

STAFF REPORT

UDO 2017-08-19 Zoning Map Amendment

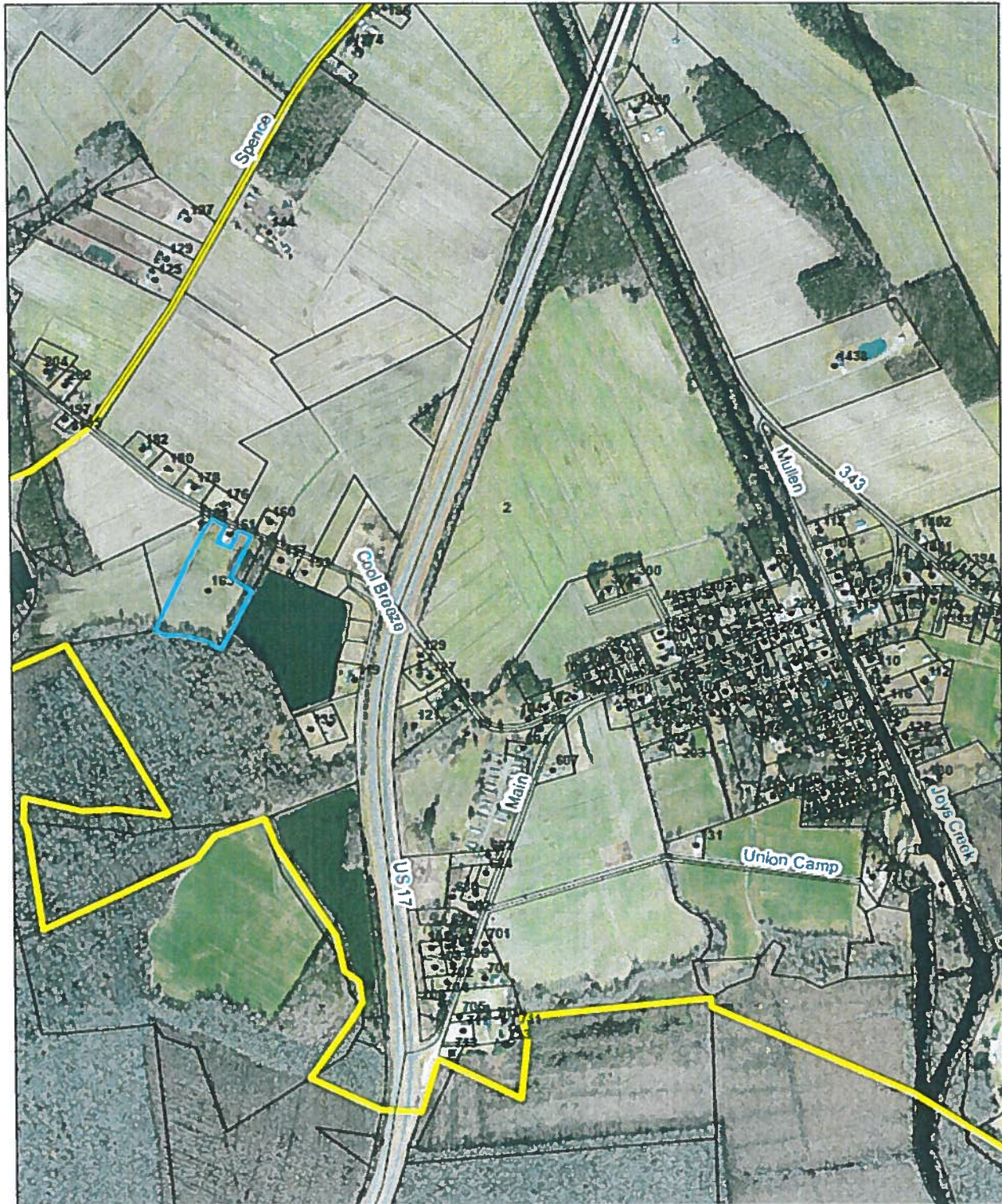
PROJECT INFORMATION

File Reference:	UDO 2017-08-19	Application Received:	6/16/17
Project Name;	N/A	By:	David Parks, Permit Officer
PIN:	01-7989-03-11-3920	Application Fee paid:	\$650 Check #254
Applicant:	Christopher & Stephanie Jackson	Completeness of Application:	Application is generally complete
Address:	520 Main Street South Mills, NC	Documents received upon filing of application or otherwise included:	
Phone:	(252) 339-2821	A.	Rezoning Application
Email:		B.	Health Department Soil Evaluation
Agent for Applicant:		C.	Aerial of portion of property requested to be rezoned.
Address:		D.	Deed
Phone:		E.	Table of Permissible Uses comparison.
Email:		F.	GIS Aerial, existing zoning, Comprehensive Plan future land use and CAMA Land Use Plan Suitability Maps
Current Owner of Record:	Applicant		
Meeting Dates:			
9/20/2017	Planning Board		

PROJECT LOCATION:

Street Address: Property located off Horseshoe Road.
Location Description: South Mills Township

Vicinity Map:



REQUEST: Rezone approximately 10 acres from Highway Commercial (HC) to Basic Residential (R3-1)

From: Highway Commercial (HC)

To: Basic Residential (R3-1)

The Highway Commercial district is designed to provide for and encourage the proper grouping and development of roadside uses which will best accommodate the needs of the motoring public along US 17, US 158 and NC 343. In addition, commercial uses served by large trucks and other intense commercial uses shall be encouraged to locate in these districts. These regulations are intended to control those aspects of development that affect adjacent residential land use, traffic flow and the capacity of the land to absorb development. Specifically prohibited in this district are uses which create a hazardous or noxious effect and junkyards.

The R3 Districts are designed to provide for low density residential development in areas that are adjacent to those areas primarily devoted to agriculture. Subdivision in the R3-1 district requires a minimum of one acre per lot.

SITE DATA

Lot size: Approximately 10 acres.
Flood Zone: Shaded X/AE (100 year flood)
Zoning District(s): Basic Residential (R3-2)
Existing Land Uses: Agriculture

Adjacent Zoning & Uses:

	North	South	East	West
Zoning	Basic Residential (R3-2)	Basic Residential (R3-2)	Residential (R3-2) (R2)	Basic Residential (R3-2)
Use & size	Farmland/Some Housing	Tar Corner Subdivision	Farmland/Two Houses	Farmland

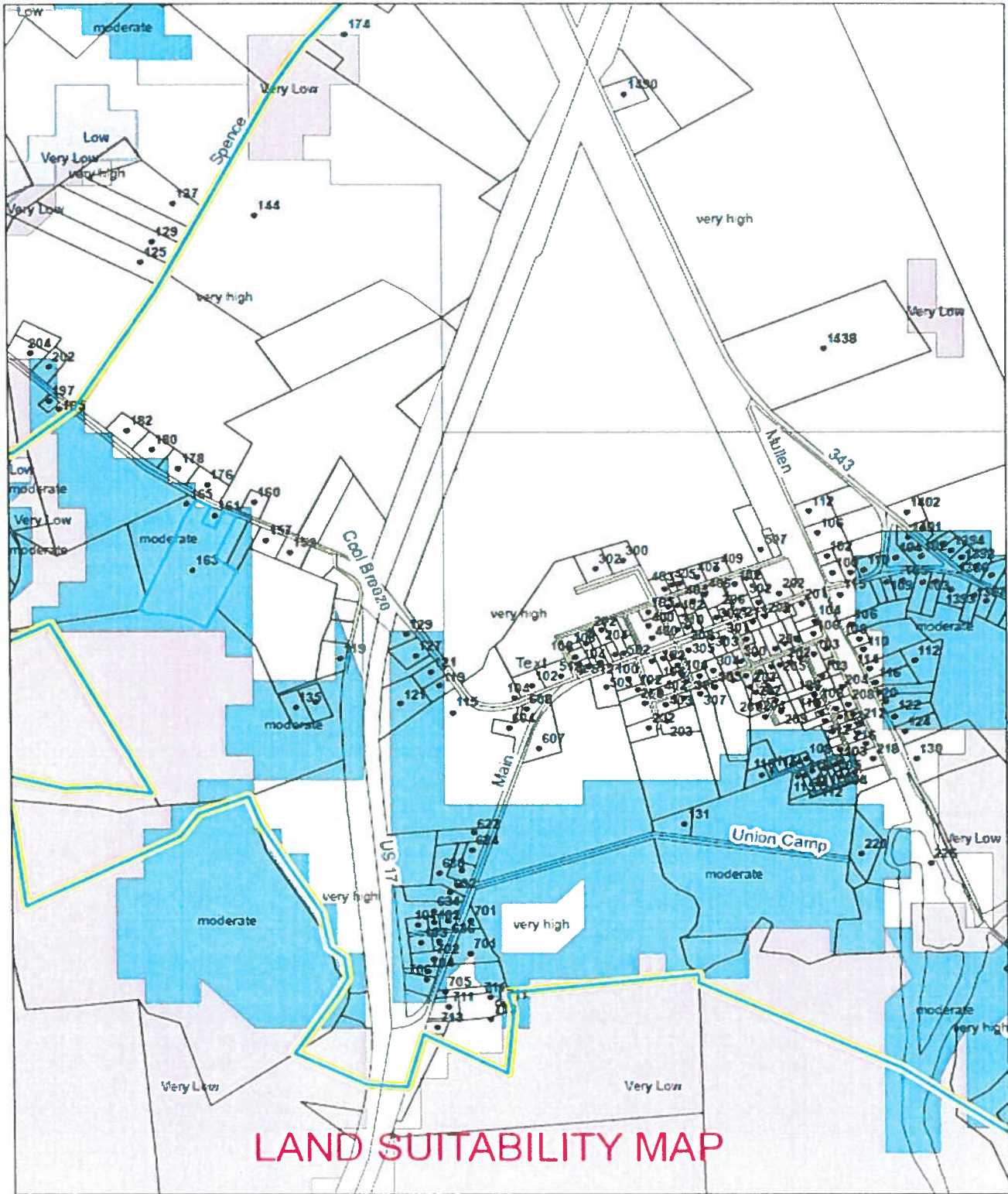
Proposed Use(s): Residential purposes.

Description of property: Property is adjacent to 165 Horseshoe Road.

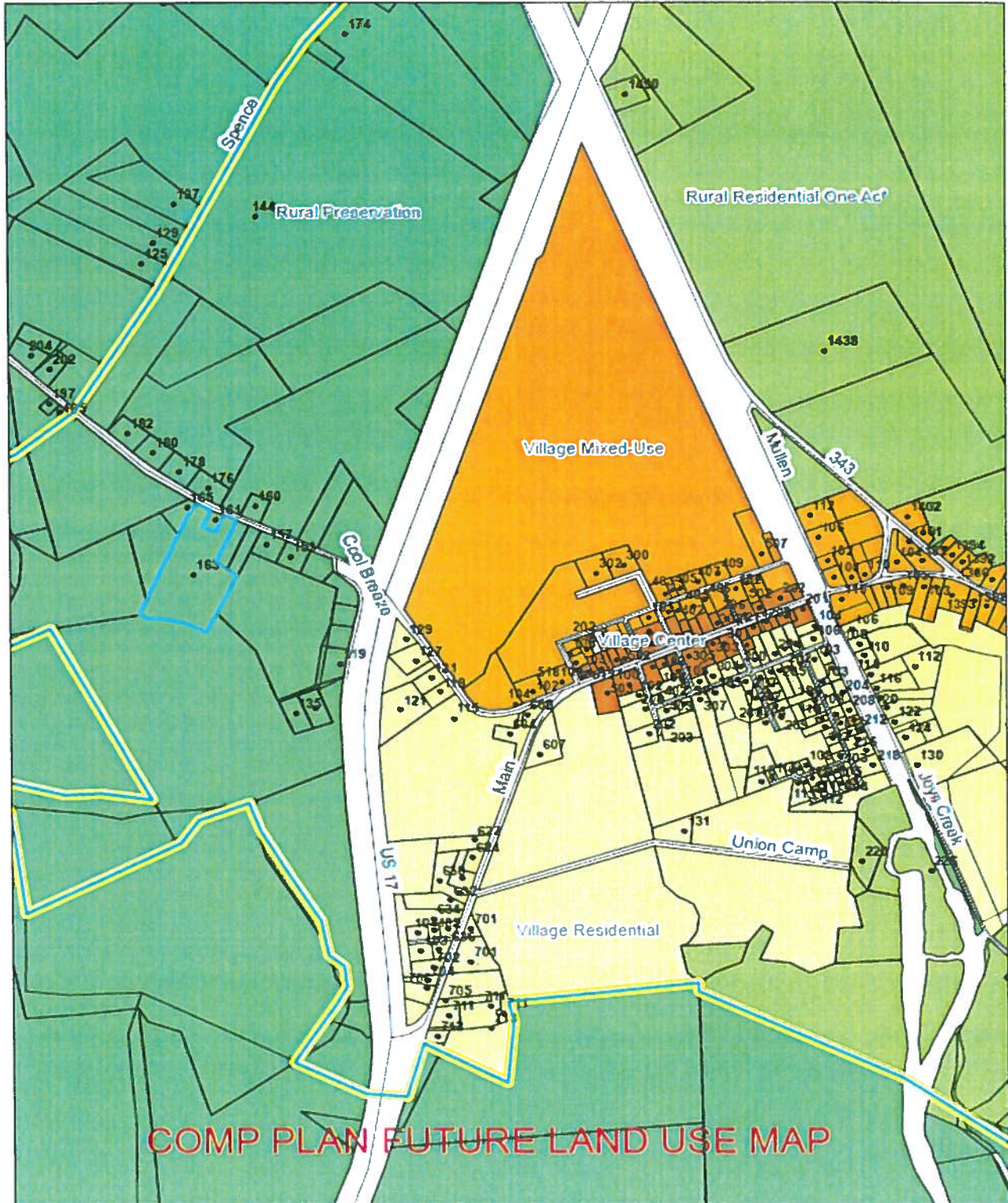
ENVIRONMENTAL ASSESSMENT

Streams, Creeks, Major Ditches: Upper Pasquotank.
Distance & description of nearest outfall: Less than 1 mile.

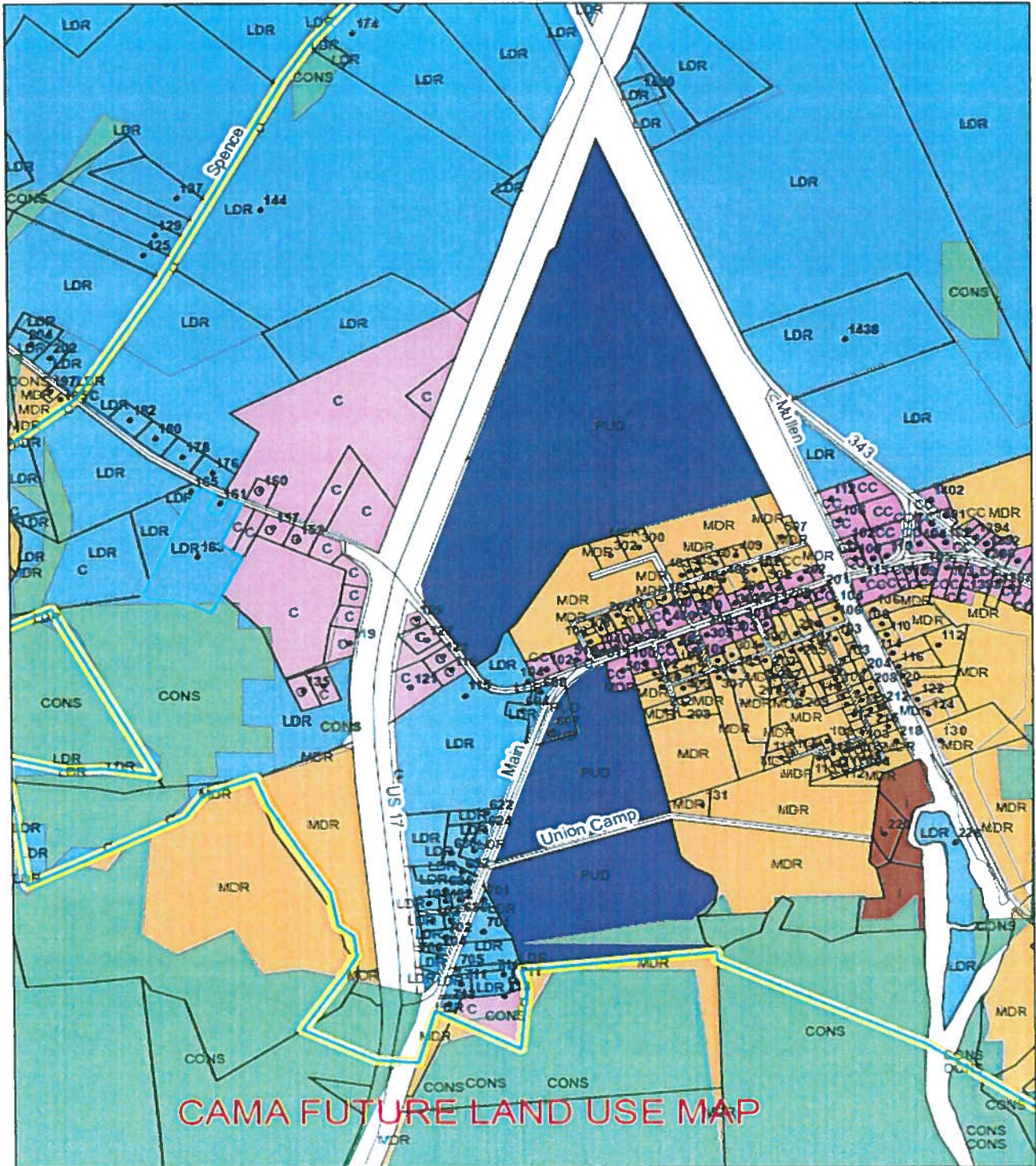
CAMA Land Suitability:



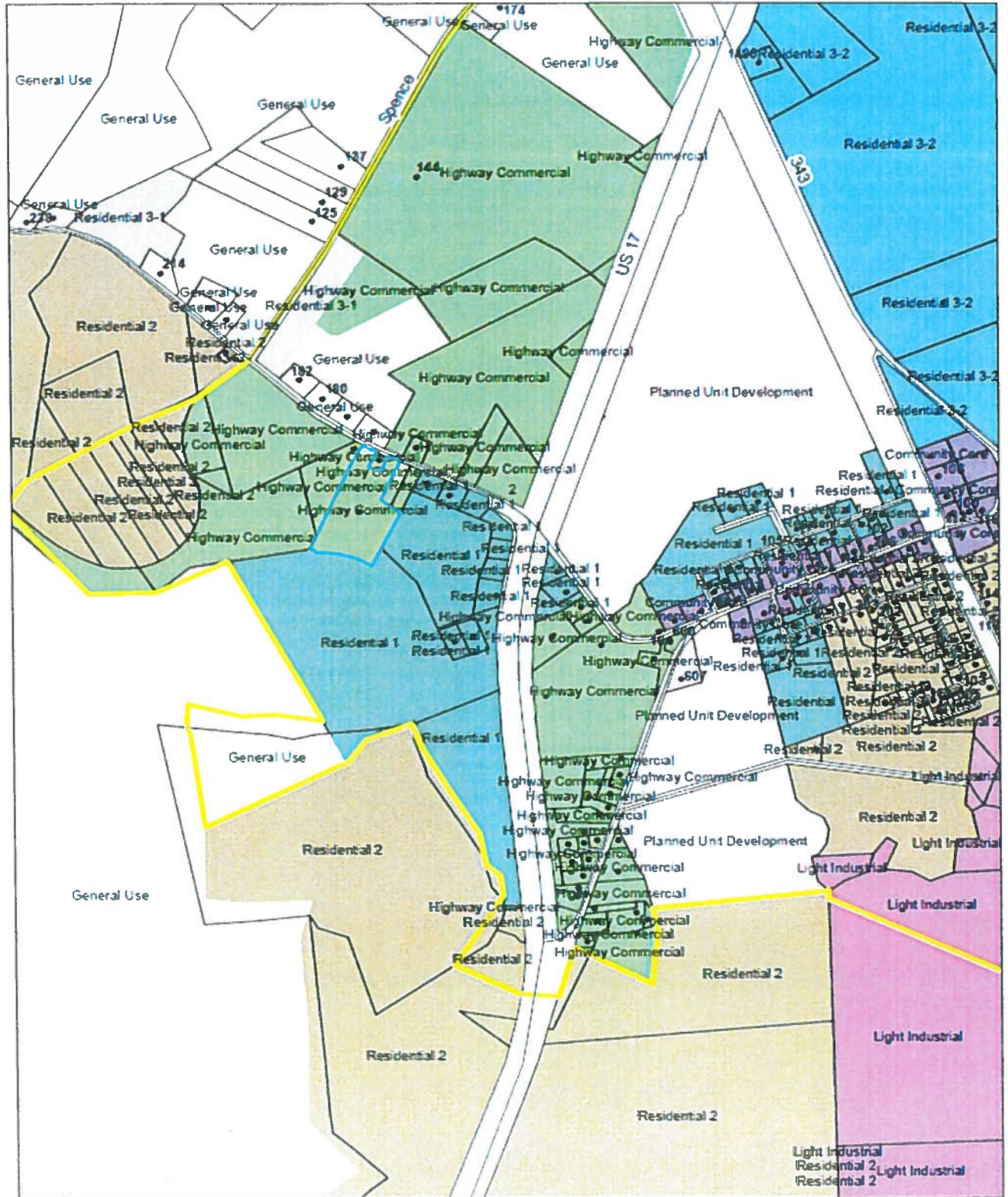
Comprehensive Plan Future Land Use Map



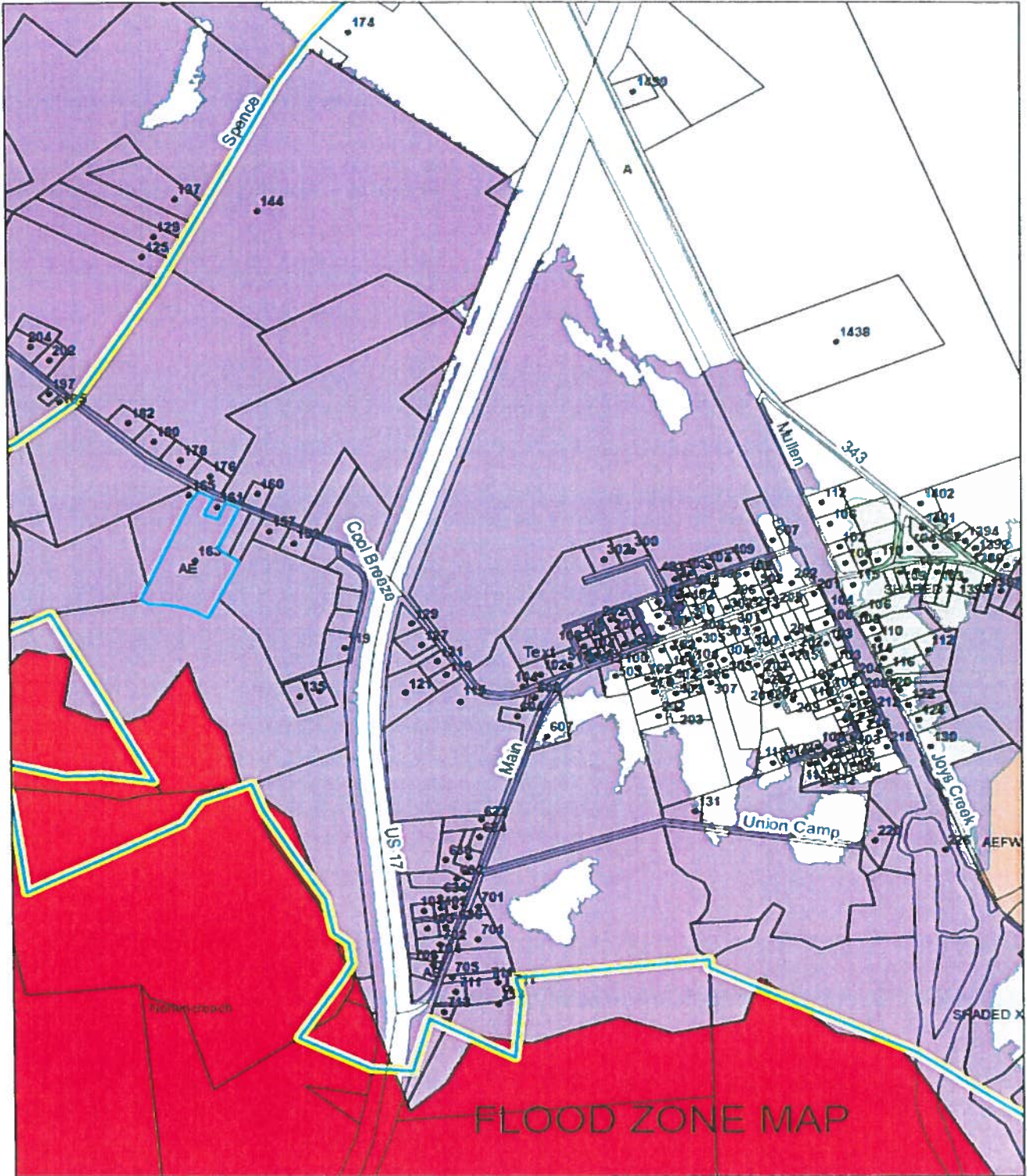
CAMA Future Land Use Map



Zoning Map:



Floodplain Map



INFRASTRUCTURE & COMMUNITY FACILITIES

Water	Water lines are located adjacent to property along Horseshoe Road.
Sewer	Perc test provided.
Fire District	South Mills Fire District. Property located approximately 1 mile from Station on Halstead St.
Schools	Impact calculated at subdivision/building permit.
Traffic	Staffs opinion is traffic will not exceed road capacities.

PLANS CONSISTENCY

CAMA Land Use Plan Policies & Objectives:

Consistent **Inconsistent**

The proposed zoning change is consistent with the CAMA Land Use Plan which was adopted by the Camden County Board of Commissioners on April 4, 2005 in that the Future Land Use Maps has area as Low Density Residential 1-2 acres or greater.

PLANS CONSISTENCY – cont.

2035 Comprehensive Plan

Consistent **Inconsistent**

Inconsistent with Comprehensive Plan (Adopted 2012) as Future Land Use Maps reflect land as Rural Preservation.

PLANS CONSISTENCY – cont.

Comprehensive Transportation Plan

Consistent **Inconsistent**

Property abuts Horseshoe Road.

Other Plans officially adopted by the Board of Commissioners

N/A

FINDINGS REGARDING ADDITIONAL REQUIREMENTS:

Yes No **Will the proposed zoning change enhance the public health, safety or welfare?**

Reasoning: The proposed zoning change will neither enhance nor hinder the public health, safety, or welfare. The infrastructure if there for residential development however sewer is unavailable (if needed) for commercial development.

Yes No **Is the entire range of permitted uses in the requested classification more appropriate than the range of uses in the existing classification?**

Reasoning: Could debate both sides based on infrastructure.

For proposals to re-zone to non-residential districts along major arterial roads:

Yes No **Is this an expansion of an adjacent zoning district of the same classification? N/A**

Reasoning:

Yes No **What extraordinary showing of public need or demand is met by this application? N/A**

Reasoning:

Yes No **Will the request, as proposed cause serious noise, odors, light, activity, or unusual disturbances?**

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

Yes No **Does the request impact any CAMA Areas of Environmental Concern?**

Reasoning: Property is outside any CAMA Areas of Environmental Concern.

Yes No **Does the county need more land in the zoning class requested?**

Reasoning: Higher density development in areas identified in the CAMA Land Use Plan provides needed roof tops to support commercial development.

Yes No **Is there other land in the county that would be more appropriate for the proposed uses?**

Reasoning: There are homes located adjacent to and near the property.

Yes No **Will not exceed the county's ability to provide public facilities:**

Schools – The higher density would have an impact on the high school as it is over capacity.

Fire and Rescue – Minimal impact.

Law Enforcement – Minimal impact.

Parks & Recreation – Minimal impact

Traffic Circulation or Parking – N/A

Other County Facilities – No.

Yes No **Is This A Small Scale “Spot” Rezoning Request Requiring Evaluation Of Community Benefits?**

If Yes (regarding small scale spot rezoning) – Applicants Reasoning:

	Personal Benefits/Impact	Community Benefits/Impact
With rezoning	Will allow owner to build their home on the land.	None.
Without rezoning	Property owner will not be able to use the land in which they intended.	When sewer is available, will provide needed commercial development.

STAFF COMMENTARY:

This is another area where the CAMA Plan, Comprehensive Plan and Zoning Maps are not consistent with each other. CAMA Plan has property identified as Low Density Residential, Comprehensive Plan has land at Rural Preservation and Zoning Map has property zoned Highway Commercial. There is no sewer available at this time and there are 8 dwellings that surround the property.

STAFF RECOMMENDATION:

1. Staff motion for the Consistency State is the requested rezoning is both consistent and inconsistent with adopted CAMA Land Use Plan and the Comprehensive Plan stated in Staff Commentary.
2. Staff recommends

**CAMDEN COUNTY, NORTH CAROLINA
TABLE OF PERMISSIBLE USES
(HC Vs R-3 Zoning Districts)**

USE#	DESCRIPTION	HC	R-3
1.000	Residential		
1.100	Single Family Detached (One dwelling unit per lot)		
1.111	Site Built		Z
1.111.5	Modular		Z
1.200	Two-Family Residences		
1.300	Multi-Family Residences		
1.310	Multi-Family Conversion	S	
1.320	Multi-Family Townhomes	S	
1.330	Multi-Family Apartments	S	
1.340	Condominiums	S	
1.400	Homes Emphasizing Special Services, Treatment or Supervision		
1.430	Child Care Homes		S
1.440	Halfway Houses	S	
1.450	Family care home; provided there is a half mile between them measured from lotlines	S	
1.460	Family care homes for the aged	S	
1.500	Miscellaneous rooms for rent situations		
1.510	Rooming houses, Boarding houses	S	
1.520	Bed and Breakfast establishments	Z	
1.540	Hotels, motels and similar businesses	S	
1.550	Hunting and Fishing Lodges	S	
1.600	Temporary Emergency Construction and Repair of Residences	Z	Z
1.700	Home Occupations	Z	Z
2.000	Sales and Rental of Goods, Merchandise and Equipment		
2.100	No storage/display of goods outside fully enclosed structure		
2.110	High Volume Traffic Generation	Z	
2.111	Convenience Store	Z	
2.120	Low Volume Traffic Generation	Z	
2.130	Wholesale Sales	Z	
2.200	Storage/Display of Goods Outside Fully Enclosed Allowed		
2.210	High Volume Traffic Generation	Z	
2.220	Low Volume Traffic Generation	Z	
2.230	Wholesale Sales	Z	
2.300	Shopping Centers – Subject to Article 151.347 (R)	S	
3.000	Office, Clerical, Research and Services not primarily related to goods or merchandise		
3.100	All operations conducted entirely within fully enclosed building		
3.110	Operations designed to attract and serve customers or clients on the premises, such as the offices of attorneys, stock brokers, travel agents, and other professions	Z	
3.120	Operations designed to attract little or no customer or client traffic other than employees of the entity operating the use	Z	
3.130	Offices or clinics of physicians or dentists with not more than 10,000 square feet of gross floor area	Z	
3.140	Government Offices	Z	
3.200	Operation conducted within or outside fully enclosed building		
3.210	Operations designed to attract and serve customers or clients on the premises	Z	
3.220	Operations designed to attract little or no customer or client traffic other than employees of the entity operating the use	Z	
3.230	Banks with drive-in windows	Z	

**CAMDEN COUNTY, NORTH CAROLINA
TABLE OF PERMISSIBLE USES
(HC Vs R-3 Zoning Districts)**

USE#	DESCRIPTION	HC	R-3
4.000	Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods, Merchandise and Equipment, Subject to Hereto		
4.100	All operations conducted entirely within fully enclosed building		
4.110	Majority of dollar volume of business done with walk-in trade	Z	
4.120	Majority of dollar volume business not done with walk-in trade	Z	
4.200	Operations conducted within or outside fully enclosed building	S	
5.000	Educational, Cultural, Religious, Philanthropic, Social and Fraternal Uses		
5.100	Schools		
5.110	Elementary and Secondary (including associated grounds, athletic and other facilities)	S	S
5.120	Trade or Vocational	S	
5.130	Colleges, community colleges (including associated facilities such as dormitories, office buildings and athletic fields, etc.)	S	
5.200	Churches, Synagogues and temples (including associated residential structures for religious personnel)	Z	S
5.300	Libraries, museums, art galleries, art centers and similar uses (including associated educational and instructional activities)		
5.310	Located within a building designed and previously occupied as a residence or within a building having a gross floor area not in excess of 3,500 feet	S	S
5.320	Located within any permissible structure	S	
5.400	Social, fraternal clubs, lodges, union halls and similar uses	S	
6.000	Recreation, Amusement, Entertainment		
6.100	Activity conducted entirely within a building or substantial structure		
6.110	Bowling alleys, skating rinks, indoor tennis and racquetball courts, billiards and pool halls, indoor athletic and exercise facilities	Z	
6.120	Movie Theaters	Z	
6.130	Internet Sweepstakes Cafe Subject to Article 151.347 (U)	S	
6.200	Activity conducted primarily outside enclosed buildings or structures		
6.210	Privately owned outdoor recreation facilities such as golf and country clubs, etc. (But not including campgrounds), not constructed pursuant to a permit authorizing the construction of some residential development	Z	
6.220	Publicly owned outdoor recreational facilities, such as athletic fields, golf courses, tennis courts, swimming pools, parks, campgrounds, boat ramps and docks, etc. Not constructed pursuant to a permit authorizing the construction of another use (i.e. school)	Z	
6.230	Golf driving ranges not accessory to golf courses, par 3 courses, miniature golf courses, skateboard parks, water slides, and similar uses	Z	
6.240	Horseback riding, schooling and boarding facilities provided that when its in a GUD district, a minimum of 10 acres is required (and not constructed pursuant to a permit authorizing a residential development)	S	
6.250	Automobile and motorcycle racing tracks	S	
6.251	Competitive go-kart/ATV race track	S	
6.260	Drive-in movie theaters	S	
6.270	Private Campgrounds		
6.271	Travel trailers allowed	S	
6.272	Travel trailers prohibited	S	
6.280	Petting Zoo	S	
6.290	Recreational grounds	S	
7.000	Institutional Residences or Care/Confinement facilities		
7.100	Hospitals, clinics other medical (including mental health) treatment facilities in excess of 10,000 square feet in gross floor area	S	

**CAMDEN COUNTY, NORTH CAROLINA
TABLE OF PERMISSIBLE USES
(HC Vs R-3 Zoning Districts)**

USE#	DESCRIPTION	HC	R-3
7.200	Nursing care, intermediate care, handicapped, infirm or child care institutions	S	
7.300	Institutions (other than halfway houses) where mentally ill persons are confined	S	
8.000	Restaurants, Dance Halls, Bars, Night Clubs		
8.100	Restaurants		
8.110	No substantial carry-out or delivery service, no drive-in service, no service or consumption outside fully enclosed structure	Z	
8.120	No substantial carry-out or delivery service, no drive in service, service or consumption outside fully enclosed structure	Z	
8.130	Carry-out and delivery service, consumption outside fully enclosed structure allowed, but no drive-in service	Z	
8.140	Carry-out and delivery service, drive-in service, service outside fully enclosed structure; with drive-in and delivery service	Z	
8.200	Dance Halls, Bars and Nightclubs	Z	
9.000	Motor vehicle and boat related sales and service operations		
9.100	Motor vehicle and boat sales or rental or sales and service	Z	
9.200	Automobile service center	Z	
9.300	Gas sales operations	Z	
9.400	Automobile repair shop or body shop provided all wrecked vehicles and parts are visually screened from exterior property lines and right-of-way lines	Z	
9.500	Car wash	Z	
10.000	Storage and Parking		
10.100	Automobile parking garages or parking lots not located on a lot on which there is another principal use to which the parking is related	Z	
10.200	Storage of goods not related to the sale or use of those goods on same lot where they are stored		
10.210	All storage within completely enclosed structures	Z	
10.220	Storage inside or outside completely enclosed structure	Z	
10.300	Parking of vehicles or storage of equipment outside enclosed structures where; (i) vehicles or equipment are owned by the person making use of the lot and (ii) parking or storage is more than a minor or incidental part of the overall use made of the lot	S	
12.000	Service and Enterprises related to animals		
12.100	Veterinarian	Z	
12.200	Kennels	Z	
13.000	Emergency Services		
13.100	Law Enforcement Stations	Z	S
13.200	Fire Stations	Z	S
13.300	Rescue Squad, Ambulance Service	Z	S
13.400	Civil Defense Operations	Z	S
14.000	Agricultural, Silvicultural, Mining, and Quarrying Operations		
14.100	Agricultural operations, farming (not exempt as bona-fide farms)		
14.110	Excluding livestock	Z	Z
14.200	Silvicultural Operations	Z	Z
14.400	Reclamation Landfill	S	
15.000	Miscellaneous Public and Semi-Public Facilities and related uses		
15.100	Post Office	Z	
15.200	Airports and Air Strips		
15.210	County owned and operated airport		S
15.300	Sanitary Landfill, Convenience Centers and related facilities		

**CAMDEN COUNTY, NORTH CAROLINA
TABLE OF PERMISSIBLE USES
(HC Vs R-3 Zoning Districts)**

USE#	DESCRIPTION	HC	R-3
15.310	Camden County owned and operated	Z	Z
15.600	ABC Stores	Z	
16.000	Dry Cleaner and Laundromat		
16.100	Dry Cleaner	Z	
16.200	Laundromat	Z	
17.000	Utility Facilities		
17.100	Neighborhood	Z	S
17.200	Community or Regional	Z	S
17.300	County owned and operated	Z	Z
18.000	Wireless Telecommunication Facilities (WTF), Towers, other related structures		
18.100	WTF, antennas, supporting structures, radio or TV towers which are 35 feet or less, and receive only earth stations	Z	Z
18.200	WTF, antennas, support structures and towers of all types that are over 35 feet tall, subject to Article 151.065	S	
18.400	Wind Turbines - Refer to Article 151.347 (T) - Specific Standards		
18.410	Small Turbines		S
19.000	Open Air Markets		
19.100	Farm and craft markets, produce markets not qualifying as an accessory use to use classification 14.100	Z	S
19.200	Flea Markets	S	
20.000	Funeral Home	Z	
21.000	Cemetery and Crematorium		
21.100	Cemetery not on same property as church		S
21.200	Cemetery on same property as church	Z	Z
21.300	Crematorium	S	
22.000	Nursery School, Day Care Centers	Z	
23.000	Temporary Construction and Sales Office	Z	Z
25.000	Commercial Greenhouse, Nursery		
25.100	On-premise sales permitted	Z	
26.000	Special Events	Z	S
27.000	Combination Uses	ZSC	ZSC
28.000	Off-Premises Signs	S	
29.000	Subdivisions		
29.100	Major – Preliminary Plat	S	S
29.200	Minor	Z	Z
29.300	Private Access Subdivision (see 151.260 for Zoning Permit authority when one lot created)	S	S
31.000	Agribusiness uses	S	
32.000	Miscellaneous Water Related Uses		
32.100	Boat Ramps		
32.110	Publicly owned	Z	S
32.120	Privately owned, but open to the public on a fee basis	S	
33.000	Adaptive reuse of Historic Property	Z	S
999.99 9	NOTES TO TABLE: Z - Zoning Permit Required C - Conditional Use Permit Required S - Special Use Permit Required -The underpinning of a modular home shall be masonry with bricks covering all of the exposed masonry underpinning.		



Zoning Change Application
County of Camden, North Carolina

A rezoning may be obtained pursuant to Article 151.580 of the Unified Development Ordinance (UDO) of Camden County and upon approval by the Board of Commissioners after a recommendation from the Planning Board.

Please consult the Planning Office (1-252-338-1919) with any questions about your application.

PLEASE PRINT OR TYPE

Please Do Not Write in this Box	
PIN:	<u>01-7989-03-11-3920</u>
UDO#	<u>2017-08-19</u>
Date Received:	<u>8/16/17</u>
Received by:	<u>SP</u>
Zoning District:	<u>HC</u>
Fee Paid \$	<u>650.00</u>

Applicant's Name: Christopher & Stephanie Jackson

rd ck # 254

If the Applicant is acting as agent for another person (the "principal"), please give that person's name on the line below and submit a copy of the agency agreement/letter with this Application.

Applicant's Mailing Address: ~~163 Horseshoe Road~~ 520 Main Street
South Mills, NC 27976

Daytime Phone Number: (252) 339-2821

Street Address Location of Property: ~~Adjacent to 197 Sharon Church Road~~ 163 Horseshoe Rd

General Description of Proposal: Request rezone approximately 10 acres from Highway Commercial (HC) to Basic Residential (R3-1)

I swear or affirm that the foregoing information and all attachments hereto (now or subsequently provided as part of this application) are true and correct to the best of my knowledge.

Signed: Stephanie Jackson
Dated: 8/16/2017

** Information to be filled out by Planning Department*

***Is the Property in a Watershed Protection area?** No

***Flood Zone (from FIRM Map):** AE ***Taxes paid?** no

Zoning Change Application Questions

The UDO requires the Board to consider to principal issues when considering an application for a zoning change. Please respond to each issue in the space provided below or on a separate sheet.

(A) How will the proposed zoning change enhance the public health, safety or welfare? (Article 151.585)

(B) Is the entire range of permitted uses in the requested classification more appropriate than the range of uses in the existing classification? (Article 151.585)

(C) For proposals to re-zone to non-residential districts along major arterial roads (Article 151.586): *N/A*

(1) Is this an expansion of an adjacent zoning district of the same classification?

(2) What extraordinary showing of public need or demand is met by this application?



Doc No: 203815
 Recorded: 08/14/2017 10:53:30 AM
 Fee Amt: \$26.00 Page 1 of 7
 Excise Tax: \$81.00
 Camden County North Carolina
 Tammie Krauss, Register of Deeds
 BK 358 PG 738 - 744 (7)

Space Above This Line For Recording Data

NORTH CAROLINA GENERAL WARRANTY DEED

Prepared By: William T. Davis, Attorney
 Return to: William T. Davis, Attorney

Excise Tax: \$ 81.00
 Transfer Tax \$404.00

PIN: 01-7989-03-11-3920-0000

*271-18 \$40,380.00 / \$404.00 pd. 2/9
 8-14-17 KAM no delinquent tax - pg - 8-14-17*

State of North Carolina
 County of Camden

THIS GENERAL WARRANTY DEED made this 13th day of June, 2017, by and between GERALDINE PEMBERTON and husband, CLARENCE PEMBERTON, LEAH CREECY, unmarried, JAMES TAYLOR and wife, PEARLY TAYLOR, DARIUS CREECY, unmarried, BEATRICE CREECY, widow, DEBRA LUNDY and husband, LEE LUNDY, and RHODA TURNER, unmarried, Grantors, to STEPHANIE JACKSON and husband, CHRISTOPHER JACKSON of 163 Horseshoe Rd., South Mills, NC 27976, Grantees;

WITNESSETH:

That the Grantors, for a valuable consideration paid by the Grantees, the receipt of which is hereby acknowledged, have given, granted, bargained, sold, and conveyed, and by these presents do hereby give, grant, bargain, sell, and convey unto the said Grantees, their heirs, successors, and assigns all of that certain piece, parcel, or tract of land situate, lying and being in South Mills Township, Camden County, State of North Carolina, and being more particularly described as follows:

SEE EXHIBIT A WHICH IS ATTACHED HERETO FOR LEGAL DESCRIPTION

EXHIBIT A

Situate on the West side of the Main Road leading from South Mills to Old Lebanon; bounded on the North by the lands now or formerly of Noah Taylor; on the East by the aforesaid Main Road; on the South by the lands now or formerly of Leroy and W. H. Powell and the lot conveyed to Tenie Miller Creecy and her husband, Charles B. Creecy; on the West by the lands now or formerly of Leroy and W. H. Powell, containing ten (10) acres, more or less.

This is the identical property which was conveyed to Nellie Miller by Moses Miller by deed dated December 30, 1947, filed for registration on January 4, 1947 and registered January 16, 1947 in Book 28, Page 243 of the Camden Registry.

It is understood that the said Nellie Miller died intestate on March 17, 1955 and the Grantors in this instrument are her sole heirs at law.