

Ordinance No. 2017-12-01

**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 01-7989-00-02-5678 is hereby re-zoned from Highway Commercial (HC) 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 2018.

County of Camden

Clayton Riggs, Chairman
Camden County Board of Commissioners

ATTEST:

Karen Davis
Clerk to the Board

(SEAL)

STAFF REPORT

UDO 2017-11-23 Zoning Map Amendment

PROJECT INFORMATION

File Reference: UDO 2017-11-23
Project Name; N/A
PIN: 01-7989-00-02-5678

Applicant: Jeffrey L & Amanda
W. Thornley

Address: P.O. Box 175
South Mills, NC
Phone: (919) 418-9904

Email:

Agent for Applicant:

Address:
Phone:
Email:

Current Owner of Record: Applicant

Meeting Dates:

12/20/2017

Planning Board

Application Received: 11/20/17
By: David Parks, Permit Officer

Application Fee paid: \$720 Check #1040

Completeness of Application: Application is generally complete

Documents received upon filing of application or otherwise included:

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

REQUEST: Rezone approximately 17 acres from Highway Commercial (HC) to Basic Residential (R3-1) on property located adjacent to 165 & 195 Horseshoe Road.

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.

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.

PROJECT LOCATION:

Vicinity Map: South Mills Township



SITE DATA

Lot size: Approximately 17 acres.
Flood Zone: AE (100 year flood)
Zoning District(s): Highway Commercial (HC)
Existing Land Uses: Farmland

Adjacent Zoning & Uses:

	North	South	East	West
Zoning	Basic Residential (R3-1)/GUD	Mixed Single Family Residential (R2)/Highway Commercial (HC)	Highway Commercial (HC)/ Basic Residential (R3-1)	Mixed Single Family Residential (R2)
Use & size	Farmland/Some Housing	Woodland/Farmland	Farmland/House	House/Woodland

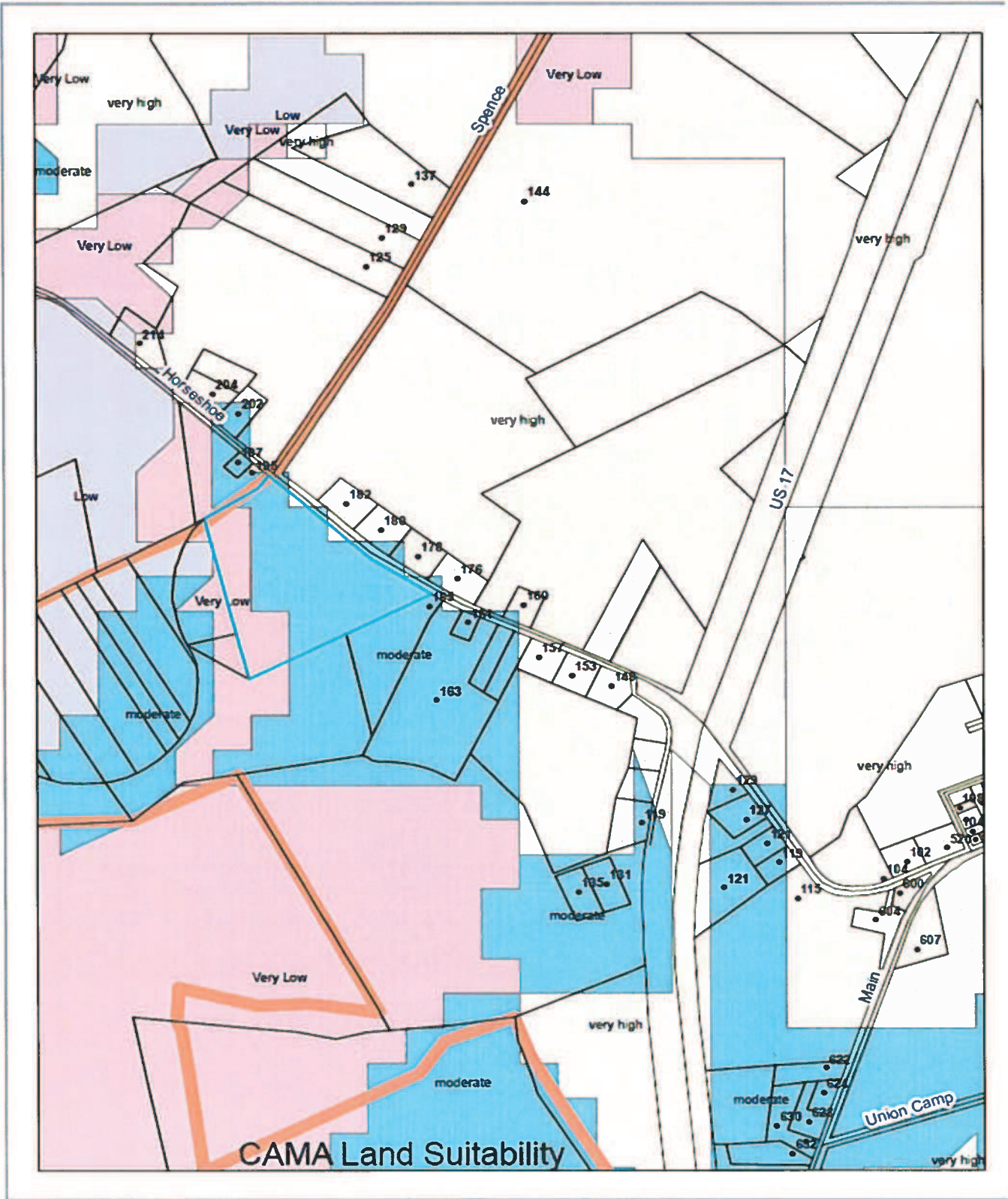
Proposed Use(s): Residential purposes.

Description of property: Property is adjacent to 165 & 195 Horseshoe Road.

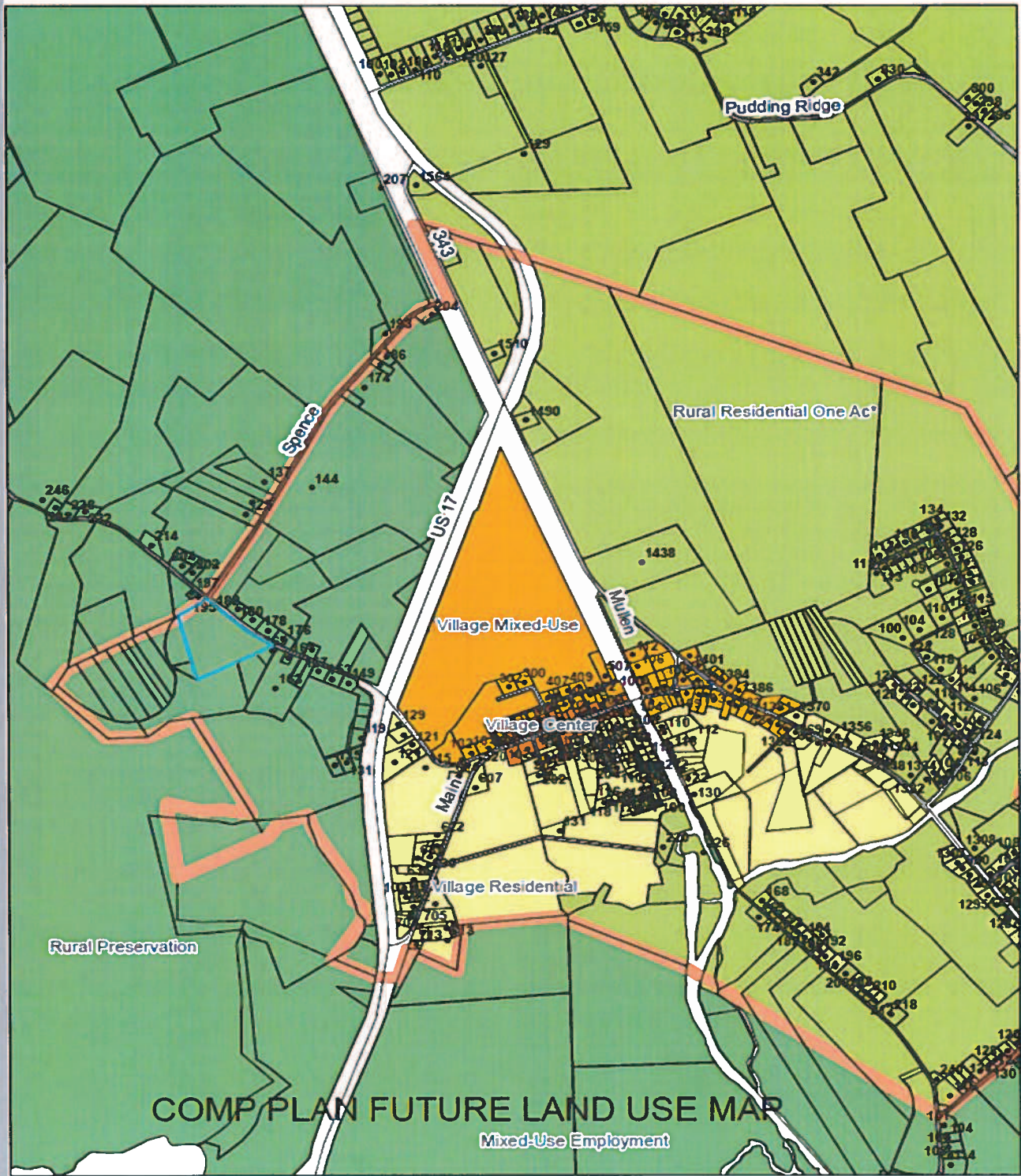
ENVIRONMENTAL ASSESSMENT

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

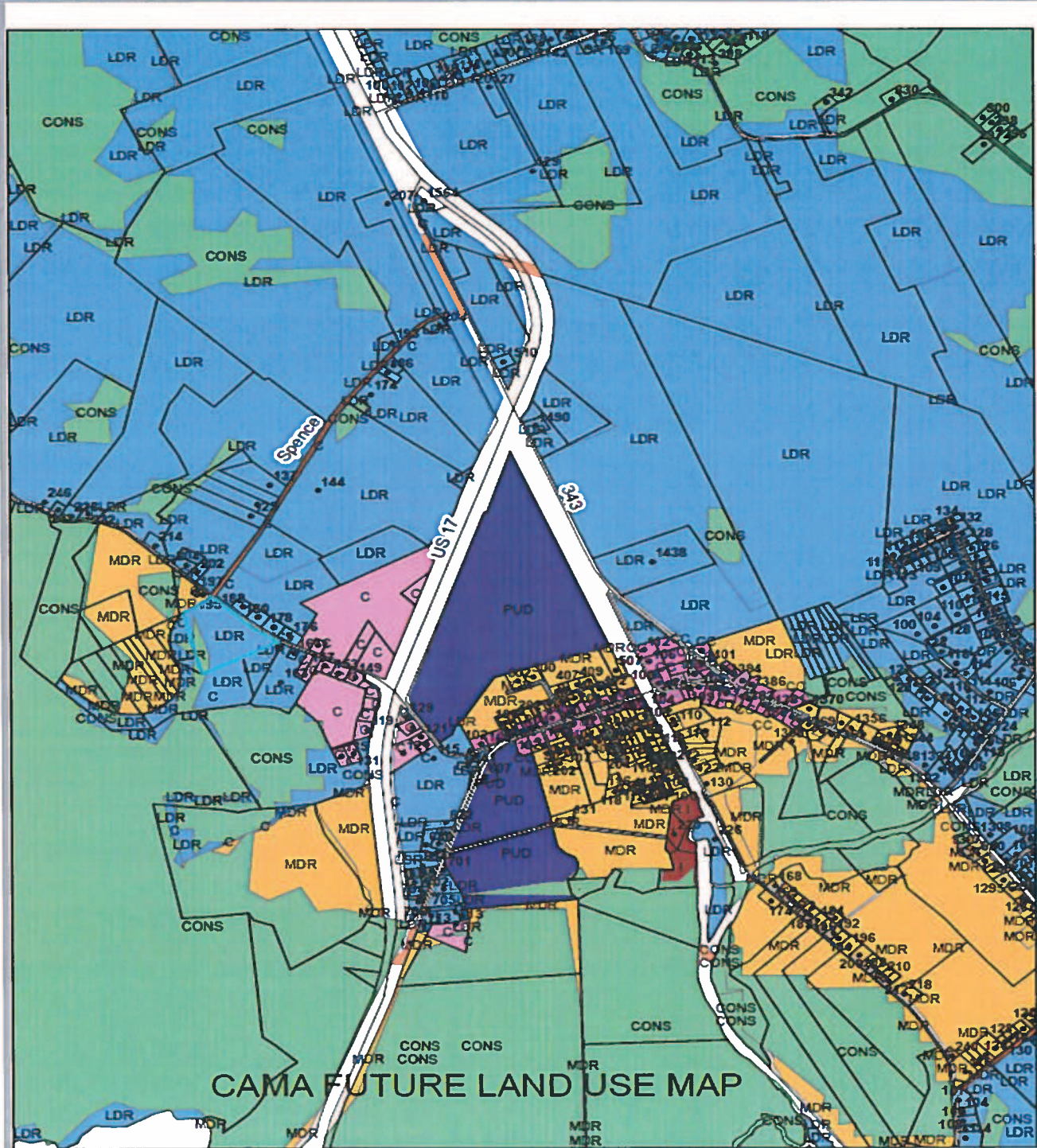
CAMA Land Suitability:



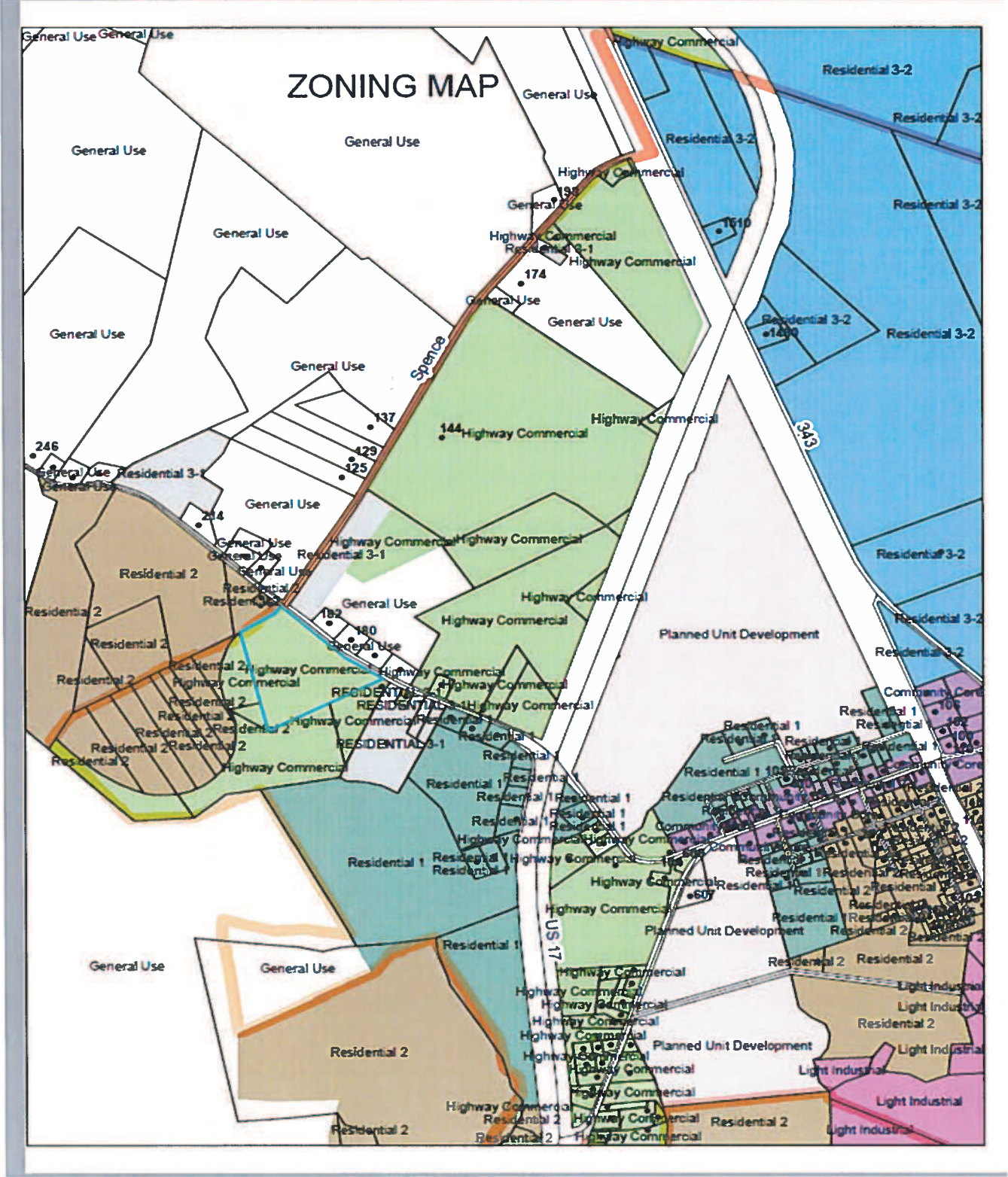
Comprehensive Plan Future Land Use Map



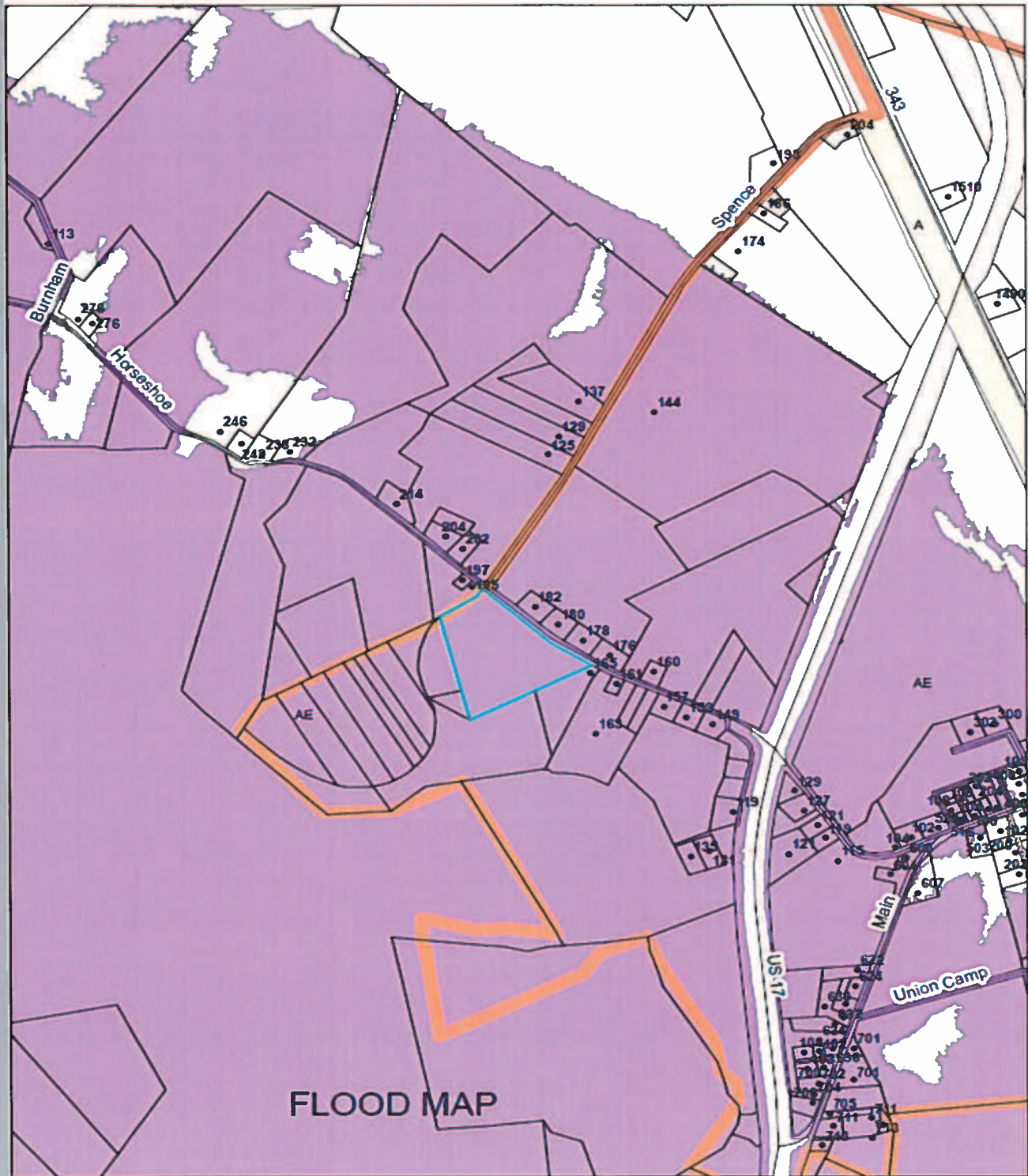
CAMA Future Land Use Map



Zoning Map:



Floodplain Map



INFRASTRUCTURE & COMMUNITY FACILITIES

Water	Water lines are located adjacent to property along Horseshoe Road.
Sewer	No sewer available. Septic system will be utilized.
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. Requested zoning is defined as Low Density Residential.

PLANS CONSISTENCY – cont.

2035 Comprehensive Plan

Consistent Inconsistent

Inconsistent with Comprehensive Plan (Adopted 2012) as current Future Land Use Maps reflect land as Rural Preservation. Consistent as Comprehensive Plan calls for development to be focused in the Core Villages. Staff feels that an error was made on the Future Land Use map as property is located within South Mills Core Village. Future Land Use Maps will need to be changed to ensure compatibility between maps and the need to focus development within the Core Village areas as addressed in the Comprehensive Plan.

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 is 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: Requested uses more appropriate than existing as property is ½ mile from U.S. 17 which distance is not within close proximity of U.S 17 to be appropriate for Highway Commercial uses. No sewer available at site to which most HC uses will need.

Yes No **For proposals to re-zone to non-residential districts along major arterial roads:**

Is this an expansion of an adjacent zoning district of the same classification? N/A

Yes No

Reasoning:

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 and Comprehensive 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.	Add required roof tops to support current and future commercial development.
Without rezoning	Property owner will not be able to use the land in which they intended as single family homes are not permissible in HC Zones.	Due to distance/location from U.S. 17 and lack of sewer staff feels it would be some time before any Community Benefits.

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 Future Land Use Map has land at Rural Preservation and Zoning Map has property zoned Highway Commercial. There is no sewer available at this time and there are houses located at or near the property. With distance from U.S. 17 staff feels current zoning is inappropriate for property.

STAFF RECOMMENDATION:

1. Staff motion for the Consistency Statement is - The requested rezoning is consistent with adopted CAMA Future Land Use Maps as property is identified and Low Density Residential not Commercial. Comprehensive Plan Future Land Use Maps has parcel located in Rural Preservation, however staff feels there was an error and Maps should read Rural Residential. The Comprehensive Plan FLU Map will need to be amended to reflect.
2. Staff recommends approval of Ordinance 2017-12-01/rezoning request UDO 2017-11-23 to rezone property from Highway Commercial (HC) to Basic Residential (R3-1).



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: 01-7989-00-02-5678
UDO# 2017 - 11 - 23
Date Received: 11/20/2017
Received by: DP
Zoning District: HC
Fee Paid \$ 720.00

Handwritten note: Puck # 1048

PLEASE PRINT OR TYPE

Applicant's Name: Jeffrey L. Thornley

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 175
South Mills, NC 27976

Daytime Phone Number: (919) 418-9904

Street Address Location of Property: Located adjacent to 165 Horseshoe Road

General Description of Proposal: Request rezone approximately 17 acres from Highway Commercial 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: Jeffrey L. Thornley
Dated: 11/20/2017

* 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? yes 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):

(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?

66-7704/2531


1040

JEFFREY THORNLEY
PO BOX 175
SOUTH MILLS, NC 27976-0175

DATE 11/20/2017

SECURE devalue checks

PAY TO Camden County \$ 720.00
THE ORDER OF

seven hundred twenty dollars and ⁰⁰/₁₀₀ DOLLARS  Security Features
Included. Details on Back

State Employees' Credit Union®
Barco, North Carolina

165

MEMO

Land Use

Jeffrey J. Thornley MP

1040

SPECIALTY PRINT

Doc ID: 000568180004 Type: CRP
Recorded: 12/09/2013 at 04:01:08 PM
Fee Amt: \$28.00 Page 1 of 4
Revenue Tax: \$0.00
Camden, NC
Peggy C. Kight Register of Deeds
BK **323** PG **86-89**

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: _____

Parcel Identifier No SEE LEGAL DESCRIPTION Verified by Camden County on the 9 day of December, 2013
By: RM # 1/1/13 340-14 no selling tax

Mail/Box to: R. MARK WARREN, TWIFORD LAW FIRM, PO BOX 669, MOYOCK, NC 27958 FILE# 16428.01

This instrument was prepared by: R. MARK WARREN, TWIFORD LAW FIRM, PO BOX 669, MOYOCK, NC 27958

Brief description for the Index: EIGHT PARCELS - HORSESHOE ROAD

THIS DEED made this 5th day of December, 2013, by and between

NO TITLE WORK REQUESTED OR PERFORMED

GRANTOR	GRANTEE
JANET H. SPENCER, widowed 1206 WEST MAIN STREET EXT ELIZABETH CITY, NC 27909	JEFFREY L. THORNLEY, and wife AMANDA W. THORNLEY P.O. BOX 175 SOUTH MILLS, NC 27976

DEED OF GIFT

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in SOUTH MILLS Township, CAMDEN County, North Carolina and more particularly described as follows:

See Attached EXHIBIT A.

The property hereinabove described was acquired by Grantor by instrument recorded in Book _____, Page _____.

All or a portion of the property herein conveyed ___ includes or X does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book _____, Page _____.

EXHIBIT A

All those certain tracts or parcels of land situated in South Mills Township, Camden County, North Carolina and more particularly described as follows:

TRACT ONE: 01.7989.00.02.5678.0000

Beginning at Ellen Taylor's corner and the main road leading to Old Lebanon and running along her line to Elizabeth Brite's line, thence her line to the Spencer ditch a Southwesterly course, thence along said ditch a Northwesterly course to Rosa Hill's line, thence her line to Thomas Spencer's Road, thence along his road to the main road, leading to Old Lebanon, thence along said road to the first station, being the lands known as Bettie Sawyer Land and containing twenty acres, more or less.

Being that same parcel of land conveyed in Deed dated July 20, 1987 to Alvah M. Spencer, Jr., designated as Tract VI, and recorded in Deed Book 85, Page 904 of the Camden County Registry.

TRACT TWO: 01.7979.00.92.0856.0000

Consisting of 9.5 acres by Tax Department Calculation and designated as the Spence Cherry Tract.

Coming from the Will of Levi Old Spencer, date of death April 12, 1966 - Will Book 3, Page 322 and being a portion of the G.F. Spence Farm as shown on Map recorded in Deed Book QQ, Page 259 of the Camden County Registry.

TRACT THREE: 01.7979.00.81.7905.0000

Property located in South Mill Township and being 6.67 acres as shown on a survey map by Henry Cuninghame, dated August 30, 1993. Property begins at a drive shaft located down an old path, West of the intersection of SR 1221 with SR 1219 (Horseshoe Road) and being also the Northwest corner of Lot 4 in Deed Book QQ, Page 259, Owned by A.M. Spencer, Jr., thence South 75° 00' West 443.96 feet to another drive shaft, thence South 33° 33' 35" East 414.76 feet, thence South 34° 39' 27" East 825.94 feet, thence South 83° 00' 31" East 49.5 feet, thence North 15° 34' 19" West 1190.0 feet to the point of beginning. Property is bounded on the North and East A.M. Spencer, Jr. and on the South and West by Georgia Pacific Corp.

This being the same lot as shown on a survey map of Lot # 3 in Deed Book QQ, Page 259, which was assigned to Nancy Miller on August 26, 1898 and now owned by the Charles Miller Heirs, South Mills Township, Camden County, North Carolina.

For the purposes of this title examination, the search period for Tract Three begins at a Sheriff's Deed dated October 27, 1994 and recorded in Deed Book 106, Page 909 of the Camden County Registry.

ALBEMARLE REGIONAL HEALTH SERVICES

246448

Applicant:

THORNLEY, JEFFREY
P.O. BOX 175
SOUTH MILLS, NC 27976

Owner:

THORNLEY, JEFFREY
P.O. BOX 175
SOUTH MILLS, NC 27976

Site Location:

200 BLOCK OF HORSESHOE ROAD
SOUTH MILLS, NC 27976

GPD: 480 LTAR: 0.300 Classification: PS w/Fill

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

- * Fill Area 120 ft. by 60 ft. with 6 in. of Sand

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
- * Pay permit fee of \$225

Comments:

Fill house pad higher than finished septic tank grade. Septic system is to go on highest area of lot. Sandy Loam @ 30"

EHS: 
Carver, Kevin

Date: 11/27/2017

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