

ARTICLE 10. CLUSTER DEVELOPMENT

Section 10-1: Purpose

Clustering of residential lots is intended to encourage subdivision design that is more efficient and better suited to the natural features of the land than a conventional subdivision, by regulating lots based on lot density standards rather than minimum lot size standards and by requiring that part of the subdivision not devoted to lots and roads be set aside as usable open space. This allows smaller lots to be concentrated on those parts of the subdivision best suited to accommodate development with the least adverse impact. Clustering also allows smaller and less costly network of roads and utilities and reduces the amount of impervious surface and stormwater runoff. The open space provided by clustering can be used to provide recreational opportunities for the subdivision's residents, to conserve and protect significant natural areas and environmentally sensitive areas, and to preserve important historic resources.

In WS II watersheds, State rules will not allow lots less than forty thousand (40,000) square feet in area when septic tanks are used.

Section 10-2: Minimum Subdivision Site Size

Clustering of lots shall not be allowed on any tract of land less than ten (10) acres in size.

Section 10-3: Maximum Number of Lots (Lot Density)

Clustering shall not increase the density of development. In water supply watersheds, all development must comply with the built-upon restrictions.

The maximum number of lots allowed within a cluster subdivision shall be equal to the site's total land area (acreage), less the street rights-of-way, divided by the minimum lot size of the non-clustered subdivision.

Section 10-4: Lot Design Standards

Each lot shall be regularly shaped and have at least forty (40) feet of frontage on a private or public road meeting the standards of this Ordinance. Side lot lines extending from a road shall be approximately perpendicular or radial to the road or street.

Section 10-5: Open Space

- (A) *Required Open Space.* Land within the subdivision site not contained in lots, streets, or utility easements, shall be in one or more parcels dedicated or reserved as permanent open space. The total area of parcels dedicated or reserved as permanent open space shall make up at least twenty percent (20%) of the subdivision.
- (B) *Open Space Use, Location, and Design.*
- (1) Open space shall be dedicated or reserved for one or more of the following uses:
 - (a) Conservation of any identifiable natural hazard areas, such as floodways or wetlands;
 - (b) Conservation and protection of identified significant natural areas, such as rare plant communities, important wildlife habitat, or other environmentally sensitive areas where development might threaten water quality of ecosystems;
 - (c) Conservation and protection of any identifiable important historic resources;
 - (d) Provision of active and/or passive outdoor recreation opportunities, either for the general public or for the subdivision residents;
 - (e) Retention of productive farmland or forestland for continued agricultural and/or forestry use; or
 - (f) Establish a conservation reservation on the remainder of the tract.
 - (2) Highest priority for the location, design, and use of open space shall be given to conserving, and avoiding development in, any natural hazard areas on the site.
 - (3) Open space shall contain such buildings, structures, accessways, and parking facilities as are necessary to its principal uses.

- (4) The location, size, character, and shape of the required open space shall be appropriate to its intended use; active recreation shall be located and designed so its users can easily access it.
- (C) *Open Space Dedication or Reservation.*
- (1) Land within the subdivision site not contained in lots, streets, or utility easements, shall be in one or more contiguous parcels dedicated or reserved as permanent open space. The title to the open space shall be conveyed to a property owners' association, homeowners' association, or other legal entity (public agency or nonprofit organization) that is capable of and willing to accept responsibility for managing the open space for its intended purpose.
 - (2) Each dedicated or reserved open space parcel shall be shown on all subdivision plans and on record plat recorded with the Franklin County Register of Deeds, with a notation of its area and its intended open space use.
- (D) *Maintenance of Open Space.* The owner of the open space shall be responsible for maintaining the open space so that it continues to effectively function for its intended use and any dedication or conveyance of an open space parcel shall provide for such responsibility.

Section 10-6: Cluster Subdivisions in Water Supply Watersheds

Subdivisions located in water supply watersheds shall be designed so that lots and development sites are concentrated in the upland areas and away from surface waters and drainageways, and the undeveloped areas (open space) shall remain in a vegetated or natural state. Built-upon areas shall be sited and designed to minimize stormwater runoff impact to the watershed's receiving waters.

Section 10-7: Zero (0) Side and/or Rear Yard Setbacks

A zero (0) side and/or rear yard setback as permitted herein, may be permitted, subject to the following provisions:

- (A) Any wall, constructed on the side or rear lot shall be a solid doorless and windowless wall. Such wall shall contain no electrical, mechanical, heating, air conditioning, or other fixtures that project beyond such wall. If there is an offset of the wall from the lot line, such offset shall comply with the side yard setback requirements specified in Article 8. Roof eaves may encroach two (2) feet into the adjoining lot;
- (B) A five (5) foot maintenance and access easement with a maximum eave encroachment easement of two (2) feet within the maintenance easement shall be established on the adjoining lot and shall assure ready access to the lot line wall at reasonable periods of the day for normal maintenance;
- (C) Where zero (0) side or rear yard setbacks are proposed, the buildable area for each lot shall be indicated on the preliminary and final subdivision plat.
- (D) No structure may be located on more than one (1) side lot line.

Section 10-8: Lot Design Standards for Cluster Subdivisions

Zoning District	Minimum Lot Size (sq. ft.)	Minimum Lot Width (sq. ft.)	Off-Site Water Required	Off-Site Water & Sewer Required	Minimum Setbacks
R-80	40,000	110			F-40, R-35, S-15
R-40	15,000	60		x	F-20, R-15, S-10
R-40*	20,000	75	x		F-35, R-30, S-10
R-40*	30,000	75			F-35, R-30, S-10
AR, R-1	20,000	75	x		F-25, R-20, S-10
AR, R-1	10,000	50		x	F-20, R-15, S-10
R-15	10,000	50		x	F-20, R-15, S-10
R-8	5,000	40		x	F-15, R-10, S-6
MU	20,000	75	X		F-25, R-20, S-10
MU	10,000	50		X	F-20, R-15, S-10
R-30	20,000	75	X		F-25, R-20, S-10
R-30	20,000	50		X	F-20, R-15, S-10

*State rules do not allow septic tanks on lots less than forty thousand (40,000) square feet in WSII.

ARTICLE 11. PLANNED BUILDING GROUP REGULATIONS

Planned building groups (inclusive of manufactured home parks) must be approved by the Franklin County Planning Board unless otherwise specified. Planned building groups (inclusive of manufactured home parks) shall be submitted to the Administrator at least twenty-one (21) days prior to the regular Planning Board meeting at which it is to be reviewed.

Section 11-1: Planned Building Group Regulations for Apartments and Condominiums

Minimum Lot Area. As required by the zoning district in which the Planned Building Group is located (see Table of Yard, Area, and Height Regulations).

Parking. As specified in Article 16 of this Ordinance.

Recreation Area. Play areas shall be provided for all apartments and condominium planned building groups with over five (5) dwelling units. A minimum play area of two thousand (2,000) square feet, having a minimum width of forty (40) feet or a minimum radius of twenty-six (26) feet, shall be provided for the first six (6) to twenty-five (25) dwelling units. For each dwelling unit over twenty-five (25) in number, an additional fifty-six (56) feet per dwelling unit shall be provided. The spatial distribution and number of individual play areas within the planned building group shall be determined by the Planning Board on the basis of the spatial arrangement of the dwelling units, topography, and other physical features. Swimming pools and their accessory areas shall not constitute any part of the open space requirements. No part of the required play area shall be used for any other purpose.

Timing. Proposed schedule of development including stages likely to be followed.

Other Details:

- (1) Proposed provision for storm drainage (including retention pond facilities, when applicable) and sanitary sewerage, approved by the Administrator.
- (2) Size and proposed location of any signs.
- (3) Proposed solid waste storage facilities.
- (4) Proposed water system and fire fighting facilities such as hydrants and sprinkler connections.
- (5) Types of surfacing, slope, grade, and cross section of drives, sidewalks, malls, etc.
- (6) The location and heights of all fences, walls, and hedges shall be shown.
- (7) Profiles of publicly maintained water and sewer lines.
- (8) Profiles, cross-sections, and slopes of on-site and off-site ditches carrying water runoff.
- (9) Erosion and sedimentation control plan.

- (10) Lighting plan inclusive of wattage and illumination.
- (11) Installation of curb and gutter may be required by the Planning Board.
- (12) Depict traffic control devices.
- (13) All plans and construction details must meet the current specifications of Franklin County.
- (14) Location and amount of recreation area.

Placement of Buildings:

- (1) There shall be maintained at least twenty (20) linear feet of open space between individual and unattached buildings in a residential planned building group.
- (2) Any group of buildings forming a courtyard shall have at least twenty-five (25) percent of the perimeter of such courtyard open for access by emergency vehicles.
- (3) Where the length of a street exceeds two hundred (200) feet and where there exists six (6) or more dwelling units, an area must be provided for the turnaround of fire-fighting vehicles on a paved or graveled surface. This area shall not be used for parking and shall subscribe a circular area having a radius of thirty-five (35) feet or shall have a configuration which provides comparable turnaround space.
- (4) All fire hydrants, whenever possible, should be located adjacent to the paved roadways suitable for transporting fire-fighting vehicles. Where possible, such hydrants shall be located at least fifty (50) feet from any building. Hydrants shall be located at entrance and exit ways, and additional hydrants shall be located so that each building and portion thereof will be within three hundred fifty (350) feet of a hydrant. If buildings have standpipes and sprinkler systems, one (1) hydrant shall be located within seventy-five (75) feet of each standpipe and sprinkler connection system. All hydrants must be served by a water main of sufficient size. In no case shall the minimum size main be less than six (6) inches in diameter.

Section 11-2: Business Planned Building Group Regulations

- (A) *Construction or Expansion in NB, HB, and TND Districts Only.* The following

planned building group regulations shall apply to all new construction or expansion of existing buildings in NB, HB, and TND zoned property. These requirements shall be in effect for both the development of individual buildings and parcels with two (2) or more buildings on a single parcel.

Parking. As specified in Article 16 of this Ordinance.

Loading. As specified in Article 16 of this Ordinance.

Screening and fencing. As required by Article 14, Landscape and Screening Requirements.

Parking for Automobile Laundry/Car Wash, Self Service. When automobile laundry/car wash, self-service car washes are part of a Business Planned Building Group under the terms of this section, automobile laundry/car wash, self-service car washes shall provide a minimum of four (4) stacking spaces, including at least three (3) for washing and one (1) for drying, for the first four (4) stalls on site. For every stall after the fourth stall, a minimum of three (3) stacking spaces, including at least two (2) for washing and one (1) for drying shall be provided. The stacking system shall in no way hinder or impair normal traffic flow on roads, hinder or impair internal site traffic flow, or hinder or impair traffic flow on adjoining property.

Plans are required and must show:

- (1) *Structures.* Location and approximate size of all structures.
- (2) *Circulation.* Proposed points of access and egress and proposed pattern of internal automobile and pedestrian circulation. No more than two curb cuts at a maximum combined width of twenty-five (25) feet shall be allowed for each single property frontage. All street connections shall comply with NCDOT design and placement standards. The locations of all points of ingress and egress shall be approved by the Franklin County Planning Board.
- (3) *Signs.* The applicable zone sign regulations shall apply to this planned building group requirement.

Other site plan requirements:

- (1) Size and location of all signs.
- (2) Size and location of all fences, walls, and hedges.
- (3) Proposed provision for storm drainage (including retention pond facilities, when applicable), approved by the Administrator.
- (4) Proposed solid waste storage facilities.
- (5) Lighting plan, inclusive of wattage and illumination.
- (6) Installation of curb and gutter shall be mandatory.
- (7) Depict traffic control devices.
- (8) Parking area shall have a stabilized surface with parking space and traffic lanes clearly marked.

- (B) *Construction of a Building Greater than 7,000 Square Feet in O/I, NB, RB, and HB Districts.* The following planned building group regulations shall apply in the development of O/I, NB, RB, and HB districts involving the construction of a building greater than seven thousand (7,000) square feet or projects involving the construction of more than one (1) building, structure, or combination thereof shall also comply with the following regulations.

Parking and Loading. Four (4) parking spaces per one thousand (1,000) square feet of leasable building area for planned building groups having a leasable building area of four hundred thousand (400,000) square feet or less; four and one-half (4-1/2) parking spaces per one thousand (1,000) square feet of leasable building area for planned building groups having a leasable building area from 400,001 to 600,000 square feet; and five (5) parking spaces per one thousand (1,000) square feet of leasable building area for planned building groups having a leasable building area over six hundred thousand (600,000) square feet.

One loading bay for up to twenty thousand (20,000) square feet of leasable building area; one loading bay for each thirty thousand (30,000) square feet over twenty thousand (20,000) square feet, up to one hundred ten thousand (110,000) square feet; one loading bay for each fifty thousand (50,000) square feet over one hundred ten thousand (110,000) square feet.

Warehouse and office-institutional planned building groups shall adhere to the respective parking ratios as listed in Article 16 of this Ordinance.

Screening and Fencing. As required by Article 14, Landscape and Screening Requirements.

Lots Fronting on a Public Street. The Planning Board may approve plans with lots within the interior of a business planned building group project provided that the Board finds that adequate access is assured by the design of the planned building group.

Minimum Yard Requirements. The Planning Board may approve plans which do not provide minimum yards along interior lot lines within a business planned building group project. All exterior lot lines located along the perimeter of the business planned building group shall satisfy the standards listed within Article 8, entitled “Table of Area, Yard, and Height Requirements.”

Plans are required and must show:

- (1) *Structures.* Location and approximate size of all existing and proposed structures within the site, and all buildings and structures within five hundred (500) feet, in addition to public or private easements or rights-of-way adjoining or intersecting such property.
- (2) *Circulation.* Proposed points of access and egress and proposed pattern of internal automobile and pedestrian circulation.
- (3) *Parking and Loading.* Location and extent of proposed parking and loading areas.
- (4) *Timing.* Proposed schedule of development, including stages likely to be followed.

Other Details:

- (1) Proposed provision for storm drainage (including retention pond facilities, when applicable) and sanitary sewerage, approved by the Administrator.
- (2) Size and proposed location of any signs.
- (3) Proposed solid waste storage facilities.
- (4) Proposed water system. Hydrants shall be located within three hundred (300) feet of any building or portion thereof. Where possible, such hydrants shall be located at least fifty (50) feet from any building. If buildings have standpipes and sprinkler systems, one (1) hydrant shall be located within seventy-five (75) feet of each standpipe and sprinkler

system connection.

- (5) Types of surfacing, slope, grade, and cross-section of driveways, sidewalks, malls, etc.
- (6) The location and heights of all fences, walls, and hedges shall be shown.
- (7) Profiles of publicly maintained water and sewer lines.
- (8) Profiles, cross-sections, and slopes of on-site and off-site ditches carrying water runoff.
- (9) Erosion and sedimentation control plan.
- (10) Lighting plan, inclusive of wattage and illumination.
- (11) Installation of curb and gutter shall be mandatory.
- (12) Depict traffic control devices.
- (13) All plans and construction details must meet the current specifications of Franklin County.

Other Requirements:

- (1) Points of access and egress shall consist of driveways or roadways at least twenty (20) feet in width and shall be set back a sufficient distance from highway intersections to minimize traffic hazards, inconvenience, and congestion.
- (2) Parking areas shall have a stabilized surface with parking spaces and traffic lanes clearly marked.

Placement of Buildings:

- (1) Exterior walls of unattached buildings shall be located no closer than a distance equal to the height of the taller building.
- (2) Any courtyard created by the placement of the buildings shall have at least twenty-five (25) percent of its perimeter open for access by emergency vehicles.

ARTICLE 12. MANUFACTURED HOME AND RECREATIONAL VEHICLE PARKS

Section 12-1: Purpose

The purpose of this Ordinance is to regulate and guide the establishment of manufactured home parks and recreational vehicle parks in order to promote the public health, safety, and general welfare of the citizens of Franklin County, North Carolina. This Ordinance is designed to accomplish the following specific objectives: (a) to further the orderly layout of manufactured home parks and recreational vehicle parks; (b) to secure safety from fire, panic, and other dangers; (c) to provide adequate light and air; and (d) to insure that facilities for transportation, parking, water, sewage, and recreation are provided for manufactured home park and recreational vehicle park residents.

Section 12-2: Jurisdiction

These regulations shall govern the establishment of each and every new manufactured home park and recreational vehicle park, and the alteration or expansion of existing manufactured home parks and recreational vehicle parks lying within the jurisdiction of Franklin County and within the jurisdiction of any municipality whose governing body by resolution agrees to such regulation. All regulations, ordinances, and clauses of law in conflict with the provisions of this order are hereby repealed.

Section 12-3: Authority

Franklin County hereby exercises its authority to adopt and enforce a manufactured home park and recreational vehicle park ordinance under the provision granted by North Carolina General Statute 153A-121.

Section 12-4: Manufactured Homes On Individual Lots

Manufactured homes on individual lots shall be a permitted use where indicated in Article 6 of this Ordinance.

Requirements. All requirements for the location of a single-family dwelling on an individual lot shall be met. Only Class A and B manufactured homes are permitted. All new manufactured and modular homes shall be installed according to the manufacturers installation manual or blueprints, all others shall be installed according to the North Carolina Regulations for Manufactured Homes and for modular homes, North Carolina Building Code Volume VIII. All

the appropriate Franklin County Health Department requirements shall be met.

Additional Requirements:

- (A) Exterior finishes shall be in good repair and in no case shall the degree of reflectivity of the exterior siding, foundation skirting, and roofing, exceed that of gloss white paint.
- (B) A continuous, uniform foundation enclosure, unpierced except for required ventilation and access, shall be installed. The enclosure may consist of brick or concrete block, or wood, vinyl, or metal fabricated for this purpose. Any wood framing for foundation skirting shall be constructed with treated lumber.
- (C) Permanent or precast steps shall be constructed or placed at all exterior doors as necessary.
- (D) The running lights shall be removed and the hitch shall either be removed or screened with shrubbery.
- (E) At least two (2) off-street parking spaces shall be provided.
- (F) All areas not used for parking, manufactured home, or required porches, shall be grassed or otherwise suitably landscaped to prevent erosion.
- (G) All standards must be met prior to issuance of a Certificate of Occupancy.

Section 12-5: Manufactured Home Parks

Manufactured home parks shall be a conditional use as set forth in Article 7 of this Ordinance.

Section 12-6: Procedure For Securing Approval Of Manufactured Home Parks

- (A) *Approval Required.* No manufactured home park within the jurisdiction of Franklin County shall be established, altered, or expanded until a construction permit has been issued by the Franklin County Planning Department, authorizing such construction. A construction permit shall be issued after approval of the manufactured home park preliminary plan by the Franklin County Planning Board.

(B) *Manufactured Home Park Construction Permit.*

(1) *Manufactured Home Park Sketch Plan.* Prior to submitting a preliminary plan, the developer is encouraged to prepare and submit to the Planning Department and the Franklin County Health Department, Environmental Health Section, a sketch design plan of the manufactured home park. The purpose of the sketch plan is to allow the developer to express his ideas on intended development prior to expending any funds. The sketch plan should include location, tentative roads, lots, and well lots.

(2) *Manufactured Home Park Preliminary Plan.*

(a) The developer shall submit twelve (12) copies of the preliminary plan and any supplementary material to the Planning Department at least twenty-one (21) days prior to the regularly scheduled Planning Board meeting at which said plan is to be considered by the Planning Board.

(b) The manufactured home park preliminary plan shall be drawn at a scale of one (1) inch to one hundred (100) feet or larger, and shall include the following:

1. The name of the park, the name(s) and address(es) of the owner(s), the registered land surveyor or engineer licensed to practice in North Carolina.

2. Date, scale, and north arrow.

3. Boundaries of tract shown with bearings and distances.

4. Names of adjoining property owners or developments.

5. Zoning classifications, if any, both on the land to be subdivided, and on adjoining land.

6. Proposed streets, street names, rights-of-way, and street widths.

7. Proposed lot lines, lot numbers, and approximate dimensions.

8. Proposed well site or water source showing one hundred (100) feet minimum pollution-free radius.
9. Proposed minimum building setback lines.
10. Land contours with vertical intervals of not more than ten (10) feet shall be required for all manufactured home parks that have sufficient land area for twenty-five (25) spaces or more, and for all recreational vehicle parks that have sufficient land area for fifty (50) spaces or more.
11. Proposed recreation areas, if applicable.
12. Vicinity map.
13. Site data:
 - a. Acreage in total tract.
 - b. Minimum lot size.
 - c. Total number of lots.
 - d. Linear feet in streets.
14. Notes:
 - a. Water supply system to be approved by the North Carolina Department of Environment and Natural Resources, Public Water Supply Section, or Franklin County Health Department, Environmental Health Section
 - b. Sewage disposal to be approved by the North Carolina Department of Environment and Natural Resources, Division of Water Quality, or the Franklin County Health Department, Environmental Health Section.
 - c. Solid waste storage, collection, and disposal to be approved by the Franklin County Health Department, Environmental Health Section.

15. In addition, a manufactured home park developer shall comply with the standards set forth by the Land Quality Section of the North Carolina Department of Environment and Natural Resources for sedimentation and erosion control plan.

(c) The preliminary plan shall be checked against the design standards of the manufactured home park ordinance. The Planning Director shall provide the following agencies an opportunity to review and make recommendations concerning the proposed manufactured home park plan before approval is given:

1. Franklin County Health Department, Environmental Health Section as to proposed water system (if a private water system is to be used), sewage system (if individual septic tanks are to be used).

- a. Source of water and water distribution system.
- b. Sanitary sewage system.
- c. Adequate lot size, if septic tanks are to be used.
- d. Adequate facilities for solid waste storage, collection, and disposal.
- e. Each well located so as to provide ownership or control of a minimum pollution-free radius of one hundred (100) feet.

2. The Soil Conservationist may review the plan relative to erosion and sedimentation control.

3. Such other agencies as the Planning Board may deem necessary and desirable.

- a. The Franklin County School Superintendent and Board of Education as to proposed school sites.
- b. Franklin County Director of Economic Development as to proposed industrial and commercial development.
- c. Franklin County Electrical Inspector may review the proposed park plan to determine if the proposed

electrical system is in accordance with the electrical code adopted by Franklin County.

(d) The manufactured home park developer, or agent, shall attend the Planning Board meeting at which his preliminary plan is to be considered by the Franklin County Planning Board. The Planning Board shall discuss with the developer changes deemed advisable, if any, and the kind and extent of improvements to be made.

(e) The Planning Board shall approve or disapprove the preliminary plan.

1. After approval of the manufactured home park preliminary plan by the Franklin County Planning Board, the Planning Department is authorized to issue a construction permit. The intent of the permit is to enable the execution of the preliminary plan in the field, and shall not be construed to entitle the recipient to offer spaces for rent or lease, or to operate a manufactured home park as defined in this Ordinance.

2. If construction of the park has not begun within twelve (12) months of the issue date of the construction permit, the permit shall become null and void. The Planning Board may grant an extension of the construction permit if the developer appears before the Planning Board and shows cause.

3. If the Planning Board should disapprove the preliminary plan, the reason for such action shall be stated and recommendations made on the basis of which the proposed manufactured home park would be approved.

4. Failure on the part of the Planning Board to act within sixty (60) days after the preliminary plan is first considered at a regular meeting of the Planning Board shall be deemed approval.

(f) When a manufactured home park is to be developed in phases, the preliminary plan shall be submitted for the entire development. A

final plan shall be submitted for each phase. The first final plan shall be submitted within twelve (12) months after approval of the preliminary plan; otherwise, the preliminary plan shall become null and void, unless an extension of time is applied for and granted by the Planning Board.

(3) *Final Manufactured Home Park Plan Approval.* After the improvements shown on the approved preliminary plan have been installed for the whole or phase of the manufactured home park, the applicant shall submit a final plan of the area covered by such improvements. The final plan shall be prepared by a land surveyor or professional engineer registered to practice in North Carolina, and such registration shall be notarized on the final plan.

(a) Fourteen (14) days prior to the next regularly scheduled meeting of the Planning Board, the developer shall submit to the Planning Department, twelve (12) paper print copies. The final plan shall be accompanied by a check made payable to Franklin County to cover costs associated with plan review and filing costs.

(b) The final plan shall be drawn at a scale of one hundred (100) feet to one (1) inch. The final plan shall conform substantially to the preliminary plan as approved, and shall show the park as constructed in respect to the particular phase the developer has completed.

(c) The final plan shall show:

1. The name of the manufactured home park.
2. The lines and names of all streets and roads.
3. Lot lines and lot numbers.
4. Minimum building setback lines.
5. All reservations, easements, alleys, and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations, if

applicable.

6. Sufficient data to determine readily and to reproduce on the ground, the location, bearing, and length of every street line whether curved or straight, and including suitable north reference. This should include the radius, center angle, and curved property lines that are not the boundary of curved streets.
 7. All dimensions should be to the nearest one-hundredth (1/100) of a foot, and angles to the nearest minute.
 8. Accurate location and description of all monuments and stakes.
 9. The names and locations of adjoining property and streets.
 10. Title, date, name, and location of the manufactured home park, and graphic scale.
11. The ratio of precision as calculated by latitudes and departures before any adjustments must be shown.
12. Name of owner and registered land surveyor or engineer licensed to practice in North Carolina.
 13. Sketch vicinity map showing relationship between manufactured home park and surrounding area.
 14. "As-built" private water system as approved by the Franklin County Health Department, Environmental Health Section.
 15. Other information considered to be pertinent to review of final plat.
- (d) Evidence of approval by the following appropriate agencies:
1. North Carolina Department of Environment and Natural

Resources, Division of Water Quality for all community and public sewage systems.

2. North Carolina Department of Environment and Natural Resources, Public Water Supply Section, for all community or public water systems.
3. Franklin County Health Department, Environmental Health Section, for all private water systems, sewage, and solid waste systems.
4. North Carolina Department of Environment and Natural Resources, Land Quality Section, for all erosion and sediment control plans.
5. North Carolina Department of Transportation.

(C) *Manufactured Home Park Operating Permit.* When the developer has completed the construction of the manufactured home park and has obtained final plan approval, he shall apply to the Planning Department for an operating permit. The Planning Department representative, and a representative of the Franklin County Health Department, Environmental Health Section, shall make an on-site inspection of the park.

(1) If the park conforms to the park final plan approved by the Planning Board and other agencies, and provides the following items, the Planning Department shall issue the developer an operating permit:

- (a) Manufactured home park identification sign.
- (b) Manufactured home park buffer strip. (Refer to Article 12-7(A)(5)).
- (c) Manufactured home park skirting and access doors.
- (d) One (1) manufactured home per space.
- (e) Street name signs.
- (f) Manufactured home space markers.
- (g) Street lights.
- (h) Underground wiring.

(2) If the plan does not conform with the approved plan, and/or above items, the Planning Department shall delay issuance of the operating permit until

it comes into conformity.

- (3) The operating permit issued to the developer shall constitute authority to lease or rent spaces in the manufactured home park.

Section 12-7: Design Standards For Manufactured Home Parks

The following standards shall be considered the minimum requirements for all new manufactured home parks.

(A) *General Requirements.*

- (1) Manufactured home parks shall not become manufactured home sales lots. This does not prohibit individual manufactured home owners from selling the manufactured home in which he resides or prohibit park owners or operators from selling manufactured homes set up for occupancy in his manufactured home park.
- (2) The transfer of title of a manufactured home space or spaces either by sale or by any other manner shall be prohibited within a manufactured home park as long as the manufactured home park is in operation, unless the proposed tract for transfer meets the minimum requirements of the Franklin County Unified Development Ordinance (Chapter 2 Zoning Ordinance and Chapter 3 Subdivision Ordinance).
- (3) All structural additions to manufactured homes other than those which are built into the unit and designed to fold out or extend from it shall be erected only after a building permit shall have been obtained. Such additions shall conform to the building code of the county, where applicable, or shall meet the standards of special regulations adopted with respect to such additions. The building permit shall specify whether such structural additions may remain permanently, must be removed when the manufactured home is removed, or must be removed within a specified length of time after the manufactured home is removed. Structural alterations existing at the time of passage of this Ordinance shall be removed within thirty (30) days after the manufactured home which they serve is moved, unless attached to another manufactured home on the same site within that period.

- (4) Manufactured home park identification signs shall not exceed thirty-two (32) square feet in area. Only indirect, non-flashing lighting shall be used for illumination.
- (5) When a manufactured home park is to be constructed, the owner of the park shall be required to provide and maintain a five (5) foot wide natural vegetative screened buffer strip along the park's boundary to be a minimum of five (5) feet in height, or planted evergreen trees or shrubbery consistent with width and height of the naturally screened buffer, or solid fencing at least five (5) feet in height. Any planting shall be done at the earliest planting season, and any diseased or dead plants shall be replaced immediately.
- (6) Within a manufactured home park, one (1) manufactured home may be used as an administrative office.
- (7) Manufactured homes which are destroyed beyond repair by fire or other acts of nature shall be removed from the manufactured home lot within ninety (90) days of its destruction, unless a law enforcement or fire insurance investigation is in progress. In that event, the destroyed manufactured home shall be removed within 30 days following conclusion of the investigation.
- (8) All manufactured homes inside manufactured home parks shall have manufactured home skirts completely around the perimeter of the trailer with a 24 x 36 inch access door. In addition, it is recommended that the potable water supply pipe from the ground to the trailer should be wrapped with heat tape, then covered with appropriate insulation.
- (9) There will be no more than one (1) manufactured home per space, whether occupied or not.
- (10) Automobiles shall not be parked on a lot for over sixty (60) days without a current registration.
- (11) Each manufactured home park shall be designed and approved individually, even if the property is contiguous or under the same ownership.

(B) *Streets and Parking.*

- (1) Convenient access to each manufactured home space shall be provided by streets or drives with a minimum right-of-way of forty-five (45) feet. Private streets accessing five (5) or fewer manufactured home spaces shall be constructed to meet all of the North Carolina Department of Transportation, Division of Highway Construction Standards, including four (4) inches of compacted stone; however, said roads do not have to be paved. Private streets accessing six (6) or more manufactured home spaces shall be paved to North Carolina Department of Transportation, Division of Highways Construction Standards. Maintenance of such streets shall be provided by the owner or operator of the park.
- (2) Cul-de-sacs shall not exceed 1,200 linear feet in length.
- (3) Streets or drives within the manufactured home park shall intersect at not less than sixty (60) degrees. Where a street intersects with a public street or road, the design standards of the North Carolina Division of Highways shall apply.
- (4) Proper sight line shall be maintained at all intersections of streets. Measured along the centerline, there shall be a clear sight triangle of one hundred fifty (150) feet for those streets intersecting a right-of-way maintained by the North Carolina Department of Transportation. All interior drives shall maintain a sight distance triangle of seventy-five (75) feet. No building or obstruction that impedes vision beyond the extent noted above shall be permitted in this area.
- (5) New street names shall not duplicate or be similar to existing street names in the county and shall be subject to approval by the Franklin County Planning Board.
- (6) Two (2) automobile parking spaces shall be provided on each manufactured home space, but shall not be located within any public right-of-way or within any street in the park.

(C) *Manufactured Home Space.*

- (1) All manufactured homes shall be located on individual manufactured home spaces.

- (2) Each manufactured home space shall be clearly defined by means of markers placed at all corners. Each manufactured home space shall be identified by a permanent number which shall not be changed. The appropriate number of each manufactured home space must be permanent and visibly displayed on each space once the space is used for the siting of a manufactured home. Each number shall be placed on a concrete, wood, metal, or any permanent post and conspicuously located on the lot.
- (3) Each manufactured home space shall be located on ground not susceptible to flooding and graded so as to prevent any water from ponding or accumulating on the premises.
- (4) Each manufactured home shall be located at least fifteen (15) feet from any manufactured home space boundary line, at least twenty (20) feet from any community building within the manufactured home park, at least twenty (20) feet from any exterior property line, at least thirty (30) feet from the edge of the right-of-way of any street, and at least one hundred (100) feet from the well head of the off-site central water supply.
- (5) It is recommended that each manufactured home park provide a recreation area.
- (6) Each manufactured homeowner shall be responsible for securing his individual manufactured home with anchors that meet the State Building Code.

(D) *Utility Requirements.*

- (1) An accessible, adequate, safe, and palatable supply of water shall be provided in each manufactured home park. Where a public or community water supply is available, connection shall be made thereto and its supply used exclusively.
 - (a) When a public or community water supply is not available, and the proposed park has fifteen (15) or more lots, a community water supply shall be developed, and its supply used exclusively in accordance with the standards of the Public Water Supply Section, North Carolina Department of Environment and Natural

Resources.

- (b) When a public or community water supply is not available, and the proposed park has fourteen (14) or fewer lots, a private water supply shall be developed, and used exclusively in accordance with the standards of the Franklin County Health Department, Environmental Health Section.

The following minimum standards shall be met:

1. The water supply well shall be of drilled construction with casing as approved by the North Carolina Department of Environment and Natural Resources, Division of Water Quality. Casing shall be grouted to a minimum depth of twenty (20) feet below the land surface. The bottom end of the well casing shall be grouted into rock when in a consolidated formation. The top of the casing shall be terminated at least twelve (12) inches above the land surface. Every water supply well shall have a continuous bond concrete slab or well house concrete floor extending at least three (3) feet horizontally around the outside of the well casing. Concrete minimum thickness of the slab or floor shall be four (4) inches.
2. The upper terminal of the well casing shall have a sanitary seal with approved screen vent. In addition, a sample tap shall be provided at the well head. A flow meter and water pressure gauge are strongly recommended but not required.
3. Water distribution mains shall be not less than two (2) inch diameter pipe size. Each two (2) inch diameter main shall not exceed one thousand (1,000) feet in length. All service taps shall be a minimum of three-quarter (3/4) inch pipe diameter. A continuous loop water system is strongly recommended where practical. All water lines shall be NSF (National Sanitation Foundation) approved for potable water.
4. A hydropneumatic water storage tank, properly sized, shall

be provided. The size will be based on the formula: 25 gallons x number of lots = total storage volume. If an individual storage tank has over one hundred twenty (120) gallons (actual storage volume) it shall be stamped ASME approved.

5. The manufactured home park owner or manager shall be required to have the well sampled, in order to insure a safe supply of water. A one-time only inorganic sample shall be required initially. If samples indicate the necessity, further sampling may be required. Bacteriological samples shall be required on a quarterly basis for total coliform bacteria. Disinfection by continuous chlorination (liquid feed) may be required if bacteriological analysis indicates the need, except that any well yielding water containing fecal coliform (which cannot be eliminated from the well) shall be abandoned. Water samples shall be analyzed by a certified lab and a copy of the lab analysis furnished promptly to the Franklin County Health Department, Environmental Health Section.
6. The well head shall be protected by a structurally sound well house. No potentially hazardous contaminants or materials will be stored in the well house.

(c) An individual manufactured home park shall be served by only one (1) water system, whether is be a public, community, or private water system.

- (2) Adequate and safe sewage disposal facilities shall be provided in all manufactured home parks. Collection systems and sewage treatment plants complying with the requirements of the Division of Water Quality of the Department of Environment and Natural Resources should be provided. Plans for sewage collection systems and treatment facilities shall be submitted to the Division of Water Quality of the Department of Environment and Natural Resources. Individual septic tank systems can be considered if soil, available space, topography, and groundwater conditions are favorable. Individual septic tank systems shall be designed and approved by the Franklin County Health Department, Environmental

Health Section. The minimum estimated daily waste flow for any manufactured home park lot shall be assumed to be three hundred sixty (360) gallons per day.

- (a) Each manufactured home space shall be provided with at least a three (3) inch diameter sewer riser pipe.
 - (b) The sewer connection shall have a nominal inside diameter of at least three (3) inches, and the slope of any portion thereof shall be at least one-fourth (1/4) inch per foot. The sewer connection shall consist of one (1) pipe line only without any branch fittings. All joints shall be watertight including connection from trailer to sewer pipe.
 - (c) All material used for sewer connections shall be semi-rigid, corrosion-resistant, non-absorbent, and durable. The inner surface shall be smooth.
 - (d) Provision shall be made for plugging the sewer pipe when a manufactured home does not occupy a space. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least four (4) inches above ground elevation.
- (3) The storage, collection, and disposal of solid waste in the manufactured home park shall be conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or pollution. This shall be done in accordance with the requirements as set forth in the Franklin County Solid Waste Ordinance.
 - (4) The growth of brush, weeds, and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.
 - (5) All streets in the manufactured home park shall be adequately illuminated from sunset to sunrise. The minimum size street light shall be a one hundred seventy-five (175) watt mercury-vapor (approximately seven

thousand (7,000) lumen class), or its equivalent, spaced at intervals of not less than one (1) pole per five (5) lots.

- (6) All manufactured home parks shall have underground wiring. This requirement may be waived by the Planning Board if underlying rock is less than four (4) feet from the surface, or in areas where soils have a high water table.

(E) *Specifications For Recreational Vehicle Parks.*

- (1) *Suitability of Land.* Land subject to flooding, improper drainage, erosion, or that is for topographical or for other reasons unsuitable for recreational vehicle use as determined by the Planning Board, shall not be developed for recreational vehicle parks so long as such use would continue or increase the danger to health, safety, or property unless the hazards can be and are corrected or avoided.

- (2) *Site Development.*

- (a) Every recreational vehicle park shall contain at least ten (10) spaces.
- (b) There shall be a minimum distance of fifteen (15) feet between each recreational vehicle or structure.
- (c) Parking spaces sufficient to accommodate at least one (1) motor and camping vehicle shall be constructed within each space. No more than one (1) camping vehicle may be parked on any space.
- (d) All spaces developed adjacent to a public street shall be set back a minimum of forty (40) feet from the street right-of-way.
- (e) All spaces shall be located on sites with elevations that are not susceptible to flooding. The spaces shall be graded to prevent any water from ponding or accumulating within the park. Each space shall be properly graded to obtain a reasonably flat site and to provide adequate drainage away from the space.
- (f) The park shall have paved roads that directly abut each space. All

roads rights-of-way shall have a minimum width of forty-five (45) feet and eighteen (18) feet of pavement width. Rights-of-way for one-way roads may have a minimum width of twenty-four (24) feet and nine (9) feet of pavement width.

- (g) No space shall have a direct vehicular access into a public road.
 - (h) The park shall be developed with proper drainage ditches. All banks shall be sloped and seeded.
 - (i) Cul-de-sac or deadend roads shall not exceed one thousand two hundred (1,200) feet in length measured from the entrance to the center of the turn-around. Any road designed to be permanently closed shall have a turn-around at the closed end with a minimum right-of-way diameter of eighty (80) feet.
 - (j) Each park shall have a central structure or structures that will provide separate toilet facilities for both sexes. This structure may also contain coin-operated machines for the park residents' use only, provided there is no exterior advertising. Vending machines also may be permitted in a sheltered area.
 - (k) No swimming pool or bathing area shall be installed, altered, improved, or used without compliance with applicable regulations. No bathing area shall be used without the approval of the Franklin County Health Department.
 - (l) Signs for identification of parks shall not exceed four (4) feet by eight (8) feet at the entrance to the park.
- (3) *Sanitary Facilities, Water Supply, Sewerage, Garbage Collections, and Utilities.*
- (a) *Sanitary Facilities.*
 - 1. All toilet, shower, lavatory, and laundry facilities shall be provided and maintained in a clean and sanitary condition and kept in good repair at all times. They shall be safely and adequately lighted. Facilities shall be easily accessible and conveniently located. All toilet, shower, lavatory, and

laundry room facilities shall be approved by the Franklin County Health Department.

2. All buildings shall be constructed in accordance with the building codes of Franklin County.

(b) *Water Supply.*

1. A safe, adequate, and conveniently located water supply must be provided for each park. No water supply shall be installed, altered, or used without the approval of the Franklin County Health Department.
2. A private water supply shall be developed in accordance with the Franklin County Health Department, Environmental Health Section standards.

(c) *Sewage Disposal.*

1. Sewage dumping stations shall be approved by the Franklin County Health Department. Each park shall provide at least one (1) sewage dumping station.
2. No method of sewage disposal shall be installed, altered, or used without the approval of the Franklin 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.

(d) *Garbage and Refuse Disposal.*

1. The park owner/manager shall provide storage, collection, and disposal of solid waste in the park so as not to create health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or pollution.

2. This shall be done in accordance with requirements as set forth in the Franklin County Solid Waste Ordinance.

- (e) Where electrical service is used, the installation and use of such facilities shall conform with all applicable codes. Such facilities shall be inspected by the Franklin County Electrical Inspector.
- (f) Each park shall provide recreation areas to serve the needs of the anticipated users. One-half (½) acre of level, well-drained ground for every ten (10) spaces shall be utilized as a recreation area. The park owner is responsible for the development and maintenance of the recreation areas.
- (g) It shall be unlawful for a person to park or store a manufactured home in a recreational vehicle park. However, one (1) manufactured home may be allowed within a recreational vehicle park to be used as an office residence of persons responsible for the operation and maintenance of the recreational vehicle park.

(F) *Inspection.*

- (1) The Franklin County Health Department, Environmental Health Section, the Franklin County Building Inspector, and other county enforcement officers are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance. It shall be the duty of the owners or occupants of manufactured home parks and recreational vehicle parks to give these agencies free access to such premises at reasonable times for inspection.
- (2) The person to whom an operating permit for a manufactured home park or recreational vehicle park is issued shall operate the park in compliance with this Ordinance and shall provide adequate supervision to maintain the park, its facilities, and equipment in good repair and in a clean and sanitary condition.
- (3) The park owner or operator shall notify park occupants of all applicable provisions of this Ordinance and inform them of their duties and responsibilities under this Ordinance.

Section 12-8: Administration

- (A) *Existing Manufactured Home Parks.* Manufactured home parks existing at the time of the adoption of this Ordinance shall be allowed to continue except that existing parks shall comply, within a six (6) month period dating from the adoption date of this Ordinance, with the standards as specified in Section 12-7, (D)(3) and (4). Manufactured home parks existing at the time of the adoption of this Ordinance shall not be altered or expanded in any manner unless such expansion fully meets the requirements set forth in this Ordinance.
- (B) *Variances to Manufactured Home Park Regulations.*
- (1) Where strict adherence to the provisions of this Ordinance would cause an unnecessary hardship because of topographical or other conditions peculiar to the site, the Franklin County Zoning Board of Adjustment (ZBA) may authorize a variance. When granting an appeal for a variance from the requirements of this Ordinance, the Planning Board shall find:
 - (a) That the issuance of such variance can be made without destroying the intent of the Ordinance; and
 - (b) That any unnecessary hardship or other conditions were caused by some condition, or was the result of the actions of some person, other than the person requesting such variance; and
 - (c) That the issuance of such variance shall in no way supersede or violate any county ordinance or State law as they shall relate to the regulation of sewage disposal, water supply systems, solid waste storage, collection, and disposal or any requirement of any building or electrical code which shall be in force by virtue of adoption by Franklin County.
 - (2) When granting such variance, the Franklin County ZBA shall attach thereto such conditions regarding the location, operation, appearance, or other feature of any proposed or existing manufactured home park or recreational vehicle park or any proposed or existing convenience establishment of commercial nature which shall be permitted, as it deems advisable to protect the property values and residential environment of any

adjoining property or properties.

- (3) Any variance authorized by the Franklin County ZBA shall be duly recorded in the minutes of such Board meeting, and the reasoning which justified such variance shall be shown in full, and such shall be considered to be a matter of public record.

- (C) *Zoned Areas.* In areas of the county where a Zoning Ordinance is in effect, or when it becomes effective, new manufactured home parks, or new recreational vehicle parks shall be permitted only in conformance with the regulations of the zoned district in which they are located.

ARTICLE 13. PLANNED UNIT DEVELOPMENT (PUD)

Section 13-1: Minimum Size

Twenty-five (25) acres.

Section 13-2: Maximum Overall Density

Six (6) dwelling units per acre.

Section 13-3: Open Space Requirement

Fifteen (15) percent of the total PUD area shall be maintained as open space. Street rights-of-way, parking lots, building areas (as defined), and yards held in individual ownership shall not constitute any part of the required open space; however, building areas for recreational facilities may be computed as open space. At least 92% of all approved open space shall be commonly owned by a homeowners' or property owners' association. Eight percent (8%) of the open space area may be privately-owned open space. Any open space land use not included under approval of the PUD Land Use Plan must be reviewed by the Planning Board and approved by the Franklin County Board of Commissioners prior to its development.

Section 13-4: Residential Development

The applicable area, yard, and height requirements as contained in Article 8 of this Ordinance shall be adhered to. The applicable yard setback requirements for single-family structures shall be based upon the square footage of the lot (i.e., a fifteen thousand (15,000) square foot lot shall adhere to the R-15 district yard requirements or the cluster zero lot line requirements). All multi-family developments shall adhere to the applicable development regulations contained herein.

Section 13-5: Commercial Development

Commercial land use will be developed as a planned building group under the regulations of the NB zone. No commercial construction may be commenced until at least fifty percent (50%) of the proposed dwelling units within the PUD or one hundred (100) dwelling units, whichever is smaller, are completed and ready for occupancy.

Section 13-6: Industrial Development

Industrial development shall not be allowed within the PUD zone.

Section 13-7: Procedure

- (A) *Application for Zoning Map Amendment.* A petition for a zoning map amendment to establish a planned unit development district (PUD) shall be submitted to the Planning Board and Board of Commissioners and administered in accordance with the provisions of the Zoning Ordinance for amendments as defined by Section 26-8 of this Ordinance.
- (1) *Criteria.* In addition to other considerations, the following may be utilized by the Planning Board and Board of Commissioners in evaluation of a rezoning petition to establish a planned unit development zoning district:
- (a) That the total development can create a needed residential environment;
 - (b) That existing or proposed utility and other public services are adequate for the anticipated population densities; and
 - (c) That the planned unit development is in general conformity with the county's comprehensive Land Use Plan.
- (2) *Zoning Map Designation.* Following Board of Commissioners approval of a rezoning petition to establish a planned unit development district (PUD), the property for which approval was granted by the Ordinance shall be labeled "PUD" on the official zoning map of Franklin County. No permits for development shall be issued within any area designated as "PUD" unless the provisions as set forth herein are complied with. If a conditional use permit application is not filed with the Planning Board within twelve (12) months of such amendment, the Board of Commissioners shall reserve the right to rezone the property to the original zoning classification.
- (B) *Application for Special Use Permit.* An application for a special use permit to develop a specific planned unit development shall only be considered when the property is zoned planned unit development district (PUD). Application shall be submitted in accordance with Section 7-2.

- (1) *Criteria.* In addition to other considerations, the following may be utilized by the Planning Board in evaluation of a Special Use Permit pursuant to G.S. 153A-340:
 - (a) That the proposed population densities, land uses, and other special characteristics of development can exist in harmony with adjacent areas;
 - (b) That the adjacent areas can be developed in compatibility with the proposed planned unit development; and
 - (c) That the proposed planned unit development will not adversely affect traffic patterns and flow in adjacent areas.

- (C) *Site Plan.* All applications for approval of a planned unit development Special Use Permit shall be accompanied by a Land Use Plan prepared by a registered engineer or surveyor, submitted in accordance with the Franklin County Subdivision Regulations for preliminary plats, Section 28-4(B), and which shall include, but not be limited to, the following:
 - (1) The numbers and types of residential dwelling units including density and the delineation of nonresidential areas;
 - (2) Planned primary and secondary traffic circulation patterns showing proposed and existing rights-of-way and easements;
 - (3) Common open space and recreation areas to be developed or preserved in accordance with this section. Peripheral boundary setback shall be indicated;
 - (4) Plans for water, sanitary sewer, storm sewer, natural gas, and electric utilities;
 - (5) The delineation of areas to be constructed in sections, showing acreage;
 - (6) Soil maps prepared according to the United States cooperative soil survey standards as published in the Franklin County Soil Survey;
 - (7) Boundary survey of the tract showing courses and distances and total acreage, including zoning, land use, and lot lines of all contiguous property;

- (8) Existing vegetation;
 - (9) Flood hazard areas including base flood elevation;
 - (10) Topographic contours at a maximum of two-foot intervals showing existing grades;
 - (11) Site data including vicinity sketch, north arrow, engineering scale ratio, title of development, date of plan, name and address of owner/developer, and person or firm preparing the plan;
 - (12) Any other information as may be required by the Planning Board.
 - (13) Copies of, or statements addressing the following:
 - (a) Drafts of, or statements addressing any declarations of covenants, conditions, or restrictions which create a homeowners' association for the perpetual ownership and maintenance of all common open space and other areas including, but not limited to, recreation areas, private streets, parking areas, landscaping, and the like. A private facilities maintenance analysis to determine actual costs of maintenance of such common facilities may be required by the Planning Board in order to assess the feasibility of such private maintenance;
 - (b) Drafts of, or statements addressing any proposed declarations to be recorded pursuant to the North Carolina Condominium Act (G.S. Chapter 47C);
 - (c) The names and current mailing addresses of all property owners who own property within one hundred (100) feet of the proposed development including tax map designation and parcel numbers as listed upon the tax records of Franklin County at the time of submission of the conditional use permit application; and
 - (d) The deed book and page number(s) showing fee simple title of all property within the planned unit development as listed in the Franklin County Register of Deeds.
- (D) *Preliminary Plat - Site Plan Requirements.* After approval of the conditional use

permit as set forth herein, the developer shall submit the following according to the approved schedule of development:

- (1) All information required by and in accordance with the Franklin County Subdivision Ordinance, Section 28-4(B), for preliminary plats;
- (E) *Final Plat Requirements.* After approval of the preliminary plat as set forth herein, the developer shall submit the following according to the approved schedule of development:
- (1) All information required and in accordance with the Franklin County Subdivision Ordinance, Section 28-4(C), for submission of the final plats;
 - (2) The following additional information shall be required:
 - (a) Maintenance agreements concerning all common areas, private streets, and utilities; and
 - (b) All information as required and in accordance with G.S. Chapter 47C, North Carolina Condominium Act.

Section 13-8: Homeowners' Association

- (A) No final plat shall be approved until all required legal instruments have been reviewed and approved by the county attorney as to legal form and effect.
- (B) If common open space is deeded to a homeowners' association, the owner or developer shall file a declaration of covenants, conditions, and restrictions that will govern such association. The provisions of such declaration of covenants, conditions, and restrictions shall include, but not be limited to, the following:
 - (1) The homeowners' association must be set up before any property is sold in the development;
 - (2) Membership must be mandatory and automatic when property is purchased in the development;
 - (3) The open space requirement must be permanent, not just for a period of years;

- (4) The association must be responsible for liability insurance, local taxes, and maintenance of recreational and other common facilities including private streets;
- (5) Homeowners must pay their pro rata share of the cost; the assessment levied by the association can become a lien on the property;
- (6) The association must be able to adjust the assessment to meet changed needs;
- (7) Covenants for maintenance assessments shall run with the land;
- (8) Provision insuring that control of such association will gradually be vested in the homeowners' association; and
- (9) All lands so conveyed shall be subject to the right of the grantee or grantees to enforce maintenance and improvement of the common facilities.

Section 13-9: Amendment to Site Plan Special Use Permit

- (A) *Minor Changes.* Amendment to the approved Land Use Plan that in the opinion of the Administrator does not substantially change the concept of the planned unit development as approved may be allowed. Such minor changes may include but not be limited to small site alterations such as realignment of streets and relocation of utility lines due to engineering necessity. The developer shall request such amendment in writing, clearly setting forth the reasons for such changes. If approved, the Land Use Plan shall be so amended prior to submission of any preliminary plat-site plan application involving or affecting such amendment. Appeal from the decision of the Administrator may be taken to the Board of Adjustment.
- (B) *Major Changes.* Amendments to the approved Land Use Plan that in the opinion of the Administrator do in fact involve substantial changes and deviations from the concept of the planned unit development as approved shall require review pursuant to Section 13-7. Such major changes shall include, but not be limited to,

increased density, land use, location of use, open space, recreation space, condition(s) of planning and zoning commission approval, and street pattern. Appeal from the decision of the Administrator may be taken to the Board of Adjustment.

- (C) *Authority.* Minor changes may be approved administratively by the Administrator. Major changes shall require planning and zoning commission approval.
- (D) *Variances.* The Franklin County Board of Adjustment shall not be authorized to grant or approve any variance from the minimum requirements as set forth in this section or condition as approved by the Planning Board.