not a charge is made for the use of the mobile home or the use of the site or tract.
- G. Mobile Home Space – a plot of land within a mobile home park designed for the accommodation of one mobile home.
- H. Natural or Artificial Barrier – any river, pond, canal, roadway, levee, embankment, fence, hedge, tree row, or similar obstruction which limits access and/or visibility.
- I. Plat – a map or plan delineating the division of a mobile home or travel trailer park into individual tracts on which mobile homes or travel trailers will be placed. The word “plat” shall also include the terms map, plot, and plan.
- J. Structural Additions – any roofed, canopied, or enclosed porch, room or structure which is used in connection with the mobile home. A concrete slab, deck, or ramp with no roof shall not be considered a structural addition for the purposes of this Ordinance.
- K. Travel Trailer - a wheeled, vehicular, portable structure built on a chassis which is designed to be used as travel and/or recreational purposes. This definition is intended to include structures mounted on auto or truck bodies that are referred to as campers or motor homes.
- L. Travel Trailer Park – Any site or tract of land in single ownership upon which is located, or upon which facilities are provided for more than two (2) travel trailers regardless of whether or not a rent is charged for the privilege of locating or occupying a site on the tract.
- M. Travel Trailer Space – a plot of land within a travel trailer park for the accommodation of one (1) travel trailer.

## **ARTICLE II –REGULATIONS AND PERMITS FOR LOCATING MOBILE HOMES**

### **SECTION 1. PROCEDURES**

- A. No person shall locate, relocate or cause to be located or relocated any mobile home intended for use as a dwelling, other than one in a mobile home park with an approved sewage disposal system, or in an area served by a public or community sewage disposal system without first obtaining an improvement permit from the Martin County Health Department. The Martin County Health Department will issue the permit after making a determination that a septic tank or other ground absorption sewage disposal system can be installed in accordance with local and state health regulations.

After the improvements permit has been issued and the work has been completed on the ground absorption sewage disposal system, the Martin County Health Department will make a final inspection. If it finds that the system has been properly installed, it will issue a certificate of completion. A mobile home may not lawfully be occupied until this certificate has been issued.

- B. Any person locating or relocating a mobile home in Martin County must secure a building permit. The Martin County Building Inspector shall issue a building permit upon receipt of an application which includes the (1) name and mailing address of the owner; (2) description of the mobile home to include the name of the manufacturer; year of construction, and wind zone; and (3) the proposed location of the mobile home.

Dealers of mobile homes who place mobile homes upon their sales lot are exempt from this requirement.

The building inspector shall inspect each mobile home to determine compliance with the following:

1. All mobile homes shall be anchored in a manner approved by the State of North Carolina Regulations for Mobile Homes, published and amended by the North Carolina Department of Insurance. The anchoring shall be completed within 6 months of the issuance of the building permit. In no event shall electricity be approved to the structure prior to completion of tie down and approved inspection of electrical, plumbing, and mechanical systems as well as underpinning. Compliance with the flood plain certification must also be approved if home is located in a flood zone.
2. All mobile home skirting (UNDERPINNING) shall be of at least 29 gage metal, concrete form board, or masonry (effective 10-7-2013), from the bottom of the unit to the ground. Such skirting shall contain an access door measuring not less than eighteen (18) inches by twenty-four (24) inches. All mobile home skirting (UNDERPINNING) shall be installed within 90 days of the final inspection by the building inspector.

3. All mobile homes shall be installed according to the mobile home manufacturers printed instructions and all applicable state and federal regulations. The mobile home manufacturer's instructions should be designed by a licensed architect or engineer. Instructions should be designed by a licensed architect or engineer. Instructions shall specify the location and required stabilizing devices (tie-downs, piers, blockings, etc.) on which the design of the fastening devices attached to the home is based. If such instructions do not exist, the standards included in the "State of North Carolina Regulations for Mobile Homes" shall apply.
4. Compliance with the FEMA Floodplain set-up based on an elevation certificate prepared by a registered surveyor, is required if the location is determined to be in a flood plain after a site plan review by the Planning Director. The after-construction survey must be completed and approved by the Floodplain Administrator prior to allowing electricity to be supplied.

Combined paragraphs in C as follows:

- C. It shall be unlawful for an individual, partnership, firm or corporation to allow any electric current for use in any mobile home to be turned on or to continue to furnish electricity for use in such mobile home without having first ascertaining that a label of compliance is attached to said mobile home, unless owner has satisfactory evidence on file with the North Carolina Department of Motor Vehicles that the home was manufactured prior to September 1, 1971.

### **ARTICLE III – APPLICATION FOR MOBILE HOME OR TRAVEL TRAILER PARK CONSTRUCTION PERMIT**

#### **SECTION 1. APPLICATION PROCESS**

- A. No person shall construct or make any addition to a mobile home or travel trailer park that alters the number of sites within the park or affects the facilities required therein until they first secure a permit authorizing such construction or additions. The construction or addition shall be in accordance with a copy of the site plans, and construction specifications that must be submitted with the application for a construction and or building permit.
- B. The application for a mobile home or travel trailer park construction permit along with one reproducible copy of a plat delineating the proposed park layout shall be filed with the Martin County Inspections Department at least ten (10) work days prior to the regular meeting of the Martin County Planning Board. The plat will be reviewed by the Planning Board at their regularly scheduled meeting. The plat should be drawn consistent with the North Carolina Uniform Map Law and the additional requirements (e.g. scale) contained herein. See the Appendix for certificates which must be attached to the plat.
- C. Any plat of a new mobile home park shall be signed by a registered surveyor or engineer, and any expansion of an existing mobile home park must also be represented on a plat bearing the signature of a registered surveyor or engineer and the plat shall be recorded in the Register of Deeds office prior to obtaining a construction permit.
- D. The proposed plat shall be submitted by the building inspector to the following for their comments prior to submittal to the Planning Board: Martin County Health Department, the District Highway Engineer, the State Health Officials when applicable, the Martin County

Sheriff, local fire chief and any other agencies deemed necessary. If comments have not been received within ten (10) days, the Planning Board shall consider the plat acceptable unless an extension of time is agreed upon.

## SECTION 2. CONTENTS OF PARK PLAN

- A. The plat shall be drawn at a scale not smaller than one (1) inch to one hundred (100) feet. The plat shall contain the following information – for any and all park sizes:
1. Name of proposed park.
  2. General location map with township, municipality, county and state of proposed park.
  3. Name, address, and phone number of developer.
  4. Scale, represented numerically and graphically.
  5. Date of plat preparation and name of surveyor or engineer.
  6. Show adjacent properties noting the legal owner's name and the location of existing streets.
  7. Dimensions and bearings of exterior property lines of proposed park.
  8. Topographic features, including two horizontal and vertical concrete monuments.
  9. Proposed streets showing horizontal alignment, and unique name or number.
  10. Mobile home spaces well defined and sufficient for delineation on the ground.
  11. Travel trailer spaces well defined and dimensioned.
  12. Proposed surface water drainage plan.
  13. Location of existing and proposed permanent structures.
  14. Location, purpose, and dimensions of areas to be used for purposes other than for mobile home or travel trailer sites.
  15. Location and intensity of area lights and evidence that a power company will provide service to the park. All parks are required to have at least one area light per acre.
  16. Plans for water supply and sewage disposal system, showing the location, size, and the number of hookups to each system to comply with the *Laws and Rules for Sanitary Sewage Collection Treatment and Disposal - Section 190D of the North Carolina Administrative Code* and the standard of the Martin County Waterworks.
  17. Designation of areas subject to flooding from Flood Insurance Rate Maps located in the Inspections Department.
  18. A certificate applied to the plat by the Coastal Area Management Act Permit Officer stating whether any portion or the entirety of a park is in a designated area of Environmental Concern and whether appropriate CAMA permits have been acquired if deemed necessary by the Inspections Department.
  19. Any other information considered by either the developer, the building inspector, the Director of Public Works if within a municipality, Water Department Director, or the Planning Board to be pertinent to the application.
  20. The certificates shown on Appendix #1 must be made a part of the plat.
  21. Show screening and/or fencing plan details on the plat.
  22. Any proposed solid waste containers must be depicted on the plat.
  23. When a plot is for a park expansion, it must show the existing area as well as the proposed addition.

24. A list of any structural additions that may be allowed on site that may meet setbacks.

### SECTION 3. REVIEW PROCESS

- A. All comments, the proposed plan, and any additional information shall be presented to the Planning Board by the Director of Inspections at their regularly scheduled meeting.
- B. The Martin County Planning Board shall review the proposed park plan in accordance with the plat requirements and design standards contained in this Ordinance, to the greatest extent feasible. The Planning Board shall review and take action on park plat with complete supporting information within forty-five (45) days.
- C. Applications and plats for mobile home and travel trailer park expansions of up to three (3) spaces, may be approved administratively by the Director of Inspections under the following terms and conditions:
  1. The Director of Inspections will notify the Planning Board Chair upon receipt of all minor expansion plats within 72 hours of receipt.
  2. The Director of Inspections shall not approve any plats in less than ten (10) working days.
  3. If the Chair of the Planning Board determines that the minor plat is so complex that full Board review is necessary, the plat will be placed on the agenda for the next regularly scheduled Planning Board meeting.
  4. Any minor plats originally rejected by the Director of Inspections may be appealed to the full Board for consideration.
  5. The Director of Planning may approve only one minor expansion plat for any one mobile home or travel trailer park during a 24 month period.
  6. Variances to this ordinance may be requested in writing to the Board of Commissioners, acting as the Board of Adjustments, and presented to the Clerk of the Board. A copy must also be presented to the Planning Director. Any request for a variance shall be considered and granted only to the extent that is absolutely necessary due to topographical issues, and not to an extent that would violate the intent of this Ordinance.

### SECTION 4: ACTION

- A. After considering all available information, the Planning Board shall approve, approve with conditions (conditionally), or disapprove the plat.
  1. If approved conditionally (with conditions), the conditions and reasons thereof shall be stated in writing to the developer, and the Planning Board may require the developer to submit a revised plat.
  2. If the Planning Board should disapprove the plat, the reasons for such action shall be stated in writing and transmitted to the developer. If the plat is disapproved, the applicant may make such changes as will bring the plat into compliance with this Ordinance and resubmit it to the Planning Board. The developer may appeal the

Planning Board's decision to the Board of Adjustment in writing, within thirty days from the date of the Planning Board's action. This appeal should be made with notice to the Clerk to the Board of Commissioners and the Director of Inspections.

3. If approved, the developer may proceed with the installation of improvements in accordance with the approved plat pursuant to the issuance of a construction permit by the Building Inspections office.

#### SECTION 5. ISSUANCE OF A CONSTRUCTION PERMIT

- A. After approval of a construction permit application by the Planning Board or the Board of Adjustments, the Building Inspector shall promptly issue a construction permit in accordance with the instructions of the Planning Board or the Board of Adjustments.
- B. During construction, all field work shall be in accordance with the approved plans. It shall be the responsibility of the developer to inform the Building Inspector of the progress of field work so that timely inspections can be made.

### ARTICLE IV – DESIGN STANDARDS AND SPECIFICATIONS FOR MOBILE HOME PARKS

#### SECTION 1. SUITABILITY OF LAND

Land subject to flooding, improper drainage, erosion, or that is for topographic reasons unsuitable for residential use as determined by the Planning Board, shall not be developed for mobile home parks if such use would continue or increase the danger to health, safety, or property, unless the hazards can be corrected and/or avoided prior to construction. However, tracts that can meet the requirements of the National Flood Insurance Ordinance may be developed consistent with the requirements of this Ordinance and the Martin County Flood Ordinance and the written approval of a representative of the NC Department of Division of Health and Services.

Areas which have been used for the disposal of waste, including solid, liquid, or chemical waste, shall not be developed as a mobile home park.

#### SECTION 2. SITE DEVELOPMENT

- A. The amount of land for each mobile home space served by an individual well and septic tank shall be determined by the Martin County Health Department after an investigation of soil conditions. Parks to be served by public water and sewage disposal systems shall have adequate area in each space to provide for the mobile home, resident vehicles and required setbacks.
- B. Each mobile home space shall contain a minimum of 7,000 square feet and have iron markers placed at each corner. Lots should be marked and identified in a logical sequence with reflective numbers or letters at least 4 inches high and 2 inches wide.

- C. There shall be at least fifteen (15) feet clearance between mobile homes and side lot lines. No mobile homes shall be located closer than thirty-five feet to an exterior boundary line of the park and no closer than fifteen feet to the edge of any interior transportation right-of-way.
- D. Rights-of-way and street design requirements follow:
  - 1. Interior roads and parks of less than 14 (fourteen) spaces shall be all weather roads constructed of gravel packed to a depth of three inches and graded with proper drainage consistent with the NC Department of Transportation standards for unpaved roads.
  - 2. In parks of fourteen or more spaces, the minimum right-of-way and pavement widths, minimum thickness of base and surface course to be used shall meet the required pavement designs as described in the NORTH CAROLINA DEPARTMENT OF TRANSPORTATION MINIMUM CONSTRUCTION STANDARDS FOR SUBDIVISION ROADS.
  - 3. Intersection with a public roadway shall be designed to facilitate free movement of traffic, and reviewed and approved on the application plat by the NC Department of Transportation, Division of Highways.
- E. Dead end streets shall not serve more than 14 lots and the closed end shall have a cul-de-sac bulb with not less than a 96 foot diameter in the right of way (per NCDOT standard) and 35 foot radius in the travel path to allow for emergency vehicle operations and turnaround.
- F. Parking space sufficient to accommodate at least two (2) automobiles shall be required for each mobile home space. The parking area shall have a stone or gravel base with a minimum of three inches of compacted thickness.
- G. The area of the mobile home space shall be improved to provide an adequate foundation for the placement of the mobile homes and provide anchors and tie-down facilities in every mobile home space to comply with Article III.
- H. Parks must provide sufficient screening, in the form of natural growth or fencing to shield the park from adverse effects of adjacent public roadways, industrial or commercial use, or other incompatible development. All areas that may be considered unsafe for children must be fenced with a solid fence of least 5 feet in height.
- I. The park shall be graded and seeded to prevent ponding or accumulation of water according to the Department of Natural Resources and Community Development erosion and sedimentation plan. Any uninhabited lots shall be maintained and kept clear of debris.
- J. Identification signs for mobile home or travel trailer parks shall not exceed four (4) by eight (8) feet at the entrance of the park and placed in compliance with the Department of Transportation Standards. Signs must be approved and permitted by the Planning Director and the Building Inspector.
- K. In all mobile home parks accommodating or designed to accommodate 16(sixteen) or more mobile homes, there shall be one or more recreation areas of at least 12,000 square feet which are easily accessible to all park residents. Recreation areas shall be located free of

traffic hazards and shall not abut a roadway for a distance of at least 35 feet. The area shall be relatively flat, well drained and suitable for recreation.

### SECTION 3. WATER SUPPLY, SEWAGE DISPOSAL, ELECTRICAL AND REFUSE COLLECTION FACILITIES

- A. Each mobile home space shall be equipped with plumbing and electrical connections for sufficient capacity. Electrical connections and wiring shall be in accordance with the National Electric Code as amended from time to time.
- B. Each mobile home space shall be provided with and shall be connected to a sewage disposal and water supply system as approved by the Martin County Health Department and Martin County Utilities.
- C. Parks with more than 15 spaces shall provide space for a solid waste container site in accordance with the Department of Transportation regulations. This shall be at no cost to the County, and shall be shown on the original plat for the park. The mobile home or travel trailer park owner is responsible for all solid waste disposal fees generated by the park residents.  
The park owner of any size shall be responsible for refuse collection where suitable collection is not available from governmental agencies.

### SECTION 4. STRUCTURAL ADDITIONS

The allowance of any type of structural additions must be approved by the Planning Board along with the original site plan and design by the owner/developer. If allowed by the original design plan within the park, the park owner shall sign an agreement to be brought, along with information required to obtain a building permit which will conform to all volumes of the North Carolina Building Code. Any such structure shall meet the setback requirements of Section 2-C.

### SECTION 5. MANAGEMENT

In each mobile home park, the owner or authorized agent shall be in charge of keeping the mobile home park, its facilities, and equipment in good repair and in clean, orderly, safe and sanitary condition so as not to create a public nuisance at all times.

## **ARTICLE V – SPECIFICATIONS FOR TRAVEL TRAILER PARKS**

### SECTION 1. SITE SUITABILITY

A complete site plan shall be reviewed by the Planning Director along with the Planning Board to determine whether the site is suitable in accordance with the current Floodplain Development Permit adopted by the Martin County Commissioners and the Martin County Flood Ordinance



and with Erosion Control and Sedimentation, Drainage, and Flooding considerations. Martin County zoning areas will be considered.

Areas which have ever been used for the disposal of waste, including solid, liquid, or chemical waste, shall not be developed as a travel trailer park.

## SECTION 2. SITE DEVELOPMENT

- A. Every travel trailer space shall contain at least 2,000 square feet.
- B. There shall be a minimum distance of 15 feet between each travel trailer.
- C. Parking sufficient to accommodate one motor vehicle and one travel trailer shall be constructed within each space. No more than one camping vehicle may be parked on each space. Site plan shall specify whether sites are drive through or back-in and have sufficient driveway to accommodate safe vehicle movement.
- D. Set-back from public streets shall be a minimum of 35 feet from the right-of-way
- E. Grading shall prevent water from ponding or accumulating within the park, and shall be a part of the plat/plan presented to the Planning Director. Each space shall have access by way of an interior street to the public road. These all-weather roads shall have a minimum width of thirty-five feet.
- F. Proper drainage ditches with sloped and seeded banks shall be developed into the park.
- G. Cul-de-sacs and dead end roads shall not exceed one thousand feet in length measured from the entrance to the center of the turnaround, with a bulb diameter of ninety-six feet to allow for emergency vehicles. All intersections of a public roadway shall be approved by the Division of Highways, Department of Transportation, before any permits are issued.
- H. Each park shall have a central structure that will provide toilet facilities required by current codes and laws. Vending machines for park residents may also be housed in this structure or in a shelter near the recreation area. No exterior advertising is allowed.
- I. Swimming pools or bathing areas must be installed, altered, improved, or used only when found to be in compliance with the Martin County Health Department, and permits issued and work inspected by the Martin County Building Inspector.
- J. Identification signs for travel trailer parks shall not exceed four (4) feet by eight (8) feet at the entrance of the park, in accordance with the Martin County Sign Ordinance.

## SECTION 3. SANITARY FACILITIES, WATER SUPPLY, SEWAGE DISPOSAL, GARBAGE COLLECTION AND UTILITIES

- A. Sanitary Facilities
  - 1. All toilet, shower, lavatory, and laundry facilities shall be provided and maintained in a clean and sanitary condition and kept in good repair at all times. They shall be safely and adequately lighted. Facilities shall be easily accessible for wheelchair and other physical impairments to comply with all State and County Health regulations.
  - 2. All buildings shall be constructed in accordance with the North Carolina State Building Code, as it is amended from time to time, using the current code at the time of permit issue.
- B. Water Supply

A safe, adequate, and conveniently located water supply must be provided for each park. No water supply shall be installed, altered, or used without the approval of the Martin County Utilities and Martin County Health Department.

C. Sewage Disposal

1. Sewage dumping stations shall be designed and approved by the Martin County Health Department. Each park shall be provided at least one (1) sewage dumping station.
2. No method of sewage disposal shall be installed, altered, or used without the approval of the Martin County Health Department. All sewage waste, if not self-contained within the camper unit, including waste from toilets, showers, bathtubs, lavatories, wash basins, sinks, and water using appliances not herein mentioned, shall be piped into an approved sewage disposal system.

D. Garbage and Refuse Disposal

1. The park owner is responsible for refuse collection. Garbage cans with lids should be provided for each space, and located no further than 50 feet away from any trailer space. Racks or platforms shall be provided to store containers to prevent tipping and spillage. No garbage shall be left outside a container.
2. Storage, collection, and disposal of refuse shall be managed as not to create health hazards, rodent harborage, insect breeding areas, accidents, fire hazards, or air pollution, or any other situation to cause a public nuisance.

E. The installation and use of electrical service shall comply with all applicable codes in existence at the time of installation. The Martin County Electrical/Building Inspector shall approve all installation and use, if the use should be different that when installed.

F. Each park shall provide a well-drained recreation area on at least one half acre (1/2) per every 15 camper spaces. The park owner is responsible for the development and upkeep of this area at all times.

G. Only one mobile home, or constructed building shall be allowed within a travel trailer park to be used as an office or the residence of persons responsible for the operation and maintenance of the travel trailer park. Accessory buildings used for storage, recreation, and maintenance may be allowed as shown and approved from the original plat.

#### SECTION 4. PARK EXPANSION

When expansion of the existing park is proposed, the developer shall provide the Planning Director, for the review of the Planning Board, with an improvement plan showing the existing area and the proposed addition, to include a completed site plan as outlined in the Permitting section of this ordinance, along with payment of the fee as set by the Martin County Board of Commissioners.

## **ARTICLE VI – MOBILE HOME AND TRAVEL TRAILER PARK REGISTER**

It shall be the duty of the owner or operator of a mobile home and /or travel trailer park to keep an accurate register containing a record of all occupants and owners of mobile homes or travel trailers located within their park. The register shall be submitted to the County Tax Supervisor's Office in accordance with **G.S. 105-316**, and shall be available for inspection at all times by the County Building Inspection Department, the County Health Department, and other government agencies and officials authorized by the Board of Commissioners. The registry shall be maintained for a period of three years by the County Tax Office.

## **ARTICLE VII – INSPECTION**

The Martin County Health Department and the Martin County Building Inspector are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this ordinance upon consent of the park operator. However, such inspections may take place without the consent of the operator by the use of "Administrative Search and Inspections Warrants" in compliance with applicable NC Statutes. It shall be the duty of the owners or occupants of mobile home and travel trailer parks to give these agencies free access to the park premises at reasonable times for the purpose of inspection.

## **ARTICLE VIII – LEGAL PROVISIONS**

### **SECTION 1. PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS**

The provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety and general welfare. Wherever the requirements of this Ordinance are at a variance with the requirements of any other lawfully adopted regulations. The most restrictive or that imposing the higher standards shall govern.

### **SECTION 2. REMEDIES**

Pursuant to N.C. G. S. 153A-123 violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with allowable deviations) shall subject the violator to a civil penalty. Nothing herein contained shall prevent Martin County from taking such other lawful action, including an action for injunctions and/or orders of abatement as are necessary to prevent or remedy any violation.

### **SECTION 3. AMENDMENTS**

The Planning Board shall consider and make recommendations to the Martin County Commissioners concerning each proposed amendment. No amendment shall be adopted by the Martin County Commissioners until after a public notice and hearing on the language of the amendment. Before taking such lawful action, the Commissioners shall consider the Planning Board's recommendation on each proposal. If no recommendation is received from the Planning Board within thirty (30) days after the public hearing, the proposed amendment shall be deemed to have been approved by the Commissioners, and adopted.

#### SECTION 4. SEPARABILITY CLAUSE

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decisions 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 5: PERMIT CHOICE

Developers have the right to choose for an application to be reviewed under the regulations applicable at the original application. This applies to the initial permit application and to subsequent related development permits. If an application is on hold for six months, whether the applicant voluntarily places it on hold, or fails to respond requests for additional information, the permit choice is waived. An applicant shall not be made to wait for final action on the proposed change before proceeding if the applicant elected determination under prior rules. (G.S. 143-755; G.S. 160D-108(b)). If a local development regulation changes after an application is submitted, the applicant may choose the version of the rule that applies, but may require the applicant to comply with new rules if the applicant delays the application for six months. (G.S. 143-755; G.S. 160D-108(b); S.L. 2019-111.Pt.1)

An application for one development permit triggers permit choice for permits under any development regulation, such permit choice is valid for eighteen months after approval of the initial application. (G.S. 143-755; G.S.160D-108(b); S.L.2019-111.Pt.1)

#### SECTION 6: EFFECTIVE DATE

Upon the adoption of this Ordinance, all previous Mobile Home and Travel Trailer Park Ordinances are hereby repealed, except for any section expressly set out and retained herein.

**This Ordinance shall take effect when it is duly adopted by the Board of Commissioners of the County of Martin in North Carolina, this**

**The \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_**

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**Ronnie Smith, Chair  
Martin County NC Board of Commissioners**

**ATTEST:**

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**Julia Rease, Clerk  
Martin County NC Board of Commissioners**

**APPENDIX I**  
**CERTIFICATES TO BE APPLIED TO FACE OF PLAT**

The area designated heron is in part located within, is totally located within, is not located within an area of Environmental Concern and requires, does not require a CAMA Permit prior to construction improvements.

\_\_\_\_\_, \_\_\_\_\_  
DATE Coastal Area Management Act Permit Officer

-----  
State of North Carolina \_\_\_\_\_ County

I, \_\_\_\_\_ certify that this map was drawn by me from an actual survey made by me, deed description recorded in Book \_\_\_\_\_ Page \_\_\_\_\_; as calculated latitudes and departures is

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Surveyor or Engineer

Note: Surveyor's and/or Engineer's certificate will be in accordance with the provisions of G. S. 47-30 as Amended

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The Martin County Health Department gives approval of the design and for the construction of septic tank systems on the lots shown on this plat.

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**DATE**

**Signature of Sanitarian**

## **ARTICLE II. ROAD NAMES AND ADDRESSES**

### **Sec. 20-19. Authority.**

The provisions of this article are adopted under authority granted by G.S. 153A-239.1.

(Ord. No. 2001-8, § 1, 9-12-2001)

### **Sec. 20-20. Intent.**

The intent of this article is to provide a uniform system of assigning addresses for properties and structures throughout the county's jurisdiction in order to facilitate and enhance expeditious individual address location, public safety, and decreased emergency response time.

(Ord. No. 2001-8, § 2, 9-12-2001)

### **Sec. 20-21. Jurisdiction.**

The jurisdiction of this article includes the entire geographic area of the county, but excludes areas of jurisdiction of incorporated municipalities unless any municipality requests that this article apply also within their jurisdiction and present a valid resolution as evidence of same.

(Ord. No. 2001-8, § 3, 9-12-2001)

### **Sec. 20-22. Naming; numbering system.**

- (a) Each mile of roadway, path, or lane, or portion thereof, providing access to three or more occupied dwelling units and/or active businesses, shall be assigned a name for identification. Each lot adjoining a named roadway shall be numbered within a designated grouping, beginning with 1,000 at the designated beginning of any named road. The lot numbers of any address within one mile from the beginning point shall consist of one plus three numbers, in thousandths of a mile or every 5.28 feet. The first number in the second mile shall be two plus three in thousandths, and so on chronologically.
- (b) The standard frontage distance unit for addressing purposes shall be 5.28 feet per unit. Address numbering shall increase by one unit for each distance of 5.28 feet, whether the lot be improved property, field, woodland, etc. Address even numbers shall be assigned to lots on the right side of the road from the beginning point, and odd numbers to lots on the left side from the beginning point.

(Ord. No. 2001-8, § 4, 9-12-2001)

### **Sec. 20-23. Road name (and number, where applicable) signs.**

The county, in conjunction with the state department of transportation where applicable, will provide and maintain road name signs for all roads named within the requirements of this article and located in the unincorporated areas of the county in accordance with G.S. 153A-239.1.

(Ord. No. 2001-8, § 5, 9-12-2001)



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## Sec. 20-24. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Address* means the combination of lot number and road name assigned to a particular location which uniquely identifies that location, and the postal district designation.

*Lot frontage unit* means a standard interval in feet along the frontal border of a given lot or area to which numbers may be assigned consecutively. The standard lot frontage unit adopted in the county for the E-911 mapping system is 5.28 feet.

*Official road names* mean the names listed in the county road name files, and which have been approved by the state department of transportation (DOT), are hereby declared as the official names for roads in the county.

*Private road* means any road or roadway which is not maintained with public funds.

*Road or roadway* means a public or private one-way or multiple-lane route used for ingress or egress or route of transportation between specific points and/or areas. This article does not include driveways to individual single-occupancy locations, but does include access routes to three or more occupied dwellings and/or active businesses.

(Ord. No. 2001-8, § 6, 9-12-2001; Ord. No. 2006-6, § 1, 7-12-2006)

## Sec. 20-25. Approved method for naming, renaming or changing the name of a public road in the county.

- (a) Requests for assignment of a name or for a name change must include a petition for such action bearing the signatures of not less than 51 percent of the owners whose property adjoins the affected road. The petition shall bear evidence of the approval of the fire chief and the emergency medical service squad captain/president of the affected district prior to submission to the county commissioners. The request for road name assignment or a road name change must be submitted in writing to the tax assessor. The requestor must provide three proposed names which will be submitted by the tax assessor to the county board of commissioners for their consideration and approval of an official name assignment. **New road names should not include names after people, first or last or consist of road names similar to ones already in the county.**
- (b) All costs involved in changing a road name, including, but not limited to, blades and posts, installation, map changes, and advertising for the required public hearing, shall be borne by those petitioning for the name change. A deposit in an amount as shall be determined by the board of commissioners from time to time, will be submitted with the petition, all but the costs involved in advertising for the public hearing to be refunded if the name change is not approved and/or effected.
- (c) There is no fee for requesting a name to be applied to an unnamed public or private road; however, the petitioning procedure shall remain the same.
- (d) The tax assessor will review requests and petitions and consult with the E911 committee, as needed, to determine if all procedural requirements have been met and that proposed name does not duplicate any other name of an existing road.
- (e) Any road, public or private, that provides access to three or more occupied dwellings, including mobile homes, and/or active businesses, shall be named.

(Ord. No. 2001-8, § 7, 9-12-2001; Ord. No. 2006-6, § 2, 7-12-2006)

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## **Sec. 20-26. Display of assigned addresses.**

- (a) The assigned address number shall be displayed at the end of the driveway or easement nearest the road which provides access, so as to be clearly visible from both directions of road travel.
- (b) The assigned address number shall be displayed on the front of any normally occupied dwelling and/or business building or structure, so as to be clearly visible, if the structure is more than 100 feet from any access road.
- (c) Displayed address numerals of a single-family dwelling unit shall be no less than three inches in height. Numerals for multiple-family units, industrial offices and single-structure businesses or offices shall be no less than six inches in height. All numbers shall be in contrast to the color on which posted and of reflective material.
- (d) Mobile home lots established after the date of adoption of the ordinance from which this section was adopted shall have sequential address numbers throughout the park or division. Each lot will have a separate address number assigned. The number of each lot must be clearly displayed in the manner described above. Mobile home lots established prior to the date of the ordinance from which this section is derived will be assigned the same road name with different lot numbers.
- (e) Addresses shall be displayed on existing buildings within 12 months.

(Ord. No. 2001-8, § 8, 9-12-2001)

## **Sec. 20-27. New structure address assignments.**

- (a) The owner, occupant or person in charge of any new structure requiring an address in the unincorporated areas of the county shall apply for same through the tax assessor's office. **Applicant must complete the E-911 address application; provide a project plan, which can be obtained by the Building Inspections department, and proof of a passed perk test from the Martin County Health Department and turn in to the Tax Assessor's Office. Once the application, project plan, and perk test documentation has been approved by the Building Inspector and the Tax Assessor, an address will be assigned.**
- (b) Final approval for occupancy shall be withheld for any principal structure until a proper address for the premises has been procured and the requirements for proper display have been met.

(Ord. No. 2001-8, § 9, 9-12-2001; Ord. No. 2006-6, § 3, 7-12-2006)

## **Sec. 20-28. Enforcement.**

The sheriff shall be responsible for the enforcement of the requirements of this article.

(Ord. No. 2001-8, § 10, 9-12-2001)

## **Sec. 20-29. Amendments.**

- (a) Petitions for amendment to this article may be filed by any individual citizen, department, or agency of the county.
- (b) The provisions and requirements of this article may be amended by the county commissioners according to the following procedures:

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- (1) No amendment shall become effective unless it has been proposed by or shall have been reviewed, and approval recommended by, the tax assessor. The tax assessor shall have 60 days from date of receipt of request for change or amendment in which to review the request and to make recommendations to the commissioners. If the tax assessor fails to report within 60 days, it shall be deemed to have approved the proposed amendment.
  - (2) The board of county commissioners may issue variances and exceptions to the requirements of this article; provided they would not be contrary to the public interest, spirit, and intent of this article, and where due to special conditions, literal enforcement of the provisions would result in undue or unnecessary hardship. When granting a variance, the commissioners may prescribe solutions deemed appropriate and necessary to preserve the intent of this article. Consideration of the following should be used when granting a variance or exception:
    - a. Special conditions and circumstances exist which are peculiar to the road involved, and are not applicable to other roads or addresses.
    - b. Literal interpretation of the provisions of this article would deprive applicant of rights commonly enjoyed by other citizens.
    - c. The special conditions and/or circumstances generating the request for variance are not due to the actions of the applicant.
    - d. Granting the variance requested will not confer on the applicant any special privilege that is generally denied to other citizens by this article.

(Ord. No. 2001-8, § 11, 9-12-2001)

#### **Sec. 20-30. Provisions as minimum standards.**

The provisions of this article shall be held to be minimum requirements adopted for the promotion of the public health, safety, and general welfare. Should any requirements of this article differ with the requirements of any other local, state or federal regulation, the most restrictive, or highest standard, shall prevail.

(Ord. No. 2001-8, § 11, 9-12-2001)

#### **Sec. 20-31. Violations.**

Any person, firm, or agent thereof who intentionally violates the terms of this article shall be guilty of a misdemeanor and subject to the penalties thereof.

(Ord. No. 2001-8, § 11, 9-12-2001)

#### **Sec. 20-32. Liability.**

Any employee, director, officer and/or agent of the county shall not be held liable for any damage, injury, death or any other loss to persons or property incurred as a result of any act or omission of any act by such persons, except for willful or wanton misconduct, in connection with the development, adoption, implementation, maintenance, or operation of the county E-911 emergency telecommunications system.

(Ord. No. 2001-8, § 11, 9-12-2001)

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**Secs. 20-33—20-52. Reserved.**