

**AN ORDINANCE TO AMEND THE GROWTH MANAGEMENT ORDINANCE OF
THE TOWN OF ORIENTAL
ORDINANCE 2021-277**

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 66, Section 12.000, Permissible Uses By District, Subsection 12.000, 12.100, 12.200, 12.300 Permissible Uses be amended as follows:

12.000 SERVICES AND ENTERPRISES RELATED TO ANIMALS					
12.100 All Veterinary Services, Including, but not limited to Veterinarian, Animal Clinic, Grooming, No-Outside-Kennel	X	X	X	±	±
12.200 Veterinarian, Animal Clinic, Outside-Kennel	X	X	X	S	S
12.3200 Pet Cemetery	X	X	X	S	X

SECTION 2. That Section 168, subsection 168.2. “Driveways” of Article IX PARKING. of the Growth Management Ordinance of the Town of Oriental be and the same is hereby amended by adding the following verbage to the definition:

“168.2 Driveway Permit is required. Application for a Driveway Permit required by this article shall be made to the Town Manager on a form which shall be completed by the applicant as specified thereon and shall provide, among other things, a sketch which clearly shows the design of the driveway and the dimensions thereof, **not to exceed twenty (20) feet in width (or two-ten (10) foot widths in a circular configuration) in residential zones, and thirty (30) feet in width for commercial properties.** Provided, however, all such installations shall be constructed so as neither to retain nor impede the flow of water in the gutter line of such driveway, any traversed Town right-of-way and any street and shall comply with handicap requirements when applicable. In addition, a fifteen inch (15”) minimum internal diameter culvert is required. If the proposed driveway complies with the provisions of the GMO, the Town Manager shall issue a Driveway Permit therefore.

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 removing definition 251.125.2 of the

“Manufactured Home,” definition as follows and renumbering following subsections accordingly:

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251.125 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:

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

~~251.125.2 Has a gable roof having a pitch with a minimum vertical rise of four (4) feet for each twelve (12) feet of horizontal run;~~

251.125.2 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;

251.125.3 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;

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

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

251.125.6 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;

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

251.125.8 Is rated for Wind II Zone. “

SECTION 4. That Section 113. “Building Setback Requirements” of Article VI. “General Development Standards” of the Growth Management Ordinance of the Town of Oriental be and the same is hereby amended by adding Subsection 113.11 – ADA Accomodations

113.11 This ordinance is intended to permit reasonable accommodations to citizens with disabilities under The Americans with Disabilities Act (ADA). In the event that a conflict exists between a reasonable accommodation and a requirement of the ordinance, the Planning Board may grant authorization to allow for the accommodation. The request must be made and may be approved for the time required to accommodate the disability. When the need for an accommodation no longer exists, the accommodation must be removed to return the property to GMO compliant condition. An example of this may be considering an encroachment into a required setback, but not into right-of-way, to allow space for an entry ramp to a dwelling.

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

ADOPTED THIS 1st DAY OF JUNE, 2021.

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 amendments are 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 amendments are 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

§ 160D-910. 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 Amendments are 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 amendments are 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 amendments are 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.

May 19, 2021

Richard Flaherty, Planning Board Chair