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AN ORDINANCE TO AMEND CHAPTER 36, SUBDIVISIONS, OF THE HYDE COUNTY CODE BY REPLACING IN ITS ENTIRETY SECTION 36-181, CAMPERS AND TRAVEL TRAILERS AS ACCESSORY USES TO PROVIDE AFFORDABLE SEASONAL AND YEARROUND HOUSING

WHEREAS, Article 18, Planning and Regulation of Development, of Chapter 153A, Counties, of the North Carolina General Statutes grants counties wide authority to regulate land as well as uses of land, including but not limited to the authority to regulate the subdivision of land in Part 2, Subdivision Regulations, the authority to adopt zoning and development regulation ordinances in Part 3, Zoning, and the authority to divide the territorial jurisdiction of counties into districts, within which districts such zoning and development regulation may have specific application, in North Carolina General Statute § 153A-342 *et seq.*

WHEREAS, the Hyde County Board of Commissioners has enacted a Subdivision Ordinance for Hyde County, North Carolina, the same being codified as Chapter 36, Subdivisions, of the Hyde County Code.

WHEREAS, the Hyde County Board of Commissioners has enacted an Ocracoke Development Ordinance (ODO), the same being codified as Article VII, Ocracoke Development, of said Chapter 36.

WHEREAS, the ODO Map depicts the boundaries of the ODO zoning area, said boundaries being that part of Ocracoke Island outside the boundaries of the Cape Hatteras National Seashore, including streams, creeks, ponds, harbors, and the Pamlico Sound within one-half mile of shore.

WHEREAS, the provisions contained in Chapter 36, Article VII, apply to said ODO zoning area.

WHEREAS, the ordinance amendment set forth below is intended to protect the health and safety of the residents and visitors in the ODO zoning area; assure that property owners in the ODO zoning area will continue to enjoy the reasonable use and value of their properties; consider the need for temporary, affordable housing in the ODO zoning area; and consider the real threats imposed by hurricanes and other severe weather.

NOW THEREFORE BE IT ORDAINED by the Hyde County Board of Commissioners as follows.

Section 1. That Chapter 36, Section 36-181 – Campers and travel trailers as accessory uses to provide affordable seasonal and year-round housing, be deleted and replaced in its entirety with the following.

Sec. 36-181. Residential use of travel trailers by permit only.

(a) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Travel trailer means a wheeled vehicle originally intended to be used, or originally constructed so as to permit it to be used, for or as a conveyance upon the public streets or highways, duly licensable as such; or a "towable trailer/camper" constructed in such a manner as will permit occupancy thereof as a temporary residence or sleeping quarters for one or more persons; and designed for short-term occupancy, travel, and recreational and/or vacation use. For the purposes of this section, a travel trailer shall be a hard-sided, collapsible or non-collapsible, hard-roofed vehicle, including but not limited to self-propelled Recreational Vehicles (RV). This definition shall not include a car, truck or other vehicle designed primarily for transportation, even if it may be modified to resemble an RV.

Residential use means the location of a travel trailer on the same lot of record for a period of more than thirty (30) days for the purpose of possible or intended use as a residence or sleeping quarters regardless of whether the travel trailer is actually utilized as a residence or sleeping quarters every day during said thirty (30) day period and regardless of whether the travel trailer is utilized by different individuals as a residence or sleeping quarters during said thirty (30) day period; the rental of a travel trailer to, or other permitted occupancy of a travel trailer by, someone other than the owner of the travel trailer for use as a residence or sleeping quarters for any period; or the use of a travel trailer as a residence or sleeping quarters for any period when connected to a septic system. Residential use of a travel trailer as specifically described hereinabove shall include its use as a sleeping quarters only, even if all other regular living activities, including but not limited to cooking and bathing, take place in another building.

(b) *Permits.* A permit is required for residential use of a travel trailer.

- (1) A travel trailer must meet the following criteria in order to be eligible for a permit to allow residential use thereof.
 - a. The travel trailer shall be and remain registered and insured in accordance with all applicable State of North Carolina Division of Motor Vehicles (DMV) regulations.
 - b. The travel trailer shall be and remain capable of passing all applicable DMV safety inspections. The development ordinance enforcement officer, in his discretion, may require the travel trailer to be inspected and pass an inspection before issuing a permit hereunder and at any time after a permit is issued.
 - c. The travel trailer shall be and remain situated in such a way as to allow it to be connected to a motor vehicle and readily pulled onto a public roadway without the need to disconnect it from or move or dismantle structures such as, decks, stairs, outbuildings, other travel trailers, etc.
 - d. The travel trailer shall be and remain permitted by the Hyde County Health Officer with regard to applicable County and State water and sewer regulations.
 1. Any water and sewer connections of the travel trailer shall be "quick connect" type connections that allow for the prompt removal of the travel trailer.
 2. For a self-contained travel trailer or a travel trailer which is used as sleeping quarters only, written approval from the Hyde County Health Officer shall be required, which



approval must verify that the existing sewage disposal system on the property where the travel trailer is located is adequate to support the travel trailer when counted as an additional bedroom(s) under the pertinent provisions of this chapter.

- e. The travel trailer shall be and remain permitted by the Building Official with regard to the electrical power supply and connections from the power supply to the travel trailer; the construction of decks, stairs, outbuildings, etc.; and any other aspect of the North Carolina Building Code which may be applicable.
- f. The travel trailer shall be and remain permitted by any applicable federal, state and/or local agency, including but not limited to CAMA, having regulatory jurisdiction over the travel trailer and its use.
- g. The travel trailer shall be considered in conjunction with any other structure on the property on which the travel trailer is located and shall be and remain in compliance with the following provisions of the Ocracoke Development Ordinance as applied to single family residential use:
 - 1. Property and building minimum setbacks
 - 2. Minimum parking requirements
 - 3. Maximum percent of lot coverage
 - 4. Height restrictions
 - 5. Table of Development Standards.
- h. The travel trailer shall be and remain in compliance with the following density restrictions of the Ocracoke Development Ordinance.
 - 1. No travel trailer shall be permitted on a lot of record smaller than 5,000 square feet except for undeveloped lots of less than 5,000 square feet in existence prior to the initial adoption of the Ocracoke Development Ordinance (April 21, 1986).
 - (2) The owner of the lot of record on which the travel trailer is located shall be responsible for applying for permits issued hereunder.
 - (3) A separate permit shall be required for each travel trailer being utilized as a residential use on a lot.
 - (4) A permit is not transferable to another travel trailer.
 - (5) A permit shall be valid for a period of one (1) year and must be renewed annually by the owner of the lot of record on which the travel trailer is located by application to the development ordinance enforcement officer.
 - (6) Applications for the renewal of a permit shall be subject to any then current, applicable regulations as revised or amended.
 - (7) The development ordinance enforcement officer, in his discretion, may schedule an on-site inspection of a travel trailer to assure compliance with all current regulations.
 - (8) The owner of the lot of record on which a travel trailer is located for residential use shall certify in writing that the proposed use does not conflict with or violate any existing deed restrictions, property covenants, rights of way, or easements.



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(c) No part of this amendment shall apply or be applied to travel trailers which are legally existing under regulations in effect at the time of the adoption of this amendment.

Section 2. All ordinances in conflict with this ordinance are hereby repealed.

Section 3. This ordinance shall become effective _____, 2011.

This the _____ day of _____ 2011.

Chairman

ATTEST:

County Clerk