

**CAMDEN COUNTY PLANNING BOARD**

Regular Meeting – June 15, 2016

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**Camden County Planning Board**

**Regular Meeting**

**June 15, 2016 7:00 PM**

**Historic Courtroom, Courthouse Complex**

**Camden, North Carolina**

**MINUTES**

*The regular meeting of the Camden County Planning Board was held on June 15, 2016 at 7PM in the Historic Courtroom, Camden, North Carolina. The following members were present:*

**I. CALL TO ORDER & WELCOME**

Chairman Rodney Needham called the June 15, 2016 Planning Board Meeting to order at 7PM.

Planning 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	Absent	
Rick McCall	Board Member	Present	6:50 PM
Ray Albertson	Board Member	Absent	

Staff Present

Dan Porter	Planning Director	Present	6:50 PM
Dave Parks	Permit Officer	Present	6:50 PM
Amy Barnett	Planning Clerk	Present	6:30 PM

2. Others Present

Also present were Lindsey and Patricia Hewitt who were present to speak regarding their request for rezoning the property which is adjacent to 174 Spence Lane.

**II. CONSIDERATION OF AGENDA**

**1. Motion to Approve Agenda: As Amended**

Agenda was amended to include Item 6-B, Amendment to Camden County Code of Ordinances: Ordinance No. 2016-06-03, regarding setbacks for open space conservation subdivisions.

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

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**III. CONSIDERATION OF MINUTES**

**Motion to Approve April 20, 2016 Minutes: As Written**

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

**IV. PUBLIC COMMENTS**

None

**V. OLD BUSINESS**

None

**VI. NEW BUSINESS**

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

Dave Parks described this rezoning request and went over the Staff Report, incorporated herein above:

- Mr. Lindsey Hewitt received permission from Mr. Stephen Dail to apply for rezoning of 1 acre of his 26 acre tract of land
- Mr. Hewitt and his wife Patricia are present tonight, and ask that they speak regarding this then staff will go over the staff report / finding of facts.

Ms. Patricia Hewitt spoke regarding the request to rezone the property adjacent to 174 Spence Lane in South Mills NC:

- Interested in purchase of a 1 acre lot located on the subject property, located on Spence Lane
- Electric, water, and Sewer (septic tank and drain fields) are already located on the lot
- Feels that it would be an improvement to the lot if they were allowed to have this rezoned so that they could get the 1 acre subdivided out so they can place a home there.

At this time, Dave Parks went over the Staff Report, incorporated herein below:

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**STAFF REPORT**

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

**PROJECT INFORMATION**

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<b>File Reference:</b> UDO 2016-05-05	<b>Application Received:</b> 5/9/2016
<b>Project Name:</b> N/A	<b>By:</b> David Parks, Permit Officer
<b>PIN:</b> 01-7989-00-36-1006	
<b>Applicant:</b> Lindsey W. Hewitt	<b>Application Fee Paid:</b> \$650 Check #3583
<b>Address:</b> 575 Old Swamp Rd South Mills NC 27976	<b>Completeness of Application:</b> Application is generally complete
<b>Phone:</b> (252) 333-5492	
<b>Email:</b>	<b>Documents received upon filing of application or otherwise included:</b>
<b>Agent for Applicant:</b>	<b>A.</b> Rezoning Application
<b>Address:</b>	<b>B.</b> Letter from property owner
<b>Phone:</b>	<b>C.</b> Aerial of proposed location of rezoning
<b>Email:</b>	<b>D.</b> GIS Aerial, existing zoning, Comprehensive Plan Future Land Use Map, CAMA Land Use Plan Suitability Maps
<b>Current Owner of Record:</b> Steve Dail	
<b>Meeting Dates:</b> 6/15/2016 <b>Planning Board</b>	
<b>Board of Commissioners</b>	

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**PROJECT LOCATION:**

**Street Address:** Property adjacent to 174 Spence Lane

**Location Description:** South Mills Township

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**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.

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**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:**

	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
<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).

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**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.

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**INFRASTRUCTURE & COMMUNITY FACILITIES**

**Water** Nearest water line located approximately 3800 feet away at Horseshoe Road

**Sewer** No sewer available

**Fire District** South Mills Fire District. Station located approximately 2.5 miles from property

**Schools** N/A

**Traffic** N/A

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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.

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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 & 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 an 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.

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### **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 excerpt 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 considered spot zoning and not part of an overall zoning plan benefitting the community as a whole. (See attachment "C" an excerpt 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.

**ATTACHMENTS:**

**Attachment A: Table of Permissible Uses - Comparison between GUD and R-3 Zoning Districts (See Camden County Code of Ordinances, Title XV: Land Usage, §151.334, available online from [www.camdencountync.gov](http://www.camdencountync.gov))**

**Attachment B: Excerpts from Executive Summary of CAMA Land Use Plan**

"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.

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- 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?"

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### **Attachment C: Excerpt from Camden County Board of Commissioners Minutes dated March 17, 2014**

"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 motion 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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**END OF STAFF REPORT**

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Dave Parks went over the Staff Report:

- Current zoning on the subject property is General Use District
- Request is to rezone 1 acre of the 26 acre tract adjacent to 174 Spence Lane from GUD to R-3-1 which is Basic Residential
- 26 acre property is a bona fide farm
- In the General Use District, there is a 5 acre minimum for subdividing land
- General Use District allows for very low density residential and for bona fide farm use
- R3-1 basic residential is a 1 acre residential lot size
- Adjacent zoning uses are:
  - Mostly Farm Use
  - Hwy 17 is to the South
  - Properties adjacent are zoned Hwy Commercial
- Table of permissible uses included in board packet show a side by side comparison of the GUD and R-3-1 zoning districts
- Requested zoning takes away a few of the allowed uses in the current zoning district
- Property that abuts Spence Lane is a bona fide farm
- According to the tax record there are currently 3 dwellings on the property: a site built home and 2 manufactured homes
- Closest body of water / major ditches would be the Dismal Swamp Canal
- Adjacent zoning is General Use, and across the road is Highway Commercial
- No infrastructure exists, no water lines or sewer lines. Any dwelling must use wells and septic tanks
- Land Suitability: Suitability is very good
- CAMA Future Land Use Map: Property is designated as low density residential with a minimum of 5 acres
- Comprehensive Plan (adopted in 2012): Property is designated as rural preservation
- Floodplain Map: Property is not located in the 100 year flood zone
- Infrastructure and Community Facilities: Nearest water line is located 3800 feet away, at Horseshoe Road; No sewer available to the property - must use septic tank
- Property falls inside South Mills Fire District, station is located about 2.5 miles from the property
- Plan Consistencies: 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.

- From Attachment B, "**Excerpts from Executive Summary of CAMA Land Use Plan**": 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.
- From Attachment B, "**Excerpts from Executive Summary of CAMA Land Use Plan**": 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.
- In 2014, there was a similar zoning request before the Planning Board. Planning Board recommended Denial at that time because it was spot zoning. When that request went before the Board of Commissioners, they Denied it because it was spot zoning.
- Comprehensive Plan: Request is Inconsistent with the Comprehensive Plan Future Land Use Maps in that the area is designated as rural preservation. General Use District supports the principals of the Comprehensive Plan. Community input was key in the creation of the plan which was adopted by the Board of Commissioners.
- Comprehensive Transportation Plan: Is Consistent with the Comprehensive Transportation Plan as it abuts Spence Lane which is a state road.
- Findings regarding additional requirements:
  - Will the proposed zoning change enhance the public health, safety or welfare? No. 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? The permitted uses in the existing classification are more appropriate as they are compatible to what the County's Comprehensive Plan calls for.
  - For proposals to re-zone to non-residential districts along major arterial roads: N/A
  - Will the request, as proposed cause serious noise, odors, light, activity, or unusual disturbances? All uses allowed in the requested zoning classification should not cause any serious noise, odors, light, activity, or unusual disturbances.
  - Does the request impact any CAMA Areas of Environmental Concern? No, Property is located outside the 100 year Flood Zone.
  - Does the county need more land in the zoning class requested? Yes, but not in this area. Need more land in the requested zoning in the areas designated by the CAMA and Comprehensive Plans as appropriate for the requested zoning.

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- Is there other land in the county that would be more appropriate for the proposed uses? Yes, in those areas indicated on Camden's Comprehensive Plans Future Land Use Map
- Will not exceed the county's ability to provide public facilities: Schools - Minimal Impact as this is a single acre lot rezoning; Fire & Rescue - Minimal impact; Law Enforcement - Minimal impact; Parks & Recreation - Minimal impact; Traffic Circulation or Parking - N/A; Other County Facilities - No
- Is this a Small Scale "Spot" Rezoning Request Requiring Evaluation Of Community Benefits? Yes.
- With rezoning, Personal Benefits/Impact will allow applicant to subdivide an acre of land that an older singlewide is located upon.
- With rezoning 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.
- Without rezoning, Applicant will need to locate property that allows Singlewide mobile homes.
- Without rezoning, The County stays consistent with their adopted plans.

At this time, Mr. Parks read through the staff commentary and recommendations.

Staff recommends Denial of this rezoning request as it is inconsistent with both the CAMA Land Use Plan and the adopted Camden County Comprehensive Plan, and a precedent has been set regarding a similar request that was denied by both the Planning Board and the Board of Commissioners in 2014.

Rick McCall asked about the precedent that was set back in 2014. Dave Parks replied that the precedent involved a rezoning request of 10 acres outside the core areas for the purpose of rezoning to allow a singlewide on the property. The Planning Board recommended denial and the Board of Commissioners denied it because it was spot zoning and not part of an overall zoning plan that would benefit the county as a whole.

Mr. McCall asked if there were any differences between the request wherein the precedent was set and the request before the board. Dan Porter responded saying that the primary reason for the 2014 request was to allow for the use of a singlewide and General Use District does not allow singlewides. The property owner of the 2014 request initially wanted to rezone only 1 acre, but increased it to 10 acres so it would not appear to be as much of a spot zoning. It was denied because there was no benefit to the community as a whole, it was only for him to put a singlewide on the property. Dave Parks added that a singlewide exists on the property of the current request, and is a legal use since the property as it is currently is a bona fide farm. If the request is approved, the applicant would like to rezone the area around the singlewide so that they can replace the singlewide with a newer one. Current singlewide on the property has electricity to it and can be made habitable.

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Chairman Rodney Needham asked if this falls under the spot zoning laws. Dan Porter responded saying that spot zoning in and of itself is not illegal in NC. However, it does require a higher degree of reason in order to approve a spot zoning. Size of the land doesn't matter. It has to do with does it fit the character of the plans and are there benefits to the community as a whole.

Mr. Porter added that in almost every instance of a rezoning that would result in spot zoning, staff will recommend against it unless there is some overwhelming reason to believe that there will be a benefit to the community.

Mrs. Hewitt stated that the lot currently exists in the state in which they want it. Existing singlewide, electricity, septic, etc., are all currently on the property and do not plan any changes.

Mr. Porter explained the manner in which the property is taxed where bona fide farms and residential uses are mixed on the same parcel of land. The Tax Department taxes 1 acre of land upon which the house sits as residential, and the rest as farm use. In a lot of cases, individuals are representing that the lot already exists because it is taxed as residential 1 acre lot, but on the land records it was not subdivided out into 1 acre lot, that's simply the way it was taxed. There are a lot of properties that are like this, where the farm house is part of the bona fide farm. If owners want to sell the house, and if they are in the General Use District, they must subdivide out 5 acres in order to sell the house where they only want to subdivide 1 acre. That's the case here tonight, General Use requires 5 acres and the applicant only wants 1 acre so is requesting rezoning.

Vice Chairman Calvin Leary asked what would happen to the rest of the property. Dave Parks responded that it would remain bona fide farm and stay in the current owners name. Mr. Leary asked if they are only requesting one block, 1 acre of the property. Mrs. Hewitt responded that was correct. Mr. Porter added that the request is for 1 acre lot that doesn't currently exist.

Vice Chairman Calvin Leary commented that he is a firm believer in conserving land and making as small lots as possible. Even though it is spot re-zoning, Mr. Leary stated that he recommends approval of this request.

Rick McCall expressed concern that approving this would create a precedent where anyone wanting to rezone 1 acre of land could cite this as precedent and reason that future requests could be approved.

Mr. Porter stated that the board would have to make a statement as to whether it was or was not consistent with the plans adopted by the county. Mr. Porter added that staff feels that it is inconsistent, that there is good evidence that it is inconsistent. The law requires that the board make a consistency statement regardless of which way they vote, either to approve or deny.

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Mr. Porter further stated that he feels that it would set a precedent and could result in more requests like this one as there are properties all over the county that are in a similar situation.

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

*Motion to Approve Consistency Statement as stated below:*

**Consistency Statement: Rezoning the property adjacent to 174 Spence Lane in South Mills and having PIN 01-7989-00-36-1006-0000 is inconsistent with both the CAMA Land Use Plan and Camden County's adopted Comprehensive Plan.**

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

*Motion to Approve Rezoning, Lindsey Hewitt, Property Adj to 174 Spence Lane, 1 acre from GUD to R-3-1*

**A Roll Call Vote was taken.**

**By a vote of 4-1 with 2 absent, the motion passed.**

<b>RESULT:</b>	<b>PASSED [4 TO 1]</b>
<b>MOVER:</b>	Calvin Leary, Vice Chairman
<b>SECONDER:</b>	Fletcher Harris, Board Member
<b>AYES:</b>	Needham, Leary, Harris, Delano
<b>NAYS:</b>	McCall
<b>ABSENT:</b>	Etheridge, Albertson

***B. Amendment to Camden County Code of Ordinances***

*Amendment to UDO: Ordinance No 2016-06-03 Setbacks for Open Space Subdivisions*

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**Ordinance No. 2016-06-03**

**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

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(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

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P. Michael McLain, Chairman  
Board of Commissioners

ATTEST:

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Angie Wooten  
Clerk to the Board

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Dan Porter described this text amendment.

- This text amendment has to do with conservation subdivisions.
- The developer for Mill Run Subdivision is working on their preliminary plat and has come upon some difficulties with regard to their plat.
- Their subdivision is a conservation subdivision which allows them to set aside 50% of the land as open space and in return they can reduce their lot sizes significantly as long as there is sufficient room to accommodate their septic systems.
- They are planning to do 0.50 acre lots.
- With the bonuses they get for establishing an escrow for maintenance of the open space and for doing a conservation subdivision, their lot yield is about 45 lots.
- Current setback requirements for open space subdivisions are 50 feet in front and 25 sides and rear.
- With 0.50 acre lots, this does not leave enough land to place any dwellings on the lots.
- The text amendment seeks to change the setbacks for open space subdivisions to no less than 25 feet in the front, 10 feet on the sides and rear, and 5 feet vehicular setback.
- These changes will benefit anyone doing a conservation subdivision going forward.
- Existing projects will still be subject to the setbacks that were in the UDO at the time of approval.

Chairman Rodney Needham asked if there were any questions or comments, hearing none he called for a motion.

***Motion to Approve Amendment to UDO: Ordinance No 2016-06-03 Setbacks for Open Space Subdivisions***

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

**VII. INFORMATION FROM BOARD & STAFF**

Dan Porter gave a brief report on the status of the UDO Re-Write, and hoped to have something to present to the board at the next Planning Board meeting.

Dave Parks answered questions from Vice Chairman Calvin Leary regarding the preliminary flood rate maps.

- Time frame is probably January or February of 2017 for the new Flood Maps to be available
- Will take about 1000 structures out of the flood zone
- Have to go with the currently effective maps until the new ones are approved; unless the new map is more stringent, in which case have to use the more stringent flood zone levels. For example if the current map says is in a base flood level of 6 and new map says 4, have to go with 4.
- Preliminary Flood Rate Insurance Maps are available on the NC Mapping FRIS site, as well as the Camden County website.
- Maps are not official until adopted by the state.
- As more information becomes available it will be posted on the Camden County website.

Dave Parks also noted that Camden is still working on becoming part of the Community Rating System. Most of the documents have been completed. With the Hazard Mitigation Plan, hopes are that Camden can get a great amount of points from that to get to a level 8 which would represent a 10% reduction in flood insurance rates. Even after the new preliminary flood maps are approved, the county recommends anyone taken out of the flood zone to retain their flood insurance.

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**VIII. CONSIDER DATE OF NEXT MEETING**

*A. Next Meeting: July 20, 2016*

**IX. ADJOURN**

**1. Motion to Adjourn June 15, 2016 Meeting of the Planning Board**

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

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*Date*

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*Chairman Rodney Needham  
Camden County Planning Board*

*ATTEST:*

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*Amy Barnett  
Planning Clerk*