

**Camden County Planning Board  
Minutes  
February 16, 2011, 7:00pm  
Historic Courtroom  
Camden County Courthouse Complex**

<b>Members Present:</b>	<b>Absent:</b>
Chairman Rodney Needham	Ray Albertson
Vice Chairman Calvin Leary	John Aydlett
David Bundy	
Fletcher Harris	
Michael Etheridge	

**Call to Order & Welcome**

Chairman Rodney Needham called to order the January 19, 2011 meeting at 7:00 PM.

**Others Present at Meeting**

**STAFF PRESENT**

<b>Name:</b>	<b>Title:</b>
Dan Porter	Director of Planning
Dave Parks	Permit Officer/Flood Administrator
Ashley Honaker	Clerk to the Board of Commissioners

Planning Clerk Amy Barnett was absent from this meeting.

**OTHERS PRESENT**

<b>Name:</b>	<b>Residence:</b>	<b>Purpose:</b>	<b>Meeting Section:</b>
Robert White	Shadneck Rd, Elizabeth City	Frog Island Seafood, Special Use Permit	New Business Item#1

### **Consideration of Agenda**

Chairman Rodney Needham called for consideration of the agenda.

Dave Parks noted a minor mistake on the agenda: the date of the next meeting was listed incorrectly. It should have read March 16, 2011 instead of February 16, 2011.

Motion to approve the agenda as corrected made by: Michael Etheridge.

Motion Seconded by: Vice Chairman Calvin Leary.

The motion passed with Chairman Rodney Needham, Vice-Chairman Calvin Leary, Members David Bundy, Fletcher Harris, and Michael Etheridge voting aye; none voting no; Members Ray Albertson and John Aydlett absent; none not voting.

### **Consideration of Minutes - January 19, 2011**

Chairman Rodney Needham called for consideration of the minutes from the January 19, 2011 Planning Board meeting.

Motion to approve the minutes as written made by: Vice Chairman Calvin Leary.

Motion Seconded by: Fletcher Harris.

The motion passed with Chairman Rodney Needham, Vice-Chairman Calvin Leary, Members David Bundy, Fletcher Harris, and Michael Etheridge voting aye; none voting no; Members Ray Albertson and John Aydlett absent; none not voting.

### **Comments from the Public**

None

### **Old Business**

None

## New Business

### **Item #1      *UDO 2011-02-01, SUP Robert White, Combination Use, (Frog Island Seafood & Boarding House)***

Dave Parks gave a brief introduction to this SUP:

- Mr. White owns property down in Camden Point, Frog Island Seafood
- Wants to convert upstairs of his building, which original plans indicates as storage, into a boarding facility to house his employees, which would be a combination use of the property.
- This type of use is permissible in Marine Commercial zoning district with a Special Use Permit.
- Staff is recommending approval with conditions as listed in the findings of facts.

Mr. Parks then read the conditions listed in the findings of facts, and incorporated herein below:

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**Findings of Facts  
Special Use Permit  
UDO 2011-02-01**

- |     |  |   |
|-----|--|---|
| 1.  | <b>Name of Applicant:</b>  | Robert White  |
| 2.  | <b>Agent for Applicant:</b>  |   |
| 3.  | <b>Address of Applicant:</b>   | P. O. Box 2107, Elizabeth City, NC, 27906-1207                                      |
| 4.  | <b>File Reference:</b>   | UDO 2011-02-01  |
| 5.  | <b>PIN:</b>  | 03-8889-00-97-1146-0000   |
| 6.  | <b>Street Address of Property:</b>   | 104 Cheryl Lane, Shiloh NC  |
| 7.  | <b>Location of Property:</b>   | Camden Pointe Shores  |
| 8.  | <b>Flood Zone:</b>   | AE  |
| 9.  | <b>Zoning District(s):</b>   | Marine Commercial (MC)  |
| 10. | <b>Is a Zoning Change required for the Proposed Use?</b>   | No  |
| 11. | <b>General Description of the Proposal:</b>  | Combination Use - 1) Frog Island Seafood (Use #3.220) & Boarding House (Use #1.510) |
| 12. | <b>Use Classification:</b>   | Article 151.334 (Use #27.00)  |
| 13. | <b>Date Application Received by County:</b>  | February 3, 2011  |
| 14. | <b>Received by:</b>  | Dave Parks, Permit Officer  |
| 15. | <b>Application Fee Paid:</b>   | \$400.00 (Check #5410)  |
| 16. | <b>Completeness of Application:</b>  | Application appears to be complete.   |
|     | <b>A. Items Needed:</b>  | None  |
| 17. | <b>Documents Received Upon Filing Application or otherwise included:</b>   |   |
|     | A.   | Land Use Application  |
|     | B.   | Sight Plan  |
|     | C.   | CAMA Permit   |
|     | D.   | Health Department approval  |
|     | E.   | Site Plan   |
|     | F.   | Engineered Drawings   |
| 18. | <b>Adjacent Property Use:</b>  | Residential / Commercial Fishing Overlay  |
| 19. | <b>Existing Land Use:</b>  | Commercial (Frog Island Seafood)  |
| 20. | <b>Lot Size:</b>   | Approximately .89 acres   |
| 21. | <b>Utilities:</b>  |   |
|     | <b>A. Does the application include a letter or certificate from the District Health Department regarding septic tanks?</b> | Need to extend lines from 60 to 100 feet.   |
|     | <b>B. Does the applicant propose the use of public sewage systems?</b>   | No  |
|     | <b>C. Does the applicant propose the use of public water systems?</b>  | Existing  |
|     | <b>D. Distance from existing public water supply system:</b>   | Adjacent to property.   |

- E. **Is the area within a five-year proposal for the provision of public water?** N/A  
 F. **Is the area within a five-year proposal for the provision of public sewage?** No
22. **Landscaping**  
 A. **Is any buffer required?** No  
 B. **Is any landscaping described in application?** No
23. **Findings Regarding Additional Requirements**  
 A. Endangering the public health and safety: Staff feels that there is no danger to the public health and safety.  
 B. Injure the value of adjoining or abutting property: Staff feels that the development will not injure the values of adjoining or abutting property.  
 C. Harmony with the area in which it is located: Frog Island Seafood is an existing legal business. Owner is in process of replacing old building and desires to board his workers on second floor with office space below.  
 D. Conformity with the Plans  
 (1). Land Use Plan - Project is in conformity with Land Use Plan  
 (2). Thoroughfare Plan - N/A  
 (3). Other Plans officially adopted by the Board of Commissioners - N/A  
 E. Will not exceed the county's ability to provide public facilities  
 (1). Schools - N/A.  
 (2). Fire and rescue - No.  
 (3). Law Enforcement - No  
 F. Other County Facilities - N/A

Staff recommends approval with the following conditions:

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 plans contained in the file titled UDO 2011-02-01.
3. Applicant shall provide approvals from the Fire Marshall for sprinkler system and CAMA for location of slab for water tank within thirty (30) days of approval.
4. Applicant shall provide signed and sealed engineered drawings reflecting all amendments to the building plans to the Planning Office within thirty (30) days of approval of Special Use Permit.
5. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this special use permit shall be voided and have no effect.

Mr. Parks added the following information:

- Property is zoned for both uses, existing business and boarding house
- In table of permissible uses, called a combination use, take most restrictive use to determine type of permit required.

Michael Etheridge asked for clarification on the type of dwelling. Dan Porter responded that this is not for single family use, but for boarding / multiple family use.

Calvin Leary asked if this was for employees only and who was going to monitor this.

Robert White responded yes it would be for employees only, and that the foreman of his facility would be responsible for monitoring the boarding facility. At present, this person lives on property already.

Chairman Rodney Needham inquired regarding the septic system. Mr. White responded that he has a bed system that is being done by Bear Gardens. He added that this is a huge system.

Dave Parks mentioned that there is a septic permit and an email from the health department regarding the septic permit. Mr. Parks mentioned that Mr. White is having to extend the drain lines from the existing 60 feet to 100 feet and build a bed system.

Chairman Needham voiced concerns regarding the size of the septic system in relation to the size of the building. He said that it seemed as if the septic system were too large to fit in the space allotted. Mr. White responded that this was the reason why the septic system was to be a 'bed' system, so that it will fit.

Mr. Parks mentioned that in the Camden Pointe area, the Health Department generally will work with those who already have existing septic systems, but that if no septic system existed then the likely hood of anything being approved was slim.

Mr. White went on to say that this system has been approved by the Health Department, and has been signed off on by a Mr. Kevin Carver.

Chairman Needham asked if the CAMA Permit has been approved. Mr. White responded that it has been approved, and that Hyman and Robey are handling that.

Dave Parks added that Mr. White is just making improvements to the area, and that he is not changing the footprint of the existing building.

Chairman Needham asked regarding the slab that the water tank is going to be placed on: he wanted to know if the water would be for drinking water or for sprinkler system only. Mr. White responded that it was for the sprinkler system only, and also for the fire department should they need it. Mr. White added that the whole system is an engineered system, and that the Fire Marshall will be inspecting it for approval. Chairman Needham noted that due to the Fire Marshall having jurisdiction over the sprinkler system, the Planning Board doesn't need to consider that as long as the Fire Marshall is going to take care of the approval.

Chairman Needham observed that as long as all the requirements and approvals of constituent agencies are received and acted upon accordingly, then in his opinion the Planning Board should have no problem with this.

At this time, Michael Etheridge made a motion to recommend approval to the Board of Commissioners on *UDO 2011-02-01, SUP Robert White, Combination Use, (Frog Island Seafood & Boarding House)* with the conditions as stated in the findings of facts. David Bundy seconded the motion. The motion passed with Chairman Rodney Needham, Vice-Chairman Calvin Leary, Members David Bundy, Fletcher Harris, and Michael Etheridge voting aye; none voting no; Members Ray Albertson and John Aydlett absent; none not voting.

**Item #2 Ordinance No. 2011-02-01, Proposed Changes to UDO**

Dave Parks made a brief introduction:

- Staff has been going over the UDO and making suggestions for proposed changes to update the UDO

Mr. Parks then went over the proposed changes as listed below (underlined words are additions to existing ordinance language, strikethrough words are deletions, and italicized & underlined words are new language). What is listed below are excerpts showing only the sentences and areas wherein the proposed changes appear:

- §151.010 FEES: ...a stormwater review fee shall be submitted with the ~~Sketch Plan~~ Preliminary Plat application in accordance with the Camden County Fee Schedule
- §151.014 EVERY LOT MUST ABUT A STREET OR ROAD: ... This provision shall not apply to structures exempt from ~~subdivision and~~ building regulations under the bona fide farm exemption and the gift by a single property owner of a single lot to each of the property owners children, parents, grandparents or grandchildren.
- §151.017 IMPROVEMENT PERMIT REQUIRED (B): ... This provision shall not apply to structures exempt from ~~zoning and~~ building regulations under the bona fide farm exemption and the gift by a single property owner of a single lot to each of the property owners children, parents, grandparents or grandchildren.
- §151.060 MINIMUM LOT SIZE (A): ... The community core ~~and light industrial district~~ minimum lot size shall be 20,000 square feet with connection to a public water system, and 10,000 square feet with connection to a public water system and to a public sewer system.
- §151.068 MAXIMUM LOT COVERAGE BY BUILDINGS IMPERVIOUS SURFACE .:

<i>Districts/Lots</i>	<i>Total Lot Coverage</i> <u>Low Density</u>	<i>Uncovered Decks, Walkways and Pools</i> <u>High Density</u>
Residential districts, for lots not covered below	<del>25%</del> <u>24%</u>	N/A ??
CCD, NCD, MC and HC districts	40% <u>24%</u>	N/A <u>40%</u>
Residential lots 10,000 square feet to 20,000 square feet in area	<del>25%</del> <u>24%</u>	Additional 15% of lot area ??
Residential lots less than 10,000 square feet in area	40% <u>24%</u>	Additional 15% of lot area ??

(B) Notwithstanding the foregoing division, the maximum percentage of the portion of any lot or tract located in an estuarine shoreline area of environmental concern (areas within 75 feet landward of the mean high water level or normal water level of estuarine waters) that may be covered by impervious surfaces, including principal and accessory buildings as well as any paved parking area regardless of the paving material used, is ~~30%~~ 24%.

- §151.334 TABLE OF PERMISSIBLE USES

USE#	DESCRIPTION	R-1	R-2	R-3	CCD	NCD	HC	MC	GUD	I-1	I-2
1.200	Primary residence with accessory <del>apartment</del> <u>apartment</u>										
<b>6.270</b>	<b>Private Campgrounds</b>										
6.271	Travel trailers allowed						S	S	<u>S</u>		
6.272	Travel trailers prohibited						S	S	<u>S</u>		
<b>21.000</b>	<b>Cemetery and Crematoriums</b>										
21.100	<del>Cemetery not on same property as church. Family Cemeteries (see article 151.347 (N))</del>	S	S	S	S	S	S	S	S	S	S
21.200	<del>Cemetery on same property as church Cemetery on/not on same property as church affiliated with</del>	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
21.300	<del>Cemetery - Perpetual Care</del>				<u>S</u>		<u>S</u>		<u>S</u>		
<del>21.300</del> 21.400	<del>Crematorium</del>						S		S		

- § 151.347 SPECIFIC STANDARDS.

(N) — ~~The table of § 151.334 indicates that some 3.100 classification uses are permissible within the R-1, R-2, R-3 and GUD districts with a special use permit issued by the Board of Adjustment. However, the Board of Adjustment may authorize the uses in these districts only when, in addition to other findings required by this chapter, the applicant demonstrates that:~~

(1) — ~~The proposed use fronts on a paved public street; or~~

(2) — ~~The size, scale, and nature of the proposed use do not make it incompatible with surrounding residential uses. In making this determination, it shall be recognized that the primary intent of this section is to allow the kinds of small scale, professional offices that have traditionally been permitted in residential districts along major thoroughfares in the county, such as the individual offices of doctors, attorneys, and real estate brokers. This section is not intended to authorize in residential districts general office buildings rented to multiple tenants.~~

(N) The following development and design standards shall apply to all Cemeteries:

(1) Family Cemeteries (refer to Chapter 65 of the North Carolina General Statutes):

- a. Albemarle Regional Health Department approval
- b. Cemeteries shall be located on it own parcel of land.
- c. minimum lot size shall be \_\_\_\_\_ ????
- d. Property shall be located outside FEMA 100 year flood zone to include Flood Zones AE, A, AEFW and Non-Encroachment
- e. Location of plots shall not be within 150 feet of a residential dwelling, private wells, and any part of a septic system.
- f. Cemetery shall be located behind a decorative fence or a minimum of a six foot vegetative buffer.
- g. Owner shall provide maintenance schedule for the upkeep of the site.
- h. Owner shall maintain an escrow account with the Clerk of Courts for the maintenance of the site.
- i. Cemetery shall be surveyed to indicate the number of plots and recorded in the Registry of Deeds Office.
- j. The maximum number of plots shall not exceed \_\_\_\_\_ ????.
- k. Setbacks: Front ???? Side ???? Rear????

- § 151.347 SPECIFIC STANDARDS. (O) (1) Junkyards shall be allowed in light and heavy industrial districts only with a special use permit. A junkyard is not permitted in any other zoning district.
- §151.366 ~~ABANDONMENT AND~~ DISCONTINUANCE OF NONCONFORMING SITUATIONS.
- §151.600 DEFINITIONS OF BASIC TERMS. **AGGRIEVED PERSON.** Any person or group of persons of common interest directly or indirectly affected substantially in his or its person, property, or employment by an administrative decision.



## **DISCUSSION ON THE ABOVE PROPOSED CHANGES:**

### §151.010 FEES

Not discussed, change read by Dave Parks

### §151.014 EVERY LOT MUST ABUT A STREET OR ROAD

Dave Parks explained this change: This is to prevent subdivision of large parcels which would be exempt from the subdivision regulations. This makes it subject to the zoning regulations. Property owners can subdivide land, but they may not receive a building permit until there is a road in place that is built to state standards.

Dan Porter added that it is possible to be exempt from subdivision regulations, but not be exempt from zoning regulations. As stated above by Mr. Parks, for example, this would mean that a land owner might be exempt from the subdivision regulations, but they still would not be able to obtain a building permit until there is a road in place built to state standards. Mr. Porter stated that he wanted to make sure that it was clear that access to a road was a zoning requirement and not a subdivision requirement.

### §151.017 IMPROVEMENT PERMIT REQUIRED

Not discussed, change read by Dave Parks

### §151.060 MINIMUM LOT SIZE

Dave Parks read this change.

There was a small discussion regarding minimum lot size in light industrial areas. The reason behind this change is to allow for larger lot sizes in industrial areas.

§151.068 MAXIMUM LOT COVERAGE BY ~~BUILDINGS~~ IMPERVIOUS SURFACE.:

Dan Porter explained that the change from the word 'Buildings' to the word 'Impervious' is due to the fact that while buildings are impervious surfaces not all impervious surfaces are buildings (i.e. sidewalks, patios, etc.).

There was some discussion regarding the percent of allowable coverage. Mr. Porter explained that this change was an attempt to bring the County's ordinance into line with the state regulations with regard to the 24% in the Low Density. In the High Density, he commented that theoretically the coverage could go as high as 60-65% if storm water controls were built in. The limit of 40% that is listed right now is an arbitrary limit; depending on the state stormwater permit, the limit on percent of coverage could be higher depending on what the state will allow.

After some additional discussion it was decided that this proposed change be retained by the Planning Board for further discussion, and not sent to the Board of Commissioners.

§151.334 TABLE OF PERMISSIBLE USES

Use # 1.200 - Not discussed, change explained by Dave Parks

Use # 6.270, 6.271, & 6.272 - Not discussed, change explained by Dave Parks

Use # 21.000, 21.100, 21.200, 21.300, & 21.400 - There was a discussion relating to Cemeteries and Crematoriums. During this discussion, proposed changes to §151.347, Specific Standards, with regards to Cemeteries, was also discussed. There were a number of unknown elements such as minimum lot sizes for family cemeteries, maximum number of plots, setbacks, etc.

After some additional discussion it was decided that the proposed change to the Table of Permissible Uses be modified to remove the sections regarding Cemeteries and Crematoriums (Use #'s 21.000, 21.100, 21.200, 21.300, & 21.400), and send Use #'s 1.200, 6.270, 6.271, & 6.272 to the Board of Commissioners for their consideration (motion, second, and vote on this follows the discussion section).

## § 151.347 SPECIFIC STANDARDS.

Section beginning '(N) The table of • 151.334 indicates that some 3.100 classification uses are permissible within the R-1, R-2, R-3 and GUD districts with a special use permit issued by the Board of Adjustment.' ... through ...'This section is not intended to authorize in residential districts general office buildings rented to multiple tenants.' This whole section is formatted as strike-through, which means that it is being deleted from the ordinance language. The reason for this deletion is that in the Table of Permissible Uses, these particular uses are actually prohibited, and so this section is being deleted from the ordinance.

For clarification purposes, there was no discussion on this portion, only explained by Dave Parks.

Section below the strike through, the new '(N)' section with new language, deals with Cemeteries and Crematoriums, was discussed concurrently with the discussion relating to the Table of Permissible Uses. Per that discussion, this portion of §151.347 is being held over for further discussion by the Planning Board and is not being sent to the Board of Commissioners at this time.

The section starting '(O) (1) Junkyards shall be allowed in *light and* heavy industrial districts ... ': Dave Parks explained this change. This change was due to the fact that the Table of Permissible Uses also allows Junkyards in light industrial districts.

## §151.366 ~~ABANDONMENT AND~~ DISCONTINUANCE OF NONCONFORMING SITUATIONS.

Dan Porter explained this change. This change stemmed from a recent Board of Adjustment case. In the current zoning regulations if there is a situation of a non-use of a nonconforming use property for more than 180 days, then the property must be brought up to current zoning code. The change in terminology is a change that was recommended by the county attorney. In order to be consistent with the term 'Nonconforming Situation', County Attorney John Morrison recommended the use of the term 'Discontinuance' instead of 'Abandonment' due to the fact that there are precise definitions to both words. The definition of discontinuance is more precise to its intended use within the ordinance.

§151.600 DEFINITIONS OF BASIC TERMS.

Dan Porter explained this addition to the ordinance. This also stemmed from a recent Board of Adjustment case. In order to bring an appeal of an administrative decision to the Board of Adjustment, a person must have a legal standing upon which to do so. This is the definition of an 'Aggrieved Person': 'any person or group of persons of common interest directly or indirectly affected substantially in his or its person, property, or employment by an administrative decision.'. County Attorney John Morrison, after some research, found the definition of an 'Aggrieved Person' and this definition applied to the aforementioned recent case wherein a person appealed an administrative decision to the Board of Adjustment. After hearing testimony at that board meeting, it was determined that the appellant was not an aggrieved person and thus was not entitled to appeal the decision and the case was dismissed. This case necessitated the addition of this definition to §151.600 Definitions Of Basic Terms.

**INDIVIDUAL VOTE ON EACH CHANGE:**

This table shows the individual votes taken on each change as detailed above.

<b>Section</b>	<b>Description</b>	<b>Motion By</b>	<b>Seconded By</b>	<b>Vote</b>
151.010	Fees	Calvin Leary	Michael Etheridge	Unanimous
151.014	Every Lot Must Abut A Street or Road	Michael Etheridge	Calvin Leary	Unanimous
151.017	Improvement Permit Required	Michael Etheridge	Fletcher Harris	Unanimous
151.060	Minimum Lot Size	Calvin Leary	Michael Etheridge	Unanimous
151.068	Tabled, Planning Staff to bring more information back to Planning Board at a later date.			
151.334	Table of Permissible Uses (Use #'s 1.200, 6.270, 6.271, and 6.272 ONLY) ... Cemetery and Crematorium Uses to be brought back to Planning Board at later date	Calvin Leary	Fletcher Harris	Unanimous
151.347	Specific Standards - Section beginning with (N) formatted with strikethrough	Michael Etheridge	Calvin Leary	Unanimous
151.347	Specific Standards - Section beginning with (N) - New language on Cemeteries and Crematoriums to be brought back to Planning Board at later date, Tabled.			
151.347	Specific Standards - Junkyards	Calvin Leary	Michael Etheridge	Unanimous
151.366	Discontinuance of Nonconforming Situations	Michael Etheridge	David Bundy	Unanimous
151.600	Definitions of Basic Terms	Michael Etheridge	David Bundy	Unanimous

**Item #3      *Comprehensive Plan Consultant Selection Committee Appointments***

Dan Porter described this agenda item:

- Board of Commissioners approved funding for a comprehensive plan for the county
- Deadline for submittal of comprehensive plan proposals is March 4, 2011
- There will be a committee made up of 2 members from the Planning Board, 2 members of the Board of Commissioners, the County Manager, & Planning Staff to review the proposals
- Seeking volunteers / recommendations for volunteers from Planning Board to serve on that committee.

At this time, Chairman Rodney Needham asked the Planning Board if there were any volunteers to serve on the aforementioned committee. David Bundy and Michael Etheridge volunteered to serve as primary members of the committee, and Vice Chairman Calvin Leary volunteered to serve as an alternate member of the committee.

**Information from Board and Staff**

Dan Porter reported that the Board of Commissioners approved Camden Plantation and all the paperwork has been signed.

**Consider Date of Next Meeting - March 16, 2011**

**Adjournment**

At 8:00 PM, Michael Etheridge made a motion to adjourn the meeting. Fletcher Harris seconded the motion. The motion passed with Chairman Rodney Needham, Vice-Chairman Calvin Leary, Members David Bundy, Fletcher Harris, and Michael Etheridge voting aye; none voting no; Members Ray Albertson and John Aydlett absent; none not voting.

Date: \_\_\_\_\_

Approved: \_\_\_\_\_  
Chairman Rodney Needham

Attested: \_\_\_\_\_  
Ashley Honaker, Clerk to the Board of Commissioners

Prepared by: \_\_\_\_\_  
Amy Barnett, Planning Clerk