

Ordinance No. 2017-11-01

**An Ordinance
Amending the Camden County
Zoning Map
Camden County, North Carolina**

Article I: Purpose

The purpose of this Ordinance is to amend the Zoning Map of Camden County, North Carolina, which was originally adopted by the County Commissioners on December 20, 1993, and subsequently amended.

Article II. Amendment to Zoning Map

The Official Zoning Map of Camden County, North Carolina, which was adopted on December 20, 1993, and subsequently amended, is hereby amended as follows:

The property currently shown in the Camden County Tax Assessor's Office as PIN 01-7081-00-81-4060 is hereby re-zoned from Basic Residential (R3-2) to Basic Residential (R3-1).

Article III. Penalty

1. Violations of the provision of this Ordinance or failure to comply with any of its Requirements, including violations of any conditions and safeguards established in connection with grants of variances or Special Use or Conditional Use Permits, shall constitute a misdemeanor, punishable by a fine of up to five-hundred (\$500) dollars or a maximum thirty (30) days imprisonment as provided in G. S. 14-4.
2. Any act constituting a violation of the provisions of this Ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or Special Use or Conditional Use Permits, shall also subject the offender to a civil penalty of one-hundred (\$100) dollars for each day the violation continues. If the offender fails to pay the penalty within ten (10) days after being cited for a violation, the penalty may be recovered by the county in a civil action in the nature of debt. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation in accordance with Article 151.568 and did not take an appeal to the Board of Adjustment within the prescribed time.
3. This Ordinance may also be enforced by any appropriate equitable action.

4. Each day that any violation continues after notification by the administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.
5. Any one, all or any combination of the foregoing penalties and remedies may be used to enforce this Ordinance.

Article IV. Severability

If any language in this Ordinance is found to be invalid by a court of competent jurisdiction or other entity having such legal authority, then only the specific language held to be invalid shall be affected and all other language shall be in full force and effect.

Article V. Effective Date

This Ordinance is effective upon adoption.

Adopted by the Board of Commissioners for the County of Camden this day of
2017.

County of Camden

Clayton Riggs, Chairman
Camden County Board of Commissioners

ATTEST:

Karen Davis
Clerk to the Board

(SEAL)

Dave Parks

From: Stephanie Humphries <shumphries@camdencountync.gov>
Sent: Wednesday, October 04, 2017 12:24 PM
To: Board of Commissioners
Cc: kdavis@camdencountync.gov; Dan Porter; 'Dave Parks'; John Morrison
Subject: Plan Consistency Statements

In response to the changing Legislation mentioned by Dan Porter at the end of Monday's meeting, I am providing both a synopsis below as well as this link to a more in depth explanation by the School of Government:

<https://canons.sog.unc.edu/a-statutory-modification-for-plan-consistency-statements/>

When:

Takes effect for *applications* for zoning amendments made on or after October 1, 2017

Short answer:

As of October, the Plan Consistency statement must take one of three forms:

1. A statement approving the proposed zoning amendment and describing its consistency with the plan
2. A statement rejecting the proposed zoning amendment and describing its inconsistency with the plan; or
3. A statement approving the proposed amendment and declaring that this also amends the plan, along with an explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment.

"The Plan" is the UDO/zoning ordinances and subsequent amendments

Must include:

A statement on plan consistency must be explicitly approved by the governing board at the time a zoning amendment decision is made. The statement must be more than a one-sentence conclusion. It must both describe plan consistency or inconsistency and it must explain the rationale of the decision. The statement is to take the form of one of the three options noted above.

****The statute does not address a fourth possibility – that the board finds the amendment consistent with the plan but decides to reject the amendment anyway. Prior case law allows this to happen and given the advisory nature of the plan, that is likely still permissible. But the fact that it is not listed as an option in the new statute does give some pause to consider whether it is implied that this is no longer permissible. After all, the amended statutes uses mandatory language, saying the governing board "shall adopt one of the following statements." To avoid a potential problem in this situation, it would be prudent for a governing board rejecting a zoning amendment that is consistent with its plan to concurrently amend the plan.**

Explanation:

"the statement does not need to be a long, complicated, legalistic document. The statement does not have to be supported by evidence in the record, as would be the case for a quasi-judicial decision. But it must be real, it must be approved by the board, and it must have a brief description of why the action is or is not consistent with the plan. Anything less risks judicial invalidation of the zoning amendment."

Stephanie M. Humphries, MBA, CLGFO

P.O. Box 190, 330 East Hwy. 158

Camden, N.C. 27921

Ph: 252-338-6363 x 107

www.camdencountync.gov



"Pursuant to the Freedom of Information-Privacy Acts (FOIPA) and North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) sent in response to it may be considered public record and as such subject to request and review by anyone at any time."

 Please consider the environment before printing this e-mail

STAFF REPORT

UDO 2017-10-02 Zoning Map Amendment

PROJECT INFORMATION

File Reference: UDO 2017-10-02
Project Name; N/A
PIN: 01-7081-00-81-4060

Applicant: Glen A. Carey, Jr.

Address: P.O. Box 211
South Mills, NC
Phone: (252) 333-8596
Email:

Agent for Applicant:

Address:
Phone:
Email:

Current Owner of Record: Glen A. Carey, Jr.

Meeting Dates:

11/15/2017

Planning Board

Application Received: 10/2/2017
By: David Parks, Permit Officer

Project Address/Location: Adjacent to 197 Sharon Church Road, South Mills

Application Fee paid: \$800 Check #18697

Completeness of Application: Application is generally complete

Documents received upon filing of application or otherwise included:

- A. Rezoning Application
- B. ARHS Perc Test.
- C. Deed
- D. GIS Aerial, existing zoning, Comprehensive Plan future land use and CAMA Land Use Plan Suitability Maps

REQUEST: Rezone approximately 25 acres from Basic Residential (R3-2) to Basic Residential (R3-1)

From: Basic Residential (R3-2)

To: Basic Residential (R3-1)

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 R3-2 district requires a minimum of two acres per lot.

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.

Vicinity Map:



SITE DATA

Lot size: Approximately 25 acres

Flood Zone: Zone X

Zoning District(s): Basic Residential (R3-2)

Existing Land Uses: Agriculture/Residential

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	Woodland	Farmland	Farmland/Housing	Woods/Farmland

Proposed Use(s):

The Uses will remain the same; just the density change is requested from two to one acre.

Description of property:

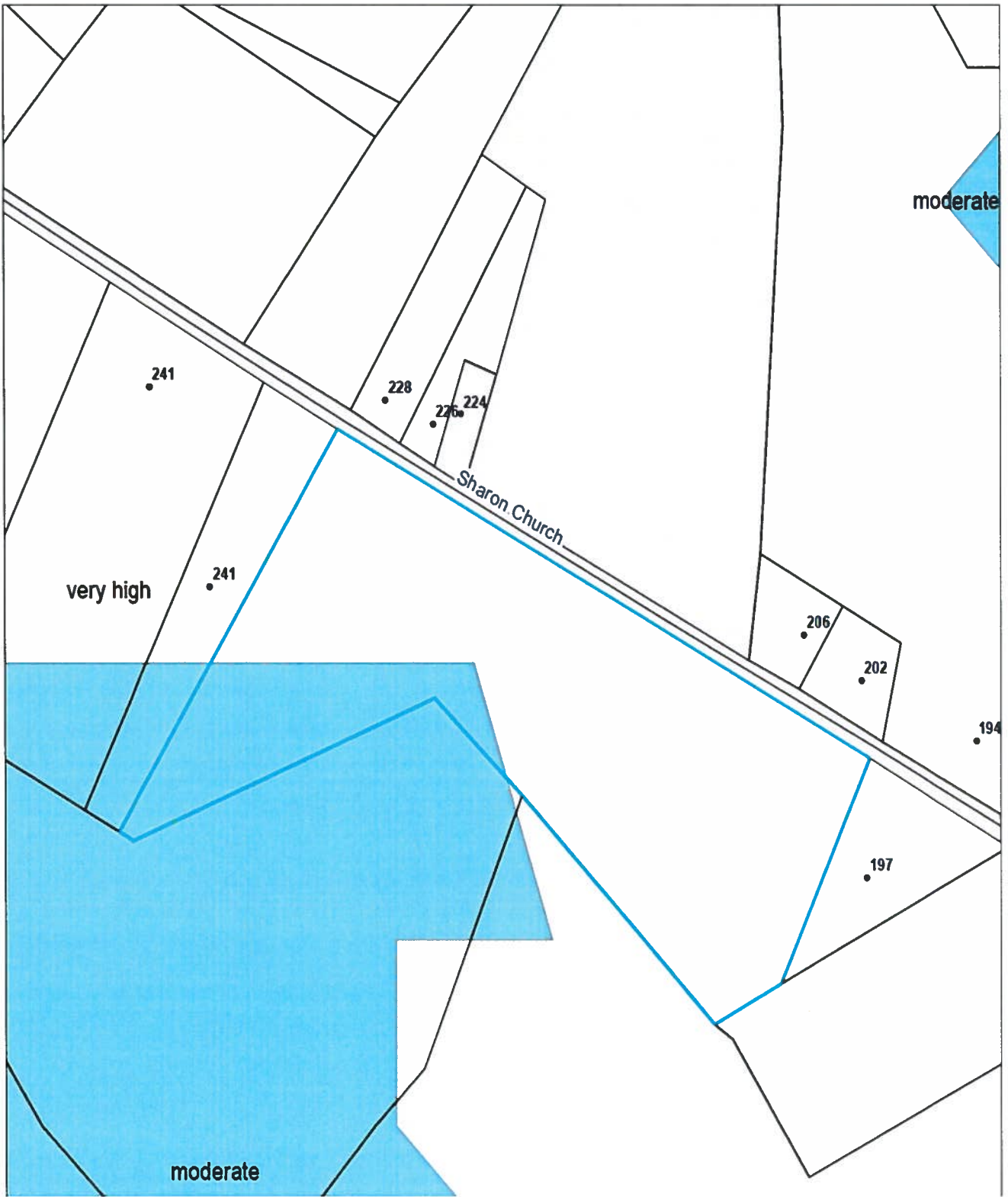
Property abuts Sharon Church Road. Property has been in farm use for quite some time plus there currently exists 3 dwellings on property.

ENVIRONMENTAL ASSESSMENT

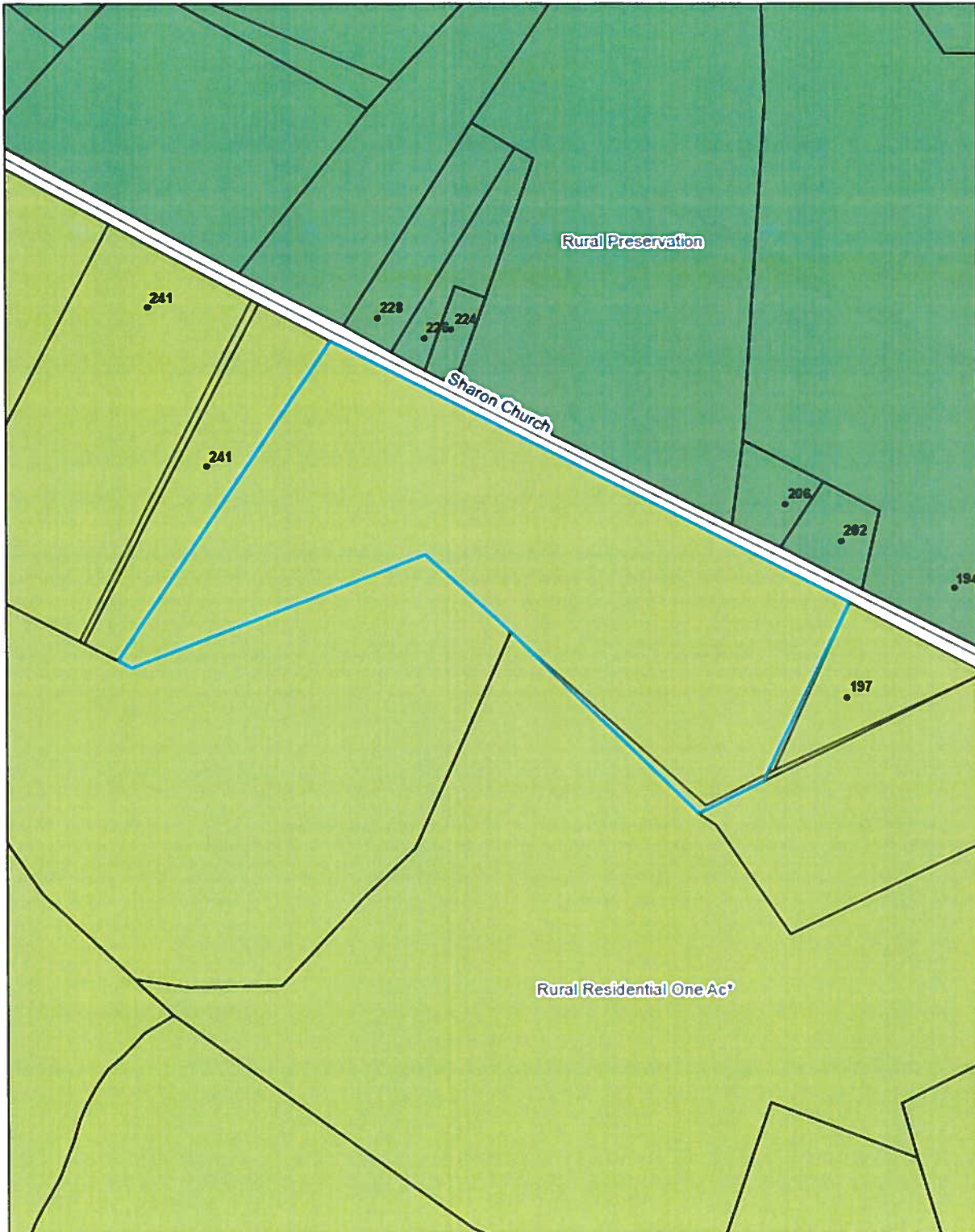
Streams, Creeks, Major Ditches: Mill Run Ditch.

Distance & description of nearest outfall: Less than 1 mile.

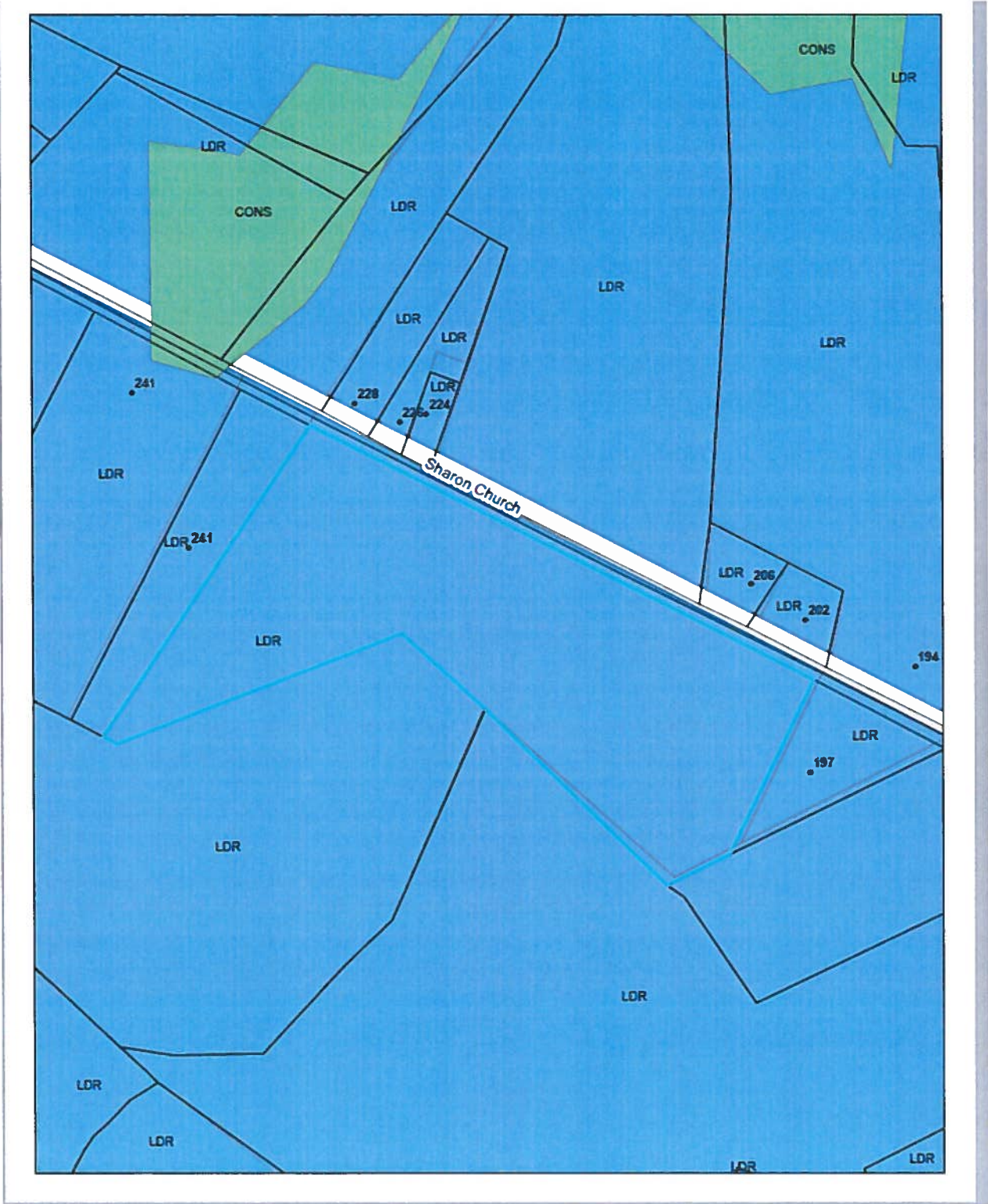
CAMA Land Suitability:



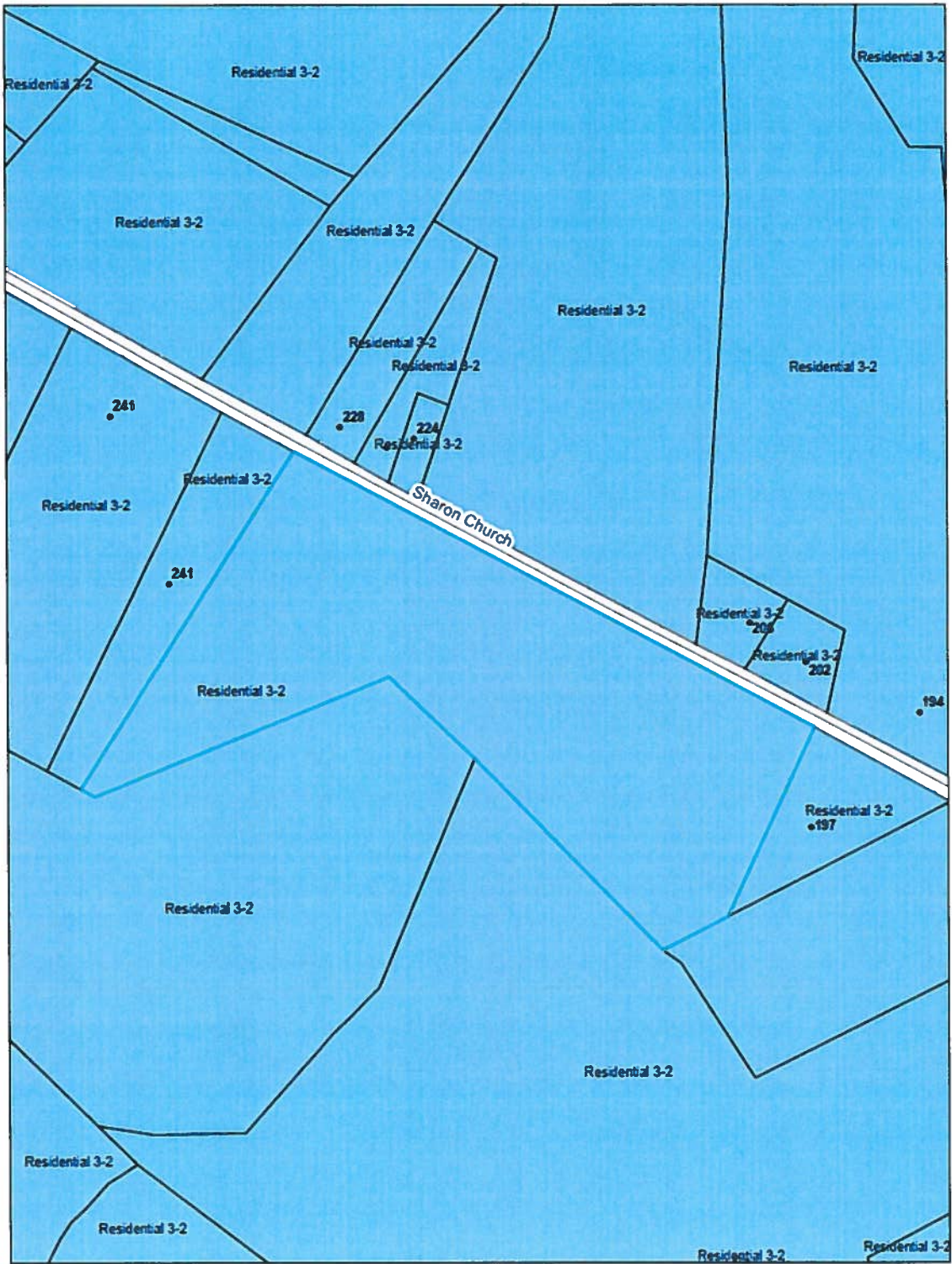
Comprehensive Plan Future Land Use Map\



CAMA Future Land Use Map



Zoning Map:



INFRASTRUCTURE & COMMUNITY FACILITIES

Water	Water lines are located adjacent to property along Sharon Church road.
Sewer	There are 3 dwellings on lot with septic systems.
Fire District	South Mills Fire District. Property located approximately 3 miles from Station on Keeter Barn Road.
Schools	Impact calculated at subdivision.
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

Consistent with Comprehensive Plan (Adopted 2012) as Future Land Use Maps reflect land identified as Rural Residential 1 acre lots.

PLANS CONSISTENCY – cont.

Comprehensive Transportation Plan

Consistent Inconsistent

Property abuts Sharon Church 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 enhance the public health, safety, or welfare as the proposed change will allow for higher density residential development to support future commercial development providing a needed tax base for County residents.

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

N/A
Reasoning: The allowable uses in the R3 (Basic Residential) zoning will not change as the request is for higher density from two acres to one acre.

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 Comprehensive and CAMA plans 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?

N/A

Reasoning: Proposed uses will not change.

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. Owner desires to create a four lot minor subdivision and preserve the rest in farmland.

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 cut out a 4 lot minor subdivision of one acre lots.	Preservation of farmland and providing additional roof tops to support commercial development.
Without rezoning	Property owner will be wasting 4 acres of farm land under current zoning requiring two acre lot sizes.	No Change.

STAFF COMMENTARY:

The owner would like to do a 4 lot minor subdivision and preserve as much farm land as possible.

STAFF RECOMMENDATION:

Consistency Statement:

The requested Map Amendment is consistent with both the CAMA Land Use Plan and Comprehensive Plan as it allows for densities as low as one acre. Higher density provides more residential roof tops to support Commercial Development needed within designated areas of Camden County.

Staff recommends approval of Ordinance No. 2017-10-01/Rezoning Application 2017-10-02.



Land Use/Development Application
County of Camden, North Carolina

Depending upon the type of proposal, the proposal may require a Zoning Permit, Conditional Use Permit, or Special Use Permit. This form is used as the start of application process. All applicants must submit a site plan (see "Minimum Site Plan Requirements") and a valid Health Department permit. Applicants for a Conditional Use Permit or Special Use Permit should review the "Requirements for Conditional Use Permit and Special Use Permit Applications".

Applicants for a subdivision must submit this form as their Special Use Permit application.

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

Please Do Not Write in this Box	
PIN:	<u>01-7081-00-81-4060</u>
UDO#	<u>2017 - 10 - 02</u>
Date Received:	<u>10/4/2017</u>
Received by:	<u>DP</u>
Zoning District:	<u>R3-2</u>
Fee Paid \$	<u>800.00</u>

*pd ck #
18697
or*

PLEASE PRINT OR TYPE

Applicant's Name: Glen A. Carey, Jr

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: P.O. Box 211
South Mills, NC 27976

Daytime Phone Number: (252) 333-8596

Street Address Location of Property: Located adjacent to 197 Sharon Church Road

General Description of Proposal: Request rezone 25 acres from Basic Residential (R3-2) 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: *Glen A. Carey Jr*

Dated: 10-2-17

* Information to be filled out by Planning Department

*Is the Property in a Watershed Protection area? No

*Flood Zone (from FIRM Map): X

*Taxes paid? yes X 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)

Provides added residential density to support Commercial development.

(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)

Uses will not change / higher density / 2 acres lots to 1 acre lots

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

(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?

N/A

ALBEMARLE REGIONAL HEALTH SERVICES

241942

Applicant:

CAREY, GLENN AL
P.O. BOX 211
SOUTH MILLS, NC 27976

Owner:

CAREY, GLENN AL
P.O. BOX 211
SOUTH MILLS, NC 27976

Site Location:

201 SHARON CHURCH ROAD
SOUTH MILLS, NC 27976

LOT 1

GPD: 480 LTAR: 0.300 Classification: Unsuitable

If unsuitable, the site may be reclassified to provisionally suitable with the following modification(s):

- * Fill Area 60 ft. by 120 ft. with 18 in. of Sand
- * Sand Backfill Trenches to a depth of 5 ft.

To obtain an Authorization to Construct:

- * Submit a plat or scale drawing of the lot, showing location and dimensions of all property lines, proposed structures and driveways
- * Submit a copy of deed or contract to purchase
- * Sign legal documents agreeing to the inspection and maintenance requirements of the Albemarle Regional Health Services Management Entity
- * Pay permit fee of \$225

Comments:

EHS:



Swinney, David

Date: 08/09/2017

THIS APPROVAL WILL BECOME VOID AFTER 12 MONTHS AND A NEW APPLICATION WILL BE NECESSARY.

Bertie (252) 794-5303 Camden (252) 338-4460 Chowan (252) 482-1199 Currituck (252) 232-6603
Gates (252) 357-1380 Pasquotank (252) 338-4490 Perquimans (252) 426-2100

ALBEMARLE REGIONAL HEALTH SERVICES

241944

Applicant:

CAREY, GLENN AL
P.O. BOX 211
SOUTH MILLS, NC 27976

Owner:

Site Location:

201 SHARON CHURCH ROAD
SOUTH MILLS, NC 27976

LOT 2

GPD: 480 LTAR: 0.300 Classification: Unsuitable

If unsuitable, the site may be reclassified to provisionally suitable with the following modification(s):

- * Fill Area 60 ft. by 120 ft. with 18 in. of Sand
- * Sand Backfill Trenches to a depth of 5 ft.

To obtain an Authorization to Construct:

- * Submit a plat or scale drawing of the lot, showing location and dimensions of all property lines, proposed structures and driveways
- * Submit a copy of deed or contract to purchase
- * Sign legal documents agreeing to the inspection and maintenance requirements of the Albemarle Regional Health Services Management Entity
- * Pay permit fee of \$225

Comments:

EHS: 
Swinney, David

Date: 08/09/2017

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Gates (252) 357-1380 Pasquotank (252) 338-4490 Perquimans (252) 428-2100

ALBEMARLE REGIONAL HEALTH SERVICES

241945

Applicant:

CAREY, GLENN AL
P.O. BOX 211
SOUTH MILLS, NC 27976

Owner:

CAREY, GLENN AL
P.O. BOX 211
SOUTH MILLS, NC 27976

Site Location:

201 SHARON CHURCH ROAD
SOUTH MILLS, NC 27976

LOT 3

GPD: 480 LTAR: 0.300 Classification: Unsuitable

If unsuitable, the site may be reclassified to provisionally suitable with the following modification(s):

- * Fill Area 120 ft. by 60 ft. with 18 in. of Sand
- * Sand Backfill Trenches to a depth of 5 ft.

To obtain an Authorization to Construct:

- * Submit a plat or scale drawing of the lot, showing location and dimensions of all property lines, proposed structures and driveways
- * Submit a copy of deed or contract to purchase
- * Sign legal documents agreeing to the inspection and maintenance requirements of the Albemarle Regional Health Services Management Entity
- * Pay permit fee of \$225

Comments:

EHS:


Swinney, David

Date: 08/09/2017

THIS APPROVAL WILL BECOME VOID AFTER 12 MONTHS AND A NEW APPLICATION WILL BE NECESSARY.

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Gates (252) 357-1380 Pasquotank (252) 338-4490 Perquimans (252) 426-2100

ALBEMARLE REGIONAL HEALTH SERVICES

241946

Applicant:

CAREY, GLENN AL
P.O. BOX 211
SOUTH MILLS, NC 27976

Owner:

CAREY, GLENN AL
P.O. BOX 211
SOUTH MILLS, NC 27976

Site Location:

201 SHARON CHURCH ROAD
SOUTH MILLS, NC 27976

CC7 4

GPD: 480 LTAR: 0.300 Classification: Unsuitable

If unsuitable, the site may be reclassified to provisionally suitable with the following modification(s):

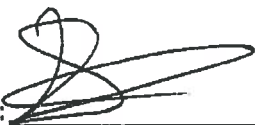
- * Fill Area 60 ft. by 120 ft. with 18 in. of Sand
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- * Submit a copy of deed or contract to purchase
- * Sign legal documents agreeing to the inspection and maintenance requirements of the Albemarle Regional Health Services Management Entity
- * Pay permit fee of \$225

Comments:

EHS:



Swinney, David

PLGAS 1911

Date: 08/09/2017

THIS APPROVAL WILL BECOME VOID AFTER 12 MONTHS AND A NEW APPLICATION WILL BE NECESSARY.

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Gates (252) 357-1380 Pasquotank (252) 338-4490 Perquimans (252) 426-2100

~~Carey farms shop~~ Al Carey 252-333-8...



July 25, 2017

- Streets
- Main Roads
- Addresses
- Parcels
- County Boundary

1:3,959



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