AN ORDINANCE

AN AMENDMENT TO ORDINANCE NO. O-99-015 (THE UNIFIED LAND MANAGEMENT ORDINANCE), SECTION 2.02-6 NUMBER OF PRINCIPAL BUILDINGS ON A LOT, SECTION 2.05-4 LOTS, SECTION 3.03 MANUFACTURED HOMES, SECTION 3.04 MANUFACTURED HOME PARKS, SECTION 4.06-3 EXISTING NONCONFORMING USE, AND ARTICLE 6 DEFINITIONS.

BE IT ORDAINED BY THE SPARTANBURG COUNTY COUNCIL:

Section 1. Ordinance No. O-99-015 (THE UNIFIED LAND MANAGEMENT ORDINANCE), Section 2.02-6 Multiple Buildings on a Lot is hereby amended to read as follows:

Section 2.02-6 Multiple Buildings on a Lot

Except for single-family, detached residential dwellings, including manufactured/mobile homes (as defined in Section 3.03-1), there is no limit on the number of principal buildings or structures which may be built or located on a lot or parcel; provided all applicable requirements of this Ordinance shall be met.

Two single-family, detached residential dwellings, including manufactured/mobile homes (as defined in Section 3.03-1), or any combination of two such dwellings may be established on a single lot or parcel; provided the dimensional requirements on Table 3 shall be met for both dwellings as if they were established on separate lots, and so arranged to ensure public street access, building setback and lot conformance with Section 2.05-4 in the event the property upon which the dwellings are located is subsequently subdivided for sale or transfer. For the purposes of this section, 25-foot flag lots shall not be allowed. The minimum public street frontage required for each dwelling is fifty (50) feet.

Multiple dwelling units are prohibited on lots located on roads built in accordance with the Private Street Design Section 2.05-3 or lots located on a Road of any lesser standard. (Amended 10/21/2002)
Single family dwellings may be located on non-residential parcels provided all applicable requirements of this ordinance are met. (Amended 5/15/2000)

Section 2. Ordinance No. O-99-015 (THE UNIFIED LAND MANAGEMENT ORDINANCE), Section 2.05-4 Lots is hereby amended to read as follows:

Section 2.05-4 Lots

1. Design

The lot size, width, depth, shape, grade, and orientation shall be in proper relation to street and block design, to existing and proposed topographical conditions, and for the type of development and use contemplated.

2. Dimensions

All lots shall meet the minimum lot area and dimensional requirements of Table 3, except as provided elsewhere by this Section. Specifically, this shall not result in any portion of the original parcel becoming a nonconformance with this ordinance except as specifically permitted by §6-29-1110, SC Code Annon.; provided, however, that all lots must be in compliance with Table 3 in order to receive a building permit. (Amended 10/21/2002)

3. Front Yard Setback

The front yard setback shall be measured from the proposed new structure/building to the property line and shall follow the required setbacks shown in Table 3a Residential Setbacks and Other Requirements and Table 3b - Non-Residential Setbacks and Other Requirements.

4. Rear Yard Setback

The rear yard setback shall follow the required setbacks in Table 3a - Residential Setbacks and Other Requirements and Table 3b - Non-Residential Setbacks and Other Requirements.

5. Subdivision of Lots with Existing Buildings and Other Structures

Existing buildings and structures must be shown on the plat and must meet the dimensional requirements of the ULMO in order to be approved for subdivision. Further, subdivisions will not be approved for existing structures unless the septic systems are fully contained within the same lot.
6. Flag Lots

a. Creation from Existing Lot of Record

A flag lot may be created from an existing lot of record to allow full and complete development thereof, provided:

(1) The original lot shall meet all requirements of Table 3 after subdivision, and shall not result in any portion of the original parcel becoming a nonconformance with this Ordinance. (Amended 07/19/2004)

(2) The "flag" section of the flag-shaped lot shall meet or exceed the minimum lot area requirements specified by Table 3. The area of the pole section of the flag lot shall not be included in computing minimum lot area requirements but title to which must be conveyed by general warranty deed in the same manner as title to the "flag" portion of the lot is conveyed. (Amended 07/19/2004)

(3) The front yard setback shall be measured from the front of the proposed new residence to the property line that the proposed new residence faces and shall meet or exceed the setback distance specified for minor streets. No portion of the pole section shall be used for setback measurements. (Amended 07/19/2004)

(4) The rear setback of a flag lot shall be twenty (20) feet.

(5) The pole section of the flag lot shall be a minimum of twenty-five (25) feet wide at the street line. (Amended 07/19/2004)

b. Creation in New Subdivision

Flag lots may be created in new subdivisions, provided:

(1) The pole portion of the lot shall be not less than 25 feet wide, and shall front for at least 25 feet on a public street or approved private road or street. (Amended 07/19/2004)

(2) Not more than two, twenty-five foot road frontages can connect at any one point.
(3) The area of a pole portion shall not be counted when computing the minimum area of a lot as required by Table 3. (Amended 07/19/2004)

(4) When a lot has less than fifty (50) feet of road frontage, the pole portion of the lot cannot exceed the following lengths, measured from the road right-of-way or property line at the road:

Lot sizes 0 - 1.99 acres = 400 feet

(5) Lot sizes two (2) acres or greater = no maximum length but requires fifty (50) feet of road frontage. (Amended 07/19/2004)

7. Lot Access from and along S.C. State Maintained Roads

All lots having ingress-egress, commonly referred to as “Curb Cuts”, from and along S. C. State Maintained Roads shall be regulated in accordance with the South Carolina Department of Transportation. (Amended 10/21/2002)

8. Double Frontage Lots

Double frontage lots can be accessed by only one street.

9. Alignment

Side lot lines shall be aligned at approximately right angles to straight street lines and radial to curved street lines.

10. Residential Lots on Cul-de-sacs

Residential lots on cul-de-sacs may have less than the minimum frontage required by Table 3, but not less than the minimum width requirement at the setback line.

11. Lots Subject to Flooding

If a lot, or any part thereof, is located within the boundary of a designated Flood Plain, as delineated on FEMA Maps for Spartanburg County, panels No. 450176-0001-0275, a notation shall
be placed on all plats stating that the lot, or a portion of the lot, is located within the boundary of a designated Flood Plain.

Any plat which contains lots subject to flooding shall meet the requirements of Section 2.03. (See County Code, Chapter 38.)

12. **Driveway Access (Spartanburg County Maintained Roads)**

   a. The Spartanburg County Roads & Bridges Department will inspect the site and determine the pipe size. This information will then be forwarded to the Building Codes Department. All questions concerning pipe size should be addressed to the Building Codes Department.

   b. The property owner/contractor must place stakes 20 feet apart where access is requested. This will allow the inspector to verify the correct pipe size to be installed. It is the owner/contractor's responsibility to locate the driveway to achieve maximum sight distance to avoid a traffic hazard.

   c. Reinforced Concrete Pipe (RCP) must be used. Twenty (20) feet of RCP is the standard width for residential access.

   d. The pipe must be installed straight, bell upstream and joints must be sealed. The backfill must be compacted and a six (6) inch crusher run base placed and compacted over the pipe.

   e. Installed asphalt or concrete aprons (optional) are the responsibility of the property owner/contractor. Asphalt aprons should be two (2) inches compacted. Concrete aprons may be substituted.

   f. Driveway entrance must be approved by the Building Codes inspector along with electrical, plumbing, etc. prior to final inspection being approved.

   g. Issuance of this permit does not imply or constitute compliance with any other ordinances or regulations that may govern this installation. (Amended 10/21/2002)

**Section 3.** Ordinance No. O-99-015 (THE UNIFIED LAND MANAGEMENT ORDINANCE), Section 3.03 Manufactured Homes is hereby amended to read as follows:
Section 3.03 Manufactured Homes

Section 3.03-1. Definitions

For purposes of this Ordinance there are the following types of manufactured homes: Residential Designed Manufactured Homes, Standard Designed Manufactured Homes, Manufactured Homes, and Mobile Homes, the definitions of which are found in Article 6.

Section 3.03-2. Use of Mobile Homes, Manufactured Homes, Travel Trailers, and RVs

No mobile home or manufactured home shall be used for any purpose other than that for which it was designed. (Amended 10/21/2002)

Further, no recreational vehicle or travel trailer shall be used or permitted for permanent residential use. These vehicles are not built in compliance with the HUD Standards or the International Residential Code and, as such, shall not be allowed for permanent residential use.

A recreational vehicle may be set up for a period of up to 90 days within a twelve-month period for the purposes of living on site while building a residence.

Section 3.03-3. Location

Manufactured Homes, Residential Designed, when meeting the requirements of this section and other applicable requirements of this Ordinance shall be permitted anywhere in the unincorporated areas of Spartanburg County, unless specifically prohibited by deed restrictions, prohibitions contained elsewhere in this Ordinance, or other applicable regulations.

Manufactured Homes, Standard Designed, when meeting the requirements of this section and other applicable requirements of this Ordinance shall be permitted; (1) on existing lots of record as of May 21, 2012; (2) as a second residence on a lot of record with a single-family detached dwelling, in accordance with Section 2.02-8; (3) in a Manufactured Home Park, in accordance with Section 3.04; and (4) in an approved subdivision, accessible by and fronting on a minor public street. While direct access to and frontage on minor, collector or major streets is allowed, in those cases where a corner lot is created (through the planning/construction of a new street), the manufactured or mobile home will front and take access on the internal street.
Mobile Homes, as defined by this Ordinance, shall not be permitted or established within the jurisdiction of this Ordinance. Where in existence at the time of adoption of this Ordinance, such uses may be continued in accordance with the provisions of Section 4.06, Nonconformities, provided such uses are maintained in habitable condition as defined by and subject to the conditions of Section 3.03(5) and 3.03(6). Furthermore, it shall be unlawful for any person, firm, or legal entity to bring into Spartanburg County any manufactured housing or mobile home constructed prior to 1976, unless the manufactured unit can be certified to meet June 1976 HUD Standards for Construction.

Section 3.03-4. Exception

Manufactured Housing structures and mobile homes currently on the tax rolls of Spartanburg County built prior to 1976 may be relocated within Spartanburg County provided they are first inspected by the Building Codes Department and meet this Ordinance's Habitability requirements prior to electrical service being released.

Section 3.03-5. Setup

All manufactured housing shall:

a. Be installed in accordance with the Manufacturer's Installation Manual. In the absence of such a Manual, the home must be installed in accordance with the requirements of Section 19-425-42 of the South Carolina Manufactured Housing Board Regulations.

b. Be underskirted around the entire home with brick, masonry, vinyl, or similar materials designed and manufactured for permanent outdoor installation and be tied down per the South Carolina Manufactured Housing Board Regulations.

c. Have constructed at all egress doors steps and landings conforming to the latest adopted edition of the International Residential Code. These steps and landings must be anchored securely into the ground.

d. The owner of a mobile home who obtains a replacement mobile home has 30 days from the date of electrical power transfer or 90 days from the issue date of a moving permit, whichever is less, to remove the original mobile home from the property or meet the requirements contained in Table 3 of this Ordinance.

e. Be provided with a sanitary sewer system approved by DHEC. Evidence of such approval shall accompany each and every permit request to install a manufactured home.
f. Be served by a separate electric meter. It shall be unlawful for any such home to receive electricity except by use of this separate meter. Any existing home not in compliance with this Section upon the effective date of this Ordinance shall be served by a separate meter within one hundred eighty (180) days of the effective date, or be declared by a code enforcement officer to be in violation of this Ordinance, and processed accordingly as provided for in Section 1.20 Penalties for Violations. It shall be unlawful for any public utility or electrical supplier to connect power to any manufactured home in the absence of an approved permit issued by the appropriate County Official to establish said home.

g. No Manufactured Home shall have the electrical service installed until porches, steps, tie downs and skirting requirements have been met.

h. **Permit Required for Individual Mobile Homes and Manufactured Homes**

   No mobile home or manufactured home shall be parked, located or permanently placed on an individual lot, parcel or Manufactured Home Park Space without a manufactured/mobile home permit being issued by the County's permitting authority in accordance with S.C. Code 1976, § 31-17-320. A permit is also required when ownership is transferred regardless of whether the mobile/manufactured home is relocated. No permit shall be issued except in conformity with the provisions of this Section.

i. A current Spartanburg County decal shall be displayed on the mobile/manufactured home so as to be clearly visible on the main door or from the street.

j. The proper address shall be posted on the home so that it is visible from the street as required by the Spartanburg County Road Naming and Property Numbering Ordinance (No. 599) (See County Code, Chapter 62, Article 3).

**Section 3.03-5. Habitability**

No manufactured home or mobile home built prior to June 15, 1976 shall be permitted, used or occupied nor shall public utilities be extended to or activated in any such home unless and until the home has been inspected and found to be habitable by the Building Official or his designee.

The term "habitable" as used herein means that there is no defect damage, or deterioration to the home which creates a dangerous or
unsafe situation or condition; that the plumbing, heating, and electrical systems are in safe working order; that the walls, floor, and roof are free from any holes, breaks, loose or rotting boards and are structurally sound; and that all exterior doors and windows are in place. Further, the term habitable shall include the provision of the following facilities.

a. **Sanitary Facilities** - Every manufactured and mobile home shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet all in good working condition and properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be properly installed and free from defects, leaks, and obstructions.

b. **Hot and Cold Water Supply** - Every manufactured and mobile home shall have connected to the kitchen sink, lavatory, and tub or shower cold and hot running water. All water shall be supplied through an approved distribution system connected to a potable water supply.

c. **Heating Facilities** - Every manufactured and mobile home shall have heating facilities which are properly installed and maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms and bathrooms. Where a central heating system is not provided, each mobile or manufactured home shall be provided with an alternative system, approved by the Building Official.

d. **Cooking and Heating Equipment.** All cooking and heating equipment and facilities shall be installed in accordance with Federal Manufactured Home Construction and Safety Standards.

e. **Smoke Detector.** Every mobile and manufactured home shall be provided with an approved listed smoke detector, installed in accordance with the manufacturer’s recommendations and listing. When activated, the detector shall provide an audible alarm.

Section 4. Ordinance No. O-99-015 (THE UNIFIED LAND MANAGEMENT ORDINANCE), Section 3.04 Manufactured Home Parks is hereby amended to read as follows:

**Section 3.04 Manufactured Home Parks**

Section 3.04-1 Purpose

The purpose of this section is to address the unique needs of Manufactured Home Parks, in order that they may be considered a safe and healthy residential
option to the residents of Spartanburg County. The County has an interest in maintaining and improving the supply of affordable housing for its citizens.

Section 3.04-2 Compliance with the Definition of a Manufactured Home Park

The following shall be used in determining compliance with the definition of a Manufactured Home Park found in Article 6:

a. Any manufactured or mobile home on a parcel(s) shall be counted toward the total number of Manufactured Home Park Spaces even if the home is unoccupied, used for storage, or not currently connected to electricity. This count also includes a manufactured/mobile home occupied by the property owner as a legal residence.

b. Separating the ownership of manufactured/mobile homes or Manufactured Home Park Spaces into two or more legal entities for the purpose of avoiding being defined as a Mobile Home Park is not allowed unless the requirements for a subdivision and the dimensional requirements of Table 3 can be met. If the manufactured/mobile homes or Manufactured Home Park Spaces are adjacent or across the street from each other and their management is not clearly handled as separate entities, then they shall be considered part of a single Manufactured Home Park.

c. All such “parks” in Spartanburg County, new or pre-existing this ordinance, will be subject to requirements for licensing and inspection found in Section 3.04-5 and shall register with Spartanburg County within one year of May 21, 2012.

Section 3.04-3 Site Plan for New or Expanding Manufactured Home Parks

The establishment or expansion, and operation of a Manufactured Home Park shall be shown on a site plan professionally-drawn by an engineer or surveyor, shall comply with the design and development standards contained in this ordinance, and shall include the following information:

1. **General:** A required development plat or park plan at a scale of not less than 1”=20 feet or not more than 1”=100 feet shall contain the following information:

   ▪ Proposed name of Manufactured Home Park;
   ▪ North arrow, graphic scale, and written scale;
   ▪ Name of record owner(s), developer(s), and surveyor(s) or engineer;
   ▪ A vicinity map, for the purpose of locating the proposed park; and
• Correct Assessor’s Office Parcel Identification Number(s).

2. **Existing Site Data**
   
   a. Total tract boundaries of the park, and a statement of total acreage of the property;
   
   b. All existing rights-of-way, easements, sewer lines, fire hydrants, utility transmission lines, storm drainage ditches, water courses, buildings, and all other significant man-made or natural features within the proposed park;
   
   c. All existing streets on or abutting the park, including names, right-of-way widths, pavement widths and approximate grades; and
   
   d. The 100-Year Flood Boundary from the most current Spartanburg County FEMA Flood Insurance Rate Maps (FIRM).

3. **Proposed Site Data**
   
   • Street rights-of-way, pavement widths, grades, and street names;
   
   • Preliminary plans for sanitary sewerage disposal systems, storm sewers, water, electricity and gas lines, showing connections to existing systems or proposals for developing new systems, storm sewer profiles, cross-sections and sizes;
   
   • Other easements and rights-of-way, including location, dimensions, and purposes;
   
   • Topographic maps with a contour interval of 5 feet;
   
   • Contour changes to be made by grading, if any;
   
   • Location, size, and number of proposed and existing Manufactured Home Park Space and all existing and proposed automobile parking spaces for each unit in accordance with Section 3.04 (12), as well as any planned common parking areas;
   
   • Location, width, and plantings of bufferyard areas;
   
   • Centerline profile for any newly constructed interior streets;
   
   • Location of common open space, if required by Section 3.04-5 (14)
   
   • Location of all solid waste containers and screening of containers, as required by Section 3.04-4 (15); and
- E-911 addresses as required by Ordinance No. 599. (See also County Code Chapter 62, Article 3.) and as approved by the County E911/Addressing staff.

Section 3.04-4 Requirements for the Establishment or Expansion and Operation of Manufactured Home Parks

All required site improvements shall be installed prior to placement of units in the park. The establishment or expansion, and operation of a Manufactured Home Park shall comply with the following design and development standards:

1. **Adherence to Existing Regulations and Guidelines**

   All Manufactured Home Parks must adhere to any applicable Federal, State, or County regulations or guidelines, including but not limited to DHEC Regulations, the Property Addressing and Road Naming Ordinance (See Code Chapter 62, Article 3.), and the Assessor's Mobile Home Registration process.

2. **Water and Sewer**

   All proposed Manufactured Home Parks shall be served by public water and sewer systems or other community systems, plans of which shall be approved by DHEC.

3. **Lighting**

   A Manufactured Home Park containing five (5) or more homes must be lighted at night with electric overhead vapor lamps no more than four hundred (400) feet apart along interior streets and within amenity and common areas. Lighting shall be arranged so as to reflect away from adjoining properties, unless such light direction is dictated by safety concerns. Lighting shall use full cut off fixtures which give the property owner maximum directional control of site lighting.

4. **Signage, Names**

   All Manufactured Home Parks containing five (5) or more units must provide a sign of at least six (6) square feet indicating the name of the park.

   Park names shall not be the same as or phonetically similar to other park or subdivision names.
5. Streets-Interior

(a) All interior streets shall have a minimum fifty (50) foot right-of-way and be constructed on a prepared soil base that has had all tree stumps and other vegetation removed to a depth of two (2) feet below subgrade and properly compacted. No permanent parking or structures shall be permitted in the right-of-way.

(b) The paved portion of the street shall be at least 16 feet wide for a park with fewer than 50 homes and 20 feet wide for a park with more than 50 homes. The street must consist of at least 1.5 inches of compacted tar and gravel on a 4-inch compacted stone base or at least 1.5 inches of compacted asphalt surface on 2 inches of compacted asphalt base.

(c) Entrances must either be aligned with opposing exterior streets or there shall be at least 125 feet between the entrance and the existing street measured centerline to centerline.

(d) Projects in excess of one hundred (100) units shall have a second twelve (12) foot exit lane and an entrance lane of sixteen (16) feet. Transition from the entrance/exit lanes to the internal street system shall begin not less than sixty (60) feet from the street right-of-way line at the entrance.

(e) A paved or piped ditch is required along any section of roadway that is in excess of a 5% grade.

(f) All dead-end roadways shall terminate in a "cul-de-sac" with a minimum turning radius of thirty-five (35) feet, exclusive of parking. In lieu of a "cul-de-sac," other methods to achieve vehicular turnaround as set forth in Section 2.05-2 must be provided.

(g) All road names are subject to approval by the Planning and Development Department in accordance with Spartanburg County Ordinance No. 599 - Road Naming and Property Numbering. (See County Code Chapter 62, Article 3.)

(h) To the extent not in conflict with subsection (b) above, construction of all streets shall be in compliance with Spartanburg County Standard Specifications for Construction of Roads. The Spartanburg County Public Works Department, Engineering Division, shall review and approve all street plans.

(i) A "Letter of Compliance", issued by a registered/licensed engineer, must be submitted, assuring that the construction of the roads and drainage system conforms to this Section.
(j) In order to expand a Manufactured Home Park by more than 10 Manufactured Home Park Spaces, the main roadway inside the park (leading to the expanded Manufactured Home Park Spaces) must be paved to at least the width of the current driving surface or a minimum of 18 feet, whichever is greater, and a depth of 1 1/2 inches. The number of new Manufactured Home Park Spaces added after July 16, 2004, shall be cumulative. (Amended 07/19/2004)

6. Drainage

The land shall be so graded, paved areas so pitched and storm drains and catch basins so located and sized as to provide rapid run-off of storm waters and avoid undue accumulations of water under the normal range of weather conditions. Drainage and sedimentation plans shall be required in accordance with the Storm Water Management Ordinance of Spartanburg County (No. 09-02). (See County Code Chapter 30, Article IV.)

7. Installation

All proposed homes, including replacements, shall be installed in accordance with the installation requirements of Section 19-425.42 of the South Carolina Manufactured Housing Board Regulations.

8. Numbering

Permanent numbers shall be placed on each mobile or manufactured home and shall be located in accordance with the requirements of the Road Naming and Property Numbering Ordinance No. 599. (See County Code Chapter 62, Article 3). (Amended 10/21/2002)

9. Access

No Manufactured Home Park Space shall have direct access to a public street, but shall instead access an internal driveway system.

10. Density

The maximum density shall not exceed eight (8) manufactured homes or mobile homes per acre with public water and public sewer or as approved by DHEC.

11. Setbacks and Spacing

a. Spacing between manufactured homes, common buildings (laundry, etc), and accessory buildings shall meet the requirements of Table 3.
b. The setbacks from exterior streets shall meet the requirements of Table 3.

c. The setbacks of manufactured homes from interior streets shall be 25 feet from the street centerline.

d. All building structures and mobile homes shall be setback from the park perimeter as found in Table 3. The requirements of this section may be superseded by the bufferyard requirements since the bufferyard may be wider than the side or rear setback.

12. **Parking**

Two off-roadway parking spaces shall be provided for each designated Manufactured Home Park Space in accordance with Table 6. Each parking space shall be 9 feet wide and 18 feet long and shall be paved.

Parking on roadways in the Manufactured Home Park is not permitted. Signs shall be posted at sufficient intervals stating such.

13. **Bufferyards**

Bufferyards shall be provided on the perimeter of the park or court in accordance with the requirements of Section 2.02-2.

14. **Common Open Space**

Projects consisting of twenty-five (25) or more units, whether a new park or an expansion of an existing park to a total of 25 units or more, shall include at least 15 percent of the total project site in designated common open space, in accordance with the requirements of Section 2.02-4-Common Open Space. (Amended 7/19/2004) The area shall be suitable for active recreation.

15. **Household Waste Removal**

In Manufactured Home Parks containing five (5) or more homes, dumpsters shall be easily accessible to the residents for the collection and disposal of refuse. Bulk waste containers shall be provided at an average of at least 1.5 cubic yards for every three (3) manufactured homes. Dumpster sites shall be screened from public rights-of-way. Collection shall be on a weekly basis to ensure that containers do not overflow.

A garbage pickup service may be substituted, but such service must be continuously maintained with at least weekly pick up to ensure that containers do not overflow.
16. No recreational vehicle or travel trailer shall be used or permitted. These vehicles are not built in compliance with the HUD Standards or the International Residential Code and, as such, shall not be allowed.

17. Operational Requirements

All grounds and common buildings located within Manufactured Home Parks are expected to be maintained in a clean, sanitary and safe manner, the Manufactured Home Park Spaces kept clear of refuse, debris and unnecessary clutter, and all refuse shall be stored, collected and disposed of in such a manner as not to create a nuisance, vector attractant, breeding or harborage problem, in accordance with Spartanburg County’s Property Maintenance Ordinance and South Carolina DHEC Regulation 61.40.

Section 3.04-5. Licensing, Inspection, and Annual Fees for Manufactured Home Parks

1. Licensing and Fees

   a. A license shall be required to open and/or operate a Manufactured Home Park and shall be subject to annual renewal due June 15th. The license fee shall be:

<table>
<thead>
<tr>
<th>Park Size</th>
<th>Base Rate</th>
<th>+Per MHP Space</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>2013</td>
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<tr>
<td>10 or fewer MHP spaces</td>
<td>$50</td>
<td>$3</td>
</tr>
<tr>
<td>More than 10 MHP spaces</td>
<td>$100</td>
<td>$3</td>
</tr>
</tbody>
</table>

   b. For an owner who fails to renew the annual license by the deadline, there shall be a monthly late fee equal to half of the above base rate.

   c. An owner may not renew a license if his/her park is not in compliance with this ordinance. Late fees will continue to accrue for those parks that are found to be non-compliant.

   d. Late fees will continue to accrue for an owner who is in compliance and does not pay the annual license fee.

   e. In either case (c. or d.), failure to comply with the requirements of this ordinance may result in the revocation of license to operate a park. After the annual fee is 60 days delinquent, the owner shall be considered in violation of this ordinance for the lapsed license.

   f. A Manufactured Home Park license is not transferrable.
g. Successors or assigns of a Manufactured Home Park may be responsible for payment of any delinquent or due fees, penalties or fines.

2. **Annual Inspection; Violation**

a. All Manufactured Home Parks registered in Spartanburg County shall undergo an annual inspection to ensure compliance with this Ordinance.

b. When a violation is determined, notice shall be given in writing by the code enforcement officer, together with an established time period within which the violation must be corrected.

c. A park owner whose park, upon annual inspection, has been found to be in violation shall not be allowed to renew the license, and no mobile/manufactured home moving permits will be issued for said park until violations are resolved.

d. A Manufactured Home Park license may be revoked by the Spartanburg County Environmental Enforcement Department Director for a violation of this Ordinance or other applicable regulations governing the operation of such uses based on inspection of the premises.

3. **Suspension of License**

a. Failure to correct the violation(s) within the established time period will result in license suspension. When a license is suspended, all occupants of the park shall be notified of the suspension and be given notice to vacate the park within ninety (90) days.

b. Any person who has received notice that his license will be suspended unless certain conditions or practices at the Manufactured Home Park are corrected, may request and shall be granted a hearing on the matter before County Council by filing a petition with the Planning and Development Department. The petition for such hearing must be filed within 10 calendar days following the day on which delivery of the notice of license suspension was delivered to such person. If no petition is filed within 10 calendar days following the delivery of the notice of license suspension, the license shall be deemed to have been automatically revoked.

c. A Manufactured Home Park, upon the owner's loss of license, based on violations of this Ordinance shall meet all Unified Land Management Ordinance requirements in order to reopen. Otherwise,
the park must be closed and all manufactured/mobile homes disposed of by the park owner.

d. The provisions of this section can be enforced through appropriate court or legal action.

Section 5. Ordinance No. O-99-015 (THE UNIFIED LAND MANAGEMENT ORDINANCE), Section 4.06-3 Existing Nonconforming Use is hereby amended to read as follows:

Article 4 General and Ancillary Regulations

Section 4.06-3 Existing Nonconforming Uses

3. Nonconforming Manufactured Home Parks

This Section shall regulate Manufactured Home Parks which are legal nonconformities.

A. Measurement of Period until Required Compliance

The period until required compliance for each nonconforming manufactured home park, as described in B., shall be measured from the effective date of May 21, 2012.

B. Required Conformance of a Manufactured Home Park

Any Manufactured Home Park which is a legal nonconformity may be continued for a period of two years, without increasing the degree of nonconformity. After two years, the Manufactured Home Park may continue only through compliance with lighting and garbage removal requirements found in Section 3.04-4 (3) and (15).

C. General Provisions

1. Abandonment

Whenever all manufactured/mobile homes within a Manufactured Home Park are removed or become unoccupied for a continuous period of 12 months, the Manufactured Home Park may be reestablished only through compliance with all the requirements applicable to a new park.
2. Damage

If a structure in a legally nonconforming Manufactured Home Park is damaged or destroyed during the period until required compliance, the structure may be repaired or replaced without increasing the degree of nonconformity. After the period until required compliance, a damaged structure may be repaired or replaced only in compliance with Section 3.03 and 3.04.

3. Vacant Single Non-conforming Structures

A non-conforming structure that has been removed for one year or more may not be replaced unless it can comply with the requirements found in this Ordinance.

4. Repairs and Alterations

Nothing in this Section shall be deemed to prevent the ordinary maintenance and repair of a structure in a legally nonconforming Manufactured Home Park. However, no alterations are allowed except in compliance with Sections 3.03 and 3.04.

5. Change in Use

If a nonconforming Manufactured Home Park is replaced by another allowed use, and the owner wishes to reestablish the Manufactured Home Park before the 12 month abandonment period for the park elapsed, the reestablished park must comply with all requirements applicable to a new park.

6. Nonconformity and Highway Expansion

The relocation of a road right-of-way by the South Carolina Department of Transportation or Spartanburg County Public Works shall not be deemed to create or increase a nonconformity with respect to the required setback from the road right-of-way. When a park is located on more than one right-of-way, each of its frontages shall be treated separately under this Section.

Section 6. Ordinance No. O-99-015 (THE UNIFIED LAND MANAGEMENT ORDINANCE), Article 6 Definitions amended to add or change the following definitions:

Manufactured Home Park - Three or more Manufactured/Mobile Homes or Manufactured Home Park Spaces which are located adjacent to one another and operated in a coordinated manner. The park may be located on a single parcel or
multiple parcels. Multiple adjacent manufactured homes must meet the requirements for a Manufactured Home Park or the requirements of the subdivision regulations and Table 3 of this ordinance.

Manufactured Home, Residential Designed - A single-family dwelling built according to the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code, which:

a. Has a minimum width of 20 feet (multiple-section);

b. Has a minimum of 900 square feet of enclosed living area;

c. Has a minimum nominal 3:12 roof pitch; and has a type of shingle commonly used in standard residential construction;

d. Is covered with an exterior material customarily used on site-built homes, including vinyl or aluminum lap siding, wood, masonite, or other materials similar to the exterior siding commonly used in standard residential construction; and

e. Has a roof overhang of not less than eight (8) inches.

Manufactured Home, Standard Designed - A single-family dwelling unit built according to the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code, which does not meet the definition of a Residential Designed Manufactured Home.

Manufactured Home - A Manufactured Home, Residential Designed or a Manufactured Home, Standard Designed.

Mobile Home - A single-family dwelling that is wholly, or in substantial part, fabricated in an off-site manufacturing facility for installation or assembly at the building site designed to be a permanent residence, and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards HUD Code, June 15, 1976.
Section 7. Effective date

This ordinance shall take effect upon third reading approval.

SPARTANBURG COUNTY COUNCIL

By: ____________________________
    Jeffrey A. Horton
    Chairman

ATTESTED:

______________________________
Katherine L. Hubbard
County Administrator

First Reading: April 26, 2011
Second Reading: April 16, 2012
Public Hearing: April 16, 2012
Third Reading: May 21, 2012