

**CAMDEN COUNTY PLANNING BOARD**

Regular Meeting – December 16, 2020

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**Camden County Planning Board**

**Regular Meeting**

**December 16, 2020 7:00 PM**

**Historic Courtroom, Courthouse Complex**

**Camden, North Carolina**

**MINUTES**

*The regular meeting of the Camden County Planning Board was held on December 16, 2020 in the Historic Courtroom, Camden, North Carolina. The following members were present:*

**CALL TO ORDER & WELCOME**

Planning Board Members, Staff, and Others Present:

<b>Attendee Name</b>	<b>Title / Organization / Representing</b>	<b>Status</b>	<b>Arrived</b>
Calvin Leary	Chairman	Present	6:50 PM
Fletcher Harris	Board Member	Absent	
Rick McCall	Board Member	Absent	
Ray Albertson	Board Member	Present	6:50 PM
Steven Bradshaw	Board Member	Present	6:50 PM
Cathleen M. Saunders	Board Member	Present	6:50 PM
Nathan Lilley	Board Member	Present	6:50 PM
Dan Porter	Planning Director	Present	6:45 PM
Amy Barnett	Planning Clerk	Present	6:35 PM

**CONSIDERATION OF AGENDA**

***Motion to Approve Agenda As Presented***

<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
<b>MOVER:</b>	Steven Bradshaw, Board Member
<b>SECONDER:</b>	Nathan Lilley, Board Member
<b>AYES:</b>	Leary, Albertson, Bradshaw, Saunders, Lilley
<b>ABSENT:</b>	Harris, McCall

**CONSIDERATION OF MINUTES - OCTOBER 21, 2020**

***Motion to Approve Minutes from 10-21-20 As Written***

<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
<b>MOVER:</b>	Nathan Lilley, Board Member
<b>SECONDER:</b>	Steven Bradshaw, Board Member
<b>AYES:</b>	Leary, Albertson, Bradshaw, Saunders, Lilley
<b>ABSENT:</b>	Harris, McCall

## **CAMDEN COUNTY PLANNING BOARD**

Regular Meeting – December 16, 2020

---

### **OLD BUSINESS - None**

### **NEW BUSINESS**

#### ***A. Amendments to Camden County Code of Ordinances***

Dan Porter described the amendments, which are attached to these minutes as “Attachment A”. About a year ago, the NC General Assembly passed a new law regarding land use regulations for both cities & counties. In the past, chapter 153(A) was the chapter related to county land use regulations and chapter 160(A) was the regulations for municipalities. Over about a 3 or 4 year period, the Bar Association, the School of Government, the NC Chapter of American Planners Association, homebuilders, and some developers as well met and hashed out a new law, chapter 160(D). For the most part, there were no changes to the regulations specifically related to these laws, they were just combined into one chapter versus two. In those places where there were differences between the city and county regulations, 160(D) spells that out, and is specific in those section’s paragraphs.

There were some subsequent changes where, over time the courts have had to rule on certain issues, where the land use law was too vague. Those court decisions were codified and are included in the new law, 160(D)

Improvements to the regulations have been made in a few places, not many, mostly it was just re-organization, combination, and bringing the law up to date with what the court rulings have been.

These changes were supposed to have been adopted by cities and counties by the end of 2020, but due to the pandemic, the deadline for adoption was extended to July 1, 2021.

The School of Government put together a couple of books, several workshops, ongoing consulting programs, webinars, and etc. One of the books contained a cross reference index which contained locations of codes in the old law and where the equivalent codes were located in the new law. This was used to look up references to 153(A) and tell where that language was located in 160(D).

The first part of this amendment, referred to as Article III, is a table showing the old code locations in 153(A), the new code locations in 160(D), and the page in Camden’s ordinance where the code reference is located. The old code references are being deleted and the new reference being added to replace the old.

There were a couple of references to 153(A) which were not land use regulations which have been left as 153(A), so those are not included in this amendment.

Mr. Porter asked if the board had any questions about this first part. Hearing none, he continued on to the second part of the amendment, referred therein as Article IV.

## **CAMDEN COUNTY PLANNING BOARD**

Regular Meeting – December 16, 2020

---

The second part of this amendment, the School of Government has gone through 160(D) and has identified all the things that local jurisdictions must make changes to, if not already present in the ordinances, and they've also made several suggested changes. The suggested changes included some miscellaneous changes having to do with appeals processes, what can be appealed, information regarding the processes of the courts and making decisions, etc.

When the last revisions to the Camden UDO were adopted, in February of 2020, this process was already under way and both the Planning Director as well as the consultant from Codewright Planners LLC were privy to these changes and had the opportunity to contribute in a few places.

The second part of this amendment includes those items that were not caught in the revisions that must be made to Camden's ordinance. The suggested items have been left out of this amendment, they may be brought up at a later date. Only those items needed to bring Camden's ordinance into compliance with the NC General Statutes are included here for consideration.

At this time, Mr. Porter then went through the changes, and explained what each one is.

### Article III

This amendment is in regards to a new law put in place by the NC General Assembly which combines GS 153 and GS 160(A) into GS 160(D). There were no specific changes to the laws, only combining the two into one. Used to be separate GS for cities and for counties, 160(D) combines it such that the GS's are combined for both of them in one GS.

The deadline for local regulations to reflect the changes in GS references is July 1, 2021. The amendment simply replaces the GS references with the appropriate references to GS 160(D).

### Article IV

*Chapter 151 Section 1.5.2(E):*

[NO DEVELOPMENT UNTIL COMPLIANCE WITH THIS ORDINANCE:  
No Improvement to Subdivided Land]

Deletes language relating to phases of minor subdivisions, and minor subdivisions don't have phases.

*Chapter 151 Section 2.2.7(C)(3):*

[PUBLIC MEETINGS AND HEARINGS: Quasi-Judicial Public Hearings, Conflicts of Interest]

Section is deleted in order to combine conflicts of interest language into one entire section same as it is combined in the General Statutes (see Chapter 151 Section 11.8).

*Chapter 151 Section 2.3.8(C)(2)(b):*

[DEVELOPMENT AGREEMENTS: Development Agreement Procedure, Application Submittal]

Adds language to allow, and requires, a development agreement to be considered concurrently with zoning map or text amendments affecting development property, sketch plan, preliminary plat, or site plan or other development approval required under zoning regulations. Previously, development agreements and the above items had to be voted upon separately, with the development agreement being voted upon prior to preliminary plat. Combined efforts such as this are advertised at the same time, public hearing held on both at same time, and voted upon concurrently.

Nathan Lilley asked what would happen if there was disagreement with the development agreement when they are voted upon at the same time. He asked if the development agreement was not agreed with, does that mean the whole thing would be denied.

Dan Porter responded that since the development agreement is basically related to the general provisions and infrastructure for a project and its something that the developer volunteers what he is being obligated to, and the county has to agree with those obligations, and vice versa. Mr. Porter added that the county cannot require a developer to sign a development agreement, but the developer can ask the county to sign a development agreement, and county and developer can either agree to it or not. It does become a negotiation of sorts, with a bit of give and take.

A development agreement extends the period of time that a project can be vested. Vesting the project with a development agreement locks the rules and regulations that are in place at the time the approval is given for 20 years. Unless state or federal law changes, any changes to local law are not applicable or enforceable to a project that has a development agreement approved and in place. This is one reason why developers ask for a development agreement, so they don't get halfway through their project and the rules change on them making them change their processes.

*Chapter 151 Section 2.3.9(C)(2)(c):*

[EXEMPT SUBDIVISION: Subdivision Exemption Review Procedure, Application Submittal]

With regards to exempt subdivisions, application submittal: removes section requiring evaluation from Albemarle Regional Health Services pertaining to on site waste water systems. Camden has, for a period of time, required submissions for building permits on exempt subdivisions to also obtain perk tests and obtain septic permits prior to a building permit being issued. NC Courts have said that an exempt subdivision is exempt from subdivision regulations, so this can no longer be required. Other requirements, which a project would have to meet, that are not part of the subdivision regulations can still be required, such as the need for stormwater plans, etc. Stormwater plans are in the section under Environmental Regulations and so can be required of an exempt subdivision since they are not part of subdivision regulations. Things that cannot be required are for the exempt subdivision are perk tests, septic permits, access to roads, or hookup to county water, etc.

*Chapter 151 Section 2.3.15(G)*

[INTERPRETATION: Appeal]

Removes a mistake in the language, and adds the correction (deletes “on a floodplain development permit” and adds “of an administrative interpretation”).

Also adds (1) & (2) which clarifies the specifics with regard to any person with standing to submit an appeal, as required by GS160(D).

*Chapter 151 Section 2.3.20(D)(1)(a):*

[PRELIMINARY PLAT: Preliminary Plat Review Standards]

Removes the requirement that a preliminary plat be sealed by a licensed professional land surveyor, registered professional landscape architect, or licensed professional engineer. Also clarifies that the required certifications' language required on a preliminary plat do not have to be signed.

Prior to the Feb 4, 2019 UDO Update, a preliminary plat was more of a set of construction plans. After that date, the preliminary plat became more of a concept plan which is not specific enough to require the need for them to be signed and sealed. Construction plans will still have to be signed and sealed when they are submitted.

**CAMDEN COUNTY PLANNING BOARD**

Regular Meeting – December 16, 2020

---

*Chapter 151 Section 2.3.24(C)(2)(c):*

[TRANSFER PLAT: Transfer Plat Procedure, Application Submittal]

Adds requirement for deed restriction on a Transfer Plat such that on a transfer of land plat, transferring land from one immediate family member to another, that the land cannot be sold for a period of 5 years or until the child (if transfer is to a child) is 18 years old, whichever time period is greater, from the date of recordation at the Camden County Register of Deeds.

This deed restriction regarding sale of the property was in the old UDO but was inadvertently left out of the new UDO.

*Chapter 151 Section 2.3.25(C)(4)(c):*

[UDO TEXT AMENDMENT: Text Amendment Procedure, Review by Planning Board]

Changes requirement of Planning Board commenting on consistency with adopted policy guidance such that a written recommendation to the governing board addressing plan consistency is now required. Relates to comprehensive plan and any other officially adopted applicable plan, and other matters as deemed appropriate by the Planning Board.

*Chapter 151 Section 2.3.25(C)(6)(d):*

[UDO TEXT AMENDMENT: Text Amendment Procedure, Review & Decision by Board of Commissioners]

Replaces language in current (d)(1) through (7) with a simple paragraph which relates to Plan Consistency and the requirement for the Board of Commissioners, in making its decision, to approve a brief written statement on whether or not its action is consistent with an adopted comprehensive plan. Also requires that if the action is *inconsistent* with the adopted plan, then it has the effect of automatically amending any Future Land Use Map (FLUM) in the approved plan such that no request or application to amend said FLUM shall be required. Board of Commissioners no longer has to consider each of the 7 items listed in the current (d)(1) through (7) separately, now the Board can do one brief written statement which addresses consistency as a whole.

**CAMDEN COUNTY PLANNING BOARD**

Regular Meeting – December 16, 2020

---

*Chapter 151 Section 2.3.25(C)(6)(F):*

[UDO TEXT AMENDMENT: Text Amendment Procedure, Review & Decision by Board of Commissioners]

Adds a requirement for a “Statement of Reasonableness” with regard to adopting or rejecting any petition for an amendment. Such statement may consider, among other factors:

- Size, physical conditions and other attributes of property to be rezoned
- Benefits/detriments to landowners and adjacent property owners, and surrounding community
- Relationship between current actual and permissible development, and development permissible if amendment is approved
- Reason the action taken is in best interest of public
- Any change in conditions which warrant the amendment

With regards to Chapter 151 Section 2.3.25(C)(4)(c), (C)(6)(d), and (C)(6)(F) above, the motion to approve or deny an agenda item which relates to these may be one motion and the consistency statement and statement of reasonableness may be included in the motion to approve or deny. No longer has to be separate motions.

*Chapter 151 Section 2.3.27(B)(5)(a) through (c):*

[VESTED RIGHTS DETERMINATION: Applicability, Permit Choice]

Adds language stating that if a law or rule changes after an applicant submits an application for development, and the application is complete, but before the development application is approved, then the applicant has the choice of whether to follow the old rules or the new rules. Additionally if the applicant chooses to follow the old rules, they need not wait for the new rules to be ratified before they can act on their development permit. Applies to all development permit approvals issued by the State and/or local government.

The one thing that the applicant cannot do is to use some of the old rules and some of the new rules, applicant must choose either to use all of the old rules or all of the new rules.

**CAMDEN COUNTY PLANNING BOARD**

Regular Meeting – December 16, 2020

---

*Chapter 151 Section 2.3.27(E)(3) and (4):*

[VESTED RIGHTS DETERMINATION: Effect]

Number 3 adds language stating that establishment of a vested right under this section doesn't preclude, change, or impair the ability of the county to adopt and enforce development regulation provisions with regard to non-conforming situations or uses. Legal non-conforming uses stay legal non-conforming uses.

Number 4 adds language stating that a vested right under this section is not a personal right, it runs with the land such that all owners, current and future, are entitled to such rights.

*Chapter 151 Section 2.3.27(F)(1)(c):*

[VESTED RIGHTS DETERMINATION: Expiration]

Vested rights can either expire or be terminated for a certain number of reasons.

This changes the language to read that an evidentiary hearing, and not just a public hearing, shall be held upon findings by the Board of Commissioners with regards to expiration of vested rights. The hearing must be a quasi-judicial evidentiary hearing, where persons are sworn in, and only factual evidence presented at that specific hearing can be considered. No ex parte communication is allowed.

*Chapter 151 Section 2.3.30(B)(6)(c):*

[ZONING MAP AMENDMENT: Zoning Map Amendment Procedure, Review by Planning Board]

Adds language that states that the written recommendation to the governing board needs to address plan consistency with any adopted comprehensive plan, along with any other officially adopted plan(s) which may be applicable, and any other matters deemed appropriate.

**CAMDEN COUNTY PLANNING BOARD**

Regular Meeting – December 16, 2020

---

*Chapter 151 Section 2.3.30(B)(7)(d):*

[ZONING MAP AMENDMENT: Zoning Map Amendment Procedure, Board of Commissioners Review & Decision]

Zoning Map Amendment Procedure, Board of Commissioners review and Decision:

Replaces language in current (d)(1) through (7) with a simple paragraph which relates to Plan Consistency and the requirement for the Board of Commissioners, in making its decision, to approve a brief written statement on whether or not its action is consistent with an adopted comprehensive plan. Also requires that if the action is *inconsistent* with the adopted plan, then it has the effect of automatically amending any Future Land Use Map (FLUM) in the approved plan such that no request or application to amend said FLUM shall be required. Board of Commissioners no longer has to consider each of the 7 items listed in the current (d)(1) through (7) separately, now the Board can do one brief written statement which addresses consistency as a whole.

*Chapter 151 Section 2.3.30(B)(7)(e):*

[ZONING MAP AMENDMENT: Zoning Map Amendment Procedure, Board of Commissioners Review & Decision]

Adds a requirement for a “Statement of Reasonableness” with regard to adopting or rejecting any petition for an amendment. Such statement may consider, among other factors:

- Size, physical conditions and other attributes of property to be rezoned
- Benefits/detriments to landowners and adjacent property owners, and surrounding community
- Relationship between current actual and permissible development, and development permissible if amendment is approved
- Reason the action taken is in best interest of public
- Any change in conditions which warrant the amendment

With regards to Chapter 151 Section 2.3.30(B)(6)(c), (B)(7)(d), and (B)(7)(e) above, the motion to approve or deny an agenda item which relates to these may be one motion and the consistency statement and statement of reasonableness may be included in the motion to approve or deny. No longer has to be separate motions.

**CAMDEN COUNTY PLANNING BOARD**

Regular Meeting – December 16, 2020

---

*Chapter 151 Section 2.3.30(B)(7)(f):*

[ZONING MAP AMENDMENT: Zoning Map Amendment Procedure, Board of Commissioners Review & Decision]

This was numbered (e), with the addition of (d) in the above section, this item was renumbered and amended as described below:

Modifications to county code which are considered to be inconsistent with the CAMA and / or Comprehensive Plan , but are nonetheless adopted, such plans are deemed to be amended once approved by the Board of Commissioners. Such changes to CAMA plan are sent to NC Division of Coastal Management for re-certification.

*Chapter 151 Section 9.8.5(B)*

[REVOCAION OF PERMITS]

This is something the courts have required, but has not been part of the law until now. Mr. Porter stated, as an example, if a developer has a special use permit which states they must do several things for their permit to remain valid, and they fail to do one or more of those things, then Camden can issue a stop work order, and the permit can be revoked. Since the developer had to go through a quasi-judicial process to get the permit issued, then they must also go through a quasi-judicial process for the permit to be revoked. This means, it has to be advertised, and a quasi-judicial hearing has to be held.

*Chapter 151 Table 10.3: Definitions*

[TERM: SUBDIVISION]

Adds language further defining “Subdivision” as NOT including “The division of land into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the North Carolina General Statutes.”

This is added as #5 under the paragraph which starts ' A “Subdivision” shall not include the following: '

*Chapter 151 Section 11.5.3(C):*

[PLANNING BOARD, Rules of Procedure]

Adds language requiring all Planning Board members to take an oath of office as required by NC GS 160D-309.

**CAMDEN COUNTY PLANNING BOARD**

Regular Meeting – December 16, 2020

---

*Chapter 151 Section 11.6.2(1) and (2):*

[BOARD OF COMMISSIONERS, Conflict of Interest]

Section deleted. Conflict of interest language for Board of Commissioners and any appointed boards has been combined into section 11.8.

*Chapter 151 Section 11.8(A) through (F):*

[AUTHORITIES: CONFLICT OF INTEREST]

(A) through (C):

Conflict of interest language for Board of Commissioners, any appointed boards, and administrative staff has been combined into one section in this section. In situations comprising a conflict of interest, no board or staff member shall participate in any decision thereto. Conflict of interest as it is written in this section is any matter “where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact” on the board or staff member. Additionally, such board or staff members shall not vote or participate in any zoning or text amendment for any land owner who is of a close family, business, or other associated relation.

(C) (1) through (3):

With regards to Administrative Staff decisions, if a conflict of interest exists, then the decision shall be assigned to the staff member’s supervisor or other staff member as designated by development regulation or other ordinance. Unless a staff member is the owner of the land or building involved, he/she is not allowed to hold a financial interest or be employed by any business with a financial interest in development subject to the regulations under this chapter. No staff member, other individual, or contractor providing staff support is allowed to perform any work that is inconsistent with his/her duties or the interest of local government.

(D)

With regard to Quasi-Judicial decisions, no board member is allowed to participate or vote on quasi-judicial matters that would violate affected persons’ constitutional rights to an impartial decision maker. Due process must be followed, having a fixed opinion on a quasi-judicial matter, undisclosed ex parte communications, close familial-business / other associated relationship with the affected person, or a financial interest in the outcome is not allowed on the part of decision makers.

(E)

If anyone objects to a board member’s participation on a quasi-judicial matter, and that member does not recuse him/her self, then the board hearing the matter shall vote on whether or not to recuse that member.

## CAMDEN COUNTY PLANNING BOARD

Regular Meeting – December 16, 2020

---

(F)

Close familial relationship as the term is used in this section means a spouse, parent, child, brother, sister, grandparent, or grandchild, and also includes step, half, and in-law relationships.

At this time, Mr. Porter asked if the board had any questions about any of these amendments.

Cathleen Saunders asked about Section 2.3.9(C)(2)(c), specifically the deleted language regarding evaluation from Albemarle Regional Health Services for waste water systems. She asked if it is possible to approve a building permit for a house on such property without the requirement of a septic permit. Mr. Porter replied that the applicant would have to show they have some way to handle septic / wastewater.

At this time, Chairman Calvin Leary asked if there were any further questions. Hearing none, he called for a motion.

### ***Motion to Approve the aforementioned Amendments to Camden County Code of Ordinances as Presented.***

<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
<b>MOVER:</b>	Steven Bradshaw, Board Member
<b>SECONDER:</b>	Nathan Lilley, Board Member
<b>AYES:</b>	Leary, Albertson, Bradshaw, Saunders, Lilley
<b>ABSENT:</b>	Harris, McCall

## **INFO FROM BOARD AND STAFF**

### ***A. Possibility of Combining Planning Board and BOA such that same members serve on both boards***

Dan Porter spoke about possibility of combining the Planning Board and the Board of Adjustment (BOA) such that the same persons serve on both boards. Mr. Porter indicated that the Board of Adjustment has not met in over 4 years. He added that many other Boards of Adjustments and Planning Boards in the state of NC are combined in this manner, and that it is an option if the Planning Board wants to take on this role. He described the makeup of the BOA, 5 voting members with 2 alternates.

Nathan Lilley asked if the BOA would be put in a position of hearing an appeal of a PB decision. Mr. Porter said that since the Planning Board is a recommending board, and that the decisions are ultimately made by the Board of Commissioners, that any appeal would be of a decision made by the commissioners.

## **CAMDEN COUNTY PLANNING BOARD**

Regular Meeting – December 16, 2020

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Mr. Porter further explained the kinds of cases that the Board of Adjustment typically would hear.

Ray Albertson asked if there would be legal help in the form of the county attorney. Mr. Porter stated that if the case calls for it, the attorney can be asked to be present. Mr. Porter went on to explain that an appeal has to relate to the land and not the personal circumstances of the person appealing, and that this has to be provable by the appellant. Mr. Porter also said that the BOA is a quasi judicial board and that anyone who speaks has to be sworn in same as any court case.

Nathan Lilley asked what quasi-judicial means. Mr. Porter explained that it means a case / hearing that is heard by an appointed board where all persons who speak must be sworn in to tell the truth, and that only factual evidence can be considered. Mr. Porter went on to compare the types of decisions made by different bodies in order to further describe what quasi judicial means:

- Administrative decisions are made by staff and are a yes/no type of decision
- Legislative decisions can be based on opinions, procedures, policies
- Quasi Judicial decisions are heard by a board who is acting as a court of sorts in evidentiary proceedings. Only facts presented as evidence can be considered and those facts must be presented under oath at the meeting. Only evidence presented at the meeting can be considered. Sometimes, letters presented by other agencies can be accepted as facts. Further there can be no “ex parte communication”, meaning that the appellant cannot speak with any board members before the case is heard, nor can board members discuss among themselves before the meeting.

Cathleen Saunders observed that the onus is on the applicant to prove their side of the matter.

Nathan Lilley asked if there was a way to appeal a decision of the Board of Adjustment. Mr. Porter responded that it can be appealed to the NC Supreme Court.

Mr. Porter stated that before combining Planning Board and BOA, he would have to speak with the Board of Commissioners first. His purpose in discussing this tonight was to find out if the Planning Board members would be interested in serving as BOA. This may be brought back up at a later date.

### ***B. 2021 Planning Board Meeting Schedule***

**CAMDEN COUNTY PLANNING BOARD**

Regular Meeting – December 16, 2020

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**CONSIDER DATE OF NEXT MEETING - JANUARY 20, 2021**

**ADJOURN**

*Motion to Adjourn*

<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
<b>MOVER:</b>	Ray Albertson, Board Member
<b>SECONDER:</b>	Steven Bradshaw, Board Member
<b>AYES:</b>	Leary, Albertson, Bradshaw, Saunders, Lilley
<b>ABSENT:</b>	Harris, McCall

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*Chairman Calvin Leary  
Camden County Planning Board*

*ATTEST:*

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*Amy Barnett, Clerk  
Camden County Planning Department*

**See Next Page For Beginning of Attachment**

**Ordinance No. 2020-XX-XX**

**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 January 1, 1998, and subsequently revised February 4, 2020 and subsequently amended, and as otherwise incorporated into the Camden County Code.

**Article II. Construction**

- A. For the purposes of this Ordinance the Table in Article III relates strictly to changes in the General Statute citations from either 160A or 153A to the new General Statute 160D which combines the previous statutes. The table shows the page that the citation occurs, the citation deleted and the citation added.**
- B. For purposes of this Ordinance, Article IV relates to substantive changes required by the new General Statute 160D in which 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 as follows:**

<b>Page</b>	<b>From (Deletion)</b>	<b>To (addition)</b>
<b>1-4</b>	<del>Chapter 153A, Article 18 (Planning and Regulation of Development</del>	<b>Chapter 160 D (Local Planning and Development Regulation);</b>
	<del>160D</del>	<b>160D</b>
	<del>153A</del>	<b>160D</b>
<b>1-5</b>	<del>153A-340</del>	<b>160D-903</b>
<b>1-6</b>	<del>160A and 153A-340</del>	<b>160D605</b>
	<del>160A-383</del>	<b>160D-701</b>
<b>1-12</b>	<del>153A-344</del>	<b>160D-108</b>
<b>2-9</b>	<del>Section 153A-323, as well as Sections 160A-364, 160A-384, and 160A-388</del>	<b>160D-601,602</b>
<b>2-20</b>	<del>160A-393</del>	<b>160D-1402</b>

2-21	153A-357	160D-1110
2-22	153A-374 or 160A-434	160D1114
2-24	153A-374 or 160A-434	160D1114
2-25	153A-349.1 through 153A-349.13 and 160A-400	160D-Article 10
2-26	153A-349 through 349.13	160D – Article 10
	153A-344.1(e)	160D-1007
2-29	153A-395	160D-802
	153A-335	160D-802
2-53	160A-393	160D-1403
2-56	160A-393	160D-1402
2-66	160A-393	160D-1402
2-67	153A-344 or 160A-385	160D-108
4-39	160A-400.51	160D-935
4-40	160A-400.51	160D Article 9 Part 3
6-8	153A-331	160D-804
	153A-331	160D-804
6-9	153A-331	160D-804
	160A-422 & 153A-362	160D-403
	160A-175 & 153A324	160D-106
10-23 Bona Fide farm	153A-340	160D-903
10-24	160A-400.5	160D Article 9 part 3
10-25	160A-400.5	160D Article 9 part 3
	153A	160D
10-27	160A-400.51	160D Article 9 part 3
10-28	153A-344.1 & 160A-358.1	160D-1110
	153A-344.1 & 160A-358.	160D-1110
10-34	160A	160D
10-39	160A-385	160D-108
	160A-400.51	160D Article 9 part 3
10-43	160A-400.51	160D Article 9 part 3
	160A-400.51	160D Article 9 part 3
10-44	153A-471	160D
10-45	160A-385	160D-108
11-6	153A-321;160A-361;160A-387	160D-301
11-8	153A-340.h	160D-107
	153A-345.1; 160A-388	160D-302
11-10	153A-345.1; 160A-388	160D-406

Article IV Amend Chapter 151 as amended of the Camden County Code which shall read as follows

## 1.5.2 NO DEVELOPMENT UNTIL COMPLIANCE WITH THIS ORDINANCE

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### E. No Improvement to Subdivided Land

Improvements to subdivided land shall not be undertaken until approval of a preliminary plat for all or the active phase of a major subdivision or a minor subdivision approval for all or the active phase of a minor subdivision.

## 2.2.7 PUBLIC MEETINGS AND HEARINGS

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C.

### ~~3. Conflicts of Interest~~

~~A review authority member shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to: a member having a fixed opinion prior to hearing the matter that is not susceptible to change; undisclosed ex parte communications; a close familial, business, or other associational relationship with an affected person; or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall, by majority vote, rule on the objection~~

## 2.3.8 DEVELOPMENT AGREEMENTS

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A. Purpose and Intent

B. Applicability

C. Development Agreement Procedure

1. Pre-Application Conference

Applicable (see Section 2.2.2, Pre-Application Conference).

2. Application Submittal

a. Applicable (see Section 2.2.4, Application Submittal).

b. **The development agreement may, by ordinance, be incorporated, in whole or in part, into any development regulation adopted by the local government. A development agreement may be considered concurrently with a zoning map or text amendment affecting the property and development subject to the development agreement: a sketch plan or preliminary plat required under a subdivision regulation; or a site plan or other development approval required under a zoning regulation.** Applications for a development agreement shall be approved prior to review of any applications for development that will be subject to the development agreement.

## 2.3.9 EXEMPT SUBDIVISION

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### C. Subdivision Exemption Review Procedure

#### 2. Application Submittal

- a. Applicable (see Section 2.2.4, Application Submittal).
- b. An application for exempt subdivision determination may be filed by the UDO Administrator, the Planning Board, the BOC, a landowner, or a contract purchaser.
- c. ~~Except for subdivisions where all lots shall be served by a central wastewater system, applications for an subdivision exemption shall include an evaluation from Albemarle Regional Health Services indicating that an on-site wastewater system may be used on each lot included in the subdivision.~~

## 2.3.15 INTERPRETATION

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### G. Appeal

Appeal of a decision ~~on a floodplain development permit~~ ***of an administrative interpretation*** shall be reviewed and decided by the BOA in the nature of certiorari and in accordance with Section 2.3.5, Appeal.

1. ***Any person who has standing under G.S. 160D 405 or the local government may appeal an administrative decision to the Board of Adjustment.***
2. ***An appeal is taken by filing a notice of appeal with the UDO Administrator within 30 days of receipt of the written interpretation.***

## 2.3.20 PRELIMINARY PLAT

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### D. Preliminary Plat Review Standards

1. An application for a preliminary plat shall be approved, provided:
  - a. The preliminary plat is prepared ~~and sealed~~ by a licensed professional land surveyor, registered professional landscape architect, or licensed professional engineer;
  - b. The preliminary plat complies with the applicable standards in Section 47-30 of the North Carolina General Statutes;
  - c. The preliminary plat includes all required certifications (***unsigned***);

## 2.3.24 TRANSFER PLAT

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### C. Transfer Plat Procedure

#### 2. Application Submittal

- a.
- b.
- c. ***Application shall be accompanied by a deed with the following DEED RESTRICTION: "In accordance with Article 151.2.3.24 of the Camden County Unified Development Ordinance, property cannot be sold for a period of five (5) years or until the child's 18th birthday (whichever is greater) from date of recording."***

## 2.3.25 UDO TEXT AMENDMENT

### C. Text Amendment Procedure

- 1.
- 2.
- 3.

#### 4. Review by Planning Board

- a. Applicable (see Section 2.2.8, Review by Planning Board and Section 2.2.7, Public Meetings and Hearings).
- b. The Planning Board, following review during a public meeting, shall make a recommendation on an application in accordance with Section 2.3.25.D, Text Amendment Review Standards.
- c. The Planning Board shall comment on whether or not the text amendment is consistent with the County's adopted policy guidance **The written recommendation to the governing board shall address plan consistency with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable, and other matters as deemed appropriate by the planning board.**

#### 5.

#### 6. Review and Decision by Board of Commissioners

- a. Applicable (see Section 2.2.9, Action by Review Authority, and Section 2.2.7, Public Meetings and Hearings).
- b. The Board of Commissioners, after the conclusion of a legislative public hearing, shall decide the application in accordance with Section 2.3.25.D, Text Amendment Review Standards.
- c. The decision shall be one of the following:
  1. Adoption of the text amendment as proposed;
  2. Adoption of a revised text amendment;
  3. Denial of the text amendment; or
  4. Remand of the text amendment application to the Planning Board for further consideration.
- d. ~~In making its decision, the Board of Commissioners shall adopt a written statement including each of the following:~~
  1. ~~Whether the text amendment application is approved, denied, or remanded; and~~
  2. ~~The degree to which the text amendment application is or is not consistent with the County's adopted policy guidance; and~~
  3. ~~The ways in which the text amendment application is or is not consistent with the County's adopted policy guidance; and~~
  4. ~~Whether approval of the text amendment application also amends or does not amend the County's adopted policy guidance; and~~
  5. ~~If the adopted policy guidance is amended as part of the application approval, a description of the change in conditions to meet the development needs of the County that were taken into account as part of the approval; and~~
  6. ~~An explanation of why the action taken by the Board of Commissioners is reasonable; and~~
  7. ~~An explanation of why the action taken by the Board of Commissioners is in the public interest.~~

#### d. Plan Consistency.

**In making its decision, the Board of Commissioners shall approve a brief written statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. If the amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land use map in the approved plan and no additional request or application for a plan amendment shall be required.**

- e. In cases where the BOC determines that adopted policy guidance is modified in accordance with the approval of a UDO text amendment, the County shall transmit the revised policy guidance to the NC Division of Coastal Management for re-certification.
- f. **Statement of reasonableness.**  
**When adopting or rejecting any petition for an amendment, the Board of Commissioners shall approve a brief statement explaining the reasonableness of the proposed amendment. The statement may consider, among other factors:**
  - 1. **Size, physical conditions and other attributes of the area proposed to be rezoned;**
  - 2. **The benefits and detriments to the landowners, the neighbors, and the surrounding community;**
  - 3. **The relationship between the current actual and permissible development, and the development permissible under the proposed amendment;**
  - 4. **Why the action taken is in the public interest; and**
  - 5. **Any changed conditions warranting the amendment.**

### 2.3.27. VESTED RIGHTS DETERMINATION

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#### A. Purpose and Intent

The purpose for the vested rights determination procedure section is to establish a clear procedure for an applicant to request vesting or protection from changes in this Ordinance that take place after approval of the application but prior to completion of an approved site-specific development plan in accordance with State law.

#### B. Applicability

- 1. A vested right may be established, in accordance with Section 160D-108 of the North Carolina General Statutes, and this section.
- 2.
- 3.
- 4.
- 5. **Permit Choice**
  - a. **If a permit applicant submits a permit for any type of development, an application made in accordance with local regulation is submitted for a development approval required pursuant to this Chapter and a rule-or ordinance-development regulation changes between the time the permit application was submitted and a permit decision is made, the permit applicant may choose which version of the rule or ordinance development regulation will apply to the permit application.**
  - b. **If the development permit applicant chooses the version of the rule or ordinance applicable at the time of the permit application, the development permit applicant shall not be required to await the outcome of the amendment to the rule, map, or ordinance prior to acting on the development permit.**
  - c. **This section applies to all development permit approvals issued by the State and by local governments. The duration of vested rights created by development approvals are as set forth in subsection (d) of North Carolina General Statute 160D-108.**

**E. Effect**

1. A vested rights determination shall be approved prior to issuance of a building permit.
2. The establishment of a vested right shall not preclude the application of overlay zoning district provisions that impose additional requirements but do not affect the allowable type and intensity of use, or through ordinances that are general in nature and are applicable to all property subject to land use regulation by the County, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes.
3. **Notwithstanding any provision of this section, the establishment of a vested right under this section shall not preclude, change or impair the authority of the county to adopt and enforce development regulation provisions governing non-conforming situations or uses.**
4. **A vested right obtained under this section is not a personal right, but shall attach to and run with the applicable property. After approval of a vested right under this section, all successors to the original landowner shall be entitled to exercise such rights.**

**F. Expiration**

1. A vested right determination shall expire and become null and void:
  - a)
  - b)
  - c) Upon a finding by the Board of Commissioners after notice and a public hearing **an evidentiary hearing**, that:

**2.3.30. ZONING MAP AMENDMENT**

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**A.****B. Zoning Map Amendment Procedure****6. Review by Planning Board**

- a. Applicable (see Section 2.2.8, Review by Planning Board, and Section 2.2.7, Public Meetings and Hearings).
- b. The Planning Board, following review during a public meeting, shall make a recommendation on an application in accordance with Section 2.3.30.C, Zoning Map Amendment Review Standards.
- c. **The written recommendation to the governing board shall address plan consistency with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable, and other matters as deemed appropriate by the planning board**

## 7. Board of Commissioners review and Decision

- a.
  - b.
  - c.
  - d. ~~In making its decision, the Board of Commissioners shall adopt written statement including each of the following:
 
    1. ~~Whether the zoning map amendment application is approved, denied, or remanded; and~~
    2. ~~The degree to which the zoning map amendment is or is not consistent with the County's adopted policy guidance; and~~
    3. ~~The ways in which the zoning map amendment is or is not consistent with the County's adopted policy guidance; and~~
    4. ~~Whether approval of the zoning map amendment amends or does not amend the County's adopted policy guidance; and~~
    5. ~~If the adopted policy guidance is amended as part of the application approval, a description of the change in conditions to meet the development needs of the County that were taken into account as part of the approval; and~~
    6. ~~An explanation of why the action taken by the Board of Commissioners is reasonable; and~~
    7. ~~An explanation of why the action taken by the Board of Commissioners is in the public interest~~~~
- d. ~~Whether approval of the zoning map amendment amends or does not amend the County's adopted policy guidance; and If the amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land use map in the approved plan and no additional request or application for a plan amendment shall be required.~~**
- e. ~~Statement of reasonableness~~**  
**When adopting or rejecting any petition for an amendment, the Board of Commissioners shall approve a brief statement explaining the reasonableness of the proposed amendment. The statement may consider, among other factors:**
1. **Size, physical conditions and other attributes of the area proposed to be rezoned;**
  2. **The benefits and detriments to the landowners, the neighbors, and the surrounding community;**
  3. **The relationship between the current actual and permissible development; and the development permissible under the proposed amendment;**
  4. **Why the action taken is in the public interest; and**
  5. **Any changed conditions warranting the amendment.**
- e. **f.** In cases where the BOC determines that adopted **CAMA** policy guidance is modified in accordance with the approval of a planned development application, the County shall transmit the revised policy guidance to the NC Division of Coastal Management for re-certification.

### 9.8.5. REVOCATION OF PERMITS

- A. The County may, in its sole discretion, initiate a process to revoke a prior development approval or permit in response to a violation of this Ordinance.
- B. **The County shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval**
- B. **C.** The UDO Administrator or the Building Inspector, as appropriate, may initiate the revocation process by notifying the permit holder in writing, at least ten days prior to the commencement of revocation proceedings, stating the reason for the proposed revocation.
- C. **D.** Permits or certificates may be revoked, in accordance with Section 160D-1115 of the North Carolina General Statutes, for any of the following:
1. Any substantial departure from the approved application, plans, or specifications;
  2. Refusal or failure to comply with the requirements of State or local laws; or
  3. For making false statements or misrepresentations in securing the permit, certificate, or approval.
- D. **E.** Any permit or certificate mistakenly issued in violation of an applicable State or County law may also be revoked by the appropriate authority.

### TABLE 10.3: DEFINITIONS

#### ABUTTING LAND

For the purpose of public notice, abutting land is the condition of two parcels of land having a common property line or boundary, including cases where two or more parcels of land adjoin at a corner, ~~but not~~ including cases where parcels of land are separated by a street or alley.

#### SUBDIVISION

As used in this ordinance means all divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition provided, however, that any subdivision document or plat to be recorded pursuant to such exclusions shall have the notation of "No Approval Required" and the signature of the UDO Administrator or his designated agent before filing in the office of the Camden County Register of Deeds.

A "Subdivision" shall not include the following:

1. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown in this Ordinance.
2. The division of land into parcels greater than ten acres where no street right-of-way dedication is involved.
3. The public acquisition by purchase of strips of land for the widening or opening of streets.
4. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way or easement dedication is involved and where the resultant lots equal or exceed the standards set forth in this Ordinance
5. **The division of land into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the North Carolina General Statutes.**

## 11.5. PLANNING BOARD

### 11.5.3. RULES OF PROCEDURE

A.

B.

**C. Oath of Office**

**All members appointed to boards under this Article shall, before entering their duties, qualify by taking an oath of office as required by GS 160D-309.**

## 11.6. BOARD OF COMMISSIONERS

### 11.6.2 CONFLICT OF INTEREST

1. A Board member shall not participate in or vote on any matter that has a direct, substantial, and readily identifiable financial impact on them or an immediate family member.
2. If an objection is raised to a member's participation and that member does not recuse himself or herself, then the remaining members shall by majority vote rule on the objection.

## 11.8. CONFLICT OF INTREST

**A. Governing board. A governing board member shall not vote on legislative decisions regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.**

**B. Appointed boards. Members of appointed boards shall not vote on advisory or legislative decisions regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.**

**C. Administrative staff. No staff member shall make a final decision on an administrative decision required by this Chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship.**

1. **If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.**
2. **No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Chapter unless the staff member is the owner of the land or building involved.**
3. **No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is**

inconsistent with his or her duties or with the interest of the local government, as determined by the local government.

- D. Quasi-judicial decisions. A member of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.
- E. Resolution of Objection. If an objection is raised to a board member's participation at or prior to the hearing or vote on that matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.
- F. Familial relationship. For purposes of this section, a close familial relationship means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

Adopted by the Board of Commissioners for the County of Camden this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

County of Camden

\_\_\_\_\_  
Tom White, Chairman  
Board of Commissioners

ATTEST:

[ Seal ]

\_\_\_\_\_  
Karen Davis  
Clerk to the Board