CHAPTER 15.02: ZONING

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Cross-reference:

Damage to private and town property, see § 13.01.003
Planning Board, see Ch. 3.05
Posting of county building permits, see § 13.01.005
Subdivisions, see Ch. 15.01

GENERAL PROVISIONS

§ 15.02.001 ENACTMENT.

(A) A chapter establishing comprehensive zoning regulation for the Town of River Bend, a municipal corporation of the State of North Carolina, and providing for the administration, enforcement, and amendment thereof, in accordance with the provisions of G.S. Chapters 143 and 160-A.

(B) Therefore, be it, and the same hereby is, enacted by the Town Council of the Town of River Bend, North Carolina.

§ 15.02.002 TITLE.

(A) These regulations shall be known, referred to, and cited as the Zoning Chapter of the Town of River Bend, North Carolina, and the map herein referred to as zoning map is identified by the title official zoning map, Town of River Bend, North Carolina.

(B) This zoning map is hereinafter made a part of these regulations, to be the same extent as if the information set forth on the map were fully described and incorporated herein.

(C) The zoning map shall be certified, sealed and kept at the town office.

§ 15.02.003 JURISDICTION.

The provisions of this chapter shall apply within the territorial and extraterritorial limits of the Town of River Bend, North Carolina, as now or hereafter fixed and shown on the zoning map as from time to time amended.

§ 15.02.004 PURPOSE.

This chapter is designed for the purpose of promoting health and safety, insuring orderly development, facilitating adequate parks and other public requirements, and promoting the general welfare of the community, and also providing standards and procedures to minimize the damage to the environment and property due to runoff of stormwater and during periods of flooding, providing a stormwater management plan that identifies paths through which stormwater will flow to the Trent River in a controlled manner.

§ 15.02.005 VALIDITY AND SEPARABILITY.

Should any section or provision of this chapter be declared invalid by the courts, the declaration shall not affect the validity of the chapter as a whole.

§ 15.02.006 EFFECTIVE DATE.

(A) This chapter shall take effect and shall be in force from and after 6-1-1981.

(B) Duly adopted by the Town Council of the Town of River Bend, North Carolina on 5-26-

1981.

GENERAL INTERPRETATION

§ 15.02.020 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY USE. A use customarily incidental and subordinate to the principal use of land or building, and located on the same lot with the principal use.

ADULT DAY CARE CENTERS. Adult day care centers shall comply with G.S. § 131D-6, which governs the inspection, licensing and certification of adult day care programs.

ALLEY. Privately or publicly owned right-of-way, primarily for service access to the back or side of abutting property, and not intended for general traffic circulation.

BUFFERING. Landscaping or other architectural measures to screen dissimilar uses from adjoining properties or private developments that abut the street right of way. Refer to §§ 15.02.220 *et seq*.

BUILDING. Any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry or other public or private purposes, or accessory thereto, and including mobile homes and unattached carports consisting of a roof and supporting members, and similar structures whether stationary or movable, built in accordance with the North Carolina State Building Code and manufactured homes built in accordance with the HUD Code.

BUILDING, ACCESSORY. A subordinate building on the same lot as the principal building, consisting of walls or supporting members and a roof, the use of which is customarily incidental to the use of a principal building on the same lot.

BUILDING, PRINCIPAL/MAIN. A building in which is conducted the principal or main use of the lot on which it is located. Principal and main are synonymous here and in all other usage throughout the code.

BUILDING SETBACK LINE. A line parallel to the front property line in front of which no structure shall be erected.

CHILD DAY CARE CENTERS AND NURSERIES. Child day care centers or nurseries shall comply with the G.S.§ 110, Article 7, which governs the licensing of day care facilities.

COMMERCIAL USE. Any use permitted by this chapter in a commercial district.

COMMERCIAL VEHICLE. A vehicle:

(1) With lettering or signage indicating use for commercial purposes; or

(2) In excess of ½ ton load capacity of a type customarily used for commercial purposes.

COUNTY. Craven County, North Carolina.

DIMENSIONAL NON-CONFORMITY. A non-conforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building

or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

DWELLING. A building or portion thereof designed, arranged or used for permanent living quarters for 1 or more families. The term ***DWELLING*** shall not be deemed to include a motel, hotel, tourist home or any structures designed for transient residence.

DWELLING, MULTIPLE. A building, including an apartment house, or portion of 1 used or designed as a residence for 3 or more families living independently of each other and doing their own cooking therein.

DWELLING, SINGLE-FAMILY. A building used or designated as a residence for a single family.

DWELLING, 2-FAMILY. A building or portion thereof used or designed as a residence for 2 families living independently of each other and doing their own cooking therein.

ELEVATION. In relation to mean sea level, new construction shall have the minimum elevation no less than 10.5 feet to the floor joist or no less than 11 feet to the lowest habitable floor, whichever is more restrictive.

FAMILY. One or more persons occupying a single family dwelling unit, provided that, unless all members are related by blood or marriage, no family shall contain more than 5 persons.

FRONT LOT LINE. The line of a lot contiguous with the street right-of-way.

IMPERVIOUS SURFACE. Any surface which because of its material or composition or compacted nature impedes or prevents natural infiltration of storm water into the soil. Impervious surfaces include, but are not limited to, roofs, roof extensions, patios, balconies, decks (except wood slotted decks), athletic courts, swimming pools (excluding the water are of swimming pool), streets, parking areas, driveways, sidewalks, and any concrete, stone, brick, asphalt, or compacted gravel surface. ***Added 03/18/10***

INCIDENTAL HOME OCCUPATION. Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes. See § 15.02.067.

INSTITUTIONAL USE. Any use permitted by this chapter in an institutional district.

JUNKYARD. Any land or area used, in whole or in part, for commercial storage and/or sale of waste paper, rags or scrap metal, and including commercial storage of inoperative motor vehicles and boats, and dismantling of vehicles or machinery.

LOT.

(1) A portion of a subdivision, or any other parcel of land, intended as a unit for transfer of ownership, or occupied or intended for occupancy by a principal building, together with its accessory buildings, including the open space required under this chapter.

(2) For the purpose of this chapter, ***LOT*** shall mean any number of contiguous lots of record for location of 1 principal building and its accessory buildings.

LOT, CORNER.

(1) A lot which occupies the interior angle of the intersection of 2 street rights-of-way which make an angle of more than 45 degrees and less than 135 degrees with each other.

(2) A ***CORNER LOT*** shall be deemed to have 2 front yards (1 contiguous with each street right-of-way), 1 side yard and 1 rear yard; provided, however, that for a ***CORNER LOT*** of record prior to 12-19-1990, the minimum side yard requirements for the main building shall be applicable to the front yard which is opposite the side yard.

(3) The owner shall be required to specify which is the side yard and which is the rear yard in his application for an initial zoning permit.

LOT DEPTH. The depth of a lot is the distance measured in the mean direction of the side lines of the lot from the midpoint of the front lot line to the midpoint of the rear lot line.

LOT OF RECORD. A lot which is part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of Craven County prior to the adoption or applicable amendment of this chapter, or a lot described by metes and bounds, the description of which has been recorded prior to the adoption or applicable amendment of this chapter.

LOT WIDTH. The distance between the side lot lines as measured at the building line.

LOW IMPACT DEVELOPMENT (LID). Low Impact Development (LID) is a design strategy with the goal of maintaining or replicating the pre-development hydrologic regime through the use of design techniques to create a functionally equivalent hydrologic site design. Hydrologic functions of storage, infiltration and ground water recharge, as well as the volume and frequency of discharges are maintained through the use of integrated and disturbed micro-scale stormwater retention and detention areas, reduction of impervious surfaces, and the lengthening of run-off flow paths and flow time. Other strategies include the preservation/protection of environmentally sensitive site features such as riparian buffers, wetlands, steep slopes, valuable (mature) trees, floodplains, woodlands, and highly permeable soils. ***Added 06/18/2009***

MAJOR RECREATIONAL EQUIPMENT. A boat, boat trailer, or any form of mobile camping equipment.

MANUFACTURED HOME.

(1) As provided in G.S. § 143-145(7), or any successor statutory definition.

(2) In the event that G.S. § 143-145(7) is repealed with no successor statutory definition, the term ***MANUFACTURED HOME*** shall mean a structure, transportable in 1 or more sections, which, in the traveling mode, is 8 feet or more in width or is 40 feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, and includes plumbing, heating, air conditioning and electrical systems contained therein.

(3) Notwithstanding anything to the contrary hereinabove, for purposes of this chapter, the term ***MANUFACTURED HOME*** shall also include an on-frame modular home as defined herein, but shall not include an off-frame modular home as defined herein.

MANUFACTURED HOME OVERLAY AREA. Lots 21 to 41 of Piner Estates, as shown on the Town of River Bend Map #8-205-1.

NON-CONFORMING LOT. A lot existing at the effective date of this chapter that does not meet the minimum area and dimensional requirements of the zoned area in which the lot is located.

NON-CONFORMING PROJECT. Any structure, development, or undertaking that is incomplete at the effective date of this chapter and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

NON-CONFORMING USE. A non-conforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the zoned area in which the property is located. The term also refers to the activity that constitutes the use made of the property.

OFF-FRAME MODULAR HOME. A structure that is designed to be used as a dwelling, is manufactured in accordance with the specifications of modular homes under the North Carolina State Residential Building Code, and bears a seal or label issued by the Department of Insurance pursuant to G.S. § 143-139.1, is composed of components substantially assembled in a manufacturing plant, and which is not transported to its site on an integral/permanent chassis.

ON-FRAME MODULAR HOME.

(1) A factory-built structure that is designed to be used as a dwelling, is manufactured in accordance with the specifications for modular homes under the North Carolina State Residential Building Code, and bears a seal or label issued by the Department of Insurance pursuant to G.S. § 143-139.1, and which is transported to its site on an integral/permanent chassis, or any other type of modular unit that does not expressly meet the definition of off-frame modular home as defined herein.

(2) For purposes of this chapter, an on-frame modular home constitutes a manufactured home as well, and is regulated herein as a manufactured home.

PERSONAL SERVICES. Occupations dealing with the body and/or physical appearance of a person that are regulated by the State of North Carolina by certification and/or registration.

PRIVATE CLUBS AND LODGES. Fraternal, athletic, dining and civic organizations or societies which are not inimical to the public health, welfare, safety, order or convenience.

PROFESSIONAL SERVICES. Occupations requiring special knowledge and academic degree and are regulated by the State of North Carolina by certification and/or registration.

REGULATED TREE. Regulated trees shall be defined as any tree with a circumference of 12.5 inches or greater, measured at 54 inches above the ground. ***Added 01/17/2008, Amended 04/16/2009***

STREET. A road or highway which affords the principal means for vehicular traffic access to abutting property and which has been dedicated to public use. ***STREET***, road and highway are synonymous.

STREET LIGHTING. Night time street illumination intensity meeting NCDOT requirements. Placed on town right-of-way so as not to interfere with traffic or property access.

STRUCTURE. Includes but not limited to a building, deck, swimming pool, bulkhead, dock, wall or fence, storage shed, tennis court, gazebo, and satellite antenna, but excluding specifically satellite antennas with dishes of 24 inches or less in diameter.

TIMBER HARVESTING. Timber Harvesting shall be defined as the cutting and removal of a quantity of timber: (i) for delivery of merchantable timber to market, or (ii) pursuant to a practice that reduces tree density and competition to concentrate growth on fewer, high-quality trees

(sometimes referred to as thinning); or (iii) otherwise resulting in the removal of more than twenty (20) regulated trees per acre. ***Added 09/17/2007, Amended 04/16/2009***

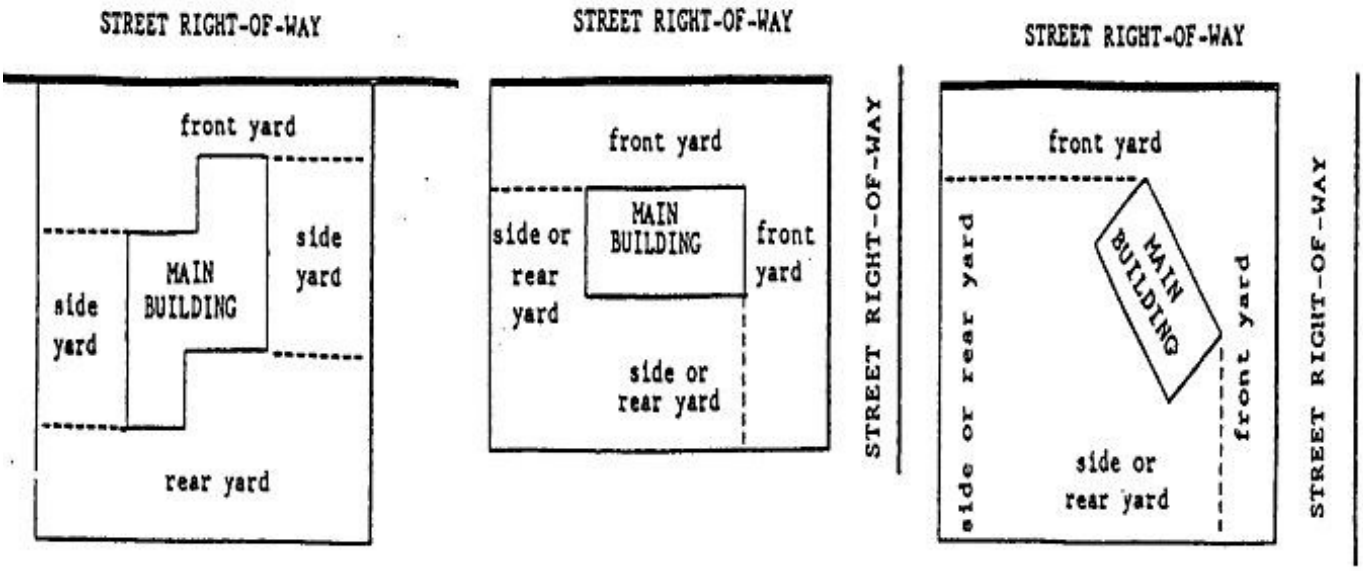
TOURIST HOME. A dwelling wherein rooms are rented to provide overnight accommodations for transient guests.

TOWN. The Town of River Bend.

TOWN COUNCIL. The Town Council of the Town of River Bend.

YARD. (1) The space on the same lot with the main building between the main building and the front lot line(s) (front yard), between the main building and the side lot line(s) (side yard), and between the main building and the rear lot line (rear yard).

(2) See examples below.



ZONING ADMINISTRATOR. The official charged with the administration of the Zoning Chapter.

§ 15.02.021 DISTRICT BOUNDARIES.

When uncertainty exists with respect to the boundaries of any district as shown on the official zoning map, Town of River Bend, North Carolina, the following rules shall apply.

(A) Boundaries indicated as approximately following the center lines of streets, highways, alleys, or railroads shall be construed to follow center lines.

(B) Boundaries indicated as approximately following platted lot lines shall be construed as following lot lines.

(C) Boundaries indicated as following shore lines shall be construed to follow the shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the course of streams, rivers, canals or other bodies of water shall be construed to follow center lines.

(D) Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

(E) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, the Board of Adjustment shall interpret the district boundaries.

(F) If a district boundary divides a lot, the requirements for the district in which the greater portion of the lot lies shall be extended to the balance of the lot; provided that this section shall not prohibit any division of any lot at the district boundary and use of the portion of the lot lying within any district or the uses permitted under the district classification on which portion of the lot is located, so long as the portion of the lot or the portion of the lot and additional adjacent property in the same ownership meet the minimum standards for the district in which located.

§ 15.02.022 DISTRICT REGULATIONS.

Regulations set by this chapter for each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

(A) No building, structure or land hereafter shall be used or occupied, and no building or structure or part thereof hereafter shall be erected, constructed, reconstructed, moved or structurally altered except in conformance with all of the regulations herein specified for the district in which it is located.

(B) No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet, at least, the minimum requirements established by this chapter.

§ 15.02.023 CONFLICT WITH OTHER ORDINANCES.

(A) This chapter shall not repeal, annul, or impair any existing provisions of law, ordinance or rules or regulations previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings or premises; provided, however, wherever the terms of this chapter require a greater width or size of yards, courts or other open spaces, or impose other higher standards than are required in any other statute or local ordinance or regulations, the provisions of this chapter shall govern.

(B) Wherever the provisions of any other statute, local ordinance or regulations require greater width or size yards, courts or other open space, or require a greater percentage of plot to be left unoccupied, or impose other higher standards than are required in this chapter, the provisions of the statute, local ordinance or regulation shall govern.

(C) All modifications heretofore granted by the Town Council shall remain in effect and binding.

(D) This chapter shall remain in effect insofar as required for the initiation of any proceedings against any violations and for the prosecution of violations heretofore commenced.

(E) Nothing in this chapter shall modify or repeal any deed restriction on land within the area of jurisdiction of this chapter, but no deed restriction shall constitute a basis for failing to comply with the chapter.

ESTABLISHMENT OF DISTRICTS

§ 15.02.035 GENERALLY.

(A) For the purpose of this chapter, the town is divided into use districts.

(B) Each type of district is listed with permitted uses and dimensional requirements.

(C) Any use not specifically permitted by this chapter is prohibited.

§ 15.02.036 RESIDENTIAL DISTRICTS.

Use District	*Permitted Uses*	*Dimensional Requirements*
R-20	Single Family Residential	20,000 square feet minimum lot area.
R-20A		
R-15	Single Family Residential	15,000 square feet minimum lot area.
PDR-SF	Planned Development Residential	Single family district is intended to provide for the unified development of permanent residential neighborhoods containing only single family detached dwellings. No tract shall be considered for PDR-SF zoning unless it contains at least 10 acres. The total density in a PDR-SF district shall not exceed 4 dwellings per acre of land.
PDR-MF	Planned Development Residential	Multi-family district is intended to provide for unified development of permanent residential neighborhoods with 1 and 2 story attached condominiums, apartments, and townhouses with no more than 4 dwelling units in a single building. No tract shall be considered for PDR-MF zoning unless it contains at least 5 acres. The total density in a PDR-MF district shall not exceed 6-1/2 dwellings per acre of land. Minimum distance between MF residential buildings is 20 feet.

§ 15.02.037 INSTITUTIONAL DISTRICTS.

Use District	*Designation*
ID	Established to allow churches, private clubs, academic day schools or preparatory schools, and health related facilities, provided they are located on adequate sites and have provision for parking for times of maximum attendance or use of the premises, with landscaping and controls over lighting and signs so as not to affect adversely adjoining properties.

§ 15.02.038 BUSINESS DISTRICTS.

Use District	*Designation*
BD	Established to allow commercial development for retailing of goods and services and to provide offices and personal services. All these businesses shall provide a pleasing appearance, ample parking, controlled traffic movement and suitable landscaping and controls over lighting and signs so as not to affect adversely any adjoining properties.
PD-BD Planned Development-Business District	Land to be developed with an intent to either sell or rent 2 or more completed buildings or separated portions of the same building. All provisions of §§ 15.02.135 *et seq.* shall apply.
The area of a Business District development not covered by building shall be illuminated after dark and until the last of the business close for the day. Direct illumination on non-business district property, including public highways, by business district area lighting is prohibited. Reduced intensity illumination for security purposes during non-business hours may be used and is encouraged. All provisions of §§ 15.02.135 *et seq.* shall apply.	

§ 15.02.039 WILDLIFE PRESERVE DISTRICTS.

Use District	*Designation*
WP	Established to assure the continuing existence of the fragile wetland habitat for perpetuation of plants and wildlife essential to the preservation of the present and unique quality of the River Bend Community. County soil surveys have identified the wildlife preserve as lying within soil areas classified as muck, subject to flooding, and basically suitable only as habitat for wetlands, plants and wildlife. Muck lands as described by County Soil Conservation Specialists are unsuitable for sanitary facilities and for building site development.
The Wildlife Preserve may include coastal wetlands and public trust areas, which are areas of environmental concerns as identified by NCAC Title 15, Subchapter 7H .0205 and .0207.	
Also included may be Wetlands or other areas that may be subject to the regulatory jurisdiction of the U.S. Army Corps of Engineers.	

§ 15.02.040 AGRICULTURAL DISTRICTS.

Use District	*Designation*
AGR	As noted on the River Bend land use plan, nearly all lands north and east of the Plantation Canal within the River Bend planning area are designated as prime farmland (about 80%) or important farmland (about 20%). In the interest of protecting and preserving this agricultural land and preserving River Bend's unique rural flavor, and agricultural district is hereby established.

§ 15.02.041 PERMITTED USES FOR RESIDENTIAL DISTRICTS.

(A) *Generally*. In these districts, no structures or premises shall be used and no structures or group of structures or part of a structure shall be erected, constructed, enlarged, altered, restored, converted, or relocated, or shall be designated to be used in whole or in part, except for 1 of the principal uses and 1 or more of the accessory uses set forth.

(B) *Permitted principal uses for R20, R-20A and R-15 Districts:*

(1) One family dwelling; and

(2) Village park.

(C) *Permitted accessory uses for R-20, R-20A, R-15, PDR-MF and PDR-SF Districts:*

(1) Private garden house, tool house, playhouse, greenhouse, bathhouse, boathouse, hobby shop, and studio not used for commercial or public purposes;

(2) Private swimming pool, tennis court or dock;

(3) Private garage or carport; and

(4) Storage for boat, house trailer, boat trailer or camper vehicle.

(D) *Permitted principal uses for PDR-SF & PDR-MF Districts*. A single-family detached dwellings or multi-family dwellings as defined in § 15.02.036.

(E) *Permitted accessory uses for MH District*. Private garden house, tool house, playhouse and greenhouse.
Penalty, see § 1.01.999

§ 15.02.042 PERMITTED USES FOR INSTITUTIONAL DISTRICTS.

Permitted uses for Institutional Districts:

(A) Private clubs and lodges;

(B) Academic day or preparatory schools;

(C) Health related facilities; and

(D) Churches.
Penalty, see § 1.01.999

§ 15.02.043 PERMITTED USES FOR BUSINESS DISTRICTS.

Permitted uses for Business Districts:

(A) Commercial development for stores, personal services, banks, restaurants, social and business associations and offices; and

(B) (1) Residential use in a business district is allowed as long as the use is incidental to the intended business use.

(2) Where more that 1 business is located on a property or within a structure, such as but not limited to, a strip mall or office complex, this residential allowance shall be applied to each individual business location within the property or structure.
Penalty, see § 1.01.999

§ 15.02.044 PERMITTED USES FOR WILDLIFE PRESERVE DISTRICTS.

Only development or other uses as are allowed by the United States Army Corps of Engineers and the North Carolina Department of Natural Resources and Community Development and for which required permits of the aforesaid agencies and/or the Town of River Bend have been issued.
Penalty, see § 1.01.999

§ 15.02.045 PERMITTED USES FOR AGRICULTURAL DISTRICTS.

Crop production, gardening, orchards, forestry and logging.
Penalty, see § 1.01.999

§ 15.02.046 ZONING MAP.

(A) The districts are bounded and defined as shown on a map entitled map of the Town of River Bend, Craven County, North Carolina which, with all explanatory matter thereon, hereby is adopted and made a part of this chapter.

(B) The zoning map shall be identified by the signature of the Mayor attested by the Town Clerk and shall bear the seal of the town under the following words: "This is to certify that this is the Official Zoning Map referred to in §§ 15.02.035 *et seq*. of the Zoning Chapter of the Town of River Bend, North Carolina," together with the date of adoption of this chapter.

§ 15.02.047 DISTRICT REQUIREMENTS.

For convenience in the administration of this chapter, there is hereby established and made a part of this chapter the following schedule for the several districts setting forth minimum limitations and requirements. The requirements listed for each district as designated are subject to all provisions of this chapter and, unless otherwise indicated, shall be deemed to be the minimum requirements in every instance of their application.

Schedule of District Requirements										
	R-20	***R-20A***	***R-15***	***PDR-MF***	***PDR-SF***	***ID***	***BD***	***WP***	***AGR***	***PD-BD***
Min. Lot Area (Sq. Ft.)	20,000	20,000	15,000		6,500	20,000	20,000	-	-	20,000
District Size				5 acres	10 acres					4 acres
Density				****	*****		******		******	

Schedule of District Requirements										
	R-20	***R-20A***	***R-15***	***PDR-MF***	***PDR-SF***	***ID***	***BD***	***WP***	***AGR***	***PD-BD***
Min. Front Lot Line - Ft.	90*	90*	85*	50**	50**	-	100	-	-	100
Min. Building Set Back - Ft.	30	30	30	25	25	40	40	-	-	40
Min. Side Yard - Ft.###										
Swimming Pool	10	10	10	-	-	10	-	-	-	-
Tennis Court	15	15	15	-	-	10	-	-	-	-
Main Building	10	10	10	10	10	10	10	-	-	10
Accessory Building	5	5	5	5	5	-	-	-	-	-
Min. Rear Yard - Ft.###										
Swimming Pool	10	10	10	-	-	10	-	-	-	-
Tennis Court	15	15	15	-	-	10	-	-	-	-
Main Building	15	15	15	15	15	10	20	-	-	20
Accessory Building	10	10	10	10	10	-	-	-	-	-
Floor Area - Sq. Ft.										
Main Building (Min. Heated)	1,800	1,450	1,250	-	1,150	1,500	1,500	-	-	2,150
(Each Unit)	-	-	-	1,075	-	-	-	-	-	1,500
Accessory Bldg. (Max.)	800	800	800	400	400	-	-	-	-	-
Max. Lot Coverage by Bldg. (Percent)	24	24	24	24	30	24	24	-	-	24
Max. Height - Ft.										
Main Building	34	34	34	34	34	34	34	-	-	34
Accessory Building	The lesser of 18 feet or one (1) story									
* 40 feet on cul-de-sac										
** 25 feet on cul-de-sac										
*** assumes both well and septic tank on lot										
**** Density - PDR-MF - No more than 6.5 dwelling units per acre										

Schedule of District Requirements										
	R-20	***R-20A***	***R-15***	***PDR-MF***	***PDR-SF***	***ID***	***BD***	***WP***	***AGR***	***PD-BD***
***** Density - PDR-SF - No more than 4 dwelling units per acre										
****** Density - BD, PD-BD - No more than 4 business units per acre										
### CAMA and FEMA setbacks, if applicable, take priority to town designated setbacks										

Penalty, see § 1.01.999 ***Amended 03/18/10***

§ 15.02.048 APPLICATION REQUIREMENTS FOR BUSINESS DISTRICT AREAS ZONED BD AND BD-PD IN HEAVILY TRAFFICKED AREAS.

(A) *General provisions.*

(1) The purpose of this section is to visually enhance and provide for the orderly development of business and commercial areas along the Highway 17 corridor that is adjacent to or within the town and its extraterritorial jurisdiction, and along Shoreline Drive from Highway 17 to the first intersection with Plantation Drive. A site plan review process regulates the development of structures and sites in a manner that considers the following concerns, and where necessary, requires modification of development proposals to eliminate or minimize potential problems and nuisances, and to encourage architecturally and aesthetically integrated development in accordance with adopted architectural and site design guidelines. In addition, this section is designed to compliment Article XXII of the City of New Bern's Code which outlines the architectural and aesthetic development of entrance corridors to the City of New Bern.

(2) The principal areas of interest are:

(a) Protection of property values;

(b) The balancing of the landowner's rights to use his land, with the corresponding right of abutting and neighboring landowners to live without nuisances such as noise, smoke, fumes, odors, and glare of lights, visual pollution and the like;

(c) The convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent areas or roads;

(d) Applicant's efforts to integrate the proposed development into the existing landscape, or to create a new "image" streetscape through design features such as vegetative buffers, berms, roadside plantings and the retention of open space; and

(e) The building setbacks, area and location of parking, architectural compatibility, and how these features harmonize with the surrounding developments and the natural landscape.

(B) *Projects site plan review.*

(1) Site plan review shall be required for all developmental projects involving the construction, exterior alteration, relocation, occupancy, or change in use of any building in the area zoned business or planned development business whose property lies adjacent to Highway 17 in the Town of River Bend or its extraterritorial jurisdiction area, or whose property is the result of the subdivision of those areas zoned business planned development business that would have been adjacent to Highway 17 had they not been subdivided. It also applies to the areas zoned business

planned development business along Shoreline Drive from Highway 17 to Plantation Drive. Should there be any question of the areas to which this section applies, the overlay prepared by the Town of River Bend defining these areas shall be the determining document.

(2) The site plan shall be reviewed by the Planning Board and Zoning Administrator.

(3) Site plan review shall be required for the resumption of any use discontinued for more that 6 months that involves an exterior change, or for the expansion of any use. Expansion shall include any activity that requires an increase in square footage of at least 15%, or a change in occupancy that requires a new certificate of occupancy. Required approval includes proposals for commercial, office, institutional, utility, multiple dwelling residential developments or recreational uses.

(a) It is the responsibility of the owner to notify the Zoning Administrator of any change of occupancy or usage on their property, in writing.

(b) The Zoning Administrator will determine if a site plan review or a new zoning permit is required.

(C) *Application procedures.*

(1) An application for site plan review in the overlay areas shall be submitted to the Zoning Administrator in accordance with the procedure set forth in § 15.02.166, by filing 3 copies of the site plan documents drawn to a scale not to exceed one inch equals 100 feet on standard 24 inch by 36 inch sheets. The town shall acknowledge receipt of these plans by endorsing them with a signature and date.

(2) The Zoning Administrator shall review the site plan and supporting documents, taking into consideration the reasonable fulfillment of the objectives listed in this section and shall render a decision which shall consist of either:

(a) Approval of the site plan based upon a determination that the proposed plan will constitute a suitable development and is in compliance with the standards set forth in this section;

(b) Approval of the site plan subject to any conditions, modifications, and restrictions as required by the Zoning Administrator which will insure that the project meets the listed principal areas of interest; or

(c) Disapproval of the site plan based upon a determination that the proposed project does not meet the standards for review set forth in this section.

(D) *Site plan submission requirements.*

(1) Site plans shall be prepared by a registered professional surveyor, landscape architect, architect, engineer or other professional with demonstrated skills to complete the site plan at a scale of 1 inch equals 100 feet, on standard 24 inch by 36 inch sheets, with continuation sheets on 8-1/2 inch by 11 inch sheets as necessary for written information.

(2) The site plan shall include the following data, details and supporting plans. All of the requirements must be met in each plan with notations explaining the reasons for any omissions. Items required for submission include:

(a) Name of project, boundaries, north arrow, scale, square footage or acreage in tract, and site plan vicinity map;

(b) Name and address of owner, developer, and seal of architect or similar professional, if applicable;

(c) Names and addresses of all abutting property owners;

(d) All existing and proposed lot lines, easements and rights-of-way;

(e) Location of all existing buildings and structures;

(f) Location of all existing and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, fences and walls. Location, type and screening details for waste disposal;

(g) Locations, dimensions and sketches of all proposed signage;

(h) A planting and berm plan showing all existing natural features, trees and water resources, and all proposed changes to those features including size and type of plant material;

(i) Zoning district classifications of subject site and abutting properties;

(j) Traffic flow patterns within the site, entrances and exits, loading and unloading areas, and curbing on the site;

(k) Elevation plans to a minimum scale of 1/8 inch equals 1 foot for all exterior facades of proposed or existing structures and additions;

(l) Approximate percentage of land to be covered by buildings;

(m) Proposed uses;

(n) Anticipated architectural style(s).

(E) *Enforcement*.

(1) The Zoning Administrator may revoke any zoning, special use, or conditional use permit to insure compliance with the plan and stated conditions of approval.

(2) The Zoning Administrator may also suspend any permit or license when work is not performed within 1 year of approval of the site plan.

(3) The permit issuing authority may extend the 1 year prior for good cause.

(4) Appeals to the decisions of the permit issuing authority may be made to the Board of Adjustment through procedures outlined in §§ 15.02.173 *et seq*. of this chapter.

(F) *Design guidelines and performance standards*.

(1) The following are the design guidelines and performance standards.

(2) Exceptions to these guidelines may be granted by the Board of Adjustment after reviewing the petition of the developer along with the recommendations of the Zoning Administrator.

(a) *Required standards*.

1. For those developments abutting Highway 17, entrance shall be from Pirates Road or Efird Boulevard. An exception may be granted for any single property not directly connected to Pirates Road or Efird Boulevard.

2. a. For all developments, each development under single ownership shall be limited generally to 1 driveway access to provide both ingress and egress.

b. In cases where it is determined by the Zoning Administrator that more than 1 driveway access would provide a more efficient circulation pattern within the development and would promote improved traffic safety, 1 additional driveway access may be permitted.

3. a. Shared driveway access between 2 neighboring developments shall also be recommended as a suitable alternative to the above mentioned requirement.

b. In these cases, it is recommended that the driveway midpoint be the property line between the 2 parcels.

c. The driveway must meet standard specifications, and the estimated driveway volume will be the sum of the trip generation rate of both land uses in question.

4. Those portions of the principal building visible from any street right-of-way shall be sheathed in materials such as wood siding, stone, stucco (drivet), brick or other masonry materials (excluding cinder block or regular concrete block). Metal facades may be used only with special permission of the Board of Adjustment upon recommendation of the Zoning Administrator. ***Amend 6/20/07***

5. All utilities leading to the buildings shall be underground.

6. State and county rules shall apply to the construction of holding ponds and other drainage issues and all drainage plans shall be in conformity with the North Carolina Stormwater Site Planning Guidance Manual to show how the land will be used. The proposed specifications and drawings defining the stormwater drainage plans for the new project and for any changes to existing drainage features outside the new area necessary to accommodate the plan, will be submitted. The use of LID design approaches is preferred and should be implemented to the maximum extent practical given the site's soil characteristics, slope, and other relevant factors. If LID design approaches are not proposed in the stormwater management plan, the applicant shall provide a full justification and demonstrate why the use of LID approaches is not possible before proposing to use conventional structural stormwater management measures which channel stormwater away from the development site. The proposed drainage plan shall be in conformity with the North Carolina Stormwater Site Planning Guidance Manual to show how the land will be used. It shall be signed and sealed by a Registered Professional Engineer, licensed to practice in North Carolina. ***Amended 06/18/2009***

7. All buffering shall meet the town's standard requirements as outlined in the town's Zoning Chapter, §§ 15.02.220 *et seq*.

8. All signs should be compatible with the building in terms of design, scale and materials, and meet the town's size and standard requirements as outlined in the town's Zoning Chapter.

(b) *Recommended standards*. In addition to the previous requirements, the following standards are recommended:

1. No more than 60% of the facade of any principal building facing the highway corridor should be of glass or other reflective material; and

2. Whenever possible, a planting area measuring an average of 5 feet in width should be provided around the periphery of all principal buildings in a development.
Penalty, see § 1.01.999

GENERAL DISTRICT REGULATIONS

§ 15.02.060 APPLICATION.

The regulations set forth in this subchapter shall affect all land, every building and every use of land and/or building existing at the time of the adoption of this chapter, and to new construction as follows.

(A) *New uses or construction*. After the effective date of this chapter, all new construction of buildings or structures and/or all use of land shall conform with the requirements for the district in which it is located.

(B) *Access and parking*. Each lot shall provide access to an approved street and shall provide adequate off-street parking. Each front lot line shall abut an approved street right-of-way line.

(C) *Completion of existing construction*. Nothing herein shall require any change in the plans, construction or designated use of a building actually under construction at the time of the passage of this chapter, or of a building for which a building permit has been issued and in which the entire building is completed within 1 year from the date of the adoption of this chapter.

(D) *Conforming uses or structures*. After the effective date of this chapter, any existing structures or uses of land or structures which then conform with the regulations for that district may be continued without specific permit, provided that any subsequent alteration or change in use shall conform with the requirements of this chapter.

(E) *Added territory*. All territory which hereinafter may be included within the town's jurisdiction either through annexation or extension of the town's extraterritorial area shall be classified into zoning districts determined by the Town Council, after the Town Council receives recommendations from the Planning Board and after advertised public hearing.
Penalty, see § 1.01.999

§ 15.02.061 PRINCIPAL AND ACCESSORY BUILDINGS.

(A) *Principal building*. No lot in any residential district shall be occupied by more than 1 principal building.

(B) *Manufactured home*. An off-frame manufactured home must meet the following additional requirements:

(1) Assembled on a permanent foundation consisting of a continuous perimeter weight bearing wall with storm ties embedded;

(2) Permanent underpinning of solid masonry;

(3) Permanent interior foundation support of solid masonry or its equivalent;

(4) Permanent steps and/or stoops to all exterior entries; a roofing surface of materials other than sheet goods; and

(5) An exterior siding of wood, masonry, vinyl or other non-metal construction.

(C) *Accessory building*. Except for detached garages and detached carports which may be located in a side yard, accessory buildings may be located only in a rear yard; provided, however, that all accessory buildings shall conform to the applicable requirements of § 15.02.047 for the district in which located and that no accessory building shall be located closer than 10 feet to the main building located on the same lot or closer than 10 feet to any other building located on the same lot. Any patio, deck, porch, stairs, and/or ramps, roofed or unroofed (attached or immediately proximate thereto), shall be considered a part of a building in the determination of distance between the accessory building and all other buildings located on the same lot. All accessory buildings must be constructed and anchored in accordance with current accepted North Carolina Residential Codes and FEMA Flood Damage Prevention Ordinances. ***Amended 01/15/2009***
Penalty, see § 1.01.999

§ 15.02.062 YARDS AND SETBACKS.

(A) *Patios, decks and porches*. Any patio, deck or porch, roofed or unroofed shall be considered a part of the building in the determination of yard setback.

(B) *Docks, walls and fences*.

(1) The yard requirements of this chapter shall not be deemed to prohibit docks, and any retaining walls including 1 used in conjunction with landscaping or terracing, nor to prohibit any wall or fence, provided that the wall or fence shall not exceed 7 feet in height in any required yard.

(2) The finished side of a wall or fence shall face the adjoining property or street.

(3) In residential districts R-20, R-20A, R-15 and PDR-SF, no wall or fence shall extend into the front yard.

(4) Prior to being issued a permit for a new boundary fence, or the extension of an existing boundary fence, the property owner must physically mark on their property the proposed location of the fence. The applicant then must obtain the written acknowledgement of all property owners adjacent to the location of the fence that the proposed location does not encroach on their property. If an adjacent property owner refuses to sign such acknowledgement or there is a claim that the proposed location encroaches on others' property, the applicant will be required to have a licensed surveyor certify that the proposed location does not encroach on the property of others. Further, the surveyor must, subsequent to the construction of the fence, certify that its location does not encroach on the property of others. The surveyor's certification or adjacent property owner acknowledgement and approval must accompany the initial zoning permit application and the post-construction surveyor certification (if applicable) must be submitted to the Zoning Administrator before a Certificate of Zoning Compliance is issued. ***Added 04/18/2013***

(C) *Visibility at intersections*.

(1) In all districts, a clear line of sight must be maintained within each line of sight triangle formed at the intersection of any street (public or private), excluding private driveways, with another street (public or private), so intersected.

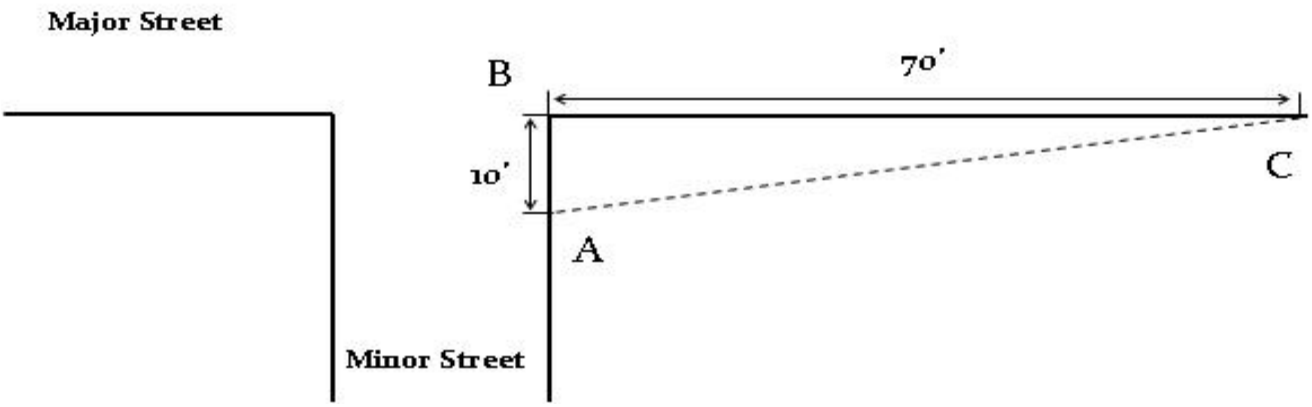
(2) To maintain a clear line of site, no fence, wall or other structure or planting of more than 3 feet may be placed within this sight triangle.

(3) The dimensions of the line of sight triangle shall be a point 70 feet along and with the street so intersected from the point of intersection, a point 10 feet along and with the street from the point of intersection, and a straight line extending from the 2 points so located. (See example below.)
Amended 04/16/09

(A) Point B – The point of intersection of the major street (street with the right of way) with the minor street (street which must yield to oncoming traffic).

(B) Point A – A point located 10 feet (measured along the pavement) from Point B on the minor street.

(C) Point C – A point located 70 feet (measured along the pavement) from Point B on the major street



(D) *Tiling and other changes in right of way ditches*.

(1) Where grassy swales currently exist as a drainage feature, the town will keep these drainage features. Normally, continuously piped storm drains will not be permitted. The tiling or other alteration of right of way drainage ditches shall be permitted only with the express approval of the Town Zoning Administrator and only after adequate verification that the tiling or other alteration will not impede or accelerate unreasonably the flow of stormwater runoff to adjoining property. If approval for the tiling is granted, the person requesting the approval shall install in conjunction with the tiling the catch basins as may be required by the Town Zoning Administrator after taking into consideration the length of the right of way drainage ditch to be tiled.

(2) Drainage ditch integrity shall be maintained against soil and/or drainage changes at all stages of construction with marl rip-rap, mulching, sodding and the like.

(E) *Buffering*. In applicable Zoning Districts, the provisions of §§ 15.02.220 *et seq*. of the Zoning Chapter shall apply.

(F) *Stormwater drainage*. ***Amended 06/18/2009***

(1) The proposed specifications and drawing defining the stormwater drainage plans, including the percentage of impervious surfaces, for the new project and for any changes to existing drainage features outside the new area necessary to accommodate the plan will be submitted. The proposed drainage plan shall be in conformity with the North Carolina Stormwater Site Planning Guidance Manual to show how the land will be used. It shall be signed and sealed by a Registered Professional Engineer, licensed to practice in North Carolina. ***Amended 03/18/10***

(2) The use of LID design approaches is preferred and should be implemented to the maximum extent practical given the site's soil characteristics, slope, and other relevant factors. If LID design approaches are not proposed in the stormwater management plan, the applicant shall provide a full justification and demonstrate why the use of LID approaches is not possible before proposing to use conventional structural stormwater management measures which channel stormwater away from the development site.

(3) Individual lot grading shall not accelerate, or increase nor divert the flow of stormwater onto adjacent private property.

(4) For those drainage ditches and drainage pipes installed in the town's right-of-way by the property owner, either current or prior, or the developer, it is the current property owner's responsibility to maintain those drainage ditches and pipes.

(5) The drainage ditches, and pipes, must be kept clear of obstructions which might retard the free flow of stormwater past their property and under their driveways.
Penalty, see § 1.01.999

§ 15.02.063 OTHER APPURTENANT STRUCTURES, UTILITIES AND RECREATIONAL EQUIPMENT.

(A) For the purpose of these regulations, swimming pools, TV satellite dish antennas and tennis courts as referenced in this section pertain to those that are an accessory use on a private residential lot.

(B) Those at a recreation center or club are considered separately and must meet the regulations for the district where they are permitted.

(1) *Swimming pools*. Swimming pools may be permitted as an accessory use in residential districts, provided the pool is not more than 6 feet above ground level, and provided

further that the pool retaining wall is not within 10 feet of any rear or side lot line. No swimming pool shall be permitted in the required front yard of a lot. Swimming pools permanently constructed below the ground level and exceeding 40 square feet in water area shall be protected by a 4 foot fence which may enclose the whole or part of the entire lot and which shall have self-closing gates and latches. Spill-offs and drainage from swimming pools shall not be permitted to flow onto adjacent property or streets.

(2) *Tennis courts*. Tennis courts may be permitted as an accessory use in residential districts, provided the minimum side yard is 15 feet and the minimum total of both side yards is 30 feet, and the minimum rear yard is 15 feet. No tennis court shall be permitted in the required front yard of a lot.

(3) *Recreational equipment, trailers and commercial vehicles*. Major recreational equipment, trailers and commercial vehicles shall be parked or stored behind the front line of the main building.

(4) *TV satellite dish antennas*.

(a) No satellite antenna with a dish larger than 24 inches in diameter for the purpose of receiving television or other communication signals from orbiting satellites shall be located on any vacant lot, on any building on any lot forward of the rear elevation of the principal building located on the lot, closer than 10 feet to the side lot line, closer than 10 feet to the rear lot line or at a height in excess of 15 feet above the existing grade of the lot upon which the antenna is located with the antenna in its vertical position. All dishes shall be effectively screened on the non-receptive sides to the height of the unit by evergreen natural screening. The shrubbery selected for the screening should be large enough to reach the height of the unit in 3 years. All TV antennas must be permanently installed. No mobile, temporary, or trailer mounted units are permitted.

(b) This section does not prohibit the installation of amateur radio antennas or towers.

(5) *Liquefied petroleum gas (LPG) tanks and cylinders*. All LPG tanks and cylinders must be effectively screened by shrubbery or fence which will block the tank from view when observed from the adjoining property, streets, golf course and waterways and shall be located only in the side or rear yard. This visual barrier must be in compliance with the code for access, venting and all other requirements of the National Fire Protection Association and River Bend's Zoning Chapter.

(6) *Dumpsters and off-street trash handling facilities.*. ***Amended 10/17/2007***

(a) All dumpster and trash handling facilities shall be located on the same zoning lot as the use served.

(b) All dumpster and trash handling facilities other than those temporarily placed for use during construction, shall be completely screened from public view, and from the

view of all adjoining property. A wall, solid wood fence, evergreen hedge, earth berm or any combination thereof shall be provided to obscure these facilities. However, when the service side(s) of the particular facility faces any property line, a wall or solid wood fence with gates or doors, must be provided. If shrubs are used as the screening material, they shall be from 4 to 5 feet in height, spaced no farther than 4 feet apart. If a wall, solid wood fence or earth berm is used as the screening material, its minimum height shall be 6 inches above the proposed facility.

(c) All dumpster and trash handling facilities shall be designed with appropriate, unobstructed means of access to a publicly maintained street or alley in a manner which will least interfere with traffic movement, and which will most facilitate the service of the facilities.

(d) Space allocated to any off-street dumpster and trash handling facilities shall not, while so allocated, be used to satisfy the space requirements for off-street parking and/or loading facilities or portion thereof, nor shall any parking or loading spaces be used to satisfy the space requirements for any dumpster or trash handling facility.

(e) Each dumpster, or other trash container, shall be properly covered so as to prevent debris from falling from, or otherwise coming out of the container. Covers shall be secured so as to guard against entry by children and animals.
Penalty, see § 1.01.999

§ 15.02.064 HEIGHT LIMIT.

(A) Building height is determined by calculating the distance from the average elevation of the finished grade at the front of the building facing the street to the highest point of the roof surface (for a flat roof) or the mean height level between the eaves and the ridge (for a gable, hip or gambrel roof).

(B) Architectural features and mechanical appurtenances such as steeples, cupolas, chimneys, antennas, ventilators, water towers or similar features which occupy no greater than 5% of the total square footage of a building may exceed the height limits of the district in which located, provided that they shall be erected only to the height as is necessary to accomplish the purpose they are intended to serve. Water towers shall be exempt from the 5% maximum restriction of total building square footage. Exceptions may be granted by the Board of Adjustment.
Penalty, see § 1.01.999

§ 15.02.065 TEMPORARY USES.

Temporary use of property for construction offices may be permitted and shall be limited to the construction site. Temporary construction offices shall be removed immediately upon completion or abandonment of construction.
Penalty, see § 1.01.999

§ 15.02.066 WATER SUPPLY AND SEWAGE DISPOSAL.

(A) *Approval*. Each application for an initial zoning permit or a special exception permit shall be accompanied with plans of the proposed method of water supply and sewage disposal. All new

construction having available public and/or community water and/or sewage disposal systems upon payment of applicable tap-on and other user fees and charges shall provide for connection to the water systems and/or sewage disposal systems and in accordance with § 5.01.007 of this Code, remain connected to said system(s) as the sole means of supplying potable water to and/or wastewater removal from all improvements on the property. No excavation for or construction of any building or use of land shall be commenced until approval of the Craven County Health Department is noted on the plans and an initial zoning permit is issued. ***Amended 06/18/2009***

(B) *Method to be specified.*

(1) Any application shall specify the method or methods to be used and shall describe any special conditions to be met.

(2) Subject to the provisions of division (A) above requiring connection to available public and/or community and/or sewage disposal systems, the methods and the approvals required, include the following:

(a) Connection to public water or sewage disposal systems operated by the town, or other governmental unit or agency with connection approval by an authorized officer of each system.

(b) Connection to community water or sewage disposal systems operated by a person, firm or corporation other entity other than a governmental unit or agency with connection approval by an authorized officer of each system.

(c) Installation of other than public water or sewage disposal systems of each appropriate authorizing agency.

Penalty, see § 1.01.999

§ 15.02.067 HOME OCCUPATIONS.

(A) Customary occupations and offices of a professional person such as a physician, dentist, architect, lawyer, engineer, artist, musician, real estate, insurance agent, accountant and the like, are permitted, provided the use is clearly incidental and subordinate to the residential use of a dwelling unit, and not more than 25% of the floor area is used in the conduct of home occupations.

(B) There shall be no change in the outside appearance of the building, no display shall be allowed upon the premises, and no person not a resident on the premises shall be employed specifically in connection with the home occupation. No process shall be used which may create noise, vibration, fumes or other nuisance.

(C) Parking generated by the conduct of home occupation shall be met by providing the space behind the front line of the dwelling.

(D) No signs are permitted in conjunction with home occupations.

Penalty, see § 1.01.999

§ 15.02.068 NON-CONFORMING SITUATIONS.

(A) *Generally.*

(1) A non-conforming situation occurs when, on the effective date of this chapter, an existing lot or structure or use of an existing lot or structure does not conform to 1 or more of the Town of River Bend Zoning Chapter and regulations applicable to the zoned area in which the lot or structure is located.

(2) Among other possibilities, a non-conforming situation may arise because:

(a) A lot does not meet minimum square footage requirements;

(b) Structures exceed maximum height limitations;

(c) The relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this chapter; or

(d) The land or buildings are used for purposes not permitted by this chapter.

(B) *Continuation of non-conforming situations and completion of non-conforming projects.*

(1) Non-conforming situations that were otherwise lawful on the effective date of this chapter may be continued, subject to the restrictions and qualifications set forth in the divisions below.

(2) Non-conforming projects may be completed only in accordance with the provisions of division (H) below.

(C) *Non-conforming lots.*

(1) When a non-conforming lot, existing prior to the adoption of this chapter, can be used in conformity with all of the regulations applicable to the intended use, except that the lot is smaller than the required minimum set forth in the town's Zoning Chapter, the lot may be used as proposed just as if it were conforming. However, no use, (e.g., a duplex) that requires a greater lot size for a particular zone is permissible on a non-conforming lot.

(2) When the use proposed for a non-conforming lot is 1 that is conforming in all other respects but the applicable setback requirements (see Town of River Bend Zoning Chapter § 15.02.047) cannot be complied with, then the Board of Adjustment, authorized by this chapter may issue a permit for the proposed use, in accordance with Town of River Bend Zoning Chapter § 15.02.175, variance if it finds that:

(a) The property cannot be developed for the use proposed without these deviations; or

(b) The property can be developed as proposed without any adverse impact on surrounding properties or the public health or safety.

(3) This section applies only to undeveloped non-conforming lots. A lot is undeveloped if it has no structures upon it.

(4) If, on the date this division becomes effective, an undeveloped non-conforming lot adjoins and has continuous frontage with 1 or more other undeveloped lots under the same ownership, then neither the owner of the non-conforming lot nor his successors in interest may take advantage of the provisions of this section. This division shall not apply to a non-conforming lot if a

majority of the developed lots located on either side of the street where the lot is located and within 500 feet of the lot are also non-conforming. The intent of this division is to require non-conforming lots to be combined with other undeveloped lots to create conforming lots under the circumstances specified herein, but not to require the combination when that would be out of character with the way the neighborhood has previously been developed.

(D) *Extension or enlargement of non-conforming situations.*

(1) Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of non-conformity of a non-conforming situation. In particular, physical alterations of structures or the placement of new structures on open land is unlawful if the activity results in:

(a) An increase in the total amount of space devoted to a non-conforming use; or

(b) Greater non-conformity with respect to dimensional restrictions such as setback requirements, height limitations or density requirements or other requirements such as parking requirements.

(2) Notwithstanding division (D)(1) above, any structure used for single family residential purposes (other than manufactured homes) and maintained as a non-conforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new non-conformities or increase the extent of existing non-conformities. Manufactured homes used for single family residential purposes may be enlarged or replaced in accordance with this division; provided, however, the enlargement or expansion in the case of those manufactured homes that have remained vacant beyond the 180 day discontinuance period shall be prohibited by this chapter. This division is subject to the limitations stated in division (G).

(E) *Repair, maintenance and reconstruction.*

(1) Minor repairs to and routine maintenance of property where non-conforming situations exist are permitted and encouraged. Renovation work estimated to cost more than 25% of the appraised valuation of the structure prior to damage and/or renovation, may be done only in accordance with a zoning permit issued pursuant to this section.

(2) For purposes of division (E)(1) above:

(a) The cost of renovation or repair or replacement shall mean the fair market value of the materials and services necessary to accomplish the renovation, repair, or replacement.

(b) The cost of renovation or repair or replacement shall mean the total cost of all the intended work, and no person may seek to avoid the intent of division (E)(1) by doing the work incrementally.

(c) 1. The appraised valuation shall mean either the appraised valuation for property tax purposes, updated as necessary by the increase in the consumer price index since the date of the last valuation or the valuation determined by a professionally recognized property appraiser.

2. It shall be the responsibility of the property owner to supply the town with the appraised valuation of the property. The valuation shall include the necessary documentation to support the valuation.

(3) The Zoning Administrator may issue a permit authorized by this section if he finds that, in completing the renovation, repair or replacement work:

(a) No violation of division (D) above will occur; and

(b) The permittee will comply to the extent possible with all provisions of this chapter applicable to the existing use except that the permittee shall not lose his right to continue a non-conforming use, except for those reasons outlined in division (G) below with a requirement of this division is not possible if compliance cannot be achieved without adding additional land to the lot where the non-conforming situation is maintained or moving a substantial structure that is on a permanent foundation.

(F) *Change in use of property where a non-conforming situation exists.*

(1) (a) A change in use of property that is sufficiently substantial to require a new zoning permit (§ 15.02.166) or special exception use permit (§§ 15.02.120 *et seq.*) may not be made except in accordance with divisions (F)(2) and (3) below.

(b) However, this requirement shall not apply if only a sign permit is needed.

(2) If the intended change in use is to a principal use that is permissible in the district where the property is located, and all of the other requirements of this ordinance applicable to that use can be complied with, permission to make the change must be obtained in the same manner as permission to make the initial use of a vacant lot. Once conformity with this chapter is achieved, the property may not revert to its non-conforming status.

(3) If the intended change in use is to a principle use that is permissible in the district where the property is located, but all of the requirements of this chapter applicable to that use cannot be complied with, then the Zoning Administrator may issue a permit authorizing the change. If the Zoning Administrator finds, in addition to any other findings that may be required by this chapter, that:

(a) The intended change will not result in a violation of division (D) above; and

(b) All of the applicable requirements of this chapter that can be complied with will be complied with. Compliance with a requirement of this chapter is not possible if compliance cannot be achieved without adding additional land to the lot where the non-conforming situation is maintained or moving a substantial structure that is on a permanent foundation. And in no case may an applicant be given permission pursuant to this division to construct a building or add to an existing building if additional non-conformities would thereby be created.

(4) A change in use to another principal use that is also non-conforming is not permissible.

(G) *Abandonment and discontinuance of non-conforming situations.*

(1) When a non-conforming use is discontinued for a continuous period of 180 days, the property involved may thereafter be used only for conforming purposes.

(2) If a non-conforming use is maintained in conjunction with a conforming use, discontinuance of a non-conforming use for the required 180 day period shall terminate the right to maintain it thereafter.

(3) When a structure or operation made non-conforming by this chapter is vacant or discontinued at the effective date of this chapter, the 180-day period for purposes of this division begins to run at the effective date of this chapter.

(H) *Completion of non-conforming projects.*

(1) All non-conforming projects on which construction was begun at least 180 days before the effective date of this chapter as well as all non-conforming projects that are at least 25% completed in terms of the total expected cost of the project on the effective date of this chapter may be completed in accordance with the terms of their permits, so long as these permits were validly issued and remain unrevoked and unexpired. If a development is designed to be completed in stages, this division shall apply only to the particular phase under construction.

(2) Except as provided in division (H)(1) above, all work on any non-conforming project shall cease on the effective date of this chapter, and all permits previously issued for work on non-conforming projects shall be revoked as of that date. Thereafter, work on non-conforming projects may begin or may be continued only pursuant to a zoning, special exception use or sign permit issued in accordance with this section by the individual or Board authorized by this chapter to issue permits for the type of development proposed. The Zoning Administrator may issue a permit if he finds that the applicant has in good faith made substantial expenditures or incurred substantial binding obligations or otherwise changed his position in some substantial way in reasonable reliance on the land use law as it existed before the effective date of this chapter and thereby would be unreasonably prejudiced if not allowed to complete his project as proposed. In considering whether these findings may be made, the Zoning Administrator shall be guided by the following, as well as other relevant considerations.

(a) All expenditures made pursuant to a validly issued and unrevoked building, zoning, sign or a special exception use permit shall be considered as evidence of reliance on the land use law that existed before this chapter became effective.

(b) Except as provided in division (H)(2)(a) above, no expenditures made more than 180 days before the effective date of this chapter may be considered as evidence of reliance on the land use law that existed before this ordinance became effective. An expenditure is made at the time a party incurs a binding obligation to make that expenditure.

(c) To the extent that expenditures are recoverable, a party shall not be considered prejudiced by having made those expenditures. For example, a party shall not be considered prejudiced by having made some expenditure to acquire a potential development site if the property obtained is approximately as valuable under the new classification as it was under the old, for the expenditure can be recovered by a resale of the property.

(d) To the extent that a non-conforming project can be made conforming and that expenditures made or obligations incurred can be effectively utilized in the completion of a conforming project, a party shall not be considered prejudiced by having made these expenditures.

(e) An expenditure shall be considered substantial if it is significant both in dollar amount and in terms of:

1. The total estimated cost of the proposed project; and

2. The ordinary business practices of the developer.

(f) A person shall be considered to have acted in good faith if actual knowledge of a proposed change in the land use law affecting the proposed development site could not be attributed to him.

(g) Even though a person had actual knowledge of a proposed change in the land use affecting a development site, the Zoning Administrator may still find that he acted in good faith if he did not proceed with his plans in a deliberate attempt to circumvent the effects of the proposed chapter. The Zoning Administrator may find that the developer did not proceed in an attempt to undermine the proposed chapter if he determines that:

1. At the time the expenditures were made, either there was considerable doubt about whether any ordinance would ultimately be passed, or it was not clear that the proposed ordinance would prohibit the intended development; and

2. The developer had legitimate business reasons for making expenditures.

(3) The Zoning Administrator shall not consider any application for the permit authorized by division (H)(2) above that is submitted more than 60 days after the effective date of this chapter. The Zoning Administrator may waive this requirement, but in no case may extend the application deadline beyond 1 year.

(4) The Zoning Administrator may establish expedited procedures for hearing applications for permits under this section, so that construction work is not needlessly interrupted.

(5) When it appears from the developer's plans or otherwise that the non-conforming project was intended to be, or could be completed in stages, segments or other discrete units, the Zoning Administrator shall not allow the non-conforming project to be constructed or completed in a fashion that is larger or more extensive than is necessary to ensure completion of the project.

(I) *Non-conformity use of land or minor structures*. Where at the time of passage of this chapter lawful use of land exists which would not be permitted by the regulations imposed by this chapter, and where the use involves no individual structure with an appraised value (***APPRAISED VALUE*** is the value recorded by the county tax assessor for county and municipal tax purposes.) exceeding $ 3,000, the use may be continued so long as it remains lawful, provided:

(1) No non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption of this chapter;

(2) No non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by the use at the effective date of adoption of this chapter;

(3) Non-conforming uses of land involving minor structures such as signs or stored junk materials such as storage yards, junk yards or salvage yards, shall be removed according to the following schedule after the effective date of this chapter:

Appraised Value of Minor Structure or Junk Material	*Time for Removal*
Less than $500	1 year
$500 to $999	2 years
$1,000 to $1,999	3 years
$2,000 to $2,999	4 years
$3,000 or more	5 years

Penalty, see § 1.01.999

OFF-STREET PARKING AND LOADING

§ 15.02.080 OFF-STREET PARKING REQUIREMENTS.

(A) There shall be provided at the time of the erection of any building permanent off-street parking space in the amount specified by this section.

(B) The parking space may be provided in a parking garage or properly paved open area.

(C) Except for residential parking spaces, all the parking area shall be in accordance with North Carolina State Department of Transportation standards.

(1) Each application for an initial zoning permit shall include information as to the location and dimension of off-street parking and loading space and the means of ingress and egress to the space. This information shall be sufficient detail to enable a determination whether or not the requirements of this section are met.

(2) The required parking space for any number of separate uses may be combined in 1 lot but the required space assigned to 1 use may not be assigned to another use, except that ½ of the parking space required for churches, theaters or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.

(3) If the off-street parking space required by this chapter cannot be reasonably provided on the same lot on which the principal use is located, the Board of Adjustment may, as a special exception, permit the space to be provided on any land within 400 feet of the main entrance to the principal use, provided the land is in association with the principal use and is zoned for the principal use involved. The land shall be used for no other purpose so long as no other adequate provision for parking space meeting the requirements of this chapter has been made for the principal use and is zoned for the principal use involved.

(4) (a) The minimum number of required off-street parking spaces shall be calculated from the following table. In the case of a building or use not expressly provided for, the number of off-street spaces shall be the same as for a similar use of inclusive category which is provided for.

(b) Where there is more than 1 use in a single structure or on a single tract, or 2 or more instances of the same use, the minimum number of required off-street parking spaces shall be equal to the sum of the requirements of the various uses.

(5) The following parking requirements shall be applied as indicated in the schedule of district use regulations of this chapter.

Minimum Off-street Parking Facility Requirements	
Category	***Parking Spaces Required***
A	2 parking spaces per dwelling unit
B	2 parking spaces per dwelling unit plus 1 for each 4 dwelling units
C	1 parking space per room plus 10% of that number of employees
D	3 parking spaces in addition to residence requirements
E	1 parking space for each 4 seats in the principal place of assembly
F	Parking space requirements are conditional with individual special exception use permits granted
G	1 parking space for each 200 square feet of gross floor area
H	1 parking space for each 600 square feet of gross floor area
Minimum Off-street Parking Facility Requirements	
Category	***Parking Spaces Required***
I	1 parking space for each 1,000 square feet of gross floor area
J	2 parking spaces for the lot plus 1 parking space for each service bay area

Penalty, see § 1.01.999

§ 15.02.081 OFF-STREET LOADING REQUIREMENTS.

(A) (1) The number of off-street loading berths required by this section shall be considered as the absolute minimum.

(2) For purposes of this section, an off-street loading berth shall have minimum plan dimensions of 12 feet by 25 feet and 14 feet overhead clearance with adequate means for ingress and egress.

(B) For non-residential structures containing not more than 25,000 square feet of gross floor area, 1 berth shall be required.

(C) For non-residential structures containing 25,000 or more square feet of gross floor area, the number of berths specified in the table below shall be provided.

Square feet of Gross Floor Area	***Required Number of Berths***
25,000 - 40,000	1

Square feet of Gross Floor Area	*Required Number of Berths*
40,000 - 100,000	2
100,000 - 160,000	3
160,000 - 240,000	4
240,000 - 320,000	5
320,000 - 400,000	6
Each 90,000 above 400,000	1

Penalty, see § 1.01.999

§ 15.02.082 OFF-STREET MINIMUM PLANTING REQUIREMENTS.

Parking areas in all commercial office and institutional, multi-family, non-residential uses in a residential district, and planned unit developments which have 10 or more parking spaces shall be planned as follows:

(A) (1) For every 10 spaces provided, 1 planting area of not less than 9 by 18 feet shall be required. This area shall either be spaced between each 10 parking spaces or otherwise randomly combined or spaced within the parking area to provide a planting area which shall be planted according to a planting plan.

(2) There must be uniform planting of trees and other plant material with a parking area, rather than having all required planting space combined into 1 area or along the perimeter of the parking lot.

(3) (a) There shall be 1 tree no less than 2 inches in caliper for each 9 by 18 foot planting area. The type of tree and the planting must be consistent with good design standards, as shown on a planting plan sealed by a licensed landscaper, and given to the Community Appearance Commission (CAC).

(b) The CAC shall review the plan and make written recommendations for approval or revision within 30 days to the Town Zoning Administrator, together with reasons therefor for final approval by the Town Zoning Administrator.

(B) Shrubbery, hedges and other live plant material may be used to complement the tree planting, but shall not be substituted for the tree.

(C) Each planting area approved in accordance with division (A) above may be counted as 1 parking space when computing the number of parking spaces required.

(D) The owners, their heirs and assigns shall be responsible for protecting and maintaining all planting in a healthy growing condition, replacing it when necessary and keeping it free of refuse and debris.

(E) All planting plans shall provide the following general information:

(1) Approximate locations of required plant material to be planted on the site; and

(2) Information on the quality and caliper of all trees to be planted or retained on the site.
Penalty, see § 1.01.999

§ 15.02.083 ACCESS TO OFF-STREET PARKING AND OFF-STREET LOADING.

(A) No portion of any driveway providing access from a public street to off-street parking or off-street loading as required under this chapter shall be constructed within the right-of-way of any street or over any adjacent drainage ditch which, in the opinion of the Zoning Administrator, would create a safety hazard or would retain or impede unduly the flow of water in the drainage ditch; and each application for an initial zoning permit shall include information as to the design of the driveway providing access to off-street parking and off-street loading together with information as to the type, size and proposed elevation of any drainage tile or pipe proposed for installation within the right-of-way of any street or within any drainage ditch in sufficient detail to enable a determination of whether or not the requirements of this section are met.

(1) Parking only on an improved parking area: any motor vehicle located on a property in which the principal use is a residential dwelling and which is parked, stored, or otherwise located between the street and the front or corner side building line of the dwelling shall be parked, stored, or otherwise located only on an improved parking area for the property.

Added 03/18/10, Amended 08/18/13

An improved parking area shall be that portion of the property that is graveled or paved with an all-weather surface (such as asphalt, concrete, brick, stone, or similar material) and provides access to the street. ***Added 03/18/10***

The improved parking area shall:

(a) Be maintained in a safe, sanitary, and neat condition;

(b) Not contribute to or increase soil erosion;

(c) In any new area, be graveled or paved with an all-weather surface;

(d) Connect directly with the existing driveway and, to the extent practical on the site, be located such that it is not located directly in front of the dwelling.

Added 03/18/10, Amended /13

The foregoing provisions do not apply to short-term parking for guests, contractors, and the like, provided that the short-term parking is infrequent and of a duration that does not exceed two consecutive days.

Added 03/18/10, Amended /13

(B) All driveways constructed within the right-of-way of any street or over any adjacent drainage ditch and all drainage tiles or pipes installed within the right of way of any street or within any drainage ditch shall be constructed and/or installed in strict conformity with the information provided as aforesaid.

(C) Drainage ditch integrity shall be maintained against soil erosion and/or drainage changes at

all stages of construction with marl rip-rap, mulching, sodding and the like.

(D) The portion of any driveway between the front lot line and the street pavement shall be paved.
Penalty, see § 1.01.999

SIGNS

§ 15.02.095 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADVERTISING SIGN. A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered:

(1) Only elsewhere than upon the premises where the sign is displayed; or

(2) Is as a minor and incidental activity upon the premises where the sign is displayed.

BUSINESS SIGN. A sign which directs attention to a business or profession located upon the premises where the sign is displayed, to type of products sold, manufactured, or assembled, and/or to service or entertainment offered on the premises, but not a sign pertaining to the preceding if the activity is only minor or incidental to the principal use of the premises.

FREESTANDING SIGN. A sign that:

(1) Is permanent; and

(2) Is attached to, erected on, or supported by some structure such as a pole, mast, or frame that is not itself an integral part of a building or other structure having a principal function other than the support of a sign.

NON-CONFORMING SIGN. A sign that, on the effective date of this chapter, does not conform to 1 or more of the regulations set forth in this chapter.

OFF-PREMISES SIGN. A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction or other activity that is conducted, sold or offered at a location other than the premises on which the sign is located. The structure on which an advertising sign is displayed of type commonly known as billboard is also an advertising sign.

SHINGLE SIGN. A small signboard hanging or protruding so that both sides are visible, which has no dimension more than 2 feet which is no larger in area than 3 square feet. A ***SHINGLE SIGN*** may be mounted as a wall sign so that only 1 side is visible.

SIGN. Any surface, fabric or device bearing lettered, pictorial or sculptured matter designed to convey information visually and exposed to public view; or any structure designed to carry the above visual information.

TEMPORARY SIGN.

(1) A sign that:

(a) Is used in connection with a circumstance, situation or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of the sign;

(b) Is intended to remain on the location where it is erected or placed for a period of generally not more than 15 days; or

(c) Is displayed on a premises only during normal operating hours and then removed from that location.

(2) If a sign display area is permanent, but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

WALL SIGN. A sign attached or erected against the wall of a building or structure, only 1 side of which is visible.

YARD SALE AND OTHER PRIVATE EVENT SIGNS. Yard sale signs or any other signs advertising an event of any type on private property.

§ 15.02.096 SIGN PERMIT REQUIRED.

(A) Except as otherwise provided in §§ 15.02.097 and 15.02.098, no sign may be erected, moved, enlarged or substantially altered except in accordance with the provisions of this subchapter.

(B) Signs not exempted under the provisions referenced in division (A) above may be erected, moved, enlarged or substantially altered only in accordance with a sign permit issued by the Zoning Administrator.

(1) Sign permit applications and sign permits shall be governed by the same provisions of this chapter applicable to zoning permits.

(2) (a) In the case of a lot occupied or intended to be occupied by multiple business enterprises (e.g. a shopping center), sign permits shall be issued in the name of the property owner rather than in the name of the individual business, and it shall be the responsibility of the owner to allocate among the tenants the permissible maximum sign surface area that has been approved by the Zoning Administrator.

(b) Upon application by the owner, the Zoning Administrator must approve a master sign plan that allocates permissible sign surface area to the various buildings or businesses within the development according to an agreed-upon formula, and thereafter sign permits may be issued to individual tenants by the Zoning Administrator or his designee only in accordance with the allocation contained in the master sign plan. In the event an owner is unwilling or unable to devise a master sign plan, the plan shall be developed by the Zoning Administrator using building frontage as a calculation for total sign area.
Penalty, see § 1.01.999

§ 15.02.097 SIGNS EXEMPT FROM REGULATION. *Amended 04/18/2013*

The following signs are exempt from regulation under this subchapter except for the regulations embodied in § 15.02.107:

(A) Signs not exceeding 2 square feet in area that are customarily associated with residential use and that are not of a commercial nature, such as signs giving property identification names or numbers or names of occupants, signs on mailboxes or paper tubes and signs posted on private property related to private parking or warning the public against trespassing or danger from animals.

(B) Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs and traffic, directional or regulatory signs.

(C) Official signs of an informational nature erected by public utilities.

(D) Flags, pennants or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device.

(E) Signs directing and guiding traffic on private property that do not exceed 2 square feet each and that bear no advertising information.

(F) Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs.

§ 15.02.098 CERTAIN TEMPORARY SIGNS; PERMIT EXEMPTIONS AND ADDITIONAL REGULATIONS.

Amended 04/18/2013

(A) The following temporary signs are permitted without a zoning, special use, conditional use or sign permit. However, these signs shall conform to the requirements set forth below as well as all other applicable requirements of this subchapter except those contained in §§ 15.02.101 and 15.02.103.

(1) *Signs containing the message that the real estate on which the sign is located (including buildings) is for sale, lease or rent, together with information identifying the owner or agent*. Real estate signs advertising residential properties shall not exceed 4 square feet in area and shall not be illuminated. Real estate signs advertising commercial property shall not exceed 32 square feet in area and shall not be illuminated. All real estate signs shall be removed within 10 days of sale, lease or rental. Only 1 real estate sign is permitted for each property with the exception of properties abutting waterways or the golf course, which may have 2 signs.

(2) *Construction site identification signs*. These signs may identify the project, the owner or the developer, architect, engineer, contractor, and subcontractors and funding sources and may contain related information. Not more than 1 sign may be erected per site and may not exceed 32 square feet in area. These signs may be erected no more than 30 days prior to the issuance of a building permit, and shall be removed within 10 days after the issuance of the final occupancy permit.

(3) *Displays of a non-commercial nature, including lighting, erected in connection with the observance of holidays*. These signs shall be removed within 10 days following the holiday or established holiday season.

(4) *Signs erected in connection with elections or political campaigns*. Election signs are permitted, provided that:

(A) One (1) sign shall be permitted per individual lot or parcel for each candidate for office or side of a ballot measure or ussue; for a lot or parcel with frontage on a second street, one (1) additional sign for each candidate for office or side of a ballot measure or issue shall be permitted

to front the second street.

(B) Such signs shall be located on private property and not within the public-right-of-way or affixed to any improvement within such right-of-way (median, utility pole, traffic control device, bridge, guardrail, or other safety barrier), within a required sight distance triangle, or on Town property or buildings. However, signs may be placed on designated areas of Town Hall property on Election Day under rules established by the Craven County Board of Elections, and the Town Manager not inconsistent therewith.

(C) Such signs shall be located only on private property with the property occupant's consent (or, if unoccupied, the property owner's consent). It shall be presumed the property occupant, or property owner as the case may be, has given permission or consents to the sign's placement unless the property occupant or owner notifies the Town otherwise.

(D) Such a sign shall not be erected more than forty-five (45) days prior to the beginning date of "one-stop" early voting in Craven County, and shall be removed within ten (10) days following the date of any election or other event to which it refers.

(E) Such a sign shall not exceed four (4) square feet in area per sign face or forty-two (42) inches in height.

(F) The property occupant or, in the case of an unoccupied property, the property owner, shall be responsible for violations contained therein.

(5) *Yard sale signs:* Yard sale signs or any other signs advertising an event of any type on private property shall not exceed 4 square feet in area and may be erected only 1 day prior to the event. The signs shall be removed immediately at the conclusion of the event for which the sign was posted. The signs must be self-supporting and may not be attached in any manner to utility poles, traffic sign posts or any other structure, including specifically but not limited to any sign maintained by the town. Notwithstanding contrary provisions of this subchapter, signs regulated by this section may be placed within street rights of way or public property provided that the signs are removed within the time limits prescribed by this section and are not placed in any area adjacent to any residential property of any type unless permission is received from the occupant.

(B) Temporary signs cannot be located within street rights-of-way or public property unless approved by the Town Council or its designee. In no case shall a sign be located less than 15 feet from the edge of the pavement. When it is not possible to locate a sign 15 feet from the edge of the pavement as required, a waiver may be requested and the Town Zoning Administrator shall view the site where the sign is to be displayed and make a determination in writing. One copy shall be given to the applicant, 1 copy to the Police Department and 1 copy retained in the files of the Zoning Administrator.

(C) (1) Temporary signs promoting charitable causes, local or special events of interest to the residents of the town may be erected upon approval from the Zoning Administrator who will review the reason for the sign, proposed location and size.

(2) Signs shall be erected no sooner that 10 calendar days prior to the event and removed within 2 calendar days after the close of the event.

(3) The signs shall not be in place for a period exceeding 30 calendar days.
Penalty, see § 1.01.999

§ 15.02.099 DETERMINING THE NUMBER OF SIGNS.

Without limiting the generality of the definitions of signs outlined in § 15.02.095, a multi-sided sign shall be regarded as 1 sign as long as:

(A) With respect to V-type signs, the 2 sides are at no point separated by a distance that exceeds 5 feet; and

(B) With respect to double-faced (back-to-back) signs, the distance between the backs of each face does not exceed 2 feet.

§ 15.02.100 COMPUTATION OF SIGN AREA.

(A) (1) The surface area of a sign shall be computed by including the entire area that forms the extreme limits of the writing representation, emblem or other display, forming a square, rectangle, triangle or circle as appropriate, together with any material or color forming an integral part of the background of the display used to differentiate the sign from the backdrop or structure against which it is placed.

(2) This does not include any supporting framework or bracing that is clearly incidental to the display itself. This definition also applies to letters, symbols or other types of signage placed on the side of a building.

(B) If the sign consists of more than 1 section or module, all of the area including that between sections or modules, shall be included in the computation of the sign area.

(C) (1) Unless otherwise provided for in § 15.02.099 (B), the surface area of 2-sided, multi-sided or 3-dimensional signs shall be computed by including the total of all sides designed either to attract attention or communicate information that can be seen at 1 time by a person from any vantage point.

(2) For example, with respect to a typical 2-sided sign where a message is printed on both sides of a flat surface, the sign surface area of only 1 side (rather than the sum total of both sides) shall be regarded as the total sign surface area of that sign, since one can see only 1 side of the sign from any vantage point.

§ 15.02.101 TOTAL SIGN SURFACE AREA.

(A) Unless otherwise provided in this subchapter, the total surface area devoted to all signs on any lot shall not exceed the limitations set forth in this section. Temporary signs shall not be included in this calculation. Freestanding signs, while included in this calculation, are subject to maximum sizes as contained in § 15.02.102.

(B) Unless otherwise provided in this subchapter, the maximum sign surface area permitted on any lot in a residential zoning district is 2 square feet.

(C) Subject to other provisions of this subchapter, the maximum sign surface area permitted on any lot in an area zoned BD, BD-PD or ID as set forth in this Zoning Chapter shall be determined by

the following charts:

Where the Speed Limit is 50 mph or Greater	
Property Frontage (linear feet)	***Maximum Sign Surface (square feet)***
100 or less	54
101 - 125	56
126 - 150	67
151 - 175	79
176 - 200	90
201 - 225	101
226 - 250	112
251 - 275	124
276 - 300	135
301 - 325	146
326 - 350	157
351 - 375	169
376 or more	180

Where the Speed Limit is Less than 50 mph	
Property Frontage (linear feet)	***Maximum Sign Surface (square feet)***
200 or less	54
201 - 225	56
226 - 250	63
251 - 275	69
276 - 300	75
301 - 325	81
326 - 350	87
351 - 375	94
376 or more	100

(D) If a lot has frontage on more than 1 street, then the owner shall designate which street frontage constitutes the primary street frontage of the property and shall receive 100% of the allowable sign surface area for the street. For that street frontage that is deemed to be secondary, the owner shall receive up to 50% of the total sign surface area for that street frontage.

(E) In a commercial shopping center consisting of 3 or more units that share common party walls, the developer or owner of the shopping center may determine the sign surface area requirements by following the provisions outlined above in division (C) above concerning lot frontage or by using a building frontage calculation in which 1 square foot of signage is allowed for each square foot of retail frontage.

(F) The sign surface area of any sign located on a wall of a structure shall not exceed 25% of the total surface area of the wall of a building from end to end. Penalty, see § 1.01.999

§ 15.02.102 FREESTANDING SIGN SURFACE AREA.

(A) For purposes of this section, a side of a free-standing sign is any plane or flat surface included in the calculation of the total sign surface area as provided in § 15.02.100. For example, wall signs typically have 1 side. Free standing signs typically have 2 sides (back-to-back), although 4-sided and other multi-sided signs are also common.

(B) With respect to freestanding signs that have no discernible "sides" such as spheres or other shapes not composed of flat planes, no freestanding sign may exceed the surface area delineated in § 15.02.100.
Penalty, see § 1.01.999

§ 15.02.103 NUMBER OF FREESTANDING SIGNS.

(A) Except as authorized in this section, no development (e.g shopping center, office complex) may have more than 1 freestanding sign.

(B) If a development is located on a corner lot that has at least 200 feet of frontage on each of the 2 intersecting public streets, then the development may have not more than 1 free standing sign on each side of the development bordered by these streets.

(C) If a development is located on a lot that is bordered by 2 public streets that do not intersect at the lot's boundaries (double front lot), then the development may not have more than 1 freestanding sign on each side of the development bordered by these streets.
Penalty, see § 1.01.999

§ 15.02.104 SUBDIVISION DEVELOPMENT ENTRANCE SIGNS.

One sign is permitted at any entrance to a subdivision. A single side of any sign may not exceed 32 square feet. The signs must be located on the subdivision site and may only be illuminated by external lighting in accordance with state and county electrical codes.
Penalty, see § 1.01.999

§ 15.02.105 LOCATION AND HEIGHT REQUIREMENTS.

(A) (1) No sign may extend above any parapet or be placed upon any roof surface, except that for purposes of this section, roof surfaces constructed at an angle of 75 degrees or more from horizontal shall be regarded as wall space.

(2) This section shall not apply to displays, including lighting, erected in connection with the observances of holidays on the roofs of residential structures.

(B) (1) No part of a freestanding sign located in an area zoned BD or BD-PD may exceed a height of 28 feet, measured from the grade of the street from which access to the property is provided if the speed limit of the street toward which the sign is primarily oriented is 50 mph or greater, and a height of 20 feet if the speed limit of the street toward which the sign is primarily oriented is less than 50 mph.

(2) No part of a freestanding sign located in an area zoned Institutional (ID) may exceed a height of 15 feet measured from the grade of the street from which access to the property is provided.

(C) (1) No sign may project from any building over any street right-of-way.

(2) No free standing sign may project over any street right-of-way.

(D) No sign may be placed within the right-of-way of any public street maintained by the Town, unless expressly permitted by any other provision of the Town's Code of Ordinances or approval by the Town Manager. Any sign placed in violation of this section shall be deemed a public nuisance and may be seized and disposed of by an enforcement official or other representative of the Town.

Added 08/18/2013

Penalty, see § 1.01.999

§ 15.02.106 SIGN ILLUMINATION AND SIGNS CONTAINING LIGHTS.

(A) Unless otherwise prohibited by this chapter, signs may be illuminated if the illumination is in accordance with this section. All illuminated signs shall comply with the North Carolina Electrical Code and shall be approved by the Zoning Administrator.

(B) Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential premises. The reflection from these signs shall not exceed 25% of the lumens directed toward the sign measured from the property line of the lot upon which the sign is located.

(C) Festoons of lights that outline property lines, sales areas, roof lines, doors, windows or similar areas are prohibited. This does not apply to temporary signs erected in connection with the observance of holidays.

(D) No illuminated sign shall be of the flashing or intermittent variety.

(E) (1) Temporary signs may be illuminated only with the special permission of the Zoning Administrator.

(2) This permission shall be in writing with a copy of the permission provided to the Police Department and a second copy kept in the Zoning Administrator's files.

Penalty, see § 1.01.999

§ 15.02.107 NON-CONFORMING SIGNS.

(A) A non-conforming sign may not be altered or relocated except to bring the sign into complete conformity with the Town of River Bend Zoning Chapter, §§ 15.02.095 *et seq*.

(B) If a non-conforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed or replaced except in conformity with all the provisions of the Town of River Bend Zoning Chapter, §§ 15.02.095 *et seq.*, and the remnants of the former sign structure shall be cleared from the land. For purposes of this section, a non-conforming sign is destroyed if damaged to the extent that the cost of restoring the sign to its former stature, or replacing it with an equivalent sign, equals or exceeds 25% of its value.

(C) The message of a non-conforming sign may be changed so long as this does not create new non-conformities (for example, by creating an off-premises sign under circumstances where a sign would not be allowed.)

(D) Subject to the other provisions of this section, non-conforming signs may be repaired and renovated so long as the cost of the work does not exceed 25% of its fair market value within any 12 month period.

(E) (1) Within 1 year after the effective date of this chapter, the Zoning Administrator shall make every effort to identify all the non-conforming signs within the town's planning jurisdiction. He shall then contact the person responsible for each sign (as well as the owner of the property where the non-conforming sign is located, if different from the former) and inform the person:

(a) The sign is nonconforming;

(b) How it is non-conforming;

(c) What must be done to correct it and by what date; and

(d) The consequences of failure to make the necessary corrections.

(2) The Town Clerk working with the Zoning Administrator shall keep complete records of all correspondence, communications and other actions taken with respect to these non-conforming signs.
Penalty, see § 1.01.999

§ 15.02.108 MISCELLANEOUS.

(A) No off premises signs are permitted.

(B) Window signs shall be placed only inside buildings and shall not exceed the lesser of 12 square feet or 25% of the total glass area upon which the signs are displayed.

(C) No sign shall be mounted on a mobile framework or movable apparatus.

(D) No sign may be located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.

(E) All signs must be constructed and erected in accordance with the Southern Building Code and its related North Carolina building code amendments and shall be able to withstand wind pressures and load distributions as specified in the most current edition of the North Carolina Building Code and any International Building Codes.

(F) All signs not properly maintained and determined to be a nuisance by the Zoning Administrator are subject to repair and/or removal by the town at the expense of the owner of the sign. The sign owner will be provided with written notice by the town 10 working days prior to the sign's removal. Furthermore, whenever an outdoor advertising structure has outlived any useful purpose for which it was intended, it shall be removed forthwith.

(G) No sign may be erected on town-maintained or private rights-of-way so that by its location, color, size, shape, nature or message it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.

(H) (1) Signs on the town's water towers are permitted.

(2) The water tower sign may only identify the Town of River Bend and should not be more than 10% of the total surface area of the vessel containing the water.

(I) (1) In addition to signs already permitted, churches, schools and other non-commercial institutions may have 1 on-site bulletin board not exceeding 12 square feet in area.

(2) The bulletin board may be illuminated, shall be set back a minimum of 15 feet from the right-of-way and shall not exceed 10 feet in height.

(J) For each lot located in an area zoned ID, 1 sign or bulletin board not exceeding 54 square feet in area and 15 feet in height measured from the grade of the street from which access to the property is provided, may be erected.

(K) Violations of any provision of this section shall be subject to all penalties under this chapter, as provided for in § 1.01.999.
Penalty, see § 1.01.999
Cross-reference:
General District regulations, see § 15.02.060 et seq.

SPECIAL EXCEPTION USE REGULATION

§ 15.02.120 GENERAL REGULATIONS.

(A) Permission may be granted by the Board of Adjustment for the establishment of uses listed as special exception uses (SE) in the district use regulation tables in this subchapter, after Planning Board review and recommendations and after a public hearing held by the Board of Adjustment. And further, that the Board of Adjustment finds that:

(1) The proposed use does not affect adversely the general plans for the physical development of the town as embodied in these regulations or in any plan or portion thereof adopted by the Planning Board and/or the Town Council;

(2) The proposed use will not be contrary to the purposes stated in these regulations;

(3) The proposed use will not affect adversely the health and safety of residents and workers in the zoned area;

(4) The proposed use will not be detrimental to the use or development of adjacent properties or other neighborhood uses;

(5) The proposed use will not be affected adversely by the existing uses;

(6) The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of the use;

(7) The proposed use will not constitute a nuisance or hazard because of number of persons who will attend or use these facilities, vehicular movement, noise or fume generation or type of physical activity;

(8) The standards set forth for each particular use for which a permit may be granted have been or will be met;

(9) The proposed use shall be subject to the minimum area, setback and other dimensional requirements of the zoning district in which it will be located; and

(10) The proposed use shall be subject to the off-street parking and service requirements of these regulations.

(B) The Board of Adjustment shall impose or require any additional restrictions and standards as may be necessary to protect the health and safety of workers and residents of the community, and to protect the value and use of property in the general neighborhood.

(C) Whenever the Board of Adjustment shall find, in the case of any permit granted pursuant to the provisions of these regulations, that any of the terms, conditions or restrictions upon which the permit was granted are not being complied with, the Board shall rescind and revoke the permit after giving due notice to all parties concerned.

(D) If construction of a use authorized by a special exception use permit does not begin within 6 months of the time the permit is issued, the permit shall be revoked.
Penalty, see § 1.01.999

§ 15.02.121 APPLICATION FOR SPECIAL EXCEPTION PERMITS.

(A) (1) An application for special exception use permits shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator.

(2) If rezoning is to be requested in connection with the request for a special exception use, the request shall be made concurrent with the application for the special exception use.

(B) A fee shall be paid the Town of River Bend for each application for a special exception use permit. In addition, costs for retaining legal, planning, engineering and other technical or professional services in connection with the review of special exception use permit applications may be charged to the applicant.
Penalty, see § 1.01.999

§ 15.02.122 REVIEW AND APPROVAL OF SPECIAL EXCEPTION USES.

(A) (1) The application forms for a special exception use permit shall be transferred along with required plans, plats and the like to the Planning Board by the Zoning Administrator 7 days before a regularly scheduled Planning Board meeting so that the application can be placed on the Board's agenda.

(2) At this meeting, the owner of the property for which the special exception use is sought or his agent shall appear.

(B) The Planning Board shall review the application for details, where applicable, of the site, situation, existing and proposed structures, architectural plans, neighboring land and water uses, proposed parking areas, driveway locations, highway access, traffic generation and circulation potential, drainage, waste disposal, water supply systems and the effects of the proposed use, structure, operation and potential changes in water quality, shoreland cover, natural beauty and wildlife habitat.

(C) (1) The Planning Board shall consider recommending conditions that may be placed in the granting of the special exception use permit by the Board of Adjustment.

(2) These conditions may include items such as landscaping, architectural design, type of construction, construction commencement and proposed completion dates, sureties, lighting, fencing, location, size and number of signs, water supply and waste disposal systems, performance standards, street dedication, certified survey maps, floodproofing, ground cover, sedimentation control from the project construction, terraces, stream bank protection, planting of buffer screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, yard sizes or additional parking.

(D) In addition, the Planning Board shall check for compliance of the requested special exception use with all other relevant provisions of this subchapter, such as lot dimensional requirements, building heights, parking and loading standards.

(E) The Planning Board shall consider the application at the first regular meeting of the Planning Board after receiving the completed application. Within 45 days after the meeting at which the application is considered, the Planning Board shall make its written recommendations and pass them on to the Board of Adjustment.

(F) The Zoning Administrator shall set a date and advertise for Board of Adjustment public hearing. The Board of Adjustment shall review the application and all recommendations from the Planning Board.

(G) The Board of Adjustment shall approve or deny the application following a public hearing provided for in division (F) above.

(H) After approval or conditional approval of the special exception use by the Board of Adjustment, the Board shall notify the Zoning Administrator of the approval. Notification shall be by a written letter signed by the Chairperson of the Board of Adjustment, and a copy of the approval letter shall be forwarded to the special exception use permit applicant and the Planning Board Chairperson.

(I) (1) Rejection of an application for a special exception use permit shall be recorded in the minutes of the Board of Adjustment meeting during which the decision was made.

(2) Notification of the rejection or denial of an application for a special exception use permit shall be a letter signed by the Chairperson of the Board of Adjustment.

(3) The letter shall state reasons for denial and reference the specific sections or paragraphs in this chapter that would be violated if the special exception use were granted.

(4) The denial letter shall be forwarded to the applicant by certified or registered mail and copies of the letter shall be forwarded to the Chairperson of the Planning Board and the Zoning Administrator.

(5) One copy shall be retained in the files of the Board of Adjustment.
Penalty, see § 1.01.999

§ 15.02.123 SPECIFIC REQUIREMENTS FOR SOME SPECIAL EXCEPTION USES.

(A) *Accessory building in Business Districts (BD).*

(1) May be allowed in the event that state or federal regulations require storage of flammable or other dangerous materials outside of the principal building and where these materials are necessary for the principal use to be continued.

(2) Accessory building shall not be allowed in the front yard.

(B) *Churches.*

(1) Minimum side and rear yards of at least 50 feet.

(2) All buildings and related uses shall be no closer than 25 feet from the nearest property line.

(C) *Day care centers and nurseries.* Day care centers or nurseries shall comply with the G.S., Chapter §110, Article 7, which governs the licensing of day care facilities.

(D) *Hospitals, nursing homes and/or extended medical facilities.* Side, front and rear yards shall be at least 50 feet.

(E) *Schools, public or private.*

(1) Minimum side and rear yards of at least 50 feet.

(2) All accessory buildings and related uses shall be at least 25 feet from the nearest property line.

(3) An off-street loading and unloading area for vehicles carrying pupils shall be provided.

(F) *Service stations and other automotive-oriented business establishments.* Due to the nature of the materials handled, the light, noise and other nuisances that sometimes are related to service stations, automobile repair facilities, automobile washing facilities and similar establishments catering to the needs of the motoring public, certain minimum standards for development of these business uses are established as follows:

(1) A buffer shall be provided along all property lines of the uses which abut a residential district or lot which is occupied by a residential use;

(2) All gasoline pumps and other stationary equipment shall be at least 24 feet off the edge of pavement and 12 feet off the edge of right of way; and

(3) All areas subject to daily or frequent use of vehicles shall be paved.

(G) *Janitorial supplies*. Due to the nature of the materials handled which could be a safety hazard, the business owner must demonstrate strict control of chemical supplies by showing capability to comply with all federal and state regulations.
Penalty, see § 1.01.999

§ 15.02.124 DISTRICT USE REGULATIONS.

For convenience in the administration of this chapter, there hereby is established and made a part of this chapter the following schedule of district use regulations.

SCHEDULE OF DISTRICT USE REGULATIONS									
P = Use permitted by right									
SE = Special exception use permitted upon approval by Board of Adjustment after recommendation of the Planning Board									
Blank or Unlisted Activity = Prohibited Use									
USE	***R20 R20A***	***R15***	***PDR-SF***	***PDR-MF***	***ID***	***BD***	***BD-PD***	***AGR***	***Park Code****
Accessory Building	P	P	P	P	SE	SE	SE	P	
Adult Day Care					P	P	P		G
Bakery, Retail						P	P		G
Financial Services						P	P		G
Barber Shop/Beauty Shop						P	P		G
Boats and Trailer Sales						SE	SE		G
Cabinet, Woodworking or Upholstery Shops						P	P		G
Child Day Care						SE			
Churches	SE	SE	SE	SE	P	SE	SE		E
Clubs and Lodges, Private					P	SE	SE		F
Clothing Store						P	P		G

SCHEDULE OF DISTRICT USE REGULATIONS									
P = Use permitted by right									
SE = Special exception use permitted upon approval by Board of Adjustment after recommendation of the Planning Board									
Blank or Unlisted Activity = Prohibited Use									
USE	***R20 R20A***	***R15***	***PDR-SF***	***PDR-MF***	***ID***	***BD***	***BD-PD***	***AGR***	***Park Code****
Computer Sales and Service						P	P		G
Dairy Bar and Ice Cream Parlors						P	P		G
Drug Store						P	P		F
Dry Cleaners/Drop Off/Pick Up Only						P	P		G
Dwellings, Single-Family	P	P	P	P		SE			A
Dwellings, 2-Family				P		SE			A
Dwellings, Multi-Family				P		SE			B
Fire Dept. Buildings	SE	SE	SE	SE	SE	SE	SE		F
Fitness Center						P	P		G
Florists/Gift Shop						P	P		G
Furniture Store						P	P		G
Golf Course	SE	SE	SE	SE	P	SE	SE		F
Grocery Store						P	P		G
Hardware Sales						P	P		G
Home Occupations	P	P	P		P				G
Jewelry and Watch Repair						P	P		G
Libraries	SE	SE	SE	SE		P	P		G
Marina						P			G

SCHEDULE OF DISTRICT USE REGULATIONS									
P = Use permitted by right									
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Blank or Unlisted Activity = Prohibited Use									
USE	***R20 R20A***	***R15***	***PDR-SF***	***PDR-MF***	***ID***	***BD***	***BD-PD***	***AGR***	***Park Code****
Nursing Home and Rest Home					P				G
Office for Business, Professional and Personal Services						P	P		G
Pet Shops Excluding Veterinary Services						P	P		G
Pharmacy						P	P		G
Photo Shop/Supplies						P	P		G
Police Station	SE	SE	SE	SE	SE	SE	SE		F
Public Enterprise**	SE	SE	SE	SE		SE	SE		F
Public Utility	SE	SE	SE	SE	SE	SE	SE		F
Restaurants					P	P	P		F
Schools	SE	SE	SE	SE	SE				F
Service Station						SE	SE		J
Shoe Sales and Repair						P	P		G
Sporting Goods Sales						P	P		G
Storage Rental Units/Areas						P	P		G
Travel Agency						P	P		G
Utility Tanks, Pumps, Electrical Substations and Related Services	SE	SE	SE	SE	SE	SE	SE	SE	

SCHEDULE OF DISTRICT USE REGULATIONS									
P = Use permitted by right									
SE = Special exception use permitted upon approval by Board of Adjustment after recommendation of the Planning Board									
Blank or Unlisted Activity = Prohibited Use									
USE	***R20 R20A***	***R15***	***PDR-SF***	***PDR-MF***	***ID***	***BD***	***BD-PD***	***AGR***	***Park Code****
Wholesale and/or Retail Janitorial Sales & Services						SE	SE		F
Youth Center					P	P	P		G
* Parking code described in § 15.02.080									
** As defined by G.S. § 160A-311									

Penalty, see § 1.01.999 ***Amended 11/18/10***

§ 15.02.125 CONTROL OF BACKFLOW AND CROSS-CONNECTIONS.

(A) *Purpose*.

(1) The purpose of this section is to protect the public potable water supply of the town from the possibility of contamination or pollution by isolating within the consumer's internal distribution system(s) or the consumer's private water system(s) such contaminants or pollutants which could backflow into the public water system.

(2) This section shall apply to all users connected to the town's public potable water supply regardless of whether the user is located within the town limits or outside the town limits.

(B) *Definitions*. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AIR-GAP SEPARATION. An unobstructed vertical distance through the atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the receptacle. An approved air-gap vertical separation shall be at least double the diameter of the supply pipe. In no case shall the air-gap be less than 1 inch.

APPROVED. Certified in writing by the Operator in Responsible Charge as an acceptable device or methodology for the purpose of backflow prevention.

AUXILIARY INTAKE. Any piping connection or other device whereby water may be secured from a source other than public water supply.

BACKFLOW. Any flow of water into the public water supply from any other source due to a cross-connection, auxiliary intake, interconnection, backpressure, back siphonage, any combination thereof, or other cause.

BACKPRESSURE. Any pressure on any source of water other than the public water supply that may be greater than the pressure on the public water supply and may result in a backflow.

BACKFLOW PREVENTION DEVICE. An approved effective device method used to prevent backflow from occurring in the potable water supply. The type of device required shall be based on degree of hazard, existing or potential.

BACK-SIPHONAGE. Any circumstance in which the pressure on the public water supply may be reduced to the point that the elevation and atmospheric pressure on a source of water other than the public water supply may result in a pressure to be greater than the pressure on the public water supply and may result in a backflow.

CERTIFIED TESTER. A person who has proven his competency to test, repair, overhaul and make reports on backflow prevention devices as evidenced by certification of successful completion of a training program approved by the (Operator in Responsible Charge).

CONFINEMENT DEVICE. A backflow prevention device, as approved and required, installed within a private plumbing or distribution system to isolate a localized hazard from the remainder of the system.

CONSUMER. Any person, firm, or corporation responsible for any property at which water from the town public water supply is received. In the absence of other parties or the failure of other parties to accept the responsibilities herein set forth, the owner of record shall be ultimately responsible. A backflow prevention device as approved installed at the point of separation between the public water supply and a private service or private distribution system or at the point of metering.

CONTAMINATION. The presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to degrade its quality as to constitute a hazard or impair the usefulness of the water.

CONTAINMENT DEVICE. A backflow prevention device, as approved and required, installed at the point of separation between the public water supply and a private service or private distribution system or at the point of metering.

CROSS-CONNECTION. Any physical connection whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such a manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or back-pressure valves, or because of any other arrangement.

CROSS-CONNECTION CONTROL COORDINATOR. The official position established and authorized by the town designated by the Operator in Responsible Charge to administer, interpret this section, and who shall be a certified tester.

DOUBLE CHECK VALVE BACKFLOW PREVENTION DEVICE. An approved assembly composed of 2 single, spring-loaded independently operating check valves, including tightly closing shut-off valves located at each end of the assembly, and having suitable connections for testing the water tightness of each check valve.

DUAL CHECK VALVE. An approved device containing 2 independently acting check valves in series.

FIRE LINE. A system of pipes and equipment used to supply water in an emergency for

extinguishing fire.

INTERCONNECTION. Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, heat exchanger, storage reservoir, or other device which does or may contain sewage or other waste or substance which would be capable of imparting contamination to the public water supply.

OPERATOR IN RESPONSIBLE CHARGE. A person who holds a cross-connection control certification issued by the state of North Carolina and is designated in writing by the town to serve in this position

PRESSURE VACUUM BREAKER. An approved assembly containing an independently operating spring loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve. The assembly must be equipped with suitable connections for testing the proper operation of the device and tightly closing shut-off valves located at each end of the assembly.

PUBLIC WATER SUPPLY. The water and waterworks system of the town and its customers outside the town limits, for general use and which supply is recognized as the public water supply by the North Carolina Department of Environmental Health and Natural Resources.

REDUCED PRESSURE ZONE PRINCIPLE BACKFLOW PREVENTION DEVICE (RPZ). An approved device containing within its structure, 2 spring loaded independently operating check valves, together with an automatically operating pressure differential relief valve located between the 2 check valves. The first check valve reduces the supply pressure a predetermined amount so that during normal flow and at cessation of normal flow, the pressure between the checks shall be less than the supply pressures. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves less than the supply pressure. This device shall have suitable connections for testing the proper operation of the device, including tightly closing shut-off valves located at each end of the device.

(C) *Compliance with federal and state law.* The town will comply with the Federal Safe Drinking Water Act, the North Carolina Drinking Water Act, and North Carolina State Building Code, which pertain to cross-connections, auxiliary intakes and interconnections, and establish an effective ongoing program to control potential sources of contamination of the public water supply.

(D) *Unlawful connections.* It shall be unlawful for any person to cause a cross-connection, auxiliary intake or inter-connection to be made; or allow one to exist for any purpose whatsoever.

(E) *Inspection of property.* It shall be the duty, upon request of the Operator in Responsible Charge, of the Cross Connection Coordinator to cause inspections to be made of properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and re-inspections shall be set by the Operator in Responsible Charge.

(F) *Right of access.* The Operator in Responsible Charge, or authorized representative, shall have the right to enter, at reasonable time, any property served by a connection to the town public water supply for the purpose of performing the duties of this section. In those cases in which the property owner chooses not to provide such access, the Operator in Responsible Charge, or authorized representative, may designate the location as a high hazard in accordance with division (H).

(G) *Existing conditions.* Any consumer shall be allowed 90 days to correct any cross-connections, auxiliary intakes, interconnections or other hazard as defined by division (H) in

violation of the provisions of this section. The 90 days will be from the date of receipt of the notification given by the Cross Connection Coordinator.

(H) *Hazardous uses.*

(1) The following uses shall be classified as hazardous uses:

(a) Hazardous uses include, but are not limited to: pumps and tanks handling sewage, radioactive, lethal, or toxic substances, boiler and steam connections, sewer waste lines, low inlets to receptacles containing toxic substances, coils or jackets used as heat exchangers, flush valve toilets without vacuum breaks, bacterial and viral materials, private wells or other private water supply, irrigation systems, water systems or hose connections, with booster pumps, carbonation equipment, or similar hazard potential as determined by the cross connection coordinator.

(b) Any location at which the nature or mode of operations within a premises are such that frequent alterations are made to the plumbing or at which there is a likelihood in the determination of the Cross Connection Coordinator that protective measures may be subverted, altered, or disconnected.

(c) Any facility which contains, but is not limited to, a bottling plant, cannery, building having 5 or more stories, battery manufacturer, exterminator, greenhouse, chemical processing plant, dairy, dye works, film laboratory, car wash, hospital, commercial laboratory, laundry, metal fabricating operations, mortuary, swimming pool, morgue, x-ray equipment, medical office with laboratory, aspirator, medical washing equipment, packing house, plating plant, poultry house, power plant, nuclear reactor, those fire sprinkler systems equipped with facilities for introduction of freeze preventive chemicals or other substances other than water, dental office, any radioactive material, restaurant, shopping mall with tenant conducting any activity listed in this section and sewage pump or treatment facilities.

(2) All installations described in subsection (1) shall be deemed hazardous uses, and must have a containment device in the form of a reduced pressure zone backflow prevention device unless the consumer demonstrates to the satisfaction of the Cross Connection Coordinator that sufficient internal confinement devices have been installed and tested. The Cross Connection Coordinator may require that the consumer provide engineering drawings sealed by a professional engineer of installations within the premises, which provide complete internal protection against cross-connection as approved by the Cross Connection Coordinator. Any connection shall be considered another connection for determining the type of containment device required. Each internal confinement device shall be 1 of the following, as approved by the Operator in Responsible Charge or his authorized representative: reduced pressure zone principle backflow prevention device, double check valve backflow prevention device, air gap, vacuum break-pressure type, or dual check valve. Each reduced pressure zone principal backflow prevention device serving as an internal confinement device shall have a mesh strainer immediately upstream of the inlet gate valve.

(3) No person shall fill any tanks or tankers which include the following: those containing pesticides, fertilizers, other toxic chemicals or residues, flush trucks, street sweepers, and non-potable water tankers from a public water system except with an approved air gap fill or an approved reduced pressure backflow preventor properly installed on the tank or tanker or on the public water supply fill pipeline or hose.

(I) *Other connections.*

(1) Services to single-family residential units, not otherwise required by this code to have other containment devices, shall have a containment device in the form of an approved dual check valve assembly installed by the Water Resources Department at the water meter. Maintenance of dual check valve containment devices installed in accordance with this section shall be conducted by the Water Resources Department. Testable containment devices are required on lawn irrigation water systems and must be tested every 3 years by a contractor that has been approved by the town.

(2) Residential services installed prior to 1999 shall not be required to be retrofitted with containment devices. However, if at any time the meter must be replaced, an approved dual check valve device shall be installed by the Water Resources Department at the time of the meter replacement.

(J) *Installation of containment devices.*

(1) The containment devices shall be located off street right-of-way on the water main side of any plumbing connections. When installed in a building, the device shall be located on the service line immediately after its entrance into the building. Each containment and confinement device shall be installed in a location that is physically accessible for inspection and testing as determined by the Cross Connection Coordinator. Containment devices, which have been buried in the ground, do not satisfy the provisions. Each reduced pressure principle zone device shall be installed such that flooding of the device is unlikely as determined by the Cross Connection Coordinator.

(2) The Operator in Responsible Charge shall maintain a list of approved manufacturers and models of hazard containment devices and drawings of standard installation, copies to be made available through the Office of the Water Resources Department office and the Zoning Administrator's office. Only those reduced pressure zone principle backflow prevention devices and double check valve backflow prevention devices which have been approved by the Foundation for Cross Connection Control and Hydraulic Research (or its successor) shall be used with the public water system of the town. Only those vacuum breakers, dual check valve devices, and reduced pressure zone devices which have been approved by the American Society for Sanitary Engineers or the University of Southern California (or their successors) shall be used with the public water system of the town. All installations and materials shall conform to town standards as set by the Operator in Responsible Charge.

(3) The consumer shall be financially responsible for any costs associated with the maintenance, testing, and replacement as applicable of any containment or confinement devices.

(4) The cost of the means of containment, and any other plumbing modifications necessary and convenient thereto, and the testing and maintenance thereof is to be paid for by the consumer.

(K) *New construction.* All buildings, proposing to connect to the public water system of the town receiving building permits, on or after the effective date of this section, shall be equipped with an approved and properly functioning backflow prevention device(s), as prescribed herein, prior to the issuance of a Certificate of Code Compliance for that building. If a building permit was issued for the building prior to the effective date of this section, or a building permit was not required, the building shall be considered to be an existing building prior to the effective date, in accordance with division (G).

(L) *Notification of consumer.*

(1) Upon identification of a hazard, or hazard potential, as defined in divisions (H) and (I) , the Cross Connection Coordinator, shall notify the consumer, of record, of the property on which the hazard exists of the following:

(a) Location of hazard.

(b) Nature of hazard observed.

(c) Date hazard observed.

(d) Section of code applicable.

(e) Requirements of code.

(2) The notification to be made by certified mail, with return receipt requested.

(M) *Change in nature of use*. The consumer shall report any change in the nature of use of a property which may effect the hazard classification of the property to the Operator in Responsible Charge.

(N) *Consumer responsibilities*.

(1) The consumer shall, upon notification, as defined in division (L), install the hazard containment device(s) as required within 90 days from the date of notification.

(2) If, after expiration of 90 days, the containment device(s) has not been installed in conformance with standards set by the Operator in Responsible Charge, in a proper working condition, the Operator in Responsible Charge may discontinue the public water supply service at that premises, and service shall not be restored until the devices have been installed. The Operator in Responsible Charge may permit an extension of up to 90 additional days if compliance efforts are underway and the existence of hardship can be demonstrated.

(3) The town shall bear no liability for direct or consequential damages proximately caused by the discontinuance of service pursuant to this section.

(O) *Testing and maintenance of devices*. The consumer at each property at which containment and/or confinement device(s) have been installed, except those with devices installed in accordance with division (I), shall have each containment and/or confinement device(s) tested on an annual basis, and perform any routine maintenance to the device as recommended by the manufacturer, and provide the Cross Connection Coordinator with a report of that inspection and work. The consumer shall cause the maintenance, or repairs to be made, rendering the device fully operational. Failure of the consumer to perform that testing and maintenance may result in the premises being deemed an immediate public health hazard. The Operator in Responsible Charge may immediately thereafter discontinue public water supply service to that premises and service shall not be restored until the devices have been rendered operational. Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicated containment or confinement devices shall be provided by the property owner to avoid the necessity of discontinuing water service to test or repair the device or devices.

(P) *Enforcement by civil penalty*.

(1) *Penalty*.

(a) Violation of any provision of this section may subject the offender to a civil penalty to be recovered by the town in a civil action in the nature of debt if the offender does not pay the penalty within 30 days after the assessment has become final by exhaustion of the appeal process established by this section, or by failure to appeal the assessment.

(b) The civil penalty for violation of any provision of this cross connection control section shall not exceed $500 per day for each day of continuous violation, or a cumulative or single civil penalty of $10,000. The civil penalty for willful violation of any provision of this section shall not exceed $1,000 per day for each day of a continuous violation, or a cumulative or single civil penalty of $20,000.

(2) *Assessment*. Any civil penalty shall be assessed by the Town Manager, upon the recommendation of the Operator in Responsible Charge, and shall be based upon the reasonable estimated cost of correcting the cited violation, the magnitude of the potential risk posed to the public health, safety and welfare by the violation, and the cost of the public safety or other emergency response caused by the violation. The Town Manager shall serve written notice of the civil penalty assessment to the offender and set out with reasonable care the basis of the amount so assessed.

(3) *Equitable relief*. An appropriate equitable remedy, including a mandatory or prohibitory injunction, issuing from a court of competent jurisdiction may enforce the provisions of this section.

(4) *Enforcement option*. The penalties and enforcement provisions established by this section may be applied in additional to or instead of the penalties established by other sections of the town code.

(Q) *Limitation of liability*. The town shall not be held liable, for any cause, for failure to detect any unit failing to operate adequately, or failure to identify any specific hazard, which may result in contamination of its public water supply, nor shall this section diminish the responsibility of any property owner from whose property a contamination of the public water supply may originate.
Penalty, see § 1.01.999

§ 15.02.126 IRRIGATION WATER METERS. *Added 04/16/2009*

(A) *New irrigation systems*. All irrigation systems, served by the Town's water system, installed after the effective date of this ordinance shall be required to have a separate irrigation water meter. Prior to the installation of a new in-ground irrigation system to be connected to the Town's water system, the customer shall request the town to install and operate a town-approved irrigation meter pursuant to procedures established (and as modified from time-to-time) by the Town's Water Resources Department. All such irrigation meters, meter boxes, pipes and other equipment furnished or used by the town in installing any such irrigation meter shall be and remain the property of the town. Prior to installation of any such irrigation meter, the customer shall pay to the town all charges specified in the schedule of fees established (and as modified from time-to-time) by the Town Council.

(B) *Single-family residential customers with existing irrigation systems*. Any utility customer of the town in good standing may request the town to install and operate a town-approved irrigation meter at any single-family residential dwelling owned by such customer to which the town

provides utility services, pursuant to procedures established (and as modified from time-to-time) by the Town's Water Resources Department. All such irrigation meters, meter boxes, pipes and other equipment furnished or used by the town in installing any such irrigation meter shall be and remain the property of the town. Prior to installation of any such irrigation meter, the customer shall pay to the town all charges specified in the schedule of fees established (and as modified from time-to-time) by the Town Council.

(C) *Other customers*. Except as provided in subsection (b) hereof, any other utility customer of the town in good standing may request the town to install and operate a town-approved irrigation meter at any property owned by such customer to which the town provides utility services, pursuant to procedures established (and as modified from time-to-time) by the Town's Water Resources Department. All such irrigation meters, meter boxes, pipes and other equipment furnished or used by the town in installing any such irrigation meter shall be and remain the property of the town. Prior to installation of any such irrigation meter, the customer shall pay to the town all charges specified in the schedule of fees established (and as modified from time-to-time) by the Town Council.

(D) *Capital Investment Fees*. Prior to installation of any irrigation meter pursuant to this section, any new water customer shall pay to the town a Capital Investment Fee (CIF) to cover a portion of the costs associated with providing additional water capacity to such customers, in the amount specified in the schedule of fees established (and as modified from time-to-time) by the Town Council and approved by the town council. Such CIF shall be payable in addition to (i) all charges specified in the schedule of fees established (and as modified from time-to-time) by the Town Council. Payment of capital fees does not relieve the owner of the obligation to build water line extensions in accordance with the town's ordinances, regulations, rules, policies and procedures. In no instance shall a property owner be charged a CIF for a potable water meter and a second CIF for an irrigation water meter.

PLANNED DEVELOPMENT PROJECT

§ 15.02.135 PLANNED DEVELOPMENT AUTHORIZATION.

(A) The Town Council may authorize the issuance of conditional use permits for Planned Developments in accordance with the procedures and development standards specified in this subchapter.

(B) Whenever the Town Council shall find, in the case of any permit granted pursuant to the provisions of the regulations, that any of the terms, conditions or restrictions, upon which the permit were granted are not being complied with, the Town Council shall have the authority to rescind, after granting the permittee notice and hearing.

§ 15.02.136 PLANNED DEVELOPMENTS, GENERALLY.

(A) *Intent*.

(1) Within districts now existing or which hereafter may be created, it is intended to permit and encourage, on application and approval of detailed development plans, establishment of new Planned Developments for specified purposes where tracts of land suitable in location, area and character are to be planned and developed as a whole and in a unified manner. Suitability of these tracts for Planned Development purposes shall be determined primarily by reference to the Town of River Bend land development plan and the developer's master land use plan as approved by the Town Council.

(2) Where Planned Developments are permitted, regulations adopted for unified developments are intended to accomplish the purposes of zoning and subdivision regulations, and other applicable regulations, to the same degree as in cases in which those regulations are intended to control development on a lot-by-lot rather than unified basis.

(B) *Planning Board action.*

(1) The Planning Board shall review and take action on each preliminary plat within 45 days after first consideration by the Planning Board. First consideration shall be at the next regularly scheduled meeting of the Planning Board that follows at least 14 days after the plat is submitted. The Planning Board, Community Appearance Commission, Public Works Advisory Board, Parks and Recreation Board, Waterways/Environment Board and the Town Council shall review the master land use plan preliminary and final site plans for the proposed planned development for conformity with the Town of River Bend land development plan. The other Town Boards will give their recommendations before the next Planning Board meeting.

(2) If there is no response from the other Town Boards, the Planning Board will assume that there are no comments. The Planned Development shall provide appropriate relationships between uses around the boundaries and uses within the Planned Development so as to insure that no property shall be adversely affected.

(C) *Basis for control.* The approved master land use plan, preliminary and final site plans shall be the basis for control of land development within Planned Developments.
Penalty, see § 1.01.999

§ 15.02.137 APPLICATION REQUIREMENTS FOR PLANNED DEVELOPMENTS.

(A) *Step I - Master land use plan.*

(1) *Applicant action.*

(a) The applicant shall submit 10 copies of the master land use plan and supplementary materials to the Zoning Administrator at least 15 days before the regular meeting of the Planning Board at which the master land use plan is to be considered. The Zoning Administrator shall place the master land use plan on the agenda of the next regular meeting of the Planning Board and contact the Planning Board Chairperson as to the receipt of the master land use plan, and shall present the Planning Board with copies of the plan and materials.

(b) If rezoning is a prerequisite of Planned Development approval, the Zoning Administrator will advertise for a public hearing and follow the standard zoning ordinance amendment requirements.

(2) *Information required of the applicant.* The information required for presentation by the developer shall include the following:

(a) *For all Planned Developments, a master land use plan.*

1. The master land use plan shall be mapped to 1 inch = 100 feet scale and show the proposed development and how it relates to its surroundings. The map(s) should show where major building types and approximate densities are anticipated. In addition, the following information shall be mapped at this same scale:

a. Acreage of tract;

b. Major traffic, parking and pedestrian circulation plans within the Planned Development;

c. Major physical features including soils, topography, existing structures and use, drainage, flora and fauna and other physical information to help describe the suitability of the site for Planned Development;

d. Ownership arrangements for the Planned Development, both present and planned;

e. Planned open space, parks and active recreation areas to be preserved or developed either by the developer or by dedication to the town of their development as required by the Subdivision Chapter;

f. Sketch plans for construction of water and sewage disposal systems to comply with town standards, and the appropriate state and county authorizing agency;

g. Sketch plans for access of fire fighting equipment and refuse disposal such as compactors and waste disposal dumpsters;

h. Sketch plans for underground utilities and lighting to comply with state and town requirements (for additional details, see § 15.01.080); and

i. Sketch plans for proposed drainage plan which shall be in conformity with the North Carolina Stormwater Site Planning Guidance Manual to show how the land will be used. The use of LID design approaches is preferred and should be implemented to the maximum extent practical given the site's soil characteristics, slope, and other relevant factors. If LID design approaches are not proposed in the stormwater management plan, the applicant shall provide a full justification and demonstrate why the use of LID approaches is not possible before proposing to use conventional structural stormwater management measures which channel stormwater away from the development site. ***Amended 06/18/2009***

(b) *For all Planned Developments, a letter of intent.* In addition, a letter of intent shall be submitted which describes the following:

1. Anticipated time frame for starting and completing any and all phases of the Planned Development;

2. Types of buildings anticipated;

3. Quantitative data for parcel size, number and types of dwelling units and gross and net residential densities anticipated;

4. A description (legal) of the total site proposed for development including

names and addresses of adjacent property owners;

5. Planned organizational arrangements, providing for ownership, maintenance and preservation of common open space and other property;

6. Percentage of land covered by impervious material; and

7. Number of sewer taps required.

(c) *In addition, for Planned Development - Residential (PD-R) projects.*

1. Anticipated densities (units per acre);

2. Anticipated architectural housing style and mixing of types; and

3. All planned developments shall contain commonly owned land equal in area to 20% of the entire development. In consideration of the purpose served by a Planned Development, the title to the common areas or property shall be preserved to the perpetual benefit of the private properties in the development and shall be restricted against private ownership for any other purpose. If the corporation desires, improvements may be made within the common areas provided that maximum coverage for the improvements shall not exceed 25% of the entire common property. The developer shall submit and, after approval by the Town Council, record a declaration of the covenants and restrictions that will govern the ownership, management and maintenance of the common areas.

(d) *In addition, for Planned Development - Business District.*

1. Approximate percentage (5%) of land to be covered by building and areas;

2. Proposed uses; and

3. Anticipated architectural style and mixing of types.

(3) *River Bend action.*

(a) The Planning Board shall review the master plan to see if it is in accordance with specifications of this chapter and the general intent of the Town of River Bend Subdivision Chapter.

(b) The Planning Board shall compile a report of its present findings to the Town Council.

(c) 1. The Planning Board shall convene a public hearing to present the master land use plan.

2. The public hearing shall be held jointly with the Town Council. The public hearing shall be conducted under the normal Zoning Chapter amendment procedures.

(d) The Planning Board shall submit all materials and its recommendations for approval to the Town Council.

(e) The Town Council shall approve or disapprove the master land use plan and any requested zoning amendments.

(f) The developer, on approval from the Town Council, may proceed within the year

to present the remaining steps, the preliminary step, and on approval of that step, the final step as required in the subdivision regulations.

(B) *Step II - Preliminary site plan presentation.*

(1) *Applicant action.*

(a) After the required master land use plan has been approved, the developer shall submit 10 copies of the preliminary site plan to the Zoning Administrator at least 15 days before the regular meeting of the Planning Board at which the preliminary site plan is to be considered. The Zoning Administrator will place the preliminary site plan on the Planning Board agenda and contact the Planning Board Chairperson as to the receipt of the plan and meet with those members involved in the review of the plan.

(b) The developer or his designated representative shall come to the Planning Board meeting to assist the Board in reviewing the preliminary site plan.

(c) On application for preliminary site plan approval the applicant shall pay a fee in accordance with § 15.02.205 of this chapter.

(2) *Information required of the applicant.*

(a) *Preliminary site plan.* The preliminary site plan shall be at a scale of 100 feet equals 1 inch. The preliminary site plan shall show the following:

1. Sketch vicinity map showing relationship between subdivision and surrounding area (with graphic scale and north point);

2. The location of existing and platted property lines, streets, buildings, water courses, railroads, transmission lines, sewers, bridges, culverts, and drain pipes, water mains, city and county lines (if adjoining) and any public utility easements;

3. Boundaries of tract shown with bearing and distances;

4. Streams, floodplains, and elevation contours (2 feet) when required by Planning Board, soil classifications, seasonal high water table, and vegetation at the site;

5. Names of adjoining property owners or subdivisions;

6. Zoning classifications, if any, both on the land to be subdivided and on adjoining land;

7. Proposed streets, street names, rights of way, roadway widths and approximate grades;

8. The location and dimensions of all rights-of-way, utility or other easements, riding trails, natural buffers, pedestrian or bicycle paths, and areas to be dedicated to public use with the purpose of each stated;

9. The topographic survey for proposed stormwater drainage systems, sedimentation controls as required by the sedimentation control ordinance, if any, and utility layouts (sewer, water, gas, and electricity) showing connections to existing systems or plans for individual water supply;

10. The proposed specifications and drawings defining the stormwater drainage plans, including the percentage of impervious surfaces, for the new development and for any changes to existing drainage features outside the new area necessary to accommodate the plan. The use of LID design approaches is preferred and should be implemented to the maximum extent practical given the site's soil characteristics, slope, and other relevant factors. If LID design approaches are not proposed in the stormwater management plan, the applicant shall provide a full justification and demonstrate why the use of LID approaches is not possible before proposing to use conventional structural stormwater management measures which channel stormwater away from the development site. The proposed drainage plan shall be in conformity with the North Carolina Stormwater Site Planning Guidance Manual to show how the land will be used. It shall be approved by a registered professional engineer; ***Amended 06/18/2009 and 03/18/10***

11. Proposed lot lines, lot and block number, if any, and approximate dimensions;

12. Proposed minimum building setback lines;

13. Elevation Certificate (FEMA Form 81-31) showing the elevation of the lowest habitable floor above sea level if the property is located in Zone AE on the FIRM. Elevation requirements are defined in § 15.02.020;

14. Proposed parks, school sites, or public open spaces, if any;

15. Site data:

a. Acreage in planned development;

b. Acreage in park or other land usage;

c. Average lot size, if any;

d. Total number of lots, if any;

e. Lineal feet in streets;

f. Percentage of land covered by impervious material; and

g. Number of sewer taps required.

16. Title, date, north point, and graphic scale;

17. Name of owner plus the surveyor and land planner, if any;

18. Number of units and unit density by neighborhoods.

19. Buffer zone sketch plans per § 15.002.220 *et seq*.

20. Submit a plan for the development prepared in accordance with the procedures described in §§ 5,6, and 7 (pages 25 through 56) of the 2-20-1998 printing of the North Carolina Site Planning Guidance Manual. The plan shall include the following specific information:

a. Layout of roads, lots, public areas, buffer zones, utilities, ponds, streams, wetlands, filled areas and any special or unusual features;

b. Proposed finished grading contour lines;

c. Bottom elevations or profiles of all drainage culverts and pipes along roads;

d. Location, size and invert elevation of all drainage culverts along or under roads;

e. Identification of where stormwater will flow when it exits the development and any features included to facilitate the flow and any work which will have to be done to accommodate the flow beyond the subdivision boundaries;

f. Estimates of all paved or roofed over areas which would prevent stormwater from soaking into the ground;

g. Identification of best management practices and stormwater control features included in development plans;

h. Plan for barriers and traps to limit and control the transfer of soil sediments to the town's drainage system during and after construction; and

i. Certification of plans by a registered professional engineer.

21. Submit a supporting report, calculations and sketches that include the following:

a. Calculations determining the amount of stormwater entering and leaving the development during 10, 50 and 100 year storms, taking into account the soil types, topography and planned impervious surface coverage;

b. Calculations determining the impact of runoff from the development on existing town drainage paths;

c. Design of and cost estimates for changes to existing town drainage paths outside the development that will have to be made to accommodate the increased flows; and

d. Calculations showing the impact of best management practices and stormwater control features included in development plans on runoff from the development.

(b) *Supplementary materials.*

1. A copy of the restrictive or protective covenants applicable to the Planned Development, if any, shall be submitted to the Planning Board.

2. Unless waived by the Planning Board, the developer shall submit the proposed plans for land clearance in the planned development.

3. Public water supply system plans, including the layout and details of mains, must be approved by a registered engineer licensed to practice in North Carolina.

4. Method of surveying roads, access map, and parking areas.

5. A preliminary architectural design sketch of how a typical building will look after completion; plus a preliminary architectural design sketch of how the whole project will look after completion, or a photographic display of a similar completed development that the applicant has already been involved with, or equivalent information as allowed by the Planning Board.

6. Copies of any declarations to be recorded pursuant to the North Carolina Unit Ownership Act being G.S. §§ 47-A et seq.

(c) *Supplementary materials to be provided for:*

1. *Condominium projects or similar cooperative ownership projects*. A copy of the proposed declaration of bylaws and covenants and method of changing outdated bylaws and covenants;

2. *Townhouses or rowhouses in condominiums projects*. A copy of the proposed easements for the common walls and a copy of the proposed deed for sale of a unit; and

3. *Rental or leased units or buildings*. A declaration by the developer or owner of the provisions for maintaining the development.

(3) *Town of River Bend actions.*

(a) Before recommending the approval of any preliminary site plan, the Planning Board may make reasonable additional requirements in cooperation with the developer, and concerning, but not limited to, the limitations of use, unit densities, landscaping, paving and location of access ways, taking into consideration the character of the surrounding area so as to provide proper transition of land uses that will fit into the town's land development plan.

(b) The preliminary site plan shall be checked by the Planning Board for compliance of design standards and other requirements of this chapter and the Town of River Bend Subdivision Chapter.

(c) The Planning Board shall submit all materials and its recommendations for approval or disapproval to the Town Council. The Town Council shall review and take action on each preliminary site plan within 45 days after it has been received from the Planning Board. If the preliminary site plan is disapproved, the Town Council shall specify the reasons for the action in writing. One copy of the reasons shall be retained by the Town Council, 1 copy shall be given to the Planning Board, and 1 copy shall be given to the developer. If the preliminary site plan is disapproved, the developer may make necessary changes and submit a revised preliminary site plan or appeal the decision of the Town Council to the Board of Adjustment.

(C) *Step III - final plat*. Shall comply with the Town of River Bend Subdivision Chapter.
Penalty, see § 1.01.999

MANUFACTURED HOMES

§ 15.02.150 NEED AND PURPOSE.

The River Bend Town Council recognizes that manufactured homes provide affordable housing for many residents. The purpose of this subchapter is to allow the placement of manufactured homes in designated residential districts, provided that the homes meet appearance and dimensional criteria which will protect the character and property values of those single-family residential areas.

§ 15.02.151 LOCATION.

A manufactured home may be located only in a Manufactured Home Overlay Area.
Penalty, see § 1.01.999

§ 15.02.152 PERMITS.

Before a manufactured home may be placed on a lot, an initial zoning permit shall be secured from the Town Zoning Administrator, a building permit shall be secured from the Craven County Building Inspector and a certificate attesting to the suitability of the lot to accommodate proposed water and sewer facilities shall be secured from the Craven County Health Department. Prior to the movement of manufactured home units along municipality owned streets, a permit for the movement shall be secured from the Town Zoning Administrator. Upon completion of the installation of a manufactured home on a lot, the Zoning Administrator shall inspect the property and, when approved, shall issue a certificate of zoning compliance. The applicant shall then apply to Craven County for a final electrical permit and/or certificate of occupancy.
Penalty, see § 1.01.999

§ 15.02.153 ADDITIONAL REQUIREMENTS FOR MANUFACTURED HOMES.

(A) A manufactured home must meet the following additional requirements:

(1) The manufactured home is a multi-section home which has a length not exceeding 4 times its width measured along the longest axis and width measured at the narrowest part of the other axis;

(2) Contains a minimum of 1,450 square feet of enclosed and heated living area;

(3) The pitch of the roof has a minimum vertical rise of 3 feet for each 12 feet of horizontal run (3:12) and the roof is finished with a type of shingle that is commonly used in standard residential construction;

(4) All roof structures shall provide an eave projection of no less than 6 inches, which may include a gutter;

(5) The exterior siding consists of material comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;

(6) The manufactured home is setup in accordance with the standards set by the North Carolina Department of Insurance and a continuous masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home;

(7) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina Department of Insurance, attached firmly to the primary structure and anchored to the ground; and

(8) The moving hitch, wheels and axles and transporting lights have been removed.

(B) It is the intent of these criteria to insure that a manufactured home, when installed, shall have substantially the appearance of an on-site, conventionally built, single family dwelling.
Penalty, see § 1.01.999

ADMINISTRATION OF THE ZONING CHAPTER

§ 15.02.165 ZONING ADMINISTRATOR.

A Zoning Administrator shall be appointed in accordance with § 3.01.078 of this Ordinance, to administer and enforce this chapter. He may be provided with the assistance of other persons as the Town Council may approve. If he finds that any of the provisions of this chapter are being violated, he shall notify in writing the person or persons responsible for the violation, indicating the nature of the violation and ordering the action necessary to correct it. In reviewing a permit, the Zoning Administrator shall consult a registered professional engineer, licensed to practice in North Carolina, when necessary. ***Amended 09/17/2009***

§ 15.02.166 DUTIES OF ZONING ADMINISTRATOR.

Duties of the Zoning Administrator relative to this chapter shall include but not be limited to:

(A) (1) Reviewing and approving permit to assure the proposed subdivision, lot, or construction meet all zoning and subdivision requirements, and Flood Damage Prevention Ordinance.

(2) Where there will be an adverse impact on existing drainage facilities, the Zoning Administrator shall obtain approval from the Town Council of mitigation plans and impact fees relative to changes to drainage features outside the project boundaries. Impact fees shall be paid by the owner/subdivider.

(B) Reviewing and approving construction permit to assure that the plans for new buildings or subdivisions in the area will comply with the requirements of the North Carolina Stormwater Management Site Planning Manual. The issued permit shall note all conditions relating to stormwater drainage which apply to the particular building; such as grading requirements and the proposed minimum elevation of the lowest habitable floor above mean sea level.

(C) Changes to established drainage features, such as size or elevation of driveway culverts, of swales and of ditches on town property or easements shall not be made without the written approval of the Zoning Administrator indicating that the change will not significantly impact stormwater drainage in the area. Grade changes on private property shall be considered drainage feature changes, and require written approval of the Zoning Administrator.

(D) Monitoring the implementation of the proposed project to assure that all requirements are met, including setbacks, sedimentation control and stormwater drainage.

(E) Maintaining records of :

(1) Proposed plans;

(2) Completed plans;

(3) Certificates;

(4) Inspections made;

(5) Actions taken as result of inspection;

(6) Final inspection check sheet;

(7) Permits issued;

(8) Notice of violations;

(9) Order to take corrective action;

(10) Existing drainage feature change letter; and

(11) Appeals.

(F) These records shall be public records and may be inspected at the office of the Zoning Administrator during normal business hours.

(G) Ensuring compliance with this subchapter shall be afforded the Zoning Administrator or his designated representative by granting access to premises and structure during reasonable hours.

(H) It is the responsibility of the property owner to contact the Zoning Administrator to arrange for an inspection when the foundation is ready.

(I) Serving notice to owner of any non-compliance with approved plans, issuing stop-work orders for work in progress until corrective actions are initiated or revoking the permits where satisfactory resolution of a dispute cannot be reached.

(J) Monitoring the construction of buildings/projects to assure that grading and drainage features are built as planned and that as built survey data is taken to verify the elevation of the lowest habitable floor of buildings located in Zone A on the flood insurance rate map where data is not already on file.

(K) Conducting hearings and taking other prescribed actions related to violations.

§ 15.02.167 ENFORCEMENT.

(A) *Inspection of work.* The Zoning Administrator shall make as many inspections as he determines are necessary to ensure the work is being done according to the provisions of any permit. The Zoning Administrator has a right to enter on any premises at any reasonable hour for the purposes of inspection or other enforcement action.

(B) *Stop-work orders.* When an area is being developed or a building is being constructed, renovated or added to in violation of this chapter, the Zoning Administrator may order the work to be stopped immediately. The stop order shall be in writing and directed to the owner. It shall state

the specific work to be stopped, the specific reason for the stoppage and the conditions under which the work may be resumed.

(C) *Revocation of permits*. The Zoning Administrator may revoke and require the return of any permit issued in accordance with this chapter by notifying the permit holder in writing stating the reason for the revocation. Permits may be revoked for substantial departure from the approved permit plans or specifications, for refusal or failure to comply with the requirements of state or local laws or for false statements or misrepresentations made in securing the permit.

(D) *Failure to take corrective action*. If the owner of a building or property fails to take prompt corrective action, the Zoning Administrator shall give written notice by certified or registered mail to the owner's last known address or by personal services:

(1) That the building or property is in violation of this chapter;

(2) That a hearing will be held before the Zoning Administrator at a designated place and time, not later than 30 days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

(3) That following the hearing, the Zoning Administrator may issue an order to alter, vacate or demolish the building or property or to take other corrective action as appears appropriate.

(E) *Order to take corrective action*. If a hearing is held pursuant to the notice prescribed above, and the Zoning Administrator finds the building or property is in violation of this chapter, he shall issue an order in writing to the owner requiring the owner to remedy the violation within a period of up to 60 days. Where the Zoning Administrator finds there is imminent danger to life or other property, he is authorized to order that corrective action be taken in a shorter time.

(F) *Appeal*. An owner who has received an order to take corrective action may appeal the order to the Town Council by giving notice of appeal in writing to the Zoning Administrator and the Town Clerk within 10 days following issuance of the order. The Town Council shall hear the appeal within a reasonable time and may affirm, modify or revoke the order, as long as the ruling is in compliance with the State of North Carolina Statutes.

(G) *Changes to established drainage features*. The Zoning Administrator may issue a letter to any property owner who changes an established drainage feature stating that an unauthorized change has been made to drainage features on or abutting the property and that the feature must be restored within 30 days or the town could do so and bill the owner for the costs involved. Failure of the owner to pay the town for the work could result in a lien being placed on the property.

§ 15.02.168 INITIAL ZONING PERMIT.

(A) *Generally*.

(1) Before the erection, construction or alteration of any building or structure, or part of same, or modification of or addition to a driveway or parking area, there shall be submitted to the Zoning Administrator by the owner or authorized agent an application for a zoning permit on appropriate forms to be furnished by the Zoning Administrator. Each application for a zoning permit shall be accompanied with a plat signed and sealed by a licensed surveyor drawn to scale showing accurate dimensions of the lot, applicable easements, elevations of site including driveways and drainage features, relationship to adjoining lots and accurate dimensions of the building to be so erected, constructed or altered, including its location on the lot, and the percentage of impervious surface. It shall be determined that the plan will be in conformance with the North Carolina

Stormwater Site Planning Guidance Manual and will not adversely impact the flow of stormwater in areas outside the new project. This plan shall be signed and sealed by a professional engineer, licensed to practice in North Carolina. ***Amended 03/18/2010 and 08/18/2013***

(2) Projects that involve modification of existing structures and, construction cost is estimated to be less than $10,000, the Zoning Administrator shall review the proposed construction site and advise the applicant within 3 working days if a certified drainage plan will be required for the proposed project.

(a) For additions to a developed property the percentage of impervious surface, before and after the project shall be listed. ***Added 03/18/10***

(b) On property improved before 02/28/2010, the impervious surface amount may be exceeded by 10 percent of the existing percentage if the following conditions apply:

(1) The increase was caused by implementation of changes to the Town's Ordinances.

(2) Other approved stormwater BMP's (Best Management Practices) are in place.

(3) Creates a significant hardship to the owner.

(4) Is approved in writing by the Town's Zoning Administrator.

Added 07/15/10

(3) The site-grading plan shall reflect both the existing site grade lines and the proposed finished grade lines. If there are any wetland areas on the proposed site, those areas shall be clearly shown. This plan shall show the natural drainage course(s) that run onto and from the site. The plan shall clearly show drainage pipe size and direction of flow of buried drainpipes and any structure that will connect to the pipes. All drainage pipes and structures shall be designed to accommodate the 100-year storm of record. The site drainage plan must certify that "the development of this site is in compliance with this grading plan which will not adversely impact adjoining property or wetland sensitive areas elsewhere in the drainage course. Further, structures shown on this plan will be adequate for drainage during the 100-year storm of record."

(4) A silt fence and erosion control structures must be erected prior to grading operations and shall be maintained not only during the construction period but long enough for the land to re-stabilize, and thereafter can be removed after a follow up visit by the Zoning Administrator.

(5) It shall be within the discretion of the Zoning Administrator to issue permits for minor construction work without plans and specifications. Plats/plots and plans submitted to the Zoning Administrator shall be kept in files in the town offices for future reference.

(B) *Check lists*. Check lists which summarize requirements to obtain building permits are as follows:

(1) Plats/plot plan showing the following:

(a) Building location and outline;

(b) Size and location of any driveways, walks, patios or other paved areas; and

(c) Location of all underground electric and telephone service and cable TV

installations.

(d) Distance between principal dwelling and all accessory buildings. Any patio, deck, porch, stairs, and/or ramps, roofed or unroofed (attached or immediately proximate thereto), shall be considered a part of a building in the determination of distance between accessory building and all other buildings located on the same lot. ***Added 01/15/2009***

(2) Site drainage plan showing the following:

Amended 03/18/10

(a) Existing site grade lines and proposed finished grading with contour lines to nearest foot showing elevation above sea level;

(b) Any wetland areas on the proposed site;

(c) Natural drainage course that runs onto and from site;

(d) Pipe size and direction of flow of buried drainpipes and any structure that will connect to the pipe. Bottom elevation of any drainage ditches and swales on town property along roads;

(e) Size and invert (bottom) elevation of any drainage culverts; and

(f) Plantings plan; and

(g) Percentage of impervious surfaces.

(3) Elevation Certificate (FEMA Form 81-31) showing the elevation of the lowest habitable floor above sea level if the property is located in Zone AE on the FIRM.

(C) *Note*. Brief descriptions of the best management practices to be employed on the property (see page 79 of the 2-20-1998 printing of the North Carolina Site Planning Guidance Manual).
Penalty, see § 1.01.999

§ 15.02.169 CERTIFICATE OF ZONING COMPLIANCE.

(A) The Zoning Administrator shall inspect the project or structure at appropriate times during construction. Before Craven County issues an order for a final electrical inspection, and/or certificate of occupancy for the building, the owner or authorized agent shall contact the Zoning Administrator for a final zoning inspection.

(B) Application shall be accompanied by a final "as built" survey plat with site elevations and indicating building location on lot.

(C) If it shall appear to the Zoning Administrator that the provisions of this code, including stormwater management, and all requirements of fees, if any, have been paid, he will then issue a certificate of zoning compliance.

(D) The applicant then shall apply to Craven County for all necessary permits and/or certificate of occupancy/compliance.

§ 15.02.170 CERTIFICATE OF OCCUPANCY/COMPLIANCE.

(A) No building which has been erected, added to, located or structurally altered for which a building permit has been issued shall be used or occupied until a certificate of occupancy/compliance shall have been issued by the Craven County Inspection Department. The Zoning Administrator may not issue a certificate of zoning compliance for an approved site-specific development plan or part thereof, until all required seeding, trees and plant material have been placed in accordance with the approved planting plan.

(B) A temporary certificate of zoning compliance may be issued for a period of 180 days under extenuating circumstances that would affect the seeding or planting of the site or until the proper planting season is reached to complete the planting requirements. The Zoning Administrator may require the developer to provide an irrevocable letter of credit to the town to cover the costs of planting prior to the Zoning Administrator's issuance of a certificate of zoning compliance.

§ 15.02.171 RECORDS AND INVALIDATION.

(A) A record of all permits issued shall be kept on file in the office of the Zoning Administrator.

(B) Any permit issued shall become invalid if the work authorized by it has not been commenced within 6 months of the date of issuance, or if the work authorized by it is not completed for a period of 1 year from the date of issuance. Should the work authorized not be completed within the allotted time, permit holder may submit a request to the Zoning Administrator, in writing, for an extension of his original permit. Any extension will be for a period not to exceed six (6) months, by which time all work (including applicable site restoration) will be complete.

Amended 09/17/2009

§ 15.02.172 REMEDIES.

If a building or structure is erected, constructed, renovated or maintained, or any building, structure or land is in violation of this part or of any chapter or other regulation, the Zoning Administrator or any other appropriate authority of the Town of River Bend, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, renovation, maintenance or use, to restrain, correct or abate the violation, to prevent occupancy of the building, structure or land, or to prevent any illegal act, conduct, business or use in or about the premises.

BOARD OF ADJUSTMENT

§ 15.02.173 BOARD OF ADJUSTMENT.

(A) (1) The word ***BOARD*** when used in this chapter shall be construed to mean the Board of Adjustment.

(2) The Board shall have 6 regular members and 3 alternates. Five regular members and 2 alternates shall be citizens of the town appointed by the Town Council. One regular member and 1 alternate shall be residents of the extraterritorial area and shall be appointed by the County Commissioners in accordance with G.S. § 160A-362.

(B) (1) All appointments shall be for a period of 3 years, per G.S. § 160A-388, and shall commence on July 1 of the year of appointment.

(2) Vacancies shall be filled for the unexpired term only.

(C) All members of the Board shall have equal rights, privileges and duties with regards to all matters within the town and its extraterritorial area.

(D) Members of the Board may be removed for cause by the Town Council upon written charges and after public hearing.

(E) The members of the Board may be compensated according to a schedule adopted by the Town Council from time to time.

§ 15.02.174 MEETINGS.

(A) The Board shall elect 1 of its members as Chairperson, and shall appoint a secretary and other subordinates as may be authorized by the Town Council. The Board shall draw up and adopt the rules of procedures under which it will operate. Meetings of the Board shall be held at the call of the Chairperson, or in his absence the Acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote, indicating that fact, and also keep records of its examination and other official actions.

(B) The concurring vote of 4/5 of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is required to pass under the ordinance, or to grant a variance from the provisions of this chapter. Pursuant to G.S. § 160A-388(e)(1), a member of the Board or any other body exercising the functions of a Board of Adjustment 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 conflicts 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, the remaining members shall by majority vote rule on the objection.

§ 15.02.175 POWERS AND DUTIES.

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

(A) *Administrative review*. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the Zoning Administrator or other city official, in the carrying out or enforcement of any provision of this chapter.

(B) *Interpretation*. To interpret the terms of this chapter and pass upon disputed questions of lot lines or district boundary lines and similar questions as arise in the administration of this chapter.

(C) *Variance*. To authorize upon appeal in specific cases variances or modifications from any of the regulations or provisions of this chapter relating to the use, construction, or alterations of buildings or structures or the use of land as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this chapter. A variance from the terms of this chapter shall not be

granted by the Board unless and until the following findings are made:

(1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the same district;

(2) Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;

(3) The special conditions and circumstances do not result from the actions of the applicant; and

(4) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other land, structure or buildings in the same district.

(D) *Special exception use permits*. To hear and decide on application for special exception use permits based on special requirements of this chapter.

(E) *Exceptions from the application requirements for Business District Areas zoned BD-PD in heavily trafficked areas*. To hear and decide requests for exceptions from the design guidelines and performance standards required under § 15.02.048.

§ 15.02.176 JUDICIAL REVIEW.

(A) Every decision of the Board shall be subject to review by the Superior Court by proceedings in the nature of certiorari.

(B) Any appeal to Superior Court shall be taken within 30 days after the decision of the Board is filed with the Town Clerk, or after a written copy is delivered to the appellant, whichever is later. The decision of the Board shall be delivered to the appellant by personal service or registered mail or certified mail, return receipt requested.

§ 15.02.177 FILING AND NOTICE OF APPEAL.

(A) *Generally*. Appeals from and review of any order, requirement, decision determination or refusal made by the Zoning Administrator or other official charged with the enforcement of any provision of this chapter and all applications for interpretations or variances may be taken by an aggrieved person, which appeal shall be filed within 30 days of the order, requirement, decisions or refusal, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal or application, as the case may be, specifying the grounds thereof. The officer from whom the appeal is taken shall transmit forthwith to the Board of Adjustment all applications and records pertaining to the appeals or application. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after notice of appeal has been filed with him, that because of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property or that because the violation charge is transitory in nature a stay would seriously interfere with enforcement of the chapter. In that case proceedings shall not be stayed except by a restraining order, which may be granted by the Board of Adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and shall make any order, requirement, decision, or determination that in its opinion ought to

be made in the premises. To this end the Board shall have all the powers of the officer from whom the appeal is taken.

(B) *Hearing of the appeal*. After receipt of notice of an appeal, the Board Chairperson shall schedule the time for a hearing which shall be at a regular or a special meeting within 36 days from the filing of the notice of appeal.

(C) *Notice*. At least 7 days prior to the date of the hearing, the Town of River Bend shall furnish all adjoining property owners with written notice of the hearing and shall post notice on the property adjoining a period of 1 week prior to the hearing. Notice of the intended meeting shall be published in a newspaper with general circulation in the Town of River Bend.

(D) *Fees for appeals for variances, exceptions, interpretations and appeals*. A fee shall be paid to the Town of River Bend, North Carolina, for each application for a variance, an exception under § 15.02.048, an interpretation or an appeal, to cover the necessary administrative costs and advertising. Where interpretation of the terms of this chapter is required specifically by this chapter to be determined by the Board of Adjustment, the required fee will be waived.
Penalty, see § 1.01.999

CHANGES AND AMENDMENTS

§ 15.02.190 GENERALLY.

The Town Council may amend, supplement or change the text of this chapter and/or the zoning map in accordance with the following procedures.

§ 15.02.191 APPLICATION.

(A) *Amendment initiation*. Proposed changes to this chapter may be initiated by the Town Council, Planning Board, Board of Adjustment or by any 1 or more owners of property within the area proposed to be rezoned, changed or affected.

(B) *Petition for amendment of this chapter*.

(1) *Amendments*. Petitions to amend this chapter shall be submitted to the Planning Board for review and recommendation at least 15 days prior to the next regularly scheduled meeting of the Planning Board.

(2) *Required information*. The application shall contain a statement of the present regulation or zoning classification, the proposed amendment to it, and the name and address of the party requesting the change.

(C) *Petitions*. Petition for change or amendment of a zoning classification shall contain a legal description of the property to be affected by the change or amendment, the names of all owners of parcels of land within the property and of all owners of parcels of land abutting same as shown on the county tax listing, together with last known addresses listed for the owners on the county tax abstract.

(D) *Notification*.

(1) The person or persons requesting a change or amendment to the zoning classification shall notify all owners listed in division (C) above of the proposed change or amendment by first class mail at their last known addresses.

(2) These mailings will occur not less than 10 days nor more than 25 days before the date fixed for the public hearing for consideration of a rezoning action.

(E) *Fee*. With each application for a change or amendment to this ordinance, a fee of $35 shall accompany the application and made payable to the Town of River Bend, North Carolina, to cover the costs of advertising and administrative expenses.
Penalty, see § 1.01.999

§ 15.02.192 PLANNING BOARD REVIEW AND RECOMMENDATION.

(A) The Planning Board may call for a public hearing on any proposed amendments and shall be held jointly with the Town Council. A notice of public hearing shall be given once a week for 2 successive weeks in a newspaper distributed in the Town of River Bend, the notice to be published the first time not less than 10 days nor more than 25 days prior to the day fixed for the public hearing. If the amendment is for re-zoning, the advertisement shall not be less than a one-half page advertisement.

(B) The Planning Board may have 45 days from the date of receipt of the petition within which to submit its recommendation. Failure of the Board to submit its recommendation within this time period shall constitute a favorable recommendation. The Planning Board's report shall be submitted in writing to the Town Council. Pursuant to G.S. § 160A-383, zoning regulations shall be made in accordance with the town's comprehensive plan. Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the Board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.

(C) Pursuant to G.S. § 160A-381(d), members of appointed boards providing advice to the Town Council shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

§ 15.02.193 PUBLIC HEARING BY TOWN COUNCIL.

(A) *Advertisement*. A notice of public hearing shall be given once a week for 2 successive calendar weeks in a newspaper distributed in the Town of River Bend, North Carolina, the notice to be published for the first time not less than 10 days nor more than 25 days prior to the date fixed for the hearing. In computing the period, the day of publication is not to be included but the day of the hearing shall be included. Notice of public hearing by the Town Council need not be made if a joint public hearing with the Planning Board is to be held as noted in § 15.02.192.

(B) *Vote of the Board*. A simple majority of the Town Council shall be required to reject a recommendation of the Planning Board.

SCHEDULE OF FEES

§ 15.02.205 SCHEDULE.

(A) (1) There shall be levied and collected fees as are specified in the schedule of fees established (and as modified from time to time) by the Town Council. ***Amended 2/16/12***

(2) The schedule of fees shall be kept on file in the office of the Town Clerk where it shall be available for public inspection during the normal office hours of the Town Clerk.

Schedule of Fees		
Subdivision and Zoning		
Subdivision Application		
10 or less lots		$300
11 or more lots		$300 plus $25/lot over 10
Subdivision Preliminary Plat		$100
Stormwater Review (if engineering review needed)		$350
Amendments/modifications or additions		$150
Planned Developments		
Planned Development-Residential		$400 plus $5/unit and cost of required legal advertisement and postage to notify abutting land owners
Planned Development-Commercial		$400 up to 5 acres
Planned Development-Commercial		$400 plus $20 per acre over 5 acres and cost of required legal advertisement and postage to notify abutting land owners
Stormwater Review (if engineering review needed)		$350
Amendments/modifications or additions		$200
Zoning Application		
Special Exception Use Permit		$200 plus cost of required legal advertisement and postage to notify abutting land owners
Variance		$200 plus cost of required legal advertisement and postage to notify abutting land owners
Appeal to Board of Adjustment		$200 plus cost of required legal advertisement and postage to notify abutting land owners
Residential Application		Based on amount of project as follows:
	$30	Base Fee
	$2 for every $1,000 of project value after first $1,000 and up to $100,000	

Schedule of Fees		
Subdivision and Zoning		
	$1 for every $1,000 above $100,000 (All values rounded up to nearest $1,000)	
	Zoning Administrator can use any appropriate means to verify project valuation.	
Residential Flood Plain Application with Zoning Permit	40% of the fee for the town's residential zoning permit and shall be additional to the zoning permit fee	
Commercial Application	Based on amount of project as follows:	
	$50	Base Fee
	$4 for every $1,000 of project value after first $1,000 and up to $100,000	
	$2 for every $1,000 above $100,000 (All values rounded up to nearest $1,000)	
Commercial Flood Plain Application with Zoning Permit	40% of the fee for the Town's commercial zoning permit and shall be additional to the zoning permit fee	
	Zoning Administrator can use any appropriate means to verify project valuation.	
Residential Flood Plain Application without Zoning Permit	Based on amount of project as follows:	
	$30	Base Fee
	$2 for every $1,000 of project value after first $1,000 and up to $100,000	
	$1 for every $1,000 above $100,000 (All values rounded up to nearest $1,000)	
Commercial Flood Plain Application without Zoning Permit	$50	Base Fee
	$4 for every $1,000 of project value after first $1,000 and up to $100,000	
	$2 for every $1,000 above $100,00 (All values rounded up to nearest $1,000)	
Engineering Review (if needed)	$100	
Zoning Amendment Request (map or text)	$200 plus cost of required legal advertising and postage for required notification to land owners	
Miscellaneous Other Fees		
Sign Permit	$30	
Tree Harvest Permit	$50	
Zoning and Subdivision Ordinances	$25 per set	

Schedule of Fees	
Subdivision and Zoning	
Fee for obtaining permit where work has commenced prior to applying for a permit and where work has commenced after May 15, 2008.	Double the applicable permit fee

Amended 05/15/2008 and 04/16/2009

Penalty, see § 1.01.999

BUFFERING ADJOINING PROPERTIES HAVING DISSIMILAR USES

§ 15.02.220 GENERALLY.

(A) It is the intent of this subchapter to provide for the use of landscaping and/or other architectural measures to screen structures, parking and loading facilities from adjoining properties having dissimilar uses and residential developments adjacent to major streets in a manner that they blend with the natural surroundings and residential character of the Town of River Bend. The intent also is to allow each applicant's situation to be addressed by varied, imaginative and resourceful means so that the aforesaid character and appearance of the town is affected to the minimum degree prudently possible.

(B) All developed properties located in Zoning Districts BD, PD-BD, PDR-MF and ID shall be buffered from adjoining properties.

(C) Nothing in this subchapter shall be interpreted to change or reduce the requirement for visibility at intersections as prescribed by § 15.02.062.

(D) All buffer areas shall be outside the public right-of-way and shall be perpetually maintained by the property owner.
Penalty, see § 1.01.999

§ 15.02.221 DESCRIPTION OF BUFFERS.

The following three basic types of buffers are hereby established and are used as the basis for the table of buffering requirements as set forth in § 15.02.222.

(A) Opaque buffer, type A.

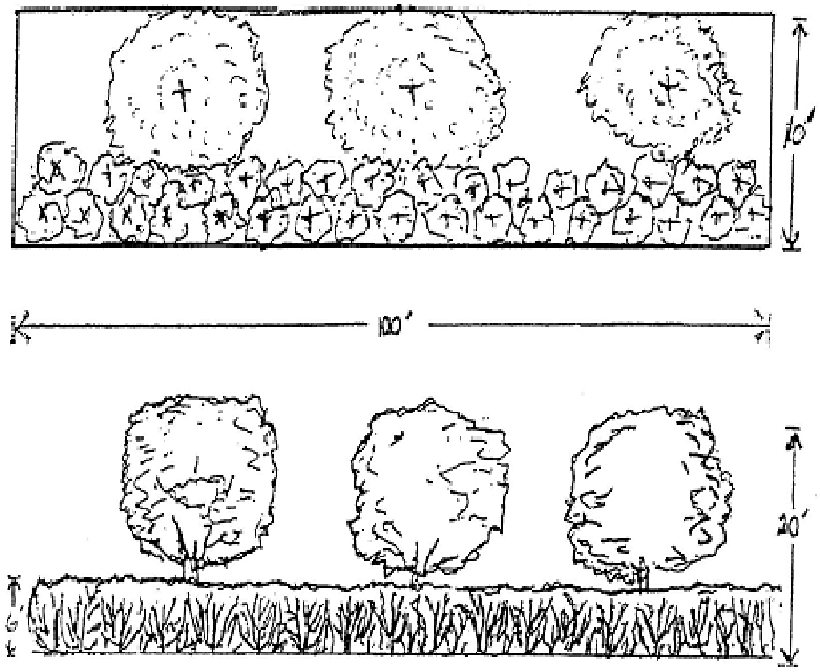
(1) A buffer that is opaque from the ground to a height of at least 6 feet, with intermittent visual obstructions from the opaque portion to a height of at least 20 feet. An opaque buffer is intended to exclude completely all visual contact between uses and to create a strong impression of special separation. The opaque buffer may be composed of a wall, fence, planted earth berm, planted vegetation, existing vegetation or any combination thereof.

(2) For every linear 100 feet, or fraction thereof, the buffer shall consist of an average of three canopy type trees, each with a minimum caliper of 2 inches. The trees in 5 years shall reach a height of at least 20 feet and shall have an average canopy spread of 15 feet.

(3) The opaque portion of the buffer must be opaque in all seasons of the year. If shrubbery is used, the shrubbery shall be evergreen plant materials and be spaced to provide a solid buffer in 2 years.

(4) If fences or walls are used, the fences or walls shall be masonry, wood, metal or other suitable materials (not to include chainlink fencing) and shall have architectural character and be of substantial materials.

OPAQUE BUFFER – TYPE A



(A) *Semi-opaque buffer, type B.*

(1) A buffer that is opaque from the ground to a height of 3 feet, with intermittent visual obstruction from above the opaque portion to a height of at least 20 feet. The semi-opaque buffer is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces.

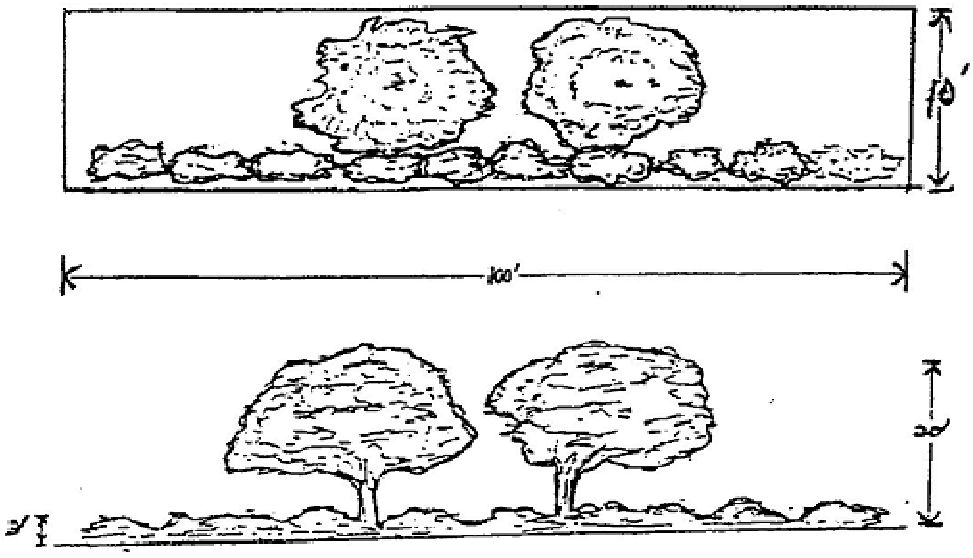
(2) The semi-opaque buffer may be composed of a wall, fence, planted earth berm, planted vegetation, existing vegetation, or any combination thereof. For every linear 100 feet, or fraction thereof, the buffer shall consist of an average of 2 canopy type trees, each with a

minimum caliper of 2 inches.

(3) The trees in 5 years shall reach a height of at least 20 feet and shall have an average canopy spread of 15 feet.

(4) The opaque portion of the buffer must be opaque in all seasons of the year. If shrubbery is used, the shrubbery shall be evergreen plant materials and be spaced to provide a solid buffer in 2 years. If fences or walls are used, the fences or walls shall be masonry, wood, metal or other suitable materials (not to include chainlink fencing) and shall have architectural character and be of substantial materials.

SEMI-OPAQUE BUFFER - TYPE B



(C) *Broken buffer, type C.*

(1) A buffer composed of intermittent visual obstructions from the ground to a height of at least 20 feet.

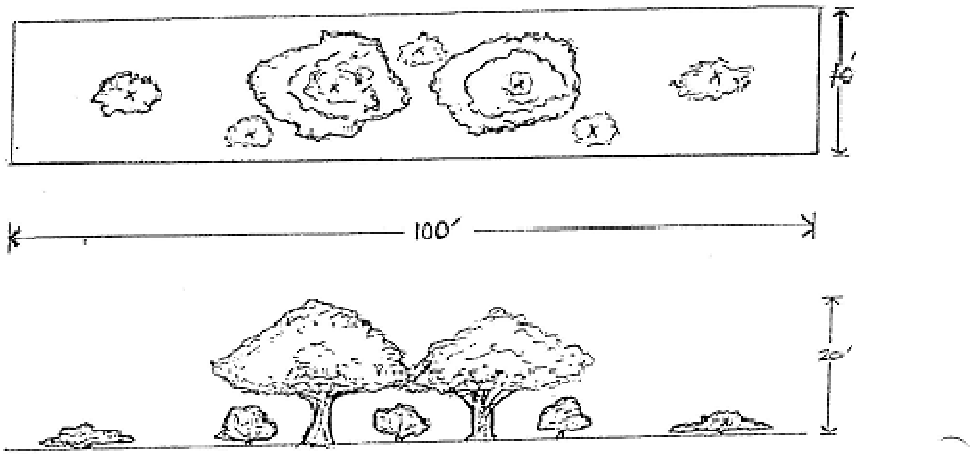
(2) The broken buffer is intended to create an impression of a separation of spaces without necessarily eliminating visual contact between the spaces.

(3) It may be composed of a wall, fence, planted earth berm, planted vegetation, existing vegetation or any combination thereof.

(4) For every linear 100 feet, or fraction thereof, the buffer may consist of a combination

of at least 2 canopy or ornamental type trees, each having a minimum caliper of at least 2 inches, and shrubbery 3 feet in height that covers an average of 20% of the buffer area, or 5 canopy or ornamental type trees, each having a minimum caliper of 2 inches.

BROKEN BUFFER – TYPE C



Penalty, see § 1.01.999

§ 15.02.222 TABLE OF BUFFERING REQUIREMENTS.

Site Feature to be Buffered	*Buffer Type**	*Buffer Width*	*Location*
Commercial building/parking area/service area	A,C	10 feet minimum	Property line with building/Optional with other site features
Multi-family building/parking area/service area 25 feet to 50 feet, or greater from property line	B,C	10 feet minimum/Length to equal building length plus 50 feet when dealing with building	Property line with building/Optional with other site features
Multi-family building/parking area/service area less then 25 feet from property line	A,C	10 feet minimum/Length to equal building length plus 50 feet when dealing with building	Property line with building/Optional with other site features

Site Feature to be Buffered	*Buffer Type**	*Buffer Width*	*Location*
Separation zone between commercial developments located along 50 feet of property line perpendicular to street right-of-way	B	10 feet minimum	Property line
Separation zone between nonresidential developments and street right-of-way	C	10 feet minimum	Property line
*Buffer type:			
A – Opaque buffer			
B – Semi-opaque buffer			
C – Broken buffer			
A, C - A type A opaque buffer must be used when the land use abuts a residential land use and a type C broken buffer must be used when the land use abuts any other land use (i.e., another commercial, or multifamily land use)			
B, C - A type B buffer must be used when the land use abuts a residential land use and a type C buffer must be used when the land use abuts any other land use.			
Note: In the case of multifamily, only a type B buffer may be used when adjacent to commercial uses.			
Note: For Guide to Planting Shrubs - See appendix.			

Penalty, see § 1.01.999

§ 15.02.223 PROCEDURE.

(A) *Submittal of sketch plan.* The applicant for an initial zoning permit shall submit a buffer area sketch plan prepared by a North Carolina registered landscape architect or licenced landscape contractor for all required buffer areas. This plan shall include sufficient detailing of the landscaping and/or architectural buffering features that compliance with the intent of this subchapter can be shown.

(B) *Availability to CAC.* The buffer area sketch plan shall be made available at once to the Community Appearance Commission (CAC). The CAC shall review the plan and make written recommendations for approval or revision within 30 days to the Town Zoning Administrator, together with the reasons therefor.

(C) *Performance guarantee.*

(1) It is recognized that land development occurs continuously and that vegetation used in landscaping or screening should be planted at certain times to insure the best chance of survival. In lieu of completion of the improvements required by this subchapter, the Town of River Bend may, for the purpose of issuing a certificate of zoning compliance, accept a guarantee from the applicant that the improvements will be carried out according to the specifications of the Town of River Bend

at his expense. The guarantee may be in the form of a surety bond made by a surety company licensed to do business in North Carolina, certified check drawn in favor of the Town of River Bend, cash deposited with the Town of River Bend, letter of credit in favor of the Town of River Bend from a bank or other financial institution satisfactory to the Town Council or other form of security as the Town Council may approve. The guarantee shall be in the amount of not less than 100% nor more than 125% of the estimated cost of the construction of the required improvements.

(2) Performance guarantees shall run for a period of 6 months and may be renewed thereafter for periods of time as the Town Council may approve.
Penalty, see § 1.01.999

TREE PRESERVATION

§ 15.02.235 GENERALLY.

Preservation of trees is in the public interest and is necessary to conserve energy, retard stormwater runoff, aid in noise, glare and heat abatement, safeguard and enhance property values, protect public and private investment, contribute to the preservation of an area or a site's unique sense of place, provide visual buffering and enhance town beautification efforts which contribute to the quality of life of a given area, and to prevent the indiscriminate removal of significant trees and facilitate their replacement in certain developments and areas within the town.

§ 15.02.236 TREE PRESERVATION AND REPLACEMENT IN NEW NON-RESIDENTIAL DEVELOPMENTS AND RESIDENTIAL SUBDIVISIONS.

(A) No person shall engage in Timber Harvesting within the planning jurisdiction of the town, without first obtaining a zoning permit from the Zoning Administrator who will see to it that there is no wholesale removal of trees from a site in an effort solely to market or make the property available for development without providing an opportunity to incorporate existing vegetation in the development. ***Added 09/19/2007, Amended 04/16/2009***

(B) The Town of River Bend shall require all non-residential developments or residential subdivisions in excess of 1 acre, or individual non-developed lots, approved and/or developed after the effective date of §§ 15.02.235 *et seq.*, to provide for the preservation or replacement of Regulated Trees on the subject site.

(C) The following minimum standards shall be applied in determining the required extent of tree preservation or replacement. If required, replacement trees shall be designated and listed as suitable for the area by the N.C. Cooperative Extension. ***Amended 04/16/2009***

(1) The total number of Regulated Trees to be retained shall be at least 30 trees per acre.

(2) If there are less than 30 Regulated Trees per acre on the site, then the owner shall be responsible for planting a number of trees equal to the difference on the site. All replacement trees must equal at least 6.25 inches in circumference, measured at 24 inches above the ground which are distributed throughout the individual lots within that acre. ***Amended 04/16/2009***

(3) In the event a lot or tract is developed prior to the owner having obtained site plan approval by the Zoning Administrator and Planning Board, then the owner shall be required to plant 30 new trees per acre, each with a minimum of 6.25 inches in circumference, measured 24 inches above ground. ***Amended 04/16/2009***

(D) Regulated Trees that are retained may be used to fulfill some of the planting requirements of street, yard, parking facilities or buffering, provided they are not damaged by construction activities or the intended use of the property.
Penalty, see § 1.01.999

§ 15.02.237 SITE PLANS.

(A) *Site plans generally.*

(1) All non-residential developments shall be required to submit to the Zoning Administrator a site plan as part of the development approval process.

(2) The site plan shall include the following information.

(a) Name, address, and telephone number of the owner, address of development site; name address and telephone number of the applicant if contractor or agent of the property owner.

(b) The existing site conditions and location of trees to be removed.

(c) The dimensions of the parcel to be developed, together with the existing and/or proposed locations of structures and improvements, existing and/or proposed utility services, roadways, bikeways, walkways and parking areas.

(d) The location, caliper and species of all Regulated Trees to be retained, or new trees to be planted in accordance with the provisions of this subchapter.

(e) Any proposed grade changes which might adversely affect or endanger any Regulated Trees to be retained with a statement of how the tree is to be protected and maintained.

(B) *Death or removal of new, retained or regulated trees.*

(1) If any new, retained, or Regulated Tree shown on the approved site plan dies or is removed by the developer, within 1 year after the issuance of the certificate of zoning compliance or the granting of the final plat approval, it shall be replaced by planting a new tree having a minimum of 6.25 inches in circumference, measured at 24 inches above ground. ***Amended 04/16/2009***

(2) In residential subdivisions, replacement of dead trees within the established 1 year period shall be the responsibility of the owner, regardless of whether or not the new, retained, or Regulated Trees are on public or private property. However, the planting of the replacement tree by the owner shall be restricted to those areas in the development reserved for usable open space. In the event the property in a residential subdivision is sold and a subsequent owner removes a regulated or required tree or the tree dies the owner who initially planted the tree shall not be required to replace the tree.

(3) No certificate of occupancy/compliance for any non-residential development shall be issued, and no final plat approval for any residential subdivision in excess of 1 acre shall be granted until the property owner or developer has complied with the minimum standards.
Penalty, see § 1.01.999

§ 15.02.238 PROCEDURE FOR TREE REMOVAL PERMIT.

(A) This section does not apply to Timber Harvesting, which is covered in § 15.02.239 of this subchapter. Permits granted under this section shall expire after a period of 180 days.
Amended 09/17/2007 and 04/16/2009

(B) No person, directly or indirectly, shall remove any Regulated Tree from public property or individual non-developed lots, without first obtaining a tree removal permit.

(C) Applications for tree removal shall include the following information:

(1) Name and address of the owner of the site, address of development site; name, address and telephone number of applicant if contractor or agent of the property owner;

(2) Description of Regulated Tree(s), including species, size and reason for removal; and

(3) If required, a site plan showing existing site conditions and location of tree(s) to be removed.

(D) No tree removal permit shall be issued unless 1 or more of the following criteria are met:

(1) The Regulated Tree is dead, severely diseased, injured or in danger of falling close to existing or proposed structures;

(2) The Regulated Tree is causing disruption to existing utility service or causing drainage or passage problems upon the right-of-way;

(3) The Regulated Tree is posing an identifiable threat to pedestrian or vehicular safety;

(4) The Regulated Tree violates state or local safety standards;

(5) Removal of the Regulated Tree is necessary to enhance or benefit the health or condition of adjacent trees or property; and

(6) The Regulated Tree restricts the allowable use of the property.

(E) Prior to removal, all Regulated Trees which are to be removed shall be marked by the Zoning Administrator at 54 inches and at the base of the tree. A pre-removal assessment shall be documented by the Zoning Administrator. ***Amended 04/16/2009***

(F) Within thirty (30) days of removing Regulated Trees pursuant to a permit granted under this section, the permittee shall contact the Zoning Administrator to schedule a follow up inspection. The Zoning Administrator shall document the follow up assessment. ***Amended 04/16/2009***
Penalty, see § 1.01.999

§ 15.02.239 THINNING OR CLEARCUTTING.

(A) No person shall engage in the Timber Harvesting of any site within the planning jurisdiction of the town without first obtaining a Timber Harvesting Zoning Permit from the Zoning Administrator.

(B) Timber Harvesting Zoning Permits shall be subjected to the following requirements:
Amended 09/19/2007 and 04/16/2009

(1) (a) For tracts of land that are than 5 acres or less in size, the owner shall retain a minimum 25-foot tree/vegetation buffer along all property lines, except those adjoining other lands devoted to recognized timber management as evidenced by a "Forest Management Plan" which was prepared by a forester registered in the State of North Carolina and on file with the Tax Office of Craven County, North Carolina. ***Amended 09/19/2007 and 04/16/2009***

(b) For tracts of land that are greater than 5 acres in size, the owner/developer shall retain a minimum 50-foot tree/vegetation buffer along all property lines that abut a residential use or residential zoning district. A 25-foot tree/vegetation buffer shall be retained along all other property lines, except those adjoining other lands devoted to recognized timber management as evidenced by a "Forest Management Plan" which was prepared by a forester registered in the state of North Carolina and on file with the Tax Office of Craven County, North Carolina. ***Amended 04/16/2009***

(c) To the extent practicable, retained trees shall be evenly distributed throughout the buffer area. The buffer area shall also consist of naturally growing understory (underbrush) vegetation that has the effect of providing additional buffering. To the extent practicable, the understory (underbrush) vegetation shall remain in an undisturbed state, to allow for the removal of selected trees in the designated buffer area. ***Amended 04/16/2009***

(d) Prior to harvest, the boundary buffer area must be delineated and marked with flagging or paint and observed by the Zoning Administrator prior to harvest. Trees that are to be harvested from the buffer area should be painted at a height of 54 inches and at the base of the tree. In the event that the basal area (total area of trees calculated using the diameter at breast height, 54 inches above the ground on the uphill side of the tree including the bark) within a proposed property buffer area is less than 60 square feet per acre in trees greater than 5.6 inches dbh (17.59 inches circumference breast height) (a standard size for a marketable tree) prior to harvest, then no trees may be removed from the buffer area. A pre-harvest assessment shall be documented by the Zoning Administrator. ***Amended 04/16/2009***

(e) After harvest, the buffer area shall contain a minimum of 60 square feet of basal area (total area of trees calculated using the diameter at breast height – 54 inches above the ground on the uphill side of the tree – including the bark) per acre in trees greater than 5.6 inches dbh (17.59 circumference breast height), that are well distributed throughout the buffer area. If no trees are harvested from the property buffer area, then no collection of post harvest data will be required. ***Amended 04/16/2009***

(f) In order to ensure compliance with this section, the stocking in the buffer shall be determined by establishing sample plot systematically (every 300 feet of buffer lineal distance). Each plot will be rectangular in shape being 25 feet wide for tracts less than 5 acres and 50 feet wide for tracts greater than 5 acres(perpendicular from the property boundary to the edge of the buffer area), and 100 feet in length. All trees at least 17.59 inches in circumference, measured at 54 inches above ground within the plot will be measured. The sum of the basal areas of the measured trees will be expanded to per acre basis and should exceed 60 square feet per acre in 90% of the plots. If a plot falls within a non-stocked area such as a roadway leaving the property or in a stream, the plot should be moved to eliminate inclusion of areas void of trees. Plot installation and measurement are the responsibility of the permittee and must meet the approval of the Zoning Administrator. ***Amended 04/16/2009***

(g) The permittee shall be responsible for the collection and documentation of any post harvest data necessary to evaluate compliance with this section. The permittee shall submit to the

Zoning Administrator a written certification signed by a registered forester that the timber harvest complied with this section. ***Amended 04/16/2009***

(h)

Sample Calculation 25 foot buffer					
	Number of Residual Basal Trees	DBH Class (Inches)	CBH Class (Inches)	Basal Area per Tree* (Sq. Feet)	Total Basal Area (Sq. Feet)
	3	6	18.85	0.1963	0.5890
	3	7	21.99	0.2673	0.8018
	2	8	25.13	0.3491	0.6981
	1	11	34.56	0.6600	0.6600
	1	14	43.98	1.0690	1.0690
Total In Plot	**10**				**3.8179**
Total Per Acre	**174**				**66.52**

Amended 04/16/2009

How to calculate Basal Area in the 25 foot buffer: ***Amended 04/16/2009***

In the example shown in this chart, there are three (3) six (6) inch (dbh) trees in the 25 foot by 100 foot buffer sample plot. The total basal areas of these trees is determined by multiplying the square of the radius (half the diameter)by "pi"(3.14159) and dividing this result by 144 (to convert square inches to square feet).

So 3 squared = 9, and 9 times 3.14159 = 28.274. Converting this to square feet (28.274/144) = .1963 square feet per tree.

Next multiply the total number of 6 inch trees (3) by .1963 to determine the total basal area of 6 inch trees in the sample plot.

Perform this same series of calculations for each tree size in the sample plot and add the total basal areas to determine the total number of square feet of basal areas in the sample plot. In this example, there are a total of 3.8179 square feet.

Next, divide the total basal area of the trees measured (3.8179) by the total number of square feet in the plot (2,500) to get the basal area per square foot.

The last calculation is multiplying this number by the number of square feet in an acre (43,560) to reveal the total basal area per acre in the same plot.

If using the CBH (Caliber Breast Height), you will need to determine the diameter (divide the circumference by "pi") before beginning the calculation.

Note: This data will be gathered and summarized by the Timber Harvest Permit Holder, certified by a registered forester, and presented to the Zoning Administrator, when the harvest is complete.

Sample Calculation 50 foot buffer					
	Number of Residual Basal Trees	DBH Class (Inches)	CBH Class (Inches)	Basal Area per Tree* (Sq. Feet)	Total Basal Area (Sq. Feet)
	4	6	18.85	0.1963	0.7854
	6	7	21.99	0.2673	1.6035
	4	8	25.13	0.3491	1.3963
	3	11	34.56	0.6600	1.9799
	1	14	43.98	1.0690	1.0690
Total In Plot	**18**				**6.8340**
Total Per Acre	**157**				**59.54**

Amended 04/16/2009

How to calculate Basal Area in the 50 foot buffer: ***Amended 04/16/2009***

In the example shown in this chart, there are three (3) six (6) inch (dbh) trees in the 25 foot by 100 foot buffer sample plot. The total basal areas of these trees is determined by multiplying the square of the radius (half the diameter)by "pi"(3.14159) and dividing this result by 144 (to convert square inches to square feet).

So 3 squared = 9, and 9 times 3.14159 = 28.274. Converting this to square feet (28.274/144) = .1963 square feet per tree.

Next multiply the total number of 6 inch trees (3) by .1963 to determine the total basal area of 6 inch trees in the sample plot.

Perform this same series of calculations for each tree size in the sample plot and add the total basal areas to determine the total number of square feet of basal areas in the sample plot. In this example, there are a total of 3.8179 square feet.

Next, divide the total basal area of the trees measured (3.8179) by the total number of square feet in the plot (2,500) to get the basal area per square foot.

The last calculation is multiplying this number by the number of square feet in an acre (43,560) to reveal the total basal area per acre in the same plot.

If using the CBH (Caliber Breast Height), you will need to determine the diameter (divide the circumference by "pi") before beginning the calculation.

Note: This data will be gathered and summarized by the Timber Harvest Permit Holder, certified by a registered forester, and presented to the Zoning Administrator, when the harvest is complete.

(2) The following procedure must be followed when applying for a Timber Harvest Zoning Permit:

(a) The application must be accompanied by a Timber Harvest Plan that contains the following information at a minimum:

(b) A map of the property showing property boundaries and the timber harvest boundaries, the planned location of log decks and loading areas, haul roads, any streams or bodies of water subject to protection under the Forest Practice Guidelines Related to Water Quality or the Neuse River Basin Protection Rules, special management zones (25 foot buffer zones, streamside buffers, etc.)

(c) A brief statement outlining the silvicultural objectives of the harvesting operation.

(d) The property owners name, address, and phone number, the timber buyer's name, address, and phone number, and the timber buyer's supervising representative's name, address, and phone number.

(e) Post harvest reforestation plans (if applicable).

(f) The planned dates of the harvest.

(g) A certificate of General Liability Insurance covering all harvesting and hauling operations.

(h) A refundable performance deposit in the amount of $30.00 per harvest acre.

(3) Pre-Permit Inspection - The Zoning Administrator or an authorized representative will accompany the party responsible for supervising the harvest on an inspection of the harvest area and note and document the following preparations prior to the issuance of a permit: (check list)

(a) Using the Timber Harvest Plan - Ensure that all property lines within the harvest area are clearly marked and delineated with flagging or paint.

(b) All buffer zones including boundary buffers and stream side buffers are clearly marked and delineated with flagging or paint.

(c) Log deck and loading areas are reviewed and agreed upon to minimize the visual impact along public roads and adjacent properties.

(d) Trees selected for harvest in boundary buffer areas are marked with paint at 4.5 feet and at ground level. Paint marks should face the buffer boundary.

(e) Review the plan to ensure log trucks can safely enter and exit the property from public roads. Ensure that the plan calls for reasonable fire prevention readiness, removal of trash and waste petroleum products on a daily basis, and reasonable security to minimize trespass and vandalism. Entry points for log trucks have adequate site distance and warning signs are posted, equipment is equipped with fire extinguishers and is cleaned of accumulated forest litter daily, logging personnel should remain at the site at least 30 minutes after equipment is shut down, a trash barrel is available on the log deck and is emptied daily, parked equipment is secured with locks and all hydraulic energy is relieved prior to leaving the job site.

(f) Accumulated natural debris (limbs, tops, and butts) in the deck area will be re-deposited and thinly spread across the harvest area prior to the completion of the harvest. (no deck piles or debris)

(4) Active Harvest Inspection: During the period of actual harvest, the Zoning Administrator or designated representative should frequently monitor the operation and insure that all the terms agreed upon during the Pre-Permit Inspection are being implemented. If violations are discovered and not corrected, the Timber Harvest Permit may be suspended until the infraction is corrected.

(5) Post Harvest Inspection: At the end of the harvest operation, the Zoning Administrator or designated representative should accompany the buyer's supervising representative on a final inspection of the site to ensure compliance with all of the terms agreed upon in the Pre-Permit Inspection and to review the property buffer plot data for compliance. If infractions are noted, the buyer should have a period of 30 days to correct these infractions to the satisfaction of the Zoning Administrator. If the infractions are not corrected, the Town of River Bend will retain the performance deposit and use this money for mitigation as they deem appropriate. If the harvest was conducted in compliance with the Pre-Harvest Inspection, then the performance deposit will be refunded to the permittee.

HARVEST INSPECTION CHECK LIST

Property Owner	**Timber Buyer**	**Buyer's Supervisor**
Name_____	Name_____	Name_____
Address_____	Address_____	Address_____
Phone_____	Phone_____	Phone_____

Active Harvest Inspection	Yes	No	Date& Initials	Date& Initials	Date& Initials
Property lines are shown on harvest plan map & are delineated with flagging or paint?					
Buffer Zones, streams and stream buffer zones are shown on the harvest plan map and are delineated with flagging or paint?					
Log decks and loading areas are shown on the harvest plan map and are clearly delineated and agreed on to minimize visual impacts?					
Trees selected for harvest in boundary buffers are marked with paint at 4.5 feet and at ground level. Paint marks face the buffer boundary?					
If harvest is to occur in the boundary buffer, the residual trees appear to be adequate to retain 60 sq ft of basal area per acre in the buffer zone?					
Road access is agreed upon to insure safe ingress and egress while minimizing visual impacts to roadways and surrounding property?					
Fire prevention plans discussed and agreed upon?					
Logging equipment has fire extinguishers?					
30 minute shut down period discussed and adhered to?					
Daily litter removal from equipment discussed and adhered to?					
Harvest operations security safety discussed/agreed upon?					
Equipment is locked when parked/unattended?					
Hydraulic energy is relieved when parked/unattended?					
Vandalism or trespass is reported and investigated?					
Visual management of the harvest discussed/agreed upon?					
Trash and petroleum waste removed daily?					
Trash barrel on the log deck?					
Plan to prevent soil and debris from entering public roadway?					
Boundary and streamside buffers					
Buffer requirements are discussed and understood?					
Notification					
Zoning Administrator notified 1 day prior to initiating or ending active harvest operations?					
Accumulated natural debris (limbs, tops, and butts) in the deck area re-deposited and thinly spread across the harvest prior to the completion of the harvest?					

_____ _____

Zoning Administator Date Buyer's Representative Date

(C) In the event a tract of land proposed for timber harvesting is located adjacent to a developed tract of land that already has a buffer in place that meets the standards for buffering, the Zoning Administrator may waive all or part of the buffering requirement along the property line abutting the development if he finds that: ***Amended 09/19/2007***

(1) The adjoining property buffer is established to a degree that it completely excludes all visual contact between uses and creates a strong impression of spacial separation; and

(2) Adequate legal mechanisms are in place to ensure the preservation of the buffer for the life of the development. If, however, an owner of timberland which abuts a developed tract of land decides to develop his property after timber harvesting the same, but before new growth forms a suitable buffer between the 2 tracts of land, the forest owner/developer must provide an acceptable buffer, along the line of his property adjoining the developed tract of land.

§ 15.02.240 PROTECTION OF REGULATED TREES. *Amend 04/16/2009*

(A) (1) The Town of River Bend recognizes the importance of adequately protecting trees during the construction phase of developments. To this end, no excavation or other subsurface disturbances may be undertaken within the critical root zone of a Regulated Tree. The critical root zone is defined as the ground area around a tree trunk with a radius (in feet) that is twice the diameter of the Regulated Tree (in inches) measured at breast height (e.g., a 10 inch diameter tree requires a 20 foot radius of protection). The critical root zone shall be marked by a barrier fence.

(2) In cases, such as utility extension, sidewalk installation, or other site improvements, where it is neither prudent nor possible to avoid land disturbance activity in the critical root zone area, the developer shall, upon consultation with the Zoning Administrator, be responsible for providing the town with a root disturbance mitigation plan which shall outline a specific course of action for minimizing damage to a Regulated Tree's root system.

(B) If space that would otherwise be devoted to parking cannot be so used because of the requirements of division (A) above and, as a result, the parking requirements set forth in §§ 15.02.080 *et seq.* cannot be satisfied, the number of required spaces may be reduced by the number of spaces lost up to a maximum of 15% of the required spaces.
Penalty, see § 1.01.999

§ 15.02.241 REQUIRED TREES ALONG DEDICATED RESIDENTIAL STREETS.

(A) Along both sides of all newly created residential streets with respect to which an offer of dedication is required to be made by this subchapter the developer shall either plant or retain sufficient trees so that, between the paved portion of the street and a line running parallel to and 20 feet from the right of way, there is for every 30 feet of street frontage at least an average of 1 canopy tree that has or will have when fully mature a trunk at least 12 inches in diameter.

(B) When trees are planted by the developer pursuant to this subchapter, the developer shall choose trees that have a minimum 6.25 inch circumference at 24 inches off the ground at the time of planting and meet the standards set forth in § 15.02.235 *et seq.* ***Amend 04/16/2009***
Penalty, see § 1.01.999

§ 15.02.242 PLANTINGS.

For purposes of this subchapter, the term ***PLANTING*** shall mean any live plant material such as trees, shrubs, ground cover and grass used in spaces void of any impervious material or building structure, areas left in their natural state, or areas where mulch is used as ground cover. Planting has an important impact on better control of flood problems, soil erosion, air and noise pollution and making the town a healthier, safer and more aesthetically pleasing place in which to live and work.

§ 15.02.243 COMPLIANCE WITH PLANTING REQUIREMENTS.

(A) A planting plan on all commercial, office and institutional, industrial, multi-family, planned unit developments, and non-residential uses in a residential district shall be required. A minimum of 20% of the total area shall be planted.

(B) Planting plans shall be prepared by a landscape architect licensed in the State of North Carolina. Planting plans shall be drawn at the same scale as the site plan or larger. The planting plan may be found on the site plan.

(C) All areas that call for grass planting on a planting plan shall be planted in accordance with generally accepted practices.

(D) All planting plans shall provide the following general information:

(1) Approximate locations of all required plant material to be planted on the site; and

(2) Information on the quantity, species, and caliper of all trees to be planted or retained on the site. ***Amended 04/16/2009***

(E) Regarding certificate of zoning compliance, see § 15.02.170. ***Amended 04/16/2009***
Penalty, see § 1.01.999