

RIVER BEND PLANNING BOARD

Agenda – February 03, 2022 at 6:00pm

I. CALL TO ORDER – *Egon Lippert*

We welcome our visitors. A copy of the agenda is available. If you want to address the board with general comments, you have the opportunity to do so after approval of the minutes. For comments or questions regarding a specific agenda item, please address the board as the item comes up.

II. APPROVAL OF LAST MEETING MINUTES – *Allison McCollum*

III. GENERAL VISITOR COMMENTS

IV. REPORTS

- a.** Summary of permits issued – *Allison McCollum*
- b.** Town Council Update – *Buddy Sheffield*

V. OLD BUSINESS – *All*

- a.** Status of Sunbelt Rental project - *Allison McCollum*

VI. NEW BUSINESS – *All*

- a.** Overview of updates to Sign Ordinance to comply with U S Supreme Court mandate – *Allison McCollum*

VII. OTHER – *All*

- a.** Next meeting is scheduled for **March 03, 2022 at 6:00pm**– *All*

VIII. CALL FOR ADJOURNMENT - *All*

Town of River Bend Planning Board

Minutes for Regular Meeting – 2 December 2021 – River Bend Municipal Building

Board Members present: Chairman Egon Lippert, Vice Chair Bob Kohn, Keith Boulware, Kathleen Fleming,

Board Members absent: Linda Cummings, Kelly Forrest, Kelly Latimer

Others present: Councilman Buddy Sheffield, Councilwoman Barbara Maurer, Town Manager Delane Jackson, Assistant Zoning Administrator Allison McCollum, Chris Barta, Gary McCabe, Craig Moffat, Ethan Rogers, Paul Warren

Call to Order

The regularly scheduled Planning Board meeting was called to Order at 6:00 PM on Thursday, 2 December 2021, in the River Bend Municipal Building meeting room with a quorum present.

1. New Business

a. Special Use Permit for Sunbelt Rental on US Highway 17 S (PIN: 8-206-8004)

Representatives from Moffat Properties and Red Line Engineering presented a PowerPoint presentation to the Board summarizing their proposed project and the necessity for a Special Use Permit. Board Members asked questions as needed.

Chairman Egon Lippert raised a concern regarding the vegetative buffer between the planned development and the residential area adjacent. Moffat Properties was amenable to adding trees and/or a slatted fence to enhance the buffering. Other concerns regarding lighting, fuel storage, ingress/egress to the facility, and hours of operation were addressed. The Planning Board was satisfied with the responses from the developer and engineer present.

Chairman Egon Lippert made a **motion** to recommend approval of the Special Use Permit to the Board of Adjustment with the condition that the developer adds evergreen vegetative buffering inside of the 50 foot buffer noted on the plat plan to add to the existing vegetative buffer. Motion was **seconded** by Board Member Keith Boulware. **Motion carried unanimously.**

2. Approval of 4 November 2021 Regular Meeting Minutes

The Board reviewed the Minutes of the 4 November 2021 Regular Meeting. **Motion** was made by Vice Chair Bob Kohn to accept the Minutes as presented. Motion was **seconded** by Board Member Kathleen Fleming. **Motion carried unanimously.**

3. General Visitor Comments

None.

4. Reports

a. Zoning Report

AZA Allison McCollum presented the Board with a typed report summarizing the number of permits issued, the type of permit issued, and the total of all permit fees for the month of November 2021. The members of the Board reviewed the report and asked questions as needed.

b. Council Report

Councilman Buddy Sheffield addressed the Board and verbally reviewed the most recent actions of the Town Council. He also stated that the Town Council is conducting a Public Hearing on 16 December 2021 to gather comments on the location of a new public works facility at 25 Shoreline Drive, near the existing fire station. The members of the Planning Board asked questions as needed.

5. Old Business

None.

6. Other

The next regular meeting is scheduled for Thursday, 6 January 2021 at 6pm.

7. Adjournment

Motion was made by Board Member Keith Boulware to adjourn the meeting. Motion was **seconded** by Board Member Kathleen Fleming. **Motion carried unanimously** and the meeting adjourned at 7:15 PM.

Allison McCollum, Secretary



TOWN OF RIVER BEND

45 Shoreline Drive
River Bend, NC 28562

T 252.638.3870
F 252.638.2580

www.riverbendnc.org

December 2021

Permit Type	Total Issued	Total Project Cost
Commercial Zoning	1	\$850,000.00
Flood	2	\$6,300.00
Late Permit – Residential	1	\$14,000.00
Residential Zoning	6	\$24,365.00

The total amount of permit fees collected for December 2021 is **\$2,369.60**



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January 2022

Permit Type	Total Issued	Total Project Cost
Flood	1	\$2,590.00
Residential Zoning	5	\$95,427.71
Temporary Sign	1	N/A

The total amount of permit fees collected for January 2022 is **\$187.60**

SIGNS

§ 15.02.095 DEFINITIONS.

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

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

- (1) Only elsewhere than upon the premises where the sign is displayed; or
- (2) Is as a minor and incidental activity upon the premises where the sign is displayed.

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

FREESTANDING SIGN. A sign that:

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

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

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

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

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

TEMPORARY SIGN.

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

- (b) Is intended to remain on the location where it is erected or placed for a period of generally not more than 15 days; or
- (c) Is displayed on a premises only during normal operating hours and then removed from that location.

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

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

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

§ 15.02.096 SIGN PERMIT REQUIRED.

- A. Except as otherwise provided in §§ 15.02.097 and 15.02.098, no sign may be erected, moved, enlarged or substantially altered except in accordance with the provisions of this subchapter.
- B. Signs not exempted under the provisions referenced in division (A) above may be erected, moved, enlarged or substantially altered only in accordance with a sign permit issued by the Zoning Administrator.
 - 1. Sign permit applications and sign permits shall be governed by the same provisions of this chapter applicable to zoning permits.
 - 2.
 - a) In the case of a lot occupied or intended to be occupied by multiple business enterprises (e.g. a shopping center), sign permits shall be issued in the name of the property owner rather than in the name of the individual business, and it shall be the responsibility of the owner to allocate among the tenants the permissible maximum sign surface area that has been approved by the Zoning Administrator.
 - b) Upon application by the owner, the Zoning Administrator must approve a master sign plan that allocates permissible sign surface area to the various buildings or businesses within the development according to an agreed-upon formula, and thereafter sign permits may be issued to individual tenants by the Zoning Administrator or his designee only in accordance with the allocation contained in the master sign plan. In the event an owner is unwilling or unable to devise a master sign plan, the plan shall be developed by the Zoning Administrator using building frontage as a calculation for total sign area.

Penalty, see § 1.01.999

§ 15.02.097 SIGNS EXEMPT FROM REGULATION.

Amended 04/18/2013

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

- A. Signs not exceeding 2 square feet in area that are customarily associated with residential use and that are not of a commercial nature, such as signs giving property identification names or numbers or names of occupants, signs on mailboxes or paper tubes and signs posted on private property related to private parking or warning the public against trespassing or danger from animals.
- B. Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs and traffic, directional or regulatory signs.
- C. Official signs of an informational nature erected by public utilities.
- D. Flags, pennants or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device.
- E. Signs directing and guiding traffic on private property that do not exceed 2 square feet each and that bear no advertising information.
- F. Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs.

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

Amended 04/18/2013

- A. The following temporary signs are permitted without a zoning, special use, conditional 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 issuance of a building permit, and shall be removed within 10 days after the issuance of the final occupancy permit.

3. Displays of a non-commercial nature, including lighting, erected in connection with the observance of holidays. These signs shall be removed within 10 days following the holiday or established holiday season.
4. Signs erected in connection with elections or political campaigns. Election signs are permitted, provided that:
 - a) One (1) sign shall be permitted per individual lot or parcel for each candidate for office or side of a ballot measure or issue; for a lot or parcel with frontage on a second street, one (1) additional sign for each candidate for office or side of a ballot measure or issue shall be permitted to front the second street.
 - b) Such signs shall be located on private property and not within the public-right-of-way or affixed to any improvement within such right-of-way (median, utility pole, traffic control device, bridge, guardrail, or other safety barrier), within a required sight distance triangle, or on Town property or buildings. However, signs may be placed on designated areas of Town Hall property on Election Day under rules established by the Craven County Board of Elections, and the Town Manager not inconsistent therewith.
 - c) Such signs shall be located only on private property with the property occupant's consent (or, if unoccupied, the property owner's consent). It shall be presumed the property occupant, or property owner as the case may be, has given permission or consents to the sign's placement unless the property occupant or owner notifies the Town otherwise.
 - d) Such a sign shall not be erected more than forty-five (45) days prior to the beginning date of "one-stop" early voting in Craven County, and shall be removed within ten (10) days following the date of any election or other event to which it refers.
 - e) Such a sign shall not exceed four (4) square feet in area per sign face or forty-two (42) inches in height.
 - f) The property occupant or, in the case of an unoccupied property, the property owner, shall be responsible for violations contained therein.
5. Yard sale signs: Yard sale signs or any other signs advertising an event of any type on private property shall not exceed 4 square feet in area and may be erected only 1 day prior to the event. The signs shall be removed immediately at the conclusion of the event for which the sign was posted. The signs must be self-supporting and may not be attached in any manner to utility poles, traffic sign posts or any other structure, including specifically but not limited to any sign maintained by the town. Notwithstanding contrary provisions of this subchapter, signs regulated by this section may be placed within street rights of way or public property provided that the signs are removed within the time limits prescribed by this section and are not placed in any area adjacent to any residential property of any type unless permission is received from the occupant.

- B. Temporary signs cannot be located within street rights-of-way or public property unless approved by the Town Council or its designee. In no case shall a sign be located less than 15 feet from the edge of the pavement. When it is not possible to locate a sign 15 feet from the edge of

the pavement as required, a waiver may be requested and the Town Zoning Administrator shall view the site where the sign is to be displayed and make a determination in writing. One copy shall be given to the applicant, 1 copy to the Police Department and 1 copy retained in the files of the Zoning Administrator.

C.

1. Temporary signs promoting charitable causes, local or special events of interest to the residents of the town may be erected upon approval from the Zoning Administrator who will review the reason for the sign, proposed location and size.
2. Signs shall be erected no sooner than 10 calendar days prior to the event and removed within 2 calendar days after the close of the event.
3. The signs shall not be in place for a period exceeding 30 calendar days.

Penalty, see § 1.01.999

§ 15.02.099 DETERMINING THE NUMBER OF SIGNS.

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

- A. With respect to V-type signs, the 2 sides are at no point separated by a distance that exceeds 5 feet; and
- B. With respect to double-faced (back-to-back) signs, the distance between the backs of each face does not exceed 2 feet.

§ 15.02.100 COMPUTATION OF SIGN AREA.

A.

1. The surface area of a sign shall be computed by including the entire area that forms the extreme limits of the writing representation, emblem or other display, forming a square, rectangle, triangle or circle as appropriate, together with any material or color forming an integral part of the background of the display used to differentiate the sign from the backdrop or structure against which it is placed.
 2. This does not include any supporting framework or bracing that is clearly incidental to the display itself. This definition also applies to letters, symbols or other types of signage placed on the side of a building.
- B. If the sign consists of more than 1 section or module, all of the area including that between sections or modules, shall be included in the computation of the sign area.

C.

1. Unless otherwise provided for in § 15.02.099 (B), the surface area of 2-sided, multi-sided or 3-dimensional signs shall be computed by including the total of all sides designed either to

attract attention or communicate information that can be seen at 1 time by a person from any vantage point.

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

§ 15.02.101 TOTAL SIGN SURFACE AREA.

- A. Unless otherwise provided in this subchapter, the total surface area devoted to all signs on any lot shall not exceed the limitations set forth in this section. Temporary signs shall not be included in this calculation. Freestanding signs, while included in this calculation, are subject to maximum sizes as contained in § 15.02.102.
- B. Unless otherwise provided in this subchapter, the maximum sign surface area permitted on any lot in a residential zoning district is 2 square feet.
- C. Subject to other provisions of this subchapter, the maximum sign surface area permitted on any lot in an area zoned BD, BD-PD or ID as set forth in this Zoning Chapter shall be determined by the following charts:

Where the Speed Limit is Over 50 MPH	
Property Frontage (Linear Feet)	Maximum Sign Surface (Square Feet)
100 or fewer	54
101 – 125	56
126 – 150	67
151 – 175	79
176 – 200	90
201 – 225	101
226 – 250	112
251 – 275	124
276 – 300	135
301 – 325	146
326 – 350	157
351 – 375	169
376 or more	180

Where the Speed Limit is Under 50 MPH	
Property Frontage (Linear Feet)	Maximum Sign Surface (Square Feet)
200 or fewer	54
201 – 225	56
226 – 250	63
251 – 275	69
276 – 300	75
301 – 325	81
326 – 350	87
351 – 375	94
376 or more	100

- D. If a lot has frontage on more than 1 street, then the owner shall designate which street frontage constitutes the primary street frontage of the property and shall receive 100% of the allowable sign surface area for the street. For that street frontage that is deemed to be secondary, the owner shall receive up to 50% of the total sign surface area for that street frontage.
- E. In a commercial shopping center consisting of 3 or more units that share common party walls, the developer or owner of the shopping center may determine the sign surface area requirements by following the provisions outlined above in division (C) above concerning lot frontage or by using a building frontage calculation in which 1 square foot of signage is allowed for each square foot of retail frontage.
- F. The sign surface area of any sign located on a wall of a structure shall not exceed 25% of the total surface area of the wall of a building from end to end. Penalty, see § 1.01.999

§ 15.02.102 FREESTANDING SIGN SURFACE AREA.

- A. For purposes of this section, a side of a free-standing sign is any plane or flat surface included in the calculation of the total sign surface area as provided in § 15.02.100. For example, wall signs typically have 1 side. Free standing signs typically have 2 sides (back-to-back), although 4-sided and other multi-sided signs are also common.
- B. With respect to freestanding signs that have no discernible "sides" such as spheres or other shapes not composed of flat planes, no freestanding sign may exceed the surface area delineated in § 15.02.100.

Penalty, see § 1.01.999

§ 15.02.103 NUMBER OF FREESTANDING SIGNS.

- A. Except as authorized in this section, no development (e.g. shopping center, office complex) may have more than 1 freestanding sign.
- B. If a development is located on a corner lot that has at least 200 feet of frontage on each of the 2 intersecting public streets, then the development may have not more than 1 free standing sign on each side of the development bordered by these streets.
- C. If a development is located on a lot that is bordered by 2 public streets that do not intersect at the lot's boundaries (double front lot), then the development may not have more than 1 freestanding sign on each side of the development bordered by these streets.

Penalty, see § 1.01.999

§ 15.02.104 SUBDIVISION DEVELOPMENT ENTRANCE SIGNS.

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

Penalty, see § 1.01.999

§ 15.02.105 LOCATION AND HEIGHT REQUIREMENTS.

- A.
 - 1. No sign may extend above any parapet or be placed upon any roof surface, except that for purposes of this section, roof surfaces constructed at an angle of 75 degrees or more from horizontal shall be regarded as wall space.
 - 2. This section shall not apply to displays, including lighting, erected in connection with the observances of holidays on the roofs of residential structures.
- B.
 - 1. No part of a freestanding sign located in an area zoned BD or BD-PD may exceed a height of 28 feet, measured from the grade of the street from which access to the property is provided if the speed limit of the street toward which the sign is primarily oriented is 50 mph or greater, and a height of 20 feet if the speed limit of the street toward which the sign is primarily oriented is less than 50 mph.
 - 2. No part of a freestanding sign located in an area zoned Institutional (ID) may exceed a height of 15 feet measured from the grade of the street from which access to the property is provided.
- C.
 - 1. No sign may project from any building over any street right-of-way.
 - 2. No free standing sign may project over any street right-of-way.
- D. No sign may be placed within the right-of-way of any public street maintained by the Town, unless expressly permitted by any other provision of the Town's Code of Ordinances or approval

by the Town Manager. Any sign placed in violation of this section shall be deemed a public nuisance and may be seized and disposed of by an enforcement official or other representative of the Town.

Added 07/18/2013

Penalty, see § 1.01.999

§ 15.02.106 SIGN ILLUMINATION AND SIGNS CONTAINING LIGHTS.

- A. Unless otherwise prohibited by this chapter, signs may be illuminated if the illumination is in accordance with this section. All illuminated signs shall comply with the North Carolina Electrical Code and shall be approved by the Zoning Administrator.
- B. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential premises. The reflection from these signs shall not exceed 25% of the lumens directed toward the sign measured from the property line of the lot upon which the sign is located.
- C. Festoons of lights that outline property lines, sales areas, roof lines, doors, windows or similar areas are prohibited. This does not apply to temporary signs erected in connection with the observance of holidays.
- D. No illuminated sign shall be of the flashing or intermittent variety.
- E.
 - 1. Temporary signs may be illuminated only with the special permission of the Zoning Administrator.
 - 2. This permission shall be in writing with a copy of the permission provided to the Police Department and a second copy kept in the Zoning Administrator's files.

Penalty, see § 1.01.999

§ 15.02.107 NON-CONFORMING SIGNS.

- A. A non-conforming sign may not be altered or relocated except to bring the sign into complete conformity with the Town of River Bend Zoning Chapter, §§ 15.02.095 et seq.
- B. If a non-conforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed or replaced except in conformity with all the provisions of the Town of River Bend Zoning Chapter, §§ 15.02.095 et seq., and the remnants of the former sign structure shall be cleared from the land. For purposes of this section, a non-conforming sign is destroyed if damaged to the extent that the cost of restoring the sign to its former stature, or replacing it with an equivalent sign, equals or exceeds 25% of its value.
- C. The message of a non-conforming sign may be changed so long as this does not create new non-conformities (for example, by creating an off-premises sign under circumstances where a sign would not be allowed.)

- D. Subject to the other provisions of this section, non-conforming signs may be repaired and renovated so long as the cost of the work does not exceed 25% of its fair market value within any 12 month period.
- E.
 - 1. Within 1 year after the effective date of this chapter, the Zoning Administrator shall make every effort to identify all the non-conforming signs within the town's planning jurisdiction. He shall then contact the person responsible for each sign (as well as the owner of the property where the non-conforming sign is located, if different from the former) and inform the person:
 - a) The sign is nonconforming;
 - b) How it is non-conforming;
 - c) What must be done to correct it and by what date; and
 - d) The consequences of failure to make the necessary corrections.
 - 2. The Town Clerk working with the Zoning Administrator shall keep complete records of all correspondence, communications and other actions taken with respect to these non-conforming signs.

Penalty, see § 1.01.999

§ 15.02.108 MISCELLANEOUS.

- A. No off premises signs are permitted.
- B. Window signs shall be placed only inside buildings and shall not exceed the lesser of 12 square feet or 25% of the total glass area upon which the signs are displayed.
- C. No sign shall be mounted on a mobile framework or movable apparatus.
- D. No sign may be located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.
- E. All signs must be constructed and erected in accordance with the Southern Building Code and its related North Carolina building code amendments and shall be able to withstand wind pressures and load distributions as specified in the most current edition of the North Carolina Building Code and any International Building Codes.
- F. All signs not properly maintained and determined to be a nuisance by the Zoning Administrator are subject to repair and/or removal by the town at the expense of the owner of the sign. The sign owner will be provided with written notice by the town 10 working days prior to the sign's removal. Furthermore, whenever an outdoor advertising structure has outlived any useful purpose for which it was intended, it shall be removed forthwith.
- G. No sign may be erected on town-maintained or private rights-of-way so that by its location, color, size, shape, nature or message it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.
- H.
 - 1. Signs on the town's water towers are permitted.

2. The water tower sign may only identify the Town of River Bend and should not be more than 10% of the total surface area of the vessel containing the water.
- I.
 1. In addition to signs already permitted, churches, schools and other non-commercial institutions may have 1 on-site bulletin board not exceeding 12 square feet in area.
 2. The bulletin board may be illuminated, shall be set back a minimum of 15 feet from the right-of-way and shall not exceed 10 feet in height.
 - J. For each lot located in an area zoned ID, 1 sign or bulletin board not exceeding 54 square feet in area and 15 feet in height measured from the grade of the street from which access to the property is provided, may be erected.
 - K. Violations of any provision of this section shall be subject to all penalties under this chapter, as provided for in § 1.01.999.

Penalty, see § 1.01.999

Cross-reference: General District regulations, see § 15.02.060 et seq.