

Ordinance governing the development of
Mobile Home Parks, Tiny Homes Parks,
Recreational Vehicle Parks, Campgrounds
and other Clusters of Temporary Living
Units

[The Residential Park Development
Ordinance]

Clay County, North Carolina

**Effective
June 15, 2021**

Table of Contents

ARTICLE 1: GENERAL REQUIREMENT	3
SECTION 1.1: AUTHORITY	3
SECTION 1.2: JURISDICTION	3
SECTION 1.3: PURPOSE	3
SECTION 1.4: SHORT TITLE	3
SECTION 1.5: DEFINITION OF TERMS	3
ARTICLE 2: ENFORCEMENT	7
SECTION 2.1: ENFORCEMENT AND PENALTIES	7
ARTICLE 3: ADMINISTRATION	9
SECTION 3.1: AMENDMENTS	9
SECTION 3.2: SEVERABILITY	10
SECTION 3.3: CONFLICT	10
SECTION 3.4: VARIANCES	10
ARTICLE 4: STANDARDS AND REQUIREMENTS	10
SECTION 4.1: SUBMISSION AND APPROVAL OF PLANS	11
SECTION 4.2: IMPROVEMENTS AUTHORIZED AFTER APPROVAL	14
SECTION 4.3: RESIDENTIAL PARK OR RESIDENTIAL DEVELOPMENT NAMES, ROAD NAMES, AND ADDRESSES	14
SECTION 4.4: RESIDENTIAL PARK ROAD REQUIREMENTS	15
SECTION 4.5: RESIDENTIAL PARK OR RESIDENTIAL DEVELOPMENT LOT SIZES, SETBACKS, AND EASEMENTS	16
SECTION 4.6: GROUNDS MAINTENANCE AND SOLID WASTE	17
SECTION 4.7: RESTRICTIONS	18
SECTION 4.8: GENERAL REQUIREMENTS	18
SECTION 4.9: PLAN REQUIREMENTS	19
SECTION 4.10: RECREATIONAL VEHICLE PARK GENERAL REQUIREMENTS	20
SECTION 4.11: TINY HOMES PARK GENERAL REQUIREMENTS	21
SECTION 4.12: CLUSTERS OF TEMPORARY LIVING UNITS GENERAL REQUIREMENTS	23
SECTION 4.13: CAMPGROUND GENERAL REQUIREMENTS	23
SECTION 4.14: MISCELLANEOUS PROVISIONS	35
ARTICLE 5: EFFECTIVE DATE	37

ARTICLE 1: GENERAL REQUIREMENT

SECTION 1.1: AUTHORITY

Clay County hereby exercises its authority to enact regulations governing the development of Mobile Home Parks, Tiny Home Parks, Recreational Vehicle Parks, Campgrounds and other Clusters of Temporary Living Units pursuant to Chapter 153A-121 of the North Carolina General Statutes.

SECTION 1.2: JURISDICTION

The jurisdiction of this Ordinance shall be described as any part of Clay County not within the corporate limits of any municipality. In addition, the Governing Board of any municipality may by resolution permit this Ordinance to be applicable within the municipality.

SECTION 1.3: PURPOSE

The purpose of the regulations expressed herein is to guide and regulate the development of Mobile Home Parks, Tiny Home Parks, Recreational Vehicle Parks, Campgrounds and other Clusters of Temporary Living Units, which may include, but not be limited to, these forms of developments and others such as clusters of teepees, treehouses and yurts within Clay County in order to preserve the public health, safety and welfare of its citizens, and to require preparation and approval of a plan every time such a development is created or expanded. Specifically, these regulations are designed to provide for an adequately planned street system; to avoid overcrowding of the land and extreme concentration of population; to secure safety from fire, panic and other dangers; to provide for adequate water and sewage systems; to insure against erosion, water and flood damage; to facilitate an orderly system for the design, layout, and use of land.

In order to achieve these goals, Clay County shall not approve the development of mobile home parks, tiny home parks, recreational vehicle parks, campgrounds and other clusters of temporary living units where it has been determined through a proper investigation that such a development will cause overcrowding of the land, or include or cause excessive flooding, poor drainage, soil slippage, inadequate soil conditions or other potentially dangerous, unhealthy conditions.

SECTION 1.4: SHORT TITLE

This ordinance shall be known as the Residential Park Development Ordinance, specifically governing those parks and developments set forth in Section 1.3 above, for Clay County, North Carolina.

SECTION 1.5: DEFINITION OF TERMS

1. **Accessory Dwelling Unit:** An Accessory Dwelling Unit, or “ADU” is a separate and complete dwelling unit that is contained on the same lot as the structure of a single-family dwelling or business. An ADU shall not be subject to this ordinance if it is the only ADU on the property and is not a part of another development covered by this ordinance.
2. **Accessory Structure:** An Accessory Structure is a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the

use of the principal structure and the use of which is incidental to the use of the principal structure, such as, for example, a porch, deck, detached garage or storage shed for garden tools.

3. **Apartment building:** A building that contains more than four units and falls within the ambit of building codes applied to commercial buildings, which are leased or rented for periods of 30 days or more. The County is guided by Chapters 42 and 160A of the North Carolina General Statutes, which outline the obligations of landlords and tenants, as well as the grounds for declaring such buildings unfit for human habitation. Such buildings are not specifically covered by this Ordinance, but shall be subject to the relevant North Carolina statutes, the Clay County Building Height Ordinance, and local building, electrical and fire codes, as applicable.
4. **Campground:** A full list of definitions is contained in Section 4.13 as these pertain to camping and campgrounds and are differentiated for the purpose of ensuring that developments and parks do not fall within the ambit of a campground, as there are special considerations for permits issued for such purposes.
5. **Community Sewer System:** Any sewer system owned and operated by a municipality or local government in Clay County, or other sewer system serving two or more connections. Pursuant to North Carolina rules and regulations, the term community sewer system shall embrace both sewers and sewage disposal systems.
6. **Condominium:** A legal arrangement under which a person owns outright a particular unit of a multiunit development, such as an apartment building, plus an undivided interest in common areas, and subject to Chapter 47A of the North Carolina General Statutes. The creation, sale and management of condos are governed by specific statutes (the “Unit Ownership Act” for condos created before October 1, 1986 and the “North Carolina Condominium Act” for condos created on or after October 1, 1986). Such buildings are not specifically covered by this Ordinance, but shall be subject to the relevant North Carolina statutes, the Clay County Building Height Ordinance, and local building, electrical and fire codes, as applicable.
7. **Construction Permit:** A permit issued by the Enforcement Officer authorizing the developer to construct Mobile Home Parks, Tiny Home Parks, Recreational Vehicle Parks, Campgrounds and other Clusters of Temporary Living Units in accordance with the approval which has been secured by the provisions of this Ordinance.
8. **Department of Transportation:** The North Carolina Department of Transportation (NCDOT).
9. **Developer:** Any person, firm, trust, partnership, association or corporation engaged in development, or proposed development of a Mobile Home Park, Tiny Home Park, Recreational Vehicle Park, Campground and/or other Clusters of Temporary Living Units.
10. **Easement:** A grant by the property owner for use, by the public, or any private entity of a strip of land for specified purposes.
11. **Enforcement Officer:** The person or persons appointed by the Clay County Board of Commissioners to enforce the provisions of this ordinance.

12. **Health Department:** The Clay County Health Department.
13. **Inspections Department:** Clay County Building Inspections Department.
14. **Mobile Home:** A factory-assembled portable housing unit or a portion thereof built on a chassis and intended for use as a dwelling unit and is not constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for one and two-family dwellings. A mobile home is designed to be transported on its own chassis and has a measurement of forty (40) feet or more in length and eight (8) feet or more in width. A mobile home shall be construed to remain a mobile home whether or not wheels, Ashley hitch, or other appurtenances of mobility are removed, and regardless of the nature of the foundation provided. All vehicles that are designated mobile homes by the Uniform Standards Code for Mobile Home Act shall be considered mobile homes. A mobile home shall not be construed to be a travel trailer, camper, or other form of RV.
15. **Mobile Home Park:** Land leased or rented being used or proposed to be used by mobile homes occupied for dwelling or sleeping purposes, consisting of three (3) or more mobile homes on a single tract of property.
16. **Mobile Home Space:** Any parcel of land within a Mobile Home Park designated for exclusive use of one mobile home. The space shall consist of connections to the mobile home for water service, wastewater disposal, electrical connection, parking, etc. Such space shall not be less than 20,000 square feet.
17. **Operating Permit:** A license issued by the Enforcement Officer to a mobile home or RV park owner or operator upon the completion of a mobile home or RV park which conforms to the requirements of this Ordinance.
18. **Park Model:** A single living unit that is primarily designed and completed on a single chassis, mounted on wheels to provide temporary living quarters for recreational, camping or seasonal use, is certified by the manufacturer as complying with all applicable requirements of ANSI A119.5 and: (a) has a gross trailer area not exceeding 400 square feet in the set up mode or (b) if having a gross trailer area not exceeding 320 square feet in the setup mode, has a width greater than 8.5 feet in the transport mode. Park Models are not intended as a permanent dwelling unit or for commercial uses such as banks, clinics, offices, or similar. Park Models must meet the applicable building code and other requirements.
19. **Planning Committee:** Clay County Planning Committee.
20. **Public Water Supply Systems:** Public Water Systems are systems as defined by the North Carolina Division of Health Services and shall comply with the regulations set by the State of North Carolina Division of Health Services.
21. **Recreational Vehicle** (also known herein as "RV"): A vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use. The term Recreational Vehicle (RV) also refers to travel trailer, camper, park models, camping trailer, truck camper, motor home and any other terms that refer to towable temporary dwellings.
22. **Recreational Vehicle Park** (also known herein as "RV Park"): Any single parcel of land upon which three (3) or more RVs are occupied for temporary or permanent sleeping purposes, regardless of whether a charge is made for such purposes, shall be deemed an

RV Park, or shall fall under the ambit of those regulations pertaining to campgrounds where no permanent structures are allowed.

23. **Residential Park Development:** Any single parcel of land upon which any three (3) or more structures, as defined in Section 1.3, which includes Mobile Home Parks, Tiny Home Parks, Recreational Vehicle Parks, Campgrounds, and other Clusters of Temporary Living Units, which can be deemed temporary or permanent, regardless of whether a charge is made for such purposes, shall be deemed a Residential Park Development. The term “Residential Park Development” will be used interchangeably to refer to Mobile Home Parks, Tiny Home Parks, Recreational Vehicle Parks, Campgrounds and other Clusters of Temporary Living Units, as appropriate.
24. **Sanitary System of Sewage Treatment and Disposal:** A complete system of sewage collection, treatment and disposal, including approved privies, septic tank systems, connection to public or community sewage systems, incinerators, mechanical toilets, composting toilets, recycling toilets, mechanical aeration systems, or other such systems.
25. **Shall:** The word “shall” be always mandatory and not merely directory.
26. **Site Number:** Each space shall have numbers placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where access is by means of a private road and the site number cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the site.
27. **Teepee:** A tent, usually made from animal skins or canvas, laid on a conical frame or long poles, and having an opening at the top for ventilation and a flap door. Teepees do not have internal bathrooms, kitchens or other sanitary facilities and therefore are not considered permanent living structures. Occupants of teepees use communal facilities for cooking and sanitary purposes.
28. **Temporary Living Park:** Any parcel of land upon which three or more structures, including teepees, tents, yurts, or other structures that can be folded up or removed by placing in another vehicle (in parts or in their entirety) and do not have septic tanks, water, or electrical connections linked to the units. Structures or units within a temporary living park are not designed to be inhabited permanently.
29. **Tents:** A canvas structure used for temporary and recreational sleeping purposes, normally reserved for use at a campground. No tent shall be occupied for longer than 14 days on a single premise or site.
30. **Tiny Home:** Houses that are 400 square feet in area or less and are located on a permanent foundation, or are intended to be parked permanently, or otherwise qualify as an Accessory Dwelling Unit, or single-family dwelling unit on a given parcel of land.
31. **Tiny Home Park:** A Tiny Home Park will exist where three (3) or more tiny homes are located on a single parcel of land.
32. **Townhouse:** A townhouse project most commonly consists of a group of horizontally attached two or three-story units combined with common areas for the use and enjoyment of all townhouse unit owners in the project. Each townhouse unit is individually owned, and the entire group of town house unit owners are also generally members of a homeowner’s association that owns and maintains the common areas for the benefit of all. A townhouse is very similar to a condominium project, except the

typical townhouse development is not a condominium because the common areas are not owned by each unit owner and are generally owned and maintained by a homeowner's association. Townhouse projects of more than 20 units and created on or after January 1, 1999 are covered by the Planned Community Act, as are certain developments which volunteer to be subject to all or a portion of the Act.

Townhouses that fall outside the Planned Community Act are governed by the same general laws that govern single-family houses, and therefore do not form part of this Ordinance.

- 33. **Treehouse:** A structure built in or around a tree which interacts with, and relies upon, the tree for its support. A treehouse consists of a roofed platform defining a sheltered space, which may be fully enclosed for protection from the elements.
- 34. **Working Day:** Normal working hours and working days for the County Inspections Department.
- 35. **Yurt:** A circular domed tent of skins, canvas or felt stretched over a collapsible lattice framework and used for sleeping, but does not typically contain rooms for lavatories, cooking, or other habitation purposes.

ARTICLE 2: ENFORCEMENT

SECTION 2.1: ENFORCEMENT AND PENALTIES

- A. No permits for any electrical connection or septic tank land improvements shall be issued upon any land requiring approval as, or determined to be, a mobile home park, tiny home park, recreational vehicle park, campground and/or other cluster of temporary living units, as defined and under the conditions set forth herein, unless the plans have received final approval from the Enforcement Officer.
- B. The Enforcement Officer may request the Inspections Department to revoke any and all building permits issued for the development of mobile home parks, tiny home parks, recreational vehicle parks, campgrounds and other clusters of temporary living units should the developer not comply with the relevant standards as set forth in this ordinance under an approved Final Development Plan. Upon written request from Enforcement Officer, the Inspections Department, under authority given in NC General Statute 153A-362, may revoke building permits in the park or development until such time as the developer has brought the park or development into compliance with this ordinance.
- C. Any person violating any provision of this ordinance shall be guilty of a misdemeanor and shall be subject to a fine of not more than fifty (50) dollars or imprisonment not to exceed thirty (30) days, as provided by NC General 14-4C.
- D. In lieu of or in addition to the criminal penalties outlined above, a developer of a mobile home park, tiny home park, recreational vehicle park, campground and/or other cluster of temporary living units or other person violating this ordinance may be subject to a civil penalty, under N.C.G.S. 153A-123(c), in the discretion of the Board of County Commissioners, not to exceed \$100.00. No penalty shall be assessed prior to notice to the

developer or property owner. For every day, a developer or property owner is in violation of this ordinance, it may be considered a separate offense. If the violator does not pay such penalty within thirty (30) days of notification of its assessment by written citation, it may be recovered by the County in a civil action in the nature of a debt. The developer may contest said penalty in the court of appropriate jurisdiction.

- E. 1. Should the owner or operator of a mobile home park, tiny home park, recreational vehicle park, campground and/or other cluster of temporary living units approved under the provisions of this ordinance be found in violation of any provision set forth in this ordinance, the owner or the operator shall be notified in writing by the Enforcement Officer. The written notification shall state the specific violations and set forth time limits in which the violations shall be corrected. Should the owner or operator not correct the violations in the specified time limit, the Enforcement Officer shall notify the owner or operator by certified mail that the operating permit for said park will be revoked at the close of the next business day five (5) days after date of the written notice.
2. Should the owner or operator of a mobile home park, tiny home park, recreational vehicle park, campground and/or other cluster of temporary living units be in violation of this ordinance and correct said violations before the loss of the operating permit, the owner or operator shall request that the Enforcement Officer conduct an inspection of the park. Should said inspection indicate that the violations have been corrected, then the Enforcement Officer shall notify the owner or operator that the operating permit will continue. If the violations have not been corrected, then the operating permit shall be revoked as stated in the notification.
3. In cases where the Operating Permit for a mobile home park, tiny home park, recreational vehicle park, campground and/or other cluster of temporary living units has been revoked the following shall occur:
- a. The owner or operator shall not rent or lease any vacant spaces until violations have been corrected and the Operating Permit is reinstated.
 - b. For spaces that are leased or rented, and which will be occupied by a tenant, the owner or operator shall cease to lease or rent these spaces at the end of the contract period which shall not exceed one (1) year from the date of the loss of Operating Permit.
 - c. The owner or operator shall notify each lessee of a space within the park, within ten (10) days after receipt of written notification, that the Operating Permit has been revoked and that their lease shall be terminated at the end of the specific contract period. The owner or operator shall provide a signed statement by each lessee that notice from the owner or operator of the leased termination has been made.
 - d. The Enforcement Officer shall notify in writing the County Building Department that the operating permit for said park has been revoked and that no new spaces in the park are to be leased from the date of the loss of the Operating Permit.

- F. The Enforcement Officer shall act to revoke an operating permit for violations of any part of this ordinance, except for violations that fall in the areas regulated by the County Environmental Health Department, County Health Department or County Building Department. In these cases, the Enforcement Officer shall work in cooperation with the aforementioned agencies regarding the revocation of the operating permit.
- G. The owner or operator of a mobile home park, tiny home park, recreational vehicle park, campground and/or other cluster of temporary living units, which has lost the Operating Permit, may make application to the Enforcement Officer for reinstatement of the Operating Permit. The Enforcement Officer shall reinstate the Operating Permit when the development or park is in compliance with the regulations for which the Operating Permit was revoked, and the plan approved by the County. The Enforcement Officer shall notify the County Environmental Health Department, County Inspections, and the owner or operator of the reinstatement of the Operating Permit, which allows the operator to lease or rent approved spaces.
- H. Every Operating Permit issued by the County (Enforcement Officer) is required to be renewed five years from the date of issuance to ensure ongoing compliance with this Ordinance. Each successive Operating Permit must be on display at the development's office and be readily visible to all inspectors and occupants of the development.
- I. A copy of this ordinance shall be on display at each development office and be readily available for occupants of the development.

ARTICLE 3: ADMINISTRATION

Mobile home parks, tiny home parks, recreational vehicle parks, campgrounds and/or other clusters of temporary living units which are in existence at the effective date of this ordinance shall not be regulated under the provisions of this ordinance. However, any addition or expansion to this development or park, which constitutes a major improvement or change in the existing development or park; such as change in location, in size of spaces, or number of spaces; relocation of streets; relocation or addition of major utilities or other properties or other major changes shall be regulated under the provisions of this ordinance. In the event that an expansion, replacements or additions occur to an existing development or park covered by this ordinance, the developer shall provide to the Enforcement Officer a layout of the existing Final Plan, including street patterns and space layouts to be used for informational purposes.

SECTION 3.1: AMENDMENTS

The Board of Commissioners may from time to time amend the terms of this Ordinance. No amendment shall be adopted by the governing body until they have held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the Clay County area at least once a week for two (2) successive calendar weeks prior to the hearing. The initial notice shall appear no more than twenty-five (25) nor less than ten (10) days prior to

the hearing date. In computing the ten (10) to twenty-five (25) day period, the date of publication is not to be counted, but the date of the hearing is.

SECTION 3.2: SEVERABILITY

Should any section or provision of these regulations be for any reason held void or invalid by a court of law, it shall not affect the validity of any other section or provision herein which is not itself void or invalid, and to this end, the provisions of this ordinance are hereby to be severable. Wherever the provisions of any other law, ordinance or regulation impose higher standards that are required by the provision of this ordinance, the provisions of such law ordinance or regulations shall govern.

SECTION 3.3: CONFLICT

Insofar as the provisions of this ordinance are inconsistent with the provisions of any other law except a provision of state or federal law, the provisions of this ordinance shall control.

SECTION 3.4: VARIANCES

- A. Where, because of severe topographical challenges or other conditions peculiar to the site, strict adherence to the provisions of this ordinance would cause an unnecessary hardship, the Clay County Board of Commissioners may authorize a variance, if such variance can be made without destroying the intent of this Ordinance.
- B. Any variances thus authorized is required to be entered in writing in the minutes of meeting of the Clay County Board of Commissioners and the reasoning on which the departure was justified set forth.

ARTICLE 4: STANDARDS AND REQUIREMENTS

After the effective date of this ordinance, no mobile home park, tiny home park, recreational vehicle park, campground and/or other cluster of temporary living units within the jurisdiction of Clay County shall be established or expanded to cover more land or add additional spaces until provisions of this Ordinance have been satisfied.

All fees for permits and approvals must be satisfied according to the fee schedule posted by the Clay County Government in its yearly Budget Ordinance, or as may be amended from time to time and posted by the relevant Department, either at the place of application or on the County's official website.

SECTION 4.1: SUBMISSION AND APPROVAL OF PLANS

- A. Preliminary Plan - Prior to review and submission of a Plan to the Enforcement Officer, the developer must first submit a Preliminary Development Plan. The Enforcement Officer shall advise the developer of general compliance with the requirements of this ordinance.
1. The Preliminary Plan shall contain such information as: name of park or development, owner's name and address, boundaries of the property, total acreage of the property and area to be developed, conceptual space layout, street layout and cross sections, utility easements, streams, boundary of flood hazard areas, wetlands, watershed, type and location of water and sewer facilities, proposed uses on the property other than mobile homes, tiny homes, or RV's, general location and types of buildings and proposed open space.
 2. The Preliminary Plan will be needed to acquire Clay County Planning Committee approval.
- B. Following the Preliminary Plan review and prior to the construction or alteration of a mobile home park, tiny home park, recreational vehicle park, campground and/or other cluster of temporary living units or the expansion of this type of residential park development, the developer shall make application with the Enforcement Officer for a permit for its construction or expansion. The application shall be accompanied by four (4) copies of the proposed Final Development Plan which includes the requirements of this Ordinance.
1. A registered surveyor or engineer's signature shall not be required on the Final Development Plan for any residential park or residential development containing three (3) or fewer spaces. For parks or developments containing four (4) or more spaces the Final Development Plan shall exhibit a registered surveyor or engineer's signature and the approval of the Planning Committee Chairperson. All water supply system plans must comply with State and local regulations, as determined by the Inspections Department. Any additions to an existing Preliminary Plan which brings the total spaces in the park to six (6) or more shall exhibit the signature of a registered surveyor or engineer and be developed in the same manner as a new development or park. The developer shall present a layout of the existing development or park in the Final Plan, including roads, spaces, buildings, and easements for informational purposes.
 2. The owner of the mobile home park, tiny home park, recreational vehicle park, campground and/or other cluster of temporary living units shall provide documentation identifying how the park or development will provide adequate facilities for solid waste storage, collection and disposal.
- C. The following agencies shall review the Final Plan and give their written approval, disapproval or conditional approval within their area of interest designated below prior to the Final Plan being submitted to the Enforcement Officer.

1. The NC Department of Transportation shall review the Final Plan to determine the proposed access conforms to the standards of the Department of Transportation.
 2. The County Planning Committee shall be responsible for the review of the following, to determine if the Final Plan is in accordance with the minimum health standards regulations:
 - a. Source of water and water distribution system,
 - b. Sanitary system of sewerage treatment and disposal.
 3. The E-911 Addressing Department shall review the proposed Final Plan to determine if the proposed road names and name of the development or park are acceptable in accordance with the Street Naming and House Numbering Ordinance.
- D. Each agency shall review the plan and shall provide written comment as to their findings, and should there be deficiencies in the plan, the developer or his agent shall be notified to correct such deficiencies in the plan.
1. The Planning Committee shall review all Final Development Plans to determine if the proposed Final Plan is in accordance with the design standards set forth in this ordinance, except for those cases where the property has a total of three (3) or fewer units.
 2. All mobile home parks, tiny home parks, recreational vehicle parks, campgrounds and/or other clusters of temporary living units that are reviewed by the Enforcement Officer shall have recourse to the Planning Committee. The developer may appeal the decision of the Enforcement Officer to the Clay County Planning Committee, by submitting written notice of appeal within ten (10) days after written notice of the decision of the Enforcement Officer is received. Upon receipt of the notice of appeal, the developer will be scheduled to appeal at the next regularly scheduled meeting of the Planning Committee, in accordance with set agenda policies of the Committee, for consideration of the appeal.
 - a. If approved conditionally the conditions and reasons therefore shall be stated and if necessary, the Planning Committee shall require the developer to submit a revised plan.
 - b. If the Planning Committee should disapprove the plan, the reasons for such action shall be stated and recommendations made for plan approval. The developer shall submit a revised plan.
 - c. Approval of the plan by the Planning Committee is authorization for the Enforcement Officer to issue a Construction Permit to the developer.
 3. Construction Permit

- a. Once the Planning Committee has approved or conditionally approved a Final Plan, the developer will have sixty (60) calendar days to have the necessary corrections in the Final Park Plans and specifications and to obtain a construction permit for the development or park. Failure to obtain a construction permit within this time period will cause the Planning Committee approval or conditional approval to become null and void. The developer may request an extension of this time period from the Enforcement Officer. The Enforcement Officer may grant up to a ten (10) day extension, only after the developer has justified the need for the extension.
- b. Once a set of plans and specifications have been submitted to the Enforcement Officer, the developer will have a six (6) month period to complete all necessary corrections to the plans and specifications which would enable the Enforcement Officer to present the proposal to the Planning Committee. Failure to provide modified plans and specifications within this time period will cause the plans and specifications to become null and void. The developer may request an extension of this time period from the Enforcement Officer. The Enforcement Officer may grant up to a thirty (30) day extension, only after the developer has justified the need for the extension. In the event that there are approval changes in this Ordinance or related codes or ordinances, prior to submittal of the development plan to the Planning Committee, the developer shall design the development or park to the current standards.
- c. Once a construction permit has been issued, the developer must complete three (3) prepared sites within a six (6) month period from the issuance date of the permit or the permit shall become null and void. However, the Planning Committee may grant an extension of up to six (6) months, if the developer appears before the Commission and shows cause for the extension, prior to the expiration of the original permit.

4. Operating Permits

- a. When the developer has completed the construction of the entire development or park or any phase, he shall make application to the Enforcement Officer for an operating permit. The Enforcement Officer and/or representatives of the consulting agencies shall make an on-site inspection to verify the proper installation of the improvements.
 - 1) If the construction conforms to the approved Final Plan, the Enforcement Officer shall issue the developer an operating permit.
 - 2) If the construction does not conform with the approved Final Plan, the Enforcement Officer shall delay issuance of the operating permit until it comes into conformity. The Enforcement Officer shall inform the developer in

writing of deficiencies in the construction and advise as to actions needed to be in compliance with the approved Final Plan.

- b. The operating permit issued to the developer shall constitute authority to lease or rent spaces in the mobile home park, tiny home park, recreational vehicle park, campground and/or other cluster of temporary living units.
- c. When a mobile home park, tiny home park, recreational vehicle park, campground and/or other cluster of temporary living units is to be developed in stages, the proposed Final Plan may be submitted for the entire development, and application for operating permits may be made for each stage of development upon completion.
- d.
 - 1) The County Environmental Health Department, the County Inspections Department, and/or the Enforcement Officer are hereby authorized, and directed to make such inspections as are necessary to determine satisfactory compliance with this ordinance. It shall be the duty of the owners or occupants of the residential park to give these agencies free access to such premises at reasonable times for the purpose of inspection.
 - 2) It is the responsibility of the residential park operator to operate the park or development in compliance with this ordinance, and the operator shall provide adequate supervision to maintain the park, its facilities, the landscaping, and equipment in good repair and in a clean sanitary condition.
- e. Every Operating Permit issued by the County is required to be renewed five years from the date of issuance to ensure ongoing compliance with this Ordinance. Each successive Operating Permit must be on display at the mobile home park, tiny home park, recreational vehicle park, campground and/or other cluster of temporary living units office and be readily visible to all inspectors and occupants of the park or development.

SECTION 4.2: IMPROVEMENTS AUTHORIZED AFTER APPROVAL

After the Planning Committee has completed the review, and either approved or conditionally approved the Final Plan, one copy shall be sent to the Enforcement Officer, the developer or his agent, the County Tax Department, and the County Planning Committee. The approved Final Plan shall be filed with Clay County's Register of Deeds Office.

SECTION 4.3: RESIDENTIAL PARK OR RESIDENTIAL DEVELOPMENT NAMES, ROAD NAMES, AND ADDRESSES

- A. The names of the residential parks covered by this Ordinance and any roads within them shall not duplicate or be phonetically similar to the names of developments, parks, or road names in Clay County.

- B. Where proposed streets are continuations of existing streets; the existing road names shall be used.
- C. Property address numbers shall conform to the Street Naming and House Numbering Ordinance and shall be assigned by the E-911 Addressing Department.
- D. An "Application for Street Name Approval for Mobile Home Parks, and Other Development" must be submitted, according to the development plans.

SECTION 4.4: RESIDENTIAL PARK ROAD REQUIREMENTS

- A. Where the intent and standards of this ordinance can be met by other means, the Planning Committee may approve other methods and designs to solve unique problems associated with individual development, on an individual basis. In no case, will the Planning Committee approve design of less than the minimum standards of this ordinance.
- B. Each residential park or residential development space shall be provided a gravel or hard surface area for parking of a minimum of two (2) vehicles, which is outside the travel surface and drainage ditches of the roadways. Parking either on the roads or alongside the roadways will not be permitted within the residential park or residential development.
- C. All streets within a residential park shall be either paved or graveled to a width of at least twenty (20) feet. Maintenance of the roadways shall be the responsibility of the owner or operator of the park, and roads are to be maintained in a manner to be free from potholes, breaks in the pavement, ponding of water during rainy periods, excessive washing of drainage ditches, and other associated problems which would impede or cause hazards to motor vehicles.
- D. If streets are to be graveled, a minimum of 3" of aggregated base course (ABC) No. 7 stone shall be used.
- E. Maximum grade for streets shall be 18%.
- F. Cul-de-sacs shall have a minimum all weather surface (stone/gravel or pavement) radius of 35' and shall have a minimum right of way radius of 50'.
- G. Speed reduction humps or dips are permissible in the roadway, but they must be painted with appropriate signs indicating the hump or dip along the roadway.
- H. Streets and roads within the residential park shall intersect as nearly as possible to right angles, and no street shall intersect at less than sixty (60) degrees. Where streets intersect with a state-maintained road, the design standards of the NC DOT shall apply.
- I. Each space within the park shall have access from a road within the park or development. Direct outlet of individual mobile home, tiny home or RV spaces onto State

maintained road will not be allowed, except in cases where direct access is the only way to provide access to the spaces. Any direct access for these units onto the State maintained roads will have to be approved by the NC Department of Transportation.

- J. Each residential park shall have entrance or access onto a State maintained road. In cases where the park entrance does not abut a State maintained road, the private access to the park entrance shall be upgraded and maintained by the developer in the same manner as roads within the park.
- K. Each residential park shall conform to the following for park entrances:
 - 1. Twenty (20) or fewer spaces shall have a minimum of one entrance,
 - 2. Twenty (20) to one hundred (100) spaces shall have a minimum of two entrances,
 - 3. Over fifty (50) spaces an additional entrance shall be provided for each fifty (50) spaces.
- L. Street signs must be purchased through Clay County. No permits will be issued prior to this transaction. Upon completion of the construction site, these signs will be installed by Clay County. Also, the developer will be responsible for advising tenants of the property address assignments for respective mobile home spaces in instructing them in the purpose of these addresses.

SECTION 4.5: RESIDENTIAL PARK OR RESIDENTIAL DEVELOPMENT LOT SIZES, SETBACKS, AND EASEMENTS

- A. All mobile homes, tiny homes or RVs shall be located on individual spaces within the residential park which shall be open and not obstructed. Each space shall have the minimum sizes as follows:
 - 1. Where a well and septic tank are on the same space: 20,000 square feet.
 - 2. Where either community water service or community sewer service is provided for each space: 15,000 square feet.
 - 3. Where both county or municipal water and county or municipal sewer services are provided to each space: 10,000 square feet.

Note: These minimum sizes may need to be increased due to requiring changes to be made after evaluating water source and septic system.
- B. Each space within a residential park shall have all corners marked during the application review and construction phase of the project. Failure to have each space clearly identified will slow the review process.
- C. Each space shall be located on ground not within the one hundred (100) year flood plain or meet requirement of Clay County Flood Plain Ordinance and graded to prevent any water from ponding or accumulating on the space.

- D. No mobile home or tiny home, or other residential unit, shall be located closer than ten (10) feet from the property line dividing the mobile home space from another mobile home space, so as to insure that there is a minimum of twenty (20) feet between each mobile home or tiny home, except that accessory structures as defined in this ordinance shall not be located closer than twenty (20) feet from any other accessory structure.
- E. No mobile home or tiny home, or other residential unit, shall be located closer than twenty (20) feet to any property boundary line of the Mobile Home Park or Tiny Home Park not abutting a public street or highway. When the property abuts a public street or highway, no mobile home or tiny home shall be closer than twenty (20) feet from edge of road right of way or thirty (30) feet from center of road whichever is greater.
- F. No mobile home or tiny home, or other residential unit, shall be located closer than twenty-two and one half (22.5) feet from the center line of all streets within the Mobile Home Park or Tiny Home Park.

SECTION 4.6: GROUNDS MAINTENANCE AND SOLID WASTE

- A. The storage, collections, and disposal of solid waste in the residential park shall be so conducted as to create no health hazards or pollution.
 - 1. All solid waste shall be stored in standard fly tight, water tight, rodent proof containers, with a capacity of not more than fifty (50) gallons which shall be located not more than 150 feet from any residential living space. In the alternative, a commercially acceptable collection container may be used. Containers shall be provided in sufficient numbers and capacity to properly store all solid waste. The park management shall be responsible for the proper storage, collection and disposal of solid waste.
 - 2. All solid waste shall be collected at least once weekly. Where suitable collection service is not available from municipal or private agencies, the park operator shall provide this service. All solid waste shall be collected and transported in covered vehicles or containers and disposed of in accordance with the County Health Department's rules and regulations.
- B. All residential park developments must be neatly landscaped and must not contain unsightly debris. Grass, if used, must be maintained on all roadsides and public areas and cut regularly. Disregard for the condition of the grounds within the park may result in a permit not being renewed or revoked.
- C. All residential park developments shall be adequately screened with a minimum of ten (10) feet in height continuous evergreen vegetative buffer (for example, Leland Cypress) and/or natural features which shall be present and maintained at all times around the perimeter of its exterior boundary lines.

- D. When the evergreen trees or shrubs are planted, they shall be spaced at least ten feet apart (from the base of tree or shrub to the base of the tree or shrub) in order to allow growth of the tree or shrub to maturity. The evergreen vegetative buffer shall be composed of evergreen trees or shrubs of a type which at planting shall be a minimum of 4 feet in height and which shall be maintained at maturity at a height of not less than 10 feet in height. This strip shall be free of all encroachment by buildings, parking areas or other type of impervious coverage. No designated residential park development spaces shall include any areas required for buffering in accordance with this Article.
- E. The evergreen vegetative buffer shall be carefully planted and shall be maintained in good condition. Failure to maintain the evergreen vegetative buffer shall constitute a violation of this ordinance.

SECTION 4.7: RESTRICTIONS

- A. Residential living units or spaces within a residential park development, as defined under this ordinance, shall not be sold. If spaces are to be sold, then those spaces will have to be submitted and reviewed under the guidelines of the Clay County Subdivision Ordinance. A group of spaces or blocks of residential living spaces may be sold to a single owner, corporation, group or other as long as the spaces remain rental spaces. Upon ownership changes of a residential park development, or any part thereof, the owner shall notify the Enforcement Officer of the new owner and other pertinent information.
- B. No bedroom living space shall be added to an individual residential unit in parks regulated by this ordinance, which would cause the total number of bedrooms to be more than the number specified on the septic tank land improvements permit for the individual space.

SECTION 4.8: GENERAL REQUIREMENTS

- A. One mobile home or tiny home may be used as an administrative office within a residential park development.
- B. Convenience establishments of a commercial nature, such as food stores, coin-operated laundries and beauty parlors, may be permitted in a residential park development subject to the following restrictions:
 - 1. Such establishments shall be subordinate to the residential use and character of the park;
 - 2. Such establishments must meet septic approval standards; and
 - 3. Such establishments shall be designated to serve the trade and service needs of the park or development residents.
- C. A mobile home or RV connected with a fair, carnival, or circus may be parked at the activity's location for the duration of the fair, carnival or circus, but not to exceed twenty-

one (21) days, provided that all sewage and solid waste is disposed of in a manner approved by the Planning Committee.

- D. Each residential park living space shall have a site number placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address/site numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure.
- E. If a residential living unit burns or is uninhabitable, the unit and all associated debris shall be removed from the park within 90 days after the fire at the mobile or tiny home-owner's expense.
- F. All electrical services and connections for residential living spaces shall comply with the electrical code enforced by the County Building Inspections Department.
- G. Anchors, tie-downs, or supports shall meet NC Manufactured Housing Requirements.

SECTION 4.9: PLAN REQUIREMENTS

- A. The Final Park Plan shall be placed on a standard sheet size measuring a maximum of twenty-four (24) inches by thirty-six (36) inches, at a scale of not smaller than one (1) inch to one hundred (100) feet.
- B. In order to obtain a review of the spaces in a proposed residential park development by the Planning Committee, to assure that there will be adequate usable space for septic tank systems, the developer shall have the lot corners indicated on the plan, marked and identified on the ground in such a manner that the proposed spaces can be clearly identified by the Planning Committee. Upon completion of the investigation by the Planning Committee, written comments as to the findings shall be presented to the Planning Committee in their review of the proposed development.
- C. All plans shall show:
 - 1. The location of existing property lines, streets, service buildings, natural and man-made water courses, railroads, transmission lines, sewers, bridges, culverts, and drain pipes, water mains, city and county lines (if adjoining), drainage easements and any public utility easements, all structures to be located on the park site;
 - 2. Boundaries of tracts with bearings and distances;
 - 3. Names of adjoining property owners;
 - 4. Proposed residential spaces well-defined, indicating approximate dimensions, size and site numbers (as approved by the Clay County E-911 Addressing Department).

5. Title, date, north point, and graphic scale;
6. Names, addresses and telephone numbers of owners, surveyor and land planner.
7. Site data:
 - a. acreage in total tract,
 - b. acreage in parks, if applicable,
 - c. total number of mobile home or RV spaces,
 - d. lineal feet in streets;
 - e. width and character of street
 - f. identify water, sewer and solid waste
8. Vicinity map, sketch showing relationship between mobile home or RV park and surrounding area;
9. Flood plain information, if necessary;
10. Names of proposed streets;
11. For mobile homes, the Developer shall indicate on the plan the required number of bedrooms for which each space should be reviewed by the Inspections Department.
12. Sedimentation control plan information in accordance with North Carolina State Law.

SECTION 4.10: RECREATIONAL VEHICLE PARK GENERAL REQUIREMENTS

A. Recreational Vehicle Requirements

1. *Permanent habitation is not permitted, unless the Recreational Vehicle is used by the property owner to reside.* An individual property owner may have as many as three RVs for personal living space, but in order to provide for the public safety and general welfare, the use of RVs for residential parks or developments shall be deemed unlawful. RV Park operators shall provide proof of the temporary nature of users upon request from the Enforcement Officer.
2. *RVs as temporary structures.* For RV parks deemed to contain more than three RVs, to maintain compliance with this ordinance, the below requirements must be followed:
 - a. RVs must remain tagged with an up-to-date license.
 - b. RVs shall not have permanent plumbing or mechanical connections.
 - c. Wheels and axles on the RV must remain on the units at all time.

- d. Accessory structures shall not be supported by the RV and must remain moveable.
 - e. RVs shall be set up in accordance with the manufacturer's recommendations.
 - f. Any vehicles with a canopy that extends 12 feet or more in any direction shall meet all building requirements for such structure or extensions and must have a valid building permit from the Clay County Building Inspector's Office.
 - g. No canopy shall be permanently fixed to an RV.
 - h. No structures may be built around the RV.
 - i. Maximum stay for an RV in a RV park shall not exceed 180 days out of a 365 day year.
3. If a Tiny Home is mobile and on wheels and tagged for mobility, it shall constitute an RV and must comply with all Requirements herein applied to RVs.

B. Site Development

- 1. RV Parks that form part of campgrounds, or are by definition campgrounds due to the temporary nature of the dwelling unit, shall comply with the regulations set forth in Section 4.13 below.

SECTION 4.11: TINY HOMES PARK GENERAL REQUIREMENTS

Unlike RVs, tiny homes are meant to support permanent habitation and while they are designed to move on wheels, the unit must ultimately be set on a permanent foundation to qualify as part of a Tiny Home Park. Tiny homes therefore shall be approved by the Inspections Department and must meet the requirements of sections 4.4, 4.5 and 4.8, respectively, above. A tiny home that forms part of a Tiny Home Park shall have habitable space, which is defined as a space in a building for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage, or utility spaces and similar areas are not considered habitable spaces. A Tiny Home that exists on its own on a parcel of land, or on a parcel along with another residence shall be deemed an Accessory Dwelling Unit and is not subject to the requirements relating to Tiny Home Parks, but must comply with the minimum standards below.

A. Minimum Standards

The following shall be the minimum standards required for tiny homes:

- 1. *Habitable rooms—Light.* Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be eight (8) percent of the floor area of such room. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least fifteen (15) percent of the total area of such room.
- 2. *Habitable rooms—Ventilation.* Every habitable room shall have at least one (1) window or skylight which can be safely opened, or such other device as will adequately ventilate the room. The total of openable window area in every habitable

room shall be equal to at least forty-five (45) percent of the minimum window area size or minimum skylight-type size, as required, or the room shall have other approved equivalent ventilation.

3. *Bathroom.* Every bathroom shall comply with the light and ventilation requirements for habitable rooms except that no window or skylight shall be required in adequately ventilated bathrooms equipped with an approved ventilation system.
4. *Electric lights and outlets.* Every dwelling shall be adequately and safely wired for electric lights and convenience receptacles. Every habitable room and hallway shall have provisions for adequate lighting and other necessary electrical service.
5. *Plumbing.* All plumbing fixtures must be connected to an approved method of sewage disposal (storage tanks are not acceptable).
6. *Construction requirements.*
 - a. Tiny homes must have at least one habitable room with not less than 120 square feet of gross floor area. Other habitable rooms must have not less than seventy (70) square feet of floor area (except for kitchens). Habitable rooms must not be less than seven (7) feet in any horizontal dimension.
 - b. Ceilings height's effect on the room area is as follows:
 - i. Portions of a sloped ceiling measuring less than five (5) feet or a furred ceiling measuring less than seven (7) feet from the finished floor ceiling shall not be considered as contributing to the minimum required habitable area for that room.;
 - ii. Ceiling heights must be a minimum seven (7) feet in habitable spaces, hallways, bathrooms, and toilet rooms.
 - c. Every dwelling unit must have toilet facilities-water closet, lavatory, and a bathtub or shower. Tiny homes must have a kitchen area and sink.
 - d. The unit must be provided with a heating facility compliant with building codes applicable to mobile homes.
7. *Foundations.* Foundations shall meet the requirements of the NC Residential Code. HUD Labeled Manufactured Homes or New Homes shall be set up in accordance with the manufacturer's installation manual.

Tiny homes can be permitted in four different ways:

1. The site must be built to NC Residential Code requirements
2. Labeled modular tiny homes must meet NC Residential codes and must meet NC Modular Construction Program guidelines
3. HUD labeled manufactured home must meet HUD requirements and NC Modular Construction Program guidelines.
4. RV/Park Model/Campers must be dual labelled to be considered a tiny home, and only if said units have, or can subsequently be located on, permanent foundations.

Tiny homes must meet any set-back requirements that are applicable for residential parks or residential developments covered under this ordinance. If tiny homes form part of a planned community, they must meet any community protective covenant requirements, if applicable. Tiny Home Parks must comply with all the requirements set forth above.

A tiny home that remains on its wheels will be regarded as a Recreational Vehicle, unless it can be established otherwise through the permitting process.

SECTION 4.12: CLUSTERS OF TEMPORARY LIVING UNITS GENERAL REQUIREMENTS

Clusters of temporary living units are regarded as temporary structures that can be used for seasonal or recreational purposes and shall not be used for permanent housing. In terms of this Ordinance, these will include, but will not be limited to:

1. Teepees, which can be used for group functions, events, or other seasonal purposes.
2. Tents that are fixed for occupancy for seasonal use and not brought (put up or taken down) by the user and removed when such occupancy terminates.
3. Yurts
4. Tree houses that are not considered Accessory Dwelling Units.

Any cluster of temporary living units greater than three (3) shall be regarded as a cluster and must comply with the conditions of this Ordinance as outlined for campgrounds below. The main distinguishing difference between clusters of temporary living units and units that are found in a campground is that the property owner or cluster property manager provides the units on the property and in their designated sites, rather than the occupant or person renting the space and erecting the unit themselves. All other standards and requirements for operating the property as a cluster are the same as for campgrounds.

SECTION 4.13: CAMPGROUND GENERAL REQUIREMENTS

Campgrounds are substantially different in character from mobile home parks, tiny home parks, recreational vehicle parks, and other cluster of temporary living units; therefore, additional standards are hereby established to assist the Enforcement Officer in assessing their plans.

The purpose of campground regulations is to ensure that each new or enlarged campground resort provides the necessary facilities, sites, amenities, and other requirements in the interest of preserving the public safety, health, and general welfare, and that such developments provide a quality camping opportunity for visitors to Clay County.

The regulations within this Article are designed to accomplish the following specific objectives: (a) to further the orderly layout of campground resorts; (b) to secure safety from fire, panic, and other dangers; (c) to provide adequate light and air; and (d) to ensure that facilities for

transportation, parking, water, sewage, and recreation are provided for campground resort visitors.

A. Definitions relating to Campgrounds

When used in this Ordinance, the following words and phrases shall have the meaning below. Terms not herein defined shall have their customary definitions where not inconsistent with the context.

1. *Campground*. A campground is a designated place where campsite spaces are located for temporary occupancy by camping units on a temporary basis for recreation, education or vacation purposes. Campground and campground resorts shall be used synonymously throughout this Ordinance.
2. *Camping Unit*. A recreational vehicle, tent, shelter, van or other similar device used for camping.
3. *Campsite space*. A space designed and promoted for the purpose of locating a camping unit.
4. *Composting Toilet*. A human waste disposal system that converts human waste into an organic compost and usable soil, through the natural breakdown of organic matter into its essential minerals.
5. *Developer*. Any person, firm, trust, partnership, association or corporation engaged in development, or proposed development of a campground.
6. *Easement*. The right to use another person's property, but only for a limited and specifically named purpose, the owner generally continues to make use of such land since he/she has given up only certain and not all, ownership rights.
7. *Facility*. A structure that is an amenity within a campground, set aside or otherwise made available to campers for their use and enjoyment of the campground, and includes camping units, swimming pools, tennis courts, recreational buildings, boat docks, restrooms, showers, laundry rooms, trading posts or grocery stores, and as otherwise approved by the Board of Commissioners.
8. *Freestanding sign*. a sign wholly supported by a sign structure in the ground.
9. *Gray water*. Disposal water from sinks, showers, and toilets.
10. *Incinerator*. A device capable of reducing waste materials to ashes.
11. *Length*. The distance measured from the tip of the hitch to the part farthest to the rear of a recreational vehicle (as defined in NC State Building Code Volume II—Plumbing, Appendix B, 1996 edition).
12. *Marl*. Impure fine grained limestone.
13. *Mechanical Aeration System*. A mechanically aerated treatment tank and other appurtenances that provides aerobic biochemical stabilization of sewage prior to its discharge to an absorption area.
14. *Open Space*. Any land or area, common or restricted, the preservation of which in its present use would: (1) conserve and enhance natural or scenic resources; or (2) protect streams or water supply; or (3) promote conservation of soils, wetlands, beaches, or tidal marshes; or (4) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries; or (5) enhance recreation opportunities, as approved by the Board of Commissioners.

15. *Private Street*. Every road not open to the use of the public for the purpose of vehicular traffic; a roadway within a private property and is privately owned and maintained. The main function is to provide access to the adjacent private land. Private streets shall be labeled on the recorded plat or deed.
16. *Privy*. A small building having a bench with holes through which the user may defecate or urinate, designed to receive sewage where water under pressure is not available.
17. *Public Street*. A dedicated and accepted public right-of-way which gives access to abutting property that is generally open to and used by the public for vehicular traffic and meets the standards of this Section. Public streets shall meet the most recent North Carolina Department of Transportation minimum construction standards if owner of property wants NCDOT to maintain the public streets. All streets within the campground shall be privately owned and maintained unless approved by NCDOT. The term "public street" shall not be construed to mean any private property not generally open to and used by the public.
18. *Water Supply System*. A system for the provision of water for human consumption through pipes or other constructed conveyances.
19. *Recreational Vehicle*. A vehicle-type unit primarily (above all) designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home (as defined in Section 551, NEC; NFPA 501C; and ANSI 119.5). Recreational vehicles shall not be accepted as permanent dwelling structures and do not include park models or any other type of permanent unit. Recreational vehicles shall not have any permanent (hard) wiring, plumbing, or mechanical connections. The term recreational vehicle, camper, and travel shall be used synonymously throughout this Article and can take the following forms:
 - a. *Independent Recreational Vehicle*. One equipped with a water closet and a bath or shower as defined in NC State Building Code.
 - b. *Dependent Recreational Vehicle*. A trailer coach not equipped with a water closet as defined in NC State Building Code.
20. *Recycling toilet*. A device in which the flushing medium is restored to a condition suitable for reuse in flushing.
21. *Septic Tank System*. A subsurface sanitary sewage system consisting of a settling tank and a subsurface disposal field and other appurtenances required for proper collection, distribution, treatment, disposal, operation and performance.
22. *Service Building*. A building housing toilet and bathing facilities for men and women, with laundry tray as defined in NC State Building Code.
23. *Setbacks*. The distance between a structure and the internal boundary line (i.e. campsite space line) or external boundary line.
24. *Sewage*. A substance that contains the waste products or excrement or other discharge from the bodies of human beings or animals and noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to use of water for domestic water supply or for recreation.
25. *Sewage System*. A complete system of sewage collection, treatment and disposal, including approved privies, septic tank systems, incinerators, composting toilets, recycling toilets, mechanical aeration systems, or other such systems approved by the

Environmental Department within the Department of Health. The sewage system shall be public or private or a combination of both.

26. *Shelter*. A camping unit that provides cover or protection, as from the weather. The Environmental Department within the Department of Health may require that shelters include bathroom, kitchen, and sleeping amenities among other amenities.
27. *Structure*. Any piece of work constructed or erected, the use of which requires a location on the ground or attached to something having a location on the ground.
28. *Surveyor*. A qualified land surveyor or engineer registered and currently licensed to practice surveying in the State of North Carolina.
29. *Tent*. A portable cover of canvas, plastic, or skins stretched over a supporting framework of poles with ropes and pegs.
30. *Van*. An enclosed boxlike motor vehicle having rear or side doors and side panels.

B. Design Standards.

1. *Streets and Parking*.

a) *Off-Street Parking Requirements*.

- 1) Two (2) off-street parking spaces shall be provided and maintained for each campsite space or as specified by the Planning Committee, which may be located directly on each campsite space.
- 2) The minimum dimensions of a parking space shall be 8 by 20 feet.
- 3) Parking on any grounds which are not a part of the vehicle parking area, including public streets, sidewalks, rights-of-way, or any other private grounds, is prohibited.
- 4) All parking within the campground resort shall take place off the internal street(s) within designated parking areas only.

b) *Public Street Access*. No campsite space within a campground resort shall directly access a road from the exterior [of] the campground. Access to all structures within the campground shall be made using internal streets, unless otherwise approved by the Enforcement Officer.

c) *Internal Street Standards*.

- 1) One-way and/or two-way streets shall be used throughout the campground. Two-way streets shall have minimum right-of-way width of fifty (50) feet (where necessary for adequate drainage, additional right-of-way may be required) and a minimum travel way width of twenty (20) feet or the minimum width, as required in the Clay County Subdivision Ordinance, whichever is more restrictive. Such streets shall be well maintained and clearly identified. All streets within the campground shall be privately owned and maintained unless approved by NCDOT.

- 2) One-way streets are not subject to the requirements listed above. Such streets shall provide for the adequate access of emergency vehicles. Private street plans shall be approved by the Clay County Emergency Management Director
- 3) All internal streets that dead-end shall be provided with a permanent turnaround of forty (40) feet in diameter or provide a turn-around designed for emergency vehicles within one hundred (100) feet of the end of the street.
- 4) All internal streets within the campground shall be equipped with adequate and necessary drainage facilities, as determined by the Enforcement Officer.
- 5) Maintenance of all internal streets and drainage facilities shall be the responsibility of the owner of the campground if not approved by NCDOT. Streets shall be maintained in a manner to be free from pot holes, breaks in the pavement, rough surfaces, ponding of water and associated problems which would impede or cause hazards to motor vehicles. Speed reduction bumps on paved internal streets are permissible, but they shall be painted and appropriate signs indicating the bump shall be placed along the street. These requirements are subject to inspection at any time by a Clay County agent.

2. *Ingress and Egress.*

- 1) Campgrounds shall not be located on through lots unless the campground is designed in a manner which does not encourage motorists from using the campground as a means of traveling from one public street to another or unless approved by Enforcement Officer.
- 2) All campground entrances/driveways shall be approved by the North Carolina Department of Transportation as required by NC state law.

C. Campground Space: Minimum Campground Design and Regulations.

1. All Campgrounds shall have a gross land area that is large enough to offer room for its campsite spaces and any other regulations as set forth in this Section.
2. A stick built, modular, mobile or manufactured home, or other permanent dwelling as approved by the Planning Department, may be located within the campground for the owner, manager or caretaker(s) of the campground to reside in temporarily or permanently.
3. Large trash receptacles, pump-out facilities, dumping stations, and maintenance areas shall be screened from the public view.
4. All areas not used for camping spaces, motor vehicle parking, traffic circulation, service or community buildings, or approved recreational area (by the Clay County Planning

Board) shall be completely and permanently landscaped or maintain existing natural vegetation. The landscaping shall be maintained in good condition.

5. Children under 16 shall wear helmets when operating golf carts, four-wheelers, etc.
6. Trash cans may be provided in convenient locations for the use of guests of the campground and shall be of such capacity that there is no uncovered accumulation of trash at any time.
7. No trenching, digging, cutting shrubs or trees by campers.
8. Discharging of gray water is prohibited. All water is to be collected and emptied at the dump station, according to NCGS 143-215.
9. Firearms shall not be displayed or discharged in the campground.
10. Shelters may be available for lodging to one or more campers while they are camping.
11. A walkway (design standards must be approved by the Enforcement Officer) shall be available from the parking area, facilities, and similar amenities to each campsite space. The North Carolina Accessibility Code shall be met and approved by the Inspections Department.
12. No swimming pool or bathing area shall be installed, altered, improved, or used without compliance with applicable Clay County Health Department regulations. No bathing area shall be used without the approval of the Clay County Health Department and the Clay County Inspections Department.
13. The campground owner is responsible for refuse collection. Storage, collection, and disposal of refuse shall be so managed as not to create health hazards, rodent harborage, insect-breeding areas, accidents, fire hazards, or air pollution. The method of garbage disposal shall be noted on the plan.
14. Where greenway or trail systems exist within 1,000 feet of a campground the developer shall connect to such system unless this requirement is waived by the Planning Committee.
15. The total area utilized for any structures, parking, campsite spaces, and access shall not exceed 30% of the total area of the campground.
16. A minimum of 70% of the total land area shall be devoted to open space.
17. Signs may be placed within campground for purposes of public direction and safety.

18. One freestanding sign for the purposed of advertising the campground shall be constructed at the entrance(s) of the campground and shall comply with the sign regulations for the commercial zoned district.
19. There shall be a maximum of three off-premise signs which must meet underlying regulations.
20. Junked, abandoned, and nuisance vehicles are prohibited in campgrounds.
21. All structures shall adhere to applicable NC State Plumbing, Building, Mechanical, Electrical, Fire Prevention, and Accessibility Codes.

b. Minimum Space Design and Regulations.

The following minimum space requirements also takes into account the need for adequate space to prevent overcrowding, prevent fire hazards, provide sufficient light and air, etc.

1. Minimum campsite space size, 1,250 square feet, unless a camper accommodating campsite space, which shall be a minimum of 3,000 square feet. Campsite space size for shelters may vary upon approval by the Clay County Planning Board.
2. Minimum campsite space width, 25 feet, unless a camper accommodating campsite space width, 35 feet. Campsite space width for shelters may vary upon approval by the Planning Committee.
3. Minimum campsite space setbacks. No camping unit or permanent structure shall be within 10 feet of any internal boundary line.
 - a. Each site designated as camper accommodating shall contain a stabilized vehicular parking pad of packed gravel, marl, paving or other suitable material.
 - b. Each campsite space may provide a fire pit or ring if burning is permitted within campground.
 - c. No trash burning is allowed other than in fire pit or ring and no burning other than paper and wood is allowed. Fires shall be extinguished before leaving or retiring.
4. Tables may be provided at campsites spaces.
5. Each camping unit or permanent structure shall be located at least thirty (30) feet from the edge of any external property line or publicly-maintained street or road.
6. Room additions, porches, and storage units of any kind are not allowed in campsite spaces. The Clay County Planning Board may approve porches in association with shelters.

7. Only one recreational vehicle per camper accommodating space is allowed.
8. Each campsite space shall be left in a clean, neat condition by the campsite user.
9. All spaces shall be located on sites with elevations that are not susceptible to flooding. The spaces shall be graded to prevent any water from ponding or accumulating within the park. Each space shall be properly graded to obtain a reasonably flat site and to provide adequate drainage away from the space. This requirement is not intended to circumvent FEMA regulations or the county's Flood Management Ordinance.
10. Each campsite space shall be identified by a permanent number which shall not be changed. The appropriate number of each campsite space shall be permanent and visibly displayed on each space. Each number shall be placed on a concrete, wood, metal, or any permanent post or object and conspicuously located on the lot. If a shelter, as approved by the Clay County Planning Board, contains separate sleeping quarters for campers, each quarter must be labeled.

c. Utility Requirements.

1. *Water.* An accessible, adequate, safe and potable supply of water shall be provided in each camper accommodating campground or as required by Environmental Health Department. Where a public water supply is available and if the water system is installed in accordance with minimum county standards, per campground owner approval, the developer could dedicate the system to the county to operate, and its supply used exclusively. When a public water supply is not available, a private water supply may be developed and its supply used exclusively in accordance with local and state regulations and standards of the Division of Environmental Management, NC Department of Environment, Health, and Natural Resources codified in 15A NCAC 2C. Siting well locations should be discussed with the Clay County Health Department.
 - a. All piping fixtures or devices used in the installation of drainage and water supply systems for campgrounds, or parts thereof, shall conform to the quality and weights of materials required by the Standard Plumbing Code.
 - b. All plumbing fixtures, piping, drains, appurtenances and appliances designed and used in campground drainage, water supply system, and service connections shall be installed in conformance with the Standard Plumbing Code.

d. Health.

Building and grounds shall be maintained free of rodent/insect harborage and infestation. Extermination methods and other control measures shall be in accordance with the requirements of licensed pest control operators. The campground owner shall be responsible for pest extermination and pest control measures to prevent the development of unsanitary conditions.

e. **Service Buildings.**

Pursuant to N.C. State Building Code, each camper accommodating campground shall have at least one service building to provide necessary sanitation. Non-camper accommodation campgrounds may include service buildings. This structure may also contain a retail sales counter and/or coin operated machine for the campground resident's use. Vending machines also may be permitted in a covered area. All service buildings shall be of a permanent construction with an interior finish of moisture resistant material which will stand frequent washing and cleaning and the building shall be well-lighted and ventilated at all times. All service buildings 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 and conveniently located. All service buildings shall be accessible to the Clay County Health Department and shall be in conformity with all county codes. All buildings shall be constructed in accordance with the N.C. State Building Code, and shall meet N.C. State Building Code or Clay County setback requirements, whichever is more restrictive.

1. *Independent Recreational vehicles.* The service buildings of only independent recreational vehicles campgrounds shall have a minimum of one water closet, one lavatory, one shower or bathtub for women and one water closet, one lavatory, one shower or bathtub for men. Accommodations will be made to comply with the Adult Disability Act (ADA).
2. *Dependent Recreational vehicles.* The service buildings in campgrounds that also accommodate dependent recreational vehicles (recreational vehicles) shall have a minimum of two water closets, one lavatory, one shower or bathtub for women, and one water closet, one urinal, one shower or bathtub for men and one slop water closet for emptying container of human waste. The above facilities are for a maximum of ten dependent recreational vehicles. For every ten additional dependent recreational vehicles the following additional fixtures shall be provided: one shower or bathtub for each sex, one water closet for every 10 additional dependent recreational vehicles for women and one water closet for every 15 additional dependent recreational vehicles for men. Accommodations will be made to comply with the Adult Disability Act (ADA)

f. **Water Supply for Fixtures.**

Hot and cold water shall be provided for all fixtures except water closets. The service water closet shall be provided with hot and cold water faucets over the bowl in addition to the flushing mechanism (preferably a flushometer valve). Each water closet, service water closet, tub and shower shall be in separate compartments, with self-closing doors on all water closet compartments. The shower shall be a minimum of 5 feet × 5 feet in area, with a dressing compartment with a stool or bench for women.. A minimum 3-inch floor drain shall be installed in each toilet room.

g. **Electricity.**

- a) Recreational Vehicles cannot be accepted as permanent dwelling structures at campgrounds and cannot have any permanent (hard) wiring, plumbing, or mechanical

connections. The power supply is installed in accordance with the North Carolina Electrical Code is given below:

- a. Feeder. The power supply to the recreational vehicle shall be a feeder assembly consisting of at least one 20-ampere and at least one listed 30-ampere or 50-ampere recreational vehicle power-supply cord with an integrally molded or securely attached cap, or a permanently installed feeder.

h. Registration of Occupants.

Every campground owner or operator shall maintain an accurate register containing a record of all occupants in the campground. The register shall be available for inspection at all times by authorized county representatives. The register shall contain the following information:

1. Name and address of the occupants of each space.
2. Campsite space number and/or appropriate quarter within a shelter.
3. Date when occupancy within the campground begins and date when occupancy within the campground ceases.

i. Permanent Occupancy Prohibited.

No permanent sites. No campsite space shall be used as a permanent place of abode. Any action toward removal of wheels of a camper except for temporary purposes of repair is hereby prohibited. The transfer of title of a camper space or spaces either by sale or by any other manner shall be prohibited within a campground. Guests may only stay for a period of time not to exceed 14 days in any given four-week period.

j. Inspection.

1. The Clay County Health Department, the Clay County Building Inspections Department, the Clay County Planning Department, and any representative acting in official capacity on behalf of Clay County as determined by the County Manager, is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Article. It shall be the duty of the owners of campgrounds to give these agencies free access to such premises for inspections.
2. The person to whom an operating permit for a campground is issued shall operate the campground in compliance with this Article and shall provide adequate supervision to maintain the campground, its facilities and equipment in good repair and in a clean and sanitary condition.
3. The campground owner shall notify campground visitors of all applicable provisions of this Article and inform them of their responsibilities under this Article.

k. Procedure for Securing Approval.

Campground resorts may be established upon receiving conditional use permit approval by the Clay County Planning Board.

1. Campground Resort Plan Submission and Approval Process.

Prior to the construction of a campground or the expansion of an existing campground, the developer shall submit a final campground site plan to the Enforcement Officer.

The applicant will also submit a draft of the proposed protective covenants whereby the owner proposes to regulate land use and otherwise protect the proposed campground and a draft of any proposed incorporation agreement and a draft of any bylaws or easement declarations concerning maintenance of recreational and other common facilities.

The campground site plan shall be prepared by a registered land surveyor currently licensed and registered in the State of North Carolina, or the owner or his/her authorized agent and shall be drawn legibly at a scale of one hundred (100) feet to one (1) inch, or larger, and shall include the following.

PLAN REQUIREMENTS:

- 1) Vicinity Map, sketch showing relationship between campground and surrounding area.
- 2) Private or public water/utility and sewer system plans.
- 3) Surface and/or subsurface drainage plan.
- 4) Size, location, and layout of the fire protection system as approved by the Emergency Management Director.
- 5) Floodplain information, if necessary.
- 6) Sedimentation control plan information in accordance with NC State Law.
- 7) Method of garbage disposal and associated plans.
- 8) Site plan data:
 - a. Acreage in total tract.
 - b. Acreage in campground.
 - c. Name of the campground, developer, scale, date, tax map, and parcel number.
 - d. Title, date, graphic scale, north arrow.
 - e. The outside boundaries of the tract of land on which the campground will be built and approximate bearings and distances of each line.
 - f. Total number of spaces and quarters within shelters.
 - g. Proposed campsite spaces well defined, indicating accurate dimensions, site numbers, and campsite space use, such as "tent campsite space," "camper accommodating campsite space," "shelter campsite space," etc.
 - h. Lineal feet in streets.
 - i. The location of existing property lines, streets, service buildings, natural and man made water courses, existing wells and septic tanks, railroads, transmission lines, sewers, bridges, culverts, and drain pipes, water mains, city and county lines (if

- adjoining), drainage easements and public utility easements, all structures to be located on the campground site.
- j. The location and dimensions of present and proposed. campground streets and adjacent highways.
 - k. The proposed size, location, and layout of all streets, driveways, open recreational areas, land to be preserved as permanent common or restricted open space, parking areas, structures, easements, and campsite spaces.
 - l. All existing structures and proposed structures.
 - m. Landscaping and buffering.
 - n. Adjoining property owners.
 - o. Sign location, setback and dimensions.
 - p. Existing uses on property and adjacent properties.
 - q. Off-street parking, loading areas and their dimensions.
 - r. Size, location and specification of water supply lines and their location.
 - s. Other special features of the campground determined by the Clay County Manager.

9) Review Process.

The standards contained in this Section are minimum standards. Additional standards may be required where necessary to meet other requirements of other Clay County ordinances (i.e. Floodplain, Watershed, Solid Waste, etc.) and as recommended by the Planning Committee or as required by the Board of Commissioners.

Should any agency find deficiencies in the proposed campground plan, the developer or his agent shall be notified by the Planning Committee to correct such deficiencies in the plan. Each agency shall notify the Planning Committee after reviewing the proposed campground plan and shall provide a written statement of approval or disapproval. If disapproved, then the reasons therefor shall be stated. If deficiencies are found with the plan, the plan will then be returned to the developer for correction. If the review agencies determine no inconsistencies with applicable regulations, the Enforcement Officer shall then forward the proposed campground resort plan to the Clay County Planning Committee for recommendation.

On a case by case basis, the Planning Committee may recommend waiving the requirement of the applicant furnishing plans as required above, including water, sewer, drainage, sediment erosion control, fire prevention, garbage disposal plans, and receiving approvals by applicable agencies providing that before a permit can be issued, the plans are approved by those agencies and the Planning Committee. For example, the Planning Committee may forward a conditional use request to the Board of Commissioners before the applicant has received a Sediment Erosion Control Plan approval by the North Carolina Department of Environmental and Natural Resources (NCDENR). If during the meeting, the Planning Committee establishes a need for certain plans and/or approvals which the applicant does not have, the Planning Committee may table the request until the plans have been finalized and the proper approvals have been met by applicable agencies for the Planning Committee's review.

m. Plan Approval.

The Clay County Planning Board shall make a decision on conditional use permit approval based on site plan approval of all required final agency reviews, Planning Committee recommendation, conditional use standards as specified in this Ordinance, and other available pertinent information. The Clay County Planning Board may stipulate additional conditions and restrictions upon establishment, location, reconstruction, maintenance, and operation of the conditional use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in this ordinance.

n. Notification of Final Approval.

After receiving conditional use permit approval for a campground by the Clay County Planning Board, the Clay County Planning Board shall send a letter to the campground resort owner indicating the approval that has been given. However, the letter shall state that the intent of the conditional use permit is to enable the execution of the campground in the field and shall not be construed to entitle the recipient to offer spaces for rent, or to operate a campground as defined in this Ordinance. Spaces can only be occupied after all required improvements have been installed and Certificates of Occupancies been issued by the Clay County Inspections Department and Planning Committee respectively.

SECTION 4.14 MISCELLANEOUS PROVISIONS:

A. Existing Mobile Home Parks, Tiny Home Parks, Recreational Vehicle Parks Campgrounds, and Clusters of Temporary Living Parks.

1. All Mobile Home Parks, Tiny Home Parks, Recreational Vehicle Parks, Campgrounds, and Clusters of Temporary Living Parks (collectively, known as Recreational Park Developments) that legally existed prior to the date of this Article, and which have submitted complete site plans to the Planning Department for review, within 6 months of the effective date of this Ordinance, shall be considered an "existing use". If it is determined by the department that the campground does meet the above criteria, the department shall submit the letter, mentioned above, to the campground owner. At that time, only that portion of the campground identified in the site plan, will then be considered an "existing use."
2. Only those Residential Park Developments that retain the confirmation letter will be considered an "existing use." In the future, if one of the "existing use" Residential Park Developments enlarges or expands, only that new portion of the campground will be required to meet the standards listed within this Article.
3. The "existing use" Residential Park Developments are to be allowed to remain as they are represented within the accepted site plan on only that portion of the property designated.

If the use is vacated for over (1) one year the "existing use" designation shall be voided, and any new use of the property shall conform to the requirements of this Article.

4. The "existing use" may be sold or transferred to new owners. The new owners will maintain the same rights as the previous owners.

B. Administration.

1. *Variances.* Where strict adherence to the provisions of this Ordinance would cause an unnecessary hardship because of topographical or other conditions peculiar to the site, the Board of Commissioners may authorize a variance. Any variance thus authorized shall be entered into the minutes of the Board of Commissioners and the reasoning on which the departure was justified shall be set forth.
2. *Penalties.* If the Recreational Park Development is not in conformance to the approved site plan, this Article, and/or the conditions required by the Clay County Planning Board and/or the Board of Commissioners, the conditional use permit shall be null and void and the unlawful use of the property must cease. This penalty is in addition to any other penalties which may be imposed by other applicable regulations and as stated in this Ordinance.
3. *Separability.* Should any section or provision of these regulations be held void or invalid by the courts for any reason, it shall not affect the validity of any other section or provision hereof which is not itself held void and invalid. Wherever the provision of any other law, ordinance, or regulation imposes higher standards than are required by the provisions of this Article, the provisions of such law, ordinance, or regulations shall govern.
4. *Amendment Procedure.* This Ordinance may be amended from time to time by the Board of Commissioners as provided by the General Statutes. No amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Committee for review and recommendation.
5. *Disclaimer.* Camp at your own risk. Clay County is not responsible for any damage or injury caused by falling trees, falling limbs, or any act of nature or man.

ARTICLE 5: EFFECTIVE DATE

This Ordinance was adopted and passed by unanimous vote of the Board of County Commissioners on May 6, 2021.

The provisions of this ordinance shall be effective June 15, 2021.



Chairman, Board of Commissioners

ATTEST:



Clerk, Board of Commissioners

(SEAL)