



TOWN OF RIVER BEND

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RIVER BEND TOWN COUNCIL AGENDA

Work Session Meeting

June 10, 2021

River Bend Town Hall

5:00 p.m.

1. Public Hearing – FY21-22 Budget Proposal
2. Public Hearing – Proposed Chapter 15 Zoning Ordinance Amendments
3. Discussion – FY 2021-2022 Leaf and Limb Collection Schedule
4. Discussion – Surplus Property Resolution
5. VOTE – FY 2020-2021 Budget Amendment 20-B-07
6. Discussion – Building Use Policy
7. Discussion – Advisory Board Appointments
8. Discussion – Advisory Board Functions and Operations
9. Discussion – July Council Meeting Schedule
10. Review Agenda – Nobles

Pledge: Councilman Sheffield

NOTICE OF PUBLIC HEARING

The Town Council of the Town of River Bend will conduct a public hearing on June 10, 2021 to gather public comments on the proposed town budget for Fiscal Year 2021-2022. The public hearing will begin at 5 p.m. at Town Hall, located at 45 Shoreline Drive, River Bend, NC. A copy of the proposed budget is available from the Town Clerk or it can be viewed online by visiting the town's web page at www.riverbendnc.org and clicking on the "FY 21-22 Town Budget" tab. The town's rules for conducting a public hearing will be followed.

Town of River Bend, North Carolina
Annual Budget for Fiscal Year 2021-2022

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Annual Budget Ordinance

BE IT ORDAINED by the Council of the Town of River Bend, North Carolina that the following anticipated fund revenues and departmental expenditures, together with certain fees and schedules, and with certain restrictions and authorizations, are hereby appropriated and approved for the operation of the Town government and its activities for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

Summary

General Fund	1,891,341
General Capital Reserve Fund	107,187
Law Enforcement Separation Allowance Fund	13,545
Water Fund	585,500
Water Capital Reserve Fund	489
Sewer Fund	659,500
Sewer Capital Reserve Fund	22
Total	<u>3,257,584</u>

Section 1. General Fund

Anticipated Revenues

AD VALOREM Taxes 2021-2022	711,163
AD VALOREM Tax-Motor Vehicle	85,800
Animal Licenses	2,000
Sales Tax 1% Article 39	149,718
Sales Tax 1/2% Article 40	87,158
Sales Tax 1/2% Article 42	74,932
Sales Tax Article 44 105-524	10,235
Sales Tax Hold Harmless Distribution	86,068
Solid Waste Disposal Tax	2,200
Powell Bill Allocation	76,800
Beer and Wine Tax	13,225
Video Programming Sales Tax	53,600
Utilities Franchise Tax	111,000
Telecommunications Sales Tax	9,900
Court Refunds	500
Zoning Permits	5,000
Recovery Grant NCORR-FDLG-004	76,445
Miscellaneous	10,000
Interest-NCORR-FDLG-004 Investments	30
Interest- Powell Bill Investments	50
Interest-Gen Investments	500
Contributions	421
Wildwood Storage Rents	18,144
Rents & Concessions	18,000
Transfer From Capital Reserve Fund	43,850
Appropriated Fund Balance	<u>244,602</u>
Total	1,891,341

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Section 1. **General Fund (continued)**

Authorized Expenditures

Governing Body	32,000
Administration	262,000
Finance	129,000
Tax Listing	11,200
Legal Services	24,000
Elections	3,500
Police	551,500
Public Buildings	107,000
Emergency Services	4,000
Animal Control	11,000
Street Maintenance	191,000
Public Works	161,000
Leaf & Limb and Solid Waste	44,000
Stormwater Management	42,000
Wetlands and Waterways	3,000
Planning & Zoning	50,000
Recovery Grant NCORR-FDLG-004	76,475
Recreation & Special Events	7,500
Parks & Community Appearance	43,000
Contingency	17,667
Transfer To General Capital Reserve Fund	107,000
Transfer To L.E.S.A. Fund	13,500
Total	<hr/> 1,891,341

Section 2. **General Capital Reserve Fund**

Anticipated Revenues

Contributions from General Fund	107,000
Interest Revenue	187
Total	<hr/> 107,187

Authorized Expenditures

Transfer to General Fund	43,850
Future Procurement	63,337
	<hr/> 107,187

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Section 3. **Law Enforcement Separation Allowance Fund**

Anticipated Revenues:

Contributions from General Fund	13,500
Interest Revenue	45
Total	<u>13,545</u>

Authorized Expenditures:

Separation Allowance	1,517
Future LEOSSA Payments	12,028
Total	<u>13,545</u>

Section 4. **Water Fund**

Anticipated Revenues

Utility Usage Charges, Classes 1 & 2	199,710
Utility Usage Charges, Classes 3 & 4	8,949
Utility Usage Charges, Class 5	12,209
Utility Usage Charges, Class 8	3,586
Utility Customer Base Charges	231,472
Hydrant Availability Fee	20,496
Taps & Connections Fees	1,250
Nonpayment Fees	10,500
Late payment Fees	6,839
Interest Revenue	1,275
Sale of Capital Asset	0
Appropriated Fund Balance	89,214
Total	<u>585,500</u>

Authorized Expenditures

Administration & Finance [1]	469,000
Operations and Maintenance	113,000
Transfer To Fund Balance for Capital Outlay	3,500
Transfer To Water Capital Reserve Fund	0
Total	<u>585,500</u>

[1] Portion of department for bond debt service: 148,991

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Section 5. **Water Capital Reserve Fund**

Anticipated Revenues

Contributions From Water Operations Fund	0
Interest Revenue	489
Total	<u>489</u>

Authorized Expenditures

Future Expansion & Debt Service	<u>489</u>
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Section 6. **Sewer Fund**

Anticipated Revenues:

Utility Usage Charges, Classes 1 & 2	258,181
Utility Usage Charges, Classes 3 & 4	20,212
Utility Usage Charges, Class 5	27,576
Utility Usage Charges, Class 8	7,264
Utility Customer Base Charges	294,652
Taps & Connection Fees	1,250
Late payment Fees	7,902
Interest Revenue	1,919
Sale of Capital Asset	0
Appropriated Fund Balance	40,544
Total	<u>659,500</u>

Authorized Expenditures:

Administration & Finance [2]	463,000
Operations and Maintenance	193,000
Transfer to Fund Balance for Capital Outlay	3,500
Transfer to Sewer Capital Reserve Fund	0
Total	<u>659,500</u>

[2] Portion of department for bond debt service: 128,659

Section 7. **Sewer Capital Reserve**

Anticipated Revenues:

Contributions From Sewer Operations Fund	0
Interest Revenue	22
Total	<u>22</u>

Authorized Expenditures:

Future Expansion & Debt Service	<u>22</u>
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Section 8. **Levy of Taxes**

There is hereby levied a tax at the rate of twenty-six cents (\$0.26) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2021, for the purpose of raising the revenue listed as "Ad Valorem Taxes 2021-2022" in the General Fund Section 1 of this ordinance. This rate is based on a valuation of \$278,000,000 for purposes of taxation of real and personal property with an estimated rate of collection of 98.39%. The estimated collection rate is based on the fiscal year 2019-2020 collection rate of 98.39% by Craven County who has been contracted to collect real and personal property taxes for the Town of River Bend. Also included is a valuation of \$33,000,000 for purposes of taxation of motor vehicles with a collection rate of 100% by the North Carolina Vehicle Tax System.

Section 9. **Fees and Charges**

There is hereby established, for Fiscal Year 2022, various fees and charges as contained in Attachment A of this document.

Section 10. **Special Authorization of the Budget Officer**

- A. The Budget Officer shall be authorized to reallocate any appropriations within departments.
- B. The Budget Officer shall be authorized to execute interfund and interdepartmental transfers in emergency situations. Notification of all such transfers shall be made to the Town Council at its next meeting following the transfer.
- C. The Budget Officer shall be authorized to execute interdepartmental transfers in the same fund, including contingency appropriations, not to exceed \$5,000. Notification of all such transfers shall be made to the Town Council at its next meeting following the transfer.

Section 11. **Classification and Pay Plan**

Cost of Living Adjustment (COLA) for all Town employees shall be 1.4% and shall begin the first payroll in the new fiscal year. The Town Manager is hereby authorized to grant merit increases to Town employees, when earned, per the approved Pay Plan.

Section 12. **Utilization of the Budget Ordinance**

This ordinance shall be the basis of the financial plan for the Town of River Bend municipal government during the 2021-2022 fiscal year. The Budget Officer shall administer the Annual Operating Budget and shall ensure the operating staff and officials are provided with guidance and sufficient details to implement their appropriate portion of the budget.

Section 13. **Copies of this Budget Ordinance**

Copies of this Budget Ordinance shall be furnished to the Clerk, Town Council, Budget Officer and Finance Officer to be kept on file by them for their direction in the disbursement of funds.

**Town of River Bend
Schedule of Rates and Fees
(Attachment A to Budget Ordinance)
Effective July 1, 2021**

Amounts due are based upon the Fees and Charges Schedule in effect at the time of payment. It is the Town Council's intention that the Fees and Charges Schedule be revised as needed by July 1st of each year. Some fees and charges may be adjusted during the year as circumstances change.

GENERAL FUND

Administrative

Ad Valorem Tax	\$.26 per \$100 assessed valuation
Copies of Public Information	as specified by State Statute
Town Code, entire copy	\$75.00
Notary Fee	\$5.00 per signature after the first
Meeting Rooms	
Four hours or less	\$35.00
Over four hours	\$60.00
Returned Check Processing Charge	\$25, as allowed by G.S. §25-3-506
Administrative Fee for returned bank drafts	\$25.00

Public Safety

Pet License Fee	\$10.00
Town Ordinance Violation	
1st Offense	\$25.00
2nd Offense	\$50.00
3rd Offense	\$75.00
4th (and subsequent) offense	\$100.00

Ordinance permits penalties up to \$500. Penalties of this magnitude are reserved for serious infractions.

Golf Cart Registration Fee	\$10.00
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Nuisance Abatement Administrative Fee

<u>Cost of Abatement</u>	<u>Fee</u>
\$1 - 1,000	\$50.00
\$1,001 - and up	5% of total abatement cost (maximum fee \$2,000)

Parks

Town Hall Pavilion Use

Up to 25 attendants	No charge
26 - 100 attendants	\$25
Over 100 attendants	\$50

Planning and Zoning

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:
Base Fee	\$30
	\$2 for every \$1,000 of project value after first \$1,000 and up to \$100,000; plus, \$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 for enclosed structures (fences, decks, and other similar exempt from additional fee).

Commercial Application

Based on amount of project as follows:

Base Fee \$50

\$4 for every \$1,000 of project value after first
\$1,000 and up to \$100,000; plus,
\$2 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.

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 for enclosed structures (fences, decks, and other similar exempt from additional fee).

Residential Flood Plain Application without Zoning Permit

Based on amount of project as follows:

Base Fee \$30

\$2 for every \$1,000 of project value after first
\$1,000 and up to \$100,000; plus,
\$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.

Commercial Flood Plain Application without Zoning Permit

Based on amount of project as follows:

Base Fee \$50

\$4 for every \$1,000 of project value after first
\$1,000 and up to \$100,000; plus,
\$2 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.

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Engineering Review	Charged to applicant at the actual cost of the service as billed by the contracted engineer.
Zoning Amendment Request (Map or Text)	\$200 plus cost of required legal advertisement and postage to notify abutting land owners
Sign Permit	\$30
Tree Harvest Permit	\$50
Zoning and Subdivision Ordinances	\$25 per set

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Wildwood Storage Rental Rates

Unit Number	Unit Size	Monthly Rent
BB 01	5x20	\$35
BB 02	5x20	\$35
BB 03	5x20	\$35
BB 04	5x20	\$35
BB 05	10x20	\$75
BB 06	10x20	\$75
BB 07	10x20	\$75
BB 08	10x20	Town Occupied(TO)
BB 09	10x20	TO
BB 10	10x20	TO
BB 11	10x20	TO
BB 12	10x20	TO
GB 15	10x16	\$65
GB 16	10x16	\$65
GB 17	10x16	\$65
GB 18	10x16	\$65
GB 19	10x16	\$65
GB 20	10x16	TO
GB 21	10x16	TO
GB 22	10x16	TO
OP	Open Spaces (40)	\$25
Late Payment Charge	\$10, assessed after the 10 th of the month	
Interest Charge	1.5% monthly on outstanding balances	

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ENTERPRISE FUNDS

Water and Sewer - Rates and Fees

	Water	Sewer
Class 1 and 2 - Residential ⁽¹⁾		
Customer Base Charge per month ⁽²⁾	13.24	24.18
Usage per 1,000 gallons	4.02	9.08
Initial Connection (Tap) charge ⁽³⁾	1,250.00	1,250.00
Nonpayment Fee	70.00	-
Class 3 and 4 - Commercial		
Customer Base Charge per month ⁽²⁾	72.32	141.99
Usage per 1,000 gallons	4.02	9.08
Initial Connection (Tap) charge ⁽⁴⁾	3,500.00	1,250.00
Nonpayment Fee	100.00	-
Class 5 - Industrial		
Customer Base Charge per month ⁽²⁾	224.24	444.93
Usage per 1,000 gallons	4.02	9.08
Initial Connection (Tap) charge ⁽⁴⁾	5,000.00	1,250.00
Nonpayment Fee	200.00	-
Class 6 - Early Bird (No longer available)		
Class 7 - Fire Hydrant Charge		
Availability Charge per year	183.00	-
Class 8 - 1" Water Service		
Customer Base Charge per month ⁽²⁾	25.90	49.43
Usage per 1,000 gallons	4.02	9.08
Initial Connection (Tap) charge ⁽⁴⁾	1,500.00	1,250.00
Nonpayment Fee	100.00	-
Class 9 - Vacant /Out of Use Non-residential Property		
Customer Base Charge per month ⁽²⁾	13.24	24.18
Usage per 1,000 gallons	4.02	9.08
Nonpayment Fee	70.00	-
Class 10 - Vacant Residences		
Customer Base Charge per month ⁽²⁾	13.24	-
Nonpayment Fee	70.00	-

Special Charges

Service Call - 2 hour minimum

\$35 per hour - signed by customer to initiate work outside of scheduled work hours of
7:00 a.m. - 4:00 p.m. on weekdays and
7:00 a.m. - 3:00 p.m. on weekends

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Meter Testing Charge	\$25 - no charge if meter defective
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Special Charges (continued)

Returned Check Processing Charge	\$25, as allowed by G.S. §25-3-506
Late Payment Charge	10% of amount overdue per month or part of month beginning 30 days after billing date
Irrigation Connection Inspection	\$20

(1) Residential customer deposit may apply. Please refer to Water Resources Department Policy Manual.

(2) Base charges do not include any usage.

(3) The published Initial Connection (Tap) charges are based on the historic River Bend average cost that has been experienced in making connections. There will be cases when, because of the local depth of the service main pipe to which the connection is to be made, or other site specific differences from the norm, the published connection fee will not cover the actual cost of the tap. When the Water Resources Superintendent encounters such conditions, he shall notify the applicant requesting the tap that the cost may exceed the published fee. In those cases, a record of cost associated with the specific tap will be accounted for and if the total cost exceeds the published fee, then the applicant shall pay a fee equal to the actual cost.

(4) The necessary equipment will be provided to the resident at cost. The resident is responsible for installing the irrigation meter on the resident's side of the regular water meter. After installation, the work will be inspected by a Water Resources Department employee.

NOTICE OF PUBLIC HEARING

The Town Council of the Town of River Bend will conduct a public hearing on June 10, 2021 to gather public comments on proposed amendments to Chapter 15.01 of the Town's Zoning Ordinance-Subdivisions and Chapter 15.02-Zoning. The public hearing will begin at 5 p.m. at Town Hall, located at 45 Shoreline Drive, River Bend, NC. A copy of the proposed amendments are available from the Zoning Department or they can be viewed online by visiting the town's web page at www.riverbendnc.org and clicking on the "Proposed Amendments" tab. The town's rules for conducting a public hearing will be followed.

GENERAL PROVISIONS

§ 15.01.001 TITLE.

This chapter shall be known and may be cited as the Subdivision Regulations for the Town of River Bend, North Carolina, and may be referred to as the Subdivision Chapter.

§ 15.01.002 PURPOSE.

- A. The purpose of this chapter is to establish procedures and standards for the development and subdivision of land within the territorial and extraterritorial jurisdiction of the Town of River Bend.
- B. It is further designed to provide for the orderly growth and development of the Town of River Bend; for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities; for the dedication of recreation areas serving residents of the immediate neighborhood within the subdivision and of rights-of-way or easements for street and utility purposes; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety and the general welfare.
- C. This chapter is designed to further facilitate adequate provision for water, sewerage, stormwater management, parks and playgrounds and also to facilitate the further re-subdivision of larger tracts into smaller parcels of land.

§ 15.01.003 AUTHORITY.

This chapter is hereby adopted under the authority and provisions of the G.S. Chapter ~~§ 160A~~160D, Article ~~198~~, ~~Part 2~~8.

§ 15.01.004 JURISDICTION.

The regulations contained herein as provided in G.S. ~~§ 160A~~160D, Article ~~19-8~~ shall govern each and every subdivision within the territorial and extraterritorial jurisdiction of the Town of River Bend as the areas of the jurisdiction from time to time are determined.

Penalty, see § 1.01.999

§ 15.01.032 EFFECT OF PLAT APPROVAL ON DEDICATIONS.

- A. Pursuant to G.S. ~~§160A160D-374~~806, the approval of a plat shall not be deemed to constitute or effect the acceptance by the Town of River Bend or public of the dedication of any street or other ground, public utility line or other public facility shown on the plat.
- B. The Town Council may by resolution accept any dedication made to the public of lands or facilities for streets, parks, public utility lines or other public purposes, when the lands of facilities are located within its jurisdictional area.
- C. Acceptance of dedication of lands or facilities located within the jurisdictional area but outside the corporate limits of the Town of River Bend shall not place on the Town of River Bend any duty to open, operate, repair or maintain any street, utility line or other land or facility, and the Town of River Bend shall in no event be held to answer in any civil action or proceeding for failure to open, repair or maintain any street located outside of its corporate limits.

§ 15.01.033 SEPARABILITY.

Should any section or provision of this chapter be decided by a court of competent jurisdiction to be unconstitutional or invalid, the decision shall not affect the validity of the chapter as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

§ 15.01.034 VARIANCES.

Where, because of severe topographical or other conditions peculiar to the site, strict adherence to the provisions of this chapter would cause an unnecessary hardship, the Board of Adjustment may authorize a variance to the terms of this chapter only to the extent that it is absolutely necessary and not to an extent which would violate the intent of this chapter.

§ 15.01.035 AMENDMENTS.

The Town Council from time to time may amend the terms of this chapter, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation. The Planning Board shall have 30 days within which to submit its report. If the Planning Board fails to submit a report within the specific time, it shall be deemed to have approved the amendment.

§ 15.01.036 ABROGATION.

- A. It is not intended that this chapter repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law.
- B. Where this chapter imposes greater restrictions, the provisions of this chapter shall govern.

15.02.107 Non-conforming signs

15.02.108 Miscellaneous

Special ~~Exception~~-Use Regulation

15.02.120 General regulations

15.02.121 Application for special ~~exception~~-use permits

15.02.122 Review and approval of special ~~exception~~-uses

15.02.123 Specific requirements for some special ~~exception~~-uses

15.02.124 District use regulations

15.02.125 Control of backflow and cross-connections

Planned Development Project

15.02.135 Planned Development authorization

15.02.136 Planned Developments, generally

15.02.137 Application requirements for Planned Developments

Manufactured Homes

15.02.150 Need and purpose

15.02.151 Location

15.02.152 Permits

15.02.153 Additional requirements for manufactured homes

Administration of the Zoning Chapter

15.02.160 Conflicts of Interest

15.02.~~165~~164 Zoning Administrator

15.02.~~166~~165 Duties of Zoning Administrator

15.02.~~167~~166 Enforcement

15.02.167 Planning

15.02.168 Initial zoning permit

15.02.169 Certificate of zoning compliance

15.02.170 Certificate of occupancy/compliance

15.02.171 Records and invalidation

15.02.172 Remedies

Boards and Organizational Arrangements-of Adjustment

- 15.02.173 ~~Board of Adjustment~~ [Planning Boards](#)
- 15.02.174 ~~Meetings~~ [Boards of Adjustment](#)
- 15.02.175 ~~Powers and duties~~ [Extraterritorial Representation on Boards](#)
- 15.02.176 Judicial review
- 15.02.177 Filing and notice of appeal
- 15.02.178 [Quasi-Judicial Decisions & Judicial Review](#)
- 15.02.179 [Appeals](#)
- 15.02.180 [Rules of Procedure](#)
- 15.02.181 [Oath of Office](#)

Changes and Amendments

- 15.02.190 Generally
- 15.02.191 Application
- 15.02.192 Planning Board review and recommendation
- 15.02.193 Public hearing by Town Council

Schedule of Fees

- 15.02.205 Schedule
- 15.02.220 Generally
- 15.02.221 Description of buffers
- 15.02.222 Table of buffering requirements
- 15.02.223 Procedure

Tree Preservation

- 15.02.235 Generally
- 15.02.236 Tree preservation and replacement in new non-residential developments and residential subdivisions
- 15.02.237 Site plans
- 15.02.238 Procedure for tree removal permit
- 15.02.239 Thinning or clearcutting
- 15.02.240 Protection of regulated trees
- 15.02.241 Required trees along dedicated residential streets

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.

CONDITIONAL ZONING. A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

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

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.

QUASI-JUDICIAL DECISION. A decision involving the finding of facts regarding a specific application of development regulation and that requires the exercise of discretion when applying the standards of the regulation. Quasi-judicial decisions include but are not limited to decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision making board.

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

SPECIAL USE PERMIT. A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. This definition includes permits previously referred to as "conditional use permits" or "special exceptions."

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

- 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.

§ 15.02.024 DEVELOPMENT APPROVALS RUN WITH THE LAND.

Unless provided otherwise by law, all rights, privileges, benefits, burdens, and obligations created by development approvals made pursuant to this Chapter attach to and run with the land.

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.

<i>Use District</i>	<i>Permitted Uses</i>	<i>Dimensional Requirements</i>
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

§ 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 than 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. Property that is located in the Town's extraterritorial planning and development regulation jurisdiction and that is used for bona fide farms purposes is exempt from the Town's zoning regulation to the same extent bona fide farming activities are exempt from county zoning pursuant to this section. Property that ceases to be used for bona fide farm purposes shall become subject to exercise of the Town's extraterritorial planning and development regulation jurisdiction under this Chapter.

Penalty, see § 1.01.999

§ 15.02.046 ZONING MAPS.

- 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.
- C. Zoning district maps, both current and prior, shall be maintained for public inspection in the office of the local government clerk or such other office as specified in the development regulation. The maps may be in paper or a digital format approved by the local government.
- D. Development regulations adopted pursuant to this Chapter may reference or incorporate by reference flood insurance rate maps, watershed boundary maps, or other maps officially adopted or promulgated by state and federal agencies. For these maps, a regulation text or zoning map may reference a specific officially adopted map or may incorporate by reference the most recent officially adopted version of such maps. When zoning district boundaries are based on these maps, the regulation may provide that the zoning district boundaries are automatically amended to remain consistent with changes in the official promulgated state or federal maps, provided a copy of the currently effective version of any incorporated map shall be maintained for public inspection as provided in subsection (C) of this section.

§ 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.

<i>Schedule of District Requirements</i>										
	R-20	R-20A	R-15	PDR-MF	PDR-SF	ID	BD	WP	AGR	PD-BD
Min. Lot Area (SF)	20,000	20,000	15,000	-	6,500	20,000	20,000	-	-	20,000
District Size	-	-	-	5 acres	10 acres	-	-	-	-	4 acres
Density	-	-	-	*	†	-	‡	-	-	‡
Min. Front Lot Line (FT)	90**	90**	85**	50††	50††	-	100	-	-	100
Min. Bldg. Set Back (FT)	30	30	30	25	25	40	40	-	-	40

- 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~~-zoning 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)

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. The Town of River Bend must provide mailed notice to owners of all parcels of land proposed for addition to the area of extraterritorial jurisdiction, as shown on the county tax records, thirty days prior to the date of the extraterritorial jurisdiction (ETJ) hearing, and may hold one hearing (with single mailed notice) regarding ETJ and initial zoning amendment.

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;

provide stability, such as is accomplished with a retaining wall; create a landscaping or ornamental effect.

C. Fences are a permitted use in all zoning districts, provided that:

1. No fences shall be allowed in any front yard.
2. Fences shall be limited to six (6) feet in height within any side or rear yard.
3. Fences shall be constructed of wood, brick, vinyl, ornamental iron or metal railing, chain link or stone. The exposed framing of each section of fence shall face the interior yard or property, e.g. the finished side shall face out.
4. The owner of the property on which the fence is located is required to maintain the fence in a safe condition and plumb (vertical) to the ground. For fences erected close to a property line, fence owners are advised to consider future access to the exterior side of the fence for maintenance.
5. Retaining walls over five (5) feet in height shall be designed and constructed under the responsible charge of a NC registered professional engineer.
6. Fences built in conjunction with electric or gas substations, public works facilities, public recreation facilities or other similar uses shall not exceed ten (10) feet in height without specific approval of the Town Manager.
7. No fence shall be constructed within or upon any street right-of-way. In addition, no fence shall be constructed within ten (10) feet of any street pavement.
8. No fence or wall shall alter or impede the natural flow of water in any stream, creek, drainage swale, ditch or similar drainage feature.
9. The exposed framing of each section of fence shall face the interior yard or property, e.g. the finished side shall face out.
10. In residential zoning districts, fences shall not be constructed of material which may be dangerous or hazardous to the public, such as barbed or razor wire or other similar materials except in association with those uses permitted as a special ~~exception~~use.
11. Fences constructed on or over utility easements are subject to be removed at the owner's expense subject to the terms of the easement.
12. Nothing in this section shall prevent the installation of temporary fences related to construction sites or sediment and erosion control. Temporary fences shall be removed within ten (10) days of the issuance of a certificate of zoning compliance for the project. For projects that do not require a zoning permit, temporary fences must be removed within (90) days of their installation. A temporary permit may be extended for thirty (30) days.
13. It is the responsibility of the fence owner to insure that the fence is installed on their property.
14. A zoning permit is required for the installation of any fence.

Amended 09/21/17

D. Visibility at intersections.

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~~-use 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

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

§ 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 use, 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 the number of employees

Minimum Off-street Parking Facility Requirements	
Category	Parking Spaces Required
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
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
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 and above 400,000	1

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~~ zoning 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

- 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 (SEU) 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~~-USE 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. Applicant/landowner must give written consent to conditions related to the special use permit to ensure enforceability.

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									
KEY: P – Use permitted by right SE-SU – Special exception use permitted upon approval by Board of Adjustment after recommendation of the Planning Board Blank/Unlisted – Prohibited use									
Use	R20/ R20A	R15	PDR- SF	PDR- MF	ID	BD	BD- PD	AGR	Parking Code*
Accessory Building	P	P	P	P	SESU	SESU	SESU	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						SESU	SESU		G
Cabinet, Woodworking or Upholstery Shops						P	P		G
Child Day Care						SESU			
Churches	SESU	SESU	SESU	SESU	P	SESU	SESU		E

SCHEDULE OF DISTRICT USE REGULATIONS

KEY:

P – Use permitted by right

SE-SU – Special ~~exception~~ use permitted upon approval by Board of Adjustment after recommendation of the Planning Board**Blank/Unlisted** – Prohibited use

Use	R20/ R20A	R15	PDR- SF	PDR- MF	ID	BD	BD- PD	AGR	Parking Code*
Clubs and Lounges, Private					P	SE-SU	SE-SU		F
Clothing Store						P	P		G
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-SU			A
Dwellings, 2-Family				P		SE-SU			A
Dwellings, Multi- Family				P		SE-SU			A
Fire Department Buildings	SE-SU	SE-SU	SE-SU	SE-SU	SE-SU	SE-SU	SE-SU		F
Fitness Center						P	P		G
Florists/Gift Shop						P	P		G
Furniture Store						P	P		G
Golf Course	SE-SU	SE-SU	SE-SU	SE-SU	P	SE-SU	SE-SU		F
Grocery Store						P	P		G
Hardware Sales						P	P		G
Home Occupations	P	P	P		P				G

SCHEDULE OF DISTRICT USE REGULATIONS

KEY:**P** – Use permitted by right**SESU** – Special ~~exception~~ use permitted upon approval by Board of Adjustment after recommendation of the Planning Board**Blank/Unlisted** – Prohibited use

Use	R20/ R20A	R15	PDR- SF	PDR- MF	ID	BD	BD- PD	AGR	Parking Code*
Jewelry and Watch Repair						P	P		G
Libraries	SESU	SESU	SESU	SESU		P	P		G
Marina						P			G
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/Supply						P	P		G
Police Station	SESU	SESU	SESU	SESU	SESU	SESU	SESU		F
Public Enterprise**	SESU	SESU	SESU	SESU		SESU	SESU		F
Public Utility	SESU	SESU	SESU	SESU	SESU	SESU	SESU		F
Restaurants					P	P	P		F
Schools	SESU	SESU	SESU	SESU	SESU				F
Service Station						SESU	SESU		J
Shoe Sales and Repair						P	P		G
Sporting Goods Sales						P	P		G

SCHEDULE OF DISTRICT USE REGULATIONS									
KEY: P – Use permitted by right <u>SE-SU</u> – Special exception -use permitted upon approval by Board of Adjustment after recommendation of the Planning Board Blank/Unlisted – Prohibited use									
Use	R20/ R20A	R15	PDR- SF	PDR- MF	ID	BD	BD- PD	AGR	Parking Code*
Storage Rental Units/Areas						P	P		G
Travel Agency						P	P		G
Utility Tanks, Pumps, Electrical Substations & Related Services	<u>SE-SU</u>	<u>SE-SU</u>	<u>SE-SU</u>	<u>SE-SU</u>	<u>SE-SU</u>	<u>SE-SU</u>	<u>SE-SU</u>	<u>SE-SU</u>	
Wholesale and/or Retail Janitorial Sales & Services						<u>SE-SU</u>	<u>SE-SU</u>		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.

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-zoning~~ 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.

C.D. Permit choice. If an application made in accordance with local regulation is submitted for a development approval required pursuant to this Chapter and a development regulation changes between the time the application was submitted and a decision is made, the applicant may choose which version of the development regulation will apply to the application. If the development permit applicant chooses the version of the rule or ordinance applicable at the time of the permit application, the development permit applicant shall not be required to await the outcome of the amendment to the rule, map, or ordinance prior to acting on the development permit.

Penalty, see § 1.01.999

§ 15.02.137 APPLICATION REQUIREMENTS FOR PLANNED DEVELOPMENTS.

Applications for development approvals may be made by the landowner, a lessee or a person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. An easement

holder may also apply for development approval for such development as is authorized by the easement.

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 firefighting 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

- (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. Approvals shall be issued in writing and may contain a provision that the development shall comply with all applicable State and local laws. The Town Council may issue development approvals in print or electronic form. If issued exclusively in electronic form it shall be protected from further editing once issued. 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.

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

§ 15.02.160 CONFLICTS OF INTEREST

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

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

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

D. *Quasi-judicial decisions.* A member of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

E. *Resolution of Objection.* If an objection is raised to a board member's participation at or prior to the hearing or vote on that matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.

F. *Familial relationship.* For purposes of this section, a close familial relationship means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

§ 15.02.~~165~~-164 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~~-165 DUTIES OF ZONING ADMINISTRATOR.

- 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. ~~167-166~~ ENFORCEMENT.

A. Notices of violation. When staff determines work or activity has been undertaken in violation of a development regulation adopted pursuant to this Chapter or other local development regulation or any State law delegated to the local government for enforcement purposes in lieu of the State or in violation of the terms of a development approval, a written notice of violation may be issued. The notice of violation shall be delivered to the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval, by personal deliver, electronic delivery, or first class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice of violation may be posted on the property. The person providing the notice of violation shall certify to the local government that the notice was provided and the certificate shall be deemed conclusive in the absence of fraud. Except as provided by G.S. 160D-11-23, 160D-12-6, or otherwise provided by law, a notice of violation may be appealed to the board of adjustment pursuant to G.S. 160D-4-5.

~~A-B.~~ 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, upon presentation of proper credentials, provided the appropriate consent has been given for inspection of areas not open to the public or that an appropriate inspection warrant has been secured.

~~B-C.~~ 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-D.~~ 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. The local government shall follow the same development review and

approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval.

- D.E. 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.F. 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.G. 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.H. 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.

§ 15.02.167 PLANNING

- A. Preparation of plans and studies.** As a condition of adopting and applying zoning regulations under this Chapter, a local government shall adopt and reasonably maintain a comprehensive plan that sets forth goals, policies, and programs intended to guide the present and future physical, social, and economic development of the jurisdiction.
- B. Adoption and effect of plans.** Plans shall be adopted by the governing board with the advice and consultation of the planning board. Adoption and amendment of a comprehensive plan is a legislative decision and shall follow the process mandated for zoning text amendments set by G.S. 160D-6-1. Plans adopted under this Chapter may be undertaken and adopted as part of or in conjunction with plans required under other statutes, including but not limited to the plans required by G.S. 113A-110. Plans adopted under this Chapter shall be advisory in nature without

independent regulatory effect. Plans adopted under this Chapter do not expand, diminish, or alter the scope of authority for development regulations adopted under this Chapter. Plans adopted under this section shall be considered by the planning board and governing board when considering proposed amendments to zoning regulations as required by G.S. 160D-6-4 and 160D-6-5.

If a plan is deemed amended by G.S. 160D-6-5 by virtue of adoption of a zoning amendment that is inconsistent with the plan, that amendment shall be noted in the plan. However, if the plan is one that requires review and approval subject to G.S. 113A-110, the plan amendment shall not be effective until that review and approval is completed.

§ 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 07/18/2013

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 07/15/2010

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~~ BOARDS AND ORGANIZATIONAL ARRANGEMENTS

Added 08/20/2015

§ 15.02.173 PLANNING BOARDS

- A. *Composition.* A local government may by ordinance provide for the appointment and compensation of a planning board or may designate one or more boards or commissions to perform the duties of a planning board. A planning board established pursuant to this section may include, but shall not be limited to, one or more of the following:
1. A planning board of any size (with no fewer than three members) or composition deemed appropriate, organized in any manner deemed appropriate;
 2. A joint planning board created by two or more local governments pursuant to Article 20, Part 1, of Chapter 160A.
- B. *Duties.* A planning board may be assigned the following powers and duties:
1. Prepare, review, maintain, monitor, and periodically update and recommend to the governing board a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis;
 2. Facilitate and coordinate citizen engagement and participation in the planning process;
 3. Develop and recommend policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;
 4. Advise the governing board concerning the implementation of plans, including, but not limited to, review and comment on all zoning text and map amendments as required by G.S. 160D-6-4.
 5. Exercise any functions in the administration and enforcement of various means for carrying out plans that the governing board may direct;
 6. Provide a preliminary forum for review of quasi-judicial decisions, provided that no part of the forum or recommendation may be used as a basis for the deciding board;
 7. Perform any other related duties that the governing board may direct.

§ 15.02. ~~173-174~~ CREATION; COMPOSITION; BOARDS OF ADJUSTMENT

A. Composition. A Board of Adjustment ("Board") is hereby established pursuant to G.S. ~~§160A-388~~ 160D-302, consisting of six (6) regular members and three (3) alternates. Five (5) regular members and two (2) alternates shall be citizens of the Town, appointed by the Town Council. One (1) regular member and one (1) alternate shall be residents of the Town's extraterritorial jurisdiction, and shall be appointed by the Craven County Board of Commissioners. Alternates shall serve on the Board in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member; however, vacancies shall be filled for the unexpired term only. All appointments to the Board shall be for a period of three (3) years commencing on July 1 of the year of appointment, and all members of the Board, including alternates, shall have equal rights, privileges and duties with regard to all matters within the Town and area of extraterritorial jurisdiction. Members of the Board may be compensated according to a schedule adopted by the Town Council from time to time. Members of the Board may be removed for cause by the Town Council upon written charges and after public hearing.

§15.02. ~~174~~ MEETINGS; OFFICERS

B. Meetings; Officers. The Board shall elect one (1) of its members as Chair, one (1) of its members as a Vice-Chair, and shall appoint a Secretary and other subordinates as it deems in its best interest. The Board shall adopt any rules of procedure under which it will operate. Meetings of the Board shall be held at the call of the Chair, or in his absence the Vice-Chair, or at least two (2) members of the Board. All meetings of the Board shall be open to the public. The Board shall keep full and accurate minutes of its proceedings.

§15.02. ~~175~~ POWERS AND DUTIES

C. Powers and Duties. The Board shall have the following powers and duties:

1. *Administrative Review.* To hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with enforcement of this Chapter.
2. *Interpretation.* To interpret the terms of this Chapter and zoning maps and to pass upon disputed questions of lot lines or district boundary lines and similar questions as they arise in the administration of this Chapter.
3. *Special ~~Exception~~ Use Permits.* To hear and decide special and conditional ~~use~~ zoning permits in accordance with standards and procedures specified in this Chapter. Reasonable and appropriate conditions may be imposed upon these permits.
4. *Exceptions from the application requirements for Business District Areas zoned BD-PD in heavily trafficked areas.* To hear and decide on requests for exceptions from the design guidelines and performance standards required under §15.02.048.

5. *Subpoena.* To subpoena witnesses and compel the production of evidence, through the chair, or in the chair's absence anyone acting as the chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under G.S. ~~§160A-393(d)~~160D-1402(c) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full Board. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties
6. *Oath.* The chair of the Board, or any member acting as chair, and the clerk to the Board are authorized to administer oaths to witnesses in any matter coming before the Board. Any person who, while under oath during a proceeding before the Board, willfully swears falsely is guilty of a Class 1 misdemeanor.
7. *Variance – In General.* When unnecessary hardships would result from carrying out the strict letter of this Chapter, the Board may vary any of the provisions herein upon a showing of all of the following:
 - a) Unnecessary hardship would result from the strict application of this Chapter. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 - b) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
 - c) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
 - d) The requested variance is consistent with the spirit, purpose, and intent of this Chapter, such that public safety is secured, and substantial justice is achieved.

Provided, however, no change in permitted uses may be authorized by variance.

Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

8. *Variance – Federal Fair Housing Act.* Notwithstanding the provisions of subparagraph (g) above, the Board may provide for a variance under the Federal Fair Housing Act upon the following:
 - a) *Application Requirements; Determination of Completeness.*
 - (1) *Persons Authorized to File Applications.* An application for a reasonable accommodation may be filed only by the owner of the land affected by the

9. *Decision.* As used in this Chapter, the term "decision" includes any final and binding order, requirement, or determination. The Board shall follow quasi-judicial procedures when deciding appeals and requests for variances and special and conditional ~~use~~-zoning permits. The Board shall hear and decide all matters upon which it is required to pass under any statute or this Ordinance.

§15.02.175 EXTRATERRITORIAL REPRESENTATION ON BOARDS

- A. *Proportional representation.* When a municipality elects to exercise extraterritorial powers under this Chapter, it shall provide a means of proportional representation based on population for residents of the extraterritorial area to be regulated. The population estimates for the calculation shall be updated no less frequently than after each decennial census. Representation shall be provided by appointing at least one resident of the entire extraterritorial planning and development regulation area to the planning board and board of adjustment.

§15.02.176 NOTICE OF HEARING QUASI-JUDICIAL PROCEDURE

- A. *Notice of Hearing.* Notice of evidentiary hearings conducted pursuant to this Chapter shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the zoning or unified development ordinance. In the absence of evidence to the contrary, the Town may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the Town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.
- B. *Administrative materials.* The administrator or staff to the board shall transmit to the board all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the board prior to the hearing if at the same time they are distributed to the board a copy is also provided to the appellant or applicant and to the landowner if that person is not the appellant or applicant. The administrative materials shall become a part of the hearing record. The administrative materials may be provided in written or electronic form. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing.
- C. *Presentation of evidence.* The applicant, the local government, and any person who would have standing to appeal the decision under G.S. 160D-14-2(d) shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and

substantial evidence that is not repetitive as allowed by the board. Objections regarding jurisdictional and evidentiary issues, including but not limited to, the timeliness of an appeal or the standing of a party, may be made to the board. The board chair shall rule on any objections and the chair's rulings may be appealed to the full board. These rulings are also subject to judicial review pursuant to G.S. 160D-14-2. Objections based on jurisdictional issues may be raised for the first time on judicial review.

§15.02.177 VOTING

- A. The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For all other matters, a majority of the members shall be required. For the purposes of this Section, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members. Abstentions by a member not otherwise excused from voting shall be counted as a vote in favor of any motion or action.
- B. A member of the Board shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.
- C. The Board may reverse or affirm, wholly or in part, 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.

§15.02.178 QUASI-JUDICIAL DECISIONS AND JUDICIAL REVIEW

- A. The Board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board or such other office or official as the ordinance specifies. The decision of the board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision

becomes effective. The person required to provide notice shall certify that proper notice has been made.

- B. Every quasi-judicial decision shall be subject to review by the Craven County Superior Court by proceedings in the nature of certiorari pursuant to G.S. ~~§160A-393~~ 160D-1402. A petition for review shall be filed with the Clerk of Craven County Superior Court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with §15.02.178(a). When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

§15.02.179 APPEALS

The Board shall hear and decide appeals from decisions of administrative officials charged with enforcement of this Ordinance, pursuant to all of the following:

- A. Any person who has standing under G.S. ~~§160A-393(d)~~ 160D-1402(c) or the city may appeal a decision to the Board. An appeal is taken by filing a notice of appeal with the Town Clerk and payment of any applicable fees; provided however, where interpretation of the terms of this Chapter is required specifically by this Chapter to be determined by the Board, the required fee will be waived. The notice of appeal shall state the grounds for the appeal.
- B. The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.
- C. The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.
- D. It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least 10 days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision. Absent an ordinance provision to the contrary, posting of signs shall not be required.
- E. The official who made the decision shall transmit to the Board all documents and exhibits constituting the record upon which the action appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.
- F. An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the Board after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause

imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of this Ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board of adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

- G. Subject to the provisions of subdivision (f) of this section, the Board shall hear and decide the appeal within a reasonable time.
- H. The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the Town would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the Board shall continue the hearing. The Board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision.
- I. When hearing an appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in G.S. ~~§160A-393(k)~~ 160D-1402(j).
- J. The parties to an appeal that has been made under this Chapter may agree to mediation or other forms of alternative dispute resolution.

Amended 08/20/2015

§15.02.180 RULES OF PROCEDURE

Rules of procedure that are consistent with the provisions of this Chapter may be adopted by the governing board for any or all boards created under this Article. In the absence of action by the governing board, each board created under this Article is authorized to adopt its own rules of procedure that are consistent with the provisions of this Chapter. A copy of any adopted rules of procedure shall be maintained by the local government clerk or such other official as designated by ordinance and posted on the local government web site if one exists. Each board shall keep minutes of its proceedings.

§15.02.181 OATH OF OFFICE

All members appointed to boards under this Article shall, before entering their duties, qualify by taking an oath of office as required by G.S. 153A-26 and 160A-61.

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. For the purpose of this section, properties are “abutting” even if separated by a street, railroad, or other transportation corridor.
- 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.
 3. When a zoning map amendment is proposed, the local government shall prominently post a notice of the hearing on the site proposed for the amendment or on an adjacent public street or highway right-of-way. The notice shall be posted within the same time period specified for mailed notices of the hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the local government shall post sufficient notices to provide reasonable notice to interested persons.
 - ~~2.~~4. Actual notice. Except for a government-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by

the landowner or authorized agent, the applicant shall certify to the local government that the owner of the parcel of land as shown on the county tax listing has received actual notice of the proposed amendment and a copy of the notice of the hearing.

- 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~~160D-1402, 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)~~160D-109(a), 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.
- ~~C.~~ D. Notwithstanding the authority to assign duties of the planning board to the governing board as provided by this Chapter, the review and comment required by this section shall not be assigned to the governing board and must be performed by a separate board.

§ 15.02.193 PUBLIC HEARING BY TOWN COUNCIL.

- A. *Advertisement.* Before adopting, amending, or repealing any ordinance or development regulation authorized by this Chapter, the governing board shall hold a legislative hearing. 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.
- C. *A development regulation adopted pursuant to this Chapter shall be adopted by ordinance.*

§ 15.02.194 GOVERNING BOARD STATEMENT.

- A. *Plan consistency.* When adopting or rejecting any zoning text or map amendment, the governing board shall also approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the governing board that at the time of action on the amendment the governing board was aware of and considered the planning board's recommendations and any relevant portions of an adopted comprehensive plan. If the amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land use map in the approved plan and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently. The plan consistency statement is not subject to judicial review. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-6-2(b), the governing board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the action taken.
- B. *Statement of reasonableness.* When adopting or rejecting any petition for a zoning text or map amendment, a brief statement explaining the reasonableness of the proposed rezoning shall be approved by the governing board. The statement of reasonableness may consider, among other factors: (i) the size, physical conditions, and other attributes of any area proposed to be rezoned; (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community; (iii) the relationship between the current actual and permissible development and the development permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-6-2(b), the governing board statement on reasonableness may address the overall rezoning.
- ~~B.~~C. *Single statement permissible.* The statement of reasonableness and the plan consistency statement required by this section may be approved as a single statement.

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 02/16/2012

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 fewer 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 plus \$20/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/Modification 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:	
	Base Fee	\$30
	\$2 for every \$1,000 of project value between \$1,000 and \$100,000	
	\$1 for every \$1,000 above \$100,000 (all values rounded to nearest \$1,000)	
Residential Flood Plain Application w/ Zoning Permit	40% of the fee for the Town’s residential zoning permit; in addition to the zoning permit fee	

**TOWN OF RIVER BEND
PLANNING BOARD**

**RESOLUTION ADVISING THAT THE PROPOSED AMENDMENTS
TO THE CODE OF ORDINANCES ARE IN ACCORDANCE WITH
ALL OFFICIALLY ADOPTED PLANS, INCLUDING THE
COMPREHENSIVE LAND USE PLAN; ARE REASONABLE;
AND ARE IN THE PUBLIC INTEREST.**

WHEREAS, the North Carolina General Assembly has given the Town of River Bend ("Town") the authority to adopt and amend zoning and development regulation ordinances for the purpose of promoting health, safety, morals and the general welfare of its citizens, and

WHEREAS, N.C.G.S. § 160D-604(d) requires the Town of River Bend Planning Board ("Board") to advise the Town of River Bend Town Council by written statement describing whether the proposed amendments to the Town's Code of Ordinances as related to zoning are consistent with all officially adopted plans, including the comprehensive land use plan, and

WHEREAS, the Board has in fact met to consider and evaluate the proposed revision of Chapter 15: Land Usage to incorporate required language prescribed by the North Carolina General Assembly.

NOW THEREFORE, BE IT HEREBY RESOLVED, that the Board finds that the proposed amendments to the Code of Ordinances are in accordance with and consistent with all officially adopted Town plans, including any comprehensive land use plan, and therefore recommends adoption by the Town Council.

This Resolution is effective upon its adoption this 6th day of May, 2021.

**TOWN OF RIVER BEND
PLANNING BOARD**


Egon Lippert, Chairman

ATTEST:


Allison McCollum, Secretary

PROPOSED 2021-2022 LEAF & LIMB PICK-UP SCHEDULE

You must have your debris by the road <u>BEFORE</u> the pick-up date for your zone.	
Zone 1 Debris Placement	Zone 1 Pick-Up Begins
June 30 th , 2021	July 5 th , 2021
September 1 st 2021	September 6 th , 2021
October 27 th , 2021	November 1 st , 2021
January 5 th , 2022 (Includes Christmas Trees)	January 10 th , 2022 (Includes Christmas Trees)
March 2 nd , 2022	March 7 th , 2022
May 4 th , 2022	May 9 th , 2022
Zone 2 Debris Placement	Zone 2 Pick-Up Begins
July 7 th , 2021	July 12 th , 2021
September 8 th , 2021	September 13 th , 2021
November 3 rd , 2021	November 8 th , 2021
January 12 th , 2022	January 17 th , 2022
March 9 th , 2022	March 14 th , 2022
May 11 th , 2022	May 16 th , 2022

There are no pick-ups in the months of August 2021, October 2021, December 2021, February 2022, April 2022, and June 2022.

All leaf & limb debris must be the result of natural defoliation or minor trimming and must observe the following criteria:

- Maximum diameter of limbs is three inches (3") and maximum length is six feet (6').
- Place all material in a pile at the roadside with butt ends towards the street in a flat area away from mailboxes, driveway tiles and any utility service areas. Leave room for removal equipment to work without harming adjacent grass or shrubbery.
- Leaves and pine cones shall be bagged, **and program participants shall either use clear plastic bags or shall affix a permanent label which clearly identifies the name and address of the source material.**
- No tree trunks, grass clippings or debris left by commercial contractors will be collected.
- Leaf & limb material shall **NOT** be placed at the roadside more than five (5) days prior to the week of pick-up as shown on the schedule above.
- Pickup shall be done once per street per scheduled pick-up week. Any leaf & limb material placed on the roadside after a street has been cleaned shall be the responsibility of the property owner to clear immediately.
- Pick-ups will be provided to all properties within the corporate Town limits only. Leaf & limb pick-up shall not be provided for contractors, including general yard maintenance contractors working on a resident's property. Additionally, no more than one trailer load of material will be picked up from any one commercial enterprise, and all material for pick up from the commercial enterprise must be in one location.
- Leaf & limb is defined as leaves, pine cones, and small tree and shrub limbs. It does not include construction material of any kind, trimmings from lot clearing, tree trunks, grass clippings or debris left by commercial contractors.
- All debris placed upon the public right of way must be placed off the paved portion of the street, and must be placed in the right of way immediately adjacent to the property from which it originates. Debris may be placed in the right of way immediately adjacent to the property of others only with the express permission of the owner of the property.
- Violation of these rules may subject violators to remedies described in the Town of River Bend Code of Ordinances, Section 1.01.999 General Penalty.

Resolution Declaring Surplus Property and Authorizing Sale of General Fund Vehicle

WHEREAS, the Town of River Bend desires to dispose of certain surplus property of the Town;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of River Bend that:

1. The following described property is hereby declared to be surplus to the needs of the Town:

**2019 Dodge Durango
VIN: 1C4RDJFG8KC812234**

2. The Town Manager is authorized and directed to receive, on behalf of the Town Council, bids for the purchase of the property described above and shall establish a time and date by which all bids must be received. He is also authorized to employ the action method he deems most advantageous to the Town.
3. The Town Clerk shall cause a notice of this sale to be published in the local newspaper of record.
4. The Town shall retain the right to reject any and all bids.

Adopted this 17th day of June, 2021

John R. Kirkland
Mayor

Attest:

Kristie Nobles



Date: 5/25/2021
Salesperson: Cella House
Manager: Tom Hall
Customer ID #: B54119TOWNOF

FOR INTERNAL USE ONLY

BUSINESS NAME TOWN OF RIVERBEND Home Phone : (252) 638-3870
CONTACT SEAN JOLL
45 SHORELINE DR
Address : RIVER BEND, NC 28562-8970 Work Phone : (252) 638-1108
CRAVEN CO
E-Mail : POLICECHIEF@RIVERBENDNC.ORG Cell Phone : (252) 838-2195

VEHICLE

Stock # : QUOTE1 New / Used : New VIN : _____ Mileage: 0
Vehicle : 2021 Ford Police Interceptor Utility Color : AGATE BLACK
Type : Base All-wheel Drive

Market Value Selling Price	<u>43,275.00</u>
Discount	<u>5,342.00</u>
Adjusted Price	<u>37,933.00</u>
Cash Deposit	<u>.00</u>
Balance	<u>37,933.00</u>

Customer Approval: _____

Management Approval: _____

By signing this authorization form, you certify that the above personal information is correct and accurate, and authorize the release of credit and employment information. By signing above, I provide to the dealership and its affiliates consent to communicate with me about my vehicle or any future vehicles using electronic, verbal and written communications including but not limited to eMail, text messaging, SMS, phone calls and direct mail. Terms and Conditions subject to credit approval. For Information Only. This is not an offer or contract for sale.

BALANCE DOES NOT INCLUDE N.C. TAX OR TAG. N.C. TAX =\$1137.99/ N.C. TAG=\$6.00/ TOTAL =\$39076.99.

[Home](#) / [What's My Car Worth](#) / [Category & Style](#) / [Options & Condition](#) / Citadel Sport Utility 4D

Advertisement

My Car's Value

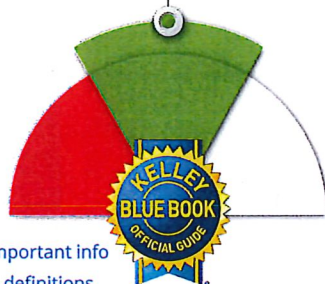
2019 Dodge Durango Citadel Sport Utility 4Dnear **New Bern, NC 28562**Mileage: **5,000**[Edit Options](#)

4.7 ★ (181 Ratings)

[Write a review](#)**Recalls: 2 Recalls Found**
[Is my car affected?](#)**Repair Estimator: See Pricing**
[What's a fair price?](#)

Compare Your Values

Use these values to help make a confident decision on whether to sell, trade or donate your car.

[Instant Cash Offer](#)**[Trade-in](#)**[Private Party](#)[Donate Your Car](#)
Important info
& definitionsCondition: **Excellent** ▼

Valid for ZIP Code 28562 through 06/08/2021

4.7 ★ (181 Ratings)

[Write a review](#)

Track This Car's Value

Be the first to know when this vehicle's
trade-in value changes by more than 2%.

Email Address

Send Me UpdatesBy subscribing to these updates, I accept
KBB.com's [Terms of Service](#)

[Home](#) / [What's My Car Worth](#) / [Category & Style](#) / [Options & Condition](#) / [Citadel Sport Utility 4D](#)

Advertisement

My Car's Value

2019 Dodge Durango Citadel Sport Utility 4Dnear **New Bern, NC 28562**Mileage: **5,000**[Edit Options](#)

4.7 ★ (181 Ratings)

[Write a review](#)[Save](#) [Print](#)**Recalls: 2 Recalls Found**
[Is my car affected?](#)**Repair Estimator: See Pricing**
[What's a fair price?](#)

Compare Your Values

Use these values to help make a confident decision on whether to sell, trade or donate your car.

[Instant Cash Offer](#)[Trade-in](#)**Private Party**[Donate Your Car](#)Condition: **Excellent**

Valid for ZIP Code 28562 through 06/08/2021

4.7 ★ (181 Ratings)

[Write a review](#)

Track This Car's Value

Be the first to know when this vehicle's trade-in value changes by more than 2%.

Email Address **Send Me Updates**By subscribing to these updates, I accept KBB.com's [Terms of Service](#)

		1	2	3	4	5	6	7	8	9	10	11	12	13	14
Vehicle Replacement Plan															
General Fund															
	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31
Reserved	16,000	17,000	17,000	17,000	52,000	40,000	28,000	28,000	29,000	29,000	37,000	33,000	33,000	29,000	30,000
Life Cycle															
Current Vehicle															
Police Vehicles															
Veh #1 6 years 2016 Dodge	25,000						43,000						51,000		
Veh #2 6 years 2019 Dodge				39,000					47,000						
Veh #3 6 years 2020 Ford					40,000						48,000				
Veh #4 6 years 2020 Ford			27,000						45,000						54,000
Veh #5 N/A 2013 Dodge															
Total Police Vehicles	25,000	-	27,000	39,000	40,000	-	43,000	-	45,000	47,000	48,000	-	51,000	-	54,000
Public Works Vehicles															
Veh #1 12 years 2016 F-150	22,000									36,000			32,000		
Veh #2 12 years 2014 F-250															
Total Public Works Vehicles	22,000	-	-	-	-	-	-	-	-	36,000	-	-	32,000	-	-
Total Expended	47,000	0	27,000	39,000	40,000	0	43,000	0	45,000	83,000	48,000	0	83,000	0	54,000
Balance (end of FY)	31,086	48,086	38,086	16,086	28,086	68,086	53,086	81,086	65,086	11,086	86	33,086	-16,914	12,086	-11,914



**TOWN OF RIVER BEND
PROPOSED BUDGET ORDINANCE AMENDMENT 20-B-07
FISCAL YEAR 2020-2021**

BE IT ORDAINED by the Council of the Town of River Bend, North Carolina that the 2020-2021 Budget Ordinance as last amended on April 15, 2021, be amended as follows:

Summary

General Fund	2,332,210
General Capital Reserve Fund	164,663
Law Enforcement Separation Allowance Fund	7,888
Water Fund	613,634
Water Capital Reserve Fund	2,800
Sewer Fund	709,484
Sewer Capital Reserve Fund	129
	<hr/>
Total	3,830,808

Section 1.

General Fund

Anticipated Revenues

AD VALOREM Taxes 2020-2021	713,246
AD VALOREM Tax-Motor Vehicle	83,200
Animal Licenses	2,400
Sales Tax 1% Article 39	136,448
Sales Tax 1/2% Article 40	81,430
Sales Tax 1/2% Article 42	68,324
Sales Tax Article 44 105-524	9,549
Sales Tax Hold Harmless Distribution	90,202
Solid Waste Disposal Tax	2,500
Powell Bill Allocation	84,500
Beer and Wine Tax	13,500
Video Programming Sales Tax	53,680
Utilities Franchise Tax	114,261
Telecommunications Sales Tax	10,330
Court Refunds	500
Zoning Permits	5,000
Federal Disaster Assistance	14,624
State Disaster Assistance	4,875
State Grant - Police	22,653
State Grant - CARES Act CRF funding	49,650
Recovery Grant NCORR-FDLG-004	99,568
Miscellaneous	13,500
Interest-NCORR-FDLG-004 Investments	1,212
Interest- Powell Bill Investments	50
Interest-Gen Investments	9,755
Contributions	421
Wildwood Storage Rents	18,120
Rents & Concessions	18,000
Transfer From Capital Reserve Fund	164,663
Appropriated Fund Balance	446,048
	<hr/>
Total	2,332,210

<u>Section 1.</u>	<u>General Fund (continued)</u>		<u>20-B-07 PROPOSED CHANGES</u>
Authorized Expenditures			
	Governing Body	28,700	
	Administration	268,691	
	Finance (<i>Funding 27th payroll, Muni. Bld. non-capital IT items, TH network closet update</i>)	130,181	10,000
	Tax Listing	10,880	
	Legal Services (<i>transfer to other depts.</i>)	19,000	-5,000
	Elections	0	
	Police	596,048	
	Public Buildings (<i>Town hall interior improvements</i>)	177,208	8,000
	Emergency Services (<i>Covid-19 supplies</i>)	5,000	1,000
	Animal Control	14,366	
	Street Maintenance (<i>transfer to other depts.</i>)	204,686	-14,000
	Public Works	160,240	
	Leaf & Limb and Solid Waste	62,999	
	Stormwater Management	221,371	
	Wetlands and Waterways	72,000	
	Planning & Zoning	48,363	
	Recovery Grant NCORR-FDLG-004	100,780	
	Recreation & Special Events	15,500	
	Parks & Community Appearance	50,370	
	Contingency	5,968	
	Transfer To General Capital Reserve Fund	60,000	
	Transfer To L.E.S.A. Fund	6,359	
	Transfer To BUS Capital Projects Fund	73,500	
	Total	2,332,210	0

Section 2. General Capital Reserve Fund

Anticipated Revenues		
	Contributions from General Fund	60,000
	Interest Revenue	1,248
	Appropriated Fund Balance	103,415
	Total	164,663
Authorized Expenditures		
	Transfer to General Fund	164,663

Section 3. Law Enforcement Separation Allowance Fund

Anticipated Revenues:		
	Contributions from General Fund	6,359
	Interest Revenue	100
	Appropriated Fund Balance	1,429
	Total	7,888
Authorized Expenditures:		
	Separation Allowance	7,888

Section 6.**Sewer Fund**

20-B-07
PROPOSED
CHANGES

Anticipated Revenues:

Utility Usage Charges, Classes 1 & 2	249,338
Utility Usage Charges, Classes 3 & 4	17,688
Utility Usage Charges, Class 5	29,873
Utility Usage Charges, Class 8	6,202
Utility Customer Base Charges	292,304
Taps & Connection Fees	1,250
Late payment Fees	7,740
Interest Revenue	9,372
Sale of Capital Asset	1,500
Appropriated Fund Balance	94,217
Total	709,484

Authorized Expenditures:

<i>Administration & Finance [2] (Funding 27th payroll)</i>	448,384	5,500
<i>Operations and Maintenance</i>	198,100	-5,500
Transfer to Fund Balance for Capital Outlay	63,000	
Transfer to Sewer Capital Reserve Fund	0	
Total	709,484	0

[2] Portion of department for bond debt service: 128,520

Section 7.**Sewer Capital Reserve**

Anticipated Revenues:

Contributions From Sewer Operations Fund	0
Interest Revenue	129
Total	129

Authorized Expenditures:

Future Expansion & Debt Service	129
---------------------------------	-----

Section 8. **Levy of Taxes**

There is hereby levied a tax at the rate of twenty-six cents (\$0.26) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2020, for the purpose of raising the revenue listed as "Ad Valorem Taxes 2020-2021" in the General Fund Section 1 of this ordinance. This rate is based on a valuation of \$275,400,000 for purposes of taxation of real and personal property with an estimated rate of collection of 99.61%. The estimated collection rate is based on the fiscal year 2018-2019 collection rate of 99.61% by Craven County who has been contracted to collect real and personal property taxes for the Town of River Bend. Also included is a valuation of \$32,000,000 for purposes of taxation of motor vehicles with a collection rate of 100% by the North Carolina Vehicle Tax System.

Section 9. **Fees and Charges**

There is hereby established, for Fiscal Year 2021, various fees and charges as contained in Attachment A of this document.

Section 10. **Special Authorization of the Budget Officer**

- A. The Budget Officer shall be authorized to reallocate any appropriations within departments.
- B. The Budget Officer shall be authorized to execute interfund and interdepartmental transfers in emergency situations. Notification of all such transfers shall be made to the Town Council at its next meeting following the transfer.
- C. The Budget Officer shall be authorized to execute interdepartmental transfers in the same fund, including contingency appropriations, not to exceed \$5,000. Notification of all such transfers shall be made to the Town Council at its next meeting following the transfer.

Section 11. **Classification and Pay Plan**

Cost of Living Adjustment (COLA) for all Town employees shall be 3.1% and shall begin the first payroll in the new fiscal year. The Town Manager is hereby authorized to grant merit increases to Town employees, when earned, per the approved Pay Plan.

Section 12. **Utilization of the Budget Ordinance**

This ordinance shall be the basis of the financial plan for the Town of River Bend municipal government during the 2020-2021 fiscal year. The Budget Officer shall administer the Annual Operating Budget and shall ensure the operating staff and officials are provided with guidance and sufficient details to implement their appropriate portion of the budget.

Section 13. **Copies of this Budget Ordinance**

Copies of this Budget Ordinance shall be furnished to the Clerk, Town Council, Budget Officer and Finance Officer to be kept on file by them for their direction in the disbursement of funds.

Proposed this 10th day of June, 2021.

John R. Kirkland, Mayor

Attest:

Kristie J. Nobles, Town Clerk

CURRENT
POLICY

TOWN OF RIVER BEND POLICY ON USE OF TOWN HALL MEETING ROOM

As a service to the community, the River Bend Town Hall Meeting Room shall be made available on an equitable basis for the lawful activities of groups or individuals. Permission of the Town to use its Meeting Room does not constitute official endorsement of the event nor of the beliefs, viewpoints, policies or affiliation of its sponsors.

WHO MAY USE THE MEETING ROOM. The Town Hall Meeting Room may be reserved for activities by the following:

- a. an individual resident of River Bend;
- b. an employee of River Bend;
- c. a recognized organization composed principally of River Bend residents;
- d. when the purpose or activity is of specific interest to River Bend residents.

The individual sponsor or head of the organization reserving the room shall be held responsible for room use regulations.

HOURS. The hours the Meeting Room may be used are:

Monday through Friday	8:30 a.m. to 10:00 p.m.
Saturday	10:00 a.m. to 10:00 p.m.
Sunday	12:00 Noon to 5:00 p.m.

RESERVATIONS. Requests for the use of the Meeting Room must be submitted to the Town Clerk during normal Town office hours.

Reservations are not official until confirmed by the Town Clerk.

Adult supervision and responsibility are required for events involving children.

The sponsor is required to notify the Town Clerk immediately of any cancellations.

Official meetings of the Town government and its boards and commissions have first priority and take precedence over all other activities. Any conflict in scheduling shall be resolved in their favor.

RESPONSIBILITIES OF THE SPONSOR Activities must begin and end in a timely manner to allow for setup, cleanup and restoration of the room within the time allotted. The sponsor is responsible for setting up the room for the use for which it is intended and to see that the room is clean and restored to its original configuration upon completion of the meeting. The sponsor or groups using the Meeting Room assume all responsibility for damage to Town Hall facilities and equipment which must be reported immediately to the Town Clerk. If outside normal Town Hall office hours, the sponsor is responsible for locking up the building once all participants have vacated. This can be done by notifying the police officer on duty or by personally locking the entry door knobs from the inside.

PROHIBITIONS. Tobacco, alcoholic beverages and cooking are prohibited. Only light refreshments and prepared finger foods are allowed (such as coffee, tea, soda, cookies, cakes, cupcakes).

Activities that involve more than normal wear and tear on the Meeting Room facility, generate excessive noise or are disruptive to the conduct of Town business shall not be permitted.

No admission fees shall be charged to attend the function.

No goods for sale shall be allowed.

FEES. A \$35.00 fee shall be charged for using the Meeting Room for up to four hours, and a \$60.00 fee for more than four hours in a day.

River Bend organizations or groups may be exempted by requesting to the Town Manager using the form below.

ADOPTED: 12-21-94.

AMENDED: 12-20-00

12-19-01 (To be effective when Town Manager assumes position)



Town of River Bend

CURRENT FORM

Meeting Room Use Request Form

Application Date		
Organization /Group Name		
Type of Business Conducted		
CONTACT INFORMATION		
Name	Phone Number	
Address		
RESERVATION INFORMATION		
Reservation Date	Reservation Day	Reservation Time
<input type="checkbox"/> One-Time Event <input type="checkbox"/> Recurring (if yes, how often) _____		
ROOM SELECTION		
<p>Please select one of the Municipal Building rooms listed below</p> <div style="display: flex; justify-content: space-around; align-items: flex-start;"><div style="text-align: center;"><input type="checkbox"/> Large Room Capacity: 124 people</div><div style="text-align: center;"><input type="checkbox"/> Small Room Capacity: 84 people</div></div> _____		
REQUEST FOR WAIVER OF MEETING ROOM USAGE FEE		
<p>Room Usage Fees apply as listed below. If you are requesting a waiver of the meeting room fee, please provide a brief justification below.</p> <div style="display: flex; justify-content: space-between;"><div>▶ \$35.00 – Four-Hour Usage in a Day</div><div>▶ \$60.00 – More than Four Hours in a Day</div></div> <p><input type="checkbox"/> <u>Waiver Requested</u> – Please explain</p> _____ _____ _____		
<p><u>Please Note</u> Official Town business takes precedence over any and all private reservations. It may become necessary for you to reschedule your meeting.</p>		
Room Usage Approval by Town Manager	Date	Waiver Approval by Town Manager
		Date

That **DELANE JACKSON, TOWN MANAGER**, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan or grant to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the March 19TH day of March, 2020 at the Town Hall at River Bend, North Carolina.

_____, Mayor
(Signature of Chief Executive Officer)

Councilman Fogle **moved to approve the Designation of Applicant's Authorized Official Resolution as presented.** The motion carried unanimously.

FINANCE – COUNCILMAN IRVING VAN SLYKE, JR.

Financial Report – Town Manager Delane Jackson told the Council that the total of the General Fund Cash Balances as of February 29, 2020 was \$4,885,283. Ad valorem tax collections were at \$105,596.

Vote – Building Use Policy – Council members still had a number of questions regarding this proposed policy. Mr. Jackson pointed out that, because of the COVID-19 emergency, none of the rooms are being used by any group except the Council, so there is still time to consider this item. Councilman Van Slyke **moved to table the Building Use Policy to a later date.** The motion carried unanimously.

MAYOR'S REPORT

The Mayor said that his February report discussed the torturous route that the construction of the new Police Department offices and meeting room building had traveled to get to the point of construction. Last month the report also discussed the building site necessitated the relocation of the basketball court.

This project has gone well to date and we expect that the completion will result in a building that will serve River Bend well for many years to come. The building is attractive and its location has allowed the contractor a site where he can operate without significant impact on Town operations. The Mayor asked that all citizens complete their Census 2020 form.

Before next month's meeting the Council and staff will be involved in drafting the budget for fiscal year 2020-2021. It is a fact that even at the local government level issues involving budget are of

DRAFT that was presented at the 2-13-2020 work session

TOWN OF RIVER BEND

POLICY ON USE OF TOWN HALL MEETING ROOM

As a service to the community, the River Bend town's Hall meeting room's shall may be made available on an equitable basis for the lawful activities of groups or individuals. ~~Permission~~ Approval of the town to use its Meeting Room facilities does not constitute official endorsement of the event nor of the beliefs, viewpoints, policies or affiliation of its sponsors. The meeting rooms shall not be used for any purpose that is not a permitted use in the town's zoning regulations.

WHO MAY USE THE MEETING ROOM/FACILITY. The town's meeting room's may be reserved for activities by the following:

- a. an individual resident of River Bend; Individuals
- b. an employee of River Bend; Groups officially affiliated with the Town of River Bend
- c. a recognized organization composed principally of River Bend residents;
Other agencies that are affiliated with Local, State or Federal government
- d. when the purpose or activity is of specific interest to River Bend residents.
Legally organized organizations and civic groups such as Boy Scouts of America, Girl Scouts of America, Lions Club, Rotary Club, Shriners, etc.
- e. Private organizations such as Home Owners Associations, political party organizations and other private groups

The individual sponsor or head of the organization reserving the room shall be held responsible for room use regulations. The person who signs the meeting room request form will be recognized as the sponsor of the event and shall be the person, who is responsible for compliance with this policy.

HOURS. The hours the Meeting Room may be used are:

Monday through Friday	8:30 a.m. to 10:00 p.m.
Saturday	10:00 a.m. to 10:00 p.m.
Sunday	12:00 (Noon) to 5:00 p.m.

RESERVATIONS. Requests for the use of the Meeting room must be submitted to the town Clerk during normal town office hours. Reservations are not official until confirmed by the town Clerk. Adult supervision and responsibility are required for events involving children. The sponsor is required to notify the town Clerk immediately of any cancellations. Official meetings of the town government and its boards and commissions have first priority and take precedence over all other activities. Any conflict in scheduling shall be resolved in their town's favor. Non-town affiliated groups/individuals are prohibited from reserving the room/facility on a long-term basis, which is defined as- more than once per week or any usage during more than twelve consecutive months. All long-term reservations must be renewed each calendar year on a first-come basis.

RESPONSIBILITIES OF THE SPONSOR. Activities must begin and end in a timely manner to allow for setup, cleanup and restoration of the room within the time allotted. The sponsor is responsible for setting up the room for the use for which it is intended and to see that the room is for cleaning and restoring it to its original configuration upon completion of the meeting. The sponsor or

groups using the Meeting Room assumes all responsibility for any damage caused to town's Hall facilities and equipment during their usage of the facility. Any damage which must be reported immediately to the town Clerk. If outside the meeting begins or ends outside of normal town Hall office hours, the sponsor is responsible for arranging opening and closing, including locking up the building once all participants have vacated the building. This can be done by notifying the police officer on duty by calling 252-229-2530 or by personally locking the entry door knobs from the inside.

PROHIBITIONS.

- a. Smoking of any kind (tobacco or e-cigarettes)
- b. Open flames of any kind, except those specifically designed for and used to warm prepared foods, such as those typically used by caterers
- c. Alcoholic beverages
- d. Cooking
- e. Animals
- f. Any unlawful activity

Events that include the serving of food/drinks are allowed. However, only light refreshments and prepared finger foods are allowed any foods that require cooking shall be cooked off site prior to being used in the town's facilities. (such as coffee, tea, soda, cookies, cakes, cupcakes).

Activities that involve more than normal wear and tear on the meeting room facility, generate excessive noise or are disruptive to the conduct of town business shall not be permitted.

No admission fees shall be charged to attend the function.

No goods for sale shall be allowed.

RENTAL FEES.

\$35.00 50.00 fee shall be charged for using the meeting room for up to four hours, and a \$60.00 100.00 fee for more than four hours in a single day.

Meetings organized by the Town of River Bend, its Advisory Boards, town sponsored organizations or town authorized meetings of other local, state or federal governments are exempt from rental fees. Local chapters, that serve the Craven County area, of legally organized organizations, non-profits, and civic groups such as Boys Scouts of America, Girls Scouts of America, Lions Club, Rotary Club, Shriners, etc. may also be exempted from rental fees. Groups such as these may be considered for exemption from the rental fees by requesting a waiver to from the Town Manager, using the form below provided by the Town. All others are subject to the fees.

DEPOSIT.

Any event that includes the serving of food and/or beverages of any kind requires the payment of a \$250 deposit. The deposit may be fully returned to the sponsor following an inspection by the town, provided that the facility was not damaged during the event. Any damages caused

during the event, as solely determined by town, shall be assessed to the sponsor and deducted from the deposit. If the damages exceed the amount of the deposit, the sponsor shall be responsible for any additional payment necessary to repair the damages to the town's satisfaction. Failure to pay for any damages shall result in legal action against the sponsor and possible prohibition of future use of the facility by the sponsor/individual/group.

ADOPTED: 12-21-94.

AMENDED: 12-20-00
12-19-01 (To be effective when Town Manager assumes position)

The yellow highlighted areas were added since the work session on 2-13-2020

TOWN OF RIVER BEND POLICY ON USE OF TOWN HALL MEETING ROOM

As a service to the community, the town's meeting rooms may be made available on an equitable basis for the lawful activities of groups or individuals. Approval by the town to use its facilities does not constitute official endorsement of the event nor of the beliefs, viewpoints, policies or affiliation of its sponsors. The meeting rooms shall not be used for any purpose that is not a permitted use in the town's zoning regulations.

WHO MAY USE THE MEETING ROOM/FACILITY. The town's meeting rooms may be reserved for activities by the following. These are examples and it is not an all-inclusive list.

- a. Individuals
- b. Groups officially affiliated with the Town of River Bend
- c. Other agencies that are affiliated with local, state or federal governments
- d. Legally established organizations, non-profits and civic groups such as Boy Scouts of America, Girl Scouts of the USA, Lions Club, Rotary Club, Shriners, etc.
- e. Private organizations such as home owners associations, political party organizations and other private groups

The person who signs the meeting room request form will be recognized as the sponsor of the event and shall be the person who is responsible for compliance with this policy.

HOURS. The hours the Meeting Room may be used are:

Monday through Friday	8:30 a.m. to 10:00 p.m.
Saturday	10:00 a.m. to 10:00 p.m.
Sunday	12:00 (Noon) to 5:00 p.m.

RESERVATIONS. Requests for the use of the room must be submitted to the town during normal town office hours. Reservations are not official until confirmed by the town. Adult supervision and responsibility are required for events involving children. The sponsor is required to notify the town immediately of any cancellations. Official meetings of the town government and its boards and commissions have first priority and take precedence over all other activities. Any conflict in scheduling shall be resolved in the town's favor. Non-town affiliated groups/individuals are prohibited from reserving the room/facility on a long-term basis, which is defined as: *more than once per week or any usage during more than twelve consecutive months*. All long-term reservations must be renewed each calendar year on a first-come basis.

RESPONSIBILITIES OF THE SPONSOR. Activities must begin and end in a timely manner to allow for setup, cleanup and restoration of the room within the time allotted. The sponsor is responsible for setting up the room for the use for which it is intended and for cleaning and restoring it to its original configuration upon completion of the meeting. The sponsor assumes all responsibility for any damage caused to town's facilities and equipment during their usage of the facility. Any damage must be reported immediately to the town. If the meeting begins or ends outside of normal town office hours, the sponsor is responsible for arranging opening and closing, including

locking up the building once all participants have vacated the building. This can be done by notifying the police officer on duty by calling 252-638-1108.

PROHIBITIONS.

- a. Smoking of any kind (tobacco or e-cigarettes)
- b. Open flames of any kind, except those specifically designed for and used to warm prepared foods, such as those typically used by caterers
- c. Alcoholic beverages
- d. Cooking (does not include simply warming foods that are cooked elsewhere)
- e. Animals
- f. Any unlawful activity

Events that include the serving of food/drinks are allowed. However, any foods that require cooking shall be cooked elsewhere prior to being used in the town's facilities. Activities that involve more than normal wear and tear on the meeting room facility, generate excessive noise or are disruptive to the conduct of town business may not be permitted.

RENTAL FEES. The fees apply to all groups that are not eligible for exemption

\$ 50.00 fee for up to four hours in a single day
\$100.00 fee for more than four hours in a single day.

Meetings organized by the Town of River Bend, its advisory boards, town-sponsored organizations or town authorized meetings of other local, state or federal governments are exempt from rental fees. Local chapters, that serve the Craven County area, of legally established organizations, non-profits, and civic groups such as Boys Scouts of America, Girls Scouts of the USA, Lions Club, Rotary Club, Shriners, etc. may also be exempted from rental fees. Groups such as these may be considered for exemption from the rental fees by requesting a waiver from the Town Manager, using the form provided by the Town. All others are subject to the fee.

DEPOSIT.

Any event by non-officially town affiliated groups that includes the serving of food and/or beverages of any kind requires the pre-payment of a \$250 deposit. The deposit may be fully returned to the sponsor following an inspection by the town, provided that the facility was not damaged during the event. Any damages caused during the event, as solely determined by town, shall be assessed to the sponsor and deducted from the deposit. If the damages exceed the amount of the deposit, the sponsor shall be responsible for any additional payment necessary to repair the damages to the town's satisfaction. Failure to pay for any damages shall result in legal action against the sponsor and possible prohibition of future use of the facility by the sponsor/individual/group.

ADOPTED: 12-21-94.

AMENDED: 12-20-00
12-19-01 (To be effective when Town Manager assumes position)

CURRENT APPOINTED BOARD/COMMISSION MEMBERS & TERM EXPIRATION DATES

Original Appointment Reappointed Date Term Expiration

PUBLIC WORKS ADVISORY BOARD (PWAB)

2 year term - 1st Tuesday Even Months

Council Member Liaison: John R. Kirkland (alt Fogle)

Tripp Carroll III	9/17/2020	9/17/2020	6/30/2021
Vacant	-	-	6/30/2021
Vacant	-	-	6/30/2021
Vacant	-	-	6/30/2021
Vacant	-	-	6/30/2022
Stephen Dentico	1/18/2018	7/1/2020	6/30/2022
Richard Seeger (chair)	9/15/2016	7/1/2020	6/30/2022

PLANNING BOARD (PB)

2 year term - 1st Thursday Every Month

Council Member Liaison: Buddy Sheffield (alt Maurer)

Keith Boulware	7/18/2001	7/1/2019	6/30/2021
Kathleen Fleming	8/20/2009	7/1/2019	6/30/2021
Kelly Forrest (ETJ)*	12/15/1999	8/17/2020	6/30/2022
Robert Kohn	1/29/2017	7/1/2019	6/30/2022
Kelly Latimer	11/15/2012	7/1/2019	6/30/2021
Egon Lippert (chair)	2/20/2014	7/1/2020	6/30/2022
Jon Payne	10/17/2013	7/1/2020	6/30/2022

PARKS & RECREATION BOARD (P&R)

2 year term - 1st Wednesday

Council Member Liaison: Barbara Maurer (alt Leonard)

Mary Dwyer	2/21/2013	7/1/2020	6/30/2022
Janet Nawojski (chair)	11/16/2017	7/1/2019	6/30/2021
Francine Rice	6/18/2015	7/1/2019	6/30/2021
Pat Lineback	8/20/2020	8/20/2020	6/30/2022
Meg Williams	2/21/2019	7/1/2020	6/30/2022
Nancy Fogle	10/17/2019	7/1/2020	6/30/2022
Gloria Kelly	4/15/2021	4/15/2021	6/30/2021

COMMUNITY APPEARANCE COMMISSION (CAC)

2 year term - 3rd Wednesday Odd Months

Council Member Liaison: Barbara Maurer (alt Leonard)

Brenda Hall	2/18/2021	2/18/2021	6/30/2022
Lona Farula	5/19/2011	7/1/2019	6/30/2021
Meg Williams (alt)	6/30/2018	7/1/2020	6/30/2022
Judi Lloyd	4/21/2018	7/1/2019	6/30/2021
Tripp Carroll III	11/19/2020	11/19/2020	6/30/2022
Lynn Torgersen (chair)	5/15/2014	7/1/2019	6/30/2021
John Meehan	6/30/2018	7/1/2020	6/30/2022
Nancy Del'Aria	7/1/2019	7/1/2019	6/30/2021

CURRENT APPOINTED BOARD/COMMISSION MEMBERS & TERM EXPIRATION DATES

Original Appointment Reappointed Date Term Expiration

ENVIRONMENTAL/WATERWAYS ADVISORY BOARD (EWAB)

2 year term - 1st Monday Every Month

Council Member Liaison: Brian Leonard (alt Sheffield)

Patty Leonard	12/12/2019	7/1/2020	6/30/2022
R. Karl Lichty	10/15/2015	7/1/2019	6/30/2021
James Stevens (chair)	8/15/2007	7/1/2020	6/30/2022
Raymond Jaklitsch	1/18/2018	7/1/2020	6/30/2022
Jon Hall	6/18/2020	7/1/2019	6/30/2021
Mary Holihan	12/12/2019	7/1/2020	6/30/2022
Paige Ackiss	12/12/2019	7/1/2019	6/30/2021

BOARD OF ADJUSTMENT

3-Year Term (G.S. '160A-388)

Council Member Liaison: Buddy Sheffield

Chris Barta	6/18/2015	7/1/2018	6/30/2021
Kelly Forrest (ETJ)*	12/15/1999	7/1/2018	6/30/2021
Cinda Hill	4/21/2016	7/1/2019	6/30/2022
Patty Leonard	11/16/2017	7/1/2018	6/30/2021
Barbara Maurer	7/1/2018	7/1/2018	6/30/2021
Helmut Weisser	6/18/2015	7/1/2019	6/30/2022
ALT - Rick Fisher (ETJ)*	7/1/2016	7/1/2018	6/30/2021
ALT - Paige Ackiss (Town)	1/18/2018	7/1/2018	6/30/2021

AUDIT COMMITTEE

Chairman: Irving Van Slyke, Finance Officer	6/30/2021
Brian Leonard, Deputy Finance Officer	6/30/2021
Finance Administrator	6/30/2021
Town Manager	6/30/2021
Vacant-Citizen Member	6/30/2021

CHAPTER 3.05: BOARDS AND COMMISSIONS

Section

Parks and Recreation Advisory Board

- 3.05.001 Establishment
- 3.05.002 Powers and duties
- 3.05.003 Composition and terms of office
- 3.05.004 Organization and procedures

Waterways/Environmental Advisory Board

- 3.05.015 Establishment
- 3.05.016 Purpose
- 3.05.017 Powers and duties
- 3.05.018 Composition and terms of office
- 3.05.019 Organization and procedures

Planning Board

- 3.05.035 Establishment
- 3.05.036 Purpose
- 3.05.037 Powers and duties
- 3.05.038 Composition and terms of office
- 3.05.039 Organization and procedures

Community Appearance Commission

- 3.05.055 Establishment
- 3.05.056 Purpose
- 3.05.057 Powers and duties
- 3.05.058 Composition and terms of office
- 3.05.059 Organization and procedures

Public Works Advisory Board

- 3.05.075 Establishment
- 3.05.076 Purpose
- 3.05.077 Powers and duties
- 3.05.078 Composition and terms of office
- 3.05.079 Organization and procedures

Cross-references:

- Public Nuisances, see Ch. 9.02*
- Public Works, see Title V*
- Zoning, see Ch. 15.02*

PARKS AND RECREATION ADVISORY BOARD**§ 3.05.001 ESTABLISHMENT.**

(A) A Parks and Recreation Advisory Board (the Board) is hereby created and established.

(B) The purpose of the Board is to advise the Town Council (Council) and Manager on parks and recreation issues to include, but not be limited to, town parks and recreation areas, safety matters in town parks and recreation areas, and recreational activities in town parks and recreation areas. The Board shall work on other issues assigned by the Council or Manager. The Board shall propose principles, goals, and methods, and offer guidance to the Council and Manager on parks and recreation issues.

§ 3.05.002 POWERS AND DUTIES.

Amended 04/18/2013

The Board shall report to the Town Council and shall have the following powers and duties:

(A) At the direction of the Council and Manager, conduct studies and make recommendations on matters relating to parks and recreation issues.

(B) Review operational reports and expenditures, and prepare recommendations to the Council and Manager on ways to improve parks and recreation operations and finances.

(C) At their request, assist the Council and Manager in the resolution of complaints and concerns registered by the town's citizens, governmental agencies, or other entities.

(D) All Board reports, recommendations, or requests for actions shall be coordinated, as appropriate, with other town boards working through the Manager and Council.

(E) Because the Board is advisory in purpose, no Board member shall make, or have the authority to make, any contractual or financial obligations or arrangements on behalf of, or for, the town.

§ 3.05.003 COMPOSITION AND TERMS OF OFFICE.

(A) There shall be seven (7) members of the Board, to be appointed by the Council for 2-year staggered terms. All members shall serve without compensation. The terms of office shall commence on July 1 and end on June 30, 2 years later, unless appointed to fill a vacancy, in which the term would begin immediately and end when the term was scheduled to end.

Amended 18 August 2016

(B) All members shall be residents of the town's planning and zoning jurisdictions.

(C) The Council may remove a Board member only by taking a public vote. A Board member who misses 3 consecutive meetings without being excused by the Board shall be considered to have resigned membership in the Board. The vacancy shall be filled by the Council.

§ 3.05.004 ORGANIZATION AND PROCEDURES.

(A) The Board shall elect a Chair, Vice Chair and a Secretary. The Secretary need not be a

member of the Board.

(B) The Board shall hold a minimum of 6 scheduled meetings per year or more if required by state law. Special meetings may be called by Chair, the Manager, or 2 members of the Board. All meetings shall be open to the public, shall be conducted under the rules of order established by Council, and shall be in accordance with state laws, in particular, the Open Meetings Law. A written agenda shall be prepared and published no less than 48 hours prior to a meeting. A written record of each meeting shall be kept and shall include information on attendance, findings, recommendations, and actions taken by the Board. This record shall be made available to the public.

(C) A quorum, comprised of more than half the current membership, shall be present at the meeting to take any official action required or authorized by this subchapter.

(D) The Board may adopt by-laws, rules, and other procedures not inconsistent with the town's ordinances and laws of North Carolina.

(E) 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.

WATERWAYS/ENVIRONMENTAL ADVISORY BOARD

§ 3.05.015 ESTABLISHMENT.

A Waterways/Environmental Advisory Board (the Board) is hereby created and established.

§ 3.05.016 PURPOSE.

The purpose of the Board is to keep current on federal, state and county rules and regulations on waterways and the environment; to inform and advise the Town Council (Council) and Manager on changes or status of such; and to provide recommendations on waterways and environmental issues or concerns relating to use, preservation, conservation and protection of such resources in the town. Advice, information and resulting recommendations are to be developed through research, reference to, or consultation with experts in the appropriate fields. The Board shall work on other issues assigned by the Council or Manager. The Board shall propose principles, goals, and methods and offer guidance to the Council and Manager on waterways and environmental issues. For purposes of this subchapter, waterways and environments include, but are not necessarily restricted to: canals, channels, lakes and ponds, storm water, soil and landscape, air and open space, and flora and fauna therein.

§ 3.05.017 POWERS AND DUTIES.

Amended 04/18/2013

The Board shall report to the Town Council and shall have the following powers and duties:

(A) At the direction of the Council and Manager conduct studies and make recommendations on matters relating to waterways and environmental issues.

(B) Review all development applications and provide recommendations to the Council and Manager relating to waterways and environmental issues.

(C) At their request, assist the Council and Manager in the resolution of complaints and concerns, registered by the town's citizens, governmental agencies, or other entities, about waterways and the environment.

(D) To engage in activities to further public education and understanding of the importance of waterways and the environment to the community, and voluntary means by which these resources may be protected.

(E) Develop and maintain an inventory of all open areas, publicly or privately owned, including, open marshlands, swamps, and other wetlands, in order to obtain information on the proper use of such areas and make recommendations to the Planning Board and Council concerning their use.

(F) To keep current on federal, state and regional environmental issues and proposals and inform the Town Council as deemed necessary or relevant.

(G) All Board reports, recommendations, or requests for actions shall be coordinated, as appropriate, with other Town Boards working through the Manager and Council.

(H) Because the Board is advisory in purpose, no Board member shall make, or have the authority to make, any contractual or financial obligations or arrangements on behalf of, or for, the town.

§ 3.05.018 COMPOSITION AND TERMS OF OFFICE.

(A) There shall be seven (7) members of the Board, to be appointed by the Council for 2-year staggered terms. All members shall serve without compensation. The terms of office shall commence on July 1 and end on June 30, 2 years later, unless appointed to fill a vacancy, in which the term would begin immediately and end when the term was scheduled to end.

Amended 18 August 2016

(B) All members shall be residents of the town's planning and zoning jurisdictions.

(C) The Council may remove a Board member only by taking a public vote. A Board member who misses 3 consecutive meetings without being excused by the Board shall be considered to have resigned membership in the Board. The Council shall fill the vacancy.

§ 3.05.019 ORGANIZATION AND PROCEDURES.

(A) The Board shall elect a Chair, Vice-Chair and a Secretary. The Secretary need not be a member of the Board.

(B) The Board shall hold a minimum of 6 scheduled meetings per year or more if required by state law. Special meetings may be called by Chair, the Manager, or 2 members of the Board. All meetings shall be open to the public, shall be conducted under the rules of order established by

Council, and shall be in accordance with state laws, in particular, the Open Meetings Law. A written agenda shall be prepared and published no less than 48 hours prior to a meeting. A written record of each meeting shall be kept and shall include information on attendance, findings, recommendations, and actions taken by the Board. This record shall be made available to the public.

(C) A quorum, comprised of more than half the current membership, shall be present at the meeting to take any official action required or authorized by this subchapter.

(D) The Board may adopt by-laws, rules, and other procedures not inconsistent with the town's ordinances and laws of North Carolina.

(E) With the express approval of the Town Council, the Board shall have the capability of establishing fund raising efforts and directing the use of those funds to further the goals of the Board.

(F) 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.

PLANNING BOARD

§ 3.05.035 ESTABLISHMENT.

A Planning Board (the Board) is hereby created and established.

§ 3.05.036 PURPOSE.

The purpose of the Board is to advise the Town Council (Council) and Manager on planning and zoning issues to include, but not be limited to, establishment or revision of districts, regulation and restriction of the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land in accordance with G.S. § 160A-382. The Board shall work on other issues assigned by the Council or Manager. The Board shall propose principles, goals, and methods, and offer guidance to the Council and Manager on planning and zoning issues.

§ 3.05.037 POWERS AND DUTIES.

Amended 04/18/2013

Pursuant to G.S. § 160A-361, the Board shall report to the Town Council and shall have the following powers and duties:

(A) At the direction of the Council and Manager, conduct studies and make recommendations on matters relating to planning and zoning issues.

(B) At their request, assist the Council and Manager in the resolution of complaints and concerns registered by the town's citizens, governmental agencies, or other entities.

(C) All Board reports, recommendations, or requests for actions shall be coordinated, as appropriate, with other town boards working through the Manager and Council.

(D) Because the Board is advisory in purpose, no Board member shall make, or have the authority to make, any contractual or financial obligations or arrangements on behalf of, or for, the town.

§ 3.05.038 COMPOSITION AND TERMS OF OFFICE.

- (A) There shall be seven (7) members of the Board, six (6) being appointed by the Council for 2-year staggered terms. The seventh member shall be a citizen living in the town's extraterritorial jurisdiction (ETJ) and shall be appointed by the Craven County Commissioners in accordance with G.S. § 160A-362. All members shall serve without compensation. The terms of office shall commence on July 1 and end on June 30, 2 years later, unless appointed to fill a vacancy, in which the term would begin immediately and end when the term was scheduled to end.

Amended 18 August 2016

- (B) All members shall be residents of the town's planning and zoning jurisdiction.

(C) The Council may remove a Board member only by taking a public vote. A Board member who misses 3 consecutive meetings without being excused by the Board shall be considered to have resigned membership in the Board. The vacancy shall be filled by the Council.

(D) Only the Commissioners have the authority to remove the ETJ member from the Board. Any ETJ vacancy shall be filled by the Commissioners.

(E) All members of the Board shall have equal rights, privileges and duties with regards to all matters within the town's planning and zoning jurisdiction.

§ 3.05.039 ORGANIZATION AND PROCEDURES.

(A) The Board shall elect a Chair and Vice-Chair. The Secretary need not be a member of the Board.

(B) The Board shall hold a minimum of 6 scheduled meetings per year or more if required by state law. Special meetings may be called by Chair, the Manager, or 2 members of the Board. All meetings shall be open to the public, shall be conducted under the rules of order established by Council, and shall be in accordance with state laws, in particular, the Open Meetings Law. A written agenda shall be prepared and published no less than 48 hours prior to a meeting. A written record of each meeting shall be kept and shall include information on attendance, findings, recommendations, and actions taken by the Board. This record shall be made available to the public.

(C) A quorum, comprised of more than half the current membership, shall be present at the meeting to take any official action required or authorized by this subchapter.

(D) The Board may adopt by-laws, rules, and other procedures not inconsistent with the town's ordinances and laws of North Carolina.

(E) 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.

COMMUNITY APPEARANCE COMMISSION

§ 3.05.055 ESTABLISHMENT.

A Community Appearance Commission (Commission) is hereby created and established.

§ 3.05.056 PURPOSE.

The purpose of the Commission is to advise the Town Council (Council) and Manager on community appearance issues to include, but not be limited to, enhancing the appearance of the municipality and its surroundings, making recommendations for planting of trees, shrubs or other planting materials to town property including town right-of-ways, and any other matter that affects the overall appearance of the town. The Commission shall work on other issues assigned by the Council or Manager. The Commission shall propose principles, goals, and methods, and offer guidance to the Council and Manager on community appearance issues.

§ 3.05.057 POWERS AND DUTIES.

Amended 04/18/2013

The Commission shall report to the Town Council and shall have the following powers and duties:

(A) At the direction of the Council and Manager, conduct studies and make recommendations on matters relating to community appearance issues.

(B) Review operational reports and expenditures related to Commission activities, and prepare recommendations to the Council and Manager on ways to improve community appearance operations and finances.

(C) At the request of the Council and Manager, assist in the resolution of community appearance complaints and concerns registered by the town's citizens, governmental agencies, or other entities.

(D) All Commission reports, recommendations, or requests for actions shall be coordinated, as appropriate, with other town boards working through the Manager and Council.

(E) Because the Board is advisory in purpose, no Board member shall make, or have the authority to make, any contractual or financial obligations or arrangements on behalf of, or for, the town.

§ 3.05.058 COMPOSITION AND TERMS OF OFFICE.

(A) There shall be seven (7) members of the Commission, to be appointed by the Council for 2-year staggered terms. All members shall serve without compensation. The terms of office shall commence on July 1 and end on June 30, 2 years later, unless appointed to fill a vacancy, in which the term would begin immediately and end when the term was scheduled

to end.

Amended 18 August 2016

(B) There may be up to 3 alternates on the Commission. These alternates may vote on Commission matters only if needed for a quorum.

(C) All members shall be residents of the town's planning and zoning jurisdiction.

(D) The Council may remove a Commission member only by taking a public vote. A Commission member who misses 3 consecutive meetings without being excused by the Commission shall be considered to have resigned membership in the Commission. The vacancy shall be filled by the Council.

§ 3.05.059 ORGANIZATION AND PROCEDURES.

(A) The Commission shall elect a Chair, Vice-Chair and a Secretary. The Secretary need not be a member of the Board.

(B) The Commission shall hold a minimum of 6 scheduled meetings per year. Special meetings may be called by the Chair, the Manager, or 2 members of the Commission. All meetings shall be open to the public, shall be conducted under the rules of order established by Council, and shall be in accordance with state laws, in particular, the Open Meetings Law. A written agenda shall be prepared and published no less than 48 hours prior to a meeting. A written record of each meeting shall be kept and shall include information on attendance, findings, recommendations, and actions taken by the Commission. This record shall be made available to the public.

(C) A quorum, comprised of more than half the current membership, shall be present at the meeting to take any official action required or authorized by this subchapter.

(D) The Commission may adopt by-laws, rules, and other procedures not inconsistent with the town's ordinances and laws of North Carolina.

(E) 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.

PUBLIC WORKS ADVISORY BOARD

§ 3.05.075 ESTABLISHMENT.

A Public Works Advisory Board (the Board) is hereby created and established.

§ 3.05.076 PURPOSE.

The purpose of the Board is to advise the Town Council (Council) and Manager on public works issues to include, but not be limited to, water and sewer matters, public roads, and public buildings. The Board shall work on other issues assigned by the Council or Manager. The Board shall propose principles, goals, and methods, and offer guidance to the Council and Manager on water resources

and public works issues.

§ 3.05.077 POWERS AND DUTIES.

Amended 04/18/2013

The Board shall report to the Town Council and shall have the following powers and duties:

(A) At the direction of the Council and Manager, conduct studies and make recommendations on matters relating to water resources and public works issues.

(B) Review operational reports and expenditures, and prepare recommendations to the Council and Manager on ways to improve water resources and public works operations and finances.

(C) At their request, assist the Council and Manager in the resolution of complaints and concerns registered by the town's citizens, governmental agencies, or other entities.

(D) All Board reports, recommendations, or requests for actions shall be coordinated, as appropriate, with other town boards working through the Manager and Council.

(E) Because the Board is advisory in purpose, no Board member shall make, or have the authority to make, any contractual or financial obligations or arrangements on behalf of, or for, the town.

§ 3.05.078 COMPOSITION AND TERMS OF OFFICE.

(A) There shall be seven (7) members of the Commission, to be appointed by the Council for 2-year staggered terms. All members shall serve without compensation. The terms of office shall commence on July 1 and end on June 30, 2 years later; unless appointed to fill a vacancy, in which the term would begin immediately and end when the term was scheduled to end.

Amended 18 August 2016

(B) All members shall be residents of the town's planning and zoning jurisdictions.

(C) The Council may remove a Board member only by taking a public vote. A Board member who misses 3 consecutive meetings without being excused by the Board shall be considered to have resigned membership in the Board. The vacancy shall be filled by the Council.

§ 3.05.079 ORGANIZATION AND PROCEDURES.

(A) The Board shall elect a Chair, Vice Chair and a Secretary. The Secretary need not be a member of the Board.

(B) The Board shall hold a minimum of 6 scheduled meetings per year or more if required by state law. Special meetings may be called by Chair, the Manager, or 2 members of the Board. All meetings shall be open to the public, shall be conducted under the rules of order established by Council, and shall be in accordance with state laws, in particular, the Open Meetings Law. A written agenda shall be prepared and published no less than 48 hours prior to a meeting. A written record of each meeting shall be kept and shall include information on attendance, findings, recommendations, and actions taken by the Board. This record shall be made available to the public.

(C) A quorum, comprised of more than half the current membership, shall be present at the meeting to take any official action required or authorized by this subchapter.

(D) The Board may adopt by-laws, rules, and other procedures not inconsistent with the town's ordinances and laws of North Carolina.

(E) 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.

JULY 2021

SUN	MON	TUE	WED	THU	FRI	SAT
				1	2 Fireworks	3
4	5 Holiday	6	7	8 Work Session	9	10
11	12	13	14	15 Regular Session	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Holidays and Observances: 4: Independence Day, 5: 'Independence Day' observed

www.wiki-calendar.com



RIVER BEND TOWN COUNCIL AGENDA

Regular Meeting

June 17, 2021

River Bend Town Hall

7:00 p.m.

Pledge: Councilman Sheffield

1. CALL TO ORDER (Mayor Kirkland Presiding)
2. RECOGNITION OF NEW RESIDENTS
3. ADDITIONS/DELETIONS TO AGENDA
4. ADDRESSES TO THE COUNCIL
5. PUBLIC HEARINGS
6. CONSENT AGENDA

All items listed under this section are considered routine by the Council and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

A. Approve:

Minutes of the May 13, 2021 Work Session

Minutes of the May 20, 2021 Regular Council Meeting

7. TOWN MANAGER'S REPORT – Delane Jackson

Activity Reports

- A. **Monthly Police Report** by Chief Joll
- B. **Monthly Water Resources Report** by Director of Public Works Mills
- C. **Monthly Work Order Report** by Director of Public Works Mills
- D. **Monthly Zoning Report** by Assistant Zoning Administrator McCollum

ADMINISTRATIVE REPORTS:

8. Finance – Councilman Irving Van Slyke, Jr.
 - A. Financial Report - Finance Administrator
9. Environment and Waterways – Councilman Brian Leonard
 - A. EWAB Report
10. Planning Board – Councilman Buddy Sheffield
 - A. Planning Board Report

11. Public Safety – Councilman Don Fogle
 - A. Community Watch
 - B. CERT
12. Parks & Recreation/CAC – Councilwoman Barbara Maurer
 - A. Parks and Rec Report
 - B. CAC Report
 - C. Organic Garden Report
 - D. Library Report
13. Public Works and Water Resources – Mayor John Kirkland
 - A. PWAB Report
14. MAYOR'S REPORT – Mayor Kirkland
15. PUBLIC COMMENT

The public comment period is set aside for members of the public to offer comments to the Council. It is the time for the Council to listen to the public. It is not a Question & Answer session between the public and the Council or Staff. All comments will be directed to the Council. Each speaker may speak for up to 3 minutes. A member of staff will serve as timekeeper. A sign-up sheet is posted by the meeting room door and will be collected prior to the start of the Public Comment Period. Speakers will be called on by the Mayor in the order that they signed up. In order to provide for the maintenance of order and decorum, the Council has adopted a policy for this section of the meeting. A copy of the policy is posted by the door for your review. Please follow the policy. If you have a specific question for staff, you are encouraged to contact the Town Manager or the appropriate Department Head at another time.

16. ADJOURNMENT

DUE TO COVID-19, SEATING IS LIMITED AND ON A FIRST-COME BASIS. WE ENCOURAGE EVERYONE TO PRACTICE THE 3-W'S.