

# **RIVER BEND ADVISORY PLANNING BOARD**

## **Agenda – September 02, 2021 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 after the 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.** Review and approve the remaining 160D state mandated changes to Chapter XV (Document in package)

### **VI. NEW BUSINESS – *All***

- a.** Review and provide feedback on town council updates to the town ordinance related to the Planning Board. (Document in package)

### **VII. OTHER – *All***

- a.** Next meeting is scheduled for **October 07, 2021 at 6:00pm**– *All*

### **VIII. CALL FOR ADJOURNMENT - *All***



# Town of River Bend Planning Board

Minutes for Regular Meeting – 6 May 2021 – River Bend Municipal Building

**Board Members present:** Chairman Egon Lippert, Keith Boulware, Kathleen Fleming, Kelly Forrest, Bob Kohn, Kelly Latimer

**Board Members absent:** Jon Payne

**Others present:** Councilman Buddy Sheffield, Assistant Zoning Administrator Allison McCollum

## Call to Order

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

### 1. Approval of 1 April 2021 Regular Meeting Minutes

The Board reviewed the Minutes of the 1 April 2021 Regular Meeting. **Motion** was made by Board Member Keith Boulware to accept the Minutes as presented. Motion was **seconded** by Board Member Bob Kohn. **Motion carried unanimously.**

### 2. 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 April 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. The members of the Planning Board asked questions as needed.

### 3. Old Business

#### a. NC General Statues Chapter 160D

The Planning Board was given a draft copy of the proposed updates to Chapter 15 prior to the meeting. The Board reviewed the draft and asked questions as necessary. No significant changes were made to the draft. **Motion** was made by Board Member Keith Boulware to recommend to the Town Council the revisions of Chapter 15: Land Usage to incorporate the required language prescribed by the North Carolina General Assembly. Motion was **seconded** by Board Member Kelly Forrest. **Motion carried unanimously.** The consistency statement was signed by Chairman Egon Lippert and witnessed by Secretary Allison McCollum.

**4. New Business**

None.

**5. Other**

The next regular meeting is scheduled for Thursday, 3 June 2021 at 6pm.

**6. 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 6:34 PM.



## TOWN OF RIVER BEND

45 Shoreline Drive  
River Bend, NC 28562

T 252.638.3870

F 252.638.2580

[www.riverbendnc.org](http://www.riverbendnc.org)

### May 2021

Permit Type	Total Issued	Total Project Cost
Res. Zoning	7	\$44,758.53.00
Flood	4	\$109,360.05

The total amount of permit fees collected for May 2021 is **\$697.60**

### June 2021

Permit Type	Total Issued	Total Project Cost
Res. Zoning	2	\$21,200.00
Res. Zoning (Late)	1	\$15,000.00

The total amount of permit fees collected for June 2021 is **\$274.00**

### July 2021

Permit Type	Total Issued	Total Project Cost
Res. Zoning	5	\$278,649.00
Flood	3	\$54,400.00

The total amount of permit fees collected for July 2021 is **\$751.60**

### August 2021

Permit Type	Total Issued	Total Project Cost
CAMA	1	\$5,000.00
Res. Zoning	3	\$20,500.00
Res. Zoning (Late)	1	\$2,500.00
Commercial Zoning (Late)	1	\$6,500.00

The total amount of permit fees collected for August 2021 is **\$607.20**



**§ 15.01.037 EFFECTIVE DATE.**

This chapter shall take effect and be in force from and after 5-15-1981.

**DEFINITIONS** SUBDIVISION REGULATION & INTERPRETATION

**§ 15.01.050** ~~SUBDIVISION DEFINED~~ APPLICABILITY.

- A. For the purposes of this chapter, ~~SUBDIVISION means~~ subdivision regulations shall be applicable to all divisions of a tract or parcel of land into 2 or more lots, building sites or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets.
- B. The following shall not be included within this definition nor be subject to this chapter:
  - 1. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town of River Bend as provided in this chapter.;
  - 2. The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.;
  - 3. The public acquisition by purchase of strips of land for the widening or opening of streets.;
  - 4. The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than 3 lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the Town of River Bend as provided in this chapter.; ~~and~~
  - 5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.
- C. The Town of River Bend may provide for expedited review of specified classes of subdivisions.
- 4. D. The Town of River Bend may require only a plat for recordation for the division of a tract or parcel of land in single ownership if all of the following criteria are met:
  - 5.1. ~~The platting and conveyance of a single lot or tract out of a larger tract, provided that:~~
    - a) ~~The tract or parcel to be divided is not exempted under subdivision 2 of subsection B of this section. The larger tract is not 1 which was platted and conveyed previously from a larger tract under this exception or under the Opinion of the Attorney General dated 3-4-1975 (44 N.C.A.G. No 2, p. 251) or all or a portion of the remainder of a larger tract from which a lot or tract was platted and conveyed previously under this exception or under the Opinion of the Attorney General dated 3-4-1975 (44 N.C.A.G. No 2, p. 251);~~
    - b) No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.
    - c) The entire area of the tract or parcel to be divided is greater than five acres.
    - d) After division, no more than three lots result from the division.

- e) After division, all resultant lots comply with all of the following:
  - a. Any lot dimension size requirements of the applicable land-use regulation, if any.
  - b. The use of the lots is in conformity with the applicable zoning requirements, if any.
  - c. A permanent means of ingress and egress is recorded for each lot.
- ~~b) The remainder of the larger tract is being held for some purpose other than sale or building development (whether immediate or future); and~~
- ~~c) No dedication of a new street or a change in existing streets is involved.~~

**§ 15.01.051 OTHER DEFINITIONS.**

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

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

**BUFFERS.** Landscaping or other architectural measures to screen dissimilar uses from adjoining properties or private developments that abuts the street right-of-way.

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

**COLLECTOR STREET.** A road which serves as the connecting street between local residential roads and the thoroughfare system, as further defined in the NCDOT Subdivision Road Standards.

**CUL-DE-SAC.** A minor street that terminates in a vehicular turnaround with a minimum street width.

**EASEMENT.** A grant by the property owner of a strip of land for a specified purpose.

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

*Added 03/18/10*

**LOCAL STREET.** A road that does not connect thoroughfares or serve major traffic generators, as further defined in the NCDOT Subdivision Road Standards.

**LOT.** A portion of a subdivision, or any other parcel of land, intended as a unit for transfer of ownership, or occupied or intended for occupancy by a principal building, together with its accessory buildings, including the open space required under this chapter. For the purpose of this chapter, LOT shall mean any number of contiguous lots of record for location of 1 principal building and its accessory buildings.

## 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~~ 160D-109. 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~~ 160D-109, the Board shall report to the Town Council and shall have the following powers and duties:

- (A) At the direction of the Council and/or Manager, conduct studies and make recommendations on matters relating to planning and zoning issues.
- (B) At their request, assist the Council and/or 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~~ when 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~~ 160D-109. 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.
- (B) All ~~town-appointed~~ members shall be residents of the town. ~~'s planning and zoning jurisdiction.~~
- (C) The Council may remove a ~~town-appointed~~ Board member only by ~~taking a public~~ vote in an open meeting. 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 **as soon as practicable**.

- (D) Only the **Craven County** 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) **At the first regular meeting each year following June 30**, the Board shall elect a Chair, Vice Chair and a Secretary. The Secretary need not be a member of the Board. **The name and contact information for each officer shall be immediately forwarded to the Town Clerk. Any subsequent change in officers shall also be forwarded to the Town Clerk.**
- (B) **The Board shall set a date (Ex: 2<sup>nd</sup> Thursday of each month), time and place to conduct its regular meeting. The schedule of regular meetings for the Board shall be maintained in the Office of Town Clerk.**
- (C) The Board shall hold a minimum of **6 4** 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 of the Board shall be conducted in a public, accessible place.** 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 minutes of each meeting shall be kept **by the Secretary or, in their absentee, a designated person. and shall include information on attendance, findings, recommendations, and actions taken by the Board.** A draft copy of the minutes shall be provided to the Town Clerk within 5 business days of the meeting. At the next regular meeting of the Board, the draft minutes shall be presented to the Board for official acceptance. Within 5 days of adoption by the Board, a signed copy of the minutes shall be provided to the Town Clerk for retention. In accordance with applicable law, minutes of Board meetings are public record.
- (D) 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. **Only appointed Board members are eligible to vote. The Chair is eligible to vote on all matters.**
- (E) The Board may adopt by-laws, rules, and other procedures not inconsistent with the town's ordinances and laws of North Carolina, **with approval by the Town Manager.**
- (F) Pursuant to G.S. § **160A-381(d), 160D-109**, 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.
- (G) **Any official recommendation, arising out of the Board, shall be submitted in writing to the Town Council through the Board's liaison or the Town Manager.**

## **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. § 160D-109. The Board shall work on other issues assigned by the Council or Manager.

### **§ 3.05.037 POWERS AND DUTIES.**

Pursuant to G.S. § 160D-109, the Board shall report to the Town Council and shall have the following powers and duties:

- (A) At the direction of the Council and/or Manager, conduct studies and make recommendations on matters relating to planning and zoning issues.
- (B) At their request, assist the Council and/or 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, when 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. § 160D-109. 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.
- (B) All town-appointed members shall be residents of the town.
- (C) The Council may remove a town-appointed Board member only by vote in an open meeting. 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 as soon as practicable.

- (D) Only the Craven County 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) At the first regular meeting each year following June 30, the Board shall elect a Chair, Vice Chair and a Secretary. The Secretary need not be a member of the Board. The name and contact information for each officer shall be immediately forwarded to the Town Clerk. Any subsequent change in officers shall also be forwarded to the Town Clerk.
- (B) The Board shall set a date (Ex: 2<sup>nd</sup> Thursday of each month), time and place to conduct its regular meeting. The schedule of regular meetings for the Board shall be maintained in the Office of Town Clerk.
- (C) The Board shall hold a minimum of 4 scheduled meetings per year. Special meetings may be called by Chair, the Manager, or 2 members of the Board. All meetings of the Board shall be conducted in a public, accessible place. 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 record of minutes of each meeting shall be kept by the Secretary or, in their absence, a designated person. A draft copy of the minutes shall be provided to the Town Clerk within 5 business days of the meeting. At the next regular meeting of the Board, the draft minutes shall be presented to the Board for official acceptance. Within 5 days of adoption by the Board, a signed copy of the minutes shall be provided to the Town Clerk for retention. In accordance with applicable law, minutes of Board meetings are public record.
- (D) 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. Only appointed Board members are eligible to vote. The Chair is eligible to vote on all matters.
- (E) The Board may adopt by-laws, rules, and other procedures not inconsistent with the town's ordinances and laws of North Carolina, with approval by the Town Manager.
- (F) Pursuant to G.S. § 160D-109, 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.
- (G) Any official recommendation, arising out of the Board, shall be submitted in writing to the Town Council through the Board's liaison or the Town Manager.