

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**

**Amended
August 5, 2021**

**Amended
November 4, 2021**

**Amended
August 4, 2022**

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. ~~Deleted (8.4.2022) 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. ~~Deleted (8.4.2022) 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.

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 decide 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 a **survey of the complete site plans certified by a NC licensed surveyor or a NC certified engineer with certification in surveying**{**Amended 8.4.2022, with retroactive date of June 15, 2021**} **showing the campground as it existed on June 15, 2021** to the Planning Department for review, ~~within 6 months of the effective date of this Ordinance,~~ **by December 2, 2022 at 5:00 pm** {**Amended 8.4.2022, with retroactive date of June 15, 2021**) 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

This Ordinance was amended, adopted and passed by unanimous vote of the Board of County Commissioners on August 4, 2022.

The provisions of this Amendment to the Ordinance shall be effective on the dates placed by the Amendments in this Ordinance.



Chairman, Board of Commissioners

ATTEST:



Clerk, Board of Commissioners

(SEAL)

