

Tab 2

**AN ORDINANCE TO AMEND THE GROWTH MANAGEMENT ORDINANCE OF
THE TOWN OF ORIENTAL
ORDINANCE 2018-257**

THAT WHEREAS, the Planning Board of the Town of Oriental recommends that certain amendments be made to the Growth Management Ordinance of the Town of Oriental; and

WHEREAS, the Board of Commissioners of the Town of Oriental deems it advisable and in the public interest to effect said revisions to the Growth Management Ordinance of the Town of Oriental.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF ORIENTAL:

SECTION 1. That Article IV, Section 1.000, Section 1.120, Permissible Uses By District, Subsection 1.112, 1.113, 1.121, 1.122 Permissible Uses be amended as follows:

“

Use Description	DISTRICT				
	R1	R2	R3	MU	MU-1
<i>E = Exempt (no permit needed) L = Land Use Permit Required</i>					
<i>S = Special Use Permit Required X = Prohibited Use</i>					
1.000 RESIDENTIAL					
1.100 Single-Family Residences					
1.110 Single-family detached, one dwelling unit per lot					
1.111 Site built	L	L	L	L	L
1.112 Class A MFD. homes (See restrictions, Sec. 251.107)	X	L	L	L	L
—1.113 MFD homes other than Class A	X	X	X	X	X
1.120 Single-family detached, more than one dwelling unit per lot					
1.121 Site built and class A MFD homes	X	L	L	L	L
—1.122 MFD homes other than Class A	X	X	X	X	X

“

SECTION 2. That Section 251. “Definitions of Basic Terms” of Article XVI. “Word Interpretations and Basic Definitions” of the Growth Management Ordinance of the Town of Oriental be and the same is hereby amended by adding the following definition, and renumbering Section 251 accordingly:

“**MODULAR HOME:** A dwelling unit constructed in accordance with the standards set forth in the State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a Modular Home may consist of two or more sections transported to the site in a manner similar to a manufactured home or a series of panels or room

sections transported on a truck and erected or joined together on the site. For purposes of the GMO, a Modular Home is treated as a site-built building.”

SECTION 3. That Section 251. “Definitions of Basic Terms” of Article XVI. “Word Interpretations and Basic Definitions” of the Growth Management Ordinance of the Town of Oriental be and the same is hereby amended by amending definition 251.107 “Manufactured Home,” as follows:

“251.107 Manufactured Home: A dwelling unit transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, and electrical systems contained therein. This definition should not be interpreted to include any types of Recreational Vehicles (RVs) which may equal or exceed the body length, width, or area specified herein:~~that is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed for installation or assembly on the building site.~~

251.107.1 Has a minimum width of sixteen (16) feet;

251.107.2 Has a gable roof having a pitch with a minimum vertical rise of four (4) feet for each twelve (12) feet of horizontal run;

251.107.3 Has a continuous, permanent brick, stone or stucco curtain wall or foundation, or vinyl underpinning, unpierced except for ventilation and access, installed under the home;

251.107.4 Has a roof finished with roofing material with a fire rating of Class C or better and that is commonly used in standard residential construction;

251.107.5 Has a roof structure that provides an eave projection of no less than six (6) inches, which may include a gutter;

251.107.6 Is set up in accordance with the standards set by the North Carolina Department of Insurance;

251.107.7 Has stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home installed or constructed in accordance with the standards set by the North Carolina Department of Insurance and attached firmly to the primary structure and anchored securely to the ground;

251.107.8 The moving hitch, wheels and axles and transporting lights have been removed.

251.107.10 Is rated for Wind II Zone.”

SECTION 4. That Section 251. “Definitions of Basic Terms” of Article XVI. “Word Interpretations and Basic Definitions” of the Growth Management Ordinance of the Town of Oriental be and the same is hereby amended by deleting definition 251.108 and 251.109 – Class

A and Class B Manufactured Homes, and renumber these sections in accordance with previously enacted changes to the Definitions.

SECTION 5. This ordinance shall be effective from and after the date of its adoption.

ADOPTED THIS 25th DAY OF JANUARY, 2018.

MAYOR

TOWN CLERK

Statement of Compliance and Consistency

The Planning Board finds that the proposed amendment to the GMO is reasonable and in the interests of the Town of Oriental. Further, the proposed amendment is consistent with the Town's Growth Management Ordinance ("GMO") and Oriental's CAMA Land Use Plan, and Pamlico County Hazard Mitigation Plan for the following reasons:

1. The proposed amendment is consistent and not in conflict with the existing development standards in Article III of the GMO regarding Development Districts, Section 50.1 in that it is "designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts."
2. The proposed amendment is also consistent and not in conflict with Article IV of the GMO, regarding Permissible Uses By District, Section 66, in that the modifications to the Table of Permissible Uses and the accompanying definitions are each "designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts" and consistent with North Carolina General Statute

§ 160A-383.1. Zoning regulations for manufactured homes.

(d) A city may adopt and enforce appearance and dimensional criteria for manufactured homes. Such criteria shall be designed to protect property values, to preserve the character and integrity of the community or individual neighborhoods within the community, and to promote the health, safety and welfare of area residents. The criteria shall be adopted by ordinance.

3. The Oriental CAMA Land Use Plan and the Oriental, North Carolina Comprehensive Plan (2012) both specifically recognize potential conflict between a vision to design and secure reasonable latitude for commerce and industry for the town while preserving a comfortable, healthy, safe, and pleasant environment in which to live, for the residents of Oriental, sheltered from incompatible and disruptive activities.
 - a. Section 2-1.0 of the Cama Land Use Plan states a goal "to preserve the natural resources and small town waterfront lifestyle that has prevailed for more than a century by seeking to maintain historic access to the water front by commercial and recreational interests and by supporting growth and development that is diverse, environmentally sensitive, economically sustainable, and consistent with the natural, historical and cultural character of Oriental."
 - b. Section D, p. 19, of the Comprehensive Plan for Oriental sets a specific goal for the Town's government to "Continue review of the Growth Management Ordinance with a view to simplify, add flexibility and clarity."
4. The proposed Amendment is consistent with the Pamlico County Hazard Mitigation Plan, adopted by the Board of Commissioners, which encourages responsible development with respect to disaster planning efforts.

5. The Planning Board is permitted by GMO Section 20.1.7.1.1 to acquire and maintain, in current form, basic information and material as necessary regarding past trends, present conditions, and forces at work which may cause change in prior residential and commercial needs;
6. The Planning Board is permitted by GMO Section 20.1.7.1.2 to identify needs and problems growing out of those conditions;
7. The Planning Board is permitted by GMO Section 20.1.7.1.3 to Determine objectives to be sought in development of the area, consistent with the Cama Land Use Plan, the Comprehensive Plan for Oriental, and state law;
8. The Planning Board is permitted by GMO Section 20.1.7.1.4 to establish principles and policies for guiding action in development of the area;
9. The Planning Board is permitted by GMO Section 20.1.7.1.5 to prepare and, from time to time, amend and revise a comprehensive and coordinated plan for the physical, social, and economic development of the area;
10. The Planning Board is permitted by GMO Section 20.1.7.1.6 to prepare and recommend to the Town Commissioners ordinances promoting orderly development along lines indicated in the Comprehensive Plan and advise the Town Commissioners concerning proposed amendments of such ordinances;
11. The Planning Board is permitted by GMO Section 20.1.7.1.6 to keep the Town Commissioners and the general public informed and advised.
12. Therefore, the proposed amendment is consistent and not in conflict with Sections 40.1 and 20.1.7.1 of the GMO, in that the clarification and updating of the definitions of the terms and phrases used in the GMO are recommended (1) to preclude historical conflicts, (2) to reconcile the uncertainty and sometimes vague character of some GMO terms and limitations previously included within the Table of Permissible Uses. The amendment is intended for the benefit of:
 - c. The 'Land Use Administrator', also known as the 'Town Manager', who has primary responsibility, under Section 40.1, for administering and enforcing Town Ordinances and the Table of Permissible Uses; and
 - d. The Town's people and businesses, so that the activities and development of the Town is protective of both residences and businesses, as well as clearer and fairer to all concerned. The amendment is designed to satisfy these goals with the following considerations:
 1. The Planning Board's duty to acquire and maintain, in current form, basic information and material, while taking into

consideration past trends, present conditions, and forces at work which may call for change in these conditions;

2. Identify needs and problems growing out of those conditions, including repeated and thorough public comment sessions over several months and sessions; and
3. The following objectives, which are to be sought in development of the Town:
 - a. Establishing principles and policies for guiding action in development of all permissible and excluded uses within the Town;
 - b. Preparing and, from time to time, amending and revising a comprehensive and coordinated plan for the physical, social, and economic development of the area; and
 - c. Keeping the Town Commissioners and the general public informed and advised as to those matters.
 - d. Providing for the optional application of the Powers and duties of the Planning Board under Section 20.1.7 of the GMO, assisting them in their duty to maintain information and policies with regard to the development issues of the Town.

January 17, 2018



Stan Aeschleman, Planning Board Chair