



# MEMORANDUM

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**TO:** City Council

**FROM:** Rich Olson, City Manager

**DATE:** November 25, 2013

**REF:** **Public Hearing** to recertify and adopt the City of Elizabeth City Zoning Map.

**PREPARED BY:** June C. Brooks, Planning & Community Development

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## **BACKGROUND:**

At your October 28, 2013 City Council meeting, a public hearing was called for November 25, 2013 to recertify and adopt a Zoning Map for the City of Elizabeth City.

## **ANALYSIS:**

As you are aware, Planning Staff brought to my attention and to City Council's attention the discrepancies which were found on the GIS map and the need for the City to conduct a more intense review of the zoning map classifications land uses and accuracy of the digital mapping.

At the time of adoption of the Unified Development Ordinance in 1999, the City joined in the process with the County in digitizing the map. Unfortunately, the Certified Zoning Map which was adopted with the Unified Development Ordinance has been lost. Staff conducted extensive searches through their files, through dry storage, with the County and with the consultant which prepared the UDO. To no avail, the map cannot be located.

After consultation with the Institute of Government and a Land Use Attorney, staff was advised that the current digital map and known previous certified map of 1998 should be compared, modified as necessary and be adopted again by the governing body.

To that end, Planning staff compared the two maps for zoning consistency, reviewed all rezoning applications for the past 14 years and verified through City Council minutes. Initially staff identified approximately 300 parcels which raised concern. Staff further refined those parcels into 23 groupings of parcels. It appears that some discrepancies are scribe error, some rezoning cases were never changed on the GIS map and some changes could not be documented.

In order to comply with State Enabling Legislation, the City must hold a public hearing to adopt a new zoning map. Staff ran a half page legal ad on November 3 and November 10, 2013 notifying the public of the upcoming public hearing. One thousand eight hundred (1800) first class letters were sent to absentee property owners living outside the general viewing area of the newspaper. A second letter was sent to 200 property owners whose property would be directly affected by a change in the map. These were cases where there was a scribe error and where their property was rezoned and never changed on the map. Staff received 50 telephone calls concerning the letters and only 5 were related to changes in property zoning. No calls of opposition were received.

Of the letters mailed out, 155 of the first mailing were returned and 11 of the second mailing were returned because the property owners had moved and no forwarding address was available.

The Planning Commission formed a sub-committee to review the identified discrepancies. The sub-committee forwarded their recommendation to Planning Commission. Planning Commission reviewed the findings at their October, 2013 meeting and recommend adoption of the zoning map which is included in your package.

**STAFF RECOMMENDATION :**

By Motion, Adopt the attached 2013 Zoning Classification Map for the City Elizabeth City.

**CASE NO.**

RZ 03-13

**MEETING DATE**

October 1, 2013

**DESCRIPTION/LOCATION**

Correction of scriber mapping errors.

**ZONING HISTORY**

While reviewing the official zoning map for Elizabeth City, it has come to our attention that some mapping errors and inconsistencies occurred while converting the official zoning map to the current digital format. In addition, staff located mapping errors for properties which were rezoned and were never properly mapped and properties which were erroneously included in the mapping of approved rezoning requests.

Staff located ten mapping errors that were made prior to the adoption of the 1999 official zoning map. Of these errors five of them are attributed to never having been mapped after an approved rezoning; two properties were mapped with an incorrect zoning designation; two rezoning requests were mapped that included properties which were not part of the rezoning; and the mapping of one rezoning request failed to include the complete parcel.

It was noted that ten errors occurred while converting the paper map to the current digital format.

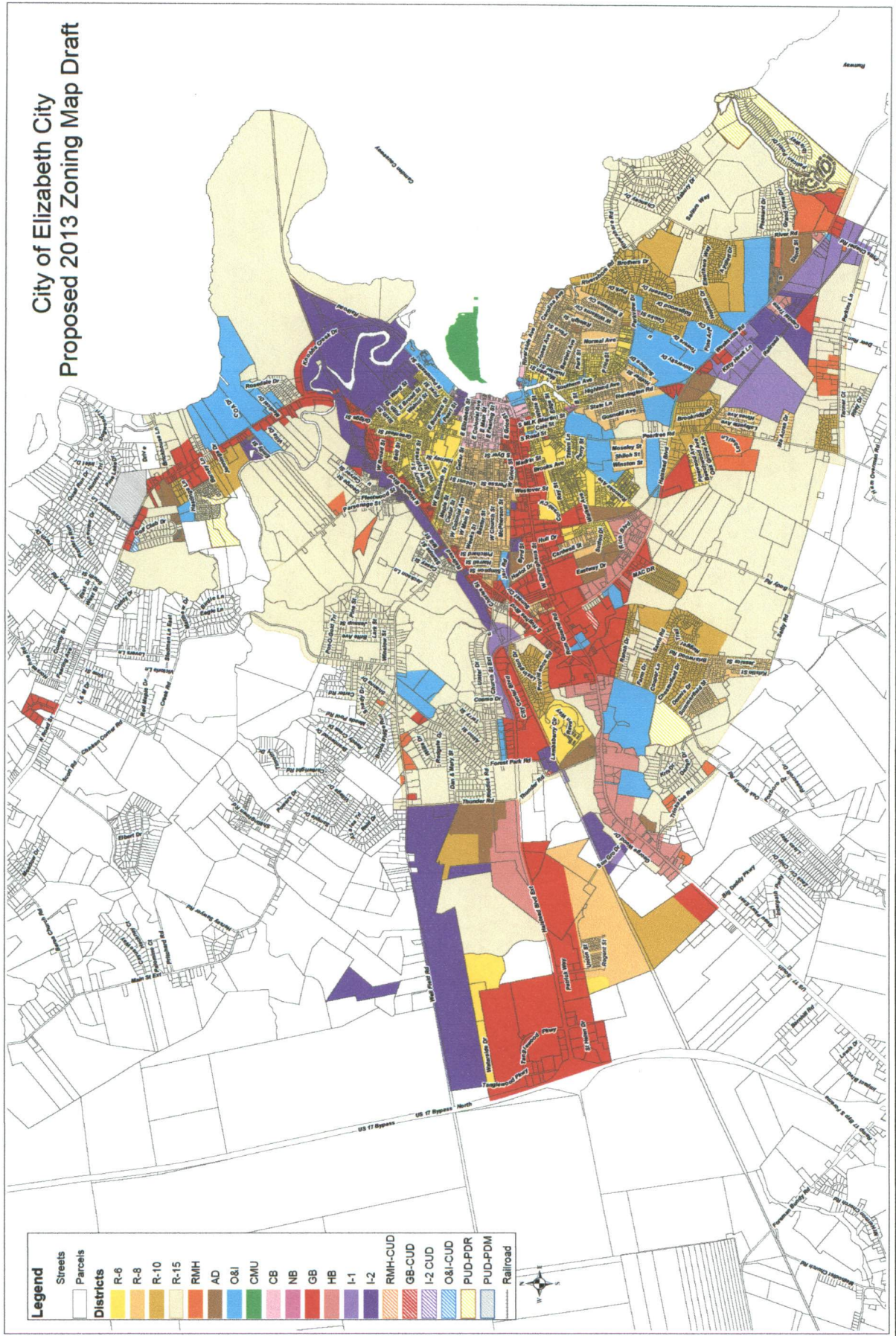
Since the 1999 map adoption, staff located five mapping errors which occurred between 2001 and 2005. Four of these errors consisted of properties which were never mapped to reflect the approved rezoning; and the mapping of one rezoning request included properties which were not rezoned.

Through the review process, the Planning Commission established a subcommittee to review the zoning issues that were discovered. During the subcommittee meetings all of the various issues revealed during staff's research were discussed and evaluated. Furthermore, staff contacted the School of Government and a Land Use Law attorney for guidance in how to rectify the lack of a certified zoning map and how to correct the errors which were identified. Based upon legal advice, staff is moving forward to have the City Council readopt and recertify the 2013 zoning map.

**STAFF COMMENTS and RECOMMENDATION**

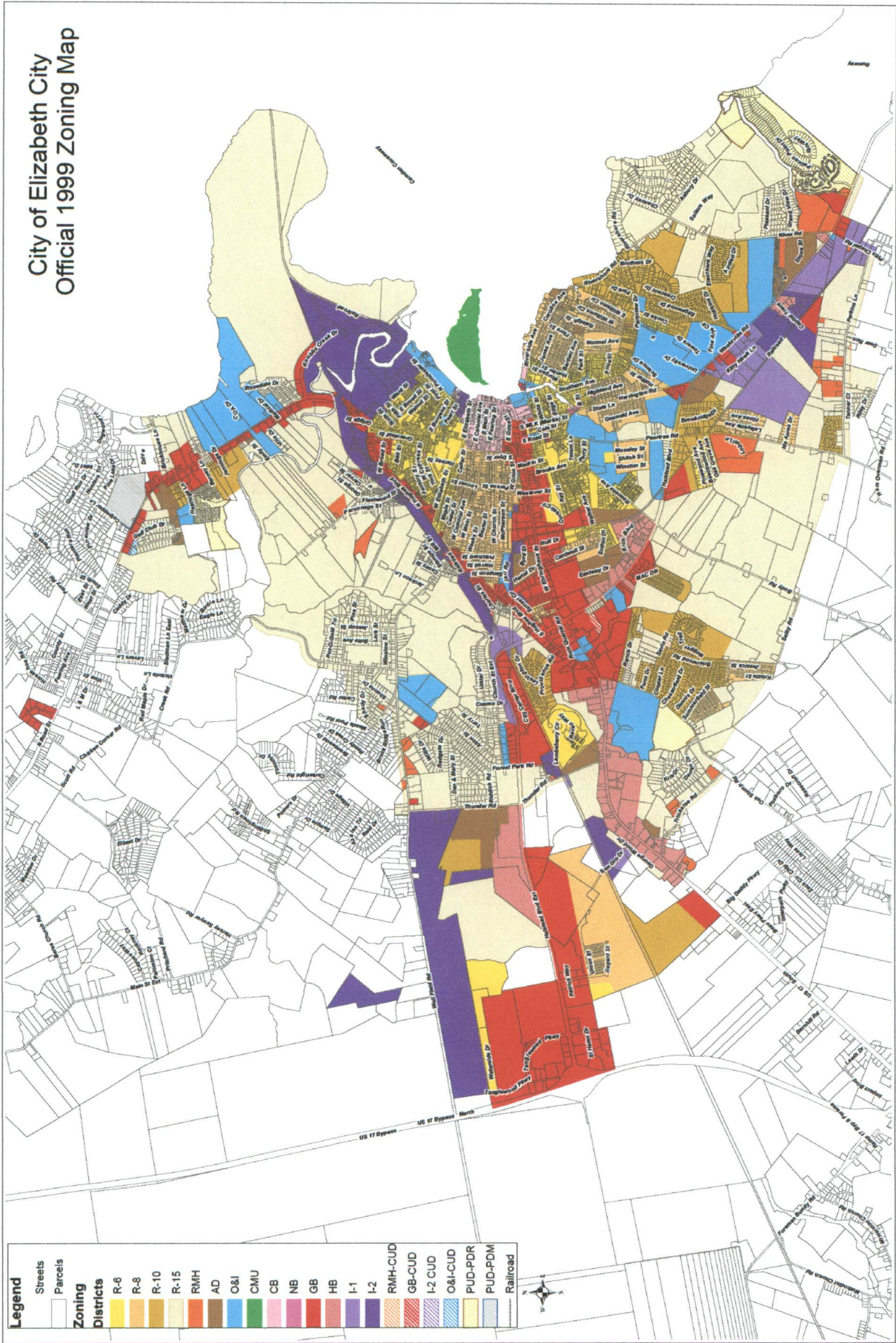
To correct the mapping errors, the Planning Staff is requesting that the City Council recertify and adopt the replacement map as the 2013 Official Zoning Map of Elizabeth City.

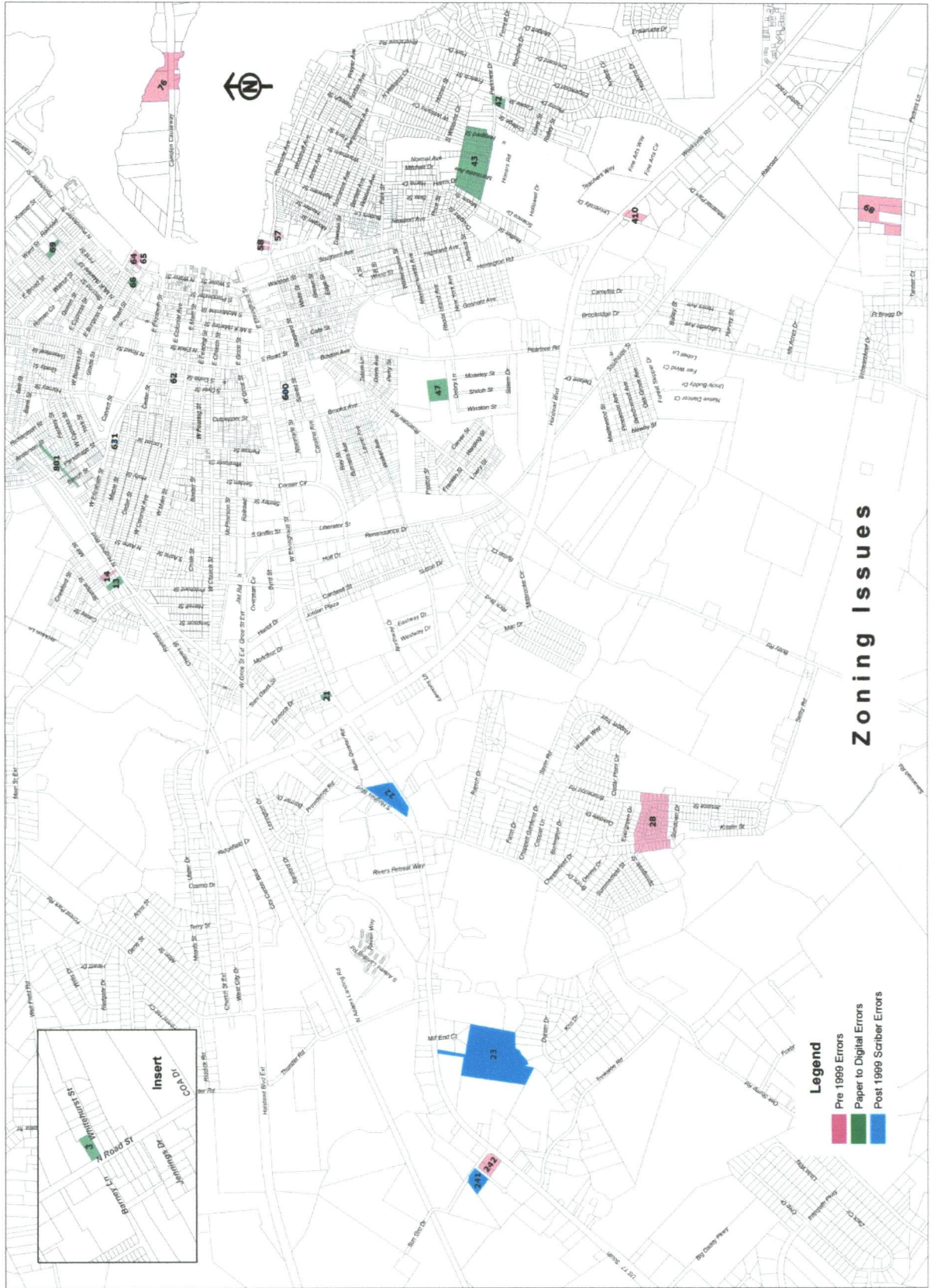
# City of Elizabeth City Proposed 2013 Zoning Map Draft



Legend	
Streets	—
Parcels	□
<b>Districts</b>	
R-6	Yellow
R-8	Light Orange
R-10	Orange
R-15	Light Yellow-Orange
RMH	Light Orange
AD	Light Yellow
O&I	Light Blue
CMU	Light Green
CB	Light Purple
NB	Light Blue
GB	Light Green
HB	Light Blue
I-1	Light Purple
I-2	Light Purple
RMH-CUD	Light Purple
GB-CUD	Light Purple
I-2 CUD	Light Purple
O&I-CUD	Light Purple
PUD-PDR	Light Purple
PUD-PDM	Light Purple
Railroad	—

# City of Elizabeth City Official 1999 Zoning Map





## **DRAFT**

### **MINUTES**

CITY OF ELIZABETH CITY

***PLANNING COMMISSION***

REGULAR MEETING

TUESDAY, October 1, 2013

4:00 PM

### **MEMBERS PRESENT**

Ernest Sutton, Chairman

Lena Council

Sonny DiGirolamo

Don Witosky

Also present were Cheryl Eggar, Planner and June Brooks, Planning Director.

Chairman Sutton called the meeting to order.

### **-----Exerpts left out intentionally -----**

First item on the agenda was for the Commission to hear and make recommendation to City Council to recertify and adopt the zoning map for the City of Elizabeth City and its Extraterritorial Jurisdiction. Ms. Eggar gave an overview as follows.

Ms. Eggar stated while reviewing the official zoning map for Elizabeth City, it has come to Staff's attention that some mapping errors and inconsistencies occurred while converting the official zoning map to the current digital format.

In addition, Staff located mapping errors for properties which were rezoned and were never properly mapped and properties which were erroneously included in the mapping of approved rezoning requests.

Ten mapping errors were found that were made prior to the adoption of the 1999 official zoning map.

- Five of the errors are attributed to never having been mapped after an approved rezoning;
- Two properties were mapped with an incorrect zoning designation;
- And two rezoning requests were mapped that included properties which were not part of the rezoning; and the mapping of one rezoning request failed to include the complete parcel.

It was noted that ten errors occurred while converting the paper map to the current digital format.

Since the 1999 map adoption, five mapping errors were found which occurred between 2001 and 2005.

- Four of these errors consisted of properties which were never mapped to reflect the approved rezoning;
- And the mapping of one rezoning request included properties which were not part of the rezone request.

Through the review process, the Planning Commission established a subcommittee to review the zoning issues that were discovered. During the subcommittee meetings all of the various issues revealed during Staff's research were discussed and evaluated. Furthermore, Staff contacted the School of Government and a Land Use Law attorney for guidance in how to rectify the lack of a certified zoning map and how to correct the errors which were identified. Based upon legal advice, Staff is moving forward to have the City Council readopt and recertify the 2013 Zoning Map.

To correct the mapping errors, the Planning Staff is requesting that the City Council recertify and adopt the replacement map as the 2013 Official Zoning Map of Elizabeth City.

Mr. DiGirolamo asked if there had been a subcommittee from the Planning Commission. Ms. Eggar stated yes. Ms. Brooks stated that Mr. Sutton, Linda Etheridge and Lena Council were on the subcommittee. They met approximately four to five times.

Ms. Eggar stated that in the members agenda packets a map had been included that listed the zoning issues with a breakdown of each.

Ms. Brooks pointed out the zoning maps on the wall. The map on the left was the current zoning map and the map on the right is the updated map that reflects the changes.

(Inaudible) Ms. Brooks stated that Staff will be doing the legal requirements from the State. A half page legal advertisement has to be done for two consecutive times. Almost 2,000 out-of-area property owners have been identified and notification has to be mailed to them. Ms. Council asked if the owners are aware. Ms. Brooks stated that NC Law reads that if there are property owners within your jurisdiction that are outside the reading area of your local newspaper they must be notified by mail. Instead of doing a small advertisement in the paper, Staff has to take out a half page ad to notify the residents within the viewing area. Mr. Sutton asked if there was a timeline that the owners have to respond. Ms. Brooks stated that the owners do not have to respond. Staff just has to notify them by first class mail. The letters that have been drafted is self-explanatory; however, if the property owners have questions Staff will deal with them one-on-one. They can come in and look at the map. It will be on the City's website, the library, City Hall, Planning Department office and the Customer Service satellite office at the mall. Mr. DiGirolamo asked if the process will be completed in 2013. Ms. Brooks stated yes. Staff is hoping it will be heard at City Council in November.

There were two attendees at the meeting; however they indicated that Ms. Eggar had already answered their questions and thank her for the assistance.



Chairman Sutton asked for a motion. Mr. Witosky made a motion to APPROVE Staff's recommendation for the Zoning Map changes as presented here today and to be presented to City Council. Ms. Council seconded the motion. ***ALL IN FAVOR: COUNCIL, DIGIROLAMO, SUTTON and WITOSKY. MOTION PASSED.***