

**BOARD OF COMMISSIONERS**

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**Camden County Planning Board**

**Record of Proceedings**

**June 21, 2006**

7:00pm

Upstairs Courtroom  
Camden County Courthouse

Chairman James Burnham  
Vice Chairman Rodney Needham  
Members Ray Albertson, Michael Etheridge, Terri Griffin,  
Calvin Leary and Robert Woodrow

Also present was Dan Porter, Director of Planning, Dave Parks, Permit Officer/  
Flood Administrator, and Lori Tuss, Clerk to the Board

Chairman James Burnham called to order the June 21, 2006 regular meeting of the  
Camden County Planning Board at 7:06 PM.

**Consideration of Agenda**

Staff requested an amendment to the agenda with the following additions:

1) **Public Comment Request** - On June 12, 2006 David and Wanda Burgess came to the Planning Department in Camden County and stated that they wished to be added to the June 21, 2006 agenda. Staff recommended that the board place this matter under Item # 4 Comments from the Public.

2) **Corridor Overlays** - The Staff provided a handout to the Board that was included in the June 21, 2006 Board packets but was not officially added to the typed agenda due to time constriction. The Staff recommends placing Corridor Overlays, prepared by Planning Director Dan Porter, under Item # 6 Information from Board and Staff.

Robert Woodrow made a motion to approve the agenda as amended. Michael Etheridge seconded the motion. The motion passed 7-0: none opposed; none absent; none not voting.

**Consideration of May 17, 2006 regular meeting minutes**

Calvin Leary made a motion to approve the minutes of the May 17, 2006 minutes. Terri Griffin seconded the motion. The motion passed 7-0; none opposed; none absent; none not voting.

## **Comments from the Public**

David Burgess Sr. and Wanda Burgess at 126 Run Swamp Road approached the board to discuss the new changes that were made to the current Moratorium by the County Commissioners. David and Wanda both expressed and articulated their concerns about the hold on registering property from parent to child. They stated that the additional conditions placed on the land owners in Camden County are not reasonable.

Chairman Burnham thanked them for their comments and will take it under consideration.

## **New Business:**

Item # 1) Special Use Permit (UDO 2006-01-27) Melran LLC  
– Wireless Telecommunications Facility, South Mills  
Township

Because Board member Ray Albertson has personal interest in UDO 2006-01-27, he recused himself from the vote, and did not participate in the presentation or make any comments.

Staff recommended approval of Application UDO 2006-01-27  
Special Use Permit- Melran LLC Wireless  
Telecommunications Facility based on the finding of facts and  
conditions all of which are consistent with both the FCC and  
the Camden County Land Use Plan.

After many questions from the board, Michael Etheridge made a motion to approve the application based on the finding of facts as it is consistent with the land use plan. Vice Chairman Rodney Needham seconded the motion. The motion passed 6-0; none apposed; none absent; Member Ray Albertson not voting (recused).

## **Information from Board and Staff**

### **Ordinance updates:**

**Staff recommended the following changes to the Ordinances for discussion and or possible action. No action was taken.**

### **§ 151.064 ACCESSORY BUILDING SETBACK REQUIREMENTS.**

All accessory buildings in residential districts must comply with the street setback set forth in § 151.063, but shall be required to observe only a ~~ten~~ five-foot setback from rear and side boundary lines. However, boat houses and docks requiring a CAMA permit may locate in accordance with that CAMA permit and not be subject to rear yard setback requirements.

**LANDSCAPING REQUIREMENTS**

**§ 151.135 BOARD FINDINGS CONCERNING THE NEED FOR LANDSCAPING REQUIREMENTS.**

The Board finds that:

(A) Landscaping between two lots lessens the transmission from one lot to another of noise, dust and glare;

(B) Landscaping can lessen the visual pollution that may otherwise occur; (Even minimal landscaping can provide an impression of separation of spaces and more extensive screening can shield entirely one use from the visual assault of an adjacent use.)

(C) Landscaping can establish a greater sense of privacy from visual or physical intrusion, the degree of privacy varying with the intensity of the screening;

(D) Landscaping provisions encourages the preservation of existing trees and vegetation;

(E) Landscaping safeguards and enhances property values and is important to stabilizing the ecological balance of the county; and

(F) The provisions of this part are necessary to safeguard the public health, safety and welfare.  
(Ord. passed 12-15-97)

**§ 151.136 GENERAL LANDSCAPING STANDARD.**

(A) Every property owner in the county is responsible for the general upkeep and appearance of their property, including, but not limited to keeping grass mowed, preventing trash and litter from collecting and general neatness. In no event may the grass or weeds on any portion of a lot, which is not used for active farming or woodlands, located within 500 feet of a residence exceed the height of 12 inches. This height limitation shall exclude that portion of a property that is actively engaged in farming or woodlands. If for any reason the appearance of a property, vacant or developed, becomes unsafe, unhealthy or fails to comply with the above standard, the county may arrange to have the property cleaned and then bill the property owner for the work performed.

(B) Every development shall provide sufficient landscaping so that:

(1) Neighboring properties are shielded from any adverse external effects of that development; and

(2) The development is shielded from the negative impacts of adjacent uses such as streets or railroads.

(C) Landscaping shall be located and maintained so as not to interfere with vehicular and pedestrian traffic.

(Ord. passed 12-15-97; Am. Ord. passed 1-24-00; Am. Ord. passed 5-15-01)

**§ 151.137 COMPLIANCE WITH LANDSCAPING STANDARD.**

(A) To determine required landscaping, the following steps shall be taken:

(1) Identify the classification of the proposed land use and all adjacent land uses listed in § 151.138;

(2) Use the table of § 151.139 to determine the appropriate letter designation for each abutting yard;

(3) Match the letter designation obtained from the table of § 151.139 with § 151.140 to determine the required landscaping; and

(4) Landscaping requirements established in this subchapter and §§ 151.155 through 151.159 apply to all land uses, except where specific landscaping requirements are established for certain uses elsewhere in these regulations, such as shopping centers.

(B) The table set forth in § 151.139, in conjunction with the explanations in § 151.140 concerning the types of landscaping, establishes suggested landscaping requirements that, presumptively, satisfy the general standards established in § 151.136. However, this table is only intended to establish a presumption and should be flexibly administered in accordance with § 151.141.

(C) If, when the analysis described in division (A) above indicates that landscaping is required for an existing use, but the required landscaping is not in place, then this lack of screening shall constitute a nonconforming situation, subject to all the provisions of §§ 151.360 through 151.368. (Ord. passed 12-15-97)

### **§ 151.138 LANDSCAPING LAND USE CLASSIFICATION.**

Below are the classifications of land uses that will determine the required landscaping established in § 151.139.

(A) *Classification I.* Single-family dwellings (1.100); family-care homes (1.450); golf courses (6.210 and 6.220, partial); nature areas; wildlife sanctuaries and accessory uses including recreation and storage; towers and related structures (18.000); and crab shedding operated in a residential zoning district (24.000, partial).

(B) *Classification II.* Two-family residences (1.200); multi-family residences (1.300); homes emphasizing special services/treatment of supervision (1.400), excluding family care homes; rooming/ boarding house (1.510); bed and breakfast (1.520); tourist home (1.530); hunting and fishing lodge (1.550); educational, cultural, religious, philanthropic, social fraternal uses (5.000); publicly or privately owned outdoor recreation facilities (6.210, 6.220 only); cemetery and crematorium (21.000); and commercial greenhouse or nursery (25.000).

(C) *Classification III.* Hotels and motels (1.540); sales and rental of goods, merchandise and equipment (2.000); office, clerical, research and services not primarily related to goods or merchandise (3.000); manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise and equipment (4.000, partial) excluding uses listed in § 151.328; indoor recreation (6.110, 6.120); golf driving range not accessory to golf course, par three golf courses and the like (6.230); horse riding stables not accessory to residential development unless located on exterior of development (6.240); drive-in movie theaters (6.260); private campgrounds (6.270); petting zoo (6.280); institutional residences or care or confinement facilities (7.000); restaurants, dance halls, bars nightclubs (8.000); motor vehicle and boat related sales and service operations (9.000); storage and parking (10.000); services and enterprises related to animals (12.000); emergency services (13.000); agricultural operations (14.100); silvicultural operations (14.200); post office (15.100); airports and airstrips (15.200); dry cleaner and Laundromat (16.000); utility facilities (17.000); open air markets (19.000); funeral home (20.000); nursery school, day-care centers (22.000); crab shedding not operated in a residential zoning district (24.000, partial); off-premise signs (28.000); agribusiness uses (31.000); and miscellaneous water related uses (32.000).

(D) *Classification IV.* Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise and equipment (4.000, partial), including only those uses listed in § 151.328; automobile and motorcycle racing tracts (6.250); scrap materials, salvage yards, junkyards and automobile graveyards (11.000); mining or quarrying operations, including on-site sales of products (14.300); reclamation landfill (14.400); sanitary landfill (15.300); demolition landfill (15.400); incinerators (15.500); stockyards, slaughter houses, rendering plants (30.000); and adult businesses and sexually-oriented businesses (35.000). (Ord. passed 12-15-97)

**§ 151.139 TABLE OF LANDSCAPING REQUIREMENTS.**

Below is the table of landscaping requirements used to determine landscaping between adjacent land uses.

<i>Proposed Land Use Classes</i>	<i>Adjacent Permitted Land Use Classes</i>				<i>Adjacent Zone with Nonconforming Use</i>		<i>Adjacent Public or Private Street</i>	<i>Railroad</i>
	<i>I</i>	<i>II</i>	<i>III</i>	<i>IV</i>	<i>Residential</i>	<i>Non-Residential</i>		
<i>II</i>	A	B	C	C	B	C	C	C
<i>III</i>	A	A	C	C	B	C	C	C
<i>IV</i>	A	A	B	C	A	B	A	C

(Ordinance passed 12-15-97)

**§ 151.140 DESCRIPTIONS OF LANDSCAPING.**

The following three basic types of landscaping are hereby established and are used as the basis for the table of § 151.139.

(A) *Opaque Landscaping, Type "A."* The requirements of this section may be met by establishment of a vegetative buffer, landscaped earth berm, planted vegetation or existing vegetation, which may or may not be augmented by a fence or wall, 25 feet in width forming a screen described as follows.

(1) Landscaping that is opaque from the ground to a height of at least 6 feet, with intermittent visual obstructions from the opaque portion to a height of at least 20 feet. An opaque landscaping is intended to exclude completely all visual contact between uses and to create a strong impression of spatial separation. The opaque landscaping may be composed of a wall, fence, landscaped earth berm, planted vegetation or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species or field observation of existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet wide. The portion of intermittent visual obstructions may contain deciduous plants. Below is a suggested guideline for developers.

(2) When a fence or wall is used to augment a vegetative buffer, the wall or fence shall:

- (a) Not be a part of any building or structure;
- (b) Must be constructed so a person can not see through it, visually opaque; and
- (c) Must comply with the following appearance criteria:
  1. Must be constructed of new uniform materials from end to end and from top to bottom so as to present a uniform appearance;
  2. Must be constructed so as to be sturdy enough to withstand storm wind loads and the general destructive tendencies of annual weather patterns;
  3. Must be constructed so as to be expected to have a useful life of ten years or more;
  4. Must be maintained in a constant state of good repair;

5. Must be constructed of materials and in a manner generally accepted as proper in the building industry or by State Building Codes; and

6. Fences of the chain link type with plastic inserts or filler strips shall not comply with this section unless deemed appropriate by the Zoning Administrator.

(B) *Semi-Opaque Landscaping, Type "B."*

(1) Landscaping that is 50% opaque from the ground to a height of 3 feet, with intermittent visual obstruction from above the opaque portion to a height of at least 20 feet. The semi-opaque landscaping is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque landscaping may be composed of a wall, fence, landscaped earth berm, planted vegetation or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation.

(2) At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than 20 feet wide. The zone of intermittent visual obstruction may contain deciduous plants.

(C) *Broken Landscaping, Type "C."* A landscaping composed of intermittent visual obstructions from the ground to a height of at least 20 feet. The broken landscaping is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence, landscaped earth berm, planted vegetation or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species or field observation of existing vegetation. The screen may contain deciduous plants.  
(Ord. passed 12-15-97)

**§ 151.141 FLEXIBILITY IN ADMINISTRATION REQUIRED.**

(A) (1) The Board recognizes that, because of the wide variety of types of developments and the relationships between them, it is neither possible nor prudent to establish inflexible landscaping requirements.

(2) Therefore, as provided in § 151.137, the permit issuing authority may permit deviations from the presumptive requirements of § 151.139 and may require either more intensive or less intensive landscaping whenever it finds such deviations are more likely to satisfy the standard set forth in § 151.136 without imposing unnecessary costs on the developer.

(B) Without limiting the generality of division (A) above, the permit issuing authority may modify the presumptive requirements for:

(1) Commercial developments located adjacent to residential uses in business zoning districts; and

(2) Commercial uses located adjacent to other commercial uses within the same zoning district.

(C) Whenever the permit issuing authority allows or requires a deviation from the presumptive requirements set forth in § 151.139, it shall enter on the face of the permit the landscaping requirement that it imposes to meet the standard set forth in § 151.136 and the reasons for allowing or requiring the deviation.

(D) If the permit issuing authority concludes, based upon information it receives in the consideration of a specific development proposal, that a presumption established by § 151.139 is erroneous, it shall initiate a request for an amendment to the suggested requirements of § 151.139 in accordance with the procedures set forth in §§ 151.580 through 151.586.  
(Ordinance passed 12-15-97)

#### **§ 151.142 COMBINATION USES.**

(A) In determining the landscaping requirements that apply between a combination use and another use, the permit issuing authority shall proceed as if the principal uses that comprise the combination use were not combined and reach its determination accordingly, relying on the table set forth in § 151.139 interpreted in the light of § 151.140.

(B) When two or more principal uses are combined to create a combination use, landscaping shall not be required between the component principal uses unless they are clearly separated physically and screening is determined to be necessary to satisfy the standard set forth in § 151.136.  
(Ordinance passed 12-15-97)

#### **§ 151.143 SUBDIVISIONS.**

When undeveloped land is subdivided and undeveloped lots only are sold, the subdivider shall not be required to install any landscaping. Screening shall be required, if at all, only when the lots are developed, and the responsibility for installing the screening shall be determined in accordance with the other requirements hereof.  
(Ordinance passed 12-15-97)

#### **§ 151.144 NONCONFORMING LANDSCAPING.**

When a change in use occurs and the new use is the same or lower land use classification then the previous use as found in § 151.138, then the applicant shall not be required to bring the landscaping into compliance with this subchapter and §§ 151.155 through 151.159. When a change in use occurs and the new use is a higher land use classification then the previous use as found in § 151.138, then the applicant shall comply to the extent reasonable with the provisions of this subchapter and §§ 151.155 through 151.159.  
(Ordinance passed 12-15-97)

#### **§ 151.145 MINIMUM PLANTING HEIGHTS.**

(A) Landscaping required by this subchapter, including shading provisions listed in §§ 151.155 through 151.159, shall be planted in accordance with the following minimum planting heights:

- (1) Large trees: ~~four~~ ten feet;
- (2) Small trees: ~~three~~ five feet; and
- (3) Shrubs: ~~one~~ two feet.

(B) The Administrator may allow a reduction in the planting heights listed above along an adjoining vacant property line or where smaller planting heights is deemed best in light of the plant materials chosen.  
(Ordinance passed 12-15-97)

## **SHADING REQUIREMENTS**

### **§ 151.155 BOARD FINDINGS AND DECLARATIONS OF POLICY ON SHADE TREES.**

(A) The Board finds that:

(1) Trees are proven producers of oxygen, a necessary element for human survival;

(2) Trees appreciably reduce the ever-increasing, environmentally dangerous carbon dioxide content of the air and play a vital role in purifying the air;

(3) Trees transpire considerable amounts of water each day and thereby purify the air much like the air-washer devices used on commercial air conditioning systems;

(4) Trees have an important role in neutralizing waste water passing through the ground from the surface to ground water tables and lower aquifers;

(5) Trees, through their root systems, stabilize the ground water tables and play an important and effective part in soil conservation, erosion control and flood control;

(6) Trees are an invaluable physical, aesthetic and psychological counterpoint to a developed setting, making life more comfortable by providing shade and cooling the air and land, reducing noise levels and glare and breaking the monotony of human developments on the land, particularly parking areas; and

(7) For the reasons indicated in division (A)(6) above, trees have an important impact on the desirability of land and therefore on property values.

(B) Based upon the findings set forth in division (A) above, the Board declares that it is not only desirable, but essential to the health, safety and welfare of all persons living or working within the county to protect certain existing trees and, under the circumstances set forth in this subchapter and §§ 151.135 through 151.145, to require the planting of new trees in certain types of developments.

(C) Shade trees shall be located and maintained so as not to interfere with vehicular and pedestrian traffic.

(Ordinance passed 12-15-97)

### **§ 151.156 REQUIRED TREES ALONG DEDICATED STREETS.**

Along both sides of all newly created streets that are constructed in accordance with the public street standards set forth in §§ 151.080 through 151.096, the developer shall either plant or retain sufficient trees so that, between the paved portion of the street and a line running parallel to and 50 feet from the centerline of the street, there is for every 50 feet of street frontage at least an average of one small deciduous, native pine or small cedar tree or, for every 100 feet of street frontage at least an average of one deciduous, native pine or large cedar tree. When trees are planted by the developer pursuant to this section, the developer shall choose trees that meet the suggested standards set forth in Appendix E to this chapter.

(Ordinance. passed 12-15-97)

### **§ 151.157 RETENTION AND PROTECTION OF LARGE TREES.**

If, during the development of a property, any tree with a diameter of 18 or more inches is lost, destroyed or significantly damaged, the developer shall be responsible for the replacement value of that trees (s). A replacement will consist of one and one-half new trees, 25-gallon minimum ball size, for every tree lost. These new trees will be planted in accordance with an approved site plan and Administrator approval.

(Ordinance passed 12-15-97)



**§ 151.158 SHADE TREES IN PARKING AREAS.**

(A) (1) Vehicle accommodation areas must be shaded by deciduous trees, either retained or planted by the developer.

(2) When trees are planted by the developer to satisfy the requirements of this division, the developer shall choose trees that meet the standards suggested in Appendix E to this chapter.

(B) Each tree of the type described in division (A) above shall be presumed to shade a circular area having a radius of 15 feet with the trunk of the tree as the center, and there must be sufficient trees so that, using this standard, 20% of the vehicle accommodation area will be shaded.

(C) Trees shall be setback far enough from vehicular areas so as not to cause an unhealthy situation for the plant material selected.

(D) (1) Vehicle accommodation areas shall be laid out and detailed to prevent vehicles from striking trees.

(2) Vehicles will be presumed to have a body overhang of three feet, six inches.  
(Ordinance passed 12-15-97)

**§ 151.159 PROTECTION OF TREES DURING CONSTRUCTION.**

(A) The permit recipient shall be responsible for ensuring that all existing trees specifically shown on approved plans as being retained to provide screening or shading area are protected during the construction process from removal, destruction or injury. The permit recipient shall ensure that, before any excavation takes place on the site, a barrier is erected around the drip line of all trees sufficient to put on notice all construction personnel that the area within the drip line of the trees is not to be disturbed.

(B) If a violation of division (A) above occurs and as a result a tree is removed or dies within two years after a certificate of occupancy is granted for that portion of a development where the tree is or was located, then the permit recipient, or his or her successor, shall be required to replace the tree with one and one-half trees of equal value, with a ball size of at least 25 gallons. The replacement must take place within one year after the death or removal of the tree occurs and this obligation shall be a continuing condition of the validity of the permit.  
(Ordinance passed 12-15-97)

**§ 151.171 MAJOR ALL SUBDIVISIONS TO INSTALL WATER LINES.**

~~(A) Whenever it is legally possible and practicable in terms of topography to connect to a county water line by running a connecting line not more than the distance set forth below, then the subdivider shall install water lines in the major subdivision so that all lots to be developed will be able to connect to the county water system. Subdivision of land where in the creation of two lots or more shall install water lines. The developer shall provide all the necessary pipes and accessories for installation of the water lines as set forth herein and all materials and pipes so provided must meet or exceed the requirements established for the county water system. Individual lots within a subdivision having been given a minimum of preliminary plan approval prior to November 4, 1996, which remains valid, shall not be required to connect to the county water system. Individual lots within a subdivision given initial sketch plan approval after November 4, 1996, shall be required to connect to the county water system.~~

~~(1) Major subdivision applications submitted after November 4, 1996, shall be required to install water lines in accordance with this section.~~

~~(a) If the tract in question is proposed to be developed for residential purpose, then the distance within which connection must be made shall be as follows: 100 feet per unit for the first ten units, plus 20 feet for each unit in excess of ten units within the development. If the tract in question is proposed to be developed for non-residential purposes, then the distance within which connection must be made shall be determined by transposing the projected demand of the proposed non-residential use into the demand created by an equivalent number of average residential units and using the foregoing formula.~~

~~(b) In determining units in a development, tracts proposed to be subdivided and not using multi-family subdivisions shall have their total unit potential determined by calculating the maximum number of units allowable for each proposed lot. The total number of units proposed on other developments shall be as shown on the proposed site plan.~~

~~(c) In determining the number of dwelling units proposed for a tract, the relevant inquiry relates to the number proposed for the entire tract rather than a single phase of the proposed project.~~

~~(2) If a public water supply system is to be provided to the area within a five-year period, as indicated in the county's long range water extension plan, official map or other official document, the county may require installation of a capped system or dry lines (mains only), within the road right-of-way; or the county may require a payment in lieu of the improvement. This provision shall apply to all major subdivision initial sketch plans submitted after November 4, 1996, when the subdivision is within a distance of proposed water lines as follows: 100 feet per unit for the first ten units, plus 20 feet for each unit in excess of ten units.~~

~~(B) Connection to such water line is not legally possible if, in order to make connection with the line by a connecting line that does not exceed the distance prescribed above, it is necessary to run the connecting line over property not owned by the owner of the property to be served by the connection, and, after diligent effort, the easement necessary to run the connecting line cannot reasonably be obtained.~~

~~(E B) All water systems installed having 15 or more connections must meet the standards of the State Commission for Health Services, Division of Environmental Management.~~

~~(D) If the public water system is available or is to be available and the subdivider is developing new lots under the standards set forth hereinabove, the subdividers shall construct a water system that complies with the standards and specifications of the public water system with jurisdiction where the subdivision is located and connect it to the system serving the area in which the subdivision is located.~~

~~(E C) If the developer is developing new lots within any area served by a public water system in the county, the subdivider shall construct a water system and connect it to the system owned and operated by the water system that serves the area where the subdivision is located, subject to the following conditions.~~

~~(1) Construction plans for the proposed system shall be prepared by a registered engineer, materials and construction to be in accordance with the specifications for the public water system, as prepared by the water system's engineer, that serves the area where the subdivision is located and submitted with the preliminary plat to the Planning Board and public water system that serves the area where the subdivision is located and all appropriate state agencies.~~

~~(2) The cost of the construction, connection and approval of the subdivision water system shall be paid by the subdivider.~~

~~(3) All water mains, laterals, meter boxes and easements shall be dedicated to the public water system. Water lines shall be installed within street rights-of-way, where possible.~~

(F ~~D~~) (1) The water system where the subdivision is being developed may require installation of certain oversized facilities, such as water mains in excess of eight inches in diameter, when it is in the interest of future development.

(2) When this is required, the water system where the subdivision is located shall pay for that portion of the improvement that exceeds the standards set forth in this chapter.

(~~E~~ E) For Major Subdivisions, all connection fees shall be paid by the developer for each lot required to be connected to the county water system prior to submission of final plat approval.

#### **§ 151.174 WATER SUPPLY SYSTEM REQUIRED.**

Every principal use and every lot within a subdivision shall connect to a county-owned water system or a private/public central water system. ~~be served by a means of a water supply that is adequate to accommodate the reasonable needs of the use or subdivision lot and that complies with all applicable health regulations.~~

#### **§ 151.182 FIRE HYDRANTS.**

(A) Every ~~major~~ subdivision of land that results in the creation of two lots or more that is served by a county-owned water system or a private/public central water system with at least six-inch lines shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within the development.

(B) The presumption established by this chapter is that to satisfy the standard set forth in division (A) above, fire hydrants must be located so that not more than 500 linear feet, measured along the centerline of the street right-of-way, separates a property within the development and a fire hydrant. However, the permit issuing authority may authorize or require a deviation from this standard if another arrangement more satisfactorily complies with the standard set forth in division (A) above.

(C) The permit issuing authority, after consultation with local fire officials, shall determine the precise location of all fire hydrants. Preferably, fire hydrants shall be placed six feet behind the curb line of publicly dedicated streets that have curb and gutter and must be placed within ten feet of a public or private road or street.

(D) The permit issuing authority shall, after consultation with local fire officials, determine the design standards of all hydrants based on fire flow needs. Unless otherwise specified, all hydrants shall have two 2½-inch hose connections and one 4½-inch hose connection. The 2½-inch hose connections shall be located at least 21½ inches from the ground level. All hydrant threads shall be national standard threads.

(E) Water lines that serve hydrants shall be at least six-inch lines and, unless no other practicable alternative is available, no lines shall be dead-end lines and they shall be looped where practical.

(F) When served by a county-owned or a private/public central water system, all conversions of existing structures to non-residential uses and all new construction projects, excluding single-family and two-family dwellings, that are less than 1,000 feet from an existing fire hydrant shall be required to extend the line and install a new fire hydrant within 500 feet of their parcel.

(G) Fire hydrants shall flow a minimum five hundred (500) gallons per minute with a residual of twenty (20) PSI (pounds per square inch).

(~~G~~ H) Subdivisions of ~~five~~ one lot plus residual or those classified as an exempt subdivision shall be exempt from this requirement, ~~provided all five lots are within one parcel/tract of land.~~ Additional lots subdivided from the one parcel/tract of land shall comply with the fire hydrant requirement.

(Ordinance passed 12-15-97)

**§ 151.183 WATER SUPPLY FOR FIRE PROTECTION IN DEVELOPMENTS NOT SERVED BY THE PUBLIC WATER SUPPLY SYSTEM.**

Every residential development containing ~~20~~ two (2) or more lots and every non-residential subdivision containing ten or more lots shall provide a supply of water that is sufficient to provide adequate fire fighting capability with respect to every building that is reasonably expected to be constructed within the development.

~~(A) The Administrator shall determine the types, sizes, dimensions and spatial relationships of buildings anticipated within the development by using the best information available, including, without limitation, market experience, the developer's plans and the list of permissible uses in § 451.334 and other requirements set forth in this chapter.~~

~~(B) The developer may provide the required water supply by resort to ponds, wells, cisterns, above ground storage tanks, water lines, where a community water supply system is installed, any combination of the foregoing, or any other means, so long as the facilities satisfy the requirements of this section.~~

~~(C) The water supply facilities may be located on or off the site of the development. However, off-site facilities shall be acceptable only if the developer has a sufficient legal interest in the facilities to ensure that the facilities will be available to serve the development as long as they are needed.~~

~~(D) The water supply facilities must be of the size and so located that within 2,500 feet of every anticipated building in the development a sufficient volume of water is available at all times of the year to supply the water flow needed to suppress a fire on each building~~

~~(E) A In determining needed water flow for anticipated buildings, the Administrator shall be guided by the standards promulgated by the Insurance Service Office, which standards shall be available in the office of the Administrator. However, the Administrator may modify these standards warranted upon the advice of the Chief of the applicable Volunteer Fire Department to the end that the basic objective of this section set forth above might most reasonably be satisfied.~~

~~(F) Water supply sources shall be so located so that fire-fighting vehicles will have ready access to the sources at all times. A hard surfaced roadway shall be provided to the water source as well as a hard surfaced, turnaround area of sufficient dimensions to facilitate access by fire-fighting vehicles to and from the water source.~~

~~(G) Water supply sources shall be provided with the necessary equipment and connections (such as, dry hydrants in ponds) to ensure that fire-fighting equipment can draw water from the sources in the most efficient manner reasonably possible.~~

~~(H) The developer or his or her successor shall be responsible for ensuring that all water supply sources, access roadways and other facilities or equipment required under this section are maintained.~~

~~(Ord. passed 12-15-97)~~

***MAJOR SUBDIVISION DESIGN REQUIREMENTS;  
REVIEW PROCEDURES AND APPROVAL PROCESS***

**§ 151.230 LANDS SUBJECT TO SUBDIVISION REGULATIONS WITHIN THIS CHAPTER.**

(A) For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**SUBDIVISION** All divisions of a tract or parcel of land into two or more lots, when any one or more of those divisions is created for building sites or other divisions for the purpose, whether immediate or in the future, of sale or building development and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, that the following shall not be included within this definition nor be subject to the regulations prescribed by this chapter:

(a) 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 by the regulations prescribed by this chapter;

(b) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;

(c) The public acquisition by purchase of strips of land for the widening or opening of streets;

(d) 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 dedication is involved and where the resultant lots are equal to or exceed the standards of the county, as shown by the subdivision regulations contained in this chapter; or

(e) The gift by a property owner of a single lot to each of the property owner's children or parents provided that:

1. Lots created under this section shall be titled in the name of the immediate family member for whom the subdivision is made for a period of no less than five (5) years or until their 18th birthday (whichever is greater), unless lots are subject to an involuntary transfer such as by foreclosure, death, judicial sale, condemnation, or bankruptcy.

2. If the original lot or parcel does not front on a publicly dedicated, recorded, and maintained street, or an easement recorded prior to January 1, 2006 it shall have a reasonable right-of-way not less than forty-five (45) feet in width providing ingress and egress to a dedicated, recorded public street.

3. The plat shall be signed by all persons having any real property interest in any land included within the subdivision, including required rights-of-way.

(B) Exemption of a partition of land from the definition of **SUBDIVISION** shall not exempt any resulting lots, tracts or parcels from meeting the requirements of this chapter for the granting of zoning, building or improvements permits.

(C) Except as provided in subsection (e) above, no structure may be erected, installed or otherwise placed on a lot created on or after June 3, 2002 where that lot is not either served by a state maintained road or is not served by a private road or right-of-way built and maintained to state road standards. Structures erected for use on a bona fide farm are exempt from this division.

(D) No parcel created under this section or otherwise created as an "exemption" from the subdivision rules, ordinances or laws of the county or the state may be further subdivided into any more than one lot plus the residual parcel within five years of it having been created.

#### **§ 151.231 GENERAL.**

(A) No plat of a subdivision within the jurisdiction of the County Planning Board shall be accepted for recordation by the Register of Deeds until and unless final approval has been given by the County Board of Commissioners, the County Planning Board or the County Administrator acting as the authorized agent of the County Board of Commissioners or Planning Board. To obtain final plat approval, the subdivider shall generally follow the procedures contained herein. The provisions contained in this section shall apply to all subdivisions having six lots or more and not otherwise meeting the criteria for minor, private access or common open space subdivisions, as described in §§ 151.260 through 151.263 and 151.275 through 151.278 and within §§ 151.290 through 151.297.

(B) Any expenses involved in the improvement of any property prior to the written receipt of preliminary plat approval by the County Commissioners shall be incurred solely at the risk of the owner/developer. Preliminary plat approval shall in no way be construed as constituting an official action of approval for recording of the subdivision as required by this subchapter.

(C) Concurrent submittals of initial sketch, preliminary and/or final plats will not be accepted for review. However, concurrent submittals of preliminary and final plat may be allowed by the Planning Department when no improvements are required.

(D)

#### **§ 151.232 DESIGN STANDARDS AND CRITERIA.**

All major subdivisions shall be designed to meet the following requirements:

(A) *Streets and roads.*

(1) *All streets paved.* All streets within a subdivision must be developed to meet current state standards for road construction as contained in the *Subdivision Roads, Minimum Construction Standards Handbook*, as revised, published by the State Department of Transportation.

(2) *Coordination and continuation of streets.* The proposed street layout within a subdivision shall be coordinated with the existing street system of the surrounding area and, where possible, existing principal streets shall be extended.

(3) *Access to adjacent properties.* Where, in the opinion of the Board of Commissioners, it is necessary to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of the property and a temporary turnaround easement shall be provided. The use of residential strips of land in order to prevent the extension of proposed or existing streets or access thereto is prohibited. Landlocked parcels shall not be created.

(4) *Marginal access streets.* Where a tract of land to be subdivided adjoins a principal arterial street, the subdivider may be required to provide a marginal access street parallel to the arterial street or reverse frontage on a minor street for the lots to be developed adjacent to the arterial. Where reverse frontage is established, private driveways shall be prevented from having direct access to the principal arterial. Also, a 25-foot non-access buffer zone will be required on the side of the lot which abuts the principal arterial street. A ten-foot buffer may be considered sufficient if the vegetation creates a year-round opaque screening or a combination of vegetation adjacent (facing) the right-of-way with a six-foot fence of solid construction from the ground up is provided. This buffer zone may be counted toward the open space requirement platted as open space or may be counted as a portion of each individual lot.

(5) *Construction standards.* All streets intended to be dedicated to the state shall have rights-of-way and construction meeting standards set by the State Department of Transportation for acceptance and maintenance as part of the state system of highways. The Division of Highways, through its District Highway Engineer, must approve the plat with respect to road construction, road width and right-of-way prior to recording. Without the approval, the plat cannot be recorded. All private streets intended to remain under the maintenance, control and responsibility of a developer or homeowner's association shall provide certification by a licensed engineer that the streets have been constructed to state standards, without regard to minimum right-of-way requirements.

(6) *Signs.*

(a) Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names irrespective of the use of a suffix such as street, road, drive, place, court and the like. Street names shall be subject to the approval of the Planning Board. The subdivider shall be required to provide, erect and arrange for maintenance of street signs of a legible and durable construction. At least two street name signs shall be placed at each four-way street intersection and at least one at each "T" intersection. Signs shall be installed free of visual obstruction. Street name signs shall conform to County and State Department of Transportation standards.

(b) Traffic-control signs and signals, if deemed necessary by the State Department of Transportation, shall be erected and maintained by the developer at each street intersection within the subdivision and at each intersection of a subdivision street and a state-maintained road or access road. Signs shall comply with county and the State Department of Transportation regulations with regards to size, shape, color, location and information contained thereon. At least two or more traffic-control signs shall be placed at each four-way street intersection and at least one at each "T" intersection. Signs shall be installed free of visual obstruction.

(7) *Through traffic discouraged on minor streets.* Minor streets shall be so laid out that their use by through traffic will be discouraged. Streets shall be designed or walkways dedicated to assure convenient access to parks, playgrounds, schools and other places of public assembly.

(8) *Cul-de-sacs.* No cul-de-sac or dead end street shall exceed 1,000 feet in length nor be less than 100 feet in length, as measured from the closest street intersection centerline. Cul-de-sacs will be designed and constructed to meet state standards and NFPA standards. In addition, the entrance into the cul-de-sac shall be flared by sufficient width to ensure proper turning radius for emergency vehicles upon entering and exiting the cul-de-sac.

(9) *Intersections.* Intersections shall be designed to be more than 125 feet apart.

(10) *Access.* Where access to a subdivision site is by a road not meeting current state standards, that road shall be improved by the developer to meet current state standards.

(C) Buffer Strips. Residential subdivisions are required to provide a 75' perpetually maintained vegetative buffer along all property lines that are located adjacent to existing agricultural uses. This buffer shall be permanently set aside as open space. Ownership and maintenance of the required open space shall be the responsibility of the developer and/or a Homeowner's Association. A 6:1 sloped ditch shall be located on the property line adjacent to the buffer. The required buffer shall include a minimum of two rows of trees and shall meet the following criteria:

(1) At least fifty (50) percent of the required trees shall be an evergreen species.

(2) Each tree shall be a minimum ten (10) feet in height and shall have a minimum caliper of two (2) inches (measured four feet above grade) at time of planting.

(3) Each tree shall be a species which can be expected to attain a minimum height of forty (40) feet and have a crown width of thirty (30) feet or greater at maturity

(4) Minimum spacing in each row shall generally be no wider than twenty (50) feet between tree trunks.

(5) There shall be a minimum distance of fifteen (15) feet from the property line adjacent to the agricultural use and the first row of trees.

**§ 151.261 DESIGN STANDARDS.**

All minor subdivision plats shall be designed to meet the following requirements.

(E) *Water.* All applicants for a minor subdivision must connect each newly created lot to a public/*private* water supply system. ~~if any boundary of a newly created lot is located within 1,000 feet of a public water supply system. All water lines and related improvements shall be constructed pursuant to state and local laws and approved by the Administrator. This requirement shall not apply if the applicant provides a written statement signed by an official of each public water supply system in the county that the public water supply system does not plan to provide water service to the property within five years of the date of the minor subdivision application.~~

***SITE PLANS REQUIRED***

**§ 151.310 GENERAL.**

Site plans shall be required from applicants prior to issuance of any permit (building, zoning, conditional use permit, special use permit, or variance) by the county.  
(Ordinance passed 12-15-97)

**§ 151.311 RESIDENTIAL SITE PLAN REQUIREMENTS.**

(A) Sketch site plans shall be drawn with as true an approximate scale as possible, which reviewing agents can determine that all requirements of this chapter are met. Professional renderings are not required.

(B) Applicant will be required to sign the zoning form as being a true reflection of what is existing and what is being proposed.

(C) The following minimum information shall be included on the site plan:

- (1) Lot/parcel dimensions;
- (2) Zoning designation;
- (3) All property line setback requirements;
- (4) All existing physical features, such as structures, buildings, streets, roads and the like;
- (5) Location and dimensions of proposed construction;
- (6) Flood zone, as determined by FIRM maps; and
- (7) Location and dimensions of driveway and type of surface material;
- (8) Topographic/grading plan (shown in 1 foot intervals) shall be required when changes in the existing grade/natural grade of the property are proposed. At a minimum the plan shall indicate the location and depth of the changes to the existing grade/natural grade and contain the following certificate:



I, \_\_\_\_\_, owner/agent do hereby certify that I will develop the property in accordance with the approved plans which will be constructed or maintained so that surface waters from such development are not unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties. In addition, the development will be constructed or maintained so that it will not unreasonably impede the natural flow of water from higher adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties.

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

(9) All newly installed driveway culverts and the ditch section fronting the property shall be certified as being on grade with the existing roadside ditch as verified by upstream and downstream culvert inverts. When associated with new construction, the certification shall be submitted prior to the issuance of the Certificate of Occupancy.

(7 10) Any additional information as required by the reviewing agents.

At this time, no action has been taken.

### **Item #2- Corridor Overlay**

Planning Director, Dan Porter, compiled a list of adjacent counties as a way of comparing current land use practices. Mr. Porter invited the Planning Board to review the comparisons and highlight uses that they wish discuss at a future meeting.

### **Consider Date of Next Meeting – July 19, 2006**

### **Adjournment - 9:13 PM**

Robert Woodrow made a motion to adjourn the meeting. Terri Griffin seconded the motion. The motion passed 7-0; none opposed; none absent; none not voting.

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_

\_\_\_\_\_  
Planning Board Chairman  
James Burnham