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# Chapter XI - Planning Commission

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Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

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# Chapter XI - Planning Commission

## Creation of Planning Commission

### Private Acts of 1972 Chapter 360

**SECTION 1.** The quarterly county court of Carter County is authorized to create a county planning commission, to consist of not less than seven (7) members nor more than twelve (12) members, the number of members within such limits to be determined by the quarterly county court. One (1) of the members shall be the chairman of the county court and one (1) of the members shall be a member of the quarterly county court selected by the quarterly county court. All other members shall be appointed by the quarterly county court in such manner as to give each school district equal representation on said commission among the appointed members. All members of the commission shall serve as such without compensation except when they are also members of the board of zoning appeals as provided under Section 20. The terms of appointive members shall be of such length as may be specified by the quarterly county court not to exceed six (6) years and may be arranged by the quarterly county court so that the terms of one (1) or more members expire each year. Any vacancy in an appointive membership shall be filled for the unexpired term by the quarterly county court.

(a). Members of the planning commission shall receive, as compensation for each day's attendance at commission meetings, the same amount of compensation received by a county commissioner for a committee meeting, which amount shall be paid from the county's general fund.

As amended by:

Private Acts of 1975, Chapter 46

Private Acts of 1992, Chapter 189

Private Acts of 1993, Chapter 47

**COMPILER'S NOTE:** Private Acts of 1975, Chapter 46, added an unnumbered section which provided that the members of the planning commission should receive fourteen dollars (\$14.00) each for each day's attendance at commission meetings to be paid from the county's general fund. This unnumbered section was amended by Private Acts of 1992, Chapter 189, raised the amount to seventeen dollars and fifty-cents (\$17.50). This unnumbered section was amended by Private Acts of 1993, Chapter 47, deleting the section and substituting instead a new section, Section 1(a).

**SECTION 2.** The commission shall elect its chairman from among the appointive members. The term of chairman shall be one (1) year with eligibility for reelection. The commission shall adopt rules for the transactions, findings and determinations, which record shall be a public record. The commission may appoint such employees and staff as it may deem necessary for its work, and may contract with county planners and other consultants for such services as it may require. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the quarterly county court.

**SECTION 3.** It shall be the function and duty of the commission to make and adopt an official general plan for the physical development of the county, outside any municipal limits. The plan, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the commission's recommendations for such physical development, and may include among other things, the general location, character and extent of streets, bridges, viaducts, parks, parkways, waterways, waterfronts, playgrounds, airports and other public ways, grounds, places and spaces, the general location and extent of public utilities and terminals, whether publicly or privately owned, for water, light, power, sanitation, transportation, communication and other purposes; also the removal relocation, widening, extension, narrowing, vacating, abandonment, change of use or extension of any of the foregoing public ways, grounds, places, spaces, buildings, properties or utilities; also a zoning plan for the regulation of the height, area, bulk, location and use of private and public structures and premises and of population density; also the general location, character, layout and extent of community centers and neighborhood units; also the general location, character, extent and layout of the replanning of blighted districts and slum areas; also regulation of subdivisions. The commission may from time to time amend, extend or add to the plan or carry any part of subject matter into greater detail.

**SECTION 4.** The commission may adopt the plan as a whole by a single resolution, or, as the work of making the whole plan progresses, may from time to time adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the commission. The resolution shall refer expressly to the maps, descriptive matter and other matters intended by the commission to form the whole or part of the plan, and the action taken shall be recorded on the adopted plan or part thereof and

descriptive matter by the identifying signature of the secretary of the commission, and a copy of the plan or part thereof shall be certified to the quarterly county court.

**SECTION 5.** In the preparation of the plan, the commission shall make careful and comprehensive surveys and studies of the existing conditions and future growth of the county and its environs. The plan shall be made with the general purpose of guiding and accomplishing a coordinate, adjusted and harmonious development of the county which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development.

**SECTION 6.** The commission may make reports and recommendations relating to the plan and development of the county to public officials and agencies, public utility companies, to civic, educational, professional and other organizations and to citizens. It may recommend to the executive or legislative officials of the county programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the commission, within a reasonable time, such available information as it may require for its work. The commission, its members and employees, in the performance of its work, may enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon. In general, the commission shall have powers as may be necessary to enable it to perform its purposes and promote county planning.

**SECTION 7.** Whenever the commission shall have adopted the plan of the county or any part thereof, then and thenceforth no street, park or other public way, ground, place or space, no public building or structure, or no public utility whether publicly or privately owned, shall be constructed or authorized in the county outside of municipal boundaries until and unless the location and extent thereof shall have been submitted to and approved by the planning commission. In case of disapproval, the commission shall communicate its reasons to the quarterly county court of the county and the court by a vote of a majority of its membership, shall have the power to overrule such disapproval and, upon such overruling, the court shall have the power to proceed. However, if the public way, ground, place, space, building, structure or utility is one the authorization or financing of which does not, under the law governing the same, fall within the province of the quarterly county court, then the submission to the planning commission shall be by the state, county, district, municipal or other board or official having such jurisdiction, and the planning commission's disapproval may be overruled by such board by a majority vote of its membership, or by such official. The widening, narrowing, relocation, vacation, change in the use, acceptance, acquisition, sale or lease of any street or public way, ground, place, property or structure shall be subject to similar submission and approval, and the failure to approve may be similarly overruled. The failure of the commission to act within thirty (30) days after the date of official submission to it shall be considered approval, unless a longer period is granted by the quarterly county court or other submitting board or official.

**SECTION 8.** For the purpose of this act, "street" or "streets" includes streets, avenues, boulevards, roads, lanes, alleys and other ways; "subdivision" means the division of a tract or parcel of land into two (2) or more lots, sites or other division for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or area subdivided; and "plat" includes plat, plan plot or replot.

**SECTION 9.** After the planning commission adopts a master plan which includes at least a major street plan or shall have progressed in its master planning to the stage of the making and adoption of a major street plan, and files a certified copy of such major street plan in the office of the county register of the county, no plat of a subdivision of land lying wholly or partly within the county and wholly or partly outside of municipal boundaries shall be filed or recorded until it is submitted to and approved by the planning commission and such approval is entered in writing on the plat by the secretary of the commission.

The county register shall not file or record a plat of subdivision of such land without the approval of the planning commission as required by this section. Violation of this provision is a misdemeanor.

**SECTION 10.** In exercising the powers granted to it by this act, the planning commission shall adopt regulations governing the subdivision of land within the county. Such regulations may provide for the harmonious development of the county, for the coordination of streets within subdivisions with other existing or planned streets or with the plan of the county for adequate open spaces for traffic, recreation, light and air, and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience and prosperity.

Such regulations may include requirements of the extent to which and the manner in which streets shall be graded and improved and water, sewer and other utility mains, piping, connections or other facilities shall be installed as a condition precedent to the approval of the plat. The regulations or practice of the commission may provide for the tentative approval of the plat previous to such improvements and installation, but any such tentative approval shall not be entered on the plat. The regulations may provide

that, in lieu of the completion of such work previous to the final approval of a plat, the commission may accept a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the county the actual construction and installation of such improvements and utilities within a period specified by the commission and expressed in the bonds. The county is authorized to enforce such bonds by all appropriate legal and equitable remedies. The regulations may provide, in lieu of the completion of such work previous to the final approval of a plat, for an assessment or other method whereby the county is put in assured position to do said work and make said installations at the cost of the owners of the property within the subdivision.

Before adoption of its subdivision regulations, or any amendments thereof, a public hearing thereon shall be held by the commission.

**SECTION 11.** The commission shall approve or disapprove a plat within thirty (30) days after the submission thereof, otherwise the plat shall be considered to have been approved and a certificate to that effect shall be issued by the commission on demand. However, the applicant for the commission's approval may waive this requirement and consent to the extension of such period. The ground of disapproval of any plat shall be stated upon the records of the commission. Any plat submitted to the commission shall contain the name and address of a person to whom notice of hearing shall be sent. No plat shall be acted upon by the commission without affording a hearing thereon, notice of the time and place of which shall be sent by mail to said address not less than five (5) days before the date fixed for the hearing.

**SECTION 12.** The approval of a plat shall not be considered to constitute or effect an acceptance by the county or public of the dedication of any street or other ground shown upon the plat.

**SECTION 13.** Whoever, being the owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the planning commission and obtained its approval as required by this chapter and before such plat be recorded in the office of the county register, is guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from being in violation of this section. The county may enjoin such transfer or sale or agreement by action for injunction.

**SECTION 14.** After the time when the platting jurisdiction of the planning commission attaches, as provided in Section 9, the county shall not, nor shall any public authority, accept, lay out, open, improve, grade, pave, or light any street or lay or authorize water mains, or sewers or connection to be laid in any street within the county, outside of municipal boundaries unless such street has been accepted or opened as, or shall have otherwise received the legal status of, a public street prior to the attachment of the commission's subdivision jurisdiction, or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the planning commission or with a street plat made and adopted by the commission. However, the quarterly county court may locate and construct or may accept any other street, provided the resolution, ordinance or other measure for such location and construction or for such acceptance is first submitted to the planning commission for its approval, and, if disapproved by the commission, is passed by a majority of the entire membership of the quarterly county court. A street, approved by the planning commission upon such submission or constructed or accepted by majority vote of the quarterly county court after disapproval by the commission, shall have the status of an approved street as fully as though it had been originally shown on a subdivision plat approved by the commission or on a plat made and adopted by the commission.

**SECTION 15.** After the time when the platting jurisdiction of the planning commission attaches, as provided in Section 9, no building permit shall be issued and no building shall be erected on any lot within the county, outside of municipal boundaries unless the street giving access to the lot upon which the building is proposed to be placed shall have been accepted or opened as, or shall have otherwise received the legal status of, a public street prior to that time, or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the commission, or with a street located or accepted by the quarterly county court of the county after submission to said planning commission and, in case of the commission's disapproval, by the favorable vote required in Section 14. Any building erected or to be erected in violation of this section shall be an unlawful structure and the county may bring action to enjoin such erection or cause it to be vacated or removed.

**SECTION 16.** For the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare, the quarterly county court is empowered, in accordance with the conditions and the procedure specified in this act, to regulate the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts, and other open spaces, the density of population, and the uses of buildings, structures and land for trade, industry, residence, recreation, public activities and other purposes. Special districts or

zones may be established in those areas considered subject to seasonal or periodic flooding, and such regulations may be applied therein as will minimize danger to life and property, and as will secure to the citizens of Carter County the eligibility for flood insurance under Public Law 1016, 84th Congress or subsequent related laws or regulations promulgated thereunder.

**SECTION 17.** Whenever the planning commission makes and certifies to the quarterly county court a zoning plan, including both the full text of a zoning ordinance and the maps, representing the recommendations of the planning commission for the regulation by districts or zones of the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the size of yards, courts and other open spaces, the density of population, and the uses of buildings, structures and land for trade, industry, residence, recreation, public activities and other purposes, then the quarterly county court may exercise the powers granted and for the purposes mentioned in Section 15 and may divide the county into districts or zones of such number, shape and areas it may determine, and, for said purposes, may regulate the erection, construction, reconstruction, alteration and uses of buildings and structures and the uses of land.

**SECTION 18.** Before enacting the zoning ordinance or any amendment thereof, the quarterly county court shall hold a public hearing thereon, at least fifteen (15) days' notice of the time and place of which shall be published in a newspaper of general circulation in the county. No change in or departure from the text or maps as certified by the planning commission shall be made, unless such change or departure be first submitted to the planning commission and approved by it, or, if disapproved, receive the favorable vote of a majority of the entire membership of the quarterly county court.

**SECTION 19.** The zoning ordinance, including the maps, may from time to time be amended, but no amendment shall become effective unless it is first submitted to and approved by the planning commission or, if disapproved, shall receive the favorable vote of a majority of the entire membership of the quarterly county court.

**SECTION 20.** The quarterly county court may create a board of zoning appeals of three (3) or five (5) members, may specify the mode of appointment of members of such board and their terms, which terms shall be of such length and so arranged that the term of one (1) member shall expire each year, or the quarterly county court may designate the planning commission as the board of zoning appeals. The compensation of members of said board shall be as fixed by the quarterly county court.

The quarterly county court may provide and specify, in its zoning or other resolution or ordinance, general rules to govern the organization and procedure and jurisdiction of the board of zoning appeals, which rules shall not be inconsistent with the provisions of this act, and the board of zoning appeals may adopt supplemental rules of procedure, not inconsistent with this act or such general rules.

**SECTION 21.** The zoning resolution or ordinance may provide that the board of zoning appeals may, in appropriate cases and subject to the principles, standards, rules, conditions and safeguards set forth in the resolution or ordinance, make special exceptions to the terms of the zoning regulations in harmony with their general purpose and intent. The quarterly county court may also authorize the board of zoning appeals to interpret the zoning maps and pass upon disputed questions of lot lines or district boundary lines or similar questions as they arise in the administration of the zoning regulations.

Appeals to the board of zoning appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the county affected by any grant or refusal of a building permit or other act or decision of the building commissioner of the county or other administrative official based in whole or part upon the provisions of the regulation or ordinance enacted under this act.

**SECTION 22.** The board of zoning appeals shall have the following powers:

- (1) To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the county building commissioner or any other administrative official in the carrying out or enforcement of any provision of any resolution or ordinance enacted pursuant to this act.
- (2) To hear and decide, in accordance with the provisions of any such resolution or ordinance, requests for special exceptions or for interpretation of the map or for decisions upon other special questions upon which the board is authorized by any such resolution or ordinance to pass.
- (3) Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the zoning regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under this act would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such property to authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning resolution or

ordinance.

**SECTION 23.** The quarterly county court may provide for the enforcement of any resolution or ordinance enacted under this act. A violation of any such resolution or ordinance is declared to be a misdemeanor. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of any resolution or ordinance enacted under this act, the county or any adjacent or neighboring property owner who would be specially damaged by such violation, may, in addition to other remedies, institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of said building, structure or land.

**SECTION 24.** If any provisions of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

**SECTION 25.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the quarterly county court of Carter County before December 1, 1972. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

**SECTION 26.** For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 25.

Passed: March 29, 1972.

## Planning Commission

### Mobile Homes

### Private Acts of 1990 Chapter 182

**SECTION 1.** As used in this act, unless the context otherwise requires:

(1)(A) "Mobile home" means a structure which is:

(i) Designed for long-term occupancy with sleeping accommodations, and bathrooms and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; and

(ii) Designed to be transported after fabrication on its own wheels or flatbed, or other trailers and constructed as a single, self-contained unit on a single chassis.

(B) For the purpose of this act, the term "mobile home" does not include:

(i) Manufactured homes which are constructed in two (2) or more separate chunks, are mounted on two (2) or more chassis, and are assembled on site.

(ii) Recreational vehicles, which are vehicular type units designed as temporary living quarters for recreational camping or travel use, such as travel trailers, camping trailers, truck campers, and motor homes.

(iii) Manufactured mobile units, which are:

(a) Designed to be transported after fabrication, and arriving at the site ready for use except for minor and incidental assembly operations, location on foundation, and connection to utilities; and

(b) Designed to function as an office commercial establishment, assembly hall, storage, and other non-residential occupancy.

(2) "Mobile home park" means any plot of ground containing a minimum of one (1) acre upon which two (2) or more mobile homes are located or are intended to be located, but does not include sites where unoccupied mobile homes are on display for sale.

(3) "Lot" means a parcel or tract of land.

(4) "County road" means a publicly owned right-of-way which has been improved, accepted, and maintained by Carter County.

**SECTION 2.** The purpose of this act is to provide minimum development standards for mobile homes in the unincorporated areas of Carter County so that they will be developed in a safe and sanitary manner. It shall be unlawful to place a mobile home on a lot or in a mobile home park unless it meets the requirements of this act.

**SECTION 3.** The minimum standards for the placement of a mobile home on a lot shall be as follows:

- (1) The lot must abut a county road.
- (2) The mobile home must be properly connected to all utilities and have a sewage disposal system approved by the Carter County Health Department.
- (3) The space between the bottom of the mobile home and the ground must be permanently enclosed within six (6) months.
- (4) At least two (2) off-street parking spaces shall be provided.
- (5) The lot shall be covered with permanent vegetation.
- (6) Recreational vehicles and campers may not be placed on a lot for long-term occupancy.
- (7) The mobile home shall be set back twenty (20) feet from the road and fifteen (15) feet from other property lines.

**SECTION 4.** (a) The property development standards in this section shall apply for all mobile home parks.

(b) The owner of the land parcel proposed for a mobile home park shall submit a plan for development to the Carter County Planning Commission. The plan shall show:

- (1) The park plan drawn to scale.
- (2) The area and dimensions of the proposed park.
- (3) The location and width of all roadways.
- (4) The location and dimensions of any proposed service buildings and structures.
- (5) The location of all water and sewer lines.
- (6) The location of all equipment and facilities for refuse disposal and other park improvements.
- (7) A drainage plan of the park.
- (8) A certificate of accuracy signed by the surveyor or engineer that the engineering work is correct.
- (9) The certificate and signature of the health officer.
- (10) Any other information deemed pertinent by the Planning Commission.

(c) Each mobile home park site shall meet the following minimum standards:

- (1) There shall be a minimum of thirty (30) feet between each mobile home.
- (2) All mobile homes, structures, and pavement shall be set back thirty (30) feet from the front property line, and twenty (20) feet from the side and rear property lines.
- (3) The sites shall be located in a flood-free area with proper drainage.
- (4) Entrances and exits to the mobile home park shall be designed for safe and convenient movement of traffic into and out of the park, and shall be located and designed as prescribed by the Planning Commission.
- (5) There shall be a planted buffer strip along the side and rear property lines. Any part of the park area not used for buildings or other structures, parking, or access ways shall be landscaped with grass, trees, and shrubs. The buffer strip shall be a plant material or other approved material which will provide a screen not less than six (6) feet in height.
- (6) The park shall be adequately lighted.
- (7) Each mobile home park shall provide two (2) off-street parking spaces for each mobile home space.
- (8) The roadways and parking areas shall be paved with a hard surface material which shall be not less than double bituminous surface. The roadways shall be a minimum of eighteen (18) feet in width.
- (9) The density of mobile home parks is dependent on meeting requirements for setbacks, minimum distance between mobile homes, and the health department.



(10) Recreational vehicles and campers may not be placed in a mobile home park for long-term occupancy.

**SECTION 5.** It shall be unlawful for any person to place a mobile home on a lot or in a mobile home park in the unincorporated part of Carter County unless a permit is obtained. Fees for permits shall be set by the county commission as needed.

**SECTION 6.** (a) This act shall be enforced by the Carter County Planning Commission.

(b) Any person who shall willfully neglect or refuse to comply with any of the provisions of this act shall be guilty of violating this act and, upon conviction, shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day of violations shall constitute a separate offense.

**SECTION 7.** (a) This act shall be administered by the Carter County Planning Commission.

(b) All plans and plats for mobile home parks shall submitted five (5) working days before the regular meeting date of the Planning Commission. These plans will be given preliminary and final approval by the Planning Commission.

(c) Expansions of existing mobile home parks will have to be approved by the Carter County Planning Commission, and must conform to the standards in this act.

**SECTION 8.** Variances may be granted to any part of this act by the Planning Commission for good and sufficient reasons.

**SECTION 9.** The provisions of this act shall supersede any less stringent provisions of any ordinance of Carter County.

**SECTION 10.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

**SECTION 11.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Carter County. Its approval or nonapproval shall be proclaimed by the presiding officer of such body and certified by him to the Secretary of State.

**SECTION 12.** For the purposes of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 11.

Passed: March 29, 1990.

## Private Acts of 1990 Chapter 187

**SECTION 1.** As used in this Act, unless the context otherwise requires:

- (1) "Structure" means any building or manufactured home or building.
- (2) "Mobile home" means a structure which is:
  - (a) Designed for long-term occupancy with sleeping accommodations, and bathrooms and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; and
  - (b) Designed to be transported after fabrication on its own wheels or flatbed, or other trailers and constructed as a single, self-contained unit on a single chassis.

Manufactured homes which are constructed in two (2) or more separate chunks, are mounted on two (2) or more chassis, and are assembled on site are not considered mobile homes for the purpose of this act.

- (3) "Mobile home park" means any plot of ground containing a minimum of one (1) acre upon which two (2) or more mobile homes are located or are intended to be located, but does not include sites where unoccupied mobile homes are on display for sale.

**SECTION 2.** The purpose of this act is to require permits for all structures in the flood hazard area and for mobile homes before final electrical inspections are made in the unincorporated areas of Carter County.

**SECTION 3.** No final electrical inspections shall be made in the unincorporated areas of Carter County, for any structure placed in the flood zone, as shown by either the Flood Hazard Boundary Map or the Flood Insurance Rate Map issued by the Federal Emergency Management Agency, or located within a distance of

the stream bank equal to the width of the stream at the top of the bank or twenty (20) feet from each side of the bank top, whichever is greater, for streams that have no flood zones shown on the above-stated flood maps, without a permit.

**SECTION 4.** No final electrical inspections shall be made in the unincorporated areas of Carter County for the placement of any mobile home on either a lot or mobile home park without a permit.

**SECTION 5.** The provisions of this act shall supersede any less stringent provisions of any ordinance of Carter County.

**SECTION 6.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

**SECTION 7.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Carter County. Its approval or nonapproval shall be proclaimed by the presiding officer of such body and certified by him to the Secretary of State.

**SECTION 8.** For the purposes of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 7.

Passed: March 29, 1990.

## Private Acts of 1992 Chapter 198

**SECTION 1.** As used in this act, unless the context otherwise requires:

- (1) "County road" means a publicly owned right-of-way which has been improved, accepted, and maintained by Carter County;
- (2) "Lot" means a parcel or tract of land;
- (3) "Mobile home" means a structure which is:
  - (A) Designed for long-term occupancy with sleeping accommodations, and bathrooms and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; and
  - (B) Designed to be transported after fabrication on its own wheels or flatbed, or other trailers and constructed as a single, self-contained unit on a single chassis.

For the purpose of this act, the term "mobile home" does not include:

- (A) Manufactured homes which are constructed in two (2) or more separate chunks, are mounted on two (2) or more chassis, and are assembled on site.
- (B) Recreational vehicles, which are vehicular type units designed as temporary living quarters for recreational camping or travel use, such as travel trailers, camping trailers, truck campers, and motor homes.
- (C) Manufactured mobile units, which are:
  - (i) Designed to be transported after fabrication, and arriving at the site ready for use except for minor and incidental assembly operations, location on foundation, and connection to utilities; and
  - (ii) Designed to function as an office commercial establishment, assembly hall, storage, and other non-residential occupancy; and
- (4) "Mobile home park" means any plot of ground containing a minimum specified amount of land upon which two (2) or more mobile homes are located or are intended to be located, but does not include sites where unoccupied mobile homes are on display for sale.

**SECTION 2.** The purpose of this act is to provide minimum development standards for mobile homes in the unincorporated areas of Carter County so that they will be developed in a safe and sanitary manner. It shall be unlawful to place a mobile home on a lot or in a mobile home park unless it meets the requirements of this act.

**SECTION 3.** The minimum standards for the placement of a mobile home on a lot shall be as follows:

- (a) The lot may be required to abut a county road.

- (b) The mobile home may be required to be properly connected to all utilities and have a sewage disposal system approved by the Carter County Health Department.
- (c) The space between the bottom of the mobile home and the ground may be required to be permanently enclosed within a specified amount of time.
- (d) Off-street parking spaces may be required to be provided.
- (e) The lot may be required to be covered with permanent vegetation.
- (f) Recreational vehicles and campers may be restricted from being placed on a lot for long-term occupancy.
- (g) Front, side, and rear setbacks may be required for mobile homes.

**SECTION 4.** The property development standards in this section shall apply for all mobile home parks.

(a) The owner of the land parcel proposed for a mobile home park shall submit a plan for development to the Carter County Planning Commission. The plan may be required to show:

- (1) The park plan drawn to scale;
- (2) The area and dimensions of the proposed park;
- (3) The location and width of all roadways and parking;
- (4) The location and dimensions of any proposed service buildings and structures.
- (5) The location of all water and sewer lines.
- (6) The location of all equipment and facilities for refuse disposal and other park improvements;
- (7) A drainage plan of the park;
- (8) A certificate of accuracy signed by the surveyor or engineer that the engineering work is correct;
- (9) The certificate and signature of the health officer; and
- (10) Any other information deemed pertinent by the Planning Commission.

(b) Each mobile home park site shall meet the following minimum standards:

- (1) A minimum setback may be required between each mobile home;
- (2) All mobile homes, structures, and pavement may be required to have front, side and rear property line setbacks;
- (3) The site may be required to be located in a flood free area with proper drainage;
- (4) Entrances and exits to the mobile home park may be required to be designed for safe and convenient movement of traffic into and out of the park, and may be required to be located and designed as prescribed by the planning commission;
- (5) A planted buffer strip may be required along the side and rear property lines. Any part of the park area not used for buildings or other structures, parking, or access ways may be required to be landscaped with grass, trees, and shrubs. The buffer strip may be required to plant material or other approved material which may provide a screen of a specified minimum height;
- (6) The park may be required to be adequately lighted;
- (7) Each mobile home park may be required to provide a specified number of off-street parking spaces for each mobile home space;
- (8) The roadways and parking areas may be required to meet minimum base and paving standards. The roadways may be required to have a minimum width;
- (9) Density standards may be set for mobile home parks; and
- (10) Recreational vehicles and campers may be restricted from being placed in a mobile home park for long-term occupancy.

**SECTION 5.** It shall be unlawful for any person to place a mobile home on a lot or in a mobile home park in the unincorporated part of Carter County unless a permit is obtained from Carter County or its designated agent.

**SECTION 6.** This act shall be enforced by the Carter County Planning Commission.

(a) Any person who shall willfully neglect or refuse to comply with any of the provisions of this act shall be guilty of violating this act and, upon conviction, shall be fined not less than two dollars (\$2.00) nor more

than fifty dollars (\$50.00) for each offense. Each day of violation shall constitute a separate offense.

(b) Any mobile home placed in violation of these regulations shall be deemed an unlawful mobile home and the county attorney or other official designated by the Carter County Board of Commissioners, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus or other appropriate action to cause the mobile home to be removed.

**SECTION 7.** This act shall be administered by the Carter County Planning Commission.

(a) All plans and plats for mobile home parks may be required to be submitted a specified number of working days before the regular meeting date of the planning commission. These plans will be given preliminary and final approval by the Planning Commission.

(b) Expansion of existing mobile home parks may be required to be approved by the Carter County Planning Commission, and conform to the standards in this act.

**SECTION 8.** Variances may be granted to any part of this act by the Planning Commission for good and sufficient reasons.

**SECTION 9.** The provisions of this act shall supersede any less stringent provisions of any ordinance of Carter County.

**SECTION 10.** If any provisions of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

**SECTION 11.** Specific standards authorized to be set by this private act, and amendments to these standards may be initiated by the Carter County Planning Commission, the Carter County Board of Commissioners, a resident of Carter County, or other persons or agents interested in these regulations. Proposed standards or amendments to them must first be submitted to the Carter County Planning Commission for approval, disapproval, or suggestions. The Carter County Board of Commissioners will approve or disapprove such standards or amendments to them at their next regularly scheduled and/or called meeting. Standards and amendments to them shall become effective upon approval by the Carter County Board of Commissioners, the public welfare requiring it.

**SECTION 12.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Carter County. Its approval or nonapproval shall be proclaimed by the presiding officer of such body and certified by him to the Secretary of State.

**SECTION 13.** For the purposes of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 12.

Passed: April 1, 1992.

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