



**CAMDENCOUNTY**

new energy. new vision.

# **PLANNING BOARD**

**June 15, 2016**

**7:00 PM**

**Regular Meeting**

**Historic Courtroom**

**Courthouse Complex**

**Agenda**  
**Camden County Planning Board**  
**Regular Meeting**  
**June 15, 2016**  
**7:00 PM**  
**Historic Courtroom, Courthouse Complex**

**ITEM I. Call to Order & Welcome**

**ITEM II. Consideration of Agenda**

1. Motion to Approve Agenda: As Presented | As Amended      **M: 2: V:**

**ITEM III. Consideration of Minutes**

1. April 20, 2016 Minutes
2. Motion to Approve Minutes: As Written | As Corrected      **M: 2: V:**

**ITEM IV. Public Comments**

**ITEM V. Old Business**

**ITEM VI. New Business**

*Item A. Rezoning Application: Lindsey Hewitt, Property Adj to 174 Spence Lane*

1. Motion to Approve Consistency Statement      **M: 2: V:**
2. Motion to Approve or Deny Rezoning      **M: 2: V:**

*\*Item B. Amendment to Camden County Code of Ordinances: Ordinance No 2016-06-01 Setbacks for Open Space Subdivisions*

1. Motion to Approve or Deny Amendment      **M: 2: V:**

**ITEM VII. Information from Board & Staff**

**ITEM VIII. Consider Date of Next Meeting**

*Item A. Next Meeting: July 20, 2016*

**ITEM IX. Adjourn**

1. Motion to Adjourn Meeting      **M: 2: V:**



**Camden County Planning Board  
AGENDA ITEM SUMMARY SHEET**

Minutes

**Item Number:** 3.1

**Meeting Date:** June 15, 2016

**Submitted By:** Amy Barnett, Planning Clerk  
Planning Board  
Prepared by: Amy Barnett

**Item Title** April 20, 2016 Minutes

**Attachments:** PB Minutes 4-20-16 (PDF)

**CAMDEN COUNTY PLANNING BOARD**  
Regular – April 20, 2016

**Camden County Planning Board**  
**Regular Meeting**  
**April 20, 2016**  
**7:00 PM**  
**Historic Courtroom, Courthouse Complex**  
**Camden, North Carolina**

**MINUTES**

*The regular meeting of the Camden County Planning Board was held on April 20, 2016 in the Historic Courtroom, Camden, North Carolina. The following Board Members were present:*

**I. CALL TO ORDER & WELCOME**

**Board Members Present**

Attendee Name	Title	Status	Arrived
Rodney Needham	Chairman	Present	6:50 PM
Calvin Leary	Vice Chairman	Present	6:50 PM
Fletcher Harris	Board Member	Present	6:50 PM
Patricia Delano	Board Member	Present	6:50 PM
Michael Etheridge	Board Member	Present	6:50 PM
Rick McCall	Board Member	Present	6:50 PM
Ray Albertson	Board Member	Present	6:50 PM

**Staff Members Present:**

Attendee Name	Title	Status	Arrived
Dan Porter	Planning Director	Present	6:55 PM
Dave Parks	Permit Officer	Present	6:45 PM
Amy Barnett	Planning Clerk	Present	6:35 PM

**Also Present List**

Applicant for Rezoning Herb Mullen of Pudding Ridge of South Mills LLC.

**II. CONSIDERATION OF AGENDA**

**1. Motion to Approve Agenda As Presented**

<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
<b>MOVER:</b>	Michael Etheridge, Board Member
<b>SECONDER:</b>	Patricia Delano, Board Member
<b>AYES:</b>	Needham, Leary, Harris, Delano, Etheridge, McCall, Albertson

Attachment: PB Minutes 4-20-16 (1272 : April 20, 2016 Minutes)

**CAMDEN COUNTY PLANNING BOARD**  
Regular Meeting – April 20, 2016

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24 **III. CONSIDERATION OF MINUTES**

25 1. Motion to Approve Minutes from 3-16-16 As Written

26	<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
27	<b>MOVER:</b>	Calvin Leary, Vice Chairman
28	<b>SECONDER:</b>	Fletcher Harris, Board Member
29	<b>AYES:</b>	Needham, Leary, Harris, Delano, Etheridge, McCall, Albertson

30 **IV. COMMENTS FROM PUBLIC**

31 NONE.

32 **V. OLD BUSINESS**

33 NONE.

34 **VI. NEW BUSINESS**

35 *1. Rezoning Application - Pudding Ridge of South Mills LLC - Herb Mullen / Tracy Swain, Property*  
36 *adjacent to 330 Pudding Ridge Road, South Mills Township*

37  
38 Dave Parks described this rezoning application and then introduced Herb Mullen, applicant for  
39 rezoning of the property adjacent to 330 Pudding Ridge Road located in South Mills Township.  
40

41 Mr. Mullen stated that he is requesting a rezoning for the property adjacent to 330 Pudding  
42 Ridge Road in South Mills from R-3-2 to R-3-1. The purpose for the rezoning is to allow 1 acre  
43 lots which would allow for greater use of the land and increase the tax base for the county with  
44 the future addition of houses on the property. Mr. Mullen stated that he has no preliminary plans  
45 yet, but will prepare them should the Planning Board and Board of Commissioners approve the  
46 rezoning.  
47

48 Dan Porter stated that if this is approved, Mr. Mullen would go through the process of submitting  
49 a sketch plan, and then a preliminary plat, and then a final plat as part of the process of  
50 developing the land for a major subdivision.  
51

52 Chairman Rodney Needham asked why the property is R-3-2. Dave Parks responded saying that  
53 R-3-2 is zoning designation that requires a 2 acre minimum for subdivision. Mr. Parks stated  
54 that Mr. Mullen is requesting to be rezoned to R-3-1 to allow for higher density.  
55

56 Mr. Parks also stated that when a rezoning application is submitted, that staff looks at the uses in  
57 the current zoning designation as compared with the requested zoning designation. The uses  
58 listed in the Table of Permissible Uses are compared to see if any of the uses differ between the  
59 two designations. With R-3-2 to R-3-1, the uses are the same, the only change would be the  
60 minimum acreage for subdivision which would create higher density.  
61

Attachment: PB Minutes 4-20-16 (1272 : April 20, 2016 Minutes)

**CAMDEN COUNTY PLANNING BOARD**  
Regular Meeting – April 20, 2016

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62 At this point, Mr. Parks went over the Staff Report, incorporated herein below.  
63

**STAFF REPORT**

**UDO 2016-03-09**  
**Zoning Map Amendment**

**PROJECT INFORMATION**

**File Reference:** UDO 2016-03-09  
**Project Name:** N A  
**PIN:** 01-7090-00-01-5676  
**Applicant:** Pudding Ridge of South Mills LLC  
 Herb Mullen/Tracy Swain  
  
**Address:** 149 Lilly Road  
 South Mills NC 27976  
  
**Phone:** (252) 339-5963  
**Email:**  
  
**Agent for Applicant:**  
**Address:**  
**Phone:**  
**Email:**  
**Current Owner of Record:** Same as applicant  
  
**Meeting Dates**  
  
 4 20 2016 **Planning Board**  
**Board of Commissioners**

**Application Received:** 3 11 2016  
**By:** David Parks, Permit Officer  
  
**Application Fee paid:** \$1100 Check #1026  
  
**Completeness of Application:** Application is generally complete  
  
**Documents received upon filing of application or otherwise included:**  
 A. Rezoning Application  
 B. Deed  
 C. GIS Aerial, existing zoning, Comprehensive Plan Future Land Use Map, CAMA Land Use Plan Suitability Maps  
 D. Letter from Albemarle Regional Health Services  
 E. Emails from NC Department Public Safety (Floodplain Management Branch) John Gerber and Dan Brubaker

**PROJECT LOCATION:**

**Street Address:** Property adjacent to 330 Pudding Ridge Road  
**Location Description:** South Mills Township

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Attachment: PB Minutes 4-20-16 (1272 : April 20, 2016 Minutes)

**CAMDEN COUNTY PLANNING BOARD**  
Regular Meeting – April 20, 2016

**REQUEST:** Rezoning of the approximately 55 of 93 acres (all property located outside the Floodway)

**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.

**SITE DATA**

**Lot size:** Approximately 93 acres. Request is for the 56 acres of land that is located outside the FEMA Floodway  
**Flood Zone:** Zones: Shaded X, AE, and AEFW  
**Zoning District(s):** Basic Residential (R3-2)  
**Existing Land Uses:** Agriculture/Woodland

**Adjacent Zoning & Uses:**

	North	South	East	West
<b>Zoning</b>	Basic Residential (R3-2)	Basic Residential (R3-2)	Basic Residential (R3-2)	Basic Residential (R3-2)
<b>Use &amp; size</b>	Farmland	Farmland	Woodland	Farmland/Residential

**Proposed Use(s):**

Uses are the same the only change is in the density from two acres to one acre.

**Description of property:**

Property abuts 330 Pudding Ridge Road and its current use is mostly farmland. Only utility adjacent to property is electric with the nearest waterline over 4500 feet away on Keeter Barn Road.

**ENVIRONMENTAL ASSESSMENT**

**Streams, Creeks, Major Ditches:** Cypress Run Ditch

**Distance & description of nearest outfall:** Cypress Run Ditch located to the East of property. In reviewing flood map approximately 36 acres is designated as the FEMA Floodway defined as "The channel of a river or other watercourse and the adjacent land areas that must be preserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot."

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Attachment: PB Minutes 4-20-16 (1272 : April 20, 2016 Minutes)

**CAMDEN COUNTY PLANNING BOARD**

Regular Meeting – April 20, 2016

**INFRASTRUCTURE & COMMUNITY FACILITIES**

<b>Water</b>	Nearest water line located approximately 4500 feet away at Keeter Barn and Pudding Ridge Roads (6 Inch lines).
<b>Sewer</b>	Letter from Albemarle Regional Health Services Soil Scientist (Ralph Hollowell stating soils are provisionally suitable for septic systems
<b>Fire District</b>	South Mills Fire District. Station located approximately 1.2 miles from property.
<b>Schools</b>	Increasing density of development through rezoning will increase projected number of students generated from future development.
<b>Traffic</b>	Increasing density will increase traffic generation, however traffic is not anticipated to exceed road capacities

**PLANS CONSISTENCY**

CAMA Land Use Plan Policies & Objectives:

Consistent  Inconsistent

The proposed zoning change is inconsistent with the CAMA Land Use Plan which was adopted by the Camden County Board of Commissioners on April 4, 2005 in that is the parcel is designated as Conservation (Area of Environmental Concern). This would probably be based on the property being located in an Area of Environmental Concern (floodplain/floodway according to the FEMA Flood Maps).

**PLANS CONSISTENCY – cont.**

2035 Comprehensive Plan

Consistent  Inconsistent

Consistent with Comprehensive Plan Future Land Use Maps in that area is identified as Rural Residential with maximum density of 1 acre lots.

Comprehensive Transportation Plan

Consistent  Inconsistent

Property abuts Pudding Ridge Road (SR 1225)

Other Plans officially adopted by the Board of Commissioners: N/A

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Attachment: PB Minutes 4-20-16 (1272 : April 20, 2016 Minutes)

**CAMDEN COUNTY PLANNING BOARD**  
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**FINDINGS REGARDING ADDITIONAL REQUIREMENTS:**

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

Reasoning:

- (1) The proposed zoning change will enhance the public health, safety, or welfare as it will provide needed residential density in an area identified by the Comprehensive Plan to encourage commercial development.
- (2) The proposed zoning change could jeopardize the public safety as the CAMA Land Use Plan has the parcel identified as Conservation or an Area of Environmental Concern (AEC) due to it being in the FEMA Floodplain/Floodway. Flood Maps are based on that 1% chance every year that the County could be inundated with the 100 year storm which would dump approximately 9 inches of rain in a 24 hour period.

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 permitted uses will not change as the request is for a higher density in the existing district of Basic Residential (R3).

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:

70  
71

Attachment: PB Minutes 4-20-16 (1272 : April 20, 2016 Minutes)

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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 located in a CAMA Areas of Environmental Concern (Floodplain/Floodway AE AEFW)

Yes  No

Does the county need more land in the zoning class requested?

Reasoning: The attached graph indicates the percentage and amount of land in the R3-1 zone.

Yes  No

Is there other land in the county that would be more appropriate for the proposed uses?

Reasoning: Uses are the same, request is for higher density from two acres to one acre.

72

Yes  No

Will not exceed the county's ability to provide public facilities:

Schools – The higher density would have an impact on the schools once developed as the high school has exceeded its 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		
Without rezoning		

73  
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Attachment: PB Minutes 4-20-16 (1272 : April 20, 2016 Minutes)

**CAMDEN COUNTY PLANNING BOARD**  
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**STAFF COMMENTARY:**

The requested rezoning could possibly double the potential number of lots. The property owner has not submitted a proposed conceptual plan as they do not know when they are going to proceed with any development.

It is important to note that the property is located in an Area of Environmental Concern (Floodplain) as stated in this report and that caution should be made when allowing development within the floodplain especially when the flood zone (AE) is located adjacent to the Floodway (AEFW). Though the County has not experienced this 100 year flood resulting in approximately 9 inches of rain in 24 hours, it is of my opinion as the County's Floodplain Administrator if this storm event were to occur, areas in the floodplain would see severe flooding which could result in endangering the health and safety of its citizens.

Development is permitted in Flood Zone AE (Flood Zone with a Base Flood Elevation) as long as the development adheres to current Floodplain Management regulations.

**STAFF RECOMMENDATION:**

Based on all information provided, staff is recommending approval to rezone from Basic Residential (R3-2) to Basic Residential (R3-1) a portion of the property (approximately 52 acres) excluding the floodway and a 100 foot buffer from the flood way, as it is consistent with the Comprehensive Plan as it allows for density of 1 to 2 acres.

Additionally staff recommends rezoning from Basic Residential (R3-2) to Conservation District (CD) the remaining approximately 41 acres (the floodway and the 100 foot buffer adjacent to the Floodway) (see following map).

**PLANNING BOARD RECOMMENDATION:**

75  
76

Attachment: PB Minutes 4-20-16 (1272 : April 20, 2016 Minutes)

**CAMDEN COUNTY PLANNING BOARD**

Regular Meeting – April 20, 2016

77 Highlights from the Staff Report:

- 78 • Part of the property is in AEFW (floodway) - about ½ of the property
- 79     o Cannot build in the floodway
- 80     o Can build in the flood zone
- 81         ▪ Must meet flood plain regulations
- 82         ▪ Requires elevation of structures, flood vents, etc.
- 83 • Checked with Department of Public Safety, Floodplain Mapping Branch, to see if there
- 84     were any restrictions for development in and around the floodway as far as the grade
- 85     adjacent to it. There are no restrictions.
- 86 • Development in South Mills, run off water runs to Joyce Creek regardless of whether or
- 87     not it is in the floodplain.
- 88 • Mr. Parks went over the maps that were included in the board packet.
- 89 • Request is compatible with the Comprehensive Plan, not so much the CAMA Land Use
- 90     Plan as far as development goes
- 91 • Adjacent Uses are mostly farmland, with some residential uses also
- 92 • Closest major subdivision is Sanders Crossing which is about ¼ mile away
- 93 • The uses in R-3-2 and R-3-1 are the same, so no change in allowed uses
- 94 • Cypress Run Ditch runs to the east of the property where the floodway is
- 95 • Property is in the Joyce Creek service district
- 96 • 36 Acres is designated as FEMA Floodway, protected area
- 97 • Elevations on the property - the further into the floodway, the lower the elevations are
- 98 • Closer to the roadway, the elevations are higher, base flood elevations are 7.1 to 7.5
- 99 • County has adopted a +1 rule with regard to base elevations, so all utilities and such
- 100    would have to be elevated to the base flood level +1 foot.
- 101 • Spoke about the changes to the FEMA maps
- 102 • Findings regarding additional requirements (highlights):
- 103     o Will provide higher residential density as is compatible with the Comprehensive
- 104     Plan to encourage residential development
- 105     o Could jeopardize public safety - CAMA Land Use Plan identifies the property as
- 106     an Area of Environmental Concern (AEC) due to being in the FEMA
- 107     Floodway/Floodplain.
- 108     o 1% chance of 100 year storm where property might experience 9 inch rainfall in a
- 109     24 hour period
- 110     o Camden is a flat county, if 9 inches of rain falls, multiple areas of the county are
- 111     likely to flood.
- 112     o Zoning designation change will not change the allowable uses in the area
- 113     o More residential density will have an impact on the schools
- 114     o Higher density would have an impact on the schools once developed as the high
- 115     school has exceeded its capacity.
- 116     o Minimal impact on Fire & Rescue, Law Enforcement, Parks & Recreation
- 117     o This is not a small scale / spot zoning, area of request is 93 acres.
- 118     o Buildable area is 56.7 acres
- 119     o Buffers to separate buildable area and floodway: 100 & 200 feet. If 100 foot
- 120     buffer, buildable area would be approximately 51 acres, if a 200 foot buffer,
- 121     buildable area would be approximately 46.4 acres.
- 122

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## CAMDEN COUNTY PLANNING BOARD

Regular Meeting – April 20, 2016

- 123                   ○ Is suitable for septic systems  
 124                   ○ Conservation zoning designation is in Camden County's ordinances, however  
 125                   there is currently not any land with such designation
- 126           • Staff recommends approval of rezoning the approximately 52 acres of the property that is  
 127           not in the floodway from R-3-2 to R-3-1 as it is consistent with the Comprehensive plan  
 128           which allows for densities of 1 to 2 acres.
  - 129           • Staff further recommends rezoning the approximately 41 acres that IS in the floodway  
 130           from R-3-2 to CD (Conservation District).

131

132 Planning Director Dan Porter commented:

- 133           • The CAMA Land Use Plan shows the property as being in conservation
- 134           • The Comprehensive Plan shows it as compatible with higher density
- 135           • The recommendation before the board is a compromised recommendation, wherein part  
 136           of the property is recommended for rezoning to R-3-1 (the part in the AE) and part of the  
 137           property is being recommended as rezoning to Conservation District (the part in the  
 138           AEFW) with a buffer between the two.
- 139           • This will be the first development that is adjacent to the floodway.
- 140           • Requiring a buffer in this rezoning will set a precedent for other rezonings adjacent to the  
 141           floodway
- 142           • Development of a stormwater plan will likely be a challenge
- 143           • Property does not currently have water service provided to it, it will be on wells unless  
 144           South Mills Water Association runs water lines to the property
- 145           • Floodway means that when it floods it will flood in that way, AE means that it might  
 146           flood and that any houses built will need to be elevated in case of flood.
- 147           • Reason for buffer is so that when and if a flood occurs, the water will have somewhere to  
 148           go without encroaching on houses adjacent to the floodway.

149

150 Michael Etheridge asked if Mr. Mullen was in agreement with Staff's recommendation of  
 151 rezoning the approximately 41 acres that is in the floodway to conservation district. Mr. Parks  
 152 stated that Mr. Mullen agreed to this.

153

154 Rick McCall asked about lots less than an acre and if they would be allowed. Dan Porter  
 155 responded that in a Conservation Subdivision lots could be less than an acre if 50% of the land  
 156 were set aside as common open space (and that does not include areas in the floodway, it would  
 157 have to be buildable land). They could do a conservation subdivision if the land perked well  
 158 enough. A conservation subdivision is considered an open space subdivision because 50% of the  
 159 land is being dedicated as open space.

160

161 Mr. Mullen indicated that he does not want to do a conservation subdivision because of the  
 162 requirements of the Health Department regarding septic systems on smaller lot sizes.

163

**CAMDEN COUNTY PLANNING BOARD**

Regular Meeting – April 20, 2016

164 At this time, Chairman Rodney Needham asked if there were any further questions or comments.  
165 Hearing none, he entertained a motion.

166  
167 Dave Parks stated that there needed to be 2 motions, one to approve a compatibility statement  
168 and one for the rezoning.  
169

170 **Motion to Approve Compatibility Statement:** Rezoning the property adjacent to 330  
171 Pudding Ridge Road, and having PIN 01-7090-00-01-5676-0000 from R-3-2 to R-3-1 is  
172 consistent with Camden County's adopted Comprehensive Plan.

**RESULT:** PASSED [UNANIMOUS]  
**MOVER:** Calvin Leary, Vice Chairman  
**SECONDER:** Michael Etheridge, Board Member  
**AYES:** Needham, Leary, Harris, Delano, Etheridge, McCall, Albertson

177 **Motion to Approve Rezoning -** Rezone the property adjacent to 330 Pudding Ridge  
178 Road, having PIN 01-7090-00-01-5676-0000, located in South Mills Township, as  
179 recommended by staff in the Staff Report.

**RESULT:** PASSED [UNANIMOUS]  
**MOVER:** Calvin Leary, Vice Chairman  
**SECONDER:** Michael Etheridge, Board Member  
**AYES:** Needham, Leary, Harris, Delano, Etheridge, McCall, Albertson

184 **VII. INFORMATION FROM BOARD AND STAFF**

185 NONE.

186 **VIII. CONSIDER DATE OF NEXT MEETING**

187 Next Regularly Scheduled Meeting is on May 18, 2016 unless there are no matters to be brought  
188 before the board.

189 **IX. ADJOURN MEETING**

190 1. Motion to Adjourn 4-20-16 Meeting (Meeting adjourned at 7:50 PM)

**RESULT:** PASSED [UNANIMOUS]  
**MOVER:** Ray Albertson, Board Member  
**SECONDER:** Michael Etheridge, Board Member  
**AYES:** Needham, Leary, Harris, Delano, Etheridge, McCall, Albertson

Attachment: PB Minutes 4-20-16 (1272 : April 20, 2016 Minutes)



**Camden County Planning Board**  
**AGENDA ITEM SUMMARY SHEET**  
New Business

**Item Number:** 6.A.1

**Meeting Date:** June 15, 2016

**Submitted By:** Amy Barnett, Planning Clerk  
Planning Board  
Prepared by: Dave Parks

**Item Title** Lindsey Hewitt Rezoning Adj to 174 Spence Lane

**Attachments:** Lindsey Hewitt Rezoning Adj to 174 Spence Lane (PDF)

**STAFF REPORT**

**UDO 2016-05-05  
Zoning Map Amendment**

**PROJECT INFORMATION**

**File Reference:** UDO 2016-05-05  
**Project Name;** N/A  
**PIN:** 01-7989-00-36-1006  
**Applicant:** Linsey W. Hewitt  
**Address:** 575 Old Swamp Rd  
South Mills NC  
27976  
**Phone:** (252) 333-5492  
**Email:**

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

**Current Owner of Record:** Steve Dail

**Meeting Dates:**

6/15/2016 **Planning Board**  
**Board of Commissioners**

**Application Received:** 5/9/2016  
**By:** David Parks, Permit Officer

**Application Fee paid:** \$650 Check #3583

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

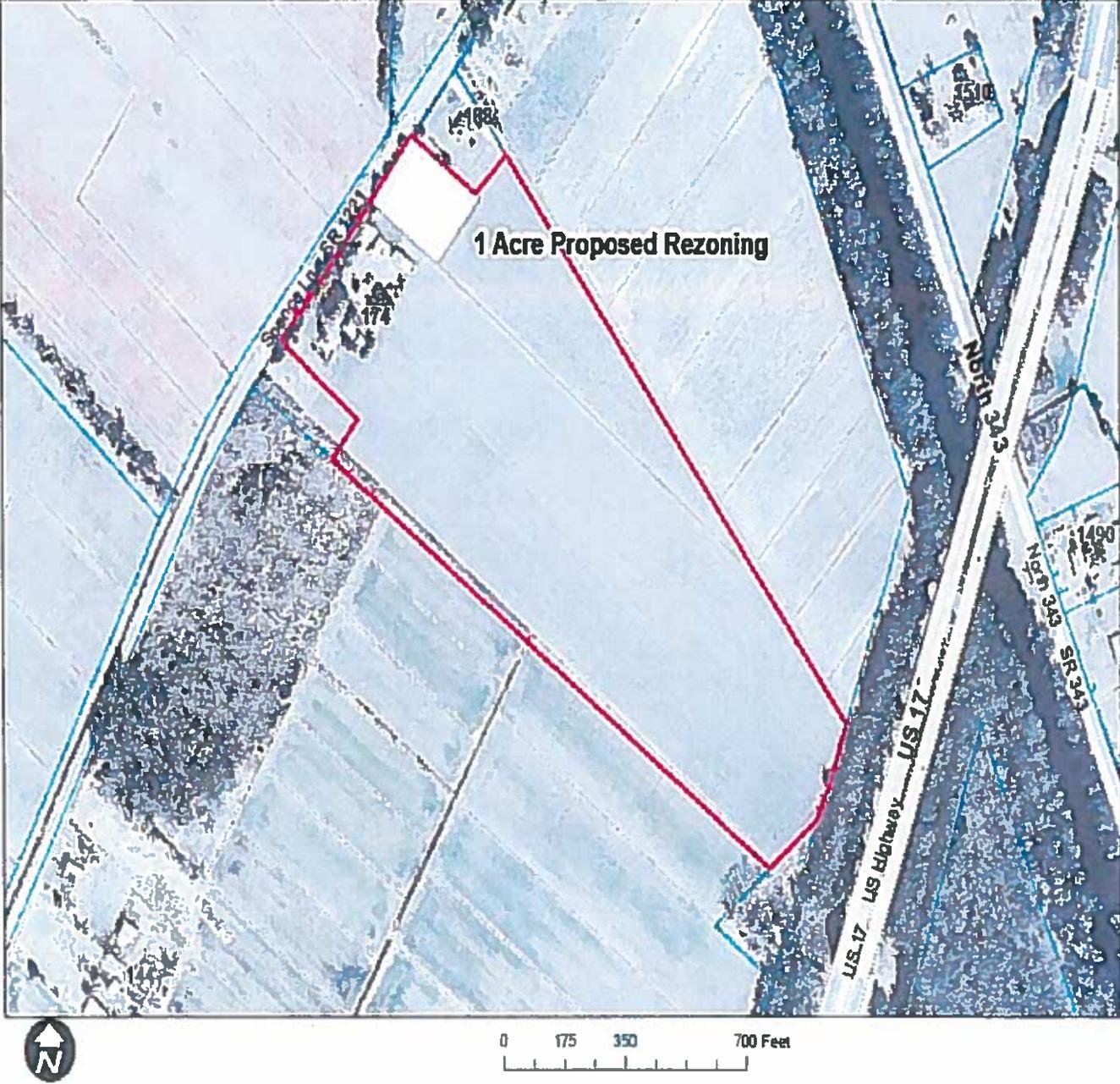
**Documents received upon filing of application or otherwise included:**

- A. Rezoning Application
- B. Letter from property owner
- C. Aerial of proposed location of rezoning.
- D. GIS Aerial, existing zoning, Comprehensive Plan Future Land Use Map, CAMA Land Use Plan Suitability Maps

**PROJECT LOCATION:**

**Street Address:** Property adjacent to 174 Spence Lane  
**Location Description:** South Mills Township

Vicinity Map:



**REQUEST:** Rezone one acre of approximately 26 acres of land

**From:** General Use District (GUD)

**To:** Basic Residential (R3-1)

The GUD, general use, district is established to allow opportunities for very low density residential development and bona fide farms, along with agricultural and related agricultural uses (e.g., timber, horticulture, silviculture and aquaculture.)

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 26 acres.  
**Flood Zone:** Zones: X  
**Zoning District(s):** General Use District (GUD)  
**Existing Land Uses:** Farm with house

#### Adjacent Zoning & Uses:

	North	South	East	West
<b>Zoning</b>	General Use District (GUD)	US 17	Highway Commercial (HC)	Highway Commercial (HC)
<b>Use &amp; size</b>	Farmland w/House	Highway	Farmland w/House	Farmland

#### Proposed Use(s):

See Attachment "A"

#### Description of property:

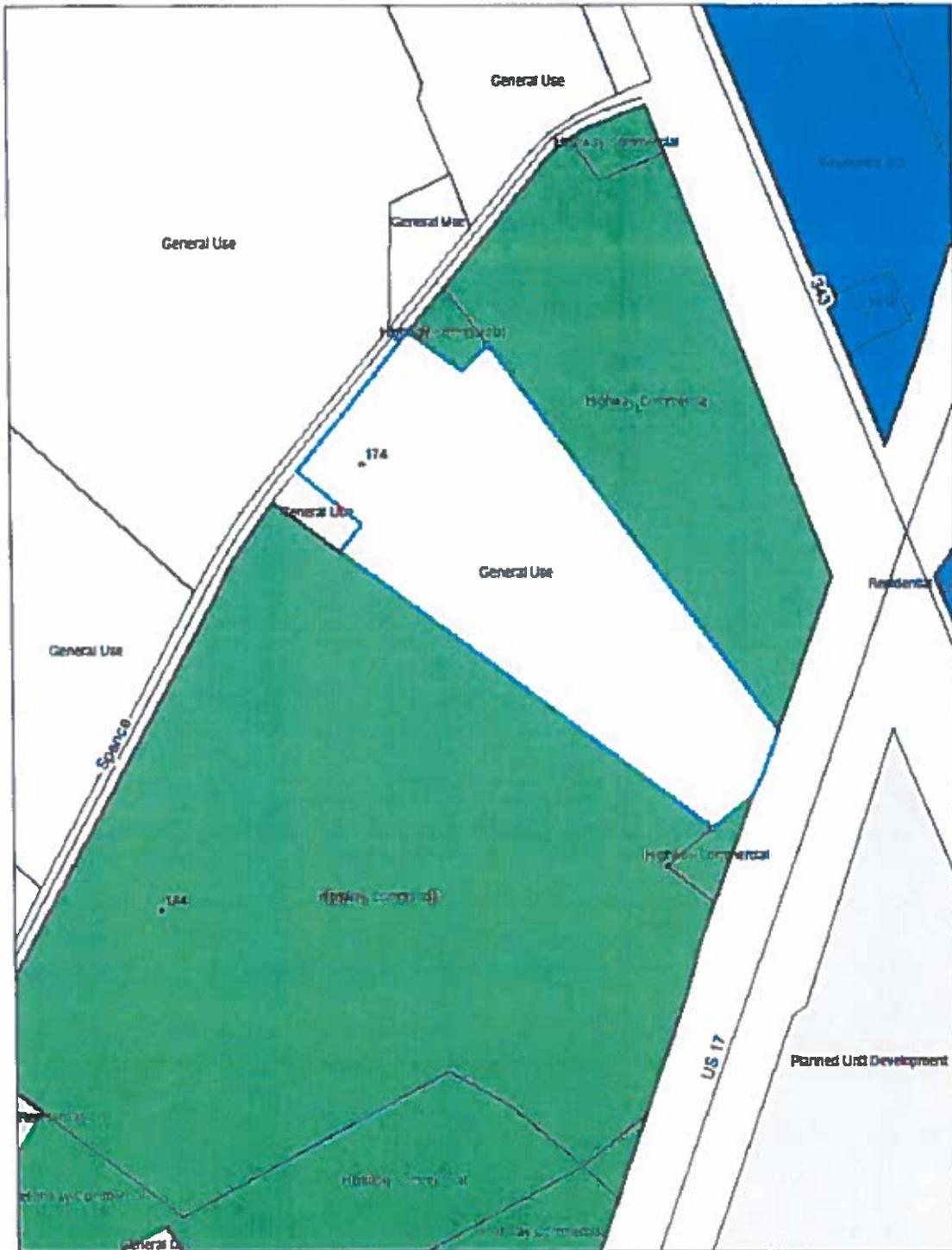
Property abuts Spence Lane and is classified as a Bona Fide Farm. According to the tax card there are three dwellings on property (site built and two manufactured homes).

#### ENVIRONMENTAL ASSESSMENT

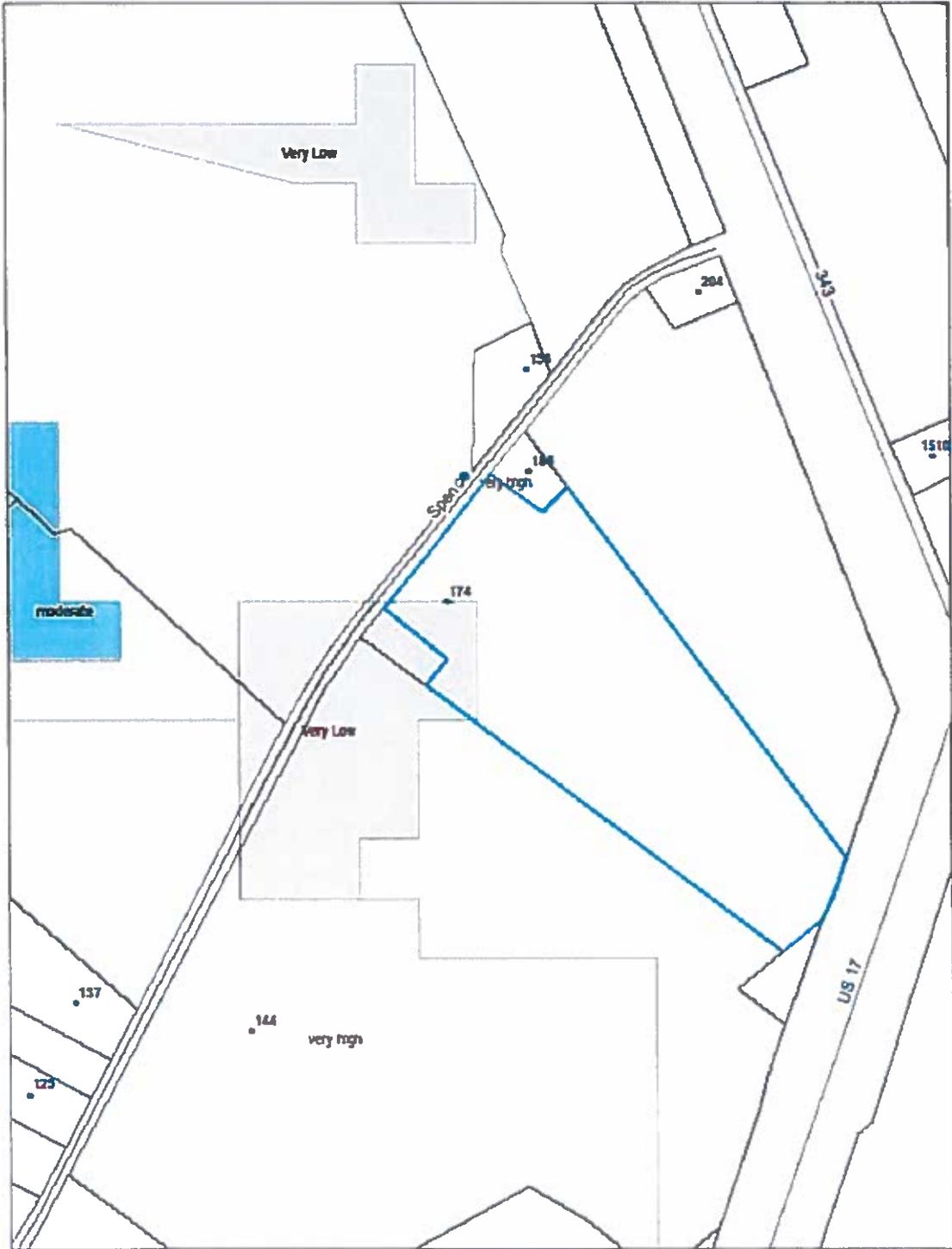
**Streams, Creeks, Major Ditches:** Dismal Swamp Canal is closest water body.

**Distance & description of nearest outfall:** Dismal Swamp Canal would be nearest outfall.

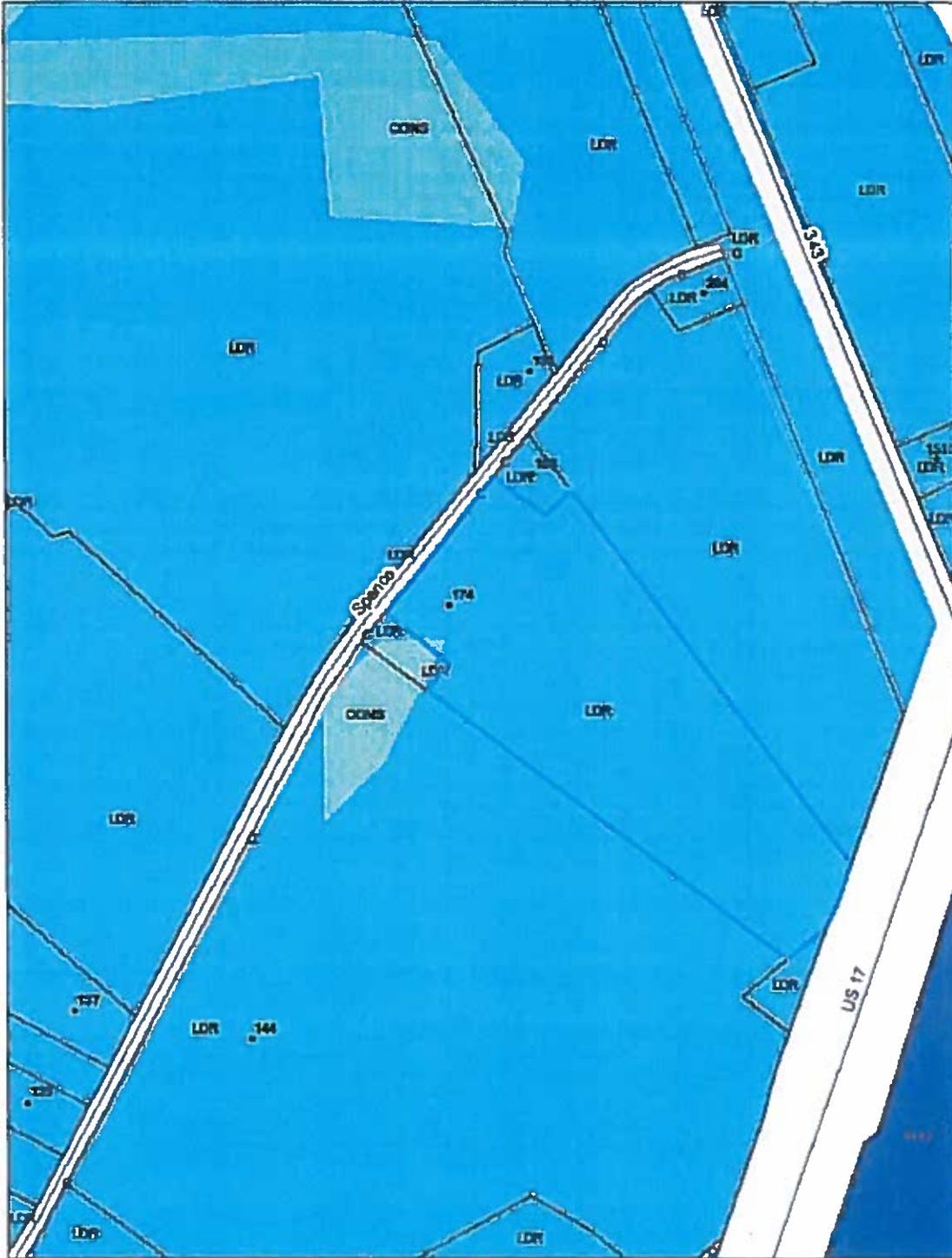
### Current Zoning Map



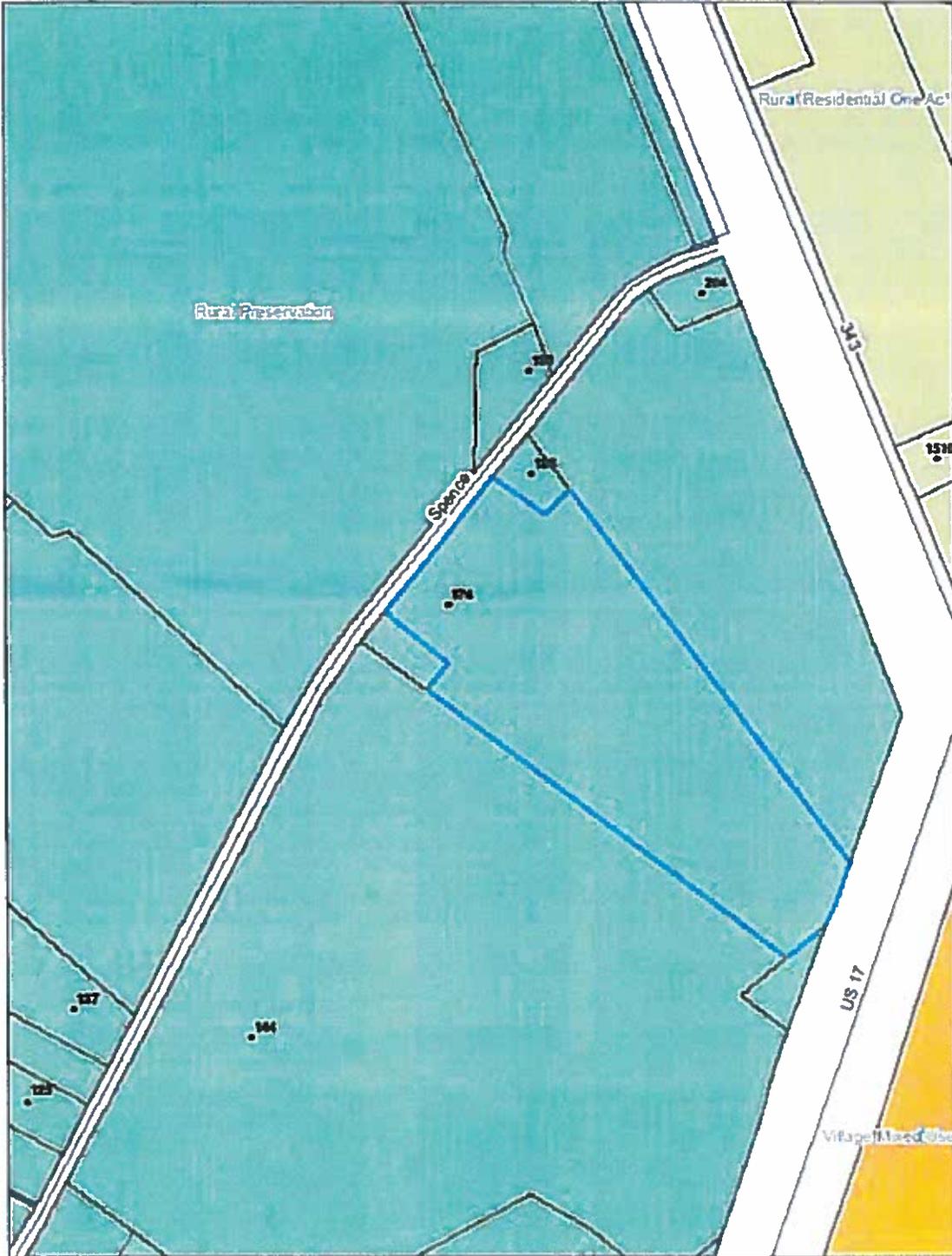
### Land Suitability



### CAMA Future Land Use Map



### Comprehensive Plan Future Land Use Map



### Floodplain Map



**INFRASTRUCTURE & COMMUNITY FACILITIES**

<b>Water</b>	Nearest water line located approximately 3800 feet away at Horseshoe Road
<b>Sewer</b>	No sewer available.
<b>Fire District</b>	South Mills Fire District. Station located approximately 2.5 miles from property.
<b>Schools</b>	N/A
<b>Traffic</b>	N/A

**PLANS CONSISTENCY****CAMA Land Use Plan Policies & Objectives:**

Consistent  Inconsistent

The proposed zoning change is inconsistent with the CAMA Land Use Plan which was adopted by the Camden County Board of Commissioners on April 4, 2005 in that the entire tract is designated as Low Density Residential and that the requested rezoning is classified as spot zoning. **Spot zoning is zoning that benefits the applicant only and is not part of an overall zoning plan that would benefit the County as a whole.** See Attachment "A" which is pages from the Executive Summary of the Advance Core CAMA Land Use Plan that provide a guide when deliberating zoning petitions.

**PLANS CONSISTENCY – cont.****2035 Comprehensive Plan**

Consistent  Inconsistent

The requested zoning change is Inconsistent with Comprehensive Plan Future Land Use Maps in that area is identified as Rural Preservation. Current Zoning (General Use District) supports the principles of Comprehensive Plan.

**Comprehensive Transportation Plan**

Consistent  Inconsistent

Property abuts Spence Lane (SR 1221)

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:**

(1) The proposed zoning change will only enhance the welfare of the applicant and not the general public.

Is the entire range of permitted uses in the requested classification more appropriate than the range of uses in the existing classification?

**Reasoning:** The permitted uses in the existing classification are more appropriate as they are compatible to what the County's Comprehensive Plan calls for.

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

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 located outside the 100 year Flood Zone.

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

**Reasoning:** Yes, but not in this area.

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

**Reasoning:** Yes, in those areas indicated on Camden's Comprehensive Plans Future Land Use Map.

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

**Schools** – Minimal Impact as this is a single acre lot rezoning.

**Fire and Rescue** – Minimal impact.

**Law Enforcement** – Minimal impact.

**Parks & Recreation** – Minimal impact

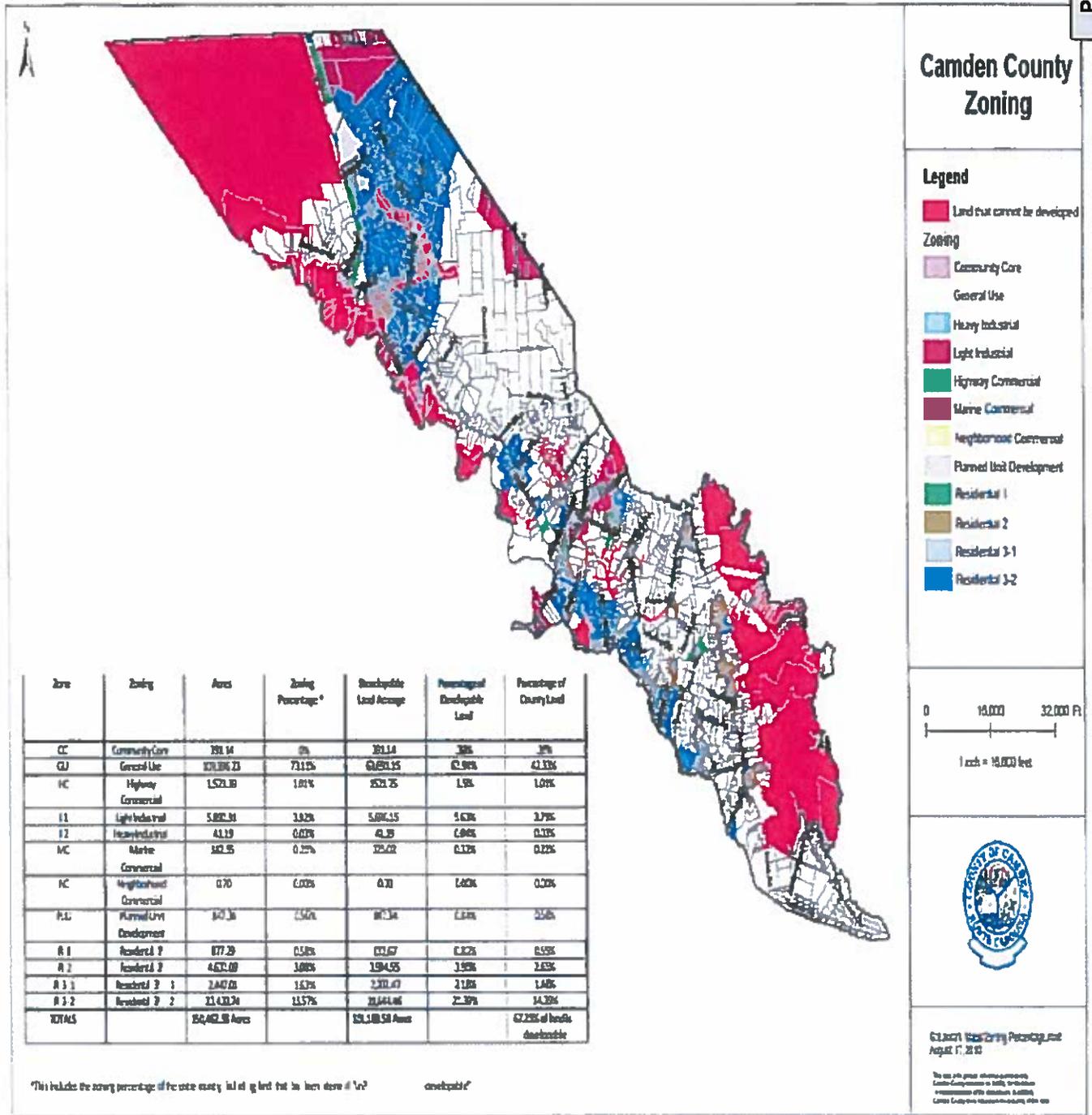
**Traffic Circulation or Parking** – N/A

**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 applicant to subdivide and acre of land that an older singlewide is located.	There are no Community Benefits than that of the applicant. Impact will be not following the adopted plans that were approved based on Community input.
<b>Without rezoning</b>	Applicant will need to locate property that allows Singlewide mobile homes.	The County staying consistent with their adopted plans.



**STAFF COMMENTARY:**

Mr. Hewitt desires to purchase one acre of land from property owner to replace a singlewide that is located on the 26 acre parcel. Current zoning (GUD) requires any subdivision has a minimum density of 5 acres, whereas Mr. Hewitt only wants to purchase 1 acre.

In 2012 the property was zoned Highway Commercial (HC) and the property owner Mr. Steve Dail petitioned the county to rezone the property to General Use District (GUD) which was consistent with the CAMA Land Use Plan as the future land map had property identified as low density residential. Rezoning was approved in September 2012.

When Staff reviews rezoning requests we utilized both Camden County's CAMA Land Use Plan and the Comprehensive Plan for consistency with each plan.. The Comprehensive Plan Future Land Use Maps has this property identified as Rural Preservation with minimum lot sizes of 5 acres.

Attachment "B" is an exert from the Executive Summary of CAMA Land Use Plan which provides a list of questions the Planning Board and Board of Commissioners shall consider during the deliberation of all rezoning requests. A key question is *"does the request raise serious legal question such as spot zoning, hardship, violation of precedents, or the need for this type of zoning"*.

Precedent has been set as a similar rezoning request (UDO 2013-12-12) where applicant wanted to rezone 10 acres of 130 acre tract in Shiloh Township from GUD to R1 was denied as it was inconsistent with the CAMA Land Use Plan as it was consider spot zoning and not part of an overall zoning plan benefiting the community as a whole. (See attachment "C" an exert from BOC Minutes of March 17, 2014)

**STAFF RECOMMENDATION:**

Based on all information provided, staff is recommending denial of the rezoning request to rezone one acre of the 26 acre parcel as the request is inconsistent with both the CAMA and Comprehensive Land Use Plans as stated above.

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

USE#	DESCRIPTION	GUD	R-3
<b>1.000</b>	<b>Residential</b>		
<b>1.100</b>	<b>Single Family Detached (One dwelling unit per lot)</b>		
1.111	Site Built	Z	Z
1.111.5	Modular	Z	Z
<b>1.200</b>	<b>Two-Family Residences</b>		
<b>1.300</b>	<b>Multi-Family Residences</b>		
<b>1.400</b>	<b>Homes Emphasizing Special Services, Treatment or Supervision</b>		
1.430	Child Care Homes	S	S
<b>1.500</b>	<b>Miscellaneous rooms for rent situations</b>		
1.520	Bed and Breakfast establishments	Z	
1.550	Hunting and Fishing Lodges	S	
1.600	Temporary Emergency Construction and Repair of Residences	Z	Z
1.700	Home Occupations	Z	Z
<b>2.000</b>	<b>Sales and Rental of Goods, Merchandise and Equipment</b>		
<b>2.100</b>	<b>No storage/display of goods outside fully enclosed structure</b>		
<b>2.200</b>	<b>Storage/Display of Goods Outside Fully Enclosed Allowed</b>		
<b>3.000</b>	<b>Office, Clerical, Research and Services not primarily related to goods or merchandise</b>		
<b>3.100</b>	<b>All operations conducted entirely within fully enclosed building</b>		
<b>3.200</b>	<b>Operation conducted within or outside fully enclosed building</b>		
<b>4.000</b>	<b>Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods, Merchandise and Equipment, Subject to Hereto</b>		
<b>4.100</b>	<b>All operations conducted entirely within fully enclosed building</b>		
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	
<b>5.000</b>	<b>Educational, Cultural, Religious, Philanthropic, Social and Fraternal Uses</b>		
<b>5.100</b>	<b>Schools</b>		
5.110	Elementary and Secondary (including associated grounds, athletic and other facilities)	S	S
5.200	Churches, Synagogues and temples (including associated residential structures for religious personnel)	Z	S
<b>5.300</b>	<b>Libraries, museums, art galleries, art centers and similar uses (including associated educational and instructional activities)</b>		
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
<b>6.000</b>	<b>Recreation, Amusement, Entertainment</b>		
<b>6.100</b>	<b>Activity conducted entirely within a building or substantial structure</b>		
<b>6.200</b>	<b>Activity conducted primarily outside enclosed buildings or structures</b>		
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	
6.240	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)	Z	
6.250	Automobile and motorcycle racing tracks	S	
6.251	Competitive go-kurt/ATV race track	S	
<b>6.270</b>	<b>Private Campgrounds</b>		

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

USE#	DESCRIPTION	GUD	R-3
6 271	Travel trailers allowed	S	
6 272	Travel trailers prohibited	S	
6.280	Petting Zoo	S	
6 290	Recreational grounds	S	
<b>7.000</b>	<b>Institutional Residences or Care/Confinement facilities</b>		
<b>8.000</b>	<b>Restaurants, Dance Halls, Bars, Night Clubs</b>		
<b>8.100</b>	<b>Restaurants</b>		
<b>9.000</b>	<b>Motor vehicle and boat related sales and service operations</b>		
9 200	Automobile service center	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	
<b>10.000</b>	<b>Storage and Parking</b>		
<b>10.200</b>	<b>Storage of goods not related to the sale or use of those goods on same lot where they are stored</b>		
<b>12.000</b>	<b>Service and Enterprises related to animals</b>		
12 100	Vetennarian	Z	
12 200	Kennels	Z	
<b>13.000</b>	<b>Emergency Services</b>		
13 100	Law Enforcement Stations	S	S
13 200	Fire Stations	S	S
13 300	Rescue Squad, Ambulance Service	S	S
13 400	Civil Defense Operations	S	S
<b>14.000</b>	<b>Agricultural, Silvicultural, Mining, and Quarrying Operations</b>		
<b>14.100</b>	<b>Agricultural operations, farming (not exempt as bona-fide farms)</b>		
14 110	Excluding livestock	Z	Z
14 120	Including livestock	Z	
14 200	Silvicultural Operations	Z	Z
14 300	Mining or quarrying operations, including on site sales of products	S	
14 400	Reclamation Landfill	S	
<b>15.000</b>	<b>Miscellaneous Public and Semi-Public Facilities and related uses</b>		
15 100	Post Office	Z	
<b>15.200</b>	<b>Airports and Air Strips</b>		
15 210	County owned and operated airport		S
<b>15.300</b>	<b>Sanitary Landfill, Convenience Centers and related facilities</b>		
15 310	Camden County owned and operated	S	Z
15 600	ABC Stores	Z	
<b>16.000</b>	<b>Dry Cleaner and Laundromat</b>		
<b>17.000</b>	<b>Utility Facilities</b>		
17 100	Neighborhood	Z	S
17 200	Community or Regional	Z	S
17 300	County owned and operated	S	Z
<b>18.000</b>	<b>Wireless Telecommunication Facilities (WTF), Towers, other related structures</b>		
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	
18 300	WTF, antennas, support structures and towers of all types that are over 300 feet tall, subject to Article 151 035	S	
<b>18.400</b>	<b>Wind Turbines - Refer to Article 151.347 (T) - Specific Standards</b>		
18 410	Small Turbines	Z	S

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

USE#	DESCRIPTION	GUD	R-3
18.411	Small Turbines (over 3 systems)	S	
18.420	Large Turbines	S	
<b>19.000</b>	<b>Open Air Markets</b>		
19.100	Farm and craft markets, produce markets not qualifying as an accessory use to use classification 14.100	Z	S
<b>21.000</b>	<b>Cemetery and Crematorium</b>		
21.100	Cemetery not on same property as church	S	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
<b>25.000</b>	<b>Commercial Greenhouse, Nursery</b>		
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	
<b>29.000</b>	<b>Subdivisions</b>		
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
31.000	Agribusiness uses	Z	
<b>32.000</b>	<b>Miscellaneous Water Related Uses</b>		
<b>32.100</b>	<b>Boat Ramps</b>		
32.110	Publicly owned	Z	S
32.120	Privately owned, but open to the public on a fee basis	S	
32.200	Marinas not associated with a residential development	Z	
33.000	Adaptive reuse of Historic Property	Z	S
999.99 9	<p><b>NOTES TO TABLE:</b>  Z - Zoning Permit Required  C - Conditional Use Permit Required  S - Special Use Permit Required</p> <p>-The underpinning of a modular home shall be masonry with bricks covering all of the exposed masonry underpinning.</p>		

- Public Access
- Conservation
- Stormwater Control
- Natural Hazard Areas
- Water Quality
- Cultural, Historical, and Scenic Areas

Specifically, in implementing this plan, the Camden County Planning Board and Board of Commissioners will continually do the following:

- Consult the Land Use Plan during the deliberation of all re-zoning requests.
- Consider the following in deliberation of all zoning petitions:
  - Consider the policies and implementing actions of this plan and all applicable CAMA regulations in their decisions regarding land use and development (including 15A NCAC 7H).
  - All uses that are allowed in a zoning district must be considered. A decision to re-zone or not to re-zone a parcel or parcels of property cannot be based on consideration of only one use or a partial list of the uses allowed within a zoning district.
  - Zoning decisions will not be based on aesthetic considerations.
  - \* Requests for zoning changes will not be approved if the requested change will result in spot zoning. Spot zoning is a form of discriminatory zoning whose sole purpose is to serve the private interests of one or more landowners instead of furthering the welfare of the entire community as part of an overall zoning plan. Spot zoning is based on the arbitrary and inappropriate nature of a re-zoning change rather than, as is commonly believed, on the size of the area being re-zoned.
  - Zoning which will result in strip development should be discouraged. Strip development is a melange of development, usually commercial, extending along both sides of a major street. Strip development is often a mixture of auto-oriented enterprises (e.g., gas stations, motels, and food stands), and truck-dependent wholesale and light industrial enterprises along with the once-rural homes and farms that await conversion to commercial use. Strip development may severely

reduce traffic-carrying capacity of abutting streets by allowing for excessive and conflicting curb cuts.



- The concept of uniformity should be supported in all zoning deliberations. Uniformity is a basic premise of zoning which holds that all land in similar circumstances should be zoned alike; any different circumstances should be carefully balanced with a demonstrated need for such different treatment.
- Zoning regulations should be made in accordance with the Camden County Land Use Plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout Camden County's planning jurisdiction.
- Specifically, the Planning Board and Board of Commissioners should ask the following questions:
  - Does Camden County need more land in the zone class requested?
  - Is there other property in the county that might be more appropriate for this use?
  - Is the request in accordance with the Camden County land use plan?
  - Will the request have a serious impact on traffic circulation, parking space, sewer and water services, and other utilities?
  - Will the request have an impact on other county services, including police protection, fire protection, or the school system?
  - Is there a good possibility that the request, as proposed, will result in lessening the enjoyment or use of adjacent properties?

- Will the request, as proposed, cause serious noise, odors, light, activity, or unusual disturbances?
- \* • Does the request raise serious legal questions such as spot zoning, hardship, violation of precedents, or need for this type of use?
- Does the request adversely impact any CAMA AEC's or other environmentally sensitive areas including water quality?

It is intended that this plan will serve as the basic tool to guide development/growth in Camden County subject to the following:

- The Camden County Land Development Ordinances should be revised from time to time to be consistent, as reasonably possible, with the recommendations of this plan and the evolving nature of the county's growth and development policy.
- Land development regulations should be designed: to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.
- Camden County will coordinate all development proposals with appropriate State and/or Federal agencies.

#### B. POLICIES REGARDING LAND USE AND DEVELOPMENT IN AECS

Camden County accepts state and federal law regarding land uses and development in AEC's. By reference, all applicable state and federal regulations are incorporated into this document. However, Camden County does not consider the following issues to be relevant at this time:

- Outstanding Resource Waters
- Maritime Forests
- Shellfishing Waters
- Development of Sound and Estuarine System Islands
- Peat or Phosphate Mining's Impact on any Resource
- Dredging
- Beach Nourishment

CAMDEN COUNTY BOARD OF COMMISSIONERS  
Regular Meeting – March 17, 2014

759

Dave Parks, Zoning Officer, Camden County Planning Department provided the following information:

- Public hearing was held on 2-17-14
- Regardless of whether the Board's motion tonight is for approval or denial, there are 2 motions that are required:
  - Statement relating to plan consistency, whether or not the request is consistent with the plans of Camden County
    - If the Board votes to approve, the statement would indicate that the rezoning is consistent with policy 10 of the CAMA Land Use Plan which states that the County shall provide a range of affordable housing options
    - If the Board votes to deny, the statement would indicate that the rezoning is not consistent with the CAMA Land Use Plan as it is spot zoning and is not part of an overall zoning plan.
  - Motion for approval or denial of the ordinance itself
- Planning Board met on February 19, 2014 and voted unanimously to recommend denial of this rezoning because it was not consistent with the CAMA Land Use Plan and it is considered spot zoning
- Mr. Overton is present tonight

Manager Renshaw noted that recommended language to use for the motions with regard to consistency statement is included in the board packet on the agenda item summary sheet.

Vice Chairman Michael McLain made a motion that the requested zoning is inconsistent with the CAMA Land Use Plan as it is spot zoning and is not part of an overall zoning plan. The motion was approved 5-0 with Chairman Garry Meiggs, Vice Chairman Michael McLain, Commissioners Randy Krainiak, Sandra Duckwall, and Clayton Riggs voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Commissioner Sandra Duckwall made a motion to deny Ordinance 2014-04-01 Rezoning Application (UDO 2013-12-12) for Britton J. Overton. The motion was approved 5-0 with Chairman Garry Meiggs, Vice Chairman Michael McLain, Commissioners Randy Krainiak, Sandra Duckwall, and Clayton Riggs voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

After the vote was taken, Commissioner Riggs asked Mr. Parks why Mr. Overton couldn't simply use the parent to child exemption on 1 acre of the property for placement of his desired singlewide. Mr. Parks explained that the parent to child exemption only exempts from the requirements of sub-division of the property, it does not change the allowed uses on the property and since the property is in a General Use zone, singlewides are not allowed.

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**New Business**

***Item # 5.A.***

***VFD Contract Agreement***

County Manager Michael Renshaw described this agenda item:

- Emergency Management Director Christy Saunders has drafted a Mutual Aid Agreement which, if the Board approves, will be between the County of Camden and the City of Chesapeake with regard to emergency services, fire protection services, in the event of a disaster that might require large numbers of assets.
- Manager Renshaw and Director Saunders both feel this Mutual Aid Agreement would be beneficial to the County
- This topic was previously discussed, back in 2006, however no action was taken at that time
- Director Saunders has spoken with both Fire Chiefs and their Boards
- If the Board of Commissioners were to approve this Mutual Aid Agreement, it would require addendums to the existing Fire Protection Services Contract with both volunteer fire departments.

ATTACHMENT "C"

**Zoning Change Application**  
County of Camden, North Carolina

A rezoning may be obtained pursuant to Article 151.580 of 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	
PRN:	<u>01-7989-00-76-1006</u>
UDO#	<u>2016 - 05 - 05</u>
Date Received:	<u>5/9/16</u>
Received by:	<u>OH</u>
Zoning District:	<u>G40</u>
Fee Paid: \$	<u>650.<sup>00</sup></u>

CK #  
3583  
OH

Applicant's Name: Lindsey W. Hewitt

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: 575 Old Swamp Road  
South Mills, NC 27976

Daytime Phone Number: (252) 333-5492

Street Address Location of Property: 174 Spence Lane South Mills, NC 27976

General Description of Proposal: 1 acre lot is currently zoned GU, would like to change to R-3-1

*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: *Lindsey Hewitt*

Dated: 5/9/2016

Please include a site plan with this application and any other supporting documentation that the applicant feels would assist the Board of Commissioners and the Planning Board in determining the need for a zoning change.

\* 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  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)

Change to R-3-1 would increase the tax revenue collected by Camden County for tax of land and residential use.

Overall maintainance of 1 acre lot would improve. Improvement in appearance and drainage of said acre. 1 acre portion of this property is currently not farmed by owner and would not cause financial hardship as the remaining 4 acres would still be farmed.

(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)

Yes. This 1 acre portion would come into compliance with the R-3-1 zoning. This would allow the lot to be corrected to be in conforming use. There is currently electric power and sewage established on this 1 acre lot. This 1 acre lot meets the criteria to be zoned as R-3-1 due to the fact it is a low density area and is located adjacent to an area primarily devoted to agriculture. The sale of 5 acres would cause hardship to the owner as 4 acres are farmed and 1 acre is not used for the purpose of farming, will not be used for that purpose in the future, and the rezoning of 1 acre would not impact the owner's livelihood but would increase the tax revenue for Camden County as a residential lot. Camden County would benefit by the 4 acres remaining GU to comply with the very low residential development and the 1 acre change to R-3-1 would comply with low density residential.

(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? N/A

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

Google Maps 174 Spence Ln

1 ACRE



Imagery ©2016 Google, Map data ©2016 Google 50 f

174 Spence Ln  
South Mills, NC 27976

Google Maps

May 10, 2016

Dave Parks

Camden County Planning Board

Mr. Stepher Earl Dail, owner of property at 174 Spence Lane, South Mill, NC, gives Lindsey W Hewitt permission to apply for rezoning of one acre of his property from general use (GU) to R-3-1 for the Purpose of purchase.

Sign: Stepher Earl Dail

Date: 5-10-16

### Acknowledgement

STATE OF NORTH CAROLINA

COUNTY OF Person

I certify that Steven Earl Dill personally appeared before me this day, acknowledging to me that he or she signed the foregoing document: Purchase of Property  
Name or description of attached document

I further certify that (select one of the following identification options):

- I have personal knowledge of the identity of the principal(s)
- I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a NCDL  
type of identification
- A credible witness, \_\_\_\_\_, has sworn or affirmed to me the  
name of credible witness  
identity of the principal, and that he or she is not a named party to the foregoing document, and has no interest in the transaction.

Date: 5/10/16

(Official Seal)

Angela S. Bruny  
Notary Public

Angela S. Bruny  
Typed or Printed Notary Name

My commission expires: February 5, 2017





**Camden County Planning Board  
AGENDA ITEM SUMMARY SHEET**

New Business

**Item Number:** 6.B.1

**Meeting Date:** June 15, 2016

**Submitted By:** Amy Barnett, Planning Clerk  
Planning Board  
Prepared by: Amy Barnett

**Item Title** Amendment to UDO: Ordinance No 2016-06-01 Setbacks for  
Open Space Subdivisions

**Attachments:** Ordinance No 2016-06-01 (PDF)

**Ordinance No. 2016-06-01**

**An Ordinance  
Amending the Camden County  
Code of Ordinances**

**Camden County, North Carolina**

BE IT ORDAINED BY THE CAMDEN COUNTY BOARD OF COMMISSIONERS as follows:

**Article I: Purpose**

The purpose of this Ordinance is to amend Chapter 151 of the Camden County Code of Ordinances of Camden County, North Carolina, which was originally adopted by the County Commissioners on December 15, 1997, and subsequently amended and as otherwise incorporated into the Camden County Code.

**Article II. Construction**

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Ordinance language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. New language of proposed ordinance shall be shown in italics (*italics*) and underlined.

**Article III. Amend Chapter 151 as amended of the Camden County Code which shall read as follows:**

**CHAPTER 151: UNIFIED DEVELOPMENT**

**COMMON OPEN SPACE SUBDIVISIONS**

**§ 151.291 APPLICABILITY AND LOT SIZES.**

(A) In any single-family residential subdivision, a developer may create open space subdivision lots that have or contain the minimum lot sizes as specified below, subject to Health Department approval, if the developer complies with the provisions of this subchapter.

(1) 20,000 square feet minimum, if there is no centralized water or sewer available to all of the lots;

(2) 15,000 square feet minimum, if there is either centralized water or centralized sewer available to all lots; or

Attachment: Ordinance No 2016-06-01 (1285 : Amendment to UDO: Ordinance No 2016-06-01 Setbacks for Open Space Subdivisions)

(3) 10,000 square feet minimum, if there is both centralized water and centralized sewer available to all lots.

(B) The intent of this section is to authorize the developer to decrease lot sizes and leave the land "saved" by so doing as open space, thereby lowering development costs and increasing the amenity of the project without increasing the density beyond what would be permissible if the land were subdivided into lots using conventional subdivision standards as provided in §§ 151.060 through 151.068.

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

OPEN SPACE. Those areas, as defined in §§ 151.195 through 151.200, except that subsurface waste water disposal fields and subsurface septic tanks, may, at the discretion of the Board of Commissioners, be counted as open space.

(D) ~~All setbacks, building height and lot coverage standards established in §§ 151.060 through 151.068 for development on lots, shall apply in common open space subdivisions.~~ Setbacks for Open Space Subdivisions shall be no less than 25 feet front/rear structural, 10 feet side structural, and 5 feet vehicular setback.

(E) (1) Previously approved subdivisions having valid sketch plan approval, may, at the discretion of the Board of Commissioners, request to develop the property in accordance with the common open space provisions at the density originally approved.

(2) Density bonuses shall not apply to subdivisions where the number of lots originally approved exceed current county density requirements.

Adopted by the Board of Commissioners for the County of Camden this      day of July, 2016.

County of Camden

\_\_\_\_\_  
P. Michael McLain, Chairman  
Board of Commissioners

ATTEST:

\_\_\_\_\_  
Angie Wooten  
Clerk to the Board

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