

CAMDEN COUNTY PLANNING BOARD

Regular Meeting – June 23, 2021

Camden County Planning Board

Regular Meeting

June 23, 2021 7:00 PM

Historic Courtroom, Courthouse Complex

Camden, North Carolina

MINUTES

The regular meeting of the Camden County Planning Board was held on June 23, 2021 in the Historic Courtroom, Camden, North Carolina. The following members were present:

CALL TO ORDER & WELCOME

Planning Board Members, Staff, and Others Present:

Attendee Name	Title / Organization / Representing	Status	Arrived
Calvin Leary	Chairman	Present	6:59 PM
Steven Bradshaw	Vice Chairman	Present	6:50 PM
Rick McCall	Board Member	Absent	
Ray Albertson	Board Member	Present	6:50 PM
Nathan Lilley	Board Member	Present	6:50 PM
Morgan Potts	Planning Director	Present	6:45 PM
Amy Barnett	Planning Clerk	Present	6:35 PM
Amber Curling	Zoning Officer	Present	6:35 PM
Jason Mizelle	Timmons Group, Representing Keeter Barn LLC	Present	6:50 PM

CONSIDERATION OF AGENDA

Motion to Approve Agenda As Presented

RESULT:	PASSED [UNANIMOUS]
MOVER:	Steve Bradshaw, Vice Chairman
SECONDER:	Nathan Lilley, Board Member
AYES:	Leary, Albertson, Bradshaw, Lilley
ABSENT:	McCall

CONSIDERATION OF MINUTES – MARCH 17, 2021

Motion to Approve Minutes from 3-17-21 As Written

RESULT:	PASSED [UNANIMOUS]
MOVER:	Nathan Lilley, Board Member
SECONDER:	Steve Bradshaw, Board Member
AYES:	Leary, Albertson, Bradshaw, Lilley
ABSENT:	McCall

CAMDEN COUNTY PLANNING BOARD

Regular Meeting – June 23, 2021

OLD BUSINESS - None

NEW BUSINESS

A. Rezoning Request - Keeter Barn Landing LLC

Amber Curling described this agenda item and went over the staff report incorporated herein at the end of these minutes as “Attachment A”. Highlights are listed below:

- Keeter Barn Landing LLC is represented by Mr. Jason Mizelle of Timmons Group who is present tonight
- Request is to rezone 41.75 acres located on the southeast corner of Keeter Barn Road and US Hwy 17 from Village Residential (VR) to Suburban Residential (SR).
- Property is located within the 1 mile buffer of the South Mills core village.
- Property was previously rezoned from HC to VR back in 2019.
- Neighborhood meeting was held on May 15, 2021, no neighbors attended.
- There was one phoned inquiry which Mr. Mizelle received. Details were discussed, and there were no apparent concerns.
- Current zoning VR does not allow for conservation subdivisions.
- Requested zoning change is to Suburban Residential (SR).
- Surrounding zoning districts are Rural Residential (RR), Highway Commercial (HC), and Working Lands (WL).
- CAMA Land Suitability is very high.
- Property is not located in the wetlands or in the watershed.
- Flood zone is X.
- Property appears to drain to Joyce Creek.
- Stormwater management plan will be submitted with development plans.
- CAMA Future Land Use Map identifies property as low density residential on 1 or more acres.
- County Comprehensive Future Land Use Map identifies property as 1 to 2 acres residential.
 - Intended to serve as a buffer between the rural preservation areas and more intense development.
- South Mills Water and Camden County Sewer borders the property.
- Current use is farmland, surrounding uses are residential lots, woods, farmland, fire station, and Camden County Waste Water Treatment Plant.
- Rezoning will impact schools and traffic, impact analysis will be required at development stage.
- Comprehensive Transportation Plan does not identify any roads needing or recommended to need improvements.
- Requested rezoning is consistent with the 2035 Comprehensive Plan’s Future Land Use Map which identifies the property as 1 to 2 acre residential.
 - Such areas are intended to serve as a buffer between the rural preservation areas and more intense development.
- Requested rezoning is consistent with the 2005 CAMA Land Use Plan which identifies the property as low density residential.

CAMDEN COUNTY PLANNING BOARD

Regular Meeting – June 23, 2021

- Planning Staff recommends approval.
- 9 special CAMA questions to be considered are in the board packet and can be gone over if there are any questions about those.
- Jason Mizelle is here to answer any questions the board may have.

At this time, Ms. Curling yielded the floor to Mr. Mizelle who spoke briefly regarding this request.

Jason Mizelle, Timmons Group, Representing Keeter Barn Landing LLC

- Spoke about the previous owners of the property, when they had it rezoned from HC to VR back in 2019
- Current owner purchased property and looking for development options
- One key sticking point between VR and SR is the ability to create conservation subdivisions which are allowed in SR but not VR
- Open space considerations, active vs. urban open space, neither type of open space takes into consideration stormwater management requirements
- VR requirements of open space plus stormwater management features doesn't leave a lot of usable land for development, SR leave a lot more.
- SR allows for other options with regard to stormwater management, trees, and other features can be used which shouldn't affect stormwater runoff for downstream properties.
- Don't want any negative impacts on drainage, best way is to do a conservation development.
- Surrounding area homes are on ½ to 1 acre lots, will fit in with what is in the area.
- Shouldn't increase traffic.

At this time, Chairman Calvin Leary asked if there were any questions from the board, hearing none, he called for a motion.

Motion to Approve UDO 2021-05-33 Rezoning Request - Keeter Barn Landing LLC as Presented

RESULT:	PASSED [UNANIMOUS]
MOVER:	Steve Bradshaw, Vice Chairman
SECONDER:	Ray Albertson, Board Member
AYES:	Leary, Albertson, Bradshaw, Lilley
ABSENT:	McCall

CAMDEN COUNTY PLANNING BOARD

Regular Meeting – June 23, 2021

B. Text Amendments to Camden County Code of Ordinances

Morgan Potts, Planning Director, described this agenda item and went over the text amendments which are incorporated herein at the end of these minutes as "Attachment B":

- Text amendments are basically house keeping measures to fix some minor typographical errors, and some inconsistencies within the sign standards for commercial districts in the UDO.
- Asking not to consider correction #1, will bring this back at the next Planning Board meeting.
- Items 2-6 are housekeeping measures to replace some confusing verbage with easier to understand language.
- Included in board package is a marked up copy of 5.14.11 Sign Standards in Commercial Districts from the UDO. This is included to show where the recommended corrections are.
- The only change that is somewhat substantial is item #6, "Projecting Sign, Column 5:Additional Standards".
 - Adding language to read "No portion of the sign may be located within three feet of the curb and gutter or street paving".
 - Reason for change is if there is a sidewalk, is it extending into the right of way or is it a street with no sidewalk; this clarifies how far a sign can extend.
- Item # 7 removes the bottom footer because it is duplicated language
- Item # 8 changes the table number from 0 to 2
- Recommended that Planning Board approve housekeeping measures with the exception of #1 and #7 which staff will bring back to the Planning Board at the next meeting.
- Another part of this text amendment is to amend chapter 151 so that certain General Statute references refer to the new GS§160D; specifically with reference to a newly drafted section of the UDO for Vested Rights, Vested Rights Determinations, and Permit Choice
- Drafted a new section: 1.13.6 through 1.13.10, these are new to the UDO and will make the UDO sync to what's found in the general statutes
- Use to be that there were general statutes for counties, for municipalities, for cities, and so on. The state has combined all of these into one place, Chapter 160D.
- New language establishes a clearer procedure for Vested Rights Claims and for Appeals
- Further establishes that development approvals (approved by staff) are valid for one year as long as work has begun.
- Site specific development plans are now called Site specific vesting plans
- Multiphase developments, required acreage has been reduced from 100 acres to 25 acres.
- Vested rights run with the land, and not with the ownership.
- Noted a small typo in section 1.13.9 where a reference was left out, in between the "<>", a reference to section "1.13.8 - Duration" should be placed there.

CAMDEN COUNTY PLANNING BOARD

Regular Meeting – June 23, 2021

- Transfer Plats (not initially included in board package, hand out given to members at meeting)
- Adding provision that may alter the restriction on transfer plats in situations which are involuntary such as foreclosures, court orders (divorce, bankruptcy, etc), or the death of the land owner.
- Renaming 2.3.27 Vested Rights Determination to 2.3.27 Permit Choice and Vested Rights
- The only change to section 2.3.27 is that an applicant does not have to await the outcome of changes before they can act on a development permit

Ms. Potts concluded her presentation and asked if the board had any questions for her.

Nathan Lilley asked if it would be better to table all of this and come back to it in order to give the board more time to consider it. Ms. Potts responded that it would be the board's prerogative. She reminded the board that the recommendation of staff with regards to section 5.14.11 Sign Standards in Commercial Districts is to approve #'s 2-6 and #8 and for staff to bring back #1 and #7 to the next Planning Board meeting.

Steve Bradshaw inquired as to where the one year provision was located in the amendment relating to duration of development approvals which is located in section 1.13.8(B) Development Approvals. This section requires that the applicant must do some kind of work within one year of obtaining their approval or the approval expires and the process must be repeated.

Amber Curling noted that back in January 2021 when the changes were made to the UDO to make it consistent with the General Statutes, there were a few things that were left out, Vested Rights was one of those things. She further stated that there is no choice but to do these amendments because the state is requiring this.

Nathan Lilley asked if there was anything being considered that was not a requirement of the state or if all of the text amendment was to bring the UDO into sync with the state statutes. Ms. Potts confirmed that was the case.

Ms. Curling commented that the majority of the text amendment is to correct typographical errors by the deadline of August 1, 2021.

Nathan Lilley asked if the amendments for multi-phase developments which changes the acreage requirements were all to correct the UDO to what is in the general statutes. Ms. Potts confirmed this and said that since it's what's in the general statutes, Camden doesn't have an option on that.

CAMDEN COUNTY PLANNING BOARD

Regular Meeting – June 23, 2021

Steve Bradshaw asked for clarification sake if the signage items 2-6 and 8 were just typographical corrections and that 1 and 7 are not being considered. Ms. Potts replied that was correct. Mr. Bradshaw further commented that he thinks these should be approved.

Mr. Lilley asked what was different about the other two. Ms. Potts made a suggestion to put aside the signage changes (bring them back at a future meeting) and consider only those changes that will bring the UDO into sync with the general statutes such as vested rights, permit choice, etc.

Ms. Potts commented regarding Mr. Bradshaws earlier question regarding the one year provision. Ms. Potts stated that she found exactly where it was located. Ms. Potts read a section of code that states that development approvals are valid for one year unless specified otherwise by statute or by local ordinance. After one year, the approval expires if the applicant has not substantially commenced work. This one year vested right does not limit longer vesting that may be established by other statutory vested rights or by common law vested rights. If desirable, the local government may by local ordinance specify terms for development approvals such as subdivision, plat, site plan, special use permit, etc.

Chairman Calvin Leary commented that if the state requires it that the County has no choice. Chairman Leary asked if there was any further discussion, hearing none he entertained motions.

Motion to Approve the Sign Standards in Commercial Districts in part, specifically 5.14.11 numbers 2 through 6 and number 8, and table numbers 1 and 7.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Steve Bradshaw, Vice Chairman
SECONDER:	Nathan Lilley, Board Member
AYES:	Leary, Albertson, Bradshaw, Lilley
ABSENT:	McCall

Motion to Approve the text amendment relating to exceptions to the 5 year rule on Transfer Plats (amendment to Section 2.3.24).

Ms. Potts stated that this simply adds exceptions to the 5 year rule for things that are out of the land owner's control and are considered involuntary transfers such as foreclosures, court orders (divorce, bankruptcy, etc), or the death of the land owner.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Ray Albertson, Board Member
SECONDER:	Steve Bradshaw, Vice Chairman
AYES:	Leary, Albertson, Bradshaw, Lilley
ABSENT:	McCall

CAMDEN COUNTY PLANNING BOARD

Regular Meeting – June 23, 2021

Motion to Approve the amendments relating to Vested Rights and Permit Choice (Sections 1.13 and 2.3.27) that bring the UDO into sync with General Statute 160D as presented by staff with the addition of the correction to 1.13.9 which adds the reference to 1.13.8 Duration in between the brackets shown in that section.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Nathan Lilley, Board Member
SECONDER:	Ray Albertson, Board Member
AYES:	Leary, Albertson, Bradshaw, Lilley
ABSENT:	McCall

INFO FROM BOARD AND STAFF

None.

CONSIDER DATE OF NEXT MEETING - JULY 21, 2021

Next meeting will be on July 21, 2021 unless there are no matters to bring before the board.

ADJOURN

Motion to Adjourn

RESULT:	PASSED [UNANIMOUS]
MOVER:	Ray Albertson, Board Member
SECONDER:	Steven Bradshaw, Vice Chairman
AYES:	Leary, Albertson, Bradshaw, Lilley
ABSENT:	McCall

*Chairman Calvin Leary
Camden County Planning Board*

ATTEST:

*Amy Barnett, Clerk
Camden County Planning Department*

See Next Page For Beginning of Attachments

STAFF REPORT

UDO 2021-05-033 Zoning Map Amendment For Keeter Barn Landing LLC.

PROJECT INFORMATION

File Reference: 2021-05-033
Project Name: Keeter Barn Landing LLC.
Rezoning
PIN: 01-7080-00-30-7405-0000

Applicant: Keeter Barn Landing, LLC.
Address: 1545 North Road Street
Elizabeth city, NC 27909

Phone: 252-207-5027
Email: sales@sicarioproperties.com

Agent for Applicant: Same as Owner
Address:

Phone:
Fax:
Email:

Current Owner of Record:
Keeter Barn Landing LLC

Meeting Dates:
May 5, 2021 **Neighborhood Meeting**
June 16, 2021 **Planning Board Meeting**

Application Received: 5/25/2021
By: Amber Curling, Planning

Application Fee paid: \$970.00 Ck#: 10006

Completeness of Application: Application is generally complete

Documents received upon filing of application or otherwise included: (All Documents in Pkg)

- A.** Rezoning Application
- B.** Consent Letter
- C.** Site Plan
- D.** Deed
- E.** GIS Aerial, Current zoning, Comprehensive Plan Future Land Use and CAMA Land Use Plan Suitability Maps
- F.** Neighborhood Meeting Comments
- G.** Zoning Comparison VR & SR

REQUEST: Keeter Barn Landing, LLC is requesting a Zoning Map Amendment from Village Residential Zoning District to Suburban Residential Zoning District.

Proposed Use(s) – The proposed use is to develop into a subdivision. However, any use permitted for Suburban Residential in the UDO and Article 151.4.3.10 Principle Use Table will be allowed.

Description/History of property: The property is located in South Mills on the south east corner of Keeter Barn Road and US Hwy 17. The parcel ID number for the approximately 41.75 acres is 01-7080-00-30-7405-0000. The property is being used as farmland in the South Mills Township. The property was previously rezoned from Highway Commercial to Village Residential with UDO 2019-03-04 and Ordinance 2019-03-01. This application is to request rezoning of the property from the Village Residential Zoning District to Suburban Residential Zoning District.

Zoning Map Amendment from the Village Residential Zoning District:

Village Residential (VR) Purpose Statement (Article 151.3.5.6)

The Village Residential (VR) district is established to accommodate a wide range of residential and institutional use types at modest densities on lots within and adjacent to designated village centers. The district allows duplexes, live/work units, single-family attached, and single-family detached dwellings, but does not allow mobile homes, manufactured homes, or conservation subdivisions. As a means of creating compact, functional neighborhoods, the district also allows a wide variety of institutional uses, including community centers, day care, schools, assisted living, religious institutions, parks, and utilities. Lots served by public sewer may have reduced minimum lot sizes and building height is measured from the base flood elevation. District regulations are intended to support the County's investment in infrastructure by encouraging the development of compact, vibrant neighborhoods with a variety of house sizes and types that are located in close proximity to complementary institutional uses. Low density development comprised of uniform building types or styles is discouraged.

Zoning Map Amendment to Suburban Residential Zoning District:

Suburban Residential (SR) Purpose Statement (Article 151.3.5.5)

The Suburban Residential (SR) district is the County's primary district for suburban residential neighborhoods located along primary roadways, shoreline areas, and in locations bordering rural areas. The district has a one-acre minimum lot area requirement, which is the basic threshold size for lots with on-site wastewater systems. Use of the conservation subdivision configuration is optional for residential subdivisions. While the district allows single-family detached homes, mobile homes on individual lots are prohibited. Nonconforming mobile homes may remain but may not be expanded or replaced with another mobile home. The district accommodates equestrian uses, utilities, as well as various neighborhood-supporting institutional uses such as parks, schools, and public safety facilities. District regulations discourage uses that interfere with the development of residential neighborhoods or that are detrimental to the suburban nature of the district.

SITE DATA

Size of Lot: Approximately 41.75 acres
Flood Zone: X
Zoning District(s): Village Residential
Existing Land Uses: Farmland

Adjacent Zoning & Uses:

	North	South	East	West
Zoning	Rural Residential	Highway Commercial (HC)	Highway Commercial (HC)	NA
Use	Residential Lots	Residential Lots, Woods, Farmland	South Mills Fire Station	US 17 Highway

INFRASTRUCTURE & COMMUNITY FACILITIES

Water: Water lines are located adjacent to property

Sewer: Sewer lines are located adjacent to property

Fire District: South Mills Fire District.

Schools: Proposed zoning will have an impact on Schools.

Traffic: Proposed zoning will have impact on Traffic. A Traffic Impact Analysis

A Development Impact Analysis is required at preliminary plat development stage which includes:

- Physical Analysis
- Housing market Analysis
- Water & Sewer Impact Analysis
- Fiscal Analysis
- Traffic Analysis

Comprehensive Transportation Plan

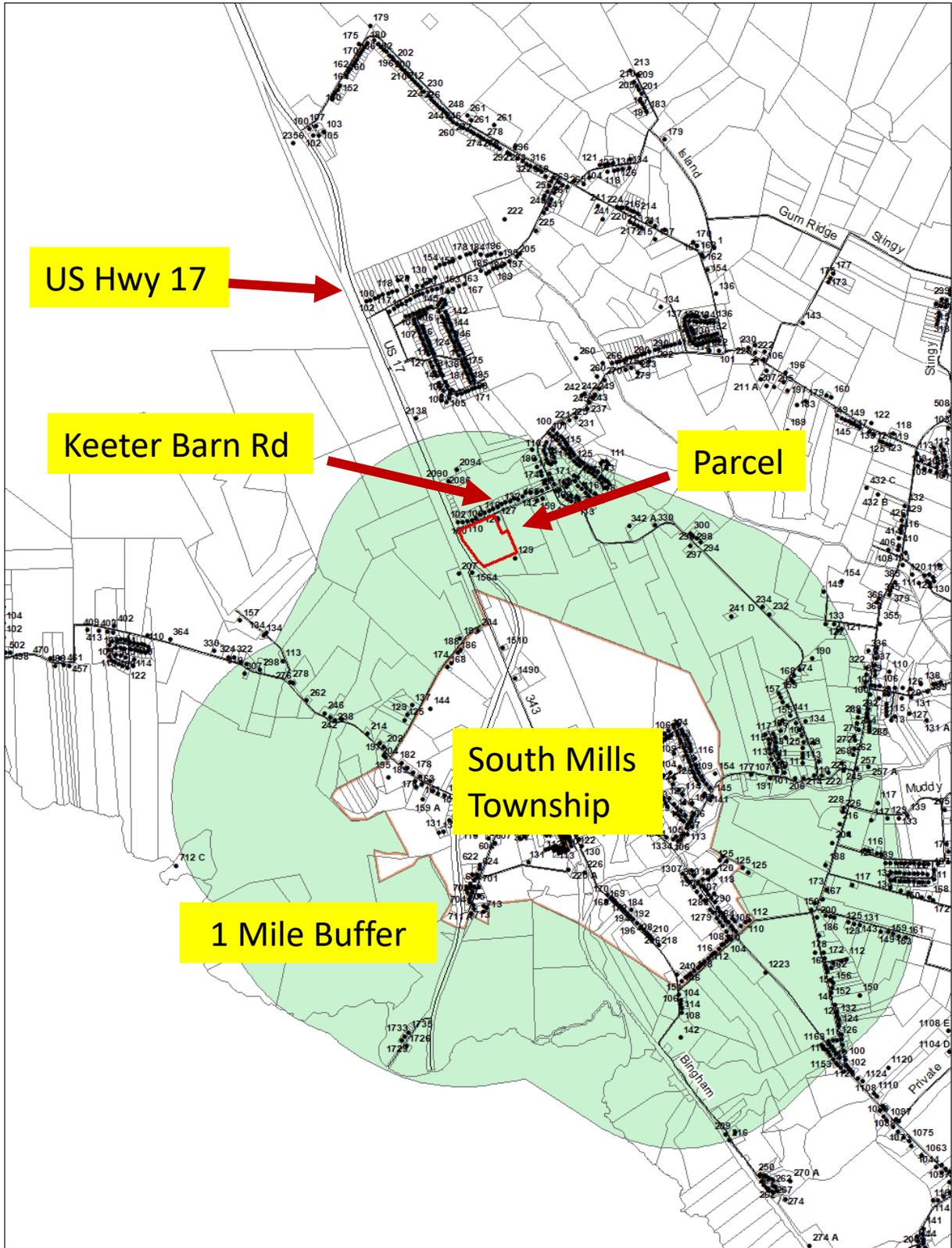
Consistent Inconsistent

Property abuts Keeter Barn Road and US Hwy 17

Other Plans officially adopted by the Board of Commissioners

NA

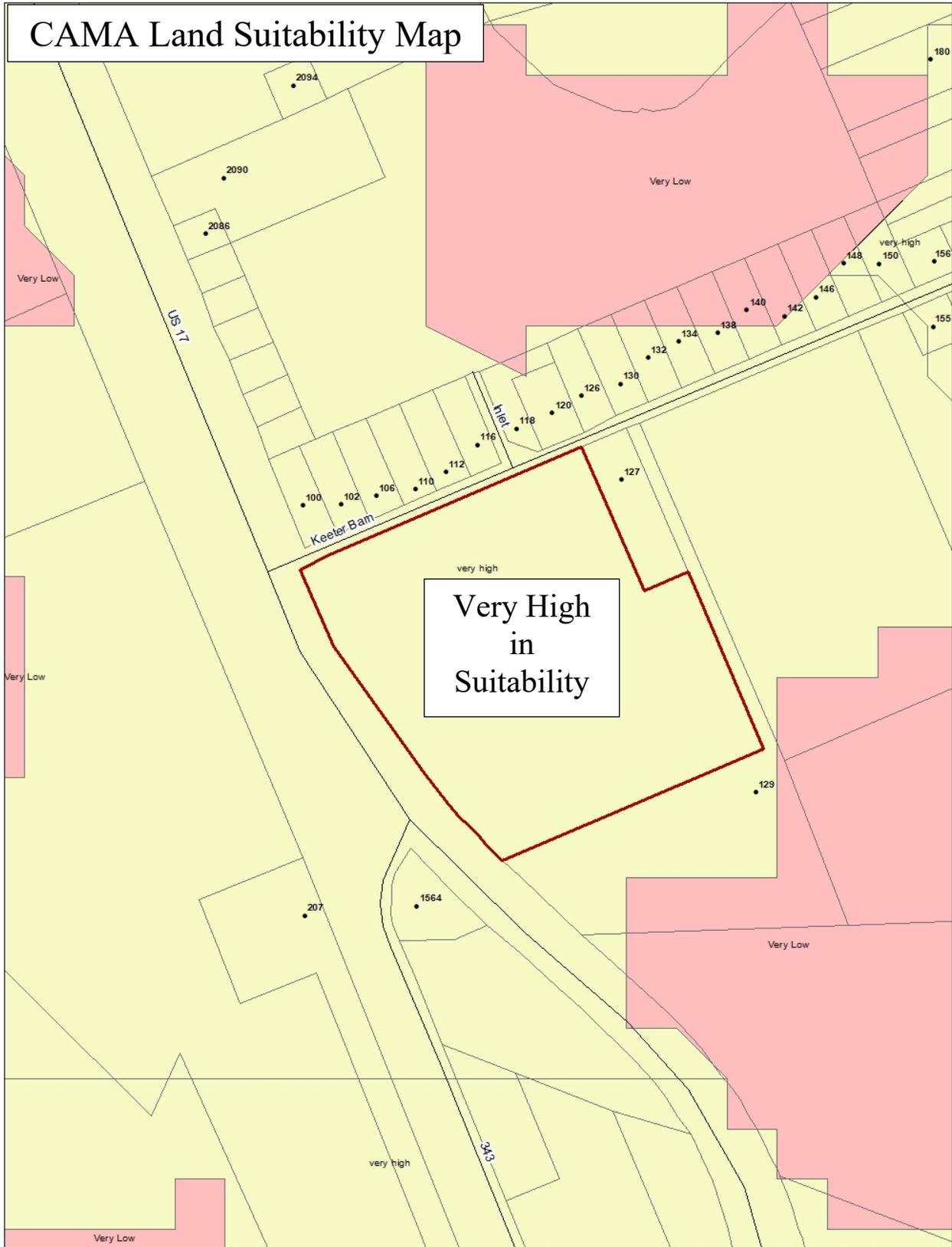
Vicinity Map:



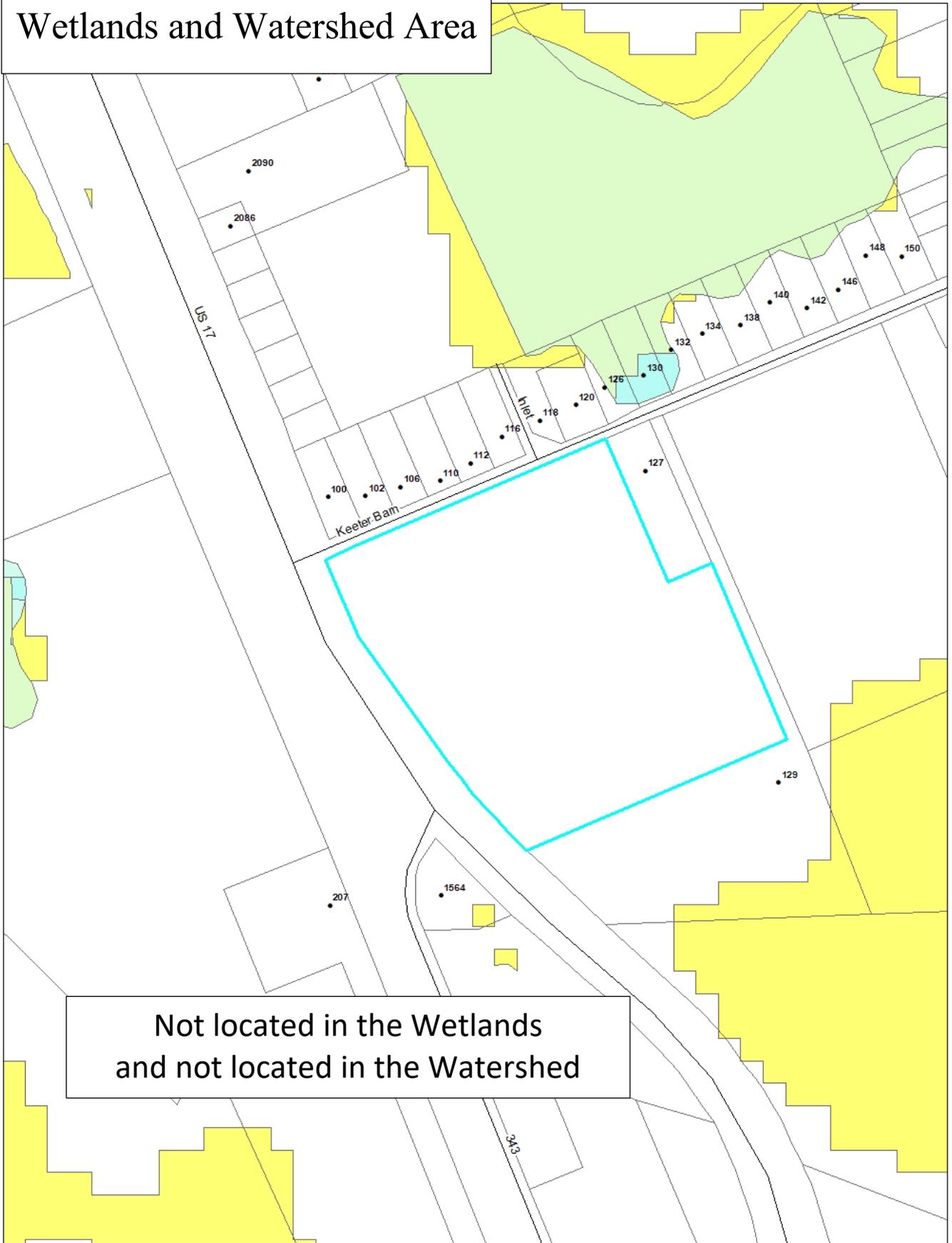
Zoning Map:



CAMA Land Suitability Map



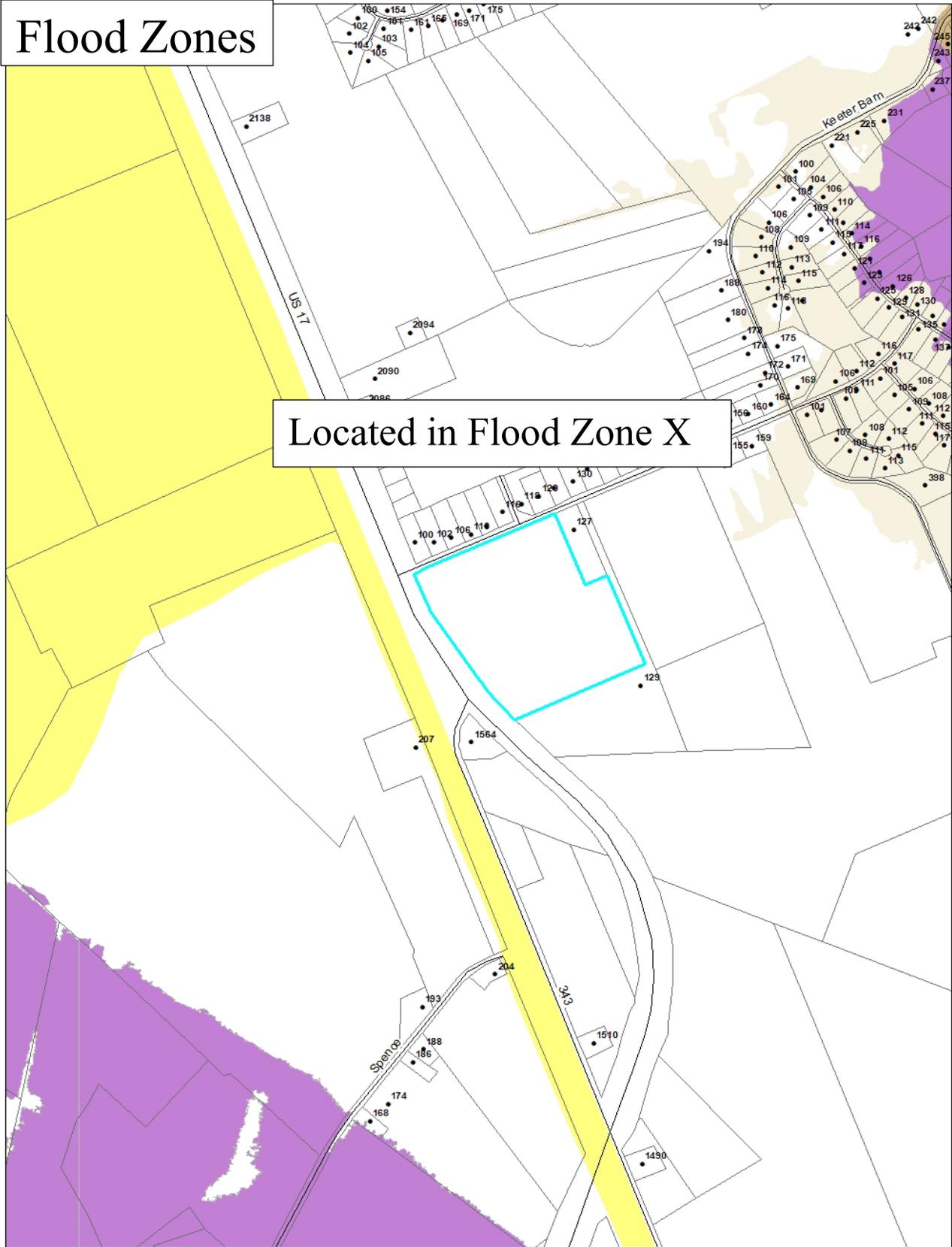
Wetlands and Watershed Area



Not located in the Wetlands
and not located in the Watershed

Flood Zones

Located in Flood Zone X



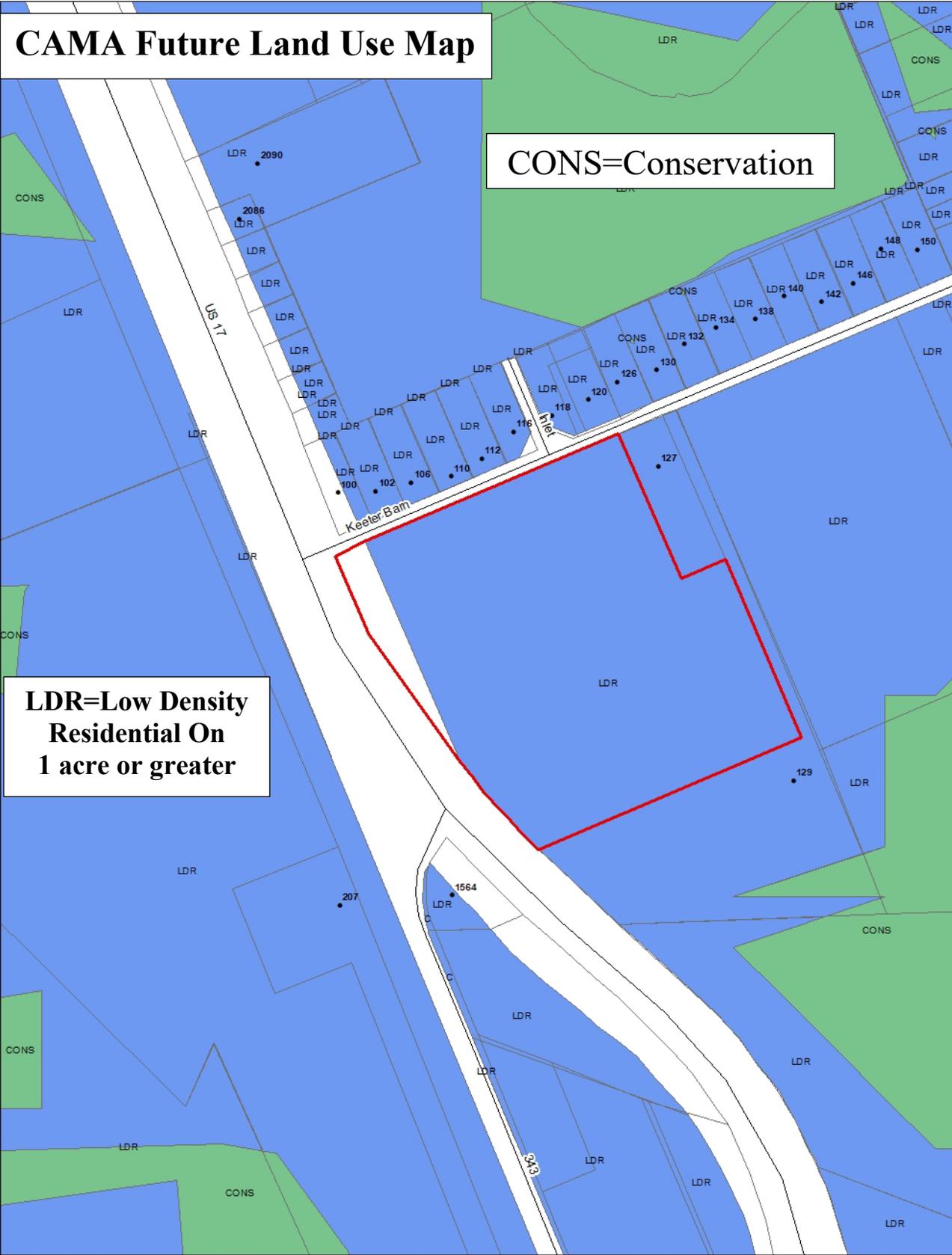
Drainage It appears the property drains to Joyce Creek. Stormwater Management Plan will be submitted with Development Plans

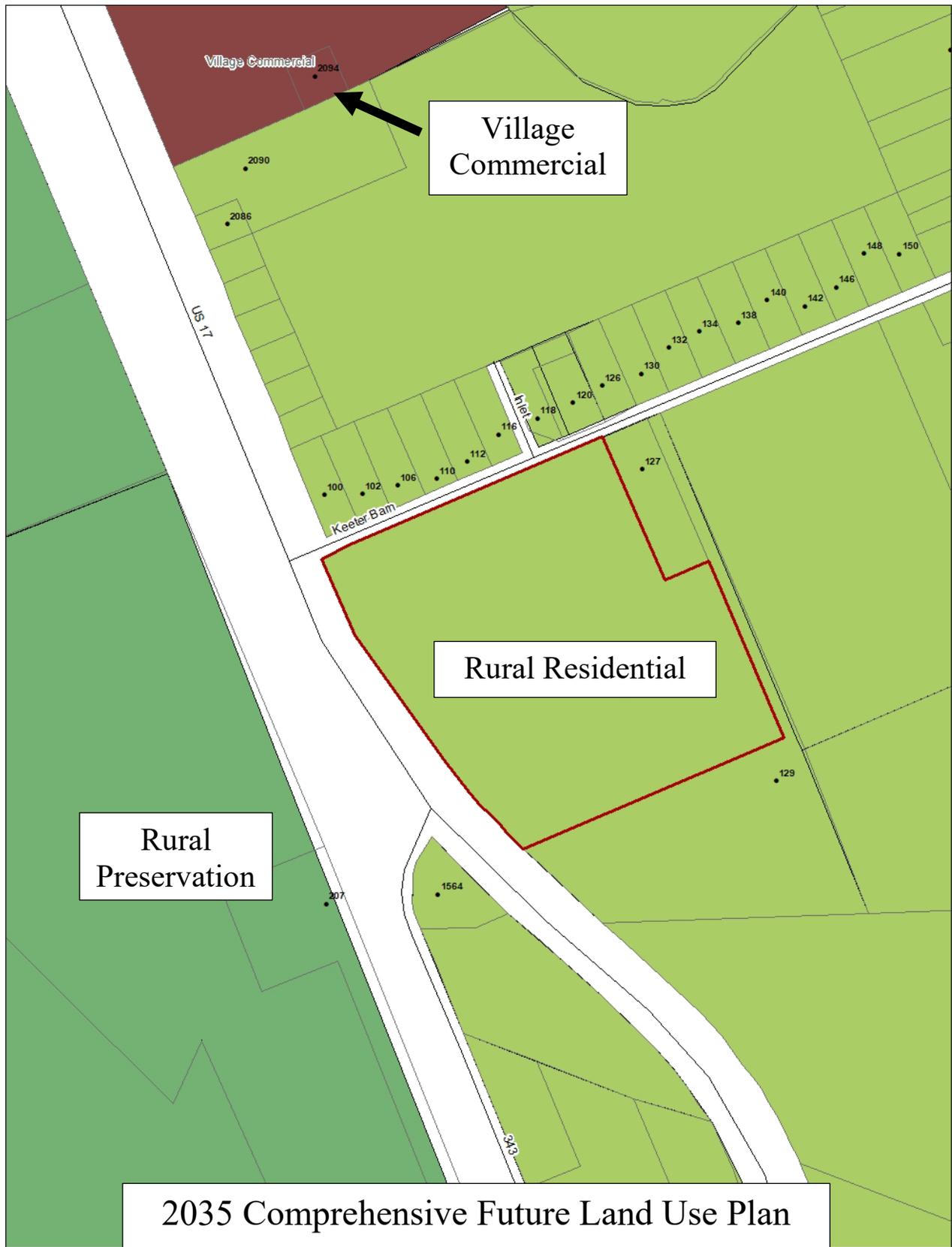


CAMA Future Land Use Map

CONS=Conservation

LDR=Low Density Residential On 1 acre or greater





South Mills Water and Camden County Sewer borders the property



Aerial Map



Goal when Reviewing of Zoning Regulations in accordance with the Camden County Land Use Plans is to make sure the project is designed to:

- to lessen congestion in the streets;
- to secure safety from fire, panic, and other dangers;
- to promote health and the general welfare;
- to provide adequate light and air;
- to prevent the overcrowding of land;
- to avoid undue concentration of population; and
- to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements

SPECIFIC CAMA LAND USE QUESTIONS FOR THE PLANNING BOARD TO CONSIDER:

1. Does Camden County need more land in the zoning class requested?

In Camden County 0.63% is zoned Village Residential and 1.79% is zoned Suburban Residential. In the South Mills Township 0.35% is zoned Village Residential and 2.05% is zoned Suburban Residential.

2. Is there other land in the county that would be more appropriate for the proposed uses?

Suburban Residential would work well in many areas.

3. Is the entire range of permitted uses in the requested classification more appropriate than the range of uses in the existing classification?

CAMA Future Land Use Map identifies the property as Low Density Residential

4. Will the request have serious impact on traffic circulation, parking space, sewer and water services, other utilities?

The proposed rezoning uses will not impact any public facilities more than current the zoning. The Preliminary Plat Application will require a Development Impact Statement. The Development Impact Statement is determined by the Physical Analysis, Housing Market Analysis Water Analysis, Sewer Analysis, Fiscal Analysis and Traffic Analysis.

5. Will the request have an impact on other county services, including police protection, fire protection or the school system?

The proposed rezoning uses will not impact any services more than current the zoning. The proposed zoning uses will have an impact on all public services. The specific service and to what extent the impact will be projected during the development approval process of the property, using recommendations from the Technical Review Committee.

6. Is there a good possibility that the request, as proposed, will result in lessening the enjoyment or use of adjacent properties?

All permitted uses in the requested zoning classification should not lessen the enjoyment or use of any adjacent properties.

7. Will the request, as proposed cause serious noise, odors, light, activity, or unusual disturbances?

All uses permitted in the requested zoning classification should not cause any serious noise, odors, light activity, or unusual disturbances.

8. Does the request raise serious legal questions such as spot zoning, hardship, violation of precedents, or need for this type of use?

The request does not raise serious legal questions.

9. Does the request impact any CAMA Areas of Environmental Concern?

No, the parcel of property in question does not include any areas of environmental concern.

Summary and Recommendations

CONSISTENCY with PLANS and MAPS

2035 Comprehensive Plan

Consistent Inconsistent

The County's Comprehensive Future Land Use Map, adopted in 2012 by the Camden County Board of Commissioners, shows the property as identified as One to Two Acre Rural Residential. The Comprehensive Plan Rural Residential areas are intended to serve as a buffer between rural preservation areas and more intense development.

CAMA Land Use Plan Policies & Objectives:

Consistent Inconsistent

The proposed zoning change is consistent with the CAMA Land Use Plan, adopted by the Camden County Board of Commissioners on April 4, 2005. The CAMA Future Land Use Maps has the property identified as Conservation as Low Density Residential.

Planning Staff Recommendation:

Planning Staff recommends approval of the zoning map amendment application (UDO 2021- 05-33) of the Keeter Barn Landing LLC parcel on Keeter Barn Rd and US Hwy 17 from Village Residential to Suburban Residential.

Ordinance No. 2021-05-01

An Ordinance Amending the Camden County Code of Ordinances

Camden County, North Carolina

BE IT ORDAINED BY THE CAMDEN COUNTY BOARD OF COMMISSIONERS as follows:

Article I: Purpose

The purpose of this Ordinance is to amend Chapter 151 of the Camden County Code of Ordinances of Camden County, North Carolina, which was originally adopted by the County Commissioners on January 1, 1998, and subsequently revised February 4, 2019 and subsequently amended, and as otherwise incorporated into the Camden County Code.

Article II. Construction

- A. For the purposes of correcting minor typographical errors and inconsistencies observed within Section 5.14 "Sign Standards in Commercial Districts", and the related visual representation in the UDO.
- B. For the purposes of this Ordinance the Table in Article III relates strictly to changes in the General Statute citations from either 160A or 153A to the new General Statute 160D which combines the previous statutes. The table shows the page that the citation occurs, the citation deleted and the citation added.
- C. For purposes of this Ordinance, Article IV relates to substantive changes required by the new General Statute 160D in which underlined words (underline) shall be considered as additions to existing Ordinance language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. New language of proposed ordinance shall be shown in italics (*italics*) and underlined.

Article III. Amend Chapter 151 as amended of the Camden County Code follows:

Section	From (Deletion)	To (addition)
1.13.6, 1	143-755	160D
1.13.6, 2	143-755	160D
151.2	2.3.37 Vested Rights Determination	PERMIT CHOICE AND VESTED RIGHTS
1-5	153A-340	160D-903
1-6	160A and 153A-340	160D605
	160A-383	160D-701

Planning Staff has identified multiple inconsistencies and errors in the visual reference of “Sign Standards in Commercial Districts”, Section 5.14. Planning staff proposes the following corrections be recommended for approval to the Board of Commissioners:

5.14.11. SIGN STANDARDS IN COMMERCIAL DISTRICTS

1. Pg. 5-68; Table 0: Sign Standards in Commercial District: Example A, top: 20 Linear Feet of Wall Frontage = 20 sf
RECOMMENDED CORRECTION: 30 to match the math in “Maximum Face Area”
2. Pg. 5-68: Insert Header above second example (see mark up). **RECOMMENDED CORRECTION: “Type of Sign/Maximum Face Area/Maximum Height/Maximum Number of Signs Per Lot/Additional Standards”.**
3. Pg. 5-68: Window Sign, Column 5: ~~“May be substituted for some or all of allowable wall sign area”~~. **RECOMMENDED CORRECTION: Remove entirely. Confusing verbiage.**
4. Pg. 5-68: Table 0: Sign Standards in Commercial District: Example A, bottom:
RECOMMENDED CORRECTION: Remove entirely. Confusing correct example to 50% for consistency. Total should be 42.
5. Pg. 5-69: “Table 0”. **RECOMMENDED CORRECTION: Correct to Table 1.**
6. Pg. 5-69, “Projecting Sign, Column 5: “Additional Standards”: “No portion of the sign may be located within three feet of the **curb and gutter** or street paving”
RECOMMENDED CORRECTION: Addition of curb and gutter.
7. Pg. 5-69: Bottom Footer: **RECOMMENDED CORRECTION: Remove; duplicate.**
8. Pg. 5-70: “Table 0”. **RECOMMENDED CORRECTION: Correct to Table 2.**

ARTICLE 151.5 Development Standards

5.14 Signage

5.14.11 Sign Standards in Commercial Districts

5.14.11. SIGN STANDARDS IN COMMERCIAL DISTRICTS

Signs on lots in the commercial districts other than the MX district shall comply with the requirements in Table 0: Sign Standards in Commercial Districts.

TABLE 0: SIGN STANDARDS IN COMMERCIAL DISTRICT				
TYPE OF SIGN	MAXIMUM FACE AREA [1] [2]	MAXIMUM HEIGHT	MAXIMUM NUMBER OF SIGNS PER LOT	ADDITIONAL STANDARDS [3]
Wall Sign on Front Façade	Greater of: 1.5 sf per linear foot of wall frontage, or 5% of wall area	Below the top of the roof, soffit, eave or parapet, whichever is highest	No limit	Wall signs shall not project more than 12 inches outwards from the wall
Wall Sign on Side or Rear Façade fronting a street	½ sf per linear foot of wall frontage			
<p><i>Doesn't Match</i></p> <p>A Maximum Front Façade Sign Face Area Calculation Greater of: 20 Linear Feet of Wall Frontage = 20 sf or Front Façade Wall Area = 20' x 25' = 500 sf Maximum Sign Face Area = 500 sf x .05 = 25 sf</p> <p><i>1.5 per 20' or 1 per 20'</i></p>				
Window Sign	50% of total window and glass door area	Top of ground floor window or door	No limit	May be substituted for some or all of allowable wall sign area
<p><i>Needs Heading</i></p> <p><i>Is it 25% or 50%</i></p> <p>A Maximum Sign Face Area Calculation Total Window Area: 3 @ 3' x 4' + 2 @ 6' x 4' = 84 sf Maximum Sign Face Area = 84 sf x .25 = 21 sf</p> <p><i>50 42sf</i></p>				

ARTICLE 151.5 Development Standards

5.14 Signage

5.14.11 Sign Standards in Commercial Districts

Table 0?

TABLE 0: SIGN STANDARDS IN COMMERCIAL DISTRICT

TYPE OF SIGN	MAXIMUM FACE AREA [1] [2]	MAXIMUM HEIGHT	MAXIMUM NUMBER OF SIGNS PER LOT	ADDITIONAL STANDARDS [3]
Projecting Sign	12 sf per side	Below the roof, soffit, or parapet [4]	1	No portion of the sign may be located within three feet of the street paving
<p>A Maximum Sign Face Area 12' per side</p> <p>B 3' Minimum Distance to Street Paving</p> <p>C 8' Minimum Clearance</p>				
Awning Sign	In accordance with wall sign standards	Awnings on ground floor only	1	None
<p>Sign Copy Area on Ground Floor Awning Only</p> <p>Signage on Awning Face Counted as Wall Signage</p>				
Freestanding Sign 10' or more from ROW	64 sf total	15 feet above adjacent roadway grade	1	Freestanding signs shall include a vertical skirt with a minimum width at least 25% of the width of the sign face width
Freestanding Sign 10' or more from ROW serving a multi-building use	2-6 tenants: 88 sf; 7-14 tenants: 112 sf; 15+ tenants: 136 sf	20 feet above adjacent roadway grade	1 per street frontage	

What about adding to curb side gutter in consideration?

Page Break

Remove on next page

ARTICLE 151.5 Development Standards

5.14 Signage

5.14.11 Sign Standards in Commercial Districts

TABLE 0: SIGN STANDARDS IN COMMERCIAL DISTRICT

TYPE OF SIGN	MAXIMUM FACE AREA [1] [2]	MAXIMUM HEIGHT	MAXIMUM NUMBER OF SIGNS PER LOT	ADDITIONAL STANDARDS [3]
Freestanding Sign less than 10' from ROW	48 sf total	12 feet above adjacent roadway grade	1 per lot	Signs shall not be closer than 5 feet from the street right-of-way
Freestanding Sign less than 10' from ROW serving a multi-building use	2-6 tenants: 68 sf; 7-14 tenants: 88 sf; 15+ tenants: 108 sf	15 feet above adjacent roadway grade	1 per street frontage	Freestanding signs shall include a vertical skirt with a minimum width at least 25% of the width of the sign face width
<p>LEGEND</p> <ul style="list-style-type: none"> A Maximum Sign Face Area 64 sf B 5' Minimum Distance from Street Right-of-Way C 20' Maximum Height 				
Monument Sign	50 sf per side	6 feet above grade	2	Signs shall be located at least five feet from a lot line and at least ten feet from the street right-of-way
<p>LEGEND</p> <ul style="list-style-type: none"> A Maximum Sign Face Area 50 sf per side B 6' Maximum Height Above Grade C 5' Minimum Distance from Lot Line D 10' Minimum Distance from Street Right-of-Way 				
Portable Sign	24 inches by 36 inches	4 feet above grade	2	Signs shall be located at least five feet from a lot line and at least ten feet from the street right-of-way

Need headings

1.13. VESTED RIGHTS

1.13.6 PROCESS TO CLAIM VESTED RIGHT

- A. A landowner seeking to claim a vested right shall submit information to substantiate their claim of vesting status along with an application for a determination in accordance with Section 2.3.27, Vested Rights Determination Procedure
- B. Appeal of a decision on a determination application may be filed with the Board of Adjustment in accordance with Section 2.3.5, Appeal.

1.13.7 EFFECT OF A VESTED RIGHT

- A. Development approvals that have an established vested right in accordance with Section 160D-108 of the North Carolina General Statutes and this section shall preclude any action by the County that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property authorized by the development approval, except where a change in State or federal law occurs and has a retroactive effect on the development or use.
- B. Except when subject to sub-section C below, amendments to this Ordinance shall not be applicable to any of the following development approvals after they are vested:
 - 1. Building or uses of land for which a development permit application has been submitted and approved in accordance with this Ordinance and Section 160D-108 of the North Carolina General Statutes;
 - 2. Subdivisions of land for which a subdivision application has been submitted and approved in accordance with this Ordinance and Section 160D-108 of the North Carolina General Statutes;
 - 3. A site-specific vesting plan approved in accordance with this Ordinance and Section 160D-108.1 of the North Carolina General Statutes;
 - 4. A multi-phase development approved in accordance with this Ordinance and Section 160D-108 of the North Carolina General Statutes; and
 - 5. A vested right established by the terms of an approved development agreement in accordance with this Ordinance and Article 10 of Chapter 160D of the North Carolina General Statutes.
- C. Amendments to this Ordinance shall apply to vested development approvals if:
 - 1. A change to State or federal law occurs and has a retroactive effect on the development or use;
 - 2. There is written consent to be subject to the amendment by the landowner;
 - 3. The development approval expires; or
 - 4. The development is not undertaken or completed in accordance with the approval.

1.13.8 DURATION

Vested rights shall commence upon approval of a development application and shall continue through the maximum duration periods established in this section.

A. BUILDING PERMITS

The issuance of a building permit establishes a vested right to development for a period of six months, as long as the building permit complies with the terms and conditions of approval of that building permit.

B. DEVELOPMENT APPROVALS

Except for building permits, site-specific vesting plans, development agreements, and multi-phase developments, any development approval under this Ordinance shall be vested from changes in this Ordinance for a period of one year from the date of approval, provided the development subject to the approval complies with all applicable terms and conditions.

C. SITE SPECIFIC VESTING PLANS

1. Camden County shall provide for rights to be vested for a period at minimum two years but not to exceed five years where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions or other considerations. These determinations are in the sound discretion of Camden County and shall be made following the process specified for the particular form of a site-specific vesting plan involved in accordance with subsection (C) of this section.

2. Site-specific vesting plans meeting the definition of a multi-phase development shall be vested in accordance with Section 1.13.7.D, Multi-Phase Developments.

D. MULTI-PHASE DEVELOPMENTS

1. A multi-phase development plan that occupies at least 25 acres of land area, is subject to a master plan that depicts the types and intensities of all uses as part of the approval, and includes more than one phase shall be considered as a multi-phase development plan that is granted a vested right to develop for a period of seven years from the date of approval of the first site plan associated with the development.

2. Vesting shall commence upon approval of the site plan for the first phase of the development.

3. The vested right shall remain in affect provided the development does not expire and provided it complies with all the applicable terms and conditions of the approval.

E. DEVELOPMENT AGREEMENTS

A development agreement shall be vested in accordance with the vesting term identified in the development agreement.

1.13.9 TERMINATION

A. Vested rights established in accordance with this Ordinance shall run with the land.

B. In no instance shall vesting status extend beyond the maximum duration for the type of development application approval identified in Section <>, Duration.

C. In no instance shall the vesting status of a development approval continue after the development approval expires or if the development approval is revoked for failure to comply with the terms of the approval or of this Ordinance.

D. In no instance shall the vesting status of a development approval continue after it is determined that the development approval was based upon intentional inaccurate information or material misrepresentations.

E. In no instance shall vested rights continue if the Board of Commissioners finds, after a duly noticed public hearing, that natural or man-made hazards resulting from the development would result in a serious threat to public health, safety, or welfare if the development were to be continued or completed.

F. In the event of commenced but uncompleted work associated with a development approval, vested rights shall expire within 24 months of the discontinuance of work. This 24 month period shall not include the time associated with work stoppage resulting from an appeal or litigation.

1.13.10 LIMITATIONS

A. The establishment of a vested right does not preclude the County's application of overlay zoning district requirements or other development regulations that do not affect the type of land use, its density, or intensity.

B. A vested right shall not preclude the application of changes to building, fire, plumbing, electrical, or mechanical codes made after the development approval where a vested right was established.

2.3.24 TRANSFER PLAT

C. Transfer Plat Procedure

2. Application Submittal

c. Administrator shall review copy of proposed deed for a statement: DEED RESTRICTION Deed drawn up with the following restriction: "In accordance with Article 151.2.3.24 of the Camden County Unified Development Ordinance, property cannot be sold for a period of five (5) years or until the child's 18th birthday (whichever is greater) from date of recording."

E. Effect

2. Land subject to a transfer plat shall be titled under the immediate family member's name for a period of at least five years or until the immediate family member reaches the age of 18 (whichever is greater).

2.3.27. **VESTED RIGHTS DETERMINATION**

PERMIT CHOICE AND VESTED RIGHTS

A. Purpose and Intent

The purpose for the vested rights determination procedure section is to establish a clear procedure for an applicant to request vesting or protection from changes in this Ordinance that take place after approval of the application but prior to completion of an approved site-specific development plan in accordance with State law.

This section is intended to implement Section 160D-108 of the North Carolina General Statutes, and in this section.

B. Applicability

1. A vested right may be established, in accordance with Section 453A-344.4 **160D-108** of the North Carolina General Statutes, and this section.
2. A vested rights determination shall be limited to development included in a site-specific development plan. For the purposes of this section, a site-specific development plan may be one of the following development approvals:
 - a. Special use permits;
 - b. Preliminary plats;
 - c. Planned developments; or
 - d. Major site plans for nonresidential development.

2. A vested rights determination shall be limited to the following:

- a. A valid building permit**
- b. Site Specific Plans**
- c. Development Approvals**
- d. Multi-phase Developments**
- e. Development Agreements**

3. An application for a vested rights determination shall be processed concurrently or after the approval of a special use permit, preliminary plat, planned development, or major site plan for nonresidential development. **valid building permit, site specific plan, development approval, multi-phase development or a development agreement.**
4. Nothing shall limit an applicant from filing an application for a vested rights determination on a particular development application after construction has commenced.

C. Permit Choice

1. **If a development permit applicant submits a permit application for any type of development and a rule or ordinance is amended, including an amendment to any applicable land development regulation, between the time the development permit application was submitted and a development permit decision is made, the development permit applicant may choose which adopted version of the rule or ordinance will apply to the permit and use of the building, structure, or land indicated on the permit application.**

2. **If the development permit applicant chooses the version of the rule or ordinance applicable at the time of the permit application, the development permit applicant shall not be required to await the outcome of the amendment to the rule, map, or ordinance prior to acting on the development permit. If an applicable rule or ordinance is amended after the development permit is wrongfully denied or after an illegal condition is imposed, as determined in a proceeding challenging the permit denial or the condition imposed, the development permit applicant may choose which adopted version of the rule or ordinance will apply to the permit and use of the building, structure, or land indicated on the permit application.**
3. **Any provision of the development permit applicant's chosen version of the rule or ordinance that is determined to be illegal for any reason shall not be enforced upon the applicant without the written consent of the applicant.**

C. D.

Vested Rights Determination Procedure

1. Pre-Application Conference
 - a. Required (see Section 2.2.2, Pre-Application Conference).
2. Application Submittal
 - a. Applicable (see Section 2.2.4, Application Submittal).
 - b. Applications may be initiated by the landowner or any person who may submit an application in accordance with Section 2.2.4.A, Authority to File Applications.
3. Staff Review
 - a. Applicable (see Section 2.2.5, Staff Review and Action).
 - b. The UDO Administrator shall review the application, prepare a staff report, and provide a recommendation in accordance with Section 2.3.27. D, Vested Rights Determination Review Standards.
4. Public Notice
 - a. Applicable (see Section 2.2.6, Public Notice).
5. Board of Commissioners Review and Decision
 - a. Applicable (see Section 2.2.9, Action by Review Authority, and Section 2.2.7, Public Meetings and Hearings).
 - b. The Board of Commissioners, after the conclusion of a legislative public hearing, shall decide the application in accordance with Section 2.3.27.D, Vested Rights Determination Review Standards. c. The decision shall be one of the following: 1. Approval of the vested rights determination as proposed; 2. Approval of a revised vested rights determination; or 3. Denial of vested rights determination.

D. E.

Vested Rights Determination Review Standards

A vested rights determination shall be approved if:

1. The vested rights determination is for an approved site-specific development plan;
2. The development is valid and unexpired; and
3. Any required variances have been obtained.

E. F.

Effect

1. A vested rights determination shall be approved prior to issuance of a building permit.
2. The establishment of a vested right shall not preclude the application of overlay zoning district provisions that impose additional requirements but do not affect the allowable type and intensity of use, or through ordinances that are general in nature and are applicable to all property subject to land use regulation by the County, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes.

3. Notwithstanding any provision of this section, the establishment of a vested right under this section shall not preclude, change or impair the authority of the county to adopt and enforce development regulation provisions governing non-conforming situations or uses.
4. A vested right obtained under this section is not a personal right, but shall attach to and run with the applicable property. After approval of a vested right under this section, all successors to the original landowner shall be entitled to exercise such rights.

F. G. Amendment

Amendment of vested rights determination may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

F. H. Expiration

1. A vested right determination shall expire and become null and void:
 - a. At the end of the applicable vesting period; or
 - b. If a building permit application for the development subject to the determination is not submitted within two years of the approval of the vested rights determination associated with a special use permit, preliminary plat, or major site plan, or five years of the approval of a vested rights determination associated with a planned development; or
 - c. Upon a finding by the Board of Commissioners after notice and an evidentiary hearing, that:
 - i. Natural or man-made hazards on or in the immediate vicinity of the land, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated;
 - ii. The landowner or landowner's representative intentionally supplied inaccurate information or made material misrepresentations which affected the approval of the site specific development plan;
 - iii. The landowner failed to comply with any condition imposed upon the establishment of the site specific development plan or vested rights determination; or
 - d. Upon payment to the affected landowner of compensation for all costs, expenses, and other losses incurred by the landowner, including but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant fees incurred after approval of the determination by the County, together with interest at the legal rate until paid. Compensation shall not include any diminution in the value of the land which is caused by such action; or
 - e. With the written consent of the affected landowner.
2. Upon enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the site-specific development plan, the Board of Commissioners may modify the affected provisions of the determination by ordinance, if after conducting a hearing, it finds the changed conditions created by the change in the State or federal law have a fundamental effect on the site specific development plan.

G. I. Appeal

1. Appeal of a decision on a planned development shall be subject to review by the District 1 Superior Court.
2. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

