

GREENEVERS NORTH CAROLINA

**MOBILE HOME AND TRAVEL TRAILER PARK
ORDINANCE**

OCTOBER 9, 1995

MOBILE HOME AND TRAVEL TRAILER PARK ORDINANCE
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MOBILE HOME AND TRAVEL PARK ORDINANCE

Greenevers, North Carolina

PURPOSE

The North Carolina General Assembly has found that manufactured housing offers affordable housing opportunities for low- and moderate-income residents of this State who could not otherwise afford to own their own home.

The General Assembly in enacting G.S. 160D-910 stated its intent that local governments reexamine their land-use practices to assure compliance with applicable statutes and case law and consider allocating more residential land area for manufactured homes based upon local housing needs.

The Town of Greenevers adopted this ordinance to provide, inter alia, appearance and dimensional criteria for manufactured homes. Such criteria is designed to protect property values, to preserve the character and integrity of communities or individual neighborhoods within communities, and to promote the health, safety, and welfare of Town residents.

In amending this ordinance in light of the General Assembly's adoption of Chapter 160D of the General Statutes, the Town has evaluated this ordinance in light of the provisions of G.S. 160D-910 in order to meet the intent expressed therein.

This ordinance is designed to accomplish the following specific objectives: (1) to further the orderly layout of such parks; (2) to secure safety from fire, panic, and other dangers; (3) to provide adequate light and air; and (4) to ensure that facilities for transportation, parking, water supply, sewage, and recreation are provided for mobile home park residents.

ARTICLE I - JURISDICTION

These regulations shall govern the placement of and the establishment of each and every new mobile home and travel trailer park and the alteration or expansion of existing parks lying within the jurisdiction of Greenevers (including extra territorial jurisdiction).

ARTICLE II – AUTHORITY

Greenevers hereby exercises its authority to adopt and enforce a mobile home park ordinance under the provisions granted by North Carolina General Statute 160D-910.

ARTICLE III - SHORT TITLE

This ordinance shall be known as the Mobile Home and Travel Trailer Park Ordinance, Greenevers, North Carolina.

ARTICLE IV - DEFINITIONS OF TERMS

Unless otherwise specifically provided, or unless otherwise clearly required by the context, the words and phrases defined in this article shall have the meanings herein set forth when used in this ordinance. If a word or phrase used in this ordinance is not defined by this article or elsewhere in this ordinance, to the extent such word or phrase is defined in Chapter 160D, that definition shall control.

Words used in the present tense include the future. The word shall is mandatory, not directory.

1. Automobile, Abandoned: A motor vehicle which is left on private property without the consent of the owner, occupant, or lessee of the property.
2. Automobile, Junked: A motor vehicle that is (1) partially dismantled or wrecked; or (2) cannot be self-propelled or moved in the manner in which it was originally intended to move.
3. Community or Public Sewer System: Shall mean any sewage system as determined by local or state health agencies.
4. Community or Public Water Supply System: Means a water system serving fifteen or more mobile homes, thereby requiring approval by the State Division of Health Services.
5. Construction Permit: Permits issued by the Planning & Inspection Departments in accordance with the approved preliminary plan.
6. Town: Shall mean Greenevers, North Carolina.
7. Town Commissioners: Shall mean the Board of Commissioners of Greenevers, North Carolina.
8. Customary Accessory Building or Utility Building: Means a building which is used for storage by the mobile home resident.
9. Developer: A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.
10. Health Officer: Shall mean the director of the Duplin County Health Department or his authorized representative.
11. Manufactured Home or Mobile Home: A structure, as defined in N.C.G.S. §143-145(7), transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this Subsection except the size requirements and with respect to which the manufacturer

voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the Act.

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

12. Mobile Home Lot: A piece of land within a mobile home park whose boundaries are delineated in accordance with the requirements of the ordinance, and that is designed and improved in accordance with the requirements of the ordinance to accommodate a single mobile home.
13. Mobile Home Park: A tract of land consisting of at least 10 acres upon which at least 10 mobile home spaces are provided for lease or rental.
14. Mobile Home Stand or Pad: That portion of the mobile home space designed for and used as the area occupied by the mobile home.
15. Operator: Shall mean the person responsible for the operation of a mobile home park.
16. Ordinance and Regulations: Shall mean the Mobile Home and Travel Trailer Park Ordinance of Greenevers, North Carolina.
17. Planning Director: Shall mean the Planning Director of Greenevers, North Carolina.
18. Rental Mobile Homes: Mobile homes that are available on a rental or lease basis.
19. Residential Sewage Disposal System: Means a system serving a mobile home and approved by the Health Officer.
20. Shall: When used in this ordinance, it is intended to indicate a mandatory requirement.
21. Travel Trailer: A wheeled vehicular portable structure built on a chassis designed to be used as a temporary dwelling for travel and/or recreational purposes, including but not limited to structures mounted on auto or truck bodies that are commonly referred to as campers.
22. Travel Trailer Park: Shall mean any site or tract of land upon which are located a travel trailer space or spaces or land area required by this ordinance regardless of whether or not a charge is made for such service.

ARTICLE V - PLAN PREPARATION AND APPROVAL PROCEDURES

1. General: No person shall commence or proceed with development without first securing approval from the Town as herein provided. An approval made pursuant to this ordinance

attaches to and runs with the land. No person shall construct a mobile home park or travel trailer park or make any addition to a mobile home park or travel trailer park that either alters the number of sites for mobile homes or travel trailers within the park or affects the facilities required under this ordinance therein until a variance has been approved as required under Article XIV herein and permits authorizing such construction or addition have been obtained. The construction or addition shall be in accordance with plans and specifications submitted with the application.

Any approval issued pursuant to this ordinance shall expire one year after the date of issuance if the work authorized by the approval has not been substantially commenced. If after commencement the work or activity is discontinued for a period of 12 months after commencement, the approval shall immediately expire. The time periods set out in this Subsection shall be tolled during the pendency of any appeal. No work or activity authorized by any approval that has expired shall thereafter be performed until a new approval has been secured.

2. Sketch Plan: The developer may submit a sketch plan prior to submission of a detailed Preliminary plan to the Town Planning Department. The Planning Department shall advise the developer of general compliance with the requirements of this ordinance. The sketch plan shall be drawn at a scale not less than 1" = 200' and shall contain such information as: name of park, owner's name and address, surveyed boundaries of the property, total acreage of the property and area to be developed, conceptual space layout street layout & cross sections, proposed drainage plan, streams, boundary of flood hazard areas, wetlands, areas of environmental concern, type and location of water and sewer facilities, zoning of the tract, existing land uses, proposed uses on the property other than mobile home or camper spaces, general location & types of buildings, recreation, buffers & open space proposed, and conservation areas as indicated in the Greenevers Land Use Plan. The sketch plan should be accompanied by a project description as required for a special use permit under the Greenevers Zoning Ordinance which should also include a list of permits known to be required from other agencies for development of the project. The sketch plan as described above may be submitted as the project map as required for special use permit approval.
3. Preliminary Plan: Following sketch plan review and approval of the special use permit, the developer shall have a surveyor prepare a preliminary plan at a scale of not less than 1" = 200', The preliminary plan shall generally conform to the conceptual design contained in the sketch plan, shall reflect applicable conditions contained in the special use permit, and shall show the following information:
 - a. Name of park, developer name, address and phone number, scale, date, and tax ID number
 - b. Vicinity Map
 - c. Dimensions and bearings of exterior property lines
 - d. Land contours and vertical intervals of not less than 2 feet

- e. Roads and easements in vicinity
- f. Spaces well defined and numbered
- g. All existing structures and proposed structures
- h. Road cross section details
- i. Water Source
- j. Sewage disposal designed to county or state specifications
- k. Surface and/or subsurface drainage plan
- l. Recreation areas
- m. Location of street lighting
- n. Responsibility for electric system design
- o. Location of 100 year flood line
- p. Location of conservation areas designated in the Land Use Plan
- q. Landscaping and screening requirements
- r. Adjoining property owners
- s. Sign location, setback and dimensions
- t. North arrow
- u. A soil map as determined by the Soil Conservation Service
- v. Existing structures and uses on adjacent properties
- w. Off-street parking, loading areas and their dimensions
- x. The location and dimensions of present and proposed park streets and adjacent highways
- y. Surveyor's or Engineer's Seal and Signature
- aa. Other items shown on the sketch plan
- bb. Approval letters from appropriate agencies for sediment & erosion control, storm water, and utility plans shall be submitted with the preliminary plat or prior to construction permits being issued.

Preliminary Plan Approval: Three copies of the preliminary plan, a copy of other information & approvals noted for preliminary plans and in the special use permit shall be submitted to the

Planning Director: Upon receipt of the completed preliminary plan, and other required material, the Planning Director shall approve or disapprove the preliminary plan within 10 days.

- a. If the preliminary plan is approved, approval shall be entered on the face of plan in writing by an authorized representative of the Town. One print of the plan shall be transmitted to the applicant and another print shall be retained by the Planning Department.
 - b. When a preliminary plan is disapproved, the Planning Director shall specify the reasons for such action in writing and the developer may then make the recommended changes and submit a revised preliminary plan, or appeal the decision to the Board of Commissioners sitting and acting as the Board of Adjustment (herein the “Board of Adjustment”) within 30 days of notice of disapproval under the provisions of Article XIV (1) herein.
4. Construction: If the preliminary plan is approved, the developer may obtain the required development permits and then proceed with construction of the park and installation of improvements.
 5. Final Site Development Plan: After preliminary plan approval and after the developer has constructed the park in accordance with the requirements of this ordinance, the developer shall prepare a final site development plan. This plan shall show all improvements, facilities, amenities, information & mobile home or camper spaces shown on the preliminary plan and shall conform generally to the preliminary plan. Upon receipt of the completed final plan the Planning Director shall approve or disapprove the plan within 10 days. Such approval shall be entered on the face of the plan in writing by the Planning Director and a copy provided to the developer. If the plan is not approved the developer may appeal to the Board of Adjustment pursuant to the provisions of Article XIV herein. Approval of the final plan will authorize the developer to place mobile homes or campers in the park.
 6. Notice: Pursuant to the provisions of Article XIV, Administration, the approvals and disapprovals set forth in this Section shall be communicated by the officer making the determination who shall in turn give written notice to the owner of the property that is the subject of the determination and to the party who sought the determination, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail. The notice shall be delivered to the last address listed for the owner of the affected property on the county tax abstract and to the address provided in the application or request for a determination if the party seeking the determination is different from the owner.

ARTICLE VI – ISSUANCE OF CONSTRUCTION PERMITS AND CERTIFICATE OF OCCUPANCY

1. Issuance: Construction & zoning permits shall be issued for the park by the Planning Department & Inspections Department in accordance with the approved preliminary plan. No construction permits shall be issued by the Inspections Department until the Planning Director has issued a Zoning permit for the project.

2. Occupancy: No mobile home or camper space shall be occupied until all improvements have been completed for the phase of the park under review and a final site development plan for that phase has been approved and signed by the Planning Director. Required improvements shall include, but not be limited to: installation of water and sewer systems, installation of roads, electric systems and street lighting, recreation area development, facilities shown on the approved preliminary plan and marked spaces. A field inspection by the appropriate inspection officials shall be conducted to verify the installation of required improvements.
3. Inspections: Planning Department staff may inspect work undertaken pursuant to an approval given under this ordinance to assure that the work is being done in accordance with applicable State and local laws and of the terms of the approval. In exercising this power, staff are authorized to enter any premises within the jurisdiction of the Town at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials; provided, however, that the appropriate consent has been given for inspection of areas not open to the public or that an appropriate inspection warrant has been secured.

ARTICLE VII – SPECIFICATIONS FOR MOBILE HOME PARKS

1. General: All mobile home parks proposed for development after the effective date of this ordinance shall be subject to the following design requirements:
2. Minimum Design Requirements
 - a. Every mobile home park shall be at least 10 acres in size.
 - b. The amount of land for each mobile home space utilizing individual septic tank systems shall be determined by the Duplin County Health Department after an investigation of soil conditions, the proposed method of sewage disposal, and proposed water system. However, in no case shall the size of a mobile home space be less than 10,000 square feet with community water and sewer, 15,000 square feet with central or private community well and individual septic tanks, 20,000 square feet with individual well and individual septic tank.
 - c. Mobile Home Parks may be located in the 100 year Flood Plain if they are in compliance with the Greenevers Flood Control Ordinance.
 - d. Parking shall be provided off-street at a ratio of 2 parking spaces per mobile home space and shall be setback so that no vehicle shall be closer than 10 feet from the roadway surface.
 - e. Space Requirements:

Each mobile home space shall be at least 70 feet wide at the front line of the mobile home. There shall be at least 20 feet of clearance between mobile homes including ones parked end-to-end. No mobile home shall be located closer than 20 feet to any exterior property boundary. The mobile home shall be setback a minimum of 25 feet from the street right-of-way.

Each plan shall show the dimensions and square feet of each lot.

f. Road Improvements:

All roads in any park may be paved or unpaved. Each road surface in and providing access to the park shall be at least 18 feet in width with an all weather surface and shall be generally centered in a right-of-way not less than 30 feet in width. The park shall have access to a publicly maintained street or highway.

1. Each mobile home space shall abut on an improved interior road.
2. No mobile home space, however, shall have direct access to a public street or thoroughfare.
3. Every street shall have a reserved strip 6 feet wide running parallel and adjacent to each side of the paved surface. This strip shall be used for driveways, walkways, grass, low-growing vegetative cover or utility right-of-way and must be seeded.
 - k. Unless unusual topography or configuration of property lines dictate otherwise, cul-de-sacs shall not exceed 1,000 feet in length with a minimum turnaround of 80 feet in diameter and an improved surface radius of 35 feet.
4. All streets will be appropriately identified with street name signs as applicable.
5. Roads within and providing access to the park shall be properly maintained with an all weather surface which will provide all weather access to all mobile home spaces without the use of a specialized vehicles.

g. Lot Identification:

All spaces shall be permanently identified by permanent markers or monuments. The permanent monuments or markers shall be placed at a minimum, at the front corners of the spaces and be maintained continuously so as to be visible. The location of the monuments shall be shown on the final site plan. When permanent addresses have been issued by Emergency Management, they shall be posted as required in the Greenerers Street Naming Ordinance. When addresses are not issued, lot numbers shall be posted as required for street addresses.

h. Signage:

Permanent identification signs for the park may be allowed provided:

1. The sign may be illuminated and shall not exceed 32 square feet in area.
2. The sign shall be located on private property and at least 10 feet from any public right-of-way and at least 20 feet from any dwelling unit.

i. Street Lights:

A lighting system consisting of electric lamps with 200 foot spacing or as specified in Power Company standards shall be provided. Pole mounted lights shall be setback 5 feet from the edge of the roadway surface. Lighting intensity shall be based on the standards used by the Power Company for candlepower at ground level.

j. Refuse Collection:

Park owners shall make arrangements for a private vendor or other source to collect refuse, either from individual spaces or from centrally located dumpster sites. All dumpster locations are to be fenced and screened from view. Individual refuse receptacles shall be waterproof and rodent proof.

k. Sewage Disposal:

All parks are to be provided with a sewage collection system and/or septic tanks, approved by the appropriate health agency. If a centralized sewer system is to be used, it shall meet the requirements of the Duplin County Health Department or appropriate state agencies.

l. Water Supply:

All parks shall obtain water from a public source or a source as approved by the local Board of Health or appropriate state health agency.

m. Utilities:

Each space shall be equipped with water, sewer and electrical connections.

n. Mobile Home Set Up and Anchorage:

Each mobile home shall be set up and anchored in accordance with the North Carolina Uniform Standards Code for Mobile Homes. (Chapter 143, Article 9A of the North Carolina General Statutes).

o. Permitted Uses:

Within a mobile home park, one structure may be used as an administrative office. All administrative and service buildings, housing sanitation and laundry facilities or any other such facilities shall comply with all applicable ordinances, codes and statutes including buildings, electrical, plumbing, and sanitation codes and rules.

Convenience establishments of a commercial nature, including food stores, coin operated laundries and dry-cleaning establishments, laundry and dry cleaning pickup stations, beauty parlors, and barber shops may be permitted in mobile home parks subject to the following restrictions:

1. Such establishments shall be located, intended and designed to serve only the trade or service needs of persons residing in the park.

2. Such establishments shall be subordinate to the residential use and character of the park.
 3. Off-street parking for commercial establishments shall be provided at a ratio of 1 space for every 400 square feet of gross floor area.
 4. Such establishments shall present no visible evidence of their commercial character from any portion of any residential district outside the park. Commercial establishments other than a coin operated laundry shall be limited to 500 square feet of gross floor area for parks having less than 75 occupied mobile home spaces. Commercial establishments in parks having more than 75 occupied spaces shall be limited to 1,000 square feet of gross floor area. Parks that decrease their occupied spaces to less than 75 for a period of 12 months shall be required to decrease the amount of gross floor area for commercial establishments to 500 square feet.
 5. Vehicular access to such establishments shall be from interior streets.
 6. Signs serving such establishments inside the mobile home park shall be limited to 20 square feet in area, non-illuminated, and shall be attached to the establishment. All service buildings, commercial structures, and the grounds of the park shall be maintained in a clean condition and kept free from any condition that will menace the health of any occupant of the park or constitute a nuisance. Travel trailers are not permitted to be set up for use or connected to any utilities within a mobile home park. Travel Trailers will be permitted to be stored in an area approved for such use and shown on the approved Final Development Plan.
- p. Landscaping and Screening Requirements shall follow Article IX requirements.
- q. Open space and/or recreation areas equaling 15% of the total development area shall be required to be reserved. Such areas shall be accessible by all occupants of the park. Wetlands and Flood Prone areas may be included in the required open space area unless the Board of Adjustment determines at the time of approval of the variance that such areas are not useable for open space or recreation purposes. The park owner is responsible for the development and maintenance of all open space/recreation areas.
- r. Abandoned or inoperative motor vehicles shall not be allowed in any mobile home park.

ARTICLE VIII - TRAVEL TRAILER PARK SPECIFICATIONS

1. Every travel trailer park shall contain at least 15 spaces. Travel trailer parks with no less than five spaces may be approved under a variance, when the use of the park is in conjunction with special events only and is an integral accessory use to a permitted principal recreational type use and the site upon which the uses are located contains at least five acres.
2. Every space shall consist of a minimum area of 2,000 square feet.

3. Parking spaces sufficient to accommodate at least 1 motor and camping vehicle shall be constructed within each space. No more than 1 camping vehicle may be parked on any space.
4. All spaces developed adjacent to a public street shall be set back a minimum of 25 feet from the street right-of-way.
5. All spaces shall be located on sites with elevations that are not susceptible to flooding. The spaces shall be graded to prevent any water from ponding or accumulating within the park. Each space shall be properly graded to obtain a reasonably flat site for travel trailers and to provide adequate drainage away from the space.
6. The park shall have well maintained roads that directly about each space and that provide access to a publicly maintained road. All road travel surfaces shall be constructed of all weather material and shall be 16 feet wide. Roads within the park shall have a designated right-of-way of 24 ft. 7. No space shall have direct vehicular access to a public road.
7. The park shall be developed with proper drainage ditches. All banks shall be sloped and seeded.
8. Cul-de-sacs or dead end roads shall not exceed 1,000 feet in length measured from the entrance to the center of the turnaround. Any road designed to be permanently closed shall have a turnaround at the closed end with a minimum right-of-way diameter of 80 feet.
9. The park shall provide access to a publicly maintained road.
10. Each park shall have a central structure or structures that will provide separate toilet facilities for both sexes. This structure may also contain a retail sales counter and/or coin operated machine for the park residents use only, provided there is no exterior advertising. Vending machines also may be permitted in a sheltered area.
11. No swimming pool or bathing area shall be installed, altered, improved, or used without compliance with applicable health department regulations. No bathing area shall be used without the approval of the Duplin County Health Department.
12. Not more than 2 signs with a total area of not more than 32 square feet for each sign maybe permitted. Signs shall be located on park property, but no closer than 10 feet to any property line and road right-of-way. Only indirect non-flashing lighting may be used for illumination and the sign must be constructed in such a manner as to prevent a direct view of the light source from any public right-of-way.
13. All toilet, shower, lavatory, and laundry facilities shall be provided and maintained in clean and sanitary condition and kept in good repair at all times. They shall be safely and adequately lighted. Facilities shall be easily accessible and conveniently located. All toilet, shower, lavatory, and laundry room facilities shall be acceptable to the Duplin County Health Department and shall be in conformity with all county codes. All buildings shall be constructed in accordance with the building codes of the county.

14. A safe, adequate, and conveniently located water supply and connection must be provided for each park space. No water supply shall be installed, altered, or used without the approval of the Duplin County Health Department.
15. Sewage dumping stations shall be approved by the Duplin County Health Department. At least one (1) sewage dumping station shall be provided in each park, and a sewer connection shall be provided for each camper space. No method of sewage disposal shall be installed, altered, or used, without the approval of the Duplin County Health Department. All sewage wastes from each park, including wastes from toilets, showers, bathtubs, lavatories, wash basins, sinks, and water using appliances not herein mentioned, shall be piped into the park's sewage disposal system or systems. The park owner is responsible for refuse collection. Storage, collection, and disposal of refuse shall be so managed as not to create health hazards, rodent harborage, insect-breeding areas, accident, fire hazards, or air pollution. All refuse shall be stored in conveniently located leak-proof, rodent-proof containers with tight-fitting lids. One such can with a capacity of at least 30 gallons shall be provided for every 2 spaces. Garbage cans shall be located no farther than 100 feet from any trailer/camping space.
16. Each park shall provide open space/recreation areas to serve the needs of the anticipated users. Open space and/or recreation areas equaling 15% of the total development area shall be required to be reserved. Such areas shall be accessible by all occupants of the park. Wetlands and Flood Prone areas may be included in the required open space area unless the Board of Adjustment determines at the time of approval of the variance that such areas are not useable for open space or recreation purposes. The park owner is responsible for the development and maintenance of all open space/recreation areas.
17. It shall be unlawful for a person to park or store a mobile home in a travel trailer park. However, 1 mobile home may be allowed within a travel trailer park to be used as an office and/or residence of persons responsible for the operation and maintenance of the travel trailer park.
18. Abandoned or inoperative motor vehicles shall not be allowed on in any travel trailer park.
19. The Board of Adjustment may exercise discretion to provide flexibility in design of "tent only sites" within a Travel Trailer Park. The conditions designated for such sites and contained in the special use permit shall apply, otherwise such spaces shall be subject to all requirements of Travel Trailer Sites.

ARTICLE IX – LANDSCAPING, SCREENING, AND BUFFER REQUIREMENTS

1. Intent: Landscaping, screening, and buffer requirements are established to improve the appearance of mobile home and travel trailer parks; to protect, preserve and promote the character and value of all properties; and to promote the public health, safety and welfare through the reduction of noise pollution, air pollution, storm water runoff, and glare.

A Certificate of Occupancy shall not be issued until the landscaping is completed as certified by an on-site inspection by the Planning Director unless a performance bond or other acceptable guarantee of improvements has been posted.

ARTICLE X – REGISTRATION

The operator of a mobile home and/or travel trailer park shall keep an accurate register containing a list and description of all mobile homes and travel trailers located in the park and the owner thereof. The operator shall keep the register available at all times for inspection by law enforcement officials, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register. The register shall contain the following information:

1. Name and address of the owner of each mobile home and camper in each space of the park, along with a license, registration or serial number and detailed description of each mobile home or camper.
2. Date each mobile home or camper entered and/or left the park.
3. The name and address of each known occupant of any mobile home or camper if other than the owner.
4. Pursuant to N.C.G.S. 105-316, a copy of the above-described register which accurately reflects the tenants in the park as of January 1st of each year shall be forwarded to the Tax Supervisor of Duplin County, no later than January 15th of each year. A mobile home shall not be moved or relocated unless a Tax permit as required under NCGS 105-316.1 has been obtained from the **Greenevers/Duplin County Tax Office**.

ARTICLE XI - PHASING OF PROJECT

All proposed mobile home and travel trailer parks under this ordinance will be allowed to develop the park in phases.

Included on the preliminary map will be the sections of the park to be developed and completed in phases. The completion of a phase shall include installation of septic tanks, roads, installation of wells, erosion control, landscaping, screening and other improvements shown on the preliminary plat and special use permit. In no case, however, shall any phase be less than 25% of the park.

All phases of a park shall be completed within three years of receiving the initial zoning permit for development or the approval shall be void for the unfinished phases.

No Certificate of Completion shall be given to a park developer until all improvements for lots in the particular phase under development are completed.

ARTICLE XII - AMENDMENTS

Before adopting, amending, or repealing any provision of this ordinance, the Board of Town Commissioners shall hold a legislative hearing. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the Town. 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 period, the day of publication is not to be included but the day of the hearing shall be included.

No amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendations. The Planning Board shall have thirty days (30) within which to submit a report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have approved the amendment.

ARTICLE XIII - LEGAL PROVISIONS

1. Provisions of Ordinance Declared to be Minimum Requirements: The provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare.
 - a. Chapter 160D is applicable to this ordinance. In the event of any conflict between this Chapter and Chapter 160D, the provisions of Chapter 160D shall control.
 - b. "Written" or "in writing" is deemed to include electronic documentation.
 - c. Unless specified otherwise, in the absence of evidence to the contrary, delivery by first-class mail shall be deemed received on the third business day following deposit of the item for mailing with the United States Postal Service, and delivery by electronic mail shall be deemed received on the date sent.
2. Complaints Regarding Violations: Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Inspections Director or Zoning Administrator. Each such complaint shall be investigated, and action taken thereon as provided by Article XIII, Section 3 herein.
3. Enforcement of Ordinance: In addition to the enforcement provisions contained in this section:
 - a. Violation of this ordinance is a misdemeanor as provided by General Statutes 14-4 as amended, which specified punishment by a maximum fine of \$50.00 or imprisonment for not more than 20 days.
 - b. Violation of this ordinance subjects the offender to a civil penalty of \$50.00, to be recovered by the Town in a civil action in the nature of debt, if the offender does not pay the penalty to the Town Finance Office within 10 days after the offender has been cited for a violation.
 - c. Each day's continuing violation of this ordinance is a separate and distinct offense.
 - d. Notices of Violation: When staff determines work or activity has been undertaken in violation of this ordinance or any approval issued hereunder, a written notice of violation may be issued. The notice of violation shall be delivered to the holder of the approval and to the landowner of the property involved, if the landowner is not the holder of the approval, by personal delivery, electronic delivery, or first-class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice of violation may be posted on the property.

The person providing the notice of violation shall certify to the Town that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud. A notice of violation may be appealed to the Town Board of Adjustment, and the Board of Adjustment shall follow quasi-judicial processes as set forth in Section XVII herein.

- e. **Stop Work Orders:** Whenever any work or activity subject to regulation pursuant to this ordinance is undertaken in substantial violation of any State or local law, or in a manner that endangers life or property, staff may order the specific part of the work or activity that is in violation or presents such a hazard to be immediately stopped. The order shall be in writing, directed to the person doing the work or activity, and shall state the specific work or activity to be stopped, the reasons therefor, and the conditions under which the work or activity may be resumed. A copy of the order shall be delivered to the holder of the subdivision approval and to the owner of the property involved (if that person is not the holder of the subdivision approval) by personal delivery, electronic delivery, or first-class mail. The person or persons delivering the stop work order shall certify to the Town that the order was delivered, and that certificate shall be deemed conclusive in the absence of fraud. A stop work order may be appealed to the Town Board of Adjustment. The Board of Adjustment shall follow quasi-judicial processes as set forth in Article XVII herein. No further work or activity shall take place in violation of a stop work order pending a ruling on the appeal. Violation of a stop work order shall constitute a Class 1 misdemeanor.
- f. **Remedies:** This ordinance may be enforced by any remedy provided by G.S. 160A-175. If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used or developed in violation of this ordinance, the Town, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, use, or development; to restrain, correct or abate the violation; to prevent occupancy of the building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about the premises.
- g. **Revocation of Development Approvals:** Development approvals given under this ordinance may be revoked by the Town by notifying the holder in writing stating the reason for the revocation. The Town 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. Development approvals shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable local development regulation or any State law delegated to the Town for enforcement purposes in lieu of the State; or for false statements or misrepresentations made in securing the approval. Any development approval mistakenly issued in violation of an applicable State or local law may also be revoked. The revocation of a development approval by a staff member may be appealed

pursuant to Article XIV herein. If an appeal is filed regarding a development regulation adopted by the Town pursuant to Chapter 160D, the provisions of Section XIV.e herein regarding stays apply.

4. Separability Clause: Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decisions shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.
5. Applicability: All existing parks that do not meet the requirements of this ordinance will not be allowed to expand beyond their current size unless the expansion is in compliance with this ordinance. Any development that has a Final Site Development Plan approved under the Mobile Home & Travel Trailer Park Ordinance adopted October 9, 1995, and that plan is in compliance with “Article V, 6., Final Site Development Plan” of that ordinance, will have 180 days to obtain a zoning & construction permit for any previously approved expansion. If the construction permits for the expansion have not been approved during that period, the expansion must comply with the requirements of this ordinance.
6. Effective Date: This ordinance was initially on October 9, 1995, and amended on _____, 2021.

ARTICLE XIV - ADMINISTRATION

1. Appeals of administrative decisions made by staff under this ordinance shall be made to the Town Board of Adjustment.
 - a. Appeals: Appeals shall be heard by the Town Board of Adjustment using the quasi-judicial processes set forth below.
 - b. Standing: Any person who has standing or the Town may appeal an administrative decision to the board. An appeal is taken by filing a notice of appeal with the clerk to the board. The notice of appeal shall state the grounds for the appeal.
 - c. Time to Appeal: The owner or other party shall have 30 days from receipt of the written notice of the determination within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the determination within which to file an appeal. In the absence of evidence to the contrary, notice given pursuant Article V, Section 7 herein by first-class mail shall be deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.
 - d. Record of Decision: The official who made the decision shall transmit to the board all documents and exhibits constituting the record upon which the decision appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.

- e. Stays: An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from and accrual of any fines assessed unless the official who made the decision certifies to the board after notice of appeal has been filed that, because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or, because the violation is transitory in nature, a stay would seriously interfere with enforcement of the development regulation. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a development approval or otherwise affirming that a proposed use of property is consistent with this ordinance shall not stay the further review of an application for development approvals to use such property; in these situations, the appellant or the Town may request and the board may grant a stay of a final decision of development approval applications, including building permits affected by the issue being appealed.

2. Variances

When unnecessary hardships would result from carrying out the strict letter of a requirement of this ordinance, the Board of Adjustment shall vary the requirement of this ordinance upon a showing of all of the following:

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

Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

In considering a variance, the Board of Adjustment shall follow quasi-judicial processes as set forth in Article XVII herein.

3. Special Use Permits

- a. A special use permit is a permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards.
- b. Application Submittal: All applications for a special use permit shall be submitted in accordance with Article V of this ordinance.
- c. Upon submission of a completed application, the Planning Director shall review the request and associated site plan for consistency with the requirements of this ordinance.

Upon completion of the review, the Planning Director shall prepare a staff report that reviews the request in accordance with the adopted plans and policies of the Town, and the general requirements of this ordinance.

- d. Action by the Board of Adjustment: Following notification and the scheduling of an evidentiary/quasi-judicial hearing in accordance with Article XVII of this ordinance, the Board of Adjustment shall conduct an evidentiary/quasi-judicial hearing on the application in accordance with Article XVII herein.
- e. Conditions: The Board of Adjustment may impose additional reasonable and appropriate conditions and safeguards on the special use permit approval in accordance with N.C.G.S. §160D-705(c).
- f. Modifications to Approved Special Use Permit: If a proposed modification deviates from the approved special use permit, the applicant shall seek an amendment of the special use permit in accordance with Article XIV(c) of this ordinance.
- g. Expiration: A special use permit shall expire one year after the date of issuance if the work authorized by the approval has not been substantially commenced. If after commencement the work or activity allowed under a special use permit is discontinued for a period of 12 months after commencement, the special use permit shall immediately expire. The time periods set out in this Subsection shall be tolled during the pendency of any appeal. No work or activity authorized by a special use permit that has expired shall thereafter be performed until a new development approval has been secured.

ARTICLE XV - PLANNING BOARD

1. Procedures
 - a. Meetings; officers: The Planning Board shall have at least three members, and shall elect one of its members as chair, one of its members as a vice-chair, and shall appoint a secretary and other subordinates as it deems in its best interest. Meetings of the Planning Board shall be held pursuant to a schedule adopted pursuant to law. Special or emergency meetings of the Planning Board may be held in accordance with the provisions of Chapter 143 of the North Carolina General Statutes.
 - b. Appointments to Planning Board: All appointments to The Planning Board shall be made by the Board of Town Commissioners. The Board of Town Commissioners may establish reasonable procedures to solicit, review, and make appointments.
 - c. Rules of procedure: Rules of procedure that are consistent with the provisions of this ordinance may be adopted by the Board of Town Commissioners for the Planning Board. In the absence of action by the Board of Town Commissioners, the Planning Board is authorized to adopt its own rules of procedure that are consistent with the provisions of Chapter 160D. A copy of any adopted rules of procedure shall be maintained by the Clerk to the Board of Commissioners and shall be posted on the Town's website. The Planning Board shall keep minutes of its proceedings.
 - d. Oath of Office: All members appointed by the Planning Board under this ordinance shall, before entering their duties, qualify by taking an oath of office required by N.C.G.S. §160A-61.

ARTICLE XVI - CONFLICTS OF INTEREST

1. Board of Town Commissioners: A Town Commissioner shall not vote on any legislative decision regarding a development regulation under this ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the Commissioner.
2. Planning Board and Board of Adjustment: Members of the Planning Board and Board of Adjustment shall not vote on any advisory or legislative decision regarding a development regulation under this ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
3. Administrative Staff: No staff member shall make a final decision on an administrative decision regarding a development regulation under this ordinance if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this Section, the decision shall be assigned

to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.

No staff member shall be financially interested or employed by a business that is financially interested in a manufactured housing park subject to regulation under this Chapter unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with the Town to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the Town, as determined by the Town.

4. Quasi-Judicial Decisions: When the Board of Adjustment is exercising quasi-judicial functions pursuant to this ordinance, board members shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having:
 - a. a fixed opinion prior to hearing the matter that is not susceptible to change;
 - b. undisclosed ex parte communications;
 - c. a close familial, business, or other associational relationship with an affected person;
or
 - d. a financial interest in the outcome of the matter.
5. Resolution of Objection: 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 members of the board shall by majority vote rule on the objection.
6. Familial Relationship: For purposes of this Section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

ARTICLE XVII - QUASI-JUDICIAL PROCEEDINGS

1. Process Required: The Board of Adjustment shall follow quasi-judicial procedures as directed in this ordinance, and in any event in determining appeals of administrative decisions, variances, and special use permits.
2. Notice of Hearing: Notice of evidentiary hearings conducted pursuant to Chapter 160D shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by this ordinance. In the absence of evidence to the contrary, the Town may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the Town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street

or highway right-of-way. The board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.

3. **Administrative Materials:** The Planning Director shall transmit to the board all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the board prior to the hearing if at the same time they are distributed to the board a copy is also provided to the appellant or applicant and to the landowner if that person is not the appellant or applicant. The administrative materials shall become a part of the hearing record. The administrative materials may be provided in written or electronic form. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing.
4. **Presentation of Evidence:** The applicant, the Town, and any person who would have standing to appeal the decision shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board.
5. **Objections:** Regarding jurisdictional and evidentiary issues, including, but not limited to, the timeliness of an appeal or the standing of a party, may be made to the board. The board chair shall rule on any objections, and the chair's rulings may be appealed to the full board. These rulings are also subject to judicial review pursuant to G.S. 160D-1402. Objections based on jurisdictional issues may be raised for the first time on judicial review.
6. **Appearance of Official New Issues:** The official who made the decision or the person currently occupying that position, if the decision maker is no longer employed by the Town, shall be present at the evidentiary hearing as a witness. The appellant shall not be limited at the hearing to matters stated in a notice of appeal. If any party or the Town would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing.
7. **Oaths:** The chair of the board or any member acting as chair and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board determining a quasi-judicial matter, willfully swears falsely is guilty of a Class 1 misdemeanor.
8. **Subpoenas:** The board making a quasi-judicial decision under 160D through the chair or, in the chair's absence, anyone acting as chair may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, the applicant, the Town, and any person with standing may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested

subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be immediately appealed to the full board. If a person fails or refuses to obey a subpoena issued pursuant to this Subsection, the board or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

9. Voting: The concurring vote of four-fifths of a board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this Subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter under G.S. 160D-109(d) shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.
10. Decisions: The board shall determine contested facts and make its decision within a reasonable time. When hearing an appeal, the board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing, reflect the board's determination of contested facts and their application to the applicable standards, and be approved by the board and signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the Clerk to the Board. The decision of the board shall be delivered within a reasonable time by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person required to provide notice shall certify to the Town that proper notice has been made, and the certificate shall be deemed conclusive in the absence of fraud.

ARTICLE XVIII – BOARD OF ADJUSTMENT

1. Establishment of the Board of Adjustment: The Board of Commissioners of the Town of Greenevers is hereby designated as the Board of Adjustment. The Board of Adjustment shall have all powers and duties as set forth in this ordinance and is permitted by N.C.G.S. §160D-302.
2. Procedure of the Board of Adjustment
 - a. Officers: The Board of Adjustment shall elect a chairman and a vice chairman from its membership and such other officers as the Board deems best. The Board of Adjustment shall have at least five (5) members.

- b. Meetings: Meetings of the Board of Adjustment shall be held pursuant to a schedule adopted pursuant to law. Special or emergency meetings of the Board of Adjustment may be held in accordance with the provisions of Chapter 143 of the North Carolina General Statutes. All meetings of the Board of Adjustment shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, an indication of such fact; and final disposition of appeals shall be taken, all of which shall be of public record.

Rules of procedure that are consistent with the provisions of this ordinance may be adopted by the Board of Commissioners for the Board of Adjustment. In the absence of action by the Board of Commissioners, the Board of Adjustment is authorized to adopt its own rules of procedure that are consistent with the provisions of Chapter 160D. A copy of any adopted rules of procedure shall be maintained by the Clerk to the Board of Commissioners and shall be posted on the Town's website.

- c. Appeals: All appeals shall be made in accordance with the provisions of Article XIV herein.

Quasi-Judicial Decisions. The Board of Adjustment shall follow the procedures set forth in Article XVII herein if making a decision or determination for which a quasi-judicial hearing is required.

- 3. Duties: It is the intent of this ordinance that all questions of interpretation and enforcement shall first be presented to the Planning Director or his authorized representative, and that such questions shall be presented to the Board of Adjustment only on an appeal from the decision of the Planning Director or his authorized representative, and that recourses from the decision of the Board of Adjustment shall be to the courts as provided in N.C.G.S. §160D-1402.
- 4. Powers and Duties of the Board of Adjustment
 - a. Administrative Review: To hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by the Planning Director in the enforcement of this ordinance. The Board may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination and to that end shall have powers of the Planning Director from whom appeal is taken.
 - b. Variances: To authorize in specific cases variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in undue hardship, so that the spirit of this ordinance shall be observed and substantial justice done. A request for a variance will follow the procedure set forth in Article XIV(2) herein.

A charge shall be made to the appellant according to town policy in order to cover administrative and advertising costs.

- c. Special Use Permit: The Board of Adjustment shall consider all requests for a special use permit in accordance with Article XIV(3) herein.
5. Notice: In addition to any other requirements of this ordinance regarding the approval or disapproval of an application for a variance or a special use permit, the approvals and disapprovals set forth in this ordinance shall be communicated by the officer or board making the determination who shall in turn give written notice to the owner of the property that is the subject of the determination and to the party who sought the determination, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail. The notice shall be delivered to the last address listed for the owner of the affected property on the County tax abstract and to the address provided in the application or request for a determination if the party seeking the determination is different from the owner.
6. Appeals from the Board of Adjustment: Appeals from a decision of the Board of Adjustment may be made pursuant to the provisions of N.C.G.S. §160D-1402.