

**Ordinance No. 2017-07-02**

**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 01-7090-00-73-2313 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)

## STAFF REPORT

### UDO 2017-06-14 Zoning Map Amendment

#### PROJECT INFORMATION

**File Reference:** UDO 2017-06-14  
**Project Name;** N/A  
**PIN:** 01-7090-00-73-2313

**Applicant:** Glen A. Carey  
**Address:** P.O. Box 211  
South Mills, NC  
**Phone:** (252) 333-8596  
**Email:**

**Agent for Applicant:**  
**Address:**  
**Phone:**  
**Email:**

**Current Owner of Record:** Same as applicant

**Meeting Dates:**

7/19/2017

**Planning Board**

**Application Received:** 6/9/17  
**By:** David Parks, Permit Officer

**Application Fee paid:** \$790 Check #18684

**Completeness of Application:** Application is generally complete

**Documents received upon filing of application or otherwise included:**

- A. Rezoning Application
- B. Health Department Soil Evaluation
- C. Aerial of portion of property requested to be rezoned.
- D. Deed
- E. GIS Aerial, existing zoning, Comprehensive Plan future land use and CAMA Land Use Plan Suitability Maps

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#### PROJECT LOCATION:

**Street Address:** Property located intersection of Old Swamp and Lilly Roads.  
**Location Description:** South Mills Township

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Vicinity Map:



**REQUEST:** Rezone approximately 24 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.

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**SITE DATA**

**Lot size:** Approximately 24 acres.  
**Flood Zone:** Shaded X/AE (100 year flood)  
**Zoning District(s):** Basic Residential (R3-2)  
**Existing Land Uses:** Agriculture

**Adjacent Zoning & Uses:**

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

**Proposed Use(s):**

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

**Description of property:**

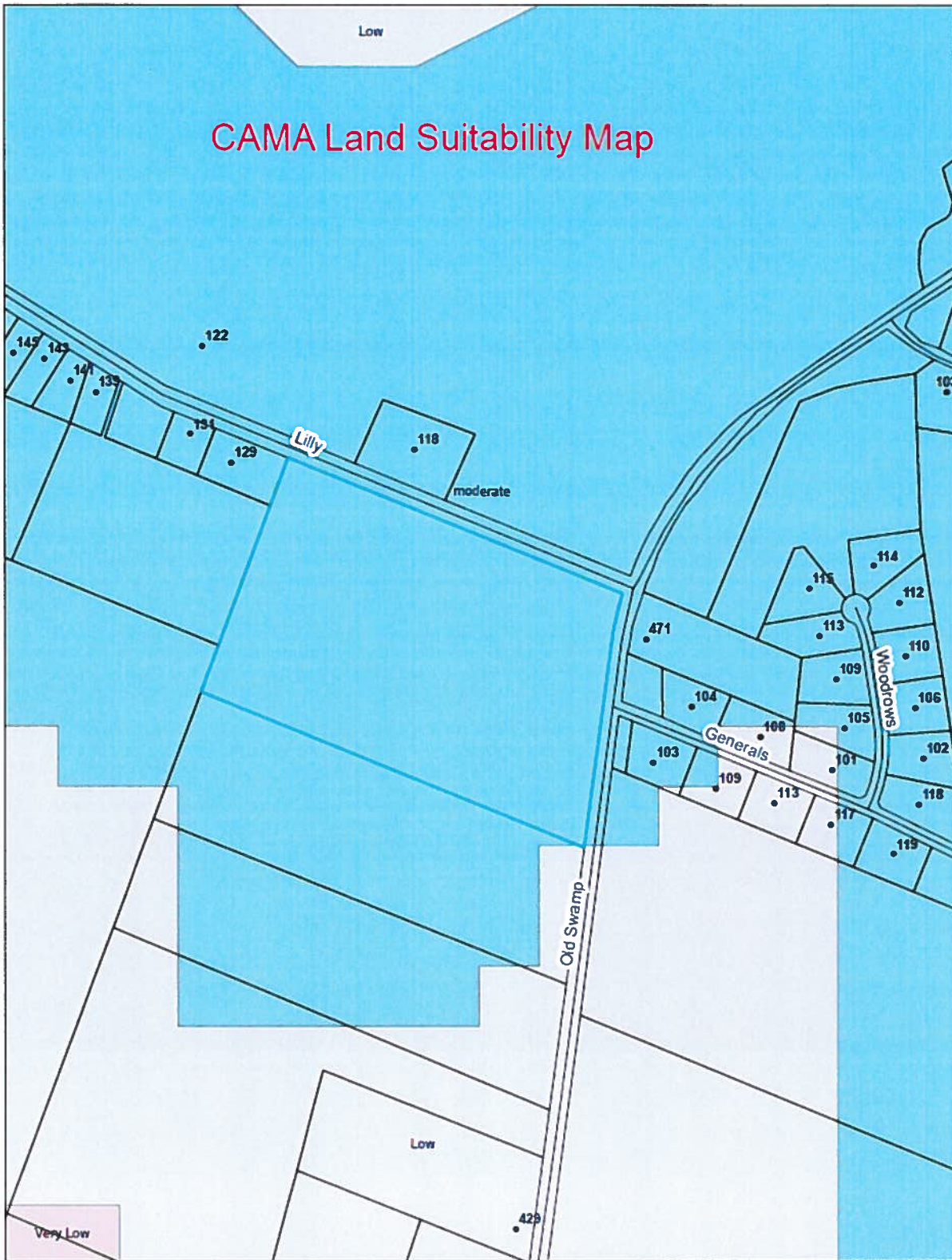
Property abuts Old Swamp Road and Lilly Roads. Property has been in farm use for quite some time.

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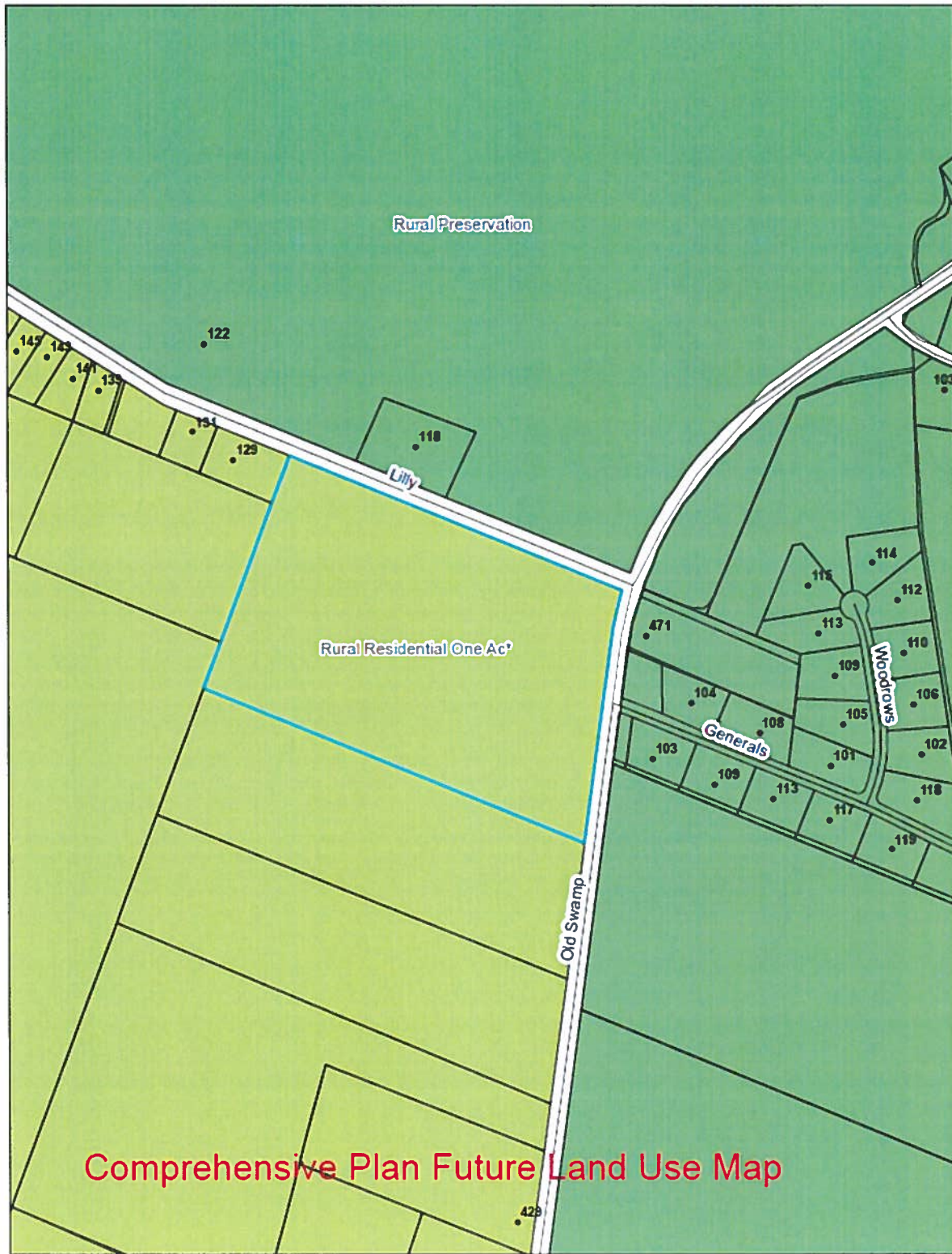
**ENVIRONMENTAL ASSESSMENT**

**Streams, Creeks, Major Ditches:** Joyce Creek.  
**Distance & description of nearest outfall:** Less than 1 mile.

CAMA Land Suitability:

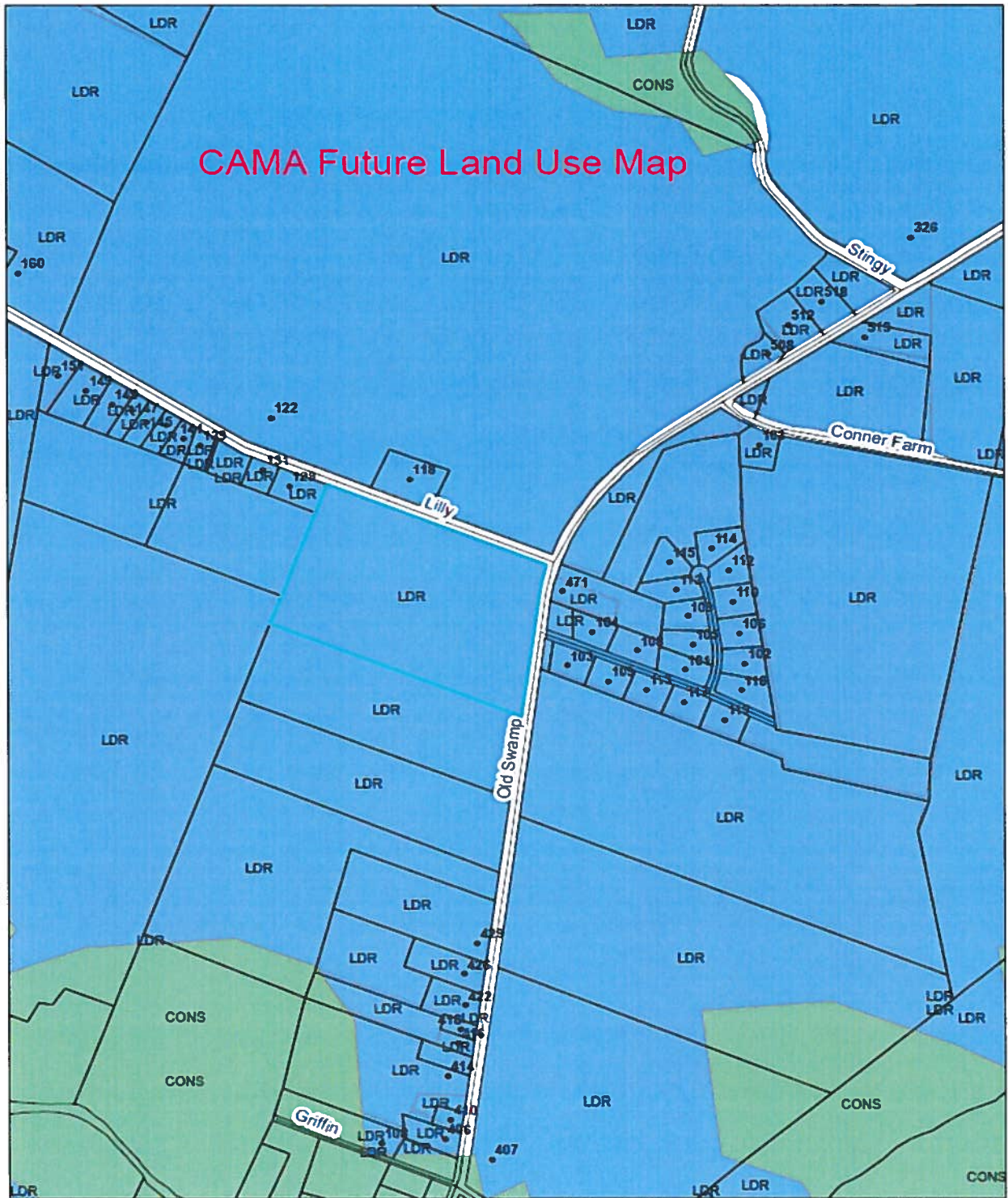


Comprehensive Plan Future Land Use Map



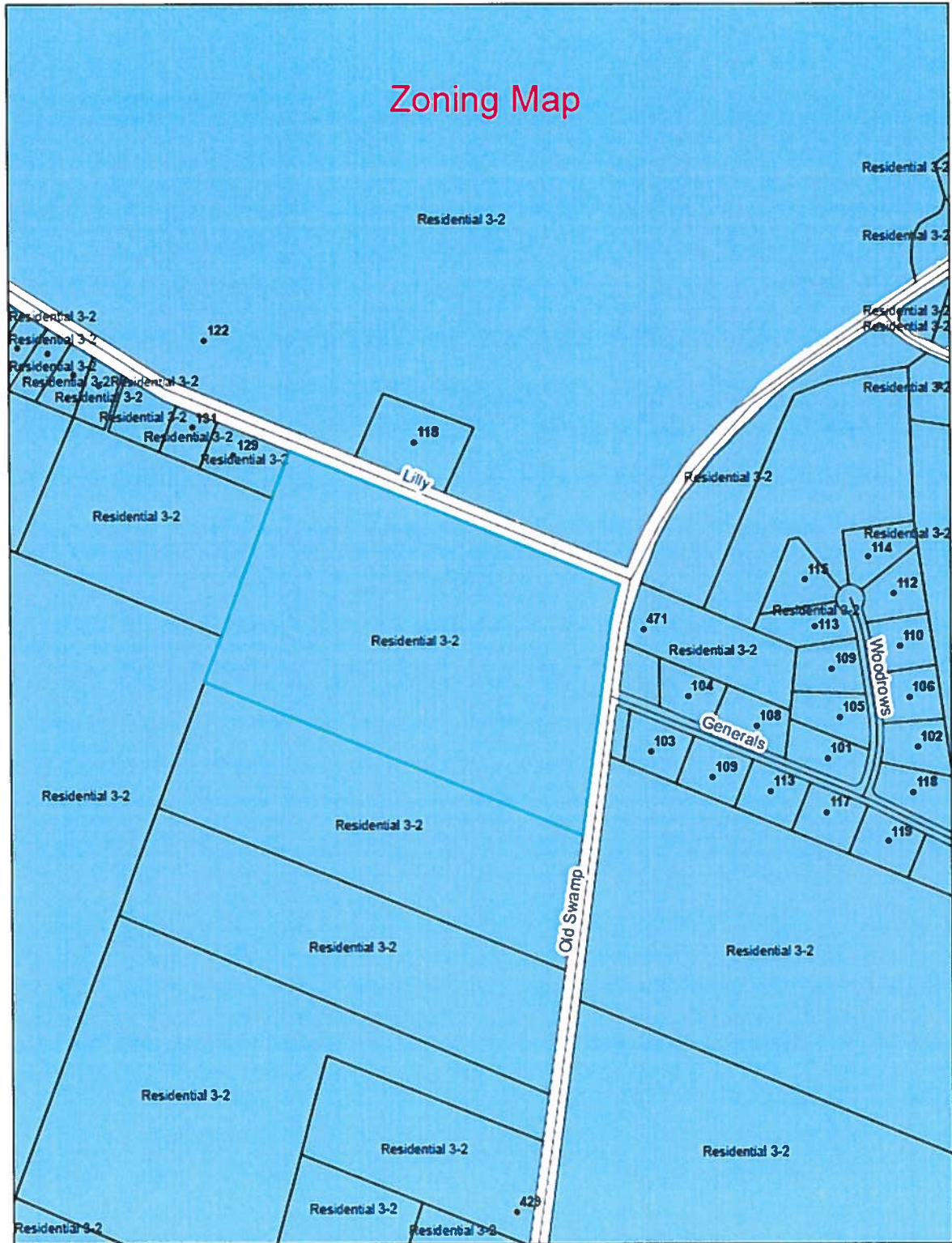
Comprehensive Plan Future Land Use Map

# CAMA Future Land Use Map



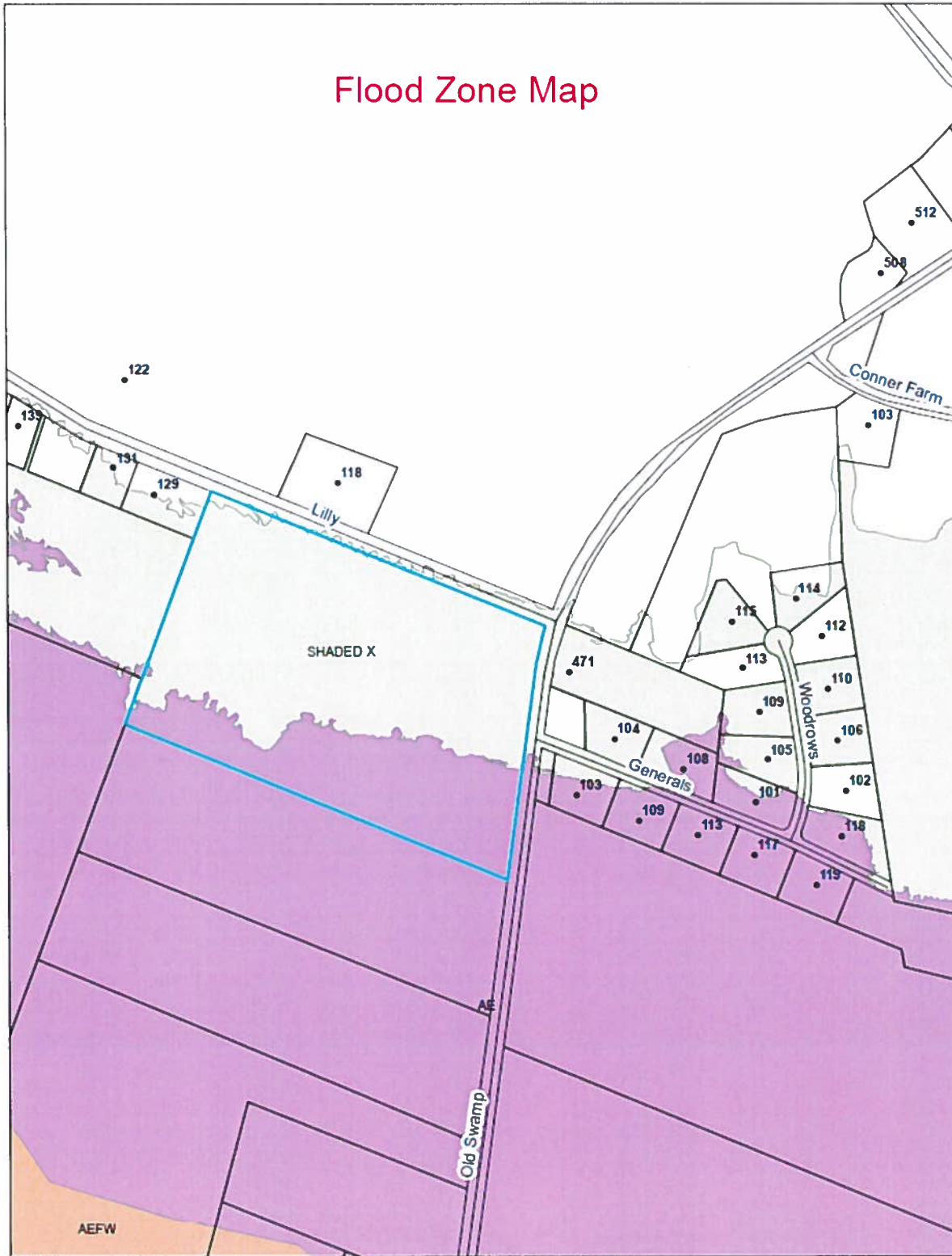


Zoning Map:



# Floodplain Map

## Flood Zone Map



**INFRASTRUCTURE & COMMUNITY FACILITIES**

<b>Water</b>	Water lines are located adjacent to property along Old Swamp and Lilly roads.
<b>Sewer</b>	Perc test provided.
<b>Fire District</b>	South Mills Fire District. Property located approximately 3 miles from Station on Keeter Barn Road.
<b>Schools</b>	Impact calculated at subdivision.
<b>Traffic</b>	Staffs opinion is traffic will not exceed road capacities.

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**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 Old Swamp and Lilly Roads.

**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?**

**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?**

**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:**

	<b>Personal Benefits/Impact</b>	<b>Community Benefits/Impact</b>
<b>With rezoning</b>	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.
<b>Without rezoning</b>	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 create a 4 lot minor subdivision and preserve as much farm land as possible. By requesting to rezone the entire tract, if in the future the owner would need to subdivide again (there is a five year wait between minor subdivisions) the zoning will already be in place.

**STAFF RECOMMENDATION:** Staff recommends approval of the rezoning as it is consistent with both the CAMA Land Use Plan and Comprehensive Plan as it allows for densities as low as one acre.



# 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

<b>Please Do Not Write in this Box</b>	
PIN:	<u>01-7090-00-73-2313</u>
UDO#	<u>2017-06-14</u>
Date Received:	<u>6/9/17</u>
Received by:	<u>DP</u>
Zoning District:	<u>R3-2</u>
Fee Paid \$	<u>790.<sup>00</sup></u>

Applicant's Name: Glenn A. Carey

*rd*  
*ck # 18684*

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. *jd*

Applicant's Mailing Address: P.O. Box 211  
South Mills, NC 27976

Daytime Phone Number: ( 252 ) 333-8596

Street Address Location of Property: Intersection of Old Swamp and Lilly Roads

General Description of Proposal: Request rezone 24 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: *Glenn A. Carey*  
Dated: 6/9/17

*\* 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)

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 / 2ac. lots to 1ac. lots

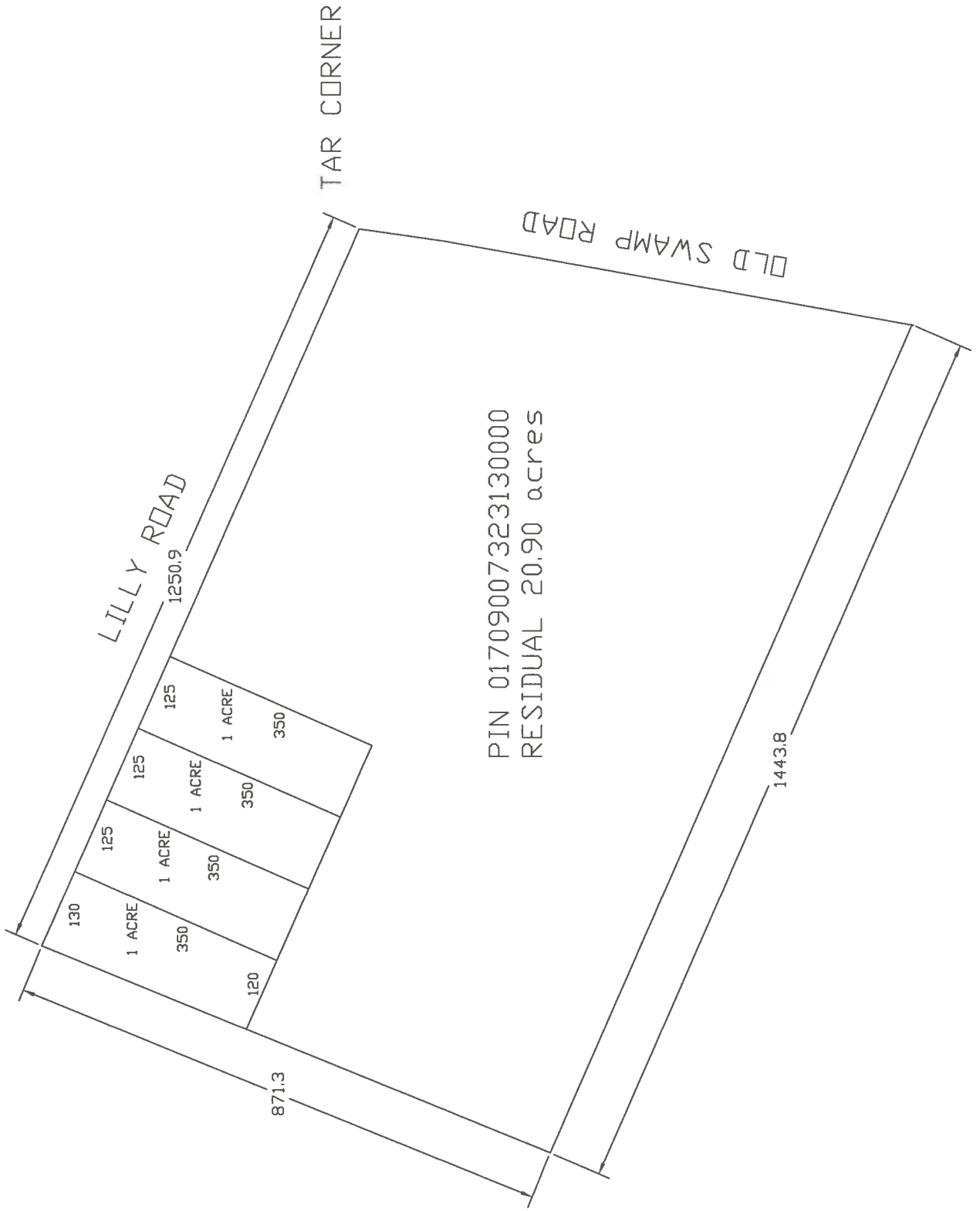
(C) For proposals to re-zone to non-residential districts along major arterial roads (Article 151.586):

(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





# Camden County Department of Public Health

Health Director

Director, Environmental Health



June 27, 2017

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

Re: Application for improvement permit for Tax Lot 1; Tax Block ; Property Site  
LILLY ROAD, SOUTH MILLS; Health Department file No. 240275-1

Dear CAREY JR., GLENN A.:

The Camden County Health Department, Environmental Health Division on 06/27/2017 evaluated the above-referenced property at the site designated on the plat/site plan that accompanied your improvement permit application. According to your application the site is to serve a 4 Bedroom Home with a design wastewater flow of 480 gallons per day. The evaluation was done in accordance with the laws and rules governing wastewater systems in North Carolina General Statute 130A-333 including related statutes and Title 15A, Subchapter 18A, of the North Carolina Administrative Code, Rule. 1900 and related rules.

Based on the criteria set out in Title 15A, Subchapter 18A, of the North Carolina Administrative Code, Rules .1940 through .1948, the evaluation indicated that the site is **UNSUITABLE** for a sanitary system of sewage treatment and disposal. Therefore, your request for an improvement permit is **DENIED**. A copy of the site evaluation is enclosed. The site is unsuitable based on the following:

X Unsuitable soil wetness condition (Rule .1942)

These severe soil or site limitations could cause premature system failure, leading to the discharge of untreated sewage on the ground surface, into surface waters, directly to ground water or inside your structure.

The site evaluation included consideration of possible site modifications, and modified, innovative or alternative systems. However, the Health Department has determined that none of the above options will overcome the severe conditions on this site. A possible option might be a system designed to dispose of sewage to another area of suitable soil or off-site to additional property.

For the reasons set out above, the property is currently classified **UNSUITABLE**, and no improvement permit shall be issued for this site in accordance with Rule .1948(c).

However, the site classified as **UNSUITABLE** may be classified as **PROVISIONALLY SUITABLE** if written documentation is provided that meets the requirements of Rule .1948(d). A copy of this rule is enclosed. You may hire a consultant to assist you if you wish to try to develop a plan under which your site could be reclassified as **PROVISIONALLY SUITABLE**.

You have a right to an informal review of this decision. You may request an informal review by the soil scientist or environmental health supervisor at the local health department. You may also request an informal review by the North Carolina Department of Health and Human Services regional soil specialist. A request for informal review must be made in writing to the local health department.

You also have a right to a formal appeal of this decision. To pursue a formal appeal, you must file a petition for a contested case hearing with the Office of Administrative Hearings, 6714 Mail Center, Raleigh, N.C. 27699-6714. To get a copy of a petition form, you may write the Office of Administrative Hearings or call the office at (919) 431-3000 or from the OAH web site at [www.ncoah.com/forms.htm](http://www.ncoah.com/forms.htm). The petition for a contested case hearing must be filed in accordance with the provision of North Carolina General Statutes 130A-24 and 150B-23 and all other applicable provisions of Chapter 150B. N.C. General Statute 130A-335 (g) provides that your hearing would be held in the county where your property is located.

Please note: If you wish to pursue a formal appeal, you must file the petition form with the Office of Administrative Hearings **WITHIN 30 DAYS OF THE DATE OF THIS LETTER**. The date of this letter is June 27, 2017. Meeting the 30 day deadline is critical to your right to a formal appeal.

If you file a petition for a contested case hearing with the Office of Administrative Hearings, you are required by law (N.C. General Statute 150B-23) to serve a copy of your petition on the Office of General Counsel, N.C. Department of Health and Human Services, 2001 Mail Service Center, Raleigh, N.C. 27699-2001.

Do **NOT** serve the copy of the petition on your local health department. Sending a copy of your petition to the local health department will **NOT** satisfy the legal requirement in N.C. General Statute 150B-23 that you send a copy to the Office of General Counsel, N.C. Department of Health and Human Services.