

AN ORDINANCE TO AMEND THE GROWTH MANAGEMENT ORDINANCE
OF THE TOWN OF ORIENTAL
ORDINANCE 2021-279

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 the Table of Contents be amended as follows:

“ARTICLE VII. SPECIFIC DEVELOPMENT STANDARDS

Section 126. Multi-Unit Development

Section 127. Planned Unit Developments

Section 128. Towers Over 75 Feet Tall

Section 129. Family Care Homes

Section 130. Golf Courses

Section 131. Automobile Service Stations/Gas Sales Operations

Section 132. Car Wash

Section 133. Temporary Emergency, Construction, or Repair Residences

Section 134. Internet Sweepstakes/Electronic Gaming/Tattoo Parlors/Adult Bookstores/Adult Entertainment as permitted under State Law

Section 135. Recreational Vehicle Parks

Section 136. Broad Street Corridor Overlay District

Section 137. Solar Energy Systems

Section 138. Wind Energy Systems-Small”

SECTION 2. That Article VII, General Development Standards, Section 138, Wind Energy Facility, Small, be added as follows:

“Section 138. Wind Energy Facility, Small (Used to power facilities on one parcel)

138.1 A small wind energy facility shall comply with the following standards:

138.1.1 **Amount** Towers and turbines associated with a small wind energy facility shall be limited to a maximum of one per principal use.

138.1.2 **Location and Setback**

138.1.2.1 Small wind energy facilities shall not be located between a principal building and any streets fronting the lot.

138.1.2.2 A small wind energy facility shall be set back a distance equal to 1.5 times its total height from all lot lines and overhead utilities. Guy wires and other support devices shall be set back at least ten feet from all lot lines.

- 138.1.3 Height** The maximum height of a small wind energy system (including the tower and extended blades) shall be 60 feet.
- 138.1.4** The turbine and tower shall be designed to withstand maximum wind speed of 150 MPH.
- 138.1.5** The tower shall be self-supporting tubular tower (monopole); self-supporting lattice tower: or a guyed-lattice type tower with a minimum guy radius of 50% of tower height and a maximum guy radius of 90% of tower height. No portion of the tower or guyed wires will interfere with fire lanes or be placed in rights-of-way.
- 138.1.6 Sound** Sound produced by the wind turbine under normal operating conditions, as measured at a lot line, shall not exceed 55 dBA. The 55 dBA sound level, however, may be exceeded during short-term events that occur beyond the property owner's control, such as utility outages and/or severe wind storms.
- 138.1.7 Appearance** The wind turbine and tower shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray, white, or galvanized steel).
- 138.1.8 Blade Clearance** The blade tip or vane of any small wind energy facility shall have a minimum ground clearance of 15 feet above grade, as measured at the lowest point of the arc of the blades. No blades shall extend over public right of ways, parking, or driveway areas.
- 138.1.9 Lighting** No illumination of the turbine or tower shall be allowed, unless required by the (FAA).
- 138.1.10 Access to Tower** Any climbing rungs shall be removed to a height of 12 feet above grade.
- 138.1.11 Signage Prohibited** No signage may be visible from any public street other than appropriate warning signs or owner identification. In addition no flags, streamers or decorative items may be attached to the wind energy system tower or turbine.

138.2 Abandonment

On determining that a small wind energy facility has been inoperable for 180 days or more, the Land Use Administrator shall send the property owner notice requiring restoration of the system to operating order within 60 days after receiving the notice. If the owner fails to restore the system to operating condition within the authorized time frame, the owner shall be required, at the owner's expense, to remove the wind turbine and the tower for safety reasons. If the owner fails to remove the wind turbine and the tower, the Town may pursue legal action to have the wind turbine and tower removed at the owner's expense.

Sections 138 through 139 Reserved

SECTION 3. This ordinance shall be effective from and after the date of its adoption.

ADOPTED THIS 3rd DAY OF August, 2021.

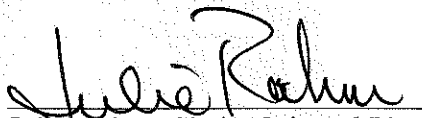
MAYOR

TOWN CLERK

Statement of Zoning Consistency with Adopted Plans

The Planning Board of the Town of Oriental find the action to amend the Growth Management Ordinance Article VII, Specific Development Standards, as presented in the public interest, and consistent with the Town's Land Use Plan, CAMA Plan, and other long range adopted plans in that:

- (1) The proposed development is consistent and not in conflict with the existing development standards of the GMO.
- (2) The proposed Wind Ordinance includes items that prevent future loss on property in Oriental due to hurricane damage.
- (3) The Proposed Ordinance incorporates those items suggested by the State, other counties and municipalities, and is endorsed by the Planning Board.
- (4) 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 these conditions;
- (5) The Planning Board is permitted by GMO Section 20.1.7.1.2 to identify needs and problems growing out of those needs;
- (6) The Planning Board is permitted by GMO Section 20.1.7.1.3 to Determine objectives to be sought in development of the area;
- (7) 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;
- (8) 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;
- (9) The Planning Board is permitted by GMO Section to adopt rules and regulations governing its procedures and operations that are consistent with the provisions of the GMO.



Julie Rahm, Chair, Oriental Planning Board