



CAMDEN COUNTY

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PLANNING BOARD

December 16, 2020

7:00 PM

Regular Meeting

Historic Courtroom

Courthouse Complex

Agenda

**Camden County Planning Board
Regular Meeting
December 16, 2020, 7:00 PM
Historic Courtroom, Courthouse Complex**

- ITEM I. Call to Order & Welcome**
- ITEM II. Consideration of Agenda**
- ITEM III. Consideration of Minutes - October 21, 2020**
PB Minutes 10-21-20
- ITEM IV. Old Business**
- ITEM V. New Business**
Amendments to Camden County Code of Ordinances
- ITEM VI. Information from Board and Staff**
2021 PB Meeting Schedule
- ITEM VII. Consider Date of Next Meeting - January 20, 2021**
- ITEM VIII. Adjourn**



CAMDEN COUNTY

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Camden County Planning Board AGENDA ITEM SUMMARY SHEET

Minutes

Item Number:

Meeting Date:

December 16, 2020

Submitted By:

Amy Barnett, Planning Clerk
Planning & Zoning
Prepared by: Amy Barnett

Item Title

Planning Board Minutes 10-21-20

Attachments:

pbminutes_10212020 (PDF)

CAMDEN COUNTY PLANNING BOARD

Regular Meeting – October 21, 2020

Camden County Planning Board**Regular Meeting****October 21, 2020 7:00 PM****Historic Courtroom, Courthouse Complex****Camden, North Carolina****MINUTES**

The regular meeting of the Camden County Planning Board was held on October 21, 2020 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	6:50 PM
Fletcher Harris	Board Member	Absent	
Rick McCall	Board Member	Present	6:50 PM
Ray Albertson	Board Member	Absent	
Steven Bradshaw	Board Member	Present	6:50 PM
Cathleen M. Saunders	Board Member	Present	6:50 PM
Nathan Lilley	Board Member	Present	6:50 PM
Dan Porter	Planning Director	Present	6:45 PM
Amber Curling	Zoning Officer	Present	6:35 PM
Amy Barnett	Planning Clerk	Present	6:35 PM
Mark Bissell	Agent for Applicant, Camden Station Major Subdivision	Present	6:45 PM

CONSIDERATION OF AGENDA***Motion to Approve Agenda As Presented***

RESULT:	PASSED [UNANIMOUS]
MOVER:	Steven Bradshaw, Board Member
SECONDER:	Cathleen M. Saunders, Board Member
AYES:	Leary, McCall, Bradshaw, Saunders, Lilley
ABSENT:	Harris, Albertson

CONSIDERATION OF MINUTES - SEPTEMBER 16, 2020***Motion to Approve Minutes from 9-16-20 As Written***

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

Attachment: pbminutes_10212020 (2857 : PB Minutes 10-21-20)

CAMDEN COUNTY PLANNING BOARD

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OLD BUSINESS - None**NEW BUSINESS*****A. UDO 2020-06-43 - Preliminary Plan - Camden Station Major Subdivision***

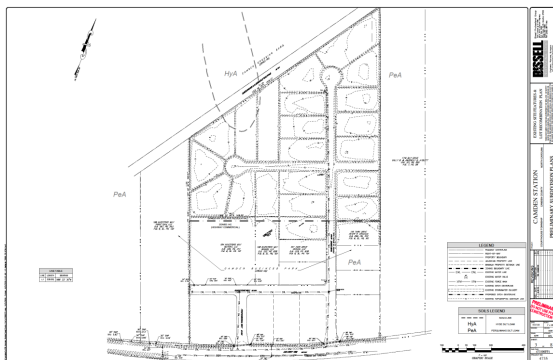
Amber Curling went over the staff report as incorporated herein as "Attachment A".

Ms. Curling noted a correction in the staff report, item #6 of the staff recommendations should read "Camden Station" vice "Sandy Hook Crossing" with regard to provision of drainage plan every 5 years.

After Ms. Curling read the introductory information & request, she invited Mark Bissell of Bissell Professional Group to speak

Mark Bissell, Bissell Professional Group, Engineer / Agent for Applicant

- This is a 39 lot residential subdivision
- Location is in Village Residential District
- Originally part of Camden Business Park
- Flood zone is X, low site absorption rate in park
- Was rezoned from Highway Commercial to Village Residential in November of 2019
- Proposed development plan matches 2019 zoning
- Showed maps which show the existing conditions as well as proposed plan



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- Property behind the County Managers Office and beside the current Camden Library will remain commercial
- Streets proposed with curbs and gutters, sidewalks
- High level of amenity
- Plenty of open space, requirement is 15%, Plan has double that amount
- Vegetative buffers proposed
- 2 Stormwater Ponds which will double as site amenities
- Walking Trail and other amenities
- Sheltered school bus stop
- Community mail boxes
- Will be on county water and sewer
 - Proposing a waste water lift station which will connect to the 158 main
- Showed an example of what the street scape will look like



-
- 2035 Comprehensive Plan categorizes this property as mixed use employment, but there is village mixed use and rural residential right across the street and rural residential behind the property, so based on the surrounding properties it appears to be compatible with what is already present. Also, there is more mixed use employment land than the market has been able to absorb.
- Lot sizes being proposed are comparable with the lot sizes of the properties across the railroad track.
- From Community Vision Statement: New development will be focused within targeted core areas to breathe new life into established county core village areas and to efficiently use existing and planned infrastructure and public resources. The development is located immediately adjacent to the Courthouse targeted core area.
- Action strategy #2: “Develop and adopt new zoning districts to allow for a moderate and higher density residential development within the core village areas.”
- Targeted development pattern: Plan provides “flexibility to consider and explore new opportunities that arise in the future.” New housing choices will be made to serve families, young professionals, and retirees.
- Action strategy #1: “Promote targeted development... through appropriate rezoning and development approvals.”. This property was rezoned in 2019 to accomplish this.

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- Objective #5: Provide new housing choices to “expand housing stock by providing the opportunity to develop a variety of housing choices for current and future residents.”
- Water & sewer action strategy #1: Promote a land use pattern that utilizes centralized utility systems.
- Anticipated Development Schedule:
 - Rezoning - 2019
 - Preliminary Plat - 2020
 - Construction - 2021
 - Occupancy - 2022 through 2024
 - Expect first school impacts in Fall of 2022
- Positive Fiscal Impact
 - 39 Homes and Lots @ \$325,000 average is about \$12,625,000 Tax Base
 - Annual Tax Revenue expected to be \$95,000 or more
 - Water fees: \$195,000
 - Sewer fees: \$425,000
 - Transfer tax and stamps: \$148,000 plus or minus
- Lot beside the building which houses the current Camden Library is proposed to be dedicated as public land for a public park, approximately 1-1/3 acres.
- Village Residential Policies and Uses
 - Extension of public utilities is appropriate
 - Vehicular and pedestrian linkage should be made. Proposing sidewalks within and along 158.
 - Recreational facilities should include active and passive facilities
 - Stormwater management best practices should be used
 - Moderate density residential (up to 3 units / acre) (1.57 acres provided)
 - Open space and recreation are important
- Recreational Amenities
 - Turfed Recreation / Gathering Area for Picnics, Weddings, Neighborhood Events
 - Recreation Area for Fishing, Sailboating, & Kayaking
 - Picnic Shelters with Grills
 - Paved Trail System
 - Fishing Piers with Benches
 - Butterfly / Hummingbird Garden
 - Community Gardening Areas with Benches

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- Showed map depicting how drainage will flow



At this time, Amber Curling continued going over the staff report as incorporated herein as Attachment A.

- Described maps
 - Vicinity Map - located between Hwy 158 and Railroad Track in the vicinity of the Camden County Managers Office in the Camden Business Park area
 - Adjacent property uses are agriculture, vacant land, residential, commercial, and railroad
 - Adjacent to Courthouse Core Village
 - Zoned Village Residential (rezoned to VR in 2019), Rural Residential on other side of railroad tracks, and surrounded on both sides by Highway Commercial with Light Industrial on other side of road.
 - Not located in the watershed, floodplain, or wetlands
 - Suitability Map - very high
 - CAMA Future Land Use Map - shows as Industrial
 - 2035 Comprehensive Future Land Use Map - shows as mixed use employment
- Site is located in the Sawyers Creek drainage district
- Drainage Ways - network of swales / ditches drain the area from north to south where runoff is collected in a substantial roadside ditch along US 158 which generally flows from east to west (although there is interconnectivity with the adjacent drainage shed to the east). Runoff is then conveyed to an outfall on the south side of US 158 via three culverts spaced along the frontage of the drainage area, with the westernmost culvert conveying the bulk of the flow.
- Inconsistent with the CAMA Future Land Use Plan - identified as industrial, not residential.
- Inconsistent with the 2035 Comprehensive Plan - identified as mixed use employment
- Water & sewer are available

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- Is in the South Camden Fire District
- Will generate 26 students total.
 - 2019-2020 School statistics showed the high school enrollment at 599, with the high school itself having a capacity of 570 (not including the modular units for Camden Early College). The high school is over capacity. Will generate 5 more high school students.
- Sheriff's Office - disapproved due to concern with lack of funding to respond to potential of additional call volume.
- Minimal impact on traffic
- Street names will be changed.
 - Park Drive will become Boxcar Way, Contractors Way will become Santafe Street
- 24 acre site, located in flood zone x, was rezoned to Village Residential under ordinance 2019-03-01.
- Prior to construction, some approval conditions that will be met are:
 - Developer will have all required state permits
 - Erosion & Sediment Control
 - Stormwater
 - County Drainage Plan will need to be approved by County Engineer
 - Landscaping plan will need to be submitted and approved.
 - Construction Plans will reflect a 43.5 foot minimum turn radius in the cul-de-sacs for busses
 - Sheltered school bus stops will be provided per Camden County School Officials
 - Dedication of land for public park requires 1.3 acres
 - 3.6 acres of open space is required
 - 0.9 to be active open space, 2.7 to be urban open space
 - Next item on agenda relates to open space

Cathleen Saunders asked about the consistency / inconsistency of the property with the CAMA plan. Dan Porter replied saying that the way the Comprehensive Plan identifies the core areas within the 1 mile buffer, it does call for the ability to rezone property to a higher density within those areas. When these plans were done, that option was not there. As part of the Comprehensive Plan, rezonings on the grounds of specific properties were not recommended, rather the zoning districts were simply put in place such that if someone were to want to rezone property to moderate density within the parameters in the plan, it would be allowed. The land use map seen on paper has not been changed. That said, between the time this property was rezoned and now, the state general assembly made some changes with regard to consistency. If a rezoning is approved that is inconsistent with the plans, then those plans are "deemed" to be revised and compatible to agree with the approved rezoning. The proposed project is consistent with the policies, just not with the maps as they exist on paper at this time. This property was rezoned in 2019 to Village Residential and is consistent with the policies of that zoning district.

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Cathleen Saunders then asked who decides on the acceptance of the dedication of land for public park. Mr. Porter replied that the Planning Board can make a recommendation to do that but the Board of Commissioners makes that decision.

Amber Curling then spoke about the Village Residential zoning district as it relates to open space:

- Urban Open Space Requirements
- Camden Station requirements for open space is 15% of the total acreage which comes out to be 2.7 acres urban, and .9 acres active
- Urban space is normally hardscapes which don't do well due to drainage concerns
- Basic goal in design was to encourage areas devoted to public gathering, in conjunction with active and passive open space
- In the UDO, specific examples of open space are given which promote areas devoted to public gathering

Dan Porter spoke about Urban Open Space:

- Developers understand that the requirement for open space is 15%, and they don't mind providing that
- Question that arises is what is Urban open space
- The list of items under Urban open space is mostly hard scape items
- The more hardscape there is, the more stormwater ponds are needed
- In Table 7.5.6.B of Article 151.7.5 of the Camden County UDO says that 75% of the 15% open space has to be Urban open space.
- If changes need to be made to the UDO, want to take opportunity to make changes
- Mentioned New York's Central Park as the most famous example of Urban Open Space
 - Mostly green space in the middle of an urban area
- With regards to Village open spaces, what is thought of is mostly green spaces
- Question is this: Is 75% too much of a requirement, and is there a locational consideration? Is it ok for it to be on the perimeter? Does it have to be in a central location?
- Bottom line question: Does the plan before the board meet the qualifications of meeting 75% Urban open space?

Nathan Lilley asked what was on the plan. Dan Porter replied that it is a difficult concept, but that the County is allowing higher densities in certain areas. By doing that there is less space for yards, less space for people to gather and/or recreate. Although these are half acre lots, the trade off for having these sized lots is that some form of gathering / open space for the neighborhood must be provided. Goal is to try to get the right balance of that.

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Calvin Leary asked who would be responsible for the upkeep of the open space. Dan Porter replied that it would be the responsibility of the Home Owners Association.

At this time, Dan Porter asked Mr. Mark Bissell to explain what his proposal for open space is and why.

Mr. Bissell spoke briefly about the list of Recreational Amenities / Activities and showed the following list from his presentation:

- Turfed Rec/Gathering Area - Picnics, Weddings, Neighborhood Events
- Recreation Area for Fishing, Sailboating & Kayaking
- Picnic Shelters with Grills
- Paved Trail System
- Fishing Piers with Benches
- Butterfly Garden
- Hummingbird Garden
- Community Gardening Areas with Benches

Nathan Lilley asked about the sailboating activity. Mr. Bissell replied that it is for the small remote control style of sailboats that can be used for sailboat races, play, etc.

Steven Bradshaw asked about the ponds, the size and depth in relation to the activity of recreational fishing and kayaking. Mr. Bissell replied that the ponds are about an acre in size and about 12-15 feet deep.

Cathleen Saunders asked if the urban and open space includes the trails, ponds, and so on. Mr. Bissell indicated that those types of areas were included. Ms. Saunders commented that she likes the idea of trails with benches along them, but that she thinks that 75% is a bit ambitious for Camden County's urban open space requirement.

Dan Porter stated that there is a section in the UDO which speaks about development incentives with a list of selections where a developer can choose some things from one column and other things from another column to accomplish some flexibility for different standards that have to be applied. If these things are done, then some flexibility in the overall amount of open space is given, decrease of 10% in the requirement of open space required. The breakdown of 25% / 75% as far as the amount of open space and urban open space is still appropriate unless the board wants to change it.

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Mr. Bissell described the sizes of some of the open space features:

- Turf / Gathering area is about 0.83 acres
- Pond / Fishing area is about 1.295 acres
- Urban Garden area is about 0.10 acre
- Picnic / Gazebo shelter is about 0.07 acre
- Bench areas are about 0.06 acre
- Walkways (including sidewalks) are almost a half acre
- Urban subtotal of the above is about 2.85 acres
- Active open space area adjacent to the other pond is 0.95 acre
- Total of Active and Urban Open Space is 3.90 acres
- Passive Open Space (buffers, stormwater ponds, etc) is 4.16 acres
- Required Total Open Space is 3.73 Acres for this project
- Total Open Space Provided is 8.06 Acres, which is more than double the required amount.

Rick McCall commented that he doesn't have a problem with the requirement that 75% of the provided open space be urban open space.

Cathleen Saunders asked if the ponds being counted as urban open space. Dan Porter replied saying that everything in the plan's open space is either active or passive open space, and that Amber Curling has some thoughts regarding this.

Amber Curling described examples of active and urban open spaces:

- Active Open Spaces
 - Kid's play structures, obstacle courses, exercise areas, and the like are active open spaces
- Urban open spaces are spaces devoted to public gathering
 - Benches, walking trails, decks around a pond with a fountain
 - turns the area into a gathering space as opposed to an active space, gathering space versus a "doing" space
 - Spaces such as outdoor coffee shops would be considered as hardscape gathering areas
 - Question is how would these types of spaces work for Camden County
 - Rose Garden with benches turns a rose garden into a gathering space
 - Dog Park, Picnic Area, Places to sit while kids are doing other activities such as kite flying, frisbee, or some other activity, Gazebos
 - Mr. Bissell indicated that a shelter with public use grills is planned
 - Other gathering spaces where gatherings such as meetings and so on can be held
 - Gathering spaces are something that brings everybody together

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- Important example is open space in Mill Run subdivision.
 - Has walking trails
 - There are no benches or play grounds
 - There is open space not being used for anything, and they want to be able to use it but there is not much definition as to what it can be used for at this point.
- There is a need for Urban open space as opposed to just Active open space
- The intent is to have it so community gatherings can be held
- Higher density, being able to place more dwellings in a subdivision is the trade off for Urban / Active open space

Cathleen Saunders commented that the question is if the ponds and trails should be treated as urban open space, and she thinks they should be because there are benches and gathering spaces.

Ms. Curling added that once you create the gathering spaces, then they will be used that way.

Ms. Saunders commented that upkeep on garden areas might be difficult depending on the home owners and / or home owners association. Ms. Curling replied that it might be depending on who buys the houses, but that upkeep on the gardens could also be a social thing, bringing people together who like to work on gardening, and so forth, which makes the garden areas an activity area.

Rick McCall commented that a goal is to try to get people to move to Camden, young professional people who can afford this type of housing. Mr. McCall expressed his opinion is that the "better bet" is to go with Urban open spaces. Ms. Curling agreed, commenting that people when they get home can relax outside using some of the open spaces such as benches where they can just sit and relax.

Mr. McCall observed that there is practically nothing to do in Camden County, no activities, for those kinds of things, residents have to go to either Virginia or to Elizabeth City. His opinion is that if the county wants to get more people to come live here, then there needs to be activities for them to do.

Nathan Lilley asked what the largest gathering space in the proposed plan is. Mr. Bissell replied that the area closest to the entrance is almost an acre.

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Steve Bradshaw voiced concerns regarding the urban vice active areas with regard to the location of such areas.

- Outdoor dining areas in his opinion are restaurants with outdoor seating, if it's not that then it's just a picnic area
- Doesn't agree with the 75% requirement of open space being urban
- Placement of the property and whether it's urban / active / passive should determine the percentage
- Considers picnic areas as more passive vice playgrounds, ponds, etc as more active
- Doesn't see how outdoor dining would work on property such as this
- Playgrounds, ponds, fishing, and such are good activities and are a draw
- Likes the idea of active spaces and picnic / gathering areas

Amber Curling commented that what makes urban open space in Camden County is different that what makes urban open space in a city. This is why this was brought before the board, to find out what is acceptable as urban open space and to gain a little definition thereto. Ms. Curling added that after some research she found that a simple dog park would qualify as urban open space because people gather to play with their doggies. She also added that Camden Station won't support that much hardscape.

Rick McCall expressed his opinion that the sitting spaces would be more of a passive space because there is not really that much activity taking place, sitting and watching a fountain or reading a book is not really an active activity.

Steve Bradshaw commented that it's more of a chicken and egg situation. There is highway commercial property near the residential property, but in order to get those commercial properties to be used as commercial then more residents are needed. Businesses are not going to locate here just for the sake of locating here, there needs to be enough residents to support business enterprises. He added that something like a supermarket would be needed as an anchor for other businesses, but that's not going to happen until there are enough residents to support it.

Dan Porter added that this project is not a mixed village project. Café's and outdoor dining cannot be relied upon for this kind of project. Would not be unusual to have some kind of hardscape feature such as a fountain / plaza area or something like you see during the summer such as a splash pad for kids to play in. Those would be hardscape kinds of things that would also be active areas. That said, 75% of the open space should not be in concreted asphalted spaces because that would drastically increase the amount of stormwater runoff. Mr. Porter added that Open Spaces in the Village Residentail district is on the agenda in case the board wants to recommend changes with regard to the urban open space requirements and definitions thereto, such that when developers ask what these types of spaces are, staff has a clear answer for them.

Nathan Lilley stated that he likes some hardscape items, but feels that 75% is a bit excessive. Mr. Porter agreed and said he could see flipping the 75/25.

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Steve Bradshaw commented that he could see adding something passive. He referred to picnic shelters which are on Camden Stations plans, and added the question of what is the difference between a picnic and a gathering area.

Mr. Porter replied saying that one of the things that can be included in passive open space is the entire surface area of the stormwater ponds. This is something that might be undesirable. Stormwater ponds are by and large a given with large subdivisions, and if that is all the open space that is provided then what has been set out to be accomplished will not be done. He added that wetlands, and stormwater ponds are allowed to be counted as passive open space and in other zoning districts, rural residential / suburban residential and so on. But where higher density zoning districts are concerned, there are no open space requirements because they have to provide buffers, and they have a lot of open space just with their ponds and buffers. The more densely packed a subdivision is, then the stormwater ponds are not allowed to be counted as open space unless passive open space is considered as allowable.

Steve Bradshaw commented that if a developer has 10 acres of pond and if only 10% was allowed to be passive, then the developer would still have to have some kind of open space somewhere else. He stated his opinion that he'd like to see more active, less urban, and a little bit of passive.

Cathleen Saunders suggested switching the requirement to be 25% Urban and 75% active, or leave it the way it is using the interpretation that going forward with this project include the areas around the ponds, trails, and benches, etc, as urban open space.

Nathan Lilley asked if Camden Station has met the 75% Urban space requirement if the areas around the ponds, trails, etc are considered as Urban and can be used as gathering spaces. Amber Curling answered yes, adding that they have met it on the plan.

Steven Bradshaw stated that the picnic shelter is more of a gathering area and should be considered and count as urban, adding that picnic shelters should be moved from the list of passive spaces in the UDO to the list of Urban spaces.

Dan Porter and Amber Curling indicated that staff considers the picnic shelter to be urban open space. The next agenda item will relate to this, and any text amendments that need to be made can be discussed and considered.

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At this time, Chairman Calvin Leary asked if there were any further questions from the board. Hearing none, he entertained motions.

Motion to Approve Camden Station Major Subdivision As Presented

RESULT:	PASSED [UNANIMOUS]
MOVER:	Steven Bradshaw, Board Member
SECONDER:	Cathleen M. Saunders, Board Member
AYES:	Leary, McCall, Bradshaw, Saunders, Lilley
ABSENT:	Harris, Albertson

Motion to Accept the Offered Donation of Recreational Land for Open Space

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

B. Discussion - Village Residential District

Calvin Leary called for further discussion on the open space requirements within the Village Residential District. UDO Sections 151.7.5.6 (B) and 151.7.5.6 (C) are included herein after as “Attachment B”.

Steve Bradshaw commented that the definition of Urban Open Space needed to be clearer as to what types of things are included as Urban spaces. The question comes down to should the mix of types of things under active, passive, and urban be changed or should the definitions of each of these be changed, or both. Mr. Bradshaw stated an opinion that picnic type spaces should definitely be moved out of passive and be put under urban.

Nathan Lilly stated he likes the idea of having some passive if it can be done where retention ponds and wetlands are not counted as open spaces.

Cathleen Saunders asked if there was any way that the developer could count water surfaces as passive. Dan Porter replied that they are not counted as passive in the Village Residential district. He added that no matter what happens, ponds are going to be part of plans for subdivisions in Camden County in order to meet the stormwater requirements. To say that the surfaces of ponds meet the requirements for open space is contrary to the idea of open space, plus it would be a hazard for children.

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At the conclusion of the discussion, the following are motions were made:

Motion to Move 151.7.5.6 (B) (5) from Paragraph (B) Passive Open Space Set-Aside to Paragraph (C) Urban Open Space Set-Aside

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

Cathleen Saunders pointed out an error in the UDO in 151.7.5.6 (C) first sentence which reads “The following types of features are allowable in active open space set-asides:”. This sentence is under the section for Urban Open Space Set-Aside. It should read “The following types of features are allowable in urban open space set-asides:”

Motion to Correct Description of 151.7.5.6 (C) from "... allowable in active open space..." to "...allowable in urban open space..."

RESULT:	PASSED [UNANIMOUS]
MOVER:	Cathleen M. Saunders, Board Member
SECONDER:	Nathan Lilley, Board Member
AYES:	Leary, McCall, Bradshaw, Saunders, Lilley
ABSENT:	Harris, Albertson

After a brief discussion regarding 151.7.5.6 (B)(1) through (5), the previous motion to move 151.7.5.6 (B) (5) from Paragraph (B) Passive Open Space Set-Aside to Paragraph (C) Urban Open Space Set-Aside was amended to the following:

Motion to Add Items 151.7.5.6 (B) (1) through (5) to 151.7.5.6 (C) such that they are left included in Passive Open Space Set-Asides and added to Urban Open Space Set-Asides so that they are included in both (B) and (C).

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

Steven Bradshaw observed that since the above motion was made, seconded, and approved by the Planning Board, the question of the 25% Active / 75% Urban ratio with regard to the 15% total open space requirement is ok.

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INFO FROM BOARD AND STAFF - None.**CONSIDER DATE OF NEXT MEETING - NOVEMBER 18, 2020****ADJOURN***Motion to Adjourn*

RESULT:	PASSED [UNANIMOUS]
MOVER:	Rick McCall, Board Member
SECONDER:	Steven Bradshaw, Board Member
AYES:	Leary, McCall, Bradshaw, Saunders, Lilley
ABSENT:	Harris, Albertson

*Chairman Calvin Leary
Camden County Planning Board*

ATTEST:

*Amy Barnett, Clerk
Camden County Planning Department*

See Next Page For Beginning of Attachment(s)

Attachment: pbminutes_10212020 (2857 : PB Minutes 10-21-20)

STAFF REPORT

**UDO 2020-06-43
Preliminary Plan
Camden Station Major Subdivision**

PROJECT INFORMATION

File Reference: UDO 2020-06-43
Project Name: Camden Station
PIN: Multiple Contiguous

Applicant: RKrain LLC
Address: 105 Havenwood Dr
Camden, NC 27921
Phone: (252) 599-7185
Email:

Agent for Applicant: Bissell Professional Group
Address: 3512 N. Croatan Hwy
Kitty Hawk, NC
Phone: 252-261-3266
Email: mark@bissellprofessionalgroup.com

Current Owner of Record: RKrain LLC

Meeting Dates:

7/30/2020 Neighborhood Meeting
9/8/2020 Technical Review Meeting
10/21/2020 Planning Board

Application Received: 6/23/2020
By: Amber Curling, Planner

Application Fee paid: \$1950 Check #1029

Stormwater Escrow paid: \$6000 Check #1028

Completeness of Application: Application is generally complete

Documents received upon filing of application or otherwise included:

- A.** Land Use Application
- B.** Preliminary Plan
- C.** Deed
- D.** Affidavit from owner
- E.** Neighborhood Meeting Results
- F.** TRC Inputs
- G.** Drainage Approval Memo – Greg Johnson

PROJECT LOCATION:

Street Address: Contractors Way and Tark Drive in Camden Business Park,
Location Description: North Side of US HWY 158 in Courthouse Township

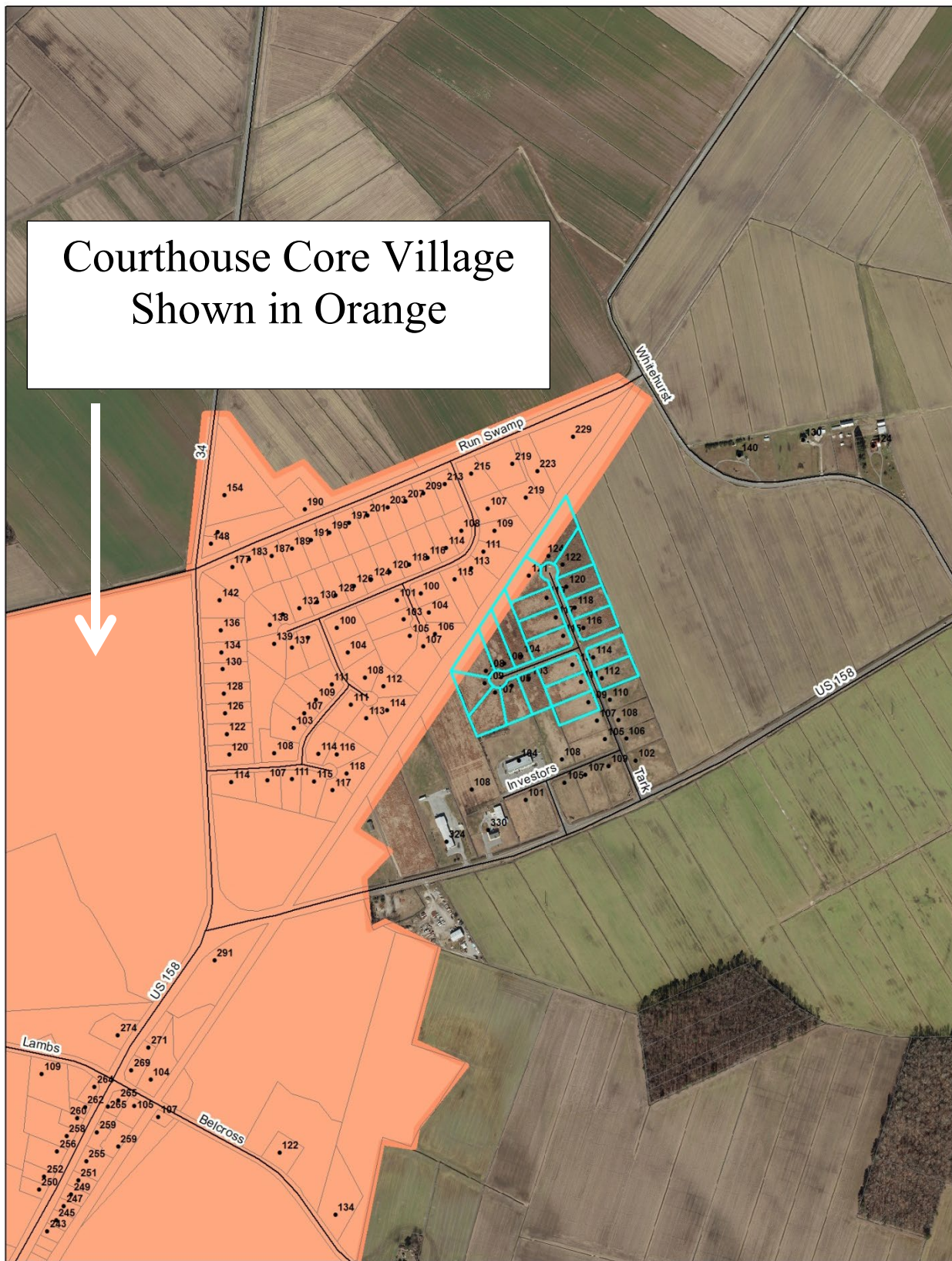
REQUEST: Preliminary Plan for Camden Station Major Subdivision – 39 lots - **Article 2.3.16 of the Unified Development Ordinance.**

Vicinity Map



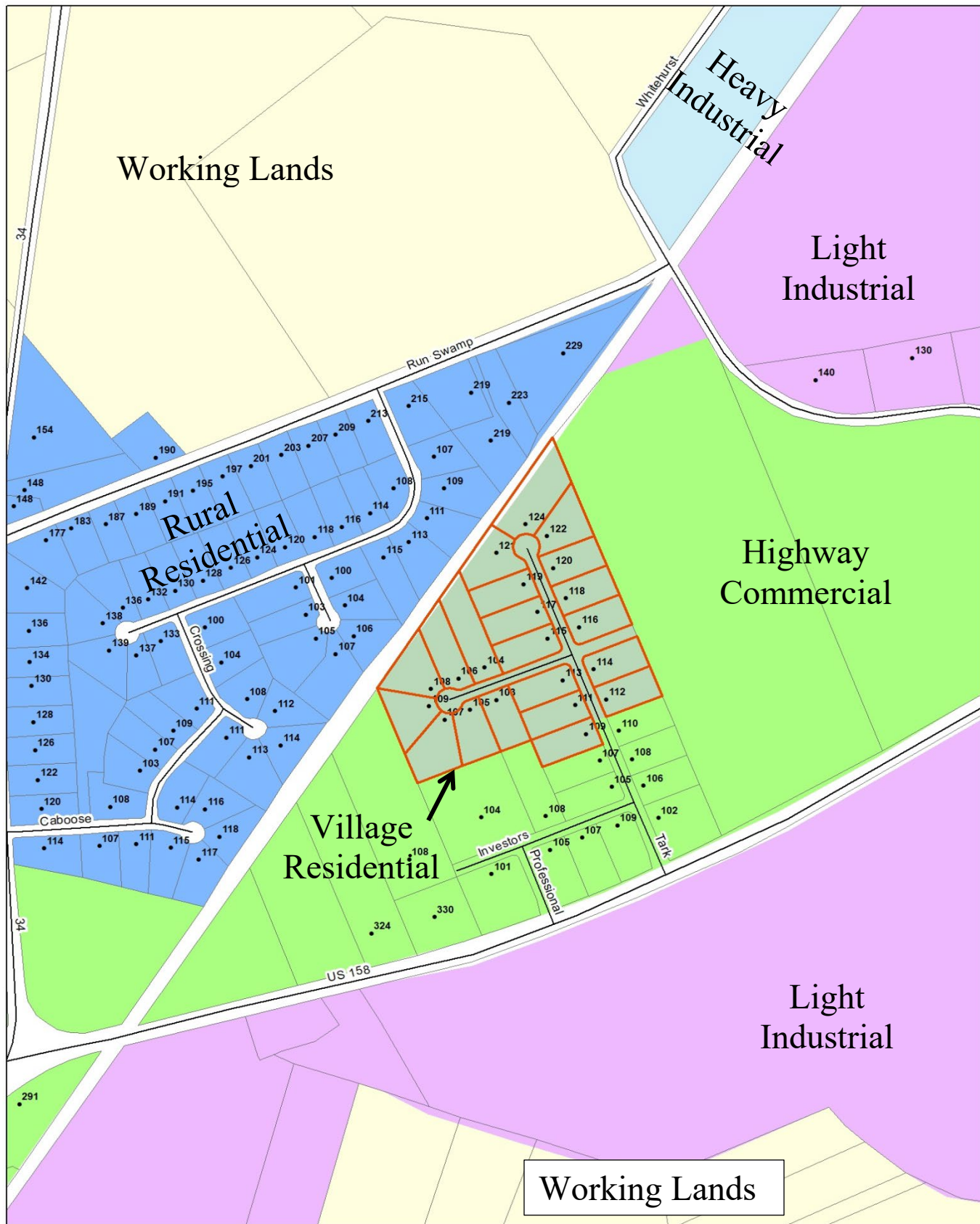
Attachment: pbminutes_10212020 (2857 : PB Minutes 10-21-20)

Camden Station Subdivision located within the 1 mile Buffer



Attachment: pbminutes_10212020 (2857 : PB Minutes 10-21-20)

Zoning Map



Attachment: pbminutes_10212020 (2857 : PB Minutes 10-21-20)

Not Located in WATERSHED



Attachment: pbminutes_10212020 (2857 : PB Minutes 10-21-20)

Not Located within FLOODPLAIN



Attachment: pbminutes_10212020 (2857 : PB Minutes 10-21-20)

Not Located within WETLANDS



Attachment: pbminutes_10212020 (2857 : PB Minutes 10-21-20)

Suitability Map - Very High



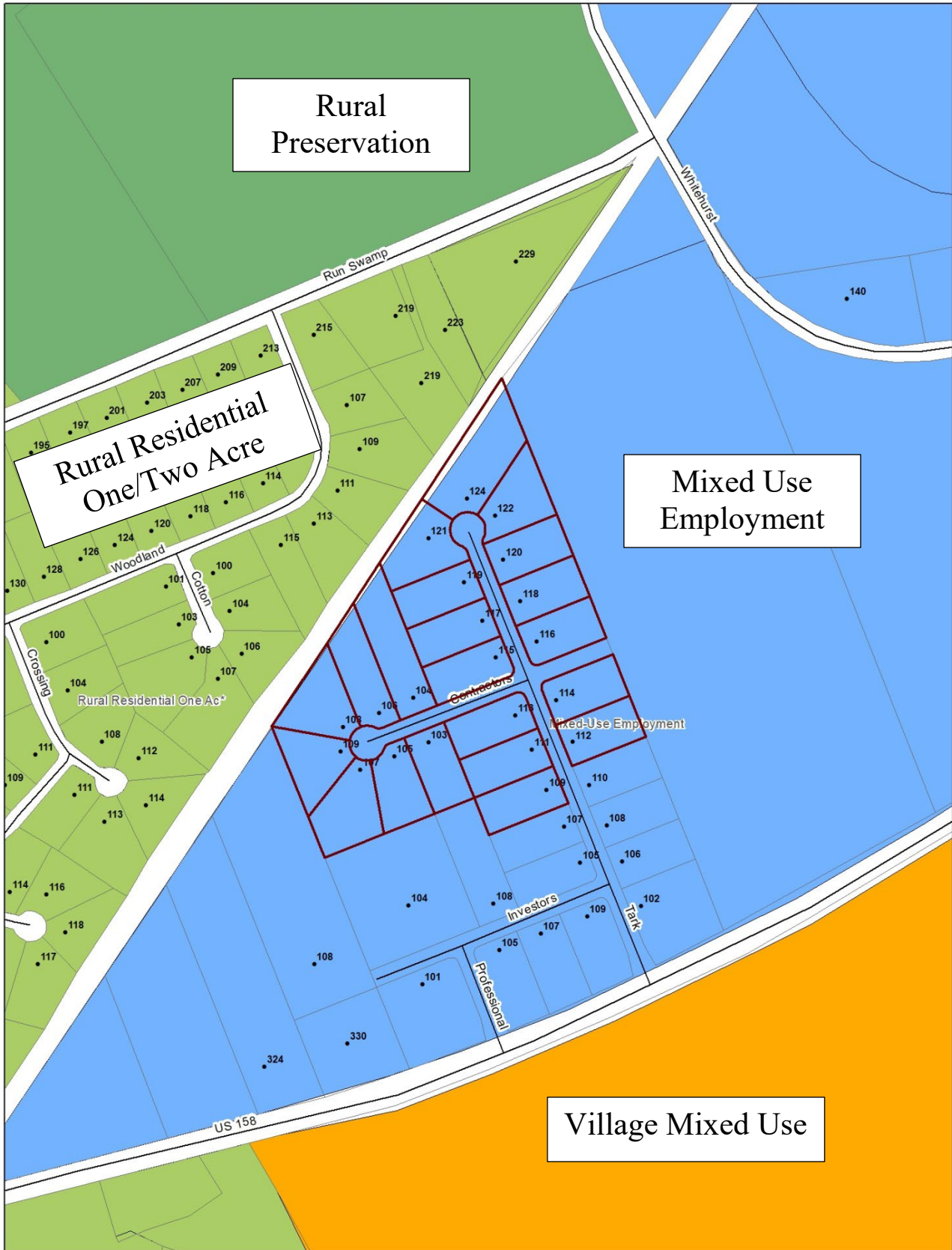
Attachment: pbminutes_10212020 (2857 : PB Minutes 10-21-20)

CAMA Plan Future Land Use Map



Attachment: pbminutes_10212020 (2857 : PB Minutes 10-21-20)

COMPREHENSIVE Plan Future Land Use Map



Attachment: pbminutes_10212020 (2857 : PB Minutes 10-21-20)

SITE DATA

Lot size:	Approximately 24 acres
Flood Zone:	Zone X
Zoning District(s):	Village Residential (VR) (Rezoned with Ordinance 2019-03-01)
Adjacent property uses:	Agriculture, Vacant, Residential, Commercial, Railroad
Streets:	Shall be dedicated to public under control of NCDOT.
Street/Subdivision name:	Subdivision name: Camden Station Street Names: Change Tark Drive to Boxcar Way and Contractors Way to Santé Fe Street
Open Space:	Required: Per Article 151.7.5.5 15% of total 24 developed acres = 3.6 acres 25% of 3.6 acres is 0.9 acres which shall be active open space 75% of 3.6 acres is 2.7 acres which shall be urban open space
Landscaping:	Landscaping Plan required at Construction Drawing.
Farmland Compatibility Standards:	Per Article 151.5.5 A 50' wide vegetative buffer required along all agricultural uses. Indicated on plan.
Recreational Land:	Per Article 151.6.1.13 Dedication of Land For Public Parks 1452 square feet per lot -39 lots X 1452 sq ft = 56628 sq. ft or 1.3 acres

ENVIRONMENTAL ASSESSMENT

Streams, Creeks, Major Ditches: Sawyers Creek

Distance & description of nearest outfall: The property is located in the upper northern limit of the Sawyers Creek drainage shed as mapped on Camden County's GIS System and is a part of a larger 80.7 acre drainage area located on the north side of US 158. The proposed re-subdivision (23.9 acres) was graded with drainage improvements installed when the Camden Business Park was built. The land remains vacant and is maintained with a grass

groundcover. The rest of the drainage area (total of 80.7 acres) consists of a mix of a small amount of commercial, vacant lots, and agricultural uses. A network of swales / ditches drain the area from north to south where runoff is collected in a substantial roadside ditch along US 158 which generally flows from east to west (although there is interconnectivity with the adjacent drainage shed to the east). Runoff is then conveyed to an outfall on the south side of US 158 via three culverts spaced along the frontage of the drainage area, with the westernmost culvert conveying the bulk of the flow.

TECHNICAL REVIEW STAFF COMMENTS

1. **Camden County Water.** Water Available
2. **Camden County Sewer.** Sewer Available
3. **South Camden Fire Department.** Reviewed with no comments.
4. **Pasquotank EMS (Central Communications).** Subdivision/road names approved as is.
5. **Sheriff's Office.** Disapproved with comments.
6. **Postmaster Elizabeth City.** No response. Did not attend TRC meeting.
7. **Superintendent of Schools.** No response. Did not attend TRC meeting.
8. **Transportation Director of Schools.** Approved with comments (see attached).
9. **Camden Soil & Water Conservationist.** Approved.
10. **NCDOT.** No response.
11. **Mediacom.** No response.
12. **Century Link.** Requested Developer be given contact information
13. **Dominion Energy.** Reviewed. Sent comments to Engineer.

PLANS CONSISTENCY

CAMA Land Use Plan Policies & Objectives:

Consistent Inconsistent

CAMA Future Land Use Maps has land designated as Industrial.

2035 Comprehensive Plan

Consistent Inconsistent

Comprehensive Plan Future Land Use Maps has area designated as Mixed Use Employment.

Comprehensive Transportation Plan

Consistent Inconsistent

Property in Camden Business Park which abuts HWY 158 and internal road will be dedicated to public.

FINDINGS REGARDING ADDITIONAL REQUIREMENTS:Yes No **Endangering the public health and safety?**

In staff's opinion, application does not appear to endanger public health and safety.

Yes No **Injure the value of adjoining or abutting property.**

In staff's opinion, application does not appear to injure the value of adjoining or abutting property.

EXCEED PUBLIC FACILITIES:Yes No

Schools: Proposed development will generate 26 students (.67 per household X 39 lots). High School over capacity: **2018/2019 capacity: 570 Enrollment: 607 – Capacity does not include modular units for Camden Early College**

Yes No

Fire and rescue: Approved.

Yes No

Law Enforcement: Not Approved

Staff recommends approval of Camden Station Subdivision based on current by right zoning with the following recommendations:

1. The applicant must strictly abide by all requirements of the Unified Development Ordinance of Camden County, North Carolina, and must also strictly comply with all other local, state, and federal ordinances, laws, rules and regulations as one or more ordinances, laws, rules and regulations may apply to this development.
2. The applicant shall complete the development strictly in accordance with the approved Preliminary Plat and specifications submitted to the Planning Office of Camden County, North Carolina, and contained in the file titled (UDO 2020-06-43).
3. All lots shall be crowned to where the dwelling is located to an elevation at or above the 100 year flood as indicated in the Construction drawings listed as Building Pad Elevations. These elevations shall be verified by a Surveyor or Engineer licensed to do business in North Carolina prior to final inspection for the dwelling.
4. No land disturbing activities shall start until the County Planning Department receives approved DENR Stormwater Permit and Erosion & Sediment Control Plan for the Development.

5. Developer shall make reasonable efforts to obtain off site drainage/maintenance easements to the outfall.
6. Developer and or Home Owners Association shall provide Camden County certification by a licensed North Carolina Engineer of compliance with approved Drainage Plan for Sandy Hook Crossing every five years starting from recording of Final Plat in the Camden County Registry of Deeds.
7. Home Owners Restrictive Covenants shall include the following information:
 - a. All requirements (to include Maintenance and allowable built upon area) listed under NCDENR Stormwater Permit.
 - b. Maintenance requirements of the outfall ditch leading.
 - c. The re-certification to the County of the approved drainage plan every five years from date of recording of Final Plat.
 - d. Maintenance of all open space, gardens and improvements throughout the subdivision.
8. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this approval in its entirety shall be void and have no effect.
9. Construction drawings to reflect turning radius of cul-de-sacs be minimum 43.5' as requested by the Transportation Director of Camden County Schools.
10. Construction drawings to reflect bus stop with shelter as requested by the Chief Operations Officer of Camden County Schools.
11. On the North East side of development the Farmland Compatibility Standards (Article 151.5.5 of the UDO) and NC General Statute 153A-340.

7.5 Open Space Set-Aside

7.5.6 Allowable Features in Open Space Set-Asides

TABLE 7.5.5.B: OPEN SPACE SET-ASIDE CONFIGURATION			
ZONING DISTRICT	TYPES OF OPEN SPACE SET-ASIDE [1]		
	ACTIVE OSS (MINIMUM % OF TOTAL OSS PROVIDED)	PASSIVE OSS (MINIMUM % OF TOTAL OSS PROVIDED)	URBAN OSS (MINIMUM % OF TOTAL OSS PROVIDED)
RESIDENTIAL DISTRICTS			
WL	.	100	.
RR	.	100	.
SR	.	100	.
NR	75	25	.
VR	25	.	75
COMMERCIAL DISTRICTS			
CC	.	25	75
VC	.	.	100
HC	.	100 [2]	.
MC	.	100 [2]	.
MX	.	.	100
PLANNED DEVELOPMENT			
PD	Variable, based on Planned Development Master Plan		
<p>NOTES:</p> <p>[1] The amount of open space set-aside to be provided is established in the zoning district dimensional standards in <u>ARTICLE 151.3, Zoning Districts</u>.</p> <p>[2] Multi-family development in these districts shall configure at least 75 percent of the total OSS provided as active OSS.</p>			

Attachment: pbminutes_10212020 (2857 : PB Minutes 10-21-20)

7.5.6.ALLOWABLE FEATURES IN OPEN SPACE SET-ASIDES

A. Active Open Space Set-Aside

The following types of features are allowable in and credited towards active open space set-asides:

1. Swimming pools, splash pads, and areas devoted to water play for children;
2. Athletic fields and courts;
3. Boat launches and swimming platforms;
4. Club houses;
5. Playgrounds and play structures for children; and
6. Obstacle courses and exercise trails.

B. Passive Open Space Set-Aside

The following types of features are allowable in and credited towards passive open space set-asides:

1. Walking, bicycling, and equestrian trails;
2. Boardwalks;
3. Gardens and greenway trails;
4. Benches and seating areas;
5. Tables, shelters, grills, and related picnicking facilities;
6. Lawn areas and community greens;
7. Lakes, ponds, wetlands (including CAMA wetlands), swamps, canals, and streams;
8. Stormwater management facilities, configured as site amenities that include pedestrian access, gentle slopes of three-to-one (3:1) or less, and pedestrian elements such as paths, benches, and similar aspects to and around the facility;
9. Piers and docks for fishing or viewing wildlife; and
10. Undisturbed land.

C. Urban Open Space Set-Aside

The following types of features are allowable in active open space set-asides:

7.5 Open Space Set-Aside

7.5.9 Ownership of Open Space Set-Asides

1. Plazas and courtyards;
2. Roof gardens;
3. Indoor atriums open to the public;
4. Outdoor dining areas;
5. Fountains; and
6. Areas devoted to public gathering.

D. Within Conservation Subdivisions

Open space set-asides within conservation subdivisions may include any of the features allowed in active, passive, or urban open space set-aside areas in addition to farm fields, forestry lands, or lands used for agricultural purposes.

E. Unlisted Features

Unlisted features may be credited towards one or more different types of open space set-aside as determined by the UDO Administrator in accordance with Section 2.3.15, Interpretation.

F. Features Not Credited Towards Open Space Set-Aside

The following areas shall not be included in or credited towards open space set-aside requirements:

1. Private yards not subject to an open space or conservation easement;
2. Public street rights-of-way or private street easements;
3. Open parking areas and driveways for dwellings or other uses;
4. Land covered by structures not designated for active recreational uses;
5. On-site wastewater treatment facilities, including septic tank drain fields; and
6. Designated outdoor storage areas.

7.5.7. FEATURES CREDITED TOWARDS PASSIVE OSS REQUIREMENTS

The following site features shall be credited towards passive open space set-aside requirements:

- A. Required landscaping areas;
- B. Afforestation areas;
- C. Farmland compatibility buffers;
- D. Tree protection areas;
- E. CAMA wetlands and U.S. Army Corps of Engineers designated 404 wetlands;
- F. Riparian buffer areas;
- G. Natural heritage areas;
- H. Active open space set-aside features;
- I. Urban open space set-aside features; and
- J. Land area occupied by stormwater management facilities, including retention ponds, fully vegetated detention basins, and other bio-retention devices, provided these facilities are treated as a site amenity that includes pedestrian access, gentle slopes of three-to-one (3:1) or less, and pedestrian elements such as paths, benches, and similar aspects to and around the facility.

7.5.8. DESIGN STANDARDS FOR ACTIVE OSS AREAS

Active open space set-asides shall meet the following design standards:

- A. Active OSS areas shall be located so as to be readily accessible and useable by residents and users of the development. Where possible, a portion of the open space set-aside should provide focal points for the development.
- B. Where the development site is adjacent to existing or planned trails, parks, or other public open area land, the open space set-aside shall, to the maximum extent practicable, be located to adjoin, extend, and enlarge the trail, park, or other open area.
- C. Lands set aside as active open space set-aside shall be compact and contiguous unless the land is used as a continuation of an existing trail, or specific natural or topographic features require a different configuration.

7.5.9. OWNERSHIP OF OPEN SPACE SET-ASIDES

Open space set-asides are intended to remain under private ownership while being available for use to residents and visitors in the development where located. Ownership of open space set-aside shall remain with the owner of the land, except in the following circumstances.

A. Homeowners or Property Owners Association

All open space set-aside areas may be owned jointly or in common by the owners of the development through a recognized homeowners or property owners association, which shall be established in accordance with Section 6.4, Homeowners' or Property Owners' Association.



Camden County Planning Board AGENDA ITEM SUMMARY SHEET

New Business

Item Number:

Meeting Date: December 16, 2020

Submitted By: Dan Porter, Planning Director
Planning & Zoning
Prepared by: Amy Barnett

Item Title Amendments to Camden County Code of Ordinances
Various Zoning Text Amendments To Bring UDO into
Compliance With NC Gen Statute 160D

Attachments: Ordinance No 2020 revised (PDF)

The attached proposed ordinance presents several text changes to the Camden County Unified Development Ordinance (UDO). The changes are necessary to comply with a new state law embodied in General Statute 160D.

Chapter 160D is a new chapter in the General Statutes that consolidates the land use regulations found in GS 153A (for counties) and Chapter 160A (for municipalities), reorganizes the regulations, and incorporates into law the many court decisions handed down over the years since the initial laws were written. The deadline for cities and counties to make the necessary changes to comply with the new law is July 1, 2021.

The new chapter is the result of over 4 years of drafting and submitting to the legislature by the NC Bar Association, NC Homebuilders Association, UNC School of Government, the NC Chapter of the American Planning Association, and reviewed by planners and lawyers from around the state.

Staff has arranged the text changes are in two groups. The first group simply replaces references to Chapters 153A and 160A to the correct Chapter 160D sections. The second group is substantive text changes that either replace old language, or adds new language/requirements which generally codify decisions of the court system.

Ordinance No. 2020-XX-XX

**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, 2020 and subsequently amended, and as otherwise incorporated into the Camden County Code.

Article II. Construction

- A. 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.**
- B. 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 as follows:

Page	From (Deletion)	To (addition)
1-4	Chapter 153A, Article 18 (Planning and Regulation of Development	Chapter 160 D (Local Planning and Development Regulation);
	160D	160D
	153A	160D
1-5	153A-340	160D-903
1-6	160A and 153A-340	160D605
	160A-383	160D-701
1-12	153A-344	160D-108
2-9	Section 153A-323, as well as Sections 160A-364, 160A-384, and 160A-388	160D-601,602
2-20	160A-393	160D-1402

2-21	153A-357	160D-1110
2-22	153A-374 or 160A-434	160D1114
2-24	153A-374 or 160A-434	160D1114
2-25	153A-349.1 through 153A-349.13 and 160A-400	160D-Article 10
2-26	153A-349 through 349.13	160D – Article 10
	153A-344.1(e)	160D-1007
2-29	153A-395	160D-802
	153A-335	160D-802
2-53	160A-393	160D-1403
2-56	160A-393	160D-1402
2-66	160A-393	160D-1402
2-67	153A-344 or 160A-385	160D-108
4-39	160A-400.51	160D-935
4-40	160A-400.51	160D Article 9 Part 3
6-8	153A-331	160D-804
	153A-331	160D-804
6-9	153A-331	160D-804
	160A-422 & 153A-362	160D-403
	160A-175 & 153A324	160D-106
10-23 Bona Fide farm	153A-340	160D-903
10-24	160A-400.5	160D Article 9 part 3
10-25	160A-400.5	160D Article 9 part 3
	153A	160D
10-27	160A-400.51	160D Article 9 part 3
10-28	153A-344.1 & 160A-358.1	160D-1110
	153A-344.1 & 160A-358.	160D-1110
10-34	160A	160D
10-39	160A-385	160D-108
	160A-400.51	160D Article 9 part 3
10-43	160A-400.51	160D Article 9 part 3
	160A-400.51	160D Article 9 part 3
10-44	153A-471	160D
10-45	160A-385	160D-108
11-6	153A-321;160A-361;160A-387	160D-301
11-8	153A-340.h	160D-107
	153A-345.1; 160A-388	160D-302
11-10	153A-345.1; 160A-388	160D-406

Article IV Amend Chapter 151 as amended of the Camden County Code which shall read as follows

1.5.2 NO DEVELOPMENT UNTIL COMPLIANCE WITH THIS ORDINANCE

E. No Improvement to Subdivided Land

Improvements to subdivided land shall not be undertaken until approval of a preliminary plat for all or the active phase of a major subdivision ~~or a minor subdivision approval for all or the active phase of a minor subdivision.~~

2.2.7 PUBLIC MEETINGS AND HEARINGS

C.

3. Conflicts of Interest

~~A review authority member shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to: a member having a fixed opinion prior to hearing the matter that is not susceptible to change; undisclosed ex parte communications; a close familial, business, or other associational relationship with an affected person; or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall, by majority vote, rule on the objection~~

2.3.8 DEVELOPMENT AGREEMENTS

A. Purpose and Intent

B. Applicability

C. Development Agreement Procedure

1. Pre-Application Conference

Applicable (see Section 2.2.2, Pre-Application Conference).

2. Application Submittal

a. Applicable (see Section 2.2.4, Application Submittal).

b. **The development agreement may, by ordinance, be incorporated, in whole or in part, into any development regulation adopted by the local government. A development agreement may be considered concurrently with a zoning map or text amendment affecting the property and development subject to the development agreement; a sketch plan or preliminary plat required under a subdivision regulation; or a site plan or other development approval required under a zoning regulation.** Applications for a development agreement shall be approved prior to review of any applications for development that will be subject to the development agreement.

2.3.9 EXEMPT SUBDIVISION

C. Subdivision Exemption Review Procedure

2. Application Submittal

- a. Applicable (see Section 2.2.4, Application Submittal).
- b. An application for exempt subdivision determination may be filed by the UDO Administrator, the Planning Board, the BOC, a landowner, or a contract purchaser.
- c. ~~Except for subdivisions where all lots shall be served by a central wastewater system, applications for an subdivision exemption shall include an evaluation from Albemarle Regional Health Services indicating that an on-site wastewater system may be used on each lot included in the subdivision.~~

2.3.15 INTERPRETATION

G. Appeal

Appeal of a decision ~~on a floodplain development permit~~ ***of an administrative interpretation*** shall be reviewed and decided by the BOA in the nature of certiorari and in accordance with Section 2.3.5, Appeal.

1. **Any person who has standing under G.S. 160D 405 or the local government may appeal an administrative decision to the Board of Adjustment.**
2. **An appeal is taken by filing a notice of appeal with the UDO Administrator within 30 days of receipt of the written interpretation.**

2.3.20 PRELIMINARY PLAT

D. Preliminary Plat Review Standards

1. An application for a preliminary plat shall be approved, provided:
 - a. The preliminary plat is prepared ~~and sealed~~ by a licensed professional land surveyor, registered professional landscape architect, or licensed professional engineer;
 - b. The preliminary plat complies with the applicable standards in Section 47-30 of the North Carolina General Statutes;
 - c. The preliminary plat includes all required certifications (***unsigned***);

2.3.24 TRANSFER PLAT

C. Transfer Plat Procedure

2. Application Submittal

- a.
- b.
- c. **Application shall be accompanied by a deed with the following DEED 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."**

2.3.25 UDO TEXT AMENDMENT

C. Text Amendment Procedure

- 1.
- 2.
- 3.

4. Review by Planning Board

- a. Applicable (see Section 2.2.8, Review by Planning Board and Section 2.2.7, Public Meetings and Hearings).
- b. The Planning Board, following review during a public meeting, shall make a recommendation on an application in accordance with Section 2.3.25.D, Text Amendment Review Standards.
- c. The Planning Board shall comment on whether or not the text amendment is consistent with the County's adopted policy guidance **The written recommendation to the governing board shall address plan consistency with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable, and other matters as deemed appropriate by the planning board.**

5.

6. Review and Decision by Board of Commissioners

- 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 2.3.25.D, Text Amendment Review Standards.
- c. The decision shall be one of the following:
 1. Adoption of the text amendment as proposed;
 2. Adoption of a revised text amendment;
 3. Denial of the text amendment; or
 4. Remand of the text amendment application to the Planning Board for further consideration.
- d. ~~In making its decision, the Board of Commissioners shall adopt a written statement including each of the following:~~
 1. ~~Whether the text amendment application is approved, denied, or remanded; and~~
 2. ~~The degree to which the text amendment application is or is not consistent with the County's adopted policy guidance; and~~
 3. ~~The ways in which the text amendment application is or is not consistent with the County's adopted policy guidance; and~~
 4. ~~Whether approval of the text amendment application also amends or does not amend the County's adopted policy guidance; and~~
 5. ~~If the adopted policy guidance is amended as part of the application approval, a description of the change in conditions to meet the development needs of the County that were taken into account as part of the approval; and~~
 6. ~~An explanation of why the action taken by the Board of Commissioners is reasonable; and~~
 7. ~~An explanation of why the action taken by the Board of Commissioners is in the public interest.~~

d. Plan Consistency.

In making its decision, the Board of Commissioners shall approve a brief written statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. If the amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land use map in the approved plan and no additional request or application for a plan amendment shall be required.

- e. In cases where the BOC determines that adopted policy guidance is modified in accordance with the approval of a UDO text amendment, the County shall transmit the revised policy guidance to the NC Division of Coastal Management for re-certification.
- f. **Statement of reasonableness.**
When adopting or rejecting any petition for an amendment, the Board of Commissioners shall approve a brief statement explaining the reasonableness of the proposed amendment. The statement may consider, among other factors:
 1. **Size, physical conditions and other attributes of the area proposed to be rezoned;**
 2. **The benefits and detriments to the landowners, the neighbors, and the surrounding community;**
 3. **The relationship between the current actual and permissible development, and the development permissible under the proposed amendment;**
 4. **Why the action taken is in the public interest; and**
 5. **Any changed conditions warranting the amendment.**

2.3.27. VESTED RIGHTS DETERMINATION

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.

B. Applicability

1. A vested right may be established, in accordance with Section 160D-108 of the North Carolina General Statutes, and this section.
- 2.
- 3.
- 4.
5. **Permit Choice**
 - a. **If a permit applicant submits a permit for any type of development, an application made in accordance with local regulation is submitted for a development approval required pursuant to this Chapter and a rule-or ordinance-development regulation changes between the time the permit application was submitted and a permit decision is made, the permit applicant may choose which version of the rule or ordinance development regulation will apply to the permit application.**
 - b. **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.**
 - c. **This section applies to all development permit approvals issued by the State and by local governments. The duration of vested rights created by development approvals are as set forth in subsection (d) of North Carolina General Statute 160D-108.**

E. 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. Expiration

1. A vested right determination shall expire and become null and void:
 - a)
 - b)
 - c) Upon a finding by the Board of Commissioners after notice and a public hearing **an evidentiary hearing**, that:

2.3.30. ZONING MAP AMENDMENT**A.****B. Zoning Map Amendment Procedure****6. Review by Planning Board**

- a. Applicable (see Section 2.2.8, Review by Planning Board, and Section 2.2.7, Public Meetings and Hearings).
- b. The Planning Board, following review during a public meeting, shall make a recommendation on an application in accordance with Section 2.3.30.C, Zoning Map Amendment Review Standards.
- c. **The written recommendation to the governing board shall address plan consistency with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable, and other matters as deemed appropriate by the planning board**

7. Board of Commissioners review and Decision

- a.
 - b.
 - c.
 - d. ~~In making its decision, the Board of Commissioners shall adopt written statement including each of the following:

 1. ~~Whether the zoning map amendment application is approved, denied, or remanded; and~~
 2. ~~The degree to which the zoning map amendment is or is not consistent with the County's adopted policy guidance; and~~
 3. ~~The ways in which the zoning map amendment is or is not consistent with the County's adopted policy guidance; and~~
 4. ~~Whether approval of the zoning map amendment amends or does not amend the County's adopted policy guidance; and~~
 5. ~~If the adopted policy guidance is amended as part of the application approval, a description of the change in conditions to meet the development needs of the County that were taken into account as part of the approval; and~~
 6. ~~An explanation of why the action taken by the Board of Commissioners is reasonable; and~~
 7. ~~An explanation of why the action taken by the Board of Commissioners is in the public interest~~~~
- d. ~~Whether approval of the zoning map amendment amends or does not amend the County's adopted policy guidance; and If the amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land use map in the approved plan and no additional request or application for a plan amendment shall be required.~~**
- e. ~~Statement of reasonableness~~**
When adopting or rejecting any petition for an amendment, the Board of Commissioners shall approve a brief statement explaining the reasonableness of the proposed amendment. The statement may consider, among other factors:
1. **Size, physical conditions and other attributes of the area proposed to be rezoned;**
 2. **The benefits and detriments to the landowners, the neighbors, and the surrounding community;**
 3. **The relationship between the current actual and permissible development; and the development permissible under the proposed amendment;**
 4. **Why the action taken is in the public interest; and**
 5. **Any changed conditions warranting the amendment.**
- e. **f.** In cases where the BOC determines that adopted **CAMA** policy guidance is modified in accordance with the approval of a planned development application, the County shall transmit the revised policy guidance to the NC Division of Coastal Management for re-certification.

9.8.5. REVOCATION OF PERMITS

- A. The County may, in its sole discretion, initiate a process to revoke a prior development approval or permit in response to a violation of this Ordinance.
- B. **The County shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval**
- B. **C.** The UDO Administrator or the Building Inspector, as appropriate, may initiate the revocation process by notifying the permit holder in writing, at least ten days prior to the commencement of revocation proceedings, stating the reason for the proposed revocation.
- C. **D.** Permits or certificates may be revoked, in accordance with Section 160D-1115 of the North Carolina General Statutes, for any of the following:
1. Any substantial departure from the approved application, plans, or specifications;
 2. Refusal or failure to comply with the requirements of State or local laws; or
 3. For making false statements or misrepresentations in securing the permit, certificate, or approval.
- D. **E.** Any permit or certificate mistakenly issued in violation of an applicable State or County law may also be revoked by the appropriate authority.

TABLE 10.3: DEFINITIONS

ABUTTING LAND

For the purpose of public notice, abutting land is the condition of two parcels of land having a common property line or boundary, including cases where two or more parcels of land adjoin at a corner, ~~but not~~ including cases where parcels of land are separated by a street or alley.

SUBDIVISION

As used in this ordinance means all divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition provided, however, that any subdivision document or plat to be recorded pursuant to such exclusions shall have the notation of "No Approval Required" and the signature of the UDO Administrator or his designated agent before filing in the office of the Camden County Register of Deeds.

A "Subdivision" shall not include the following:

1. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown in this Ordinance.
2. The division of land into parcels greater than ten acres where no street right-of-way dedication is involved.
3. The public acquisition by purchase of strips of land for the widening or opening of streets.
4. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way or easement dedication is involved and where the resultant lots equal or exceed the standards set forth in this Ordinance
5. **The division of land into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the North Carolina General Statutes.**

11.5. PLANNING BOARD

11.5.3. RULES OF PROCEDURE

A.

B.

C. Oath of Office

All members appointed to boards under this Article shall, before entering their duties, qualify by taking an oath of office as required by GS 160D-309.

11.6. BOARD OF COMMISSIONERS

11.6.2 CONFLICT OF INTEREST

1. A Board member shall not participate in or vote on any matter that has a direct, substantial, and readily identifiable financial impact on them or an immediate family member.
2. If an objection is raised to a member's participation and that member does not recuse himself or herself, then the remaining members shall by majority vote rule on the objection.

11.8. CONFLICT OF INTREST

A. Governing board. A governing board member shall not vote on legislative decisions regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

B. Appointed boards. Members of appointed boards shall not vote on advisory or legislative decisions regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

C. Administrative staff. No staff member shall make a final decision on an administrative decision required by this Chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship.

1. **If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.**
2. **No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Chapter unless the staff member is the owner of the land or building involved.**
3. **No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is**

inconsistent with his or her duties or with the interest of the local government, as determined by the local government.

- D. Quasi-judicial decisions. A member of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.
- E. Resolution of Objection. If an objection is raised to a board member's participation at or prior to the hearing or vote on that matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.
- F. Familial relationship. For purposes of this section, a close familial relationship means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

Adopted by the Board of Commissioners for the County of Camden this _____ day of _____ 2021.

County of Camden

Tom White, Chairman
Board of Commissioners

ATTEST:

[Seal]

Karen Davis
Clerk to the Board

Attachment: Ordinance No 2020 revised (2859 : Amendments to Camden County Code of Ordinances)



CAMDEN COUNTY

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Camden County Planning Board AGENDA ITEM SUMMARY SHEET

Information from Board and Staff

Item Number:

Meeting Date:

December 16, 2020

Submitted By:

Amy Barnett, Planning Clerk
Planning & Zoning
Prepared by: Amy Barnett

Item Title

2021 Planning Board Meeting Schedule

Attachments:

PBSchedule2021 (PDF)

2021 Planning Board Schedule

Meetings begin promptly at 7:00 PM and are conducted in the Camden County Courthouse, Upstairs Historic Courtroom, unless otherwise advertised.

<u>Meeting Date</u>	<u>Item</u>	<u>Cut-Off Date</u>	<u>Meeting Date</u>	<u>Item</u>	<u>Cut-Off Date</u>
Jan. 20, 2021	Major Site Plan Preliminary Plat Special Use Text Amendment Rezoning	Dec. 2, 2020 Dec. 2, 2020 Dec. 2, 2020 Dec. 16, 2020 Dec. 16, 2020	July 21, 2021	Major Site Plan Preliminary Plat Special Use Text Amendment Rezoning	Jun. 2, 2021 Jun. 2, 2021 Jun. 2, 2021 Jun. 16, 2021 Jun. 16, 2021
Feb. 17, 2021	Major Site Plan Preliminary Plat Special Use Text Amendment Rezoning	Jan. 6, 2021 Jan. 6, 2021 Jan. 6, 2021 Jan. 20, 2021 Jan. 20, 2021	Aug. 18, 2021	Major Site Plan Preliminary Plat Special Use Text Amendment Rezoning	Jul. 7, 2021 Jul. 7, 2021 Jul. 7, 2021 Jul. 21, 2021 Jul. 21, 2021
Mar. 17, 2021	Major Site Plan Preliminary Plat Special Use Text Amendment Rezoning	Feb. 3, 2021 Feb. 3, 2021 Feb. 3, 2021 Feb. 17, 2021 Feb. 17, 2021	Sep. 15, 2021	Major Site Plan Preliminary Plat Special Use Text Amendment Rezoning	Aug. 4, 2021 Aug. 4, 2021 Aug. 4, 2021 Aug. 18, 2021 Aug. 18, 2021
Apr. 21, 2021	Major Site Plan Preliminary Plat Special Use Text Amendment Rezoning	Mar. 3, 2021 Mar. 3, 2021 Mar. 3, 2021 Mar. 17, 2021 Mar. 17, 2021	Oct. 20, 2021	Major Site Plan Preliminary Plat Special Use Text Amendment Rezoning	Sep. 1, 2021 Sep. 1, 2021 Sep. 1, 2021 Sep. 15, 2021 Sep. 15, 2021
May 19, 2021	Major Site Plan Preliminary Plat Special Use Text Amendment Rezoning	Apr. 7, 2021 Apr. 7, 2021 Apr. 7, 2021 Apr. 21, 2021 Apr. 21, 2021	Nov. 17, 2021	Major Site Plan Preliminary Plat Special Use Text Amendment Rezoning	Oct. 6, 2021 Oct. 6, 2021 Oct. 6, 2021 Oct. 20, 2021 Oct. 20, 2021
June 16, 2021	Major Site Plan Preliminary Plat Special Use Text Amendment Rezoning	May 5, 2021 May 5, 2021 May 5, 2021 May 19, 2021 May 19, 2021	Dec. 15, 2021	Major Site Plan Preliminary Plat Special Use Text Amendment Rezoning	Nov. 3, 2021 Nov. 3, 2021 Nov. 3, 2021 Nov. 17, 2021 Nov. 17, 2021

Attachment: PBSchedule2021 (2858 : 2021 PB Meeting Schedule)

