

UNIFIED DEVELOPMENT ORDINANCE



Martin County, North Carolina

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Mid-East Commission

Department of Planning, Economic Development, & Community Services

1502 N Market Street, Suite A | Washington, NC 27889

Staff:

Bryant Buck, Executive Director | Pat Harris, PEDCS Director

Joshua Hollis, Planner | Seth Laughlin, Planner | Sam Singleton, Transportation Planner

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ARTICLE I. TERMINOLOGY

Section 1.1 General

1.1.1 Purpose

The purpose of this Article is to provide a foundation of terms, and an understanding of how such terms are to be interpreted as to provide context and to further define the use of language throughout the entire Ordinance. Through this Article, administration may further define confusing language which, if left undefined, could be subject to multiple interpretations which do not match the original intent. For all definitions of terms which are not explicitly defined herein, one shall assume the generally understood meaning provided the context in which the term is used.

1.1.2 Internal & External References

Throughout this Ordinance, there are several references to specific statutes and regulations, some of which are internal references to other areas of this ordinance, and other references to outside documents. To aid in distinguishing between the two, all internal references to other Articles or Sections within this Ordinance, will be preceded with the signifier “~.”

Example: “For general rules outlining the interpretation of this Ordinance, see ~ *Article I. Section 1.2*”

Section 1.2 General Rules for Interpretation

1.2.1 Literal Translation

The language of this Ordinance must be read and interpreted literally. The Regulations contained within this Ordinance are no more or less strict than stated.

1.2.2 Rules Governing the Construction of Language

For the purposes of interpreting the general language and sentence construction of this Ordinance, the following rules of interpretation apply unless the context clearly indicates otherwise. In the following table, the various subject matters on the left shall correspond to the interpretation directly to the right:

| Subject Matter | Interpretation |
|---------------------|---|
| Meaning of Words | Words listed in Section ~ <i>Section 1.3 Abbreviations, Acronyms, & Definitions</i> , shall have the specific meaning assigned, unless the context explicitly indicates another meaning. Words that are not defined are given their common meaning. |
| Tense | Words used in the present tense include the future tense. The reverse is also true. |
| Singular and Plural | Words used in the singular include the plural. The reverse is also true. |
| Mandatory Terms | The words “shall”, “will”, “must” and “may not” are mandatory or compulsory in nature, implying an obligation or duty to comply with the particular provision. |
| Gender | Language used in reference to a specific gender shall apply to everyone, regardless of a specific gender being mentioned. |

| Subject Matter | Interpretation |
|---|---|
| Days | Any reference to “days” means calendar days unless otherwise specified in the provision. |
| Reference | Any reference to an Article, Section, Subsection or Paragraph means an Article, Section, Subsection or Paragraph of this Ordinance unless otherwise specified. |
| Tables, Figures, and Illustrations | <p>a) Tables, Figures, & Illustrations may be provided in sections as a way of displaying information in a clear and concise manner. The language which is presented in these shall be interpreted in the same fashion and possess the same authority as all other text within the main body of a section.</p> <p>b) However, if there happens to be accompanying text, for which the table figure or illustration’s information was mirrored or based off, then the table’s interpretation or language of such table shall be valued only as reference, and the text of the Ordinance will control in the case there is a discrepancy.</p> |
| Current Version and Citations | <p>a) All references to other County, State or Federal regulations in this Ordinance are intended to be references to the most current versions and citations, unless otherwise expressly indicated.</p> <p>b) When referenced regulations have been repealed and not replaced by other regulations, requirements for compliance are no longer in effect.</p> |
| Lists and Examples | Certain lists may include language such as “including but not limited to” to imply the list contains examples only and is not an all-inclusive list. Context shall determine if this is the case. |
| Delegation of Authority | <p>a) Whenever a provision appears requiring a specific officer or employee of the County to perform an act or duty, that provision will be construed as authorizing the officer or employee to delegate that responsibility to others over whom he has authority.</p> <p>b) Delegation of authority is not allowed when the provisions of this Ordinance or other laws or regulations expressly prohibit such delegation.</p> |
| Calculations and rounding | Unless otherwise specified within this Ordinance, all calculations that result in a part or fraction of a whole number must be rounded up to the next highest whole number. |

Section 1.3 Abbreviations, Acronyms, & Definitions

1.3.1 Acronyms Table

| Acronym | Full Meaning (See Definitions Table for Explanation) |
|--------------|--|
| BOC | Board of Commissioners |
| CLG | Certified Local Government |
| DEQ | Department of Environmental Quality |
| NCDOT | North Carolina Department of Transportation |
| NCGS | North Carolina General Statutes |

| Acronym | Full Meaning (See Definitions Table for Explanation) |
|--------------|--|
| RV | Recreational Vehicle |
| SPFHA | Special Flood Hazard Area |
| UDO | Unified Development Ordinance |

1.3.2 Definitions Table

| Term | Definition |
|-------------------------------------|--|
| Abutting | Having property lines in common. Lots are also considered to be abutting if they are directly opposite each other and separated by a street or alley. (Also see Adjacent) |
| Access Easement | An easement which allows ingress and egress (entry and exit) between the real estate and a public road by means of a private road or driveway. |
| Adjacent | Having a common border such as a lot line or street right-of-way. (Also see Abutting) |
| Administrator | The individual responsible for performing certain administrative functions of this Ordinance. The Specific Administrator regarding any Section or Function of this Ordinance may vary. See ~ <i>Article III. Administrative Bodies</i> |
| Administrative Decision | Decisions made in implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this Ordinance, these are sometimes referred to as ministerial decisions and administrative determinations. |
| Appeal | A request for a review by the Board of Adjustment of an administrator's interpretation of any provision of this Ordinance. |
| Applicant | Any person or entity that files any application, requests any administrative action, or approval as allowed under this Ordinance. Also referred to as "petitioner." |
| Area of Special Flood Hazard | See Special Flood Hazard Area (SFHA). |
| Board of Commissioners | The governing body of the County of Martin, North Carolina. |
| Building | Any structure used or intended for supporting or sheltering any use or occupancy. |
| Buildable Lot | One or more lots of record in one undivided ownership with sufficient total area, exclusive of easements, flood hazards, water bodies, well and septic tank fields; sufficient total dimensions; and sufficient access to permit construction thereon of a principal building together with its required parking and buffer yards. |
| Building Height | <p>a) The vertical distance from grade to the highest finished roof surface in the case of flat roofs or to a point at the average height of the highest roof having a pitch.</p> <p>b) Height of a building in stories does not include basements, except as specifically provided for in this Ordinance.</p> |

| Term | Definition |
|--|--|
| Certified Local Government (CLG) | Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980. |
| Community or Public Water Supply | A public or private water supply approved by the Martin-Tyrrell-Washington District Health Department that serves a community that is not an incorporated municipality. This includes unincorporated communities, subdivisions, and/or mobile home parks having ten or more connections. Any water supply furnishing potable water to ten or more residences or businesses or combination of businesses or residences. |
| Comprehensive Plan | A comprehensive plan that has been officially adopted by the governing board pursuant to NCGS 160D-501. |
| Corner Lot | A lot which occupies the interior angle at the intersection of two (2) street lines. The street line forming the least frontage shall be deemed the front of the lot except where the owner designates otherwise. |
| County | The governing body; Board of Commissioners of Martin County, North Carolina. |
| Cul-de-sac | A short street, having but one end open to traffic and the other end being permanently terminated with a vehicular turnaround provided. |
| Dedication | A gift, by the owner, of a right to use land for stated purposes. A dedication shall be made with a written instrument, in recordable form, and is completed with an acceptance and recordation. |
| Developer | Any person, firm, trust, partnership, association, or corporation engaged in development or proposed development within the County. |
| Development | Includes the following: a) The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure. b) The excavation, grading, filling, clearing, or alteration of land. c) The subdivision of land as defined in NCGS 160D-802. d) The initiation or substantial change in the use of land or the intensity of use of land. |
| Department of Environmental Quality (DEQ) | The North Carolina Department of Environmental Quality is an agency of the government of North Carolina that focuses on the preservation and protection of natural resources and public health. |
| Development Approval | An administrative or quasi-judicial approval made pursuant to NCGS 160D that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. |
| Disclosure Statement | A statement prepared and signed by the subdivider and the buyer of the subject real estate, fully and completely disclosing the status (whether public or private) of the street upon which the lot fronts. |

| Term | Definition |
|---------------------------------|---|
| Double Frontage Lot | A continuous (through) lot of the same depth as the width of a block, containing two tiers of lots and which is accessible from both streets upon which it fronts. |
| Drainage Easement | An easement that grants the right of water drainage to pass in open channels or enclosed structures. |
| Easement | A grant of one or more of the property rights, by the property owner, to, or for use by, the public, a corporation, or other entities. |
| Elevated Building | A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns. |
| Encroachment | The advance or infringement of uses, fill, excavation, buildings, structures, or development into an area of land in which such development is not permitted by right. |
| Code Enforcement Officer | The enforcement officer, as the term is used herein, shall be the Building Inspector for Martin County. In addition to the Building Inspector, the Director of Health or his designated representative also shall be considered enforcement officers for the purpose of enforcing all public health provisions of this Ordinance and other applicable health codes adopted by the Martin-Tyrrell-Washington District Health Department. |
| Evidentiary Hearing | A hearing to gather competent, material, and substantial evidence to make findings for a quasi-judicial decision required by a development regulation adopted under this Chapter. See also Quasi-Judicial Decision |
| Family Care Home | A home meeting the North Carolina Residential Building Code with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for six or less resident handicapped persons, pursuant to NCGS 168-21. |
| Fence or Wall | A physical barrier or enclosure consisting of wood, stone, brick, block, wire, metal, or similar material, used as a boundary or means of protection or confinement, but not including a hedge or other vegetation. |
| Flood Zone | A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area. |
| Height | Building /structure height shall mean the vertical distance of any building or structure, as measured from the highest ground level at the structure foundation to the uppermost point of the structure, unless otherwise stated. |
| Legislative decision | The adoption, amendment, or repeal of a regulation under this Chapter or an applicable local act. The term also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of Article 10 of NCGS 160D |
| Legislative hearing | A hearing to solicit public comment on a proposed legislative decision. Also known as a public hearing. |
| Lot | A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title. The word "lot" includes plot, parcel, or tract. |

| Term | Definition |
|--|---|
| Lot, Corner | A corner lot is located at the intersection of two or more streets, the intersection angle is no more than 135 degrees. |
| Lot, Interior | An interior lot has one frontage on a street or two opposite sides on two streets, excluding corner lots. |
| Lot of Record | A lot which is part of a subdivision recorded in the office of the Register of Deeds, Martin County, or a lot or parcel described by metes and bounds, the description of which has been so recorded. |
| Lot Frontage | The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under Yards in this section. |
| Lot Measurement | The depth of a lot is the distance measured in the mean direction of the sidelines of the lot from the midpoint of the front lot line to the midpoint of the rear lot line. The width of a lot is the greatest mean width measured at right angles to its depth. |
| Lot, Through | A through lot has frontage on two parallel streets or highways and isn't a corner lot. This lot may also be called a double frontage lot. |
| Manufactured Home | A "manufactured home" or "mobile home" in NCGS 160D. Defined in NCGS 143-145(7). |
| Manufactured Home Park | A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. |
| Mobile Manufactured Home Space | A piece of land within a mobile manufactured home park: (a) whose boundaries are in accordance with this Ordinance, (b) that is designed and improved in accordance with the requirements of the Ordinance to accommodate a single mobile manufactured home. |
| Mobile Manufactured Home Park or Travel Trailer/RV Park Construction Permit | A permit issued by the enforcement officer to a developer for construction of a mobile manufactured home park or travel trailer/RV park. |
| New Construction | A structure for which the "start of construction" commenced on or after the effective date of this Ordinance. |
| Nonconforming | A lot, structure, sign, or use of land, which is now prohibited under the terms of this Ordinance but was lawful at the date of this Ordinance's enactment, or any amendment or revision thereto. |
| Nonconforming Use | Any structure, tree or use of land which does not conform to a regulation prescribed in this Ordinance or any amendment thereto, as of the effective date of such regulation. |
| Planning Board | The Planning Board of Martin County, established pursuant to NCGS 160D-301. |
| Plat | A surveyed map, or plan of a parcel of land that is to be or has been subdivided. |
| Public Hearing | See "Legislative Hearing." |

| Term | Definition |
|---|---|
| Quasi-judicial decision | A decision involving the finding of facts regarding a specific application of a development regulation requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, and appeals of administrative determinations. See also “Evidentiary Hearing.” |
| Recreational Vehicle (RV) | <p>A vehicle, which is:</p> <ul style="list-style-type: none"> a) Built on a single chassis. b) Designed to be self-propelled or permanently towable by a light duty truck; and c) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use. |
| Setback | <p>The required distance between a building or structure and a lot line.</p> <ul style="list-style-type: none"> a) SETBACK, FRONT YARD: The required distance between a street right-of-way line and the front line of a building or structure. b) SETBACK, REAR YARD: The required distance between a building or structure and the rear lot line of the lot containing the building or structure. c) SETBACK, SIDE YARD: The required distance between a building or structure and the side lot line of the lot containing the building or structure. |
| Special Flood Hazard Area (SFHA) | The land in the floodplain subject to a one percent (1%) or greater the chance of being flooded in any given year. |
| Street | <ul style="list-style-type: none"> a) Any permanently dedicated public right-of-way, which has been accepted for maintenance by the North Carolina Department of Transportation. b) Any other open area providing the principal means of access for vehicles or pedestrians from a public right-of-way to a building or use of land and which is at least 25 feet in width and is covenanted by its owner(s) to remain open and unobstructed throughout the life of any building or use which depends thereon to satisfy any requirement of this Ordinance. |
| Structural Additions | Any roofed, canopied, enclosed porch and/or room or structure which is used in connection with a mobile manufactured home. A concrete slab porch, with no roof shall not be considered a structural addition. |
| Structure | Anything constructed or erected (fixed or mobile) on the ground or attached to something having a fixed location on the ground, among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster panels. |
| Subdivider | Any person, partnership, firm, entity, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined. |
| Subdivision | A subdivision is any division of a tract or parcel of land into two or more lots, building sites, or other divisions when any of those divisions are created for sale or development, either immediately or in the future. The definition of a subdivision also includes any division of land that involves the dedication of a new street or change in existing streets. |

| Term | Definition |
|--|--|
| Travel Trailer/RV Park | Any site or tract of land upon which are located the minimum number of travel trailer spaces or land area required by this Ordinance, regardless of whether a charge is made. |
| (UDO) Unified Development Ordinance | Local policy instrument that combines traditional development regulations by streamlining and coordinating the development process of permits and approval by eliminating outdated policies. |
| Variance | A variance is a relaxation of the terms of the Ordinance by the Board of Adjustment to a person from the requirements of this Ordinance where unusual or unique circumstances peculiar to the property exist and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities. |
| Yard, Front | An open unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street and the front line of the building, projected to the sidelines of the lot. (Exclusive of steps) |
| Yard, Side | An open, unoccupied space on the same lot as a principal building, situated between the building and the side lot line and extending from the rear line of the required front yard to the front line of the required rear yard. (Exclusive of steps) |
| Yard, Rear | An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the sidelines of the lot. No accessory building shall be located within five (5) feet of the rear lot line. (Exclusive of steps) |

ARTICLE II. GENERAL PROVISIONS

Section 2.1 Title

This document shall officially be known as the “Unified Development Ordinance of Martin County, North Carolina,” and it may be cited or referred to as the “Unified Development Ordinance,” “Ordinance,” or “UDO” within this document.

Section 2.2 Authority

This Ordinance establishes the County’s land use regulatory authority and any special legislation enacted for the County by the North Carolina General Assembly. The provisions of this ordinance are adopted under authority granted by the General Assembly of North Carolina, including NCGS 63, 153A, 160D.

Section 2.3 Effective date

This ordinance was adopted on __/__/2023 shall take effect on __/__/2023.

Section 2.4 Purpose & Intent

The purpose of this ordinance is to protect the health, safety, and general welfare of the citizens of Martin County. The intent of this Ordinance is, more specifically, to:

- a) Provide guidelines and regulations concerning certain development related activities within the County as mentioned herein.
- b) To promote the health, safety, and general welfare of the citizens of Martin County in general and the residents and occupants of mobile home and travel trailer parks in particular.

Section 2.5 Relationship to Adopted Plans

- a) Plans shall be adopted by the Board of Commissioners with the advice and consultation of the Planning Board. Adoption and amendment of a comprehensive or land-use plan is a legislative decision and shall follow the process mandated for text amendments set by NCGS 160D-601. Plans adopted under NCGS 160D shall be advisory in nature without independent regulatory effect. Plans adopted under NCGS 160D do not expand, diminish, or alter the scope of authority for development regulations.
- b) If a plan is deemed amended by NCGS 160D-605 by virtue of adoption of an amendment that is inconsistent with the plan, that amendment shall be noted in the plan. However, if the plan is one that requires review and approval subject to NCGS. 113A-110, the plan amendment shall not be effective until that review and approval is completed. The comprehensive plan or land-use plan shall be reasonably maintained by Martin County.

Section 2.6 Conflicting Ordinances and Codes

2.6.1 Conflict with State or Federal Regulations

If any provisions of this Ordinance are inconsistent with those of the State or Federal government, the more restrictive provisions shall govern unless the State or Federal regulation is intended to preempt the local regulation. The restrictive provision is the one that imposes greater restrictions or more stringent controls. Regardless of any other provision of this Ordinance, no land may be developed or used, and no structure may be erected or maintained in violation of any State or Federal regulation.

2.6.2 Conflict with Local Regulations

If the provisions of this Ordinance are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the County, the more restrictive provision governs. The more restrictive provision is the one that imposes greater restrictions or more stringent controls.

2.6.3 Conflict with Private Agreements and Contracts

This ordinance is not intended to repeal, abrogate, annul, impair, or interfere with any with any existing easements, covenants, deed restrictions, agreements or permits previously adopted or issued pursuant to law. The County has no responsibility for monitoring or enforcing private agreements or contracts.

Section 2.7 Transitional Provisions

2.7.1 Effect on Building Permits and Vested Rights

Unless the property owner consents in writing, this Ordinance does not apply to the completion of the development of building or uses for which either:

- | | |
|----|--|
| a) | Building permits have been issued prior to the effective date of this Ordinance, so long as the permits remain valid, unexpired, and unrevoked; or |
| b) | A vested right has been established pursuant to NCGS 160D-108 and such right remains valid and unexpired. |

2.7.2 Other Approvals Granted Prior to the Effective Date

Variances, subdivision plats, site plans and other similar development approvals that are current & valid as of the effective date of this Ordinance, will remain valid until their expiration date if applicable. Development may be completed in accordance with such approvals even if such building, development, or structure does not fully comply with the provisions of this Ordinance. If development is not commenced and diligently pursued in the time allowed under the original approval or any extension granted, then the development or structure must meet the standards of this Ordinance in effect at the time of any re-application.

2.7.3 Applications in-process Prior to the Effective Date

Applications for building permits, variances, subdivision plats, site plan approvals and other similar development approvals, that were submitted in complete form and are pending approval at the time of the effective date of this Ordinance, must be reviewed wholly under the terms of the previous adopted regulations in effect. Any re-application for an expired approval must meet the standards of this Ordinance in effect at the time of re-application.

2.7.4 Violations Continue

Violations of the any previous Ordinance which are in violation of this Ordinance will continue to be a violation and will be subject to penalties and enforcement action pursuant to ~ ***Article X, Enforcement and Penalty***. The adoption of this Ordinance does not affect nor prevent any pending or future action to abate violations of previously adopted regulations.

Section 2.8 Jurisdiction & Severability

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction of either the State of North Carolina or the United States, then said decision shall in no way affect, impair, or invalidate the validity of the remaining portions of this Ordinance.

2.8.1 General Applicability & Jurisdiction

The provisions of this ordinance shall apply to the use and development of all land within Martin County, North Carolina, unless such use or development is expressly exempted by this Ordinance.

2.8.2 Application to Government Units

Except as stated herein, the provisions of this Ordinance shall apply to:

- | | |
|----|--|
| a) | The development and use of land owned by the County. |
| b) | The development and use of land owned by a municipality. |
| c) | The development and use of land owned by public colleges and universities. |
| d) | The development and use of buildings owned by the State of North Carolina and its political subdivisions. |
| e) | To the extent permitted by law, the development and use of land owned or held in tenancy by the government of the United States. |

ARTICLE III. ADMINISTRATIVE BODIES

Section 3.1 General

3.1.1 Purpose

This section establishes review & decision authority among the several entities responsible for upholding the regulations and procedures outlined herein. Specific requirements for each type of application or permit are described in ~ **Article IV. Review Procedures.**

3.1.2 Special Called Meetings

If an applicant initiates or requests a “Special Called” meeting of any Board or Committee, the applicant may be required to pay a set fee, as outlined by the fee schedule, for each such meeting.

Section 3.2 Conflict of Interest for Board Members & Staff

- a) No member of an appointed board, Board of Commissioners, or staff shall use their position for their private gain. Members of appointed boards, Board of Commissioners, or staff are expected to minimize conflicts of interest, disclose ethical, legal, financial, and other conflicts, and remove themselves from decision-making when appropriate. Conflicts of interest shall be disclosed as per NCGS 160D-109.
- b) Members of appointed boards and the Board of Commissioners shall not vote on any advisory or legislative decision regarding a development regulation where the outcome could have a direct, substantial, and readily identifiable financial impact on a member and prohibits a board member from voting on any amendment if the landowner of the property subject to a petition or the applicant for text amendment is a person with whom the member has a close familial, business or other associational relationship. A “close familial relationship” means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationship. NCGS 160D-109(f).
- c) A member of the Board shall give notice to the chair forty-eight (48) hours prior to the hearing on matters involving any potential conflict of interest. If an objection is raised to a board member’s participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining member of the board shall by majority vote rule on the objection.
- d) If a staff member has a conflict of interest, the decision shall be assigned to the supervisor of the staff person, or such other staff person designated by the County Manager, Board of Commissioners, or Planning Board.

Section 3.3 Board of County Commissioners

3.3.1 General

The Martin County Board of Commissioners is the governing body for Martin County Government.

3.3.2 Membership

The Board consists of five elected officials.

3.3.3 Duties & Responsibilities

The Board of Commissioners establishes local ordinances, policies and procedures and determines the immediate and long-term goals and objectives of the County. In relation to this Ordinance, their authority includes, but is not limited to:

- a) Legislative decisions as they pertain to this Ordinance.
- b) Decision authority on text amendments.

Section 3.4 Planning Board

3.4.1 General

The Planning Board is an appointed body that assists with land use related regulation of the County.

3.4.2 Membership & Quorum

The Board shall have a minimum of (3) three members, with a Quorum being 51% of the current members.

3.4.3 Duties & Responsibilities

- a) Subdivision Review & Recommendation
- b) Text Amendment Review & Recommendation

Section 3.5 Board of Adjustment

3.5.1 General

The Board of Adjustment, or “BOA,” is an appointed body that makes quasi-judicial decisions, on an as needed basis, related to certain procedures in this Ordinance, and shall follow statutory procedures for all quasi-judicial development decisions as specified in NCGS 160D-406.

3.5.2 Membership & Quorum

The Board shall have a minimum of (5) five members, with a Quorum being 51% of the current members.

3.5.3 Duties & Responsibilities

- a) Variances Review & Decision
- b) Review & Decision for all appeals of administrative decision
- c) Interpretation of the Ordinance, if disputed.
- d) Any other duties required by the County Manager, or determined by the Board of Commissioners

Section 3.6 Planning Administrator

3.6.1 General

The Planning Administrator(s) is the County official(s) designated by the Martin County Manager to administer planning related aspects of this Ordinance and is directed by the Board of Commissioners to aid with the County Planning related responsibilities.

3.6.2 Duties & Responsibilities

Responsibilities may include but are not limited to the following:

- | |
|---|
| a) Assisting with the Subdivision Process |
| b) Assisting with the Manufactured Home Park developmental Process. |
| c) Assisting with the Travel Trailer Park developmental Process. |
| d) Reviewing Text Amendments |
| e) Acting as Liaison to the Planning Board & Board of Adjustment during review processes. |

Section 3.7 Code Enforcement Officer / Building Inspector

3.7.1 General

The role of Enforcement Officer accompanies the responsibility of enforcing aspects of this Ordinance where deemed necessary. See ~ **Article X. Enforcement & Penalties** for more information.

3.7.2 Duties & Responsibilities

Responsibilities may include but are not limited to the following:

- | |
|--|
| a) Enforcement of Violations |
| b) May, in addition to the planning administrator, act as Liaison to the Board of Adjustment |

Section 3.8 Technical Review Committee

3.8.1 General

The Technical Review Committee is a group designated to provide expertise for development approval review.

3.8.2 Membership

Membership can include, but is not limited to:

- | |
|--|
| a) The Planning Administrator |
| b) Code Enforcement Officer / Building Inspector |
| c) Division of Highways District Engineer |

d) Martin-Tyrrell-Washington District Health Department (Representative)

e) Martin County Tax Assessor / Land Records

f) County Public Works Director. (County Water and Sewer Superintendent)

g) Emergency Services

3.8.3 Duties & Responsibilities

The Committee shall provide recommendations during developmental processes. The Planning Administrator or a designated member shall serve as Chair.

ARTICLE IV. REVIEW PROCEDURES

Section 4.1 General Guidelines

4.1.1 General

This Article describes the various types of development review processes and related procedures.

- a) Any application for development approval shall only be considered submitted if it is complete and any required fee is paid, as set by the current fee schedule.
- b) No permit or Certification shall be issued except in conformity of this Ordinance, the current adopted building code regulations, & other applicable regulations.
- c) A development approval will be provided in writing and the application must be made by the person with a property interest or a contract to purchase the property.
- d) Approval runs with the land. Unless provided otherwise by law, all rights, privileges, benefits, burdens, and obligations created by development approvals made, pursuant to NCGS 160D, attach to and run with the land.

4.1.2 Revocation of Development Approval.

Development approvals may be revoked by Martin County by notifying the holder in writing stating the reason for the revocation. Martin County shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval.

4.1.3 Expiration

Any development approval or permit shall be valid for twelve (12) months from the date of issue, and a building permit is valid for (6) six (6) months from the date of issue.

Section 4.2 Text Amendment

4.2.1 General

Proposed amendments may be initiated by the County Commissioners, Planning Board, Board of Adjustment, or by one or more interested parties.

4.2.2 Submission (Step 1/3)

A completed application for a text amendment shall be submitted to the Planning Administrator at least fifteen (15) working days before the Planning Board meeting at which the application is to be considered. A completed application shall have all the following contents (where applicable):

- a) Date of submission.
- b) Applicant name.
- c) A description of the proposed amendment.

- d) Applicant dated signature.
- e) Applicant mailing address.
- f) Applicant phone number.
- g) Applicant email address. (Optional)
- h) A fee, as set by the current fee schedule, shall be paid to the County for each application for an amendment to cover the costs of advertising and other administrative expenses.

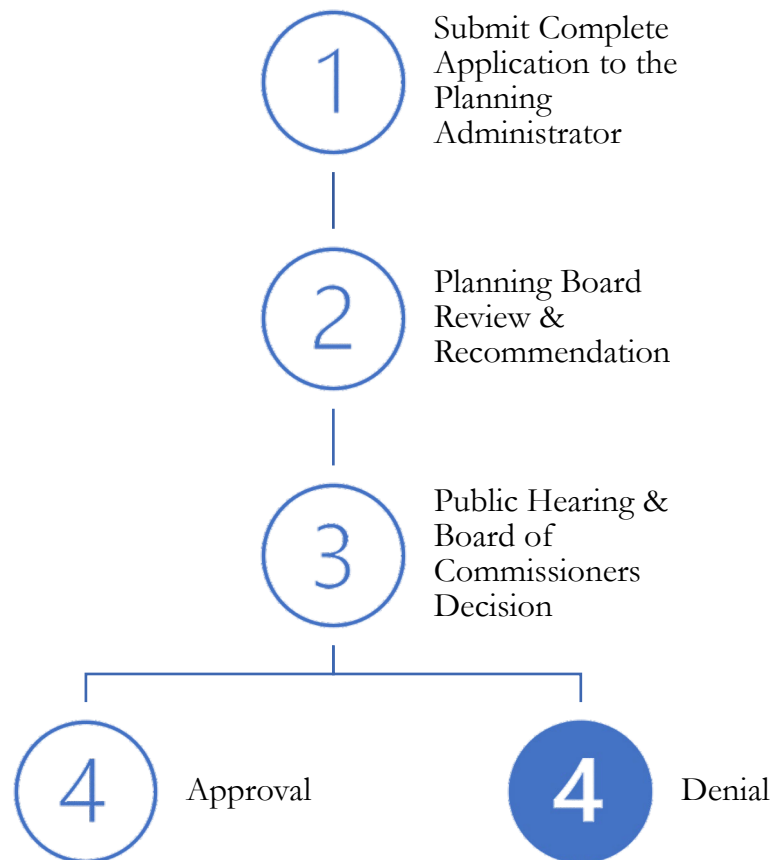
4.2.3 Planning Board Review & Recommendation (Step 2/3)

- a) The Planning Administrator shall confer with the planning board and provide recommendations.
- b) The Planning Board may hold separate public hearings for proposals which stir public controversy provided notice of such hearing is published once a week for two (2) successive calendar weeks in a local newspaper.
- c) If an applicant initiates or requests a special called meeting of either the Planning Board or Board of Adjustment, the applicant will be required to pay a fee, as set by the current fee schedule, to the County of Martin, North Carolina for each such meeting. The fee will be paid prior to any such meeting being held. The County Board of Commissioners shall hold a public hearing to consider the proposal. Such public hearings may be adjourned from time to time or from place to place, as the County Board of Commissioners may deem advisable without further notice.
- d) The Planning Board shall have thirty (30) days from the time the proposed amendment is submitted to it within which to submit its report.
- e) The Planning Board shall provide a recommendation for approval or disapproval of the proposed amendment.
- f) The Planning Board may provide a comment along with the recommendation.

4.2.4 BOC Decision (Step 3/3)

- a) The Board of Commissioners will receive the Planning Board recommendation at its next regular meeting and shall set a date for a public hearing (legislative hearing).
- b) Before voting on an amendment of this Ordinance, the Board of Commissioners shall hold a legislative hearing.
- c) Notice of a public hearing shall be given once a week for two successive calendar weeks in a local newspaper. The notice shall be published the first time not less than 10 days nor more than 25 days before the date scheduled for the hearing. In computing such a period, the day of publication is not to be included but the day of the hearing shall be included.
- d) The Board of Commissioners shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan or land use plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the Board of Commissioners that at the time of action on the amendment the Board of Commissioners was aware of and considered the Planning Board's recommendations and any relevant portions of an adopted comprehensive plan or land use plan.

4.2.5 Reference Chart



Section 4.3 Subdivision Preliminary Plat

4.3.1 General

See ~ **ARTICLE VII** for all requirements within the Plat plans for each stage of the process.

4.3.2 Sketch Plan

The applicant for a subdivision shall submit a sketch plan of the proposed subdivision to the Planning Administrator for review and discussion. If the Administrator determines enough information has been provided on the sketch plan, the applicant may submit a preliminary plat.

4.3.3 Submission

The subdivider shall submit all the following to the Planning Administrator's office at least ten (10) working days prior to a regularly scheduled Planning Board meeting at which the preliminary plat may be considered.

- a) Fifteen (15) copies of the completed and signed application.
- b) Fifteen (15) copies of the completed and signed preliminary plat(s).
- c) Any supplementary materials required by the Planning Administrator.

- d) A filing fee (See fee schedule).

The Preliminary plat will be added to the Planning Board's agenda if all submission requirements have been met and the plat contains all required information. See ~ **Section 11.10.**

4.3.4 Review & Decision

The planning board will review the information and determine one of the following:

- a) **Approval** - Approval shall be noted on five (5) copies of the plat. One (1) copy shall be retained by the Board of Commissioners, two (2) copies shall be retained in the Planning Administrator's Office records and two (2) copies shall be given to the subdivider.
- b) **Conditional approval** - The Planning Board may prescribe conditions for the preliminary plat's approval.
- c) **Disapproval** - Reasons for disapproval by the Planning Board shall be provided to the subdivider in writing along with recommendations for possible resubmission. Following these recommendations does not guarantee future approval.

4.3.5 Reference Chart



Section 4.4 Subdivision Final Plat

4.4.1 General

The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at this time; such portion shall conform to all requirements of this Ordinance. No final plat shall be approved unless and until the subdivider shall have installed in that area represented on the final plat all improvements required by this Ordinance.

4.4.2 Submission

- a) The final plat, representing either the entire tract or one or more sections indicated on the preliminary plat, shall be submitted

with complete executed application and proof of payment of appropriate fee not more than twelve (12) months after the date on which the preliminary plat was approved, otherwise approval of the preliminary plat shall be null and void, unless a written extension of this time limit is granted by the Planning Board on or before the one (1) year anniversary of the approval.

- b) The subdivider or authorized agent shall submit eight (8) copies of the final plat to the Planning Administrator's Office at least ten (10) workdays prior to the next regularly scheduled Planning Board meeting. The Planning Administrator will place the final plat on the Planning Board agenda, provided the plat contains all the information required below.
- c) The final plat will be added to the Planning Board's agenda if all submission requirements have been met and the plat contains all required information. See ~**Section 11.11**.

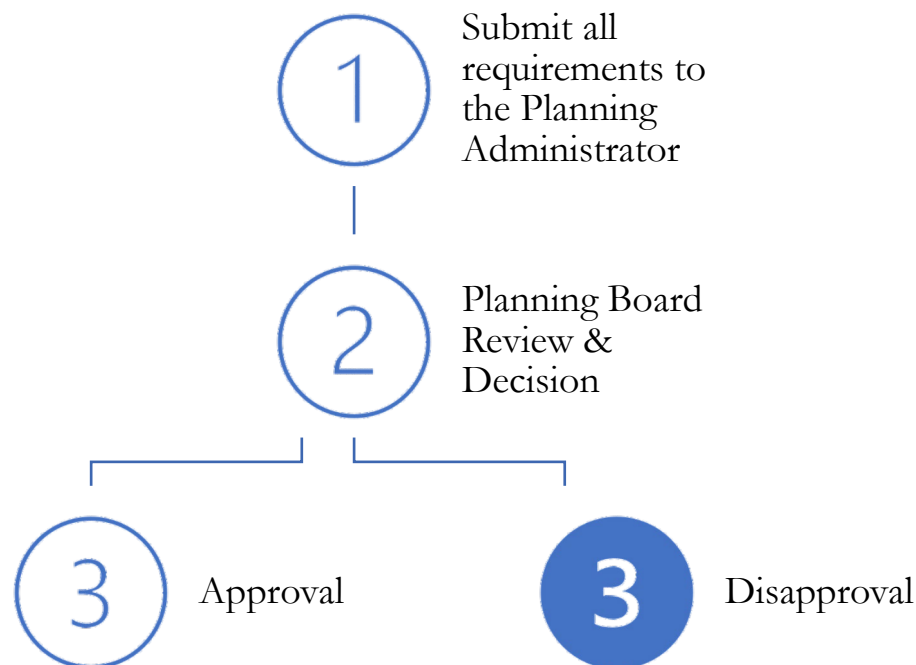
4.4.3 Review & Decision

Final approval will be based on compliance and satisfactory completion of required improvements. The Planning Board shall appoint the Building Inspector, or appoint a technical committee, to check the final plat in the field, and it may appoint an engineer, to check the final plat against the subdivision preliminary layout for accuracy, charging the costs to the subdivider. The Planning Board shall review the final plat compliance with the approved preliminary plat and shall act on the final plat within sixty (60) business days from the submittal date.

The Planning Board may take one of these actions after review of the final plat:

- a) **Approval** - Approval shall be indicated on all copies of the plat by the signed Certificate of Approval for Recording. Approval does not constitute acceptance of dedications.
- b) **Disapproval** - The reasons for disapproval shall be stated in writing and one (1) copy shall be retained for the Planning Administrator's Office records, one (1) copy to the Clerk to the Board of the Martin County Board of Commissioners, and one (1) copy shall be transmitted to the subdivider. The subdivider may make such changes that will bring the plat into compliance with the Ordinance and resubmit it to the Planning Board for review. The subdivider may appeal the Planning Board's decision to the Martin County Board of Commissioners within thirty (30) days of the decision. The appeal must be submitted in writing to the Clerk to the Board of Commissioners and the Planning Administrator within this period.

4.4.4 Reference Chart



Section 4.5 Subdivision Exemption & Expedited Review Process

4.5.1 Exemptions

A plat with a subdivision exemption shall be reviewed for requirements. If determined to be adequate, the plat shall have a certificate, stating “this plat is not subject to subdivision approval” which shall be signed and dated by the Planning Administrator, the Chairman of the Planning Board, or County Manager. The plat may then be recorded in the Office of the Register of Deeds. See ~ **Section 7.1.2**

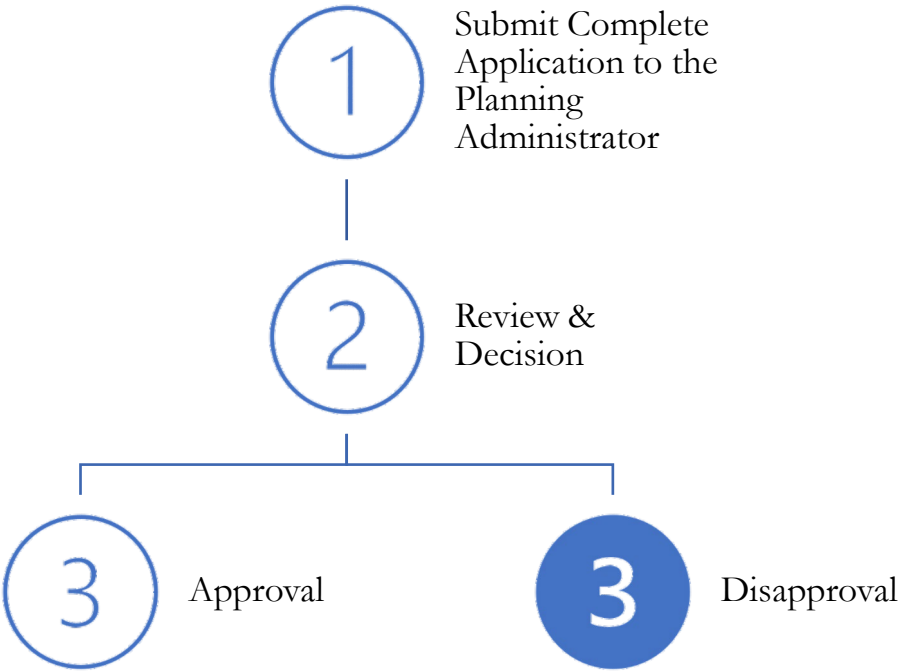
4.5.2 Expedited Review.

Certain subdivisions only require a plat for approval by the Subdivision Administrator if they meet all the following criteria:

- | |
|---|
| <input type="checkbox"/> It is not exempt per <i>NCGS 160D-802(a)(2)</i> . |
| <input type="checkbox"/> There are no more than four (4) lots created. |
| <input type="checkbox"/> The created lots meet the size requirements of this Ordinance. |
| <input type="checkbox"/> The created lots have a recorded, permanent means of ingress and egress. |

A plat with a subdivision qualifying for expedited review shall be presented to the Planning Administrator for approval. If approved, the plat shall have the certificate, “THIS PLAT MEETS THE SUBDIVISION REQUIREMENTS OF THE MARTIN COUNTY UNIFIED DEVELOPMENT ORDINANCE”, signed and dated by the Planning Administrator. The plat may then be recorded in the Office of the Register of Deeds.

4.5.3 Reference Chart



Section 4.6 Manufactured /Mobile Home & Travel Trailer Park Process

4.6.1 General

No person shall construct or make any addition to a mobile home or travel trailer park that alters the number of sites within the park or affects the facilities required therein until they first secure a permit authorizing such construction or additions. The construction or addition shall be in accordance with a copy of the site plans, and construction specifications that must be submitted with the application for a construction and or building permit.

4.6.2 Submission (Step 1/3)

- a) The application for a mobile home or travel trailer park construction permit along with one reproducible copy of a plat delineating the proposed park layout shall be filed with the Martin County Inspections Department at least ten (10) workdays prior to the regular meeting of the Martin County Planning Board. The plat will be reviewed by the Planning Board at their regularly scheduled meeting. The plat should be drawn consistent with the North Carolina Uniform Map Law and the additional requirements (e.g., scale) contained herein. See the Appendix for certificates which must be attached to the plat.
- b) Any plat of a new mobile home park shall be signed by a professional surveyor or engineer, and any expansion of an existing mobile home park must also be represented on a plat bearing the signature of a professional surveyor or engineer and the plat shall be recorded in the Register of Deeds office prior to obtaining a construction permit.
- c) The proposed plat shall be submitted by the building inspector to the members of the Technical Review Committee for their independent review and comments prior to submittal to the Planning Board: If comments have not been received within ten (10) days, the Planning Board shall consider the plat acceptable unless an extension of time is agreed upon.

4.6.3 Review (Step 2/3) Part 1

All comments, the proposed plan, and any additional information shall be presented to the Planning Board by the Director of Inspections at their regularly scheduled meeting.

- a) The Martin County Planning Board shall review the proposed park plan in accordance with the plat requirements and design standards contained in this Ordinance, to the greatest extent feasible. The Planning Board shall review and act on the park plat (with complete supporting information) within forty-five (45) days.

Applications and plats for mobile home and travel trailer park expansions of up to three (3) spaces, may be approved administratively by the Director of Inspections under the following terms and conditions:

- a) The Director of Inspections will notify the Planning Board Chair upon receipt of all minor expansion plats within 72 hours of receipt.
- b) The Director of Inspections shall not approve any plats in less than ten (10) working days.
- c) If the Chair of the Planning Board determines that the minor plat is so complex that full Board review is necessary, the plat will be placed on the agenda for the next regularly scheduled Planning Board meeting.
- d) Any minor plats originally rejected by the Director of Inspections may be appealed to the full Board for consideration.
- e) The Planning Administrator may approve only one minor expansion plat for any one mobile home or travel trailer park during a 24-month period.

4.6.4 Decision (Step 2/3) Part 2

After considering all available information, the Planning Board shall approve, approve with conditions (conditionally), or disapprove the plat.

- a) If approved conditionally (with conditions), the conditions and reasons thereof shall be stated in writing to the developer, and the Planning Board may require the developer to submit a revised plat.
- b) If the Planning Board should disapprove the plat, the reasons for such action shall be stated in writing and transmitted to the developer. If the plat is disapproved, the applicant may make such changes as to bring the plat into compliance with this Ordinance and resubmit it to the Planning Board. The developer may appeal against the Planning Board's decision to the Board of Adjustment in writing, within thirty days of the date of the Planning Board's action. This appeal should be made with notice to the Clerk to the Board of Commissioners and the Director of Inspections.
- c) If approved, the developer may proceed with the installation of improvements in accordance with the approved plat pursuant to the issuance of a construction permit by the Building Inspections office.

4.6.5 Issuance of Construction Permit (Step 3/3)

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

Section 4.7 Variances

4.7.1 General

The Board of Adjustment shall hear and decide requests for variances from the requirements of this ordinance. Conditions for Variances are divided between the following sub-sections.

4.7.2 Regarding Subdivision related Variances

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

4.7.3 In Passing Upon Variances

The appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and must review the following factors:

- | |
|--|
| <input type="checkbox"/> the danger that materials may be swept onto other lands to the injury of others. |
| <input type="checkbox"/> the danger to life and property due to flooding or erosion damage. |
| <input type="checkbox"/> the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner. |
| <input type="checkbox"/> the importance of the services provided by the proposed facility to the community. |

| | |
|--------------------------|---|
| <input type="checkbox"/> | the necessity to the facility of a waterfront location as defined under Article 2 of this ordinance as a functionally dependent facility, where applicable. |
| <input type="checkbox"/> | the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use. |
| <input type="checkbox"/> | the compatibility of the proposed use with existing and anticipated development. |
| <input type="checkbox"/> | the relationship of the proposed use to the comprehensive plan and floodplain management program for that area. |
| <input type="checkbox"/> | the safety of access to the property in times of flood for ordinary and emergency vehicles. |
| <input type="checkbox"/> | the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and |
| <input type="checkbox"/> | the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges. |
| <input type="checkbox"/> | A written report addressing each of the above factors shall be submitted with the application for a variance. |
| <input type="checkbox"/> | Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance. |
| <input type="checkbox"/> | When applicable, any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance. |
| <input type="checkbox"/> | When applicable, The Floodplain Manager shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request. |

Section 4.8 Appeal of Administrative Decision

4.8.1 General

- a) **Appeals** - Appeals from the enforcement and interpretation of this ordinance and applications for variances, administrative decisions, or certificates of appropriateness may be taken to the Board of Adjustment by any person aggrieved or by any office, department, board, or bureau of the county affected. An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Inspector certified to the Board that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record. The aggrieved individual shall have thirty days (30) to file an appeal and it will be presumed that if the notice of determination was sent by mail, it was received on the third business day after it was sent.
- b) **Hearing of the Appeal** – After receipt of notice of an appeal, the Board Chairman shall schedule the time for a hearing, which shall be at a regular or special meeting within thirty-six (36) days from the filing of such notice of appeal. All enforcement actions, including fines, shall be paused during the appeal process. If the appeal concerns an administrative decision the official that made the decision, or their successor if the official is no longer employed, will appear as a witness in the appeal.
- c) **Notice** – At least one (1) week prior to the date of the hearing, the County of Martin shall furnish all adjacent property owners with written notices of the hearing.
- d) **Fees for appeal** – A fee, as set by the current fee schedule, shall be paid to the County of Martin, North Carolina, for each appeal, to cover the necessary administrative costs and advertising.

ARTICLE V. NON-CONFORMITIES

Section 5.1 General

5.1.1 Nonconforming Conditions / Nonconformities

A nonconforming condition occurs when an existing lot, structure, or use of an existing lot or structure does not conform to one or more of the current regulations applicable to the area in which the lot or structure is located.

Section 5.2 Continuance of Nonconforming Conditions

Any nonconforming conditions, which were legally existing at the time of adoption or amendment of this Ordinance, may be continued so long as it remains otherwise lawful subject to the conditions provided in this Section.

5.2.1 Conditions for Continuance of Non-Conforming Uses of Land

Such nonconforming use of land shall be subject to the following conditions:

- a) No nonconforming use shall be changed to another nonconforming use unless such use is determined to be of equal or less intensity. In determining whether a nonconforming use is of equal or less intensity, the Board of Adjustment shall consider all aspects deemed relevant to the situation.
- b) If any nonconforming use of land / Structure ceases for any reason for a continuous period of more than 180 Days, any subsequent use of the land shall comply with the regulations of this Ordinance.

Section 5.3 Modification of a Nonconforming Condition

No nonconforming condition shall be extended, enlarged, replaced, or relocated except regarding the following circumstances.

- a) Any single-family residential nonconforming use (which may be a manufactured home) may be enlarged or replaced with a similar single-family residential structure of the same size or of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to setback requirements.
- b) The volume, intensity, or frequency of use of property where a nonconforming use exists may be increased.
- c) Any other nonconforming use may be extended, enlarged, or replaced only upon the decision of the Board of Adjustment. The BOA must find that there would be no increase in the total amount of lot area devoted to the nonconforming use, and that no new nonconforming conditions would be created.
- d) No nonconforming structure may be enlarged or altered in any way, which increases its dimensional deficiencies; however, any nonconforming structure or portion thereof may be altered to decrease its dimensional deficiencies. Any enlargement of the structure shall conform to the current dimensional requirements.
- e) Where a nonconforming structure is destroyed or damaged by fire, flood, wind, other similar causes, the structure may be repaired or restored to its original dimensions and conditions as long as a building permit for the repair or restoration is issued within 180 of the date of the damage, subject to compliance with the requirements of the NC State Building Code. After such time passes, the lot or structure would have to comply with the current regulations of this Ordinance.

Section 5.4 Preservation of Safe or Lawful Conditions

Nothing in this Ordinance shall prevent the strengthening or restoration to a safe or lawful condition of any part of any building declared unsafe or unlawful by the County Building Inspector or other duly authorized official.

ARTICLE VI. DESIGN STANDARDS

Section 6.1 Purpose

The purpose of this Article is to provide a more in-depth regulatory outline in relation to general design standards. These regulations shall apply to the whole county and shall be the minimum requirement unless further restricted based on the type of development.

Section 6.2 Fences, Walls, and Hedges

Fences and walls shall not be located within a public street right-of-way nor placed or retained in such a manner as to obstruct vision at any intersection with public or private roads. Nothing in this subsection shall preclude, however, the installation of temporary fences around construction works, erected, or maintained pursuant to the NC Building Code or soil erosion and sedimentation control requirements. No fences shall be located within a utility easement without review and approval by the utility provider.

Section 6.3 Manufactured / Mobile Homes

6.3.1 General

- a) No person shall locate, relocate or cause to be located or relocated any mobile home intended for use as a dwelling, other than one in a mobile home park with an approved sewage disposal system, or in an area served by a public or community sewage disposal system without first obtaining an improvement permit from the Martin-Tyrrell-Washington District Health Department. Martin-Tyrrell-Washington District Health Department will issue the permit after deciding that a septic tank or other ground absorption sewage disposal system can be installed in accordance with local and state health regulations.
- b) After the improvements permit has been issued and the work has been completed on the ground absorption sewage disposal system, the Martin-Tyrrell-Washington District Health Department will make a final inspection. If it finds that the system has been properly installed, it will issue a certificate of completion. A mobile home may not lawfully be occupied until this certificate has been issued.
- c) Any person locating or relocating a mobile home in Martin County must secure a building permit. The Martin County Building Inspector shall issue a building permit upon receipt of an application which includes the (1) name and mailing address of the owner; (2) description of the mobile home to include the name of the manufacturer; year of construction, and wind zone; and (3) the proposed location of the mobile home. This requirement excludes dealers of mobile homes who place mobile homes upon their sales lot.

6.3.2 Design Standards

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

- a) All mobile homes shall be anchored in a manner approved by the State of North Carolina Regulations for Manufactured Homes, published, and amended by the North Carolina Department of Insurance. The anchoring shall be completed within 6 months of the issuance of the building permit. In no event shall electricity be approved to the structure prior to completion of tie down and approved inspection of electrical, plumbing, and mechanical systems as well as underpinning. Compliance with the flood plain certification must also be approved if a home is in a flood zone.
- b) At minimum manufactured homes shall have a vinyl product of a 92-ounce density (.042-.044 gauge) panel, installed per manufacturer's instructions. All mobile home skirting / underpinning shall be installed within 90 days of the final inspection by the building inspector. However, Martin County shall not require a masonry curtain wall or masonry skirting for manufactured homes located on land leased to the homeowner per NCGS 160D-910.

- c) All mobile homes shall be installed according to the manufacturers' printed instructions and all applicable state and federal regulations. The mobile home manufacturer's instructions should be designed by a licensed architect or engineer. Instructions should be designed by a licensed architect or engineer. Instructions shall specify the location and required stabilizing devices (tie-downs, piers, blockings, etc.) on which the design of the fastening devices attached to the home is based. If such instructions do not exist, the standards included in the "State of North Carolina Regulations for Manufactured Homes" shall apply.
- d) Compliance with the FEMA Floodplain set-up based on an elevation certificate prepared by a professional surveyor, is required if the location is determined to be in a flood plain after a site plan review by the Planning Administrator. The after-construction survey must be completed and approved by the Floodplain Administrator prior to allowing electricity to be supplied.
- e) It shall be unlawful for an individual, partnership, firm or corporation to allow any electric current for use in any manufactured home to be turned on or to continue to furnish electricity for use in such mobile home without having first ascertaining that a label of compliance is attached to said mobile home, unless owner has satisfactory evidence on file with the North Carolina Department of Motor Vehicles that the home was manufactured prior to September 1, 1971.

Section 6.4 Residential Structures

The following regulations shall apply to all Residential Structures within the County.

6.4.1 Design Standards for Residential Structures

All residential structures shall meet the following setback requirements from Front, Side, and Rear Lot lines.

| Yard | Setback from Lot Line |
|-------|-----------------------|
| Front | 30ft |
| Side | 10ft |
| Rear | 20ft |

6.4.2 Multiple Residential Structures on a Lot

- a) Up to three principal residential structures are permitted on a single, unsubdivided tract pursuant to a site plan approved by the Planning Administrator, provided that the tract contains sufficient lot area, lot width, and building setbacks for each dwelling. The location of the dwellings on the single tract shall be such that, if the tract is subdivided, each dwelling unit will be situated on a freestanding lot that meets all the dimensional requirements. The addition of a fourth Residential Structure shall warrant either a subdivision or shall follow the procedure of becoming a manufactured home park, or travel trailer / RV park.
- b) Variances on setback requirements may be granted in situations where two or more closely spaced residential structures exist on a single lot, and a subdivision would not be reasonably possible without creating a setback related nonconformity.

Section 6.5 Road Access Requirements

Every building or structure shall be on a parcel that abuts or has legal access to a public or private road.

ARTICLE VII. SUBDIVISIONS

Section 7.1 General

7.1.1 Purpose

The purpose of this Article is to provide guidelines and standards for Subdivisions within Martin County. As previously defined, a subdivision is any division of a tract or parcel of land into two or more lots, building sites, or other divisions when any of those divisions are created for sale or development, either immediately or in the future. The definition of a subdivision also includes any division of land that involves the dedication of a new street or change in existing streets.

7.1.2 Exemptions

The following shall not be included within the definition of a subdivision, nor be subject to the regulations authorized by this Article:

- a) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the local government as shown in its subdivision regulations.
- b) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
- c) The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
- d) The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the local government, as shown in its subdivision regulations.
- e) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

Section 7.2 General Requirements

Approval of the final plat by the Planning Board is subject to the subdivider having installed the improvements required by applicable Martin County Ordinances and this Ordinance. Each subdivision shall contain the improvements in ~ **Article VI**.

7.2.1 Suitability of Land

Land subject to periodic flooding, irregular drainage conditions, excessive erosion or topographical and other reasons unsuitable for residential use as determined by the appropriate board or agency, shall not be platted for residential use nor for any other use by a citizen that will continue or increase the danger to health, safety, or property unless the hazards can be and are corrected; however, a limited amount of land that is within an unsuitable zone may be included on a plat so long as sufficient area for building sites and improvements are included for each lot, and so long as the area of the unsuitable zone is disclosed to the buyer. The 100-year flood plan established for Martin County by FEMA and the current adopted Building Code require certain elevations.

7.2.2 Fill Areas

Areas that have been used for the disposal of solid waste or liquid shall not be subdivided into commercial or residential building sites. This shall include those areas that have been used for disposal of trash, demolition waste, chemical waste, and other waste materials. Fill

Areas can be accepted when using suitable soils as found in USDA Textural Classifications or in Unified Soil Classification Systems for fill materials. Any appropriate soil test or load bearing test may be required by the Building Inspector.

7.2.3 Name Duplication

The name of the subdivision or street in the subdivision shall not duplicate nor closely approximate the name of an existing subdivision or street within Martin County.

Section 7.3 Improvements Installation

7.3.1 Completion of improvements

Prior to final plat submission or approval, the subdivider shall complete and dedicate in a manner satisfactory to the Planning Board, all required improvements as specified either on the approved preliminary plat or on that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time. The subdivider shall certify in writing the dedication of said improvements as shown below.

7.3.2 Certificate of Dedication and Maintenance

The certificate of dedication and maintenance shall stipulate the following:

- a) That all property and improvements are owned by the subdivider and free of any encumbrances or lien except as enumerated.
- b) That the subdivider has freely dedicated or reserved in writing, all required right of way easements, streets, utilities, open spaces, or other improvements to public or private use as noted on the approved preliminary plat and has freely established minimum building setback lines. A purchaser of a lot shown thereon accepts the lot subject to said dedication, reservations, and restrictions.
- c) This certificate shall be filed with the final plat and forwarded to the Register of Deeds to be recorded.

Section 7.4 Design Standards

7.4.1 General

The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

7.4.2 Utilities

All lots to be subdivided must be capable of being served by on site wells and septic tank systems or public sanitary sewer and water facilities or private community water and sewage disposal systems approved by the appropriate local and state agencies.

7.4.3 Individual On-Site Wells and Septic Tank Systems

- a) Wells should be no closer than approved by the Martin-Tyrrell-Washington District Health Department to any septic tank or filter field whether on the same lot or another lot.
- b) Water supply and sewage facilities shall comply with applicable State, County, and Municipal Public Health Laws and regulations in all aspects not specifically mentioned in this Ordinance.
- c) The subdivider, at his/her own expense, shall have the site investigated under the supervision of the Martin-Tyrrell-Washington District Health Department and shall present written proof to the Planning Board, or its appointed agent, that

required and appropriate soil tests have been conducted and that each lot in the subdivision not served by public water and public sewage disposal systems meets standards set by the Martin-Tyrrell-Washington District Health Department for individual waste supplies and individual sewage disposal systems. This action shall be taken prior to approval of the preliminary plat.

7.4.4 Public Sanitary Sewer and Water Facilities or Private Community Sanitary Sewer and Water Facilities

- a) Upon submittal of a preliminary plat, plans and specifications prepared and sealed by a North Carolina Licensed Engineer and/or Surveyor shall be provided by the subdivider to the Planning Administrator's Office showing necessary sanitary sewer lines, water mains and items accessory to each that lie wholly within the rights of way in the subdivisions. After approval of the preliminary plat and these plans and specifications by the Planning Board and applicable agencies, installation of the improvements by the subdivider can begin. The County Building Inspector or his/her designee shall act as inspector to see that the approved plans and specifications are faithfully and completely carried out. Where existing sanitary sewer lines and water mains are within a reasonable distance, proposed sanitary sewer lines and water mains shall connect with the existing system in accordance with prescribed and approved specifications. Where sanitary sewer lines and water mains are not within a reasonable distance, but plans have been formulated for their installation, the sanitary sewer lines and water mains may be required at the Board's discretion. When sanitary sewer lines and water mains are not within a reasonable distance, and plans do not exist, the installation of such facilities will not be required.
- b) The use of a private water or sanitary sewage disposal system approved by the Martin-Tyrrell-Washington District Health Department and other authorizing agencies will be permitted by the subdivider. The total cost of installation of any sanitary sewer and water distribution improvements and accessories is to be borne by the subdivider. Each deed describing a lot within a subdivision served by a private water or sanitary sewage disposal system shall state that the system is private in nature and shall state the party or parties responsible for maintenance of the system.

7.4.5 Sedimentation & Erosion Control

Persons engaged in land disturbing activities shall take all reasonable measures to protect public and private property from damage by such activities. Land disturbing activities are defined in NCGS 113A 52, as amended and supplemented, and may mean any use of land that results in a change in the natural cover or topography and that may change or contribute to sedimentation. When any land disturbing activity is to be undertaken on a tract where more than one contiguous acre is to be uncovered, the subdivider shall notify the North Carolina Sedimentation Control Commission to determine whether a Sedimentation and Erosion Control Plan is required. Violators of the North Carolina Sedimentation and Pollution Control Act of 1973 (NCGS 113A 50 et seq.) may be fined pursuant to statute.

7.4.6 Blocks

The location, lengths, widths, and shapes of blocks shall be determined with due regard to: provision of adequate building sites suitable to the special needs of the type of permitted use contemplated; requirements as to lot sizes and dimensions; needs for vehicular and pedestrian circulation, control, and safety of roadway traffic; limitations and opportunities of topography; and convenient access to adequate water supplies. Blocks shall not be less than five hundred (500) feet, nor more than fifteen hundred (1,500) feet, in length.

7.4.7 Private Roads

Access to lots or parcels formed by a tract of land constituting a subdivision may be served by a private road. A private road shall meet the most current design and construction criteria as referenced in SUBDIVISION ROADS MINIMUM CONSTRUCTION STANDARDS, published periodically by the North Carolina Department of Transportation, excluding the requirement that the roads must be paved. The following shall be considered acceptable, minimum standards of design for private subdivision streets and in no case shall be less than those of the North Carolina Department of Transportation as referenced above.

- a) Such road shall have a private right of way easement in width required by the North Carolina Department of Transportation.
- b) Such road shall be graded and stabilized according to minimum standards of the North Carolina Department of

Transportation.

- c) The alignment of such road shall meet applicable standards of the North Carolina Department of Transportation.
- d) Street names, which duplicate or are phonetically similar to existing street names in the County shall be prohibited. A proposed street, which is in alignment with an existing street, shall bear the name of the existing street.
- e) Appropriate street name signs, which meet the Division of Highways policies, shall be installed by the developer at all street intersections.
- f) Stop and Yield traffic signs shall be installed by the developer at appropriate street intersections as required by the Division of highways. Any supplemental signs deemed necessary to safety and welfare by the Planning Board shall also be required for installation.
- g) The subdivider shall pave the first (1st) twenty-five (25') feet into the subdivision from the public road.
- h) Each deed conveying a lot within a subdivision served by a private road shall state that the road serving said lot is private in nature, and is not constructed to the present minimum standards of The North Carolina Department of Transportation for admission to the State Highway System, thus is not eligible for State maintenance, unless said road is constructed and paved according to current Department of Transportation standards, and unless the requisite number of parties receiving access from the road pursuant to statute consent, in writing, to the road becoming public. It shall contain the name, address, and telephone number of the party or parties responsible for maintenance and shall further state that Martin County accepts no liability to provide any maintenance or improvement assistance whatsoever for said road. In addition, the deed, as a condition precedent to being recorded, shall contain a signed Subdivision Streets Disclosure Statement, signed by both the developer and initial buyer of each lot, which shall set forth the limitations herein above set forth, and contain an acknowledgement by the parties that they have read, understand, and accept the road limitations.

7.4.8 Public Roads

Access to lots or parcels formed by a tract of land constituting a subdivision may be served by a public road. Public roads shall meet the present design and construction criteria as referenced in SUBDIVISION ROADS MINIMUM CONSTRUCTION STANDARDS, published periodically by the North Carolina Department of Transportation, including the requirement that the roads must be paved. The following shall be considered the acceptable minimum standard of design for new public subdivision streets, and in no case shall be less than those of the North Carolina Department of Transportation as referenced above. General Requirements include:

- a) Such road shall have a public right of way easement in a width required by the North Carolina Department of Transportation.
- b) Such road shall be graded, stabilized, and paved according to accepted policies of the North Carolina Department of Transportation.
- c) The alignment of such road shall meet applicable standards of the North Carolina Department of Transportation.
- d) Street names which duplicate or are phonetically similar to existing street names in the County shall be prohibited. A proposed street, which is in alignment with an existing street, shall bear the name of the existing street.
- e) Appropriate street name signs, which meet the Division of Highways policies, shall be installed by the developer at all street intersections.
- f) Stop and Yield traffic signs shall be installed by the developer at appropriate street intersections as required by the Division of Highways. Any supplemental signs deemed necessary to safety and welfare by the Planning Board shall also be required for installation.

7.4.9 Subdivision Streets Disclosure Statement

Each deed describing a lot within a subdivision served by a public road which is not yet a part of the state-maintained highway system, shall state that the road serving said lot is public in nature, and is constructed to present standards of The North Carolina Department of Transportation for admission to the State Highway System, but is not yet eligible for State maintenance. It shall reveal the party or parties responsible for maintenance until the road is taken over by the North Carolina Department of Transportation and shall further state that Martin County accepts no liability to provide any maintenance or improvement assistance for said road. In addition, a separate Subdivision Streets Disclosure Statement shall be executed by the developer and initial buyer of the lot and filed with the County Register of Deeds. The Subdivision Streets Disclosure Statement shall set forth the qualifications hereinabove and contain an acknowledgement of the parties that they have read and understand those qualifications.

7.4.10 Certificate for Public Roads Not on the State Highway System

The developer shall obtain a certificate from a professional engineer, or from the North Carolina Department of Transportation, that the roads as constructed meet applicable standards set forth in the North Carolina Department of Transportation's Subdivision Roads Minimum Construction Standards. This certificate shall be filed with the County Planning Administrator prior to the Planning Board's approval of the final plat for recordation.

Section 7.5 Easements

- a) The subdivider shall convey written easements in recordable form to the County or appropriate utility company for both underground and overhead utility installation where needed. Easements shall be a minimum of thirty (30) feet wide, or wider if required by utility companies, and normally centered along the front lot lines. Wider easements may be required if the topography along the proposed right of way is such that maintenance equipment cannot reasonably operate within the thirty (30) ft wide easement, or if primary voltage lines or transmission lines are within the subdivision. The conveyance of the easement may be made after the approval of the final plat.
- b) Where a subdivision is traversed by a water source, drainage way, channel or stream, there shall be provided a written storm water easement or drainage right of way in recordable form conforming substantially with the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose of managing storm water runoff in a manner that will safeguard the health and property of the citizens of Martin County.

Section 7.6 Permanent Reference Points

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

7.6.1 Subdivision Corner Tie

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

7.6.2 Monuments

Within each block of a subdivision, at least two (2) monuments designed and designated as control corners shall be installed. The surveyor shall employ additional monuments, if required. All monuments shall be constructed of concrete and shall be at least four (4)

inches in diameter or square and not less than three (3) feet in length. A monument shall be set thirty (30) inches in the ground, unless this requirement is impractical because of unusual conditions. All monuments shall be shown on the final plat.

7.6.3 Property Markers

A steel or wrought iron pipe or the equivalent of not less than three fourths (3/4) inches in diameter and at least thirty (30) inches in length shall be set at all corners, except those located by monuments. A marker shall also be set at a point of curve, and point of tangency, unless a monument has already been placed at said points.

Section 7.7 Recreational Facilities

Every subdivider who subdivides or develops land for residential purposes shall set aside as a common area, a portion of such land for the purpose of recreation, to serve the residents of the subdivision, if they meet the following categories:

- a) Subdivisions consisting of twenty-five (25) or more lots shall reserve twenty thousand (20,000) square feet of recreational area per twenty-five (25) lots.
- b) If twenty-five (25) or more lots front on the water, then at least half of this reserved area shall abut the waterfront. Each recreation site shall not be less than ten thousand (10,000) square feet, with a minimum width of thirty-five (35) feet on the waterfront and shall be suitable for recreational purposes.
- c) Subdivisions containing less than twenty-five (25) lots, any of which front on a waterway, shall provide a twenty (20) feet easement, located along a property line, to provide private pedestrian access for owners of non-waterfront lots within the subdivision.
- d) The responsibility for maintenance of recreation areas shall be revealed in writing by the subdivider prior to the sale of lots. The County shall not be responsible for maintenance.
- e) The Planning Board encourages but does not require that subdivisions adjoining navigable streams provide public access to the water.

Section 7.8 Sketch Plan

The applicant for a subdivision shall submit a sketch plan of the proposed subdivision to the Planning Administrator for review and discussion. If the Administrator determines enough information has been provided on the sketch plan, the applicant may submit a preliminary plat.

Section 7.9 Preliminary Plat

7.9.1 Requirements

The Preliminary Plat Shall Include:

- | |
|---|
| <input type="checkbox"/> The name of the subdivision |
| <input type="checkbox"/> A sketch vicinity map showing the relationship between the proposed subdivision and surrounding area at an appropriate scale. All preliminary and final plats shall be at a scale not less than 1"=100 feet, and the scale denoted both graphically and numerically. |
| <input type="checkbox"/> Site location. |
| <input type="checkbox"/> A topographic map showing vertical contours five (5) feet or less. |

| | |
|--------------------------|--|
| <input type="checkbox"/> | Total acreage of tract to be subdivided with the location of previously subdivided lots within the tract. This must include Flood Hazard designation. |
| <input type="checkbox"/> | Name of township, County, and state in which the subdivision is located. |
| <input type="checkbox"/> | Corporate limits, township boundaries, County lines, and extraterritorial town planning jurisdiction boundaries, if on the subdivision tract. |
| <input type="checkbox"/> | The names, addresses and telephone numbers of all subdividers, owners, mortgagees, professional surveyors, land planners, and professional engineers responsible for the subdivision. |
| <input type="checkbox"/> | The registration numbers and seals of the professional engineers and professional surveyors. |
| <input type="checkbox"/> | Date of survey and plat preparation prepared by North Carolina Professional/Licensed Engineer and/or Surveyor. |
| <input type="checkbox"/> | An accurately positioned north arrow. |
| <input type="checkbox"/> | The names, addresses and telephone numbers of adjoining property owners. |
| <input type="checkbox"/> | The boundaries of the tract or portion thereof to be subdivided distinctly and accurately represented with all bearings and distances shown, including the total number of lots, lot size in square feet, & lots numbered in sequence. |
| <input type="checkbox"/> | The name and location of any adjoining subdivisions of record or proposed and under review. |
| <input type="checkbox"/> | Minimum building setback lines. |
| <input type="checkbox"/> | Existing buildings or structures, sewers, water lines, water courses, railroads, bridges, culverts, storm drains, sanitary sewers. |
| <input type="checkbox"/> | The blocks numbered consecutively throughout the subdivision and the lots numbered consecutively throughout each block. |
| <input type="checkbox"/> | Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams, or stream beds, and any other natural features affecting the site, including the location of known areas subject to flooding. |
| <input type="checkbox"/> | Proposed roadways, existing and platted streets on adjoining properties and in the proposed subdivision, right of way widths, and pavement widths. |
| <input type="checkbox"/> | Street names. |
| <input type="checkbox"/> | The location and dimensions of all rights-of-way, utility, or other easements. |
| <input type="checkbox"/> | Letter of tentative approval of water supply and sewage disposal plans by appropriate County and state authorities. |
| <input type="checkbox"/> | Type of street dedication; all streets must be designated either "private" or "public" roads. |
| <input type="checkbox"/> | Letter from the Department of Transportation as to proposed roadway alignment and proposed construction. |
| <input type="checkbox"/> | A copy of any deed restriction or similar covenants running with the land, in recordable form. |
| <input type="checkbox"/> | A copy of the deed Subdivision Streets Disclosure Statement where proposed roadways are designated private roads, or where proposed roadways are public roads not yet a part of the State Highway System. |
| <input type="checkbox"/> | Letter of approval from the Martin County Tax Assessors Office. |
| <input type="checkbox"/> | Any other information considered by either the subdivider, Planning Administrator, Building Inspector, Planning Board or Board of Commissioners to be pertinent to the review of the plat. |
| <input type="checkbox"/> | Applicable Certificates as seen below. |

7.9.2 Preliminary Certificates

Regarding this preliminary subdivision plat, the Martin County Planning Board makes the following decision. This action shall in no way be construed as constituting approval for recording.

- ☐ approval
- ☐ conditional approval
- ☐ disapproval

_____, 20____
Date

Chairman, Martin County
Planning Board

Section 7.10 Final Plat

7.10.1 Requirements

In addition to the Preliminary Plat Requirements, the following requirements must be met for a Final Plat:

- | |
|---|
| <input type="checkbox"/> Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line, and building setback line, whether curved or straight. This should include the radius central angle, and tangent distance for the center line of curved property lines that are not boundaries of curved streets. All dimensions shall be measured to the nearest one tenth of a foot and all angles to the nearest minute. |
| <input type="checkbox"/> The plans for utility layouts include sanitary sewers, storm sewers, water distribution lines, natural gas, telephone, and electric service where applicable. |
| <input type="checkbox"/> Improvement permit or letter of approval for water and sewage systems by appropriate County and state authorities, if any system is to be installed by subdividers. |
| <input type="checkbox"/> The accurate locations and descriptions of all monuments, markers, and control points. |
| <input type="checkbox"/> The description contained in any map or plat that is to be professional and that creates or more fully defines a parcel or parcels not previously plotted on the County large scale cadastral maps and for which a parcel identifier number does not exist must be sufficiently precise to create a consistent closed parcel boundary within a plotting accuracy of 1/40 (one fortieth) of an inch as determined by the Martin County Land Records Office. |
| <input type="checkbox"/> Applicable Certificates in the below section. |

7.10.2 Final Certificates

I hereby certify that the land as shown hereon is:

- a. within the subdivision regulations jurisdiction of the County of Martin, State of North Carolina.
- b. owned by _____ free and clear of any encumbrances or liens except as stated below:

- c. that the subdivider, by the recording of this plat, freely dedicates or reserves all required right of way easements, streets, utilities, open spaces, or other improvements to public or private use as noted on the approved preliminary plat and has freely established minimum building setback lines which conform to existing UDO. A purchaser of a lot shown hereon accepts the lot subject to said dedication, reservations, and restrictions.
- d. the owner/authorized agent consents to the within subdivision and the recording of same with the appropriate Martin County recording officials.

_____, 20____
Date Owner or Authorized Agent

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

_____, 20____
Date District Engineer, Division of Hwy

State of North Carolina, County of _____

I, _____ certify that this map was

☐ drawn by me;
☐ drawn under my supervision;
from

☐ an actual survey by me;
☐ an actual survey made under my supervision;
with the deed description recorded in Book _____, Page _____, Or other as listed herein: _____;
and that the ratio of precision as calculated by latitudes as departures is _____ (1:7500 as a minimum standard); that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____, Page _____.

Witness my hand and seal, this _____ day of _____, 20____.

Surveyor or Engineer, Licensed
by the State of NC

Sworn to and subscribed before me this _____ day of _____, 20____.

Notary Public

My Commission Expires:

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

_____, 20____
Date

Chairman, Martin County Planning Board
Or
Planning Administrator

DRAFT

ARTICLE VIII. MANUFACTURED HOME PARKS

Section 8.1 General

8.1.1 Manufactured Home Register

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

8.1.2 Inspection

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

Section 8.2 Design Standards

8.2.1 Land Suitability

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

8.2.2 Site Development

- a) The amount of land for each mobile home space served by an individual well and septic tank shall be determined by the Martin-Tyrrell-Washington District Health Department after an investigation of soil conditions. Parks to be served by public water and sewage disposal systems shall have adequate area in each space to provide for the mobile home, resident vehicles and required setbacks.
- b) Each mobile home space shall contain a minimum of 7,000 square feet and have iron markers placed at each corner. Lots should be marked and identified in a logical sequence with reflective numbers or letters at least 4 inches high and 2 inches wide.
- c) There shall be at least fifteen (15) feet clearance between mobile homes and side lot lines. No mobile homes shall be located

closer than thirty-five feet to an exterior boundary line of the park and no closer than fifteen feet to the edge of any interior transportation right-of-way.

d) Rights-of-way and street design requirements follow:

e) Interior roads and parks of less than 14 (fourteen) spaces shall be all weather roads constructed of gravel packed to a depth of three inches and graded with proper drainage consistent with the NC Department of Transportation standards for unpaved roads.

f) In parks of fourteen or more spaces, the minimum right-of-way and pavement widths, minimum thickness of base and surface course to be used shall meet the required pavement designs as described in the NORTH CAROLINA DEPARTMENT OF TRANSPORTATION MINIMUM CONSTRUCTION STANDARDS FOR SUBDIVISION ROADS.

g) Intersection with a public roadway shall be designed to facilitate free movement of traffic and reviewed and approved on the application plat by the NC Department of Transportation, Division of Highways.

h) Dead end streets shall not serve more than 14 lots and the closed end shall have a cul-de-sac bulb with not less than a 96-foot diameter in the right of way (per NCDOT standard) and 35 foot radius in the travel path to allow for emergency vehicle operations and turnaround.

i) Parking space sufficient to accommodate at least two (2) automobiles shall be required for each mobile home space. The parking area shall have a stone or gravel base with a minimum of three inches of compact thickness.

j) The area of the mobile home space shall be improved to provide an adequate foundation for the placement of the mobile homes and provide anchors and tie-down facilities in every mobile home space.

k) Parks must provide sufficient screening, in the form of natural growth or fencing to shield the park from adverse effects of adjacent public roadways, industrial or commercial use, or other incompatible development. All areas that may be considered unsafe for children must be fenced with a solid fence of least 5 feet in height.

l) The park shall be graded and seeded to prevent ponding or accumulation of water according to the Department of Natural Resources and Community Development erosion and sedimentation plan. Any uninhabited lots shall be maintained and kept clear of debris.

m) Identification signs for mobile home or travel trailer parks shall not exceed four (4) by eight (8) feet at the entrance of the park and placed in compliance with the Department of Transportation Standards. Signs must be approved and permitted by the Planning Director and the Building Inspector.

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

8.2.3 Water Supply, Sewage Disposal, Electrical & Refuse Collection Facilities

a) Each mobile home space shall be equipped with plumbing and electrical connections for sufficient capacity.

b) Electrical connections and wiring shall be in accordance with the National Electric Code as amended from time to time.

c) Each mobile home space shall be provided with and shall be connected to a sewage disposal and water supply system as

approved by the Martin-Tyrrell-Washington District Health Department and Martin County Utilities.

- d) Parks with more than 15 spaces shall provide space for a solid waste container site in accordance with the Department of Transportation regulations. This shall be at no cost to the County and shall be shown on the original plat for the park. The mobile home or travel trailer park owner is responsible for all solid waste disposal fees generated by the park residents.
- e) The park owner of any size shall be responsible for refuse collection where suitable collection is not available from governmental agencies.

8.2.4 Structural Additions

The allowance of any type of structural additions must be approved by the Planning Board along with the original site plan and design by the owner/developer. If allowed by the original design plan within the park, the park owner shall sign an agreement to be brought, along with information required to obtain a building permit which will conform to all volumes of the North Carolina Building Code. Any such structure shall meet the setback requirements ~ **Section 6.4.1**

8.2.5 Management

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

Section 8.3 Final Plat

8.3.1 Requirements

The plat shall be drawn at a scale not smaller than one (1) inch to one hundred (100) feet. The plat shall contain the following information – for all park sizes:

| |
|---|
| <input type="checkbox"/> Name of proposed park. |
| <input type="checkbox"/> General location map with township, municipality, county, and state of proposed park. |
| <input type="checkbox"/> Name, address, and phone number of developer. |
| <input type="checkbox"/> Scale represented numerically and graphically. |
| <input type="checkbox"/> Date of plat preparation and name of surveyor or engineer. |
| <input type="checkbox"/> Show adjacent properties noting the legal owner's name and the location of existing streets. |
| <input type="checkbox"/> Dimensions and bearings of exterior property lines of proposed park. |
| <input type="checkbox"/> Topographic features, including two horizontal and vertical concrete monuments. |
| <input type="checkbox"/> Proposed streets showing horizontal alignment, and unique name or number. |
| <input type="checkbox"/> Mobile home spaces are well defined and sufficient for delineation on the ground. |
| <input type="checkbox"/> Travel trailer spaces well defined and dimensioned. |
| <input type="checkbox"/> Proposed surface water drainage plan. |
| <input type="checkbox"/> Location of existing and proposed permanent structures. |

8.3.2 Final Certificates

I hereby certify that the land as shown hereon is:

_____, 20____

Date

_____, 20____

Owner or Authorized Agent

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

_____, 20____

Date

District Engineer, Division of Hwy

State of North Carolina, County of _____
I, _____ certify that this map was

- ☐ drawn by me;
- ☐ drawn under my supervision;

from

- ☐ an actual survey by me;
- ☐ an actual survey made under my supervision;

with the deed description recorded in Book _____, Page _____, Or other as listed herein: _____;
and that the ratio of precision as calculated by latitudes as departures is _____ (1:7500 as a minimum standard); that the boundaries
not surveyed are shown as broken lines plotted from information found in Book _____, Page _____.

Witness my hand and seal, this _____ day of _____, 20____.

Surveyor or Engineer, Licensed
by the State of NC

Sworn to and subscribed before me this _____ day of _____, 20____.

Notary Public

My Commission Expires:

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

_____, 20____
Date

Chairman, Martin County Planning Board
Or
Planning Administrator

ARTICLE IX. TRAVEL TRAILER / RV PARKS

Section 9.1 General

9.1.1 Register

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

9.1.2 Inspection

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

Section 9.2 Design Standards

9.2.1 Site Suitability

- a) A complete site plan shall be reviewed by the Planning Administrator along with the Planning Board to determine whether the site is suitable in accordance with the current Floodplain Development Permit adopted by the Martin County Commissioners and the Martin County Floodplain regulations, and with Erosion Control and Sedimentation, Drainage, and Flooding considerations.
- b) Areas which have ever been used for the disposal of waste, including solid, liquid, or chemical waste, shall not be developed as a travel trailer park.

9.2.2 Site Development

- a) Every travel trailer space shall contain at least 2,000 square feet.
- b) Parking sufficient to accommodate one motor vehicle and one travel trailer shall be constructed within each space. No more than one camping vehicle may be parked in each space. Site plan shall specify whether sites are drive through or back-in and have sufficient driveway to accommodate safe vehicle movement.
- c) Set-back from public streets shall be a minimum of 35 feet from the right-of-way.
- d) Grading shall prevent water from ponding or accumulating within the park and shall be a part of the plat/plan presented to the Planning Director. Each space shall have access by way of an interior street to the public road. These all-weather roads shall have a minimum width of thirty-five feet.
- e) Proper drainage ditches with sloped and seeded banks shall be developed into the park.

- f) Cul-de-sacs and dead-end roads shall not exceed one thousand feet in length measured from the entrance to the center of the turnaround, with a bulb diameter of ninety-six feet to allow for emergency vehicles. All intersections of a public roadway shall be approved by the Division of Highways, Department of Transportation, before any permits are issued.
- g) Each park shall have a central structure that will provide toilet facilities required by current codes and laws. Vending machines for park residents may also be housed in this structure or in a shelter near the recreation area. No exterior advertising is allowed.
- h) Swimming pools or bathing areas must be installed, altered, improved, or used only when found to be in compliance with the Martin-Tyrrell-Washington District Health Department, and permits issued and work inspected by the Martin County Building Inspector.
- i) Identification signs for travel trailer parks shall not exceed four (4) feet by eight (8) feet at the entrance of the park, in accordance with the Martin County Sign Ordinance.

9.2.3 Sanitary Facilities

- a) All toilets, shower, lavatory, and laundry facilities shall be provided and maintained in a clean and sanitary condition and always kept in good repair. They shall be safely and adequately lit. Facilities shall be easily accessible for wheelchairs and other physical impairments to comply with all State and Martin-Tyrrell-Washington District Health Department regulations.
- b) All buildings shall be constructed in accordance with the North Carolina State Building Code, as it is amended from time to time, using the current code at the time of permit issue.

9.2.4 Water Supply

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

9.2.5 Sewage Disposal

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

9.2.6 Garbage and Refuse Disposal

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

9.2.7 Utilities

- a) The installation and use of electrical service shall comply with all applicable codes in existence at the time of installation. The Martin County Electrical/Building Inspector shall approve all installation and use if the use should be different that when installed.
- b) Only one mobile home, or constructed building shall be allowed within a travel trailer park to be used as an office or the residence of persons responsible for the operation and maintenance of the travel trailer park. Accessory buildings used for storage, recreation, and maintenance may be allowed as shown and approved from the original plat.

9.2.8 Park Expansion

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

Section 9.3 Final Plat

9.3.1 Requirements

The plat shall be drawn at a scale not smaller than one (1) inch to one hundred (100) feet. The plat shall contain the following information – for all park sizes:

| |
|---|
| <input type="checkbox"/> Name of proposed park. |
| <input type="checkbox"/> General location map with township, municipality, county, and state of proposed park. |
| <input type="checkbox"/> Name, address, and phone number of developer. |
| <input type="checkbox"/> Scale represented numerically and graphically. |
| <input type="checkbox"/> Date of plat preparation and name of surveyor or engineer. |
| <input type="checkbox"/> Show adjacent properties noting the legal owner's name and the location of existing streets. |
| <input type="checkbox"/> Dimensions and bearings of exterior property lines of proposed park. |
| <input type="checkbox"/> Topographic features, including two horizontal and vertical concrete monuments. |
| <input type="checkbox"/> Proposed streets showing horizontal alignment, and unique name or number. |
| <input type="checkbox"/> Mobile home spaces are well defined and sufficient for delineation on the ground. |
| <input type="checkbox"/> Travel trailer spaces well defined and dimensioned. |
| <input type="checkbox"/> Proposed surface water drainage plan. |
| <input type="checkbox"/> Location of existing and proposed permanent structures. |
| <input type="checkbox"/> Location, purpose, and dimensions of areas to be used for purposes other than for mobile home or travel trailer sites. |
| <input type="checkbox"/> Location and intensity of area lights and evidence that a power company will provide service to the park. All parks are required to have at least one area light per acre. |
| <input type="checkbox"/> Plans for water supply and sewage disposal system, showing the location, size, and the number of hookups to each system to comply with the Laws and Rules for Sanitary Sewage Collection Treatment and Disposal - Section 190D of the North Carolina Administrative Code and the standard of the Martin County Waterworks. |

☐ an actual survey made under my supervision;
with the deed description recorded in Book _____, Page _____, Or other as listed herein: _____;
and that the ratio of precision as calculated by latitudes as departures is _____ (1:7500 as a minimum standard); that the boundaries
not surveyed are shown as broken lines plotted from information found in Book _____, Page _____.

Witness my hand and seal, this _____ day of _____, 20____.

Surveyor or Engineer, Licensed
by the State of NC

Sworn to and subscribed before me this _____ day of _____, 20____.

Notary Public

My Commission Expires:

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

_____, 20____
Date

Chairman, Martin County Planning Board
Or
Planning Administrator

ARTICLE X. ENFORCEMENT & PENALTY

Section 10.1 Section Applicability & Procedure

10.1.1 General

If any land is used or any building or structure is erected, removed, demolished, constructed, reconstructed, altered, repaired, converted, maintained, which is in direct violation of this ordinance, the Enforcement Officer, or any appropriate authority, in addition to other remedies, may institute appropriate action or proceeding to prevent such unlawful uses or violations.

10.1.2 UDO Enforcement

When inspecting, the individual must enter the premises during reasonable hours and upon presenting credentials. The individual completing the inspection may enter the premises provided that the appropriate consent has been given for inspection of areas which are not open to the public unless an appropriate inspection warrant has been secured. Actions by the UDO Code enforcement officer may include any of the following:

- a) Ordering discontinuance or illegal use of land or structure.
- b) Ordering removal of illegal construction, alteration, and additions or changes in structures.
- c) Ordering the discontinuance of illegal work being performed on land and/or structures.
- d) Ordering any other action authorized by this ordinance to ensure compliance with or prevent violation of its provisions.
- e) Abandonment of intent to repair and need for demolition.

Section 10.2 Penalties for Violations

10.2.1 General Penalties

- a) Any person violating any provision of this ordinance may receive a notice of violation for the offense, outlining the scope of the offense or illegal nonconformity. If proper steps are not taken to conform to the ordinance, within 30 days of receiving the notice, the property owner may be fined fifty dollars (\$50) a day until proper compliance is met.
- b) If a *repeat offense** occurs within 24 months of the prior violation notice, the property owner may receive a notice of violation for the offense; re-outlining the scope of the offense or illegal nonconformity. If proper steps are not taken to conform to the ordinance, within 15 days of receiving the notice, the property owner may be fined two-hundred dollars (\$200) a day until proper compliance is met.
- c) The Enforcement Officer may institute a civil action against the offender seeking enforcement by appropriate equitable remedy, injunction, and order of abatement, or by any remedy authorized by NCGS 160A-175 and 160D-404, as amended.

*Violations are only considered to be repeated if the violation is pertaining to the same property, the property / portion of property is under the same ownership as during the prior violation, and it constitutes the same reason as a previous violation letter. *

10.2.2 Regarding Subdivisions

Any Subdivision that is found to be in violation of this ordinance is subject to the following.

- a) The notice of violation shall be sent to the owner, specifying what violations have been found, what corrective measures must be taken, and that failure to comply with the ordinance shall result in revocation of the operating license.
- b) Unless an inspection shows the violation to have been corrected or to satisfactorily be in the process of completion no later than 30 days after notice of permit violation is given, a notice of a revocation hearing shall be sent to the offending party.
- c) The revocation hearing notice shall indicate the time and place of the hearing, that the park operator may be represented by counsel and that the hearing shall be held before the Martin County Board of Commissioners.
- d) At the hearing the burden of proof shall be on the enforcement office, who may also be represented by counsel.
- e) Evidence shall be presented, and cross examinations shall be allowed. Accurate minutes of the hearing shall be kept.
- f) The decision of the board shall be stated in writing and supported by a statement of its findings of facts and conclusions. If the park is found to be in violation, the permit for all spaces shall be revoked.
- g) If the owner later wishes to correct the violation, he shall be required to re-submit his Subdivision plans in compliance with this ordinance to gain compliance.

10.2.3 Regarding Manufactured Home & Travel Trailer / RV Parks

Any mobile manufactured home park or travel trailer/RV park that is found to be in violation of this ordinance will cease entering new leases.

- a) The notice of violation shall be sent to the park operator, specifying what violations have been found, what corrective measures must be taken, and that failure to comply with the ordinance shall result in revocation of the operating license.
- b) Unless an inspection shows the violation to have been corrected or to satisfactorily be in the process of completion no later than 30 days after notice of permit violation is given, a notice of a revocation hearing shall be sent to the offending party.
- c) The revocation hearing notice shall indicate the time and place of the hearing, that the park operator may be represented by counsel and that the hearing shall be held before the Martin County Board of Commissioners.
- d) At the hearing the burden of proof shall be on the enforcement office, who may also be represented by counsel.
- e) Evidence shall be presented, and cross examinations shall be allowed. Accurate minutes of the hearing shall be kept.
- f) The decision of the board shall be stated in writing and supported by a statement of its findings of facts and conclusions. If the park is found to be in violation, the permit for all spaces shall be revoked.
- g) If the owner later wishes to correct the violation, he shall be required to re-submit his mobile manufactured home park plan or travel trailer/RV park plan in compliance with this ordinance in order to get an operating permit.

Section 10.3 Complaints Regarding Violations

Whenever a violation of this ordinance occurs, or is alleged to have occurred, the accused may file a written complaint. Such complaint starting fully the causes and basis thereof shall be filed with the Building Inspector. He shall record properly such complaints, immediately investigate, and act thereon as provided by this ordinance.

Section 10.4 Legal Proceedings / Enforcement

- a) When this Ordinance makes unlawful a condition existing upon or use made of real property, it may be enforced by injunction and order of abatement, and the General Court of Justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rule of Civil Procedure in general.
- b) In addition to an injunction, the court may enter an order of abatement as part of the judgment in the cause. An order of abatement may direct that building or other structures on the property be closed, demolished, or removed; that fixture; furniture, or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repair be made; or that any other action be taken that is necessary to bring the property into compliance with the Ordinance.
- c) If the defendant fails or refuses to comply within an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt and the County may execute the order of abatement.
- d) If the County executes the order, it has a lien on the property, in the nature of a mechanic's & material's man's lien, for the costs of executing the order. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before who the matter was heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within the time fixed by the judge. Cancellation of an order of abatement does not suspend or cancel an injunction issued in conjunction with the order.

Section 10.5 Judicial Review

Any person aggrieved or any taxpayer affected by any decision of the board of adjustment, or any office, department, board, or bureau of the County, under this Ordinance, may petition the superior court for a review of such decision.

- a) State law references: Judicial review, NCGS. 63-34.
- b) State law references: Enforcement and remedies, NCGS 63-35.

APPENDIX I. AMENDMENTS TABLE

| Effective Date | Description of Amendment |
|----------------|---|
| 09/13/2023 | Adoption of the Unified Development Ordinance |