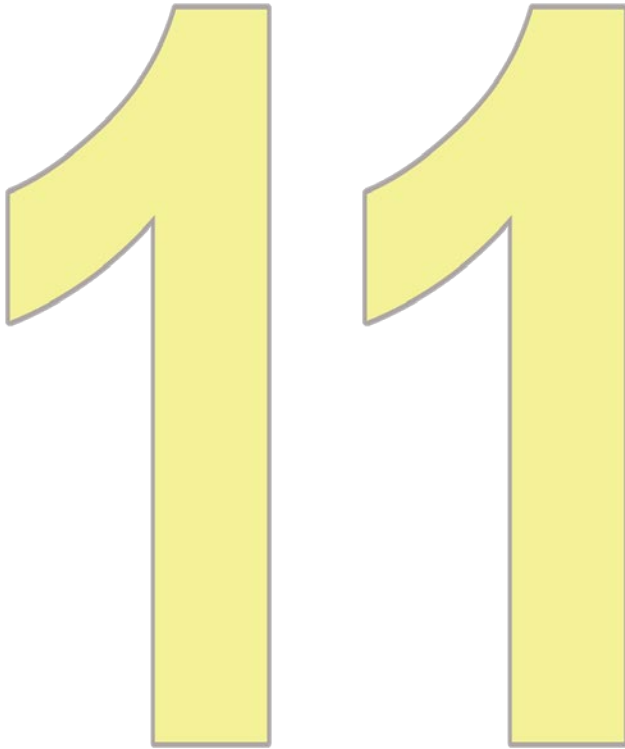


AUTHORITIES



Key Changes in Article 151.11:

- Consolidates the information on review authorities into one location
- Designates the Building Inspector as the Floodplain Administrator and the Watershed Administrator
- Sets out the membership of the Technical Review Committee
- Identifies the powers and duties, composition, and rules of procedure for the Planning Board and BOA

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ARTICLE 151.11 AUTHORITIES²²⁵

11.1 OVERVIEW

This article sets out the powers, duties, and rules of composition for review authorities identified in this Ordinance. The following review authorities have powers and duties under this Ordinance:

- A. UDO Administrator;
- B. Building Inspector;
- C. Technical Review Committee;
- D. Planning Board;
- E. Board of Commissioners; and
- F. Board of Adjustment.

11.2 UDO ADMINISTRATOR²²⁶

11.2.1 POWERS AND DUTIES

The UDO Administrator shall have the following powers and duties:

A. Application Review and Decision

To review and decide applications for:

- 1. Administrative Adjustments;
- 2. Exempt Subdivisions;
- 3. Expedited Subdivisions;
- 4. Fill Permits;
- 5. Final Plats;
- 6. Interpretations;
- 7. Minor Site Plans;
- 8. Minor Subdivisions;
- 9. Sign Permits;
- 10. Transfer Plats;
- 11. Temporary Use Permits; and
- 12. Zoning Compliance Permits.

B. Other Powers and Duties²²⁷

The UDO Administrator shall also have the following other powers and duties:

- 1. To act as the Floodplain Administrator;
- 2. To investigate violations and enforce this Ordinance in accordance with **Article 151.9: Enforcement**;
- 3. To conduct inspections of premises and, upon finding that any of the provisions of this Ordinance are being violated, notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it;
- 4. To establish application content requirements and a submission schedule for review of applications and appeals;
- 5. To ensure proper public notification regarding pending development applications is provided in accordance with State law;
- 6. To review development applications for compliance with this Ordinance and submit staff reports to review authorities;
- 7. To conduct meetings with applicants for development approval, as necessary or appropriate;
- 8. To maintain the Official Zoning Map and related materials;
- 9. To provide expertise and technical assistance to County staff and review authorities, upon request;
- 10. To maintain all records pertaining to the provisions of this Ordinance and make records available for public inspection;
- 11. To provide technical support for the implementation of adopted policy guidance;
- 12. To perform any other related duties that the County Manager may direct; and
- 13. To exercise other powers and authority provided by the Board of Commissioners, this Ordinance, or State law.

²²⁵ This is a new consolidated Article that brings together information on the various review and decision-making bodies mentioned in the current code between Sections 151.430 and 151.485. It is our experience that provisions such as these help to establish clear lines of authority in the County's decision-making procedures.

²²⁶ This Section replaces and expands on current Section 151.475 to more fully describe the role of the UDO Administrator.

²²⁷ This subsection is new and names some of the powers and responsibilities of the Administrator that are not explicitly named in current Chapter 151.

11.3 BUILDING INSPECTOR²²⁸

11.3.1 POWERS AND DUTIES

The Building Inspector shall have the following powers and duties:

A. Application Review and Decision

To review and decide applications for:

1. Building Permits;
2. Certificates of Occupancy;
3. Floodplain Development Permits; and
4. Watershed Protection Permits.

B. Other Powers and Duties

The Building Inspector shall also have the following other powers and duties:

1. To act as Watershed Administrator;
2. To administer the State Building Code;
3. To enforce the County's Minimum Housing Code;
4. To conduct inspections of construction and development sites to ensure health, safety, and compliance with applicable laws; and
5. To assist the UDO Administrator in the enforcement and administration of this Ordinance.

11.3.2 INSPECTION PROCEDURE²²⁹

A. The Building Inspector shall oversee the inspection procedure for development in accordance with the following:

1. Step One: Excavation for Footing

Applicants may only request this inspection after the footing has been excavated, grade stakes have been installed, and the inspection must occur before the foundation is poured or installed.

2. Step Two: Foundation

The foundation or piers must be visible and free from all dirt and debris prior to the inspection.

3. Step Three: Floor Joist

- a. Applicants must call for the inspection prior to concealment; and
- b. An elevation certificate is required within ten days of inspection, if the development is in the SFHA.

4. Step Four: Nailing/Sheathing

The nailing pattern shall be consistent with the following requirements:

- a. Six-inch vertical seams, three-inch horizontal, blocking and gable seams; and
- b. Twelve-inch field, three-inch stitch pattern, if wall sheathing is used as structural tie.

5. Step Five: Rough-In

- a. This group of inspections includes: framing, electrical, plumbing, and mechanical.
- b. Applicants must request this inspection before concealment (the air/water tests must be active for this inspection).

6. Step Six: Insulation

Scheduled after all rough-ins have been inspected and approved, insulate, and applicants must request inspection before concealment.

7. Step Seven: Pre-Final

- a. Applicants shall call for this inspection after all work is complete and the building is ready for permanent power.
- b. An elevation certificate is required within ten days of inspection if the development is in the SFHA.

8. Step Eight: Final

The Building Inspector will test all electrical circuits and issue certificate of occupancy if the development complies with the provisions in **Section <>, Certificate of Occupancy**.

B. The Building Inspector may also conduct courtesy inspections upon request.

11.3.3 FLOODPLAIN ADMINISTRATOR²³⁰

²²⁸ This is a new section that lays out the powers and duties of the Building Inspector.

²³⁰ This section carries forward the standards in 151.383.E of the current ordinance without substantive change.

²³⁰ This section carries forward the standards in 151.383.E of the current ordinance without substantive change.

The UDO Administrator shall serve as the Floodplain Administrator and shall have the powers and duties identified in **Section <>, Duties and Responsibilities of the Floodplain Administrator.**

11.3.4 WATERSHED ADMINISTRATOR

The Building Inspector shall serve as the Watershed Administrator and shall have the following powers and duties:

- A.** Issue watershed protection permits and watershed protection occupancy permits;
- B.** Maintain records of all permits, amendments to watershed protection standards, and provide copies of all amendments upon adoption to the Supervisor of the Local Government Assistance Unit, Water Quality Section, Division of Environmental Quality;
- C.** Maintain a record of variances to this Ordinance, and submit the record to the Supervisor of the Local Government Assistance Unit, Water Quality Section, Division of Environmental Quality, on an annual basis and shall provide a description of each project receiving a variance and the reasons for granting the variance;
- D.** Enter any building, structure, or premises, as provided by law, to perform any duty imposed by this Ordinance;
- E.** Monitor land use activities within the watershed areas to identify situations that may pose a threat to water quality; and
- F.** Institute any appropriate action or proceeding to restrain, correct, or abate the condition and/or violation.

11.4 TECHNICAL REVIEW COMMITTEE²³¹

- A. The Technical Review Committee (TRC) is hereby established and charged with review of preliminary plat applications prior to consideration by the Planning Board.
- B. The TRC may also be involved with planned development, site plan, or subdivision review on technical matters at the request of the TRC Chair.

11.4.2 COMPOSITION

- A. The UDO Administrator shall serve as the Chair of the TRC.
- B. The TRC shall be comprised of the following members:
 1. A representative from the County Water Department or water authority which is to service the proposed subdivision;
 2. A representative from ARHS;
 3. A representative from the local Volunteer Fire Department;
 4. A representative from the Postal Service;
 5. A representative from the Soil Conservation Service;
 6. A representative from the Division of Coastal Management;
 7. A representative from the U.S. Army Corps of Engineers;
 8. The Superintendent of Schools;
 9. A representative from the Department of Environmental Quality;
 10. A representative from the NC Division of Health Services (DHS);
 11. A representative from the NC Department of Transportation;
 12. A representative from Emergency Management Services (911);
 13. A representative from Piedmont Natural Gas;
 14. A representative from the local power company, local telephone company, and the local cable television company; and
 15. Representatives from other agencies, as needed or necessary.
- C. The UDO Administrator may permit one or more of these representatives to forgo attendance at a meeting of the TRC.

11.5 PLANNING BOARD²³²

The Planning Board is hereby established in accordance with Section 153A-321, Section 160A-361, and Section 160A-387 of the North Carolina General Statutes.

11.5.1 POWERS AND DUTIES

- A. **Application Review and Decision**
To review and decide applications for major site plans.
- B. **Recommendation Authority**
To comment or make recommendations on the following applications:
 1. Development Agreements;
 2. Planned Developments;
 3. Preliminary Plats;
 4. UDO Text Amendments; and
 5. Zoning Map Amendments.
- C. **Other Powers and Duties²³³**
The Planning Board shall also have the following other powers and duties:
 1. To make studies and recommend to the Board of Commissioners plans, goals and objectives relating to the growth, development and redevelopment of the County;
 2. Prepare and recommend amendments to a comprehensive and coordinated plan for the physical development within the County (CAMA Land Use Plan);
 3. Develop and recommend to the Board of Commissioners policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner consistent with the Land Use Plan;

²³¹ This section has been included to recognize the County's current preliminary plat review process in accordance with Section 151.237(E), Preliminary Plat Procedures, in the current ordinance.

²³² This section carries forward the standards in Section 151.445 in the current ordinance.

²³³ This section carries forward current Section 151.449 and adds language to reflect current best practices in terms of empowering the Planning Board to gather information, report to the Board of Commissioners on specific topics, and specifically reference the CAMA Land Use Plan in addition to the existing general language referring to "plans, goals, and objectives."

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4. To gather maps and aerial photographs of manmade and natural physical features of the area, statistics on past trends and present conditions with respect to population, property values, the economic base of the community, land use, and such other information as is important or likely to be important in determining the amount, direction, and kind of development to be expected;
5. To report its recommendations to the Board of Commissioners upon the extent, location, and design of all public structures and facilities; on the acquisition and disposal of public properties; on the establishment of building lines, mapped street lines, and proposals to change existing street lines;
6. To establish principles and policies for guiding action in the development within the County; and
7. To perform any other duties which may lawfully be assigned to it by this Ordinance, the Board of Commissioners, and State law.

D. **Advisory Committees**²³⁴

1. The Board of Commissioners may appoint one or more individuals to assist the Planning Board to carry out its planning responsibilities with respect to a particular subject area such as thoroughfare plans, housing plans, economic development plans and similar studies.
2. Members of an advisory committee shall sit as nonvoting members of the Planning Board when the issues are being considered and lend their talents, energies and expertise to the Planning Board. However, all formal recommendations to the Board of Commissioners shall be made by the Planning Board.

11.5.2 COMPOSITION

A. **Membership**²³⁵

1. The Planning Board shall consist of seven members who reside within the County limits and shall be appointed by the Board of Commissioners.
2. The seven members of the Planning Board shall have three-year staggered terms of office, with three members being appointed in successive years and four members in the following year.
3. Unless removed, Planning Board members serve until their replacements are appointed.
4. Terms shall be on a yearly basis (July 1 through June 30).
5. The Board of Commissioners will make every attempt to appoint at least two members from each of the County's three townships (South Mills, Courthouse and Shiloh), and the remaining member shall be designated as an at-large appointee and shall reside within the County.
6. Planning Board members may be removed by the Board of Commissioners, at any time, for failure to attend three consecutive meetings or for failure to attend 30 percent or more of the meetings within any 12 month period or for any other cause. Upon request of the member proposed for removal, the Board of Commissioners shall hold a hearing on the removal before it becomes effective.
7. If a Planning Board member changes his or her residence to a location outside the County, that shall constitute a resignation from the Planning Board, effective upon the date a replacement is appointed by the Board of Commissioners.
8. Regular attendance at meetings of the Planning Board is to be considered a prerequisite to continued membership, and upon certification by the Chair of the Planning Board that any member has missed four meetings within a calendar year, then the appointment to the Planning Board shall be declared open and the appointing body may replace the member.

B. **Officers**²³⁶

1. The Planning Board shall elect a Chairperson and a Vice-Chairperson annually at its July meeting and may create and fill such other offices as it may determine.
2. The term of the Chairperson and other officers shall be one year, with eligibility for reelection.
3. Vacancies in these offices may be filled for the unexpired terms only.
4. The Chairperson and Vice-Chairperson may take part in all deliberations and vote on all issues.

11.5.3 RULES OF PROCEDURE

A. **Rules of Conduct**²³⁷

²³⁴ Current Section 151.450 is carried forward here.

²³⁵ This section carries forward current Section 151.445 with only minor formatting changes to increase ease of reading.

²³⁶ This section carries forward current Section 151.448 with minor changes for ease of reading: the previous text read "At its July meeting of each year, the Planning Board shall elect one of its members to serve as Chairperson and preside over the Board's meetings and one member to serve as Vice-Chairperson. The persons so designated shall serve in these capacities for terms of one year. Vacancies in these offices may be filled for the unexpired terms only."

²³⁷ This section carries forward current Section 151.447 (now in subsections b., c., and d.) and adds subsection a. to reflect current best practices.

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1. The Planning Board shall adopt rules for transaction of its business and shall keep a record of its members' attendance and of its resolutions, discussions, findings, and recommendations, which record shall be of public record.
2. A quorum for the Planning Board shall consist of four members. A quorum is necessary for the Board to take official action.
3. All actions of the Planning Board shall be taken by majority vote, a quorum being present.
4. A roll call vote shall be taken upon the request of any member.

B. Meetings

1. All Planning Board meetings shall be open to the public. Whenever feasible, the agenda for each Board meeting shall be made available in advance of the meeting.
2. The dates of the regularly scheduled Planning Board meetings shall be adopted by the Planning Board.

11.6 BOARD OF COMMISSIONERS²³⁸

11.6.1 POWERS AND DUTIES

The Board of Commissioners shall have the following powers and duties:

1. **Application Review and Decision²³⁹**
To review and decide applications for:
 - a. Development Agreement;
 - b. Planned Development;
 - c. Preliminary Plat;
 - d. Special Use Permit;
 - e. UDO Text Amendment;
 - f. Vested Right Determination; and
 - g. Zoning Map Amendment.
2. **Other Powers and Duties**
 - a. To approve, by resolution, a schedule of fees governing:
 1. Applications for permits and other development approvals reviewed under this Ordinance; and
 2. Civil penalties for violations of this Ordinance.
 - b. To adopt temporary, strategic moratoria on development in accordance with Section 153A-340.h of the North Carolina General Statutes.
 - c. To adopt updates or amendments to a comprehensive and coordinated plan for the physical development within the County (CAMA Core Land Use Plan);
 - d. To take any other action not delegated to the Planning Board, BOA, UDO Administrator, or Building Inspector, as the Board of Commissioners may deem desirable and necessary to implement the provisions of this Ordinance.

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.

11.7 BOARD OF ADJUSTMENT²⁴⁰

The Board of Adjustment (BOA) is hereby established in accordance with Section 153A-345.1 and Section 160A-388 of the North Carolina General Statutes.

11.7.1 POWERS AND DUTIES

The Board of Adjustment shall have the following powers and duties:

- A. **Application Review and Decision²⁴¹**
To review and decide applications for:
 1. Appeals of decisions of the UDO Administrator or Building Inspector under this Ordinance; and
 2. Variances.
- B. **Other Powers and Duties**
 1. To hear and decide appeals from and review any order, requirement, decision, or determination made by the Building Inspector with regard to Chapter 150 of the County Code of Ordinances (the Housing Code).
 2. To exercise other powers and authority provided to it by the Board of Commissioners, this Ordinance, or State law.

11.7.2 COMPOSITION

²³⁸ This is a new suggested section that describes the role of the Board of Commissioners with regards to the UDO, and includes new language on conflicts of interest.

²³⁹ This list reflects the Board of Commissioners column in Table 2.100, Development Review Procedures.

²⁴⁰ This section carries forward the provisions in current Sections 151.460 through 151.465 and updates them to comply with recent state laws on BOA voting.

²⁴¹ This list reflects the Board of Adjustment column in Table 2.100, Development Review Procedures.

A. Membership

The BOA shall consist of five regular members and two alternate members.

B. Residence Location and Appointment

1. Members shall be residents of Camden County and shall be appointed by the Board of Commissioners.
2. One regular member shall reside in each of the county's three townships (South Mills, Courthouse and Shiloh).
3. The remaining regular members shall be designated as an at-large appointees. The at-large appointees and both alternates shall reside within the County.
4. If a regular or alternate member moves outside the County or outside the township represented by that member, that shall constitute a resignation from the Board, effective upon the date a replacement is appointed.

C. Alternate Members

1. The BOA Chair may appoint alternate members to serve in the absence or temporary disqualification of regular members.
2. Each alternate member attending a meeting and serving in the absence of a regular member has and may exercise all the powers and duties of a regular member.
3. In no case shall more than five regular members or combination of regular members and the alternate members be empowered to vote on any matter that comes before the Board.

D. Member Terms

1. Members may serve a three-year term and shall continue to serve until their successors are appointed, provided that upon initial appointment the terms of office may be staggered.
2. The terms of all members shall not expire at the same time.
3. Vacancies shall be filled by a new member or an alternate member appointed to serve for the remainder of the unexpired term.

E. Officers

1. The BOA shall elect from its members a Chair and Vice Chair for a one-year term of office commencing on July 1.
2. The Chair shall preside over all meetings.
3. In the absence of the Chair, the Vice Chair shall preside over meetings.
4. If both the Chair and Vice Chair are absent, the BOA membership shall vote to determine who shall serve as acting Chair for the meeting.

F. Staff

The UDO Administrator shall:

1. Provide administrative support to the BOA;
2. Record the minutes of all meetings;
3. Conduct all correspondence of the BOA;
4. Supervise all clerical work; and
5. Provide other technical support, as needed.

11.7.3 RULES OF PROCEDURE**A. Schedule**

The BOA shall hold at least one regular meeting in each month unless the Chair determines that there are no agenda items for consideration.

B. Publication of Notice

Notice of all meetings shall be provided in accordance with State law.

C. Open Meetings

All meetings and hearings shall be open to the public. Whenever feasible, the agenda for each Board meeting shall be made available in advance of the meeting.

D. Official Record

1. The BOA shall keep minutes of its proceedings, showing the vote of each member upon every action or, if absent or failing to vote, indicate such fact.
2. The BOA shall keep records of its examinations and other official actions.
3. All records and minutes shall be public record.

E. Quorum

1. No official business of the BOA may be conducted without a quorum present.
2. Four members of the BOA are required for a quorum.

F. Voting

1. **Variance Applications**

- a. The concurring vote of 4/5 of the total number of BOA members shall be necessary to grant a variance.
- b. Vacant positions on the BOA and members who are disqualified from voting due to a conflict of interest shall not be considered members of the BOA for the calculation of the required majority to decide a variance, if there are no alternate members available to fill the vacancy or replace the disqualified member.
- c. In cases where there are no more than four members who are present and able to vote on a variance, the applicant may choose to either continue the matter to a meeting where five members are present, or allow the BOA to vote on the matter with the understanding that the vote must be unanimous.
- d. In cases where there are no vacant seats and no members are disqualified due to a conflict of interest, but there are fewer than four members present due to illness or absence, the BOA lacks the number of members necessary to hear or decide an application for a variance in accordance with Section 153A-345.1 and Section 160A-388 of the North Carolina General Statutes.

2. Appeals

A simple majority vote of the BOA members present and constituting a quorum shall be required to consider an appeal reversing or modifying a decision.

3. BOA Chairperson

The Chair shall vote as any other member.

G. Oaths

When required, the Chair or the County Clerk shall administer required oaths to witnesses in any matter coming before the BOA.

H. Continuance

The BOA may continue a public hearing or delay voting on any matter to a subsequent meeting, upon a showing of good cause, in accordance with [Section <>, Continuance](#).

I. Absence

1. Members shall inform the UDO Administrator of any anticipated absence immediately after receipt of the agenda.
2. A regular member who misses three consecutive regular meetings or 30 percent or more of the regular meetings in a calendar year loses their status as a voting member until reinstated.
3. Absences due to sickness, death in the family, or other emergencies of a similar nature shall be regarded as approved absences and shall not affect the member's status on the BOA; except that in the event of a long illness or other such case resulting in a prolonged absence, the member may be replaced.

J. Violation of Due Process

1. A member shall not participate in or vote on any quasi-judicial matter that would violate an 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.
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.

K. Rules of Procedure

1. The BOA shall adopt rules necessary to conduct its affairs and establish its organization, committees, procedures, meeting notice, and meeting conduct.
2. The BOA's rules of procedure shall be made available for public inspection in the Planning Department.

11.8 RESERVED

[placeholder for future use]