



TOWN OF RIVER BEND

45 Shoreline Drive
River Bend, NC 28562

T 252.638.3870
F 252.638.2580

www.riverbendnc.org

RIVER BEND TOWN COUNCIL AGENDA

Work Session Meeting

June 8, 2023

River Bend Town Hall – 45 Shoreline Drive

7:00 p.m.

1. **VOTE** – Approval of Agenda
2. PUBLIC HEARING – FY2023-2024 Budget - Leonard
3. **VOTE** – Efirm Monument - Kirkland
4. **VOTE** – Budget Amendment - Jackson
5. DISCUSSION – Ammon Rezoning Request - Jackson
6. **VOTE** – 23-24 Leaf and Limb Schedule - Jackson
7. DISCUSSION – Advisory Board Appointments – Jackson
8. DISCUSSION – Conditional Zoning – Weaver
9. DISCUSSION – New Zoning District - Sheffield
10. REVIEW AGENDA – Nobles

Pledge: Castranova



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Town of River Bend Notice of Public Hearing

The proposed fiscal year 2023-2024 budget for the Town of River Bend will be available for public inspection in the Office of the Town Clerk at River Bend Town Hall, 45 Shoreline Drive, beginning on May 23, 2023 from 8:00 a.m. until 4:00 p.m., Monday through Friday. The proposed budget is also available online at www.riverbendnc.org.

A Public Hearing to gather public comments on the 2023-2024 Town of River Bend Proposed Budget will be held on June 8, 2023 at the River Bend Town Hall at 7:00 p.m. during the Council work session. The Council will vote on adoption of the Proposed Budget at its Regular Meeting on June 15, 2023.

The Public Hearing is open to the public. The town's rules for conducting a public hearing will be followed.

Kristie Nobles
Town Clerk
May 22, 2023



**TOWN OF RIVER BEND
ANNUAL OPERATING BUDGET ORDINANCE
FISCAL YEAR 2023 - 2024**

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, 2023 and ending June 30, 2024:

Summary

General Fund	2,156,391
General Capital Reserve Fund	56,900
Law Enforcement Separation Allowance Fund	12,685
Water Fund	655,335
Water Capital Reserve Fund	10
Sewer Fund	679,035
Sewer Capital Reserve Fund	1
Total	3,560,357

Section 1. General Fund

Anticipated Revenues

AD VALOREM Taxes 2023-2024	935,566
AD VALOREM Tax-Motor Vehicle	90,000
Animal Licenses	1,500
Sales Tax 1% Article 39	195,868
Sales Tax 1/2% Article 40	114,635
Sales Tax 1/2% Article 42	97,901
Sales Tax Article 44	13,090
Sales Tax Hold Harmless Distribution	108,195
Solid Waste Disposal Tax	2,200
Powell Bill Allocation	91,000
Beer and Wine Tax	13,225
Video Programming Sales Tax	49,621
Utilities Franchise Tax	112,169
Telecommunications Sales Tax	6,725
Court Refunds	500
Zoning Permits	7,000
Miscellaneous	15,000
Interest- Powell Bill Investments	50
Interest-General Fund Investments	20,000
Contributions	901
Wildwood Storage Rents	18,144
Rents & Concessions	18,000
Sale of Fixed Assets	3,000
Transfer From Capital Reserve Fund	43,504
Appropriated Fund Balance	198,597
Total	2,156,391

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

Authorized Expenditures

Governing Body	65,000
Administration	304,500
Finance	138,000
Tax Listing	13,700
Legal Services	24,000
Elections	0
Police	744,800
Public Buildings	103,600
Emergency Services	5,700
Animal Control	17,100
Street Maintenance	232,200
Public Works	189,000
Leaf & Limb and Solid Waste	52,384
Stormwater Management	47,000
Wetlands and Waterways	2,900
Planning & Zoning	57,000
Recreation & Special Events	10,500
Parks & Community Appearance	61,000
Contingency	20,807
Transfer To General Capital Reserve Fund	55,000
Transfer To L.E.S.A. Fund	12,200
Total	<u>2,156,391</u>

Section 2. **General Capital Reserve Fund**

Anticipated Revenues

Contributions from General Fund	55,000
Interest Revenue	1,900
Total	<u>56,900</u>

Authorized Expenditures

Transfer to General Fund	43,504
Future Procurement	13,396
Total	<u>56,900</u>

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

Anticipated Revenues:

Contributions from General Fund	12,200
Interest Revenue	485
Total	<u>12,685</u>

Authorized Expenditures:

Separation Allowance	0
Future LEOSSA Payments	12,685
Total	<u>12,685</u>

Section 4. **Water Fund**

Anticipated Revenues

Utility Usage Charges, Classes 1 & 2	210,591
Utility Usage Charges, Classes 3 & 4	12,428
Utility Usage Charges, Class 5	15,002
Utility Usage Charges, Class 8	4,644
Utility Customer Base Charges	278,811
Hydrant Availability Fee	19,764
Taps & Connections Fees	1,250
Nonpayment Fees	10,500
Late payment Fees	7,822
Interest Revenue	3,488
Sale of Capital Asset	0
Appropriated Fund Balance	91,035
Total	<hr/> 655,335

Authorized Expenditures

Administration & Finance [1]	491,335
Operations and Maintenance	140,500
Transfer To Fund Balance for Capital Outlay	23,500
Transfer To Water Capital Reserve Fund	0
Total	<hr/> 655,335

[1] Portion of department for bond debt service: 141,157

Section 5. **Water Capital Reserve Fund**

Anticipated Revenues

Contributions From Water Operations Fund	0
Interest Revenue	10
Total	<hr/> 10

Authorized Expenditures

Future Expansion & Debt Service	10
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Section 6. **Sewer Fund**

Anticipated Revenues:

Utility Usage Charges, Classes 1 & 2	267,170
Utility Usage Charges, Classes 3 & 4	36,679
Utility Usage Charges, Class 5	28,142
Utility Usage Charges, Class 8	16,833
Utility Customer Base Charges	296,108
Taps & Connection Fees	1,250
Late payment Fees	8,384
Interest Revenue	5,836
Sale of Capital Asset	0
Appropriated Fund Balance	18,633
Total	<hr/> 679,035

Authorized Expenditures:

Administration & Finance [2]	482,735
Operations and Maintenance	192,800
Transfer to Fund Balance for Capital Outlay	3,500
Transfer to Sewer Capital Reserve Fund	0
Total	<hr/> 679,035

[2] Portion of department for bond debt service: 121,893

Section 7. **Sewer Capital Reserve**

Anticipated Revenues:

Contributions From Sewer Operations Fund	0
Interest Revenue	1
Total	<hr/> 1

Authorized Expenditures:

Future Expansion & Debt Service	1
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Section 8. **Levy of Taxes**

There is hereby levied a tax at the rate of twenty-four cents (\$0.24) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2023, for the purpose of raising the revenue listed as "Ad Valorem Taxes 2023-2024" in the General Fund Section 1 of this ordinance. This rate is based on a valuation of \$393,280,000 for purposes of taxation of real and personal property with an estimated rate of collection of 99.12%. The estimated collection rate is based on the fiscal year 2021-2022 collection rate of 99.12% 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 \$37,500,000 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 2023-2024, 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 4.4% 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 2023-2024 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.

Adopted this 15th day of June, 2023.

John R. Kirkland, Mayor

Attest:

Kristie J. Nobles, Town Clerk, CMC

WORK SESSION DISCUSSION OF THE HISTORIC RECOGNITION OF
MR. FRANK EFRID

During a Budget Workshop meeting we discussed the possible funding of a suitable historic marker to recognize the planning of the original developer of the Town.

The language proposed was reviewed at that time and the members considered it appropriate. This language was proposed by Mr. Lou Colombo who worked with Mr. Efrid and is one of the few Town residents that survive from the development years.

Manager Jackson said that we could obtain quotes from the monument company on the cost of a marker and decide whether to fund from the 2023-2024 budget proposed or see if it appeared that funds would be available to allow funding at the end of this budget year.

The vendor has given a quote on a "half Ledger" marker at \$ 1547.88.

I recommend that we vote to allow the Manager to purchase the marker that we have reviewed earlier. It can be contracted with this fiscal year's funding and installed by our Public Works staff.

RECOGNIZING THE VISIONARY FATHER
OF RIVER BEND



Half Ledger= \$1547.88

Full Ledger \$2444.58 (to enlarge the Town seal)

THOSE WHO WERE THE EARLY HOMEOWNERS IN RIVER
BEND TELL OF

MR. FRANK EFIRD

AND HIS VISION FOR DEVELOPMENT OF THE TOWN. THAT
VISION INCLUDED DEVELOPING AN 18 HOLE GOLF COURSE,
A 36 STALL RIDING ACADEMY, A MARINA, DREDGING
A PLANTATION CANAL, AND PAVING STREETS.

WORK STARTED AND THE FIRST HOME WAS OCCUPIED
IN JULY 1969. HIS VISION WAS FOR AN INCORPORATED
NORTH CAROLINA MUNICIPALITY AND HIS VISION WOULD
RESULT IN A "BUILT OUT" TOWN.

THE TOWN OF RIVER BEND WAS INCORPORATED IN
APRIL 1981. MUCH OF THAT EARLY VISION HAS BEEN
ACHIEVED DURING THE FORTY YEARS SINCE
INCORPORATION AND HAS RESULTED IN THE TOWN
THAT WE ENJOY TODAY.

42 years

placement date?

#2

Full LEDGER 12" emblem

4-0 x 3-0 x 0-4

6-6 x 3-0 x 0-4

#3

Full Ledger 24" emblem

6-6 x 3-0 x 0-4

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\$1547.88

\$2444.58

\$2444.58

#1

1/2 Ledger
7 1/2 inch emblem



Example of Half
Ledger Size



Example of Full
Ledger Size



**TOWN OF RIVER BEND
BUDGET ORDINANCE AMENDMENT 22-B-06
FISCAL YEAR 2022 - 2023**

BE IT ORDAINED by the Council of the Town of River Bend, North Carolina that the 2022-2023 Budget Ordinance as last amended on January 12, 2023, be amended as follows:

Summary

General Fund	2,278,561
General Capital Reserve Fund	99,847
Law Enforcement Separation Allowance Fund	13,525
Water Fund	884,032
Water Capital Reserve Fund	245,260
Sewer Fund	1,187,139
Sewer Capital Reserve Fund	11,273
Total	4,719,637

Section 1.

General Fund

Anticipated Revenues

AD VALOREM Taxes 2022-2023	721,710
AD VALOREM Tax-Motor Vehicle	92,300
Animal Licenses	2,000
Sales Tax 1% Article 39	177,124
Sales Tax 1/2% Article 40	102,899
Sales Tax 1/2% Article 42	88,586
Sales Tax Article 44	11,613
Sales Tax Hold Harmless Distribution	99,000
Solid Waste Disposal Tax	2,200
Powell Bill Allocation	91,000
Beer and Wine Tax	13,225
Video Programming Sales Tax	50,743
Utilities Franchise Tax	108,963
Telecommunications Sales Tax	8,140
Court Refunds	500
Zoning Permits	5,000
Federal Grant (Byrne Justice Assistance Grant)	22,170
Federal Disaster Assistance (COVID-19 reimb from FEMA)	5,092
State Grant (Golden LEAF Foundation Grant)	250,000
Miscellaneous	10,000
Interest- Powell Bill Investments	50
Interest-General Fund Investments	500
Contributions	421
Wildwood Storage Rents	18,144
Rents & Concessions	18,000
Sale of Fixed Assets	15,000
Transfer From Capital Reserve Fund	72,787
Appropriated Fund Balance	291,394
Total	2,278,561

**22-B-06
PROPOSED
CHANGES**

5,092

5,092

<u>Section 1.</u>	<u>General Fund (continued)</u>	<u>22-B-06</u>
		<u>PROPOSED</u>
		<u>CHANGES</u>
Authorized Expenditures		
	Governing Body (transfer for legal fees)	27,000
	Administration	296,800
	Finance	133,800
	Tax Listing	11,600
	Legal Services (legal fees for remainder of FY)	32,350
	Elections (transfer for legal fees)	550
	Police	664,443
	Public Buildings (transfer for legal fees)	97,800
	Emergency Services	3,700
	Animal Control	14,600
	Street Maintenance	193,000
	Public Works	177,500
	Leaf & Limb and Solid Waste (leaf & limb for remainder of FY)	56,092
	Stormwater Management	311,395
	Wetlands and Waterways	2,900
	Planning & Zoning	54,800
	Recreation & Special Events	7,600
	Parks & Community Appearance	101,200
	Contingency	17,931
	Transfer To General Capital Reserve Fund	60,000
	Transfer To L.E.S.A. Fund	13,500
	Total	<u>2,278,561</u>
		5,092

<u>Section 2.</u>	<u>General Capital Reserve Fund</u>	
Anticipated Revenues		
	Contributions from General Fund	60,000
	Interest Revenue	60
	Appropriated Fund Balance	39,787
	Total	<u>99,847</u>
Authorized Expenditures		
	Transfer to General Fund	72,787
	Future Procurement	27,060
	Total	<u>99,847</u>

<u>Section 3.</u>	<u>Law Enforcement Separation Allowance Fund</u>	
Anticipated Revenues:		
	Contributions from General Fund	13,500
	Interest Revenue	25
	Total	<u>13,525</u>
Authorized Expenditures:		
	Separation Allowance	0
	Future LEOSSA Payments	13,525
	Total	<u>13,525</u>

Section 4. Water Fund

**22-B-06
PROPOSED
CHANGES**

Anticipated Revenues			
Utility Usage Charges, Classes 1 & 2		209,332	
Utility Usage Charges, Classes 3 & 4		10,525	
Utility Usage Charges, Class 5		13,183	
Utility Usage Charges, Class 8		3,519	
Utility Customer Base Charges		277,253	
Hydrant Availability Fee		20,130	
Taps & Connections Fees		1,250	
Nonpayment Fees		10,500	
Late payment Fees		7,707	
Interest Revenue		435	
Sale of Capital Asset		0	
Appropriated Fund Balance		330,197	
Total		<hr/> 884,032	0
Authorized Expenditures			
Administration & Finance [1]		485,741	
Operations and Maintenance		124,000	
Transfer To Fund Balance for Capital Outlay		3,500	
Transfer To Water Capital Reserve Fund		0	
Transfer to PW Capital Projects Fund		270,791	
Total		<hr/> 884,032	0
[1] Portion of department for bond debt service:		152,932	

Section 5. Water Capital Reserve Fund

Anticipated Revenues			
Contributions From Water Operations Fund		0	
Interest Revenue		172	
Appropriated Fund Balance		245,088	
Total		<hr/> 245,260	0
Authorized Expenditures			
Future Expansion & Debt Service		172	
Transfer to PW Capital Projects Fund		245,088	
Total		<hr/> 245,260	0

Section 6. Sewer Fund

**22-B-06
PROPOSED
CHANGES**

Anticipated Revenues:

Utility Usage Charges, Classes 1 & 2	257,727	
Utility Usage Charges, Classes 3 & 4	23,194	
Utility Usage Charges, Class 5	29,053	
Utility Usage Charges, Class 8	6,836	
Utility Customer Base Charges	294,601	
Taps & Connection Fees	1,250	
Late payment Fees	7,948	
Interest Revenue	703	
Sale of Capital Asset	0	
Appropriated Fund Balance	565,827	
Total	<hr/> 1,187,139	0

Authorized Expenditures:

Administration & Finance [2]	468,025	
Operations and Maintenance	211,000	
Transfer to Fund Balance for Capital Outlay	3,500	
Transfer to Sewer Capital Reserve Fund	0	
Transfer to PW Capital Projects Fund	504,614	
Total	<hr/> 1,187,139	0

[2] Portion of department for bond debt service: 126,434

Section 7. Sewer Capital Reserve

Anticipated Revenues:

Contributions From Sewer Operations Fund	0	
Interest Revenue	8	
Appropriated Fund Balance	11,265	
Total	<hr/> 11,273	0

Authorized Expenditures:

Future Expansion & Debt Service	8	
Transfer to PW Capital Projects Fund	11,265	
Total	<hr/> 11,273	0

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, 2022, for the purpose of raising the revenue listed as "Ad Valorem Taxes 2022-2023" in the General Fund Section 1 of this ordinance. This rate is based on a valuation of \$278,500,000 for purposes of taxation of real and personal property with an estimated rate of collection of 99.67%. The estimated collection rate is based on the fiscal year 2020-2021 collection rate of 99.67% 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 \$35,500,000 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 2022-2023, various fees and charges as contained in Attachment A of this document.

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Section 11. **Classification and Pay Plan**

Cost of Living Adjustment (COLA) for all Town employees shall be 5.0% 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 2022-2023 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.

Adopted this 8th day of June, 2023.

John R. Kirkland, Mayor

Attest:

Kristie J. Nobles, Town Clerk, CMC

This property, identified by Craven County Parcel ID: 8-206-083, is currently zoned Institutional (ID) and has been requested to be rezoned to Planned Development Residential- Multi Family (PDR-MF). The Planning Board has recommended approval of the request. The Town Council conducted a public hearing on the proposed change on May 18, 2023. The Council has taken no action on the request.





Town of River Bend

Ammon Rezoning Request

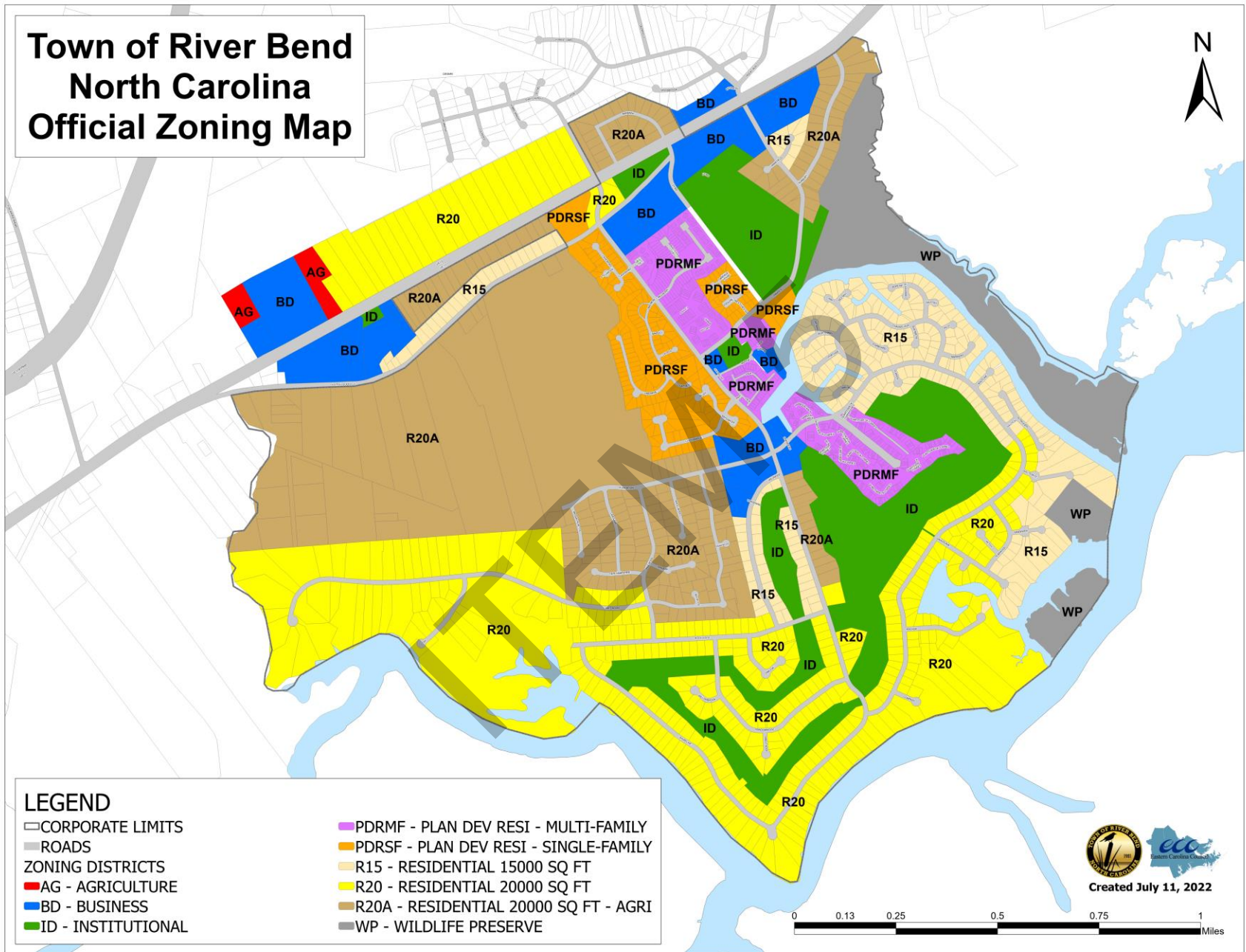
**Presented to Planning Board
April 6, 2023**

**Revised and Presented to Town Council
June 8, 2023**

*** Revised slides contain**



Town of River Bend North Carolina Official Zoning Map



LEGEND

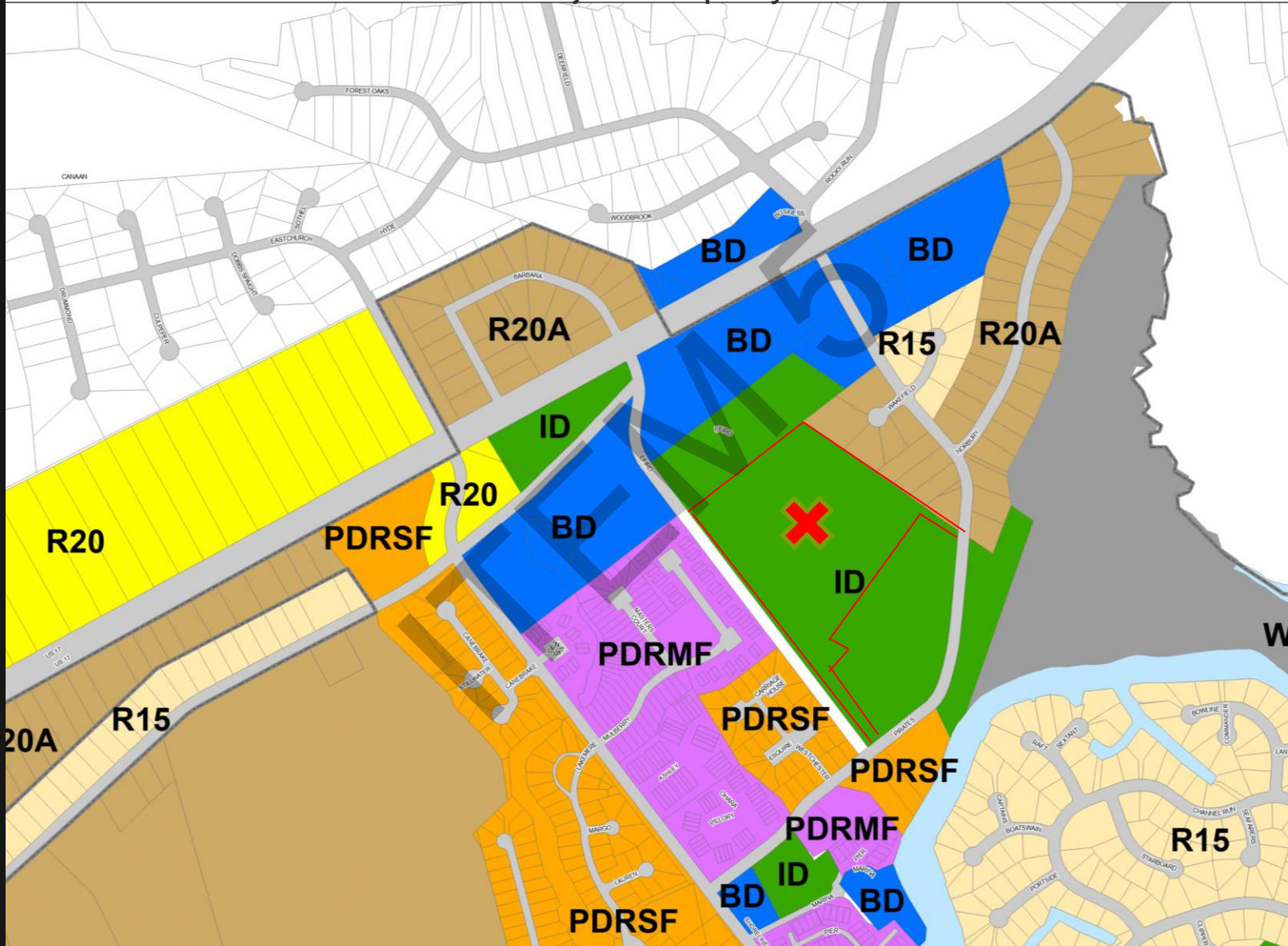
- CORPORATE LIMITS
- ▬ ROADS
- ZONING DISTRICTS
- AG - AGRICULTURE
- BD - BUSINESS
- ID - INSTITUTIONAL
- PDRMF - PLAN DEV RESI - MULTI-FAMILY
- PDRSF - PLAN DEV RESI - SINGLE-FAMILY
- R15 - RESIDENTIAL 15000 SQ FT
- R20 - RESIDENTIAL 20000 SQ FT
- R20A - RESIDENTIAL 20000 SQ FT - AGRI
- WP - WILDLIFE PRESERVE



Created July 11, 2022



Subject Property



Aerial of Subject Property



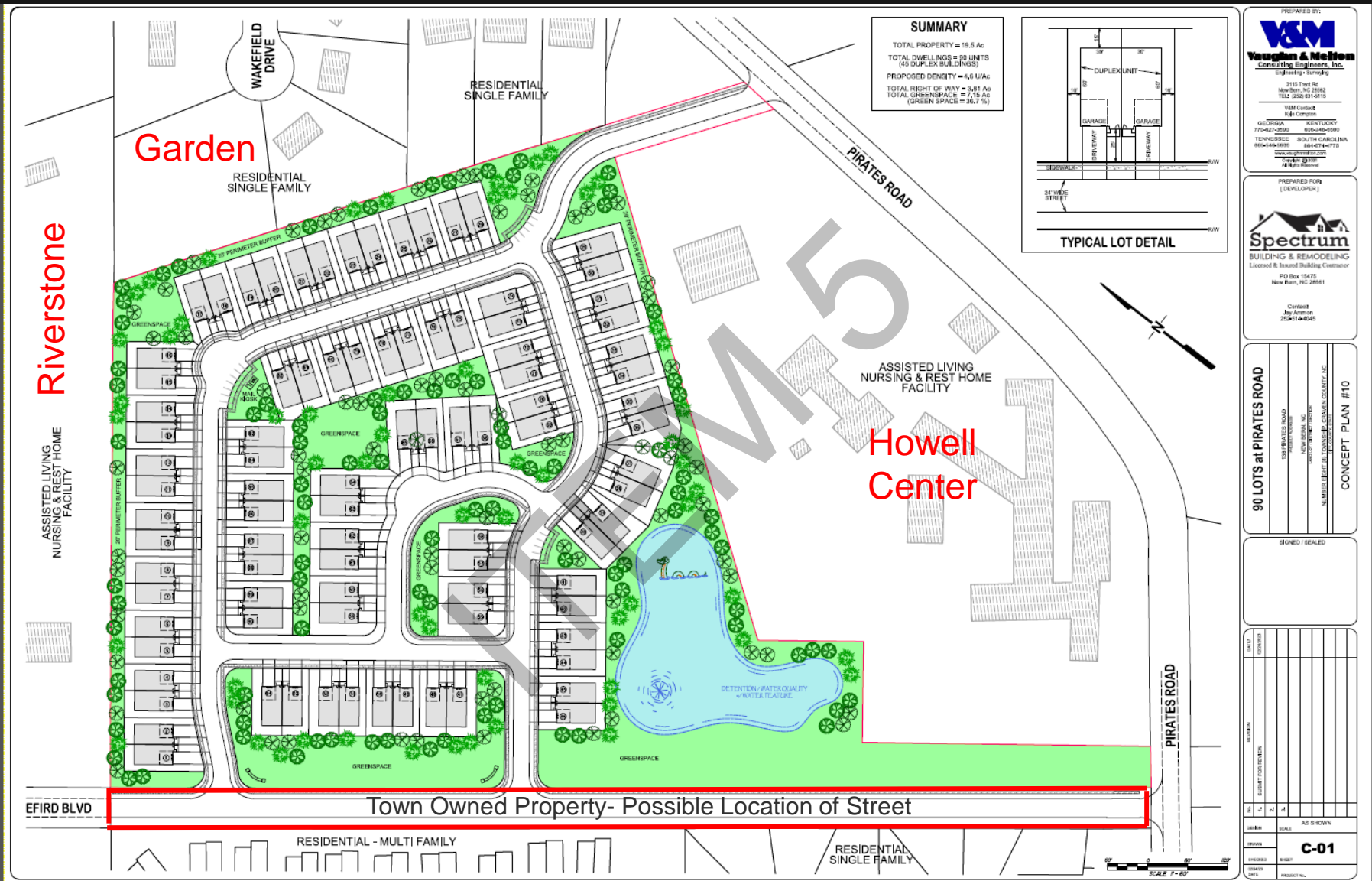
Craven County GIS

Craven County does NOT warrant the information shown on this map and should be used ONLY for tax assessment purposes. Printed on March 27, 2023 at 1:36:15 PM

1 inch = 248 feet



Project **Conceptual** Plan



Garden

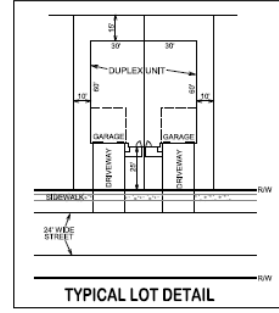
Riverstone

Howell
Center

Magnolia Place

Westchester

SUMMARY
 TOTAL PROPERTY = 18.5 Ac
 TOTAL DWELLINGS = 90 UNITS
 (45 DUPLEX BUILDINGS)
 PROPOSED DENSITY = 4.6 U/Ac
 TOTAL RIGHT OF WAY = 3.81 Ac
 TOTAL GREENSPACE = 77.9 Ac
 (GREEN SPACE = 42.6 %)



PREPARED BY:

Vaughan & Melton
 Consulting Engineers, Inc.
 Engineering - Surveying
 3115 Trow Rd.
 New Bern, NC 28562
 TEL: (252) 631-9119
 FAX: (252) 631-9118

V&M Contact
 Bill Conner
 GREGORY: KENTUCKY: 505-646-9600
 TYNARD: TENNESSEE: 606-494-9800
 TENNESSEE: SOUTH CAROLINA: 864-674-4775
 MISSISSIPPI: MISSISSIPPI: 601-929-3777

PREPARED FOR (DEVELOPER):

Spectrum
 BUILDING & REMODELING
 Licensed & Bonded Building Contractor
 P.O. Box 14475
 New Bern, NC 28561
 Contact: Ray Anneson
 252-419-4045

90 LOTS at PIRATES ROAD

138 PIRATES ROAD
 NEW BERN, NC
 COUNTY: CURRIT
 PROJECT NO.: 2024-010-045

CONCEPT PLAN # 10

SIGNED / SEALED

DATE	REVISION

SCALE: AS SHOWN

PROJECT NO.: **C-01**

CHECKED: SHEET: **C-01**

DRAWN: PROJECT FILE:

SUMMARY

TOTAL PROPERTY = 19.5 Ac

TOTAL DWELLINGS = 90 UNITS
(45 DUPLEX BUILDINGS)

PROPOSED DENSITY = 4.6 U/Ac

TOTAL RIGHT OF WAY = 3.81 Ac
TOTAL GREENSPACE = 7.15 Ac
(GREEN SPACE = 36.7 %)

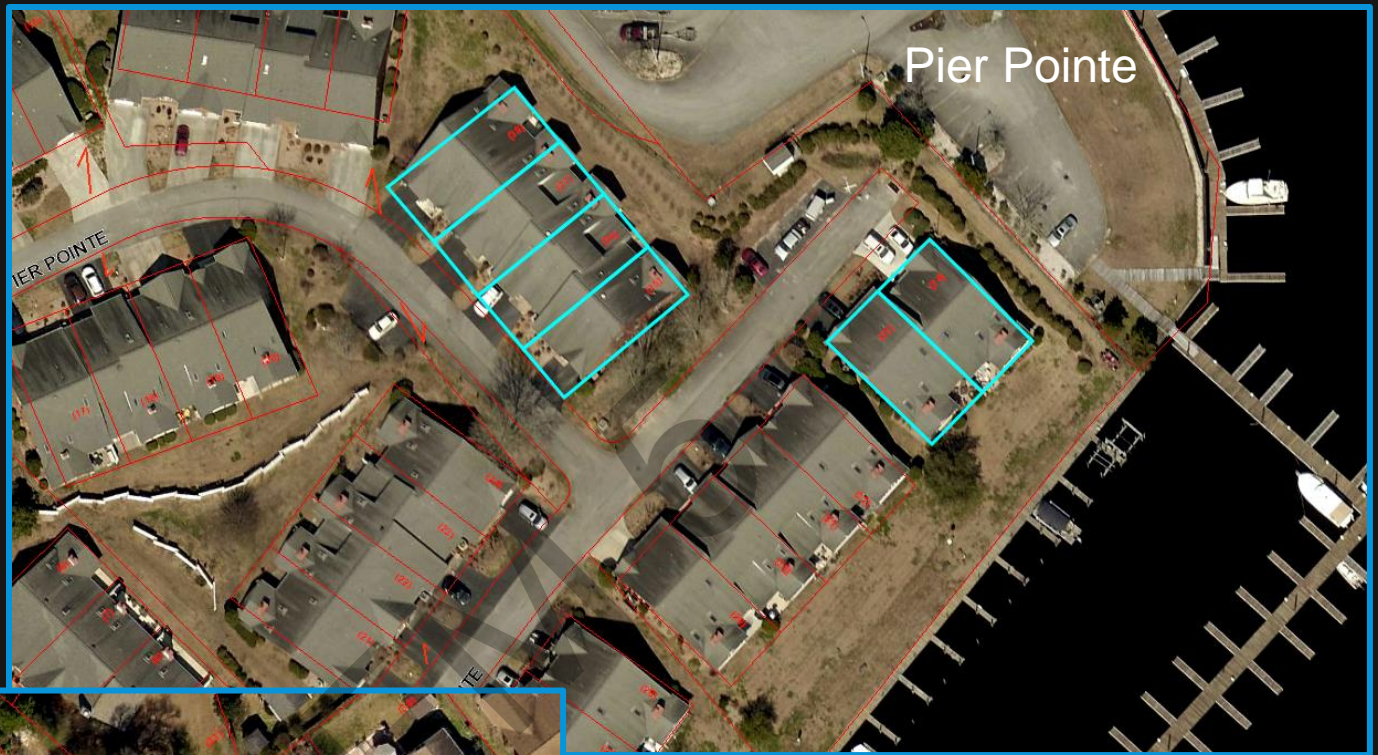
Site Summary taken from map on previous slide







How does the concept plan compare to other PDR-MF areas in town?



Quarterdeck



Magnolia Place



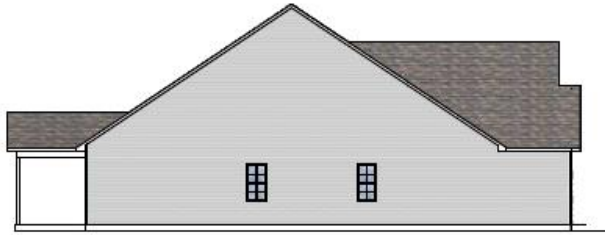
Harbour Walk



Conceptual Residence Unit



Proposed Duplex Residence
1215 sq. ft per Unit



Left Side Elevation



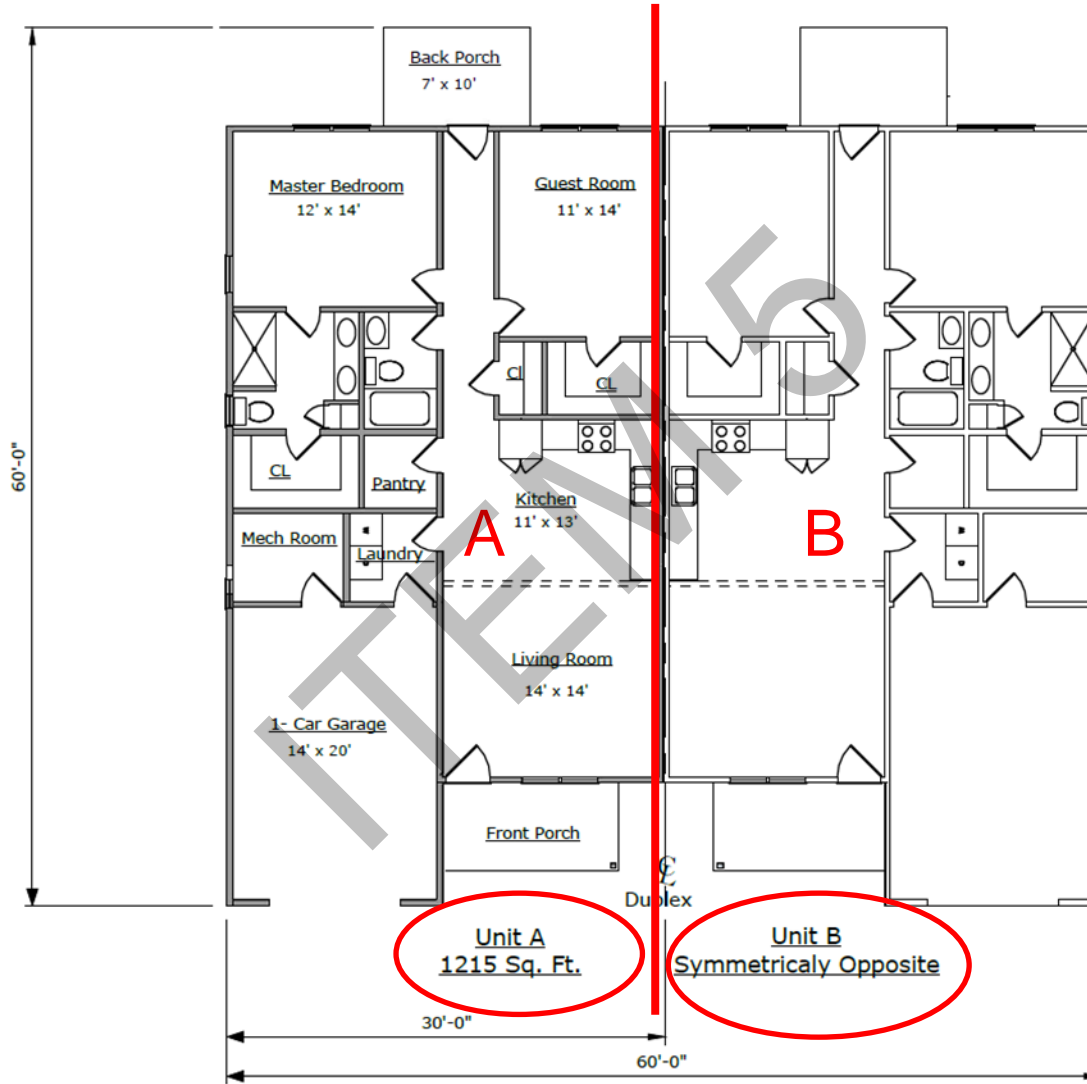
Rear Elevation



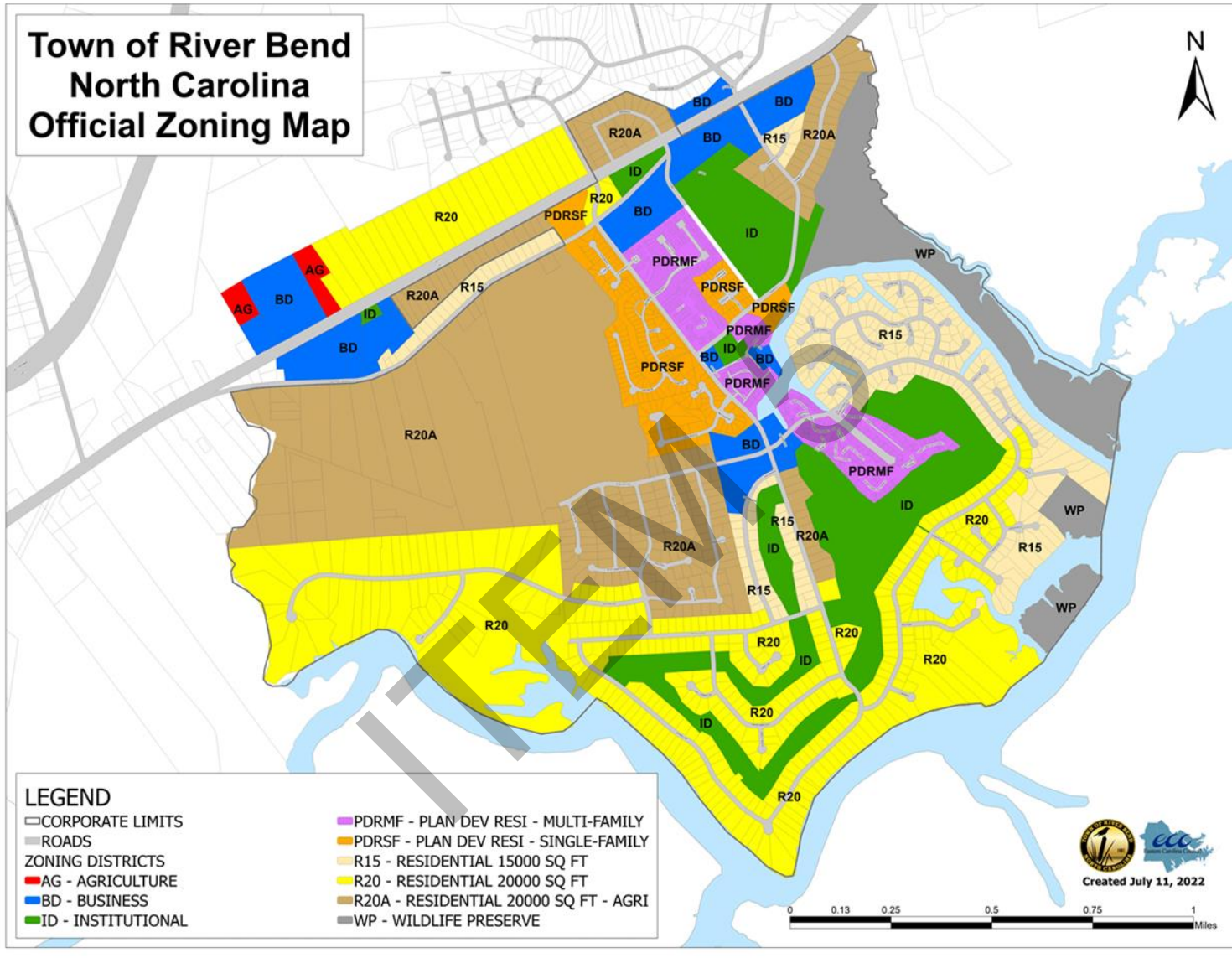
Front Elevation



Right Side Elevation



Town of River Bend North Carolina Official Zoning Map



LEGEND

- CORPORATE LIMITS
- ▬ ROADS
- ZONING DISTRICTS
- AG - AGRICULTURE
- BD - BUSINESS
- ID - INSTITUTIONAL

- PDRMF - PLAN DEV RESI - MULTI-FAMILY
- PDRSF - PLAN DEV RESI - SINGLE-FAMILY
- R15 - RESIDENTIAL 15000 SQ FT
- R20 - RESIDENTIAL 20000 SQ FT
- R20A - RESIDENTIAL 20000 SQ FT - AGRI
- WP - WILDLIFE PRESERVE

Purple = requested zoning vs. Green = current zoning
The following charts are color coded

What is permitted in current and requested zoning districts?

Requested Zoning

Current Zoning

§ 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 for PDR-SF zoning unless it contains at least 10 acres. The total density in a PDR-SF district shall not exceed 4 dwellings per acre of land.
PDR-MF	Planned Development Residential	Multi-family district is intended to provide for unified development of permanent residential neighborhoods with 1 and 2 story attached condominiums, apartments, and townhouses with no more than 4 dwelling units in a single building. No tract shall be considered for PDR-MF zoning unless it contains at least 5 acres. The total density in a PDR-MF district shall not exceed 6-1/2 dwellings per acre of land. Minimum distance between MF residential buildings is 20 feet.

§ 15.02.037 INSTITUTIONAL DISTRICTS.

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

SCHEDULE OF DISTRICT USE REGULATIONS

KEY:

P – Use permitted by right

SU – Special 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	SU	SU	SU	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						SU	SU		G
Cabinet, Woodworking or Upholstery Shops						P	P		G
Child Day Care						SU			
Churches	SU	SU	SU	SU	P	SU	SU		E
Clubs and Lounges, Private					P	SU	SU		F
Clothing Store						P	P		G
Computer Sales and Service						P	P		G

SCHEDULE OF DISTRICT USE REGULATIONS

KEY:

P – Use permitted by right

SU – Special 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*
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		SU			A
Dwellings, 2-Family				P		SU			A
Dwellings, Multi- Family				P		SU			A
Fire Department Buildings	SU	SU	SU	SU	SU	SU	SU		F
Fitness Center						P	P		G
Florists/Gift Shop						P	P		G
Furniture Store						P	P		G
Golf Course	SU	SU	SU	SU	P	SU	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

SU – Special 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*
Tourist Home***	P	P			P	P	P		D
Jewelry and Watch Repair						P	P		G
Libraries	SU	SU	SU	SU		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	SU	SU	SU	SU	SU	SU	SU		F
Public Enterprise**	SU	SU	SU	SU		SU	SU		F
Public Utility	SU	SU	SU	SU	SU	SU	SU		F
Restaurants					P	P	P		F
Schools	SU	SU	SU	SU	SU				F

SCHEDULE OF DISTRICT USE REGULATIONS

KEY:

P – Use permitted by right

SU – Special 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*
Service Station						SU	SU		J
Shoe Sales and Repair						P	P		G
Sporting Goods Sales						P	P		G
Storage Rental Units/Areas						P	P		G
Travel Agency						P	P		G
Utility Tanks, Pumps, Electrical Substations & Related Services	SU	SU	SU	SU	SU	SU	SU	SU	
Wholesale and/or Retail Janitorial Sales & Services						SU	SU		F
Youth Center					P	P	P		G

*Parking code described in §15.02.080

** As defined by G.S. § 160A-311

*** Non-conforming uses of tourist home at the time of its addition to this ordinance shall be amortized for a period of 12 months from November 17, 2022. After that date, the use must terminate if not permitted in the corresponding zone or a special use permit has not been obtained, as applicable.

Penalty, see § 1.01.999

Amended 11/17/22

Q. If rezoning is approved, what's next?

A. A lot. Any development must comply with our PD ordinance

§ 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.

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

Amended 06/18/2009

- b) For all Planned Developments, a letter of intent. In addition, a letter of intent shall be submitted which describes the following:
 - (1) Anticipated time frame for starting and completing any and all phases of the Planned Development;
 - (2) Types of buildings anticipated;
 - (3) Quantitative data for parcel size, number and types of dwelling units and gross and net residential densities anticipated;
 - (4) A description (legal) of the total site proposed for development including names and

- b) For all Planned Developments, a letter of intent. In addition, a letter of intent shall be submitted which describes the following:
 - (1) Anticipated time frame for starting and completing any and all phases of the Planned Development;
 - (2) Types of buildings anticipated;
 - (3) Quantitative data for parcel size, number and types of dwelling units and gross and net residential densities anticipated;
 - (4) A description (legal) of the total site proposed for development including names and addresses of adjacent property owners;
 - (5) Planned organizational arrangements, providing for ownership, maintenance and preservation of common open space and other property;
 - (6) Percentage of land covered by impervious material; and
 - (7) Number of sewer taps required.
- c) In addition, for Planned Development - Residential (PD-R) projects.
 - (1) Anticipated densities (units per acre);
 - (2) Anticipated architectural housing style and mixing of types; and
 - (3) All planned developments shall contain commonly owned land equal in area to 20% of the entire development. In consideration of the purpose served by a Planned Development, the title to the common areas or property shall be preserved to the perpetual benefit of the private properties in the development and shall be restricted against private ownership for any other purpose. If the corporation desires, improvements may be made within the common areas provided that maximum coverage for the improvements shall not exceed 25% of the entire common property. The developer shall submit and, after approval by the Town

This is not all of it. There is much more. The purpose of these excerpts are to demonstrate that a developer is not granted “free-will” to build, they must comply our regulations.

TREE PRESERVATION

§ 15.02.235 GENERALLY.

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

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

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

Added 09/19/2007, Amended 04/16/2009

- B. The Town of River Bend shall require all non-residential developments or residential subdivisions in excess of 1 acre, or individual non-developed lots, approved and/or developed after the effective date of §§ 15.02.235 et seq., **to provide for the preservation or replacement of Regulated Trees on the subject site.**
- C. The following minimum standards shall be applied in determining the required extent of tree preservation or replacement. If required, replacement trees shall be designated and listed as suitable for the area by the N.C. Cooperative Extension.

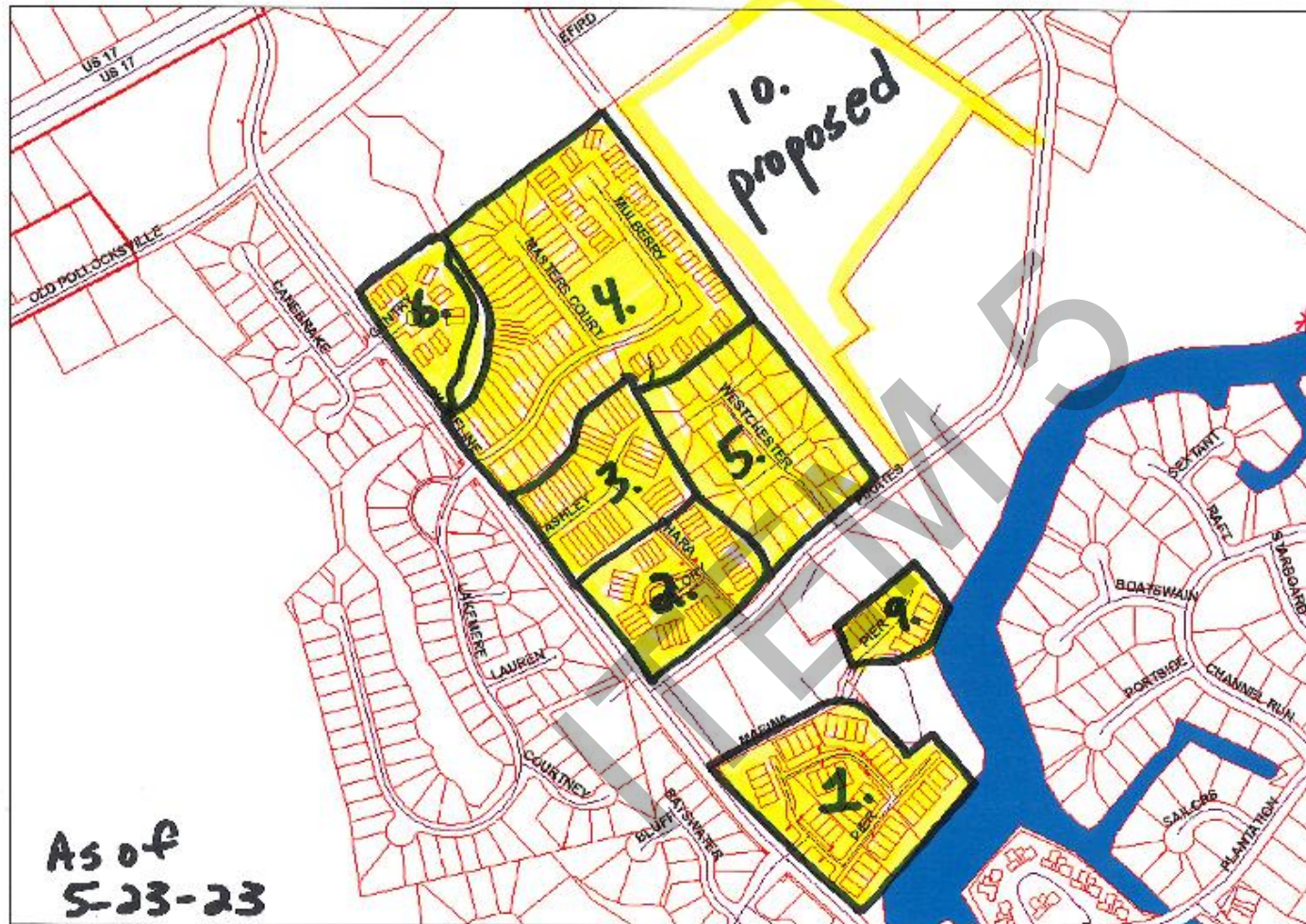
Amended 04/16/2009

1. The total number of Regulated Trees to be retained shall be at least 30 trees per acre.
2. If there are less than 30 Regulated Trees per acre on the site, then the owner shall be responsible for planting a number of trees equal to the difference on the site. All

Additionally, any planned development on this site will likely be subject to the town's tree preservation regulations.

This is just an excerpt from it.

How does this site compare to other developments in town?



	<u>Acres</u>	<u>Lots</u>	<u>Density</u>
1.	7.4	42	5.67
2.	4.8	32	6.66
3.	4.9	32	6.53
4.	15.8	94	5.94
5.	8	40	5.00
6.	2.7	14	5.18
7.	3.7	28	7.56
8.	28.8	178	6.18
9.	1.7	10	5.88
10.	19.5	90	4.61

$Lots \div acre = density$

* = single family lots

Craven County GIS

Craven County does not warrant any liability for errors on this map and should be used ONLY for reference purposes. File: C:\GIS\MapServer\2023\0523\0523144 AM

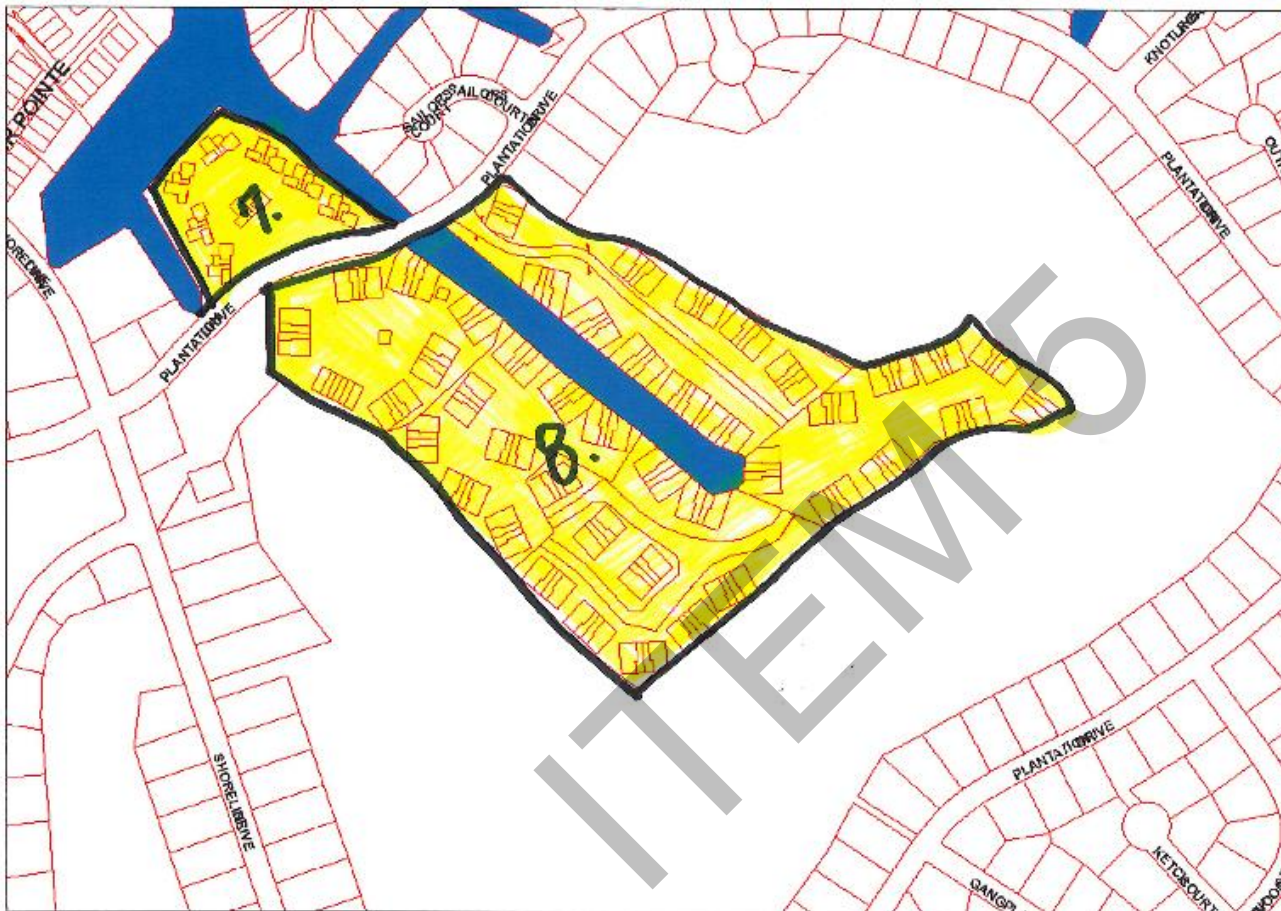
1 of 2

1 inch = 416 feet



Data and measurements gleaned from Craven GIS system. Lot sizes were determined using its measuring tool.





Craven County GIS

2 of 2

1 inch = 317 feet



Craven County does not warrant the accuracy of the information presented on this map. Printed on May 23, 2023 at 11:22 AM.

Traffic Data for Pirates Road

From May 30 through June 5 (7 full days) the Chief gathered traffic data in stealth mode on Pirates Road. He set up 2 traffic monitors. One stationed near Norbury Road, which captured data of traffic headed towards Hwy. 17 on Pirates (herein Hwy 17 data). The other was set up near O' Hara Drive and captured data of traffic headed towards Shoreline Drive on Pirates Road (herein Shoreline data).

During that 7-day period 5,140 vehicles (or anything that triggered the device) traveled towards Hwy. 17 and 4,018 traveled towards Shoreline Drive, for a total of 9,158 data points. The speed limit on Pirates is 25 mph.

The Hwy. 17 data shows that 88.5% of vehicles recorded (4,551) were traveling at 30 mph or less and 11.5% of vehicles recorded (589) were traveling between 31 and 45 mph.

The Shoreline data shows that 91.3% of vehicles recorded (3,671) were traveling at 30 mph or less and 8.7% of vehicles recorded (347) were traveling between 31 and 45 mph. Combined, only 14 vehicles were traveling between 41 and 45 mph. All others were 40 mph or less. None exceeded 45 mph.





Site History



1988 Ortho Map



 = Town Hall

1988 Ortho Map

Questions / Comments from the Council

Next Step?



Town of River Bend – Leaf & Limb Schedule 2023-2024

Zone 1 Placement

Zone 1 Pickup Begins

Zone 2 Placement

Zone 2 Pickup Begins

You **MUST** have your debris by the road **BEFORE** "pickup begins" date for your zone, but not more than 5 days before.

July 2023						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

August 2023						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

September 2023						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

October 2023						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

November 2023						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

December 2023						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

January 2024						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

February 2024						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

March 2024						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

April 2024						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May 2024						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

June 2024						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

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

1. Maximum diameter of limbs is three inches (3") and maximum length is six feet (6').
2. Place all material in a pile at the roadside with butt ends towards the street in a flat area away from mailboxes, driveway tiles, water meters and any other utility equipment.
3. Leaves and grass clippings must **NOT** be bagged. Bagged material will **NOT** be collected. Limbs must be kept separate from leaves and grass clippings. Leaves and grass clippings may be collected by a vacuum. The vacuum cannot accept limbs. Any leaf or grass clipping piles that also contain limbs will **NOT** be collected.
4. Leaf & limb material shall **NOT** be placed at the roadside more than five (5) days prior to the "pickup begins" date as shown on the schedule above (dates are circled).
5. Pickup shall be done once per street per scheduled pickup week. Any leaf & limb material placed on the roadside after that section of the street has been cleaned shall be the responsibility of the property owner to clear immediately (within 5 days).
6. Pickups will be provided to residential properties within the corporate Town limits only. Leaf & limb pickup shall not be provided for debris left by a contractor, including general yard maintenance contractors working on a resident's property.
7. Leaf & limb is defined as leaves, grass clippings, pinecones, and small tree and shrub limbs. It does not include construction material of any kind, trimmings from lot clearing, or tree trunks. The Town does not collect brown or white goods, metal, furniture or construction debris.
8. 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.
9. 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. See section 9.02.030 for complete rules.

2023-2024 LEAF & LIMB PICK-UP SCHEDULE

You MUST have your debris by the road BEFORE the pick-up date for your zone.

Zone 1 Debris Placement	Zone 1 Pick-Up Day
July 5, 2023	July 10, 2023
September 6, 2023	September 11, 2023
November 8, 2023	November 13, 2023
December 6, 2023	December 11, 2023
January 10, 2024 (Includes Christmas Trees)	January 15, 2024 (Includes Christmas Trees)
March 6, 2024	March 11, 2024
May 8, 2024	May 13, 2024
Zone 2 Debris Placement	Zone 2 Pick-Up Day
July 12, 2023	July 17, 2023
September 13, 2023	September 18, 2023
November 15, 2023	November 20, 2023
December 13, 2023	December 18, 2023
January 17, 2024 (Includes Christmas Trees)	January 22, 2024 (Includes Christmas Trees)
March 13, 2024	March 18, 2024
May 15, 2024	May 20, 2024

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

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 grass clippings must **NOT** be bagged. Bagged material will **NOT** be collected. Limbs must be kept separate from leaves and grass clippings. Leaves and grass clippings will be collected by a vacuum. The vacuum cannot accept limbs. Any leaf or grass clipping piles that also contain limbs will **NOT** be collected.
- 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 day of pick-up or 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.
- Leaf & limb is defined as leaves, grass clippings, pinecones, and small tree and shrub limbs. It does not include construction material of any kind, trimmings from lot clearing, tree trunks.
- 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.

**CURRENT APPOINTED BOARD/COMMISSION MEMBERS &
TERM EXPIRATION DATES**

	Original Appointment	Reappointed Date	Term Expiration
PLANNING BOARD (PB)			
2 year term - 1st Thursday Every Month 6:00			
<i>Council Member Liaison: Buddy Sheffield (alt Maurer)</i>			
Keith Boulware	7/18/2001	7/1/2021	6/30/2023
Kathleen Fleming	8/12/2021	8/12/2021	6/30/2023
Kelly Forrest (ETJ)*	12/15/1999	9/6/2022	9/4/2024
Robert Kohn (vice chair)	1/29/2017	6/16/2022	6/30/2024
Kelly Latimer	11/15/2012	7/1/2021	6/30/2023
Egon Lippert (chair)	2/20/2014	6/16/2022	6/30/2024
Linda Cummings	8/12/2021	6/16/2022	6/30/2024
Allison McCollum (sec - Non member)			
PARKS & RECREATION BOARD (P&R)			
2 year term - 1st Wednesday Every Month 7:00			
<i>Council Member Liaison: Jeff Weaver (alt Maurer)</i>			
David Ross - (Vice Chair)	12/15/2022	12/15/2022	6/30/2024
Vacant			6/30/2023
Vacant			6/30/2023
Krysten Howard	1/19/2023	1/19/2023	6/30/2024
Vacant^^^			6/30/2024
Kathy Noonan	1/19/2023	1/19/2023	6/30/2024
Rebekah Royston (sec)	2/16/2023	2/16/2023	6/30/2023
COMMUNITY APPEARANCE COMMISSION (CAC)			
2 year term - 3rd Wednesday Odd Months 4:00			
<i>Council Member Liaison: Barbara Maurer (alt Vacant)</i>			
Brenda Hall (chair)	2/18/2021	6/16/2022	6/30/2024
Vacant			6/30/2023
Meg Williams (sec)	8/16/2018	6/16/2022	6/30/2024
Vacant			6/30/2023
Christine Soler	11/17/2022	11/17/2022	6/30/2024
Pat Lineback	4/20/2023	4/20/2023	6/30/2024
Vacant			6/30/2023
ENVIRONMENTAL/WATERWAYS ADVISORY BOARD (EWAB)			
2 year term - 1st Monday Every Month 7:00			
<i>Council Member Liaison: Brian Leonard (alt Weaver)</i>			
Patty Leonard (sec)	12/12/2019	6/16/2022	6/30/2024
R. Karl Lichty	10/15/2015	7/1/2021	6/30/2023
James Stevens	8/15/2007	6/16/2022	6/30/2024
Raymond Jaklitsch	1/18/2018	6/16/2022	6/30/2024
Jon Hall	6/18/2020	7/1/2021	6/30/2023
Mary Holihan (vice chair)	12/12/2019	6/16/2022	6/30/2024
Paige Ackiss (chair)	12/12/2019	7/1/2021	6/30/2023

**CURRENT APPOINTED BOARD/COMMISSION MEMBERS &
TERM EXPIRATION DATES**

	Original Appointment	Reappointed Date	Term Expiration
BOARD OF ADJUSTMENT			
3-Year Term (G.S. '160A-388)			
<i>Council Member Liaison: Buddy Sheffield</i>			
Chris Barta	6/18/2015	7/1/2021	6/30/2023
Kelly Forrest (ETJ)*	12/15/1999	8/31/2022	8/31/2025
Cinda Hill	4/21/2016	6/16/2022	6/30/2024
Patty Leonard	11/16/2017	7/1/2021	6/30/2023
Paige Ackiss	6/17/2021	6/16/2022	6/30/2024
Jon Hall	2/10/22 (alt)	6/16/2022	6/30/2024
ALT - Rick Fisher (ETJ)*	7/1/2016	7/1/2022	7/1/2025
ALT -David Zinni (Town)	7/21/2022	7/21/2022	6/30/2023

AUDIT COMMITTEE

Effective 10/14/21 - comprised of people who hold various positions plus 1 resident

Chairman: Brian Leonard		7/1/2021	6/30/2023
Finance Director - Mandy Gilbert		7/1/2021	6/30/2023
Town Manager - Delane Jackson		7/1/2021	6/30/2023
Town Resident - Janice Westgate	6/17/2021	7/1/2021	6/30/2023

PLANNING BOARD RECOMMENDATION

This is the document that was on the agenda for the Council's March 16, 2023 meeting. The Council took no action on the document, but voted to table the item. The areas in red below represent the changes that the town attorney suggest be made to the Planning Board's recommendation. ~~Words~~ =delete Words =add

§ 15.02.140 CONDITIONAL ZONING DISTRICTS

A. Purpose.

1. Conditional zoning districts are applicable if the regulations and restrictions of a general use zoning district are inadequate to ensure the compatibility of the proposed development with the immediately surrounding neighborhood in accordance with the principles of the Town's Code of Ordinances. In these circumstances, a general zoning district designation allowing a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of the Code of Ordinances and adopted land development plan, comprehensive plan, transportation and corridor plans, and other land use and transportation policy documents.

2. The rezoning process established in this section provides for the accommodation of the uses by a reclassification of property into a conditional zoning district, subject to additional conditions which ensure compatibility of the proposed use with the use and enjoyment of neighboring properties. A conditional zoning district bears the same designation as a general use zoning district but is a conditional zoning district subject to additional conditions in which limited uses are permitted and that are contained in the ordinance approving the conditional zoning district. A conditional zoning district allows a particular use or uses to be established only in accordance with specified standards and conditions tailored to each individual development project. This is a voluntary rezoning procedure that is intended for firm development proposals. It is not intended or suited for securing early zoning for tentative proposals that may not be undertaken for some time.

3. Conditional zoning districts parallel general use zoning districts. Only those land uses (including uses by right and special uses as identified as in the Schedule of District Use Regulations) permitted in a general use zoning district to which a conditional zoning district corresponds shall be allowed. All requirements of any corresponding general use district and all other requirements of the Code of Ordinances apply to a conditional zoning district except to the extent that the approved rules, regulations and conditions included in the petition for rezoning are more restrictive than the general use district requirements.

B. Process required.

1. A person petitioning for rezoning of a tract of land may elect to request a conditional zoning district for that tract. The conditional zoning district application must specify the actual use or uses, and all other development regulations authorized by state law, which are intended for the property identified in the petition. The intended use or uses and development regulations must be permitted in the corresponding general use district.

PLANNING BOARD RECOMMENDATION

2. The Town Council is to approve or disapprove the application on the basis of the specific use or uses and development regulations requested. Development in a conditional zoning district requires approval of a single application similar to a general use district rezoning application.

3. Property may be placed in a conditional zoning district only in response to a petition signed by the owners of all the property to be included or by an agent authorized by all of the owners to file the application. A petition for conditional zoning shall include:

a) A master site plan prepared in accordance with § 15.02.137 of the Code of Ordinances for a Master Land Use Plan for a Planned Development;

b) Written supporting documentation that specifies the actual use or uses proposed for the property;

c) Proposed rules, regulations, and conditions that, in addition to all predetermined requirements of this Code of Ordinances, will govern the development and use of the property; and

d) A statement analyzing the reasonableness of the proposed rezoning.

4. During its initial review of a conditional zoning petition, which will follow the process as prescribed in §15.02.190-15.02.194 of the Code of Ordinances for traditional rezoning, the Planning Board shall consider whether or not a community informational meeting, to be organized, advertised, conducted and documented by the petitioner, would be beneficial to making project information available to those most likely to be impacted by the proposed zoning change. If the Planning Board concludes that a community informational meeting should be held, the petitioner shall conduct such meeting in accordance with the following provisions.

a) The community informational meeting shall be held prior to the date of the next Planning Board meeting at which the petition will be reviewed. The meeting shall be held within seven miles of the Town of River Bend.

b) Written notice of such a meeting shall be given by the petitioner in the same schedule and manner as prescribed in §15.02.191 (D) and §15.02.193 (A) of the Code of Ordinances for a zoning amendment and public hearing respectively.

c) Within 10 days following the meeting, but prior to any further consideration by the town, the petitioner shall file a written report of the community informational meeting with the Zoning Administrator. The petitioner's report shall include, among other things, a listing of those persons and organizations contacted about the meeting and the manner and date of contact; the date; time and location of the meeting; a summary of issues discussed at the meeting; and a description of any changes to the rezoning petition made by the petitioner as a result of the meeting. Additionally, the petitioner shall make available at the meeting a roster for all attendees to voluntarily sign so that a record of attendees may be created. The roster shall include a location for attendees to provide their name, mailing addresses, and telephone number. A copy of the roster of attendees shall be included in the report of the meeting.

PLANNING BOARD RECOMMENDATION

d) The purpose of the community informational meeting is for the petitioner to:

(1) Provide specific information and maps regarding the proposed development including but not limited to a description of the proposed zoning change, proposed use(s) of the property, the proposed density and intensity of land uses, the location and arrangement of the proposed land use(s) on the property, the proposed development schedule, and proposed regulations or conditions, in addition to those required by this Ordinance, that will govern the development and use of the property; and

(2) To receive comments and input from citizens likely to be impacted by the proposed zoning change and subsequent development of the property.

e) In the event the petitioner has not held at least one meeting pursuant to this section with 45 days of being notified that a meeting is required, the petitioner shall file a report with the Zoning Administrator documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held. The petitioner shall also notify the Zoning Administrator efforts to schedule a meeting. No further Planning Board action may be taken until the meeting has been conducted.

f) The adequacy of a meeting held or report filed pursuant to this section shall be considered by the Town Council but shall not be subject to judicial review.

5. Review and approval process. The review and approval process for conditional zoning district petitions involves a legislative hearing and legislative decision by the Town Council, following a recommendation by the Planning Board. The review of conditional zoning district petitions shall be undertaken in accordance with the provisions of this section.

a) In the course of evaluating the proposed use, the Town Council may request additional information deemed appropriate to provide a complete analysis of the proposal.

b) Conditional zoning district decisions are subject to judicial review using the same procedures and standard of review applicable to ~~general-use district~~ legislative zoning decisions.

c) Conditional zoning district decisions shall be made in consideration of identified relevant adopted land use plans for the area, including, but not limited to, land development plans, comprehensive plans, strategic plans, district plans, transportation and corridor plans and other land development policy documents.

d) If the conditional zoning district application is approved, the Town Council shall authorize the requested use with reasonable conditions as mutually agreed to in writing by the applicant and Town Council and determined to be desirable in promoting public health, safety and general welfare.

6. Specific conditions applicable to the conditional zoning districts may be proposed by the petitioner or the town or its agents, but only those conditions mutually agreed to in writing by the town and the petitioner may be incorporated into the zoning regulations or permit requirements.

PLANNING BOARD RECOMMENDATION

a) The conditional district rezoning application shall specify the use or uses that are intended for the property, as well as any additional conditions on the use of the property that the applicant may propose be conditions of the rezoning. Conditions and site-specific standards imposed in a conditional zoning district shall be limited to:

(1) Those that address conformance of the development and use of the site to ordinances and officially adopted plans and

(2) Those that address the impacts reasonably expected to be generated by the development or use of the site.

b) Any such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, the mitigation of environmental impacts, and other matters that the Town Council may find appropriate or the petitioner may propose.

c) Such conditions to approval of the petition may include dedication to the town or state, as appropriate, of any rights-of-way or easements for streets, water, sewer or other public utilities necessary to serve the proposed development.

d) No condition shall be less restrictive than the standards of the general use district or the standards of any overlay district that applies to the property.

e) No condition shall be made part of the application, or shall be attached to approval of the conditional zoning district, which specifies the ownership status, race, religion or character of the occupants of housing units, the minimum value of improvements, or any illegal exclusionary device; or which states that the use of the property will not be subject to regulations or restrictions set forth in the Code of Ordinances which would apply to the property in any event, such as the regulations for an overlay district which covers the property.

f) If for any reason any condition for approval is found to be illegal or invalid or if the petitioner should fail to carry out any condition in the written and signed agreement, the approval of the site plan for the district shall be null and void and of no effect and proceedings shall be instituted by the town to rezone the property to its previous zoning classification or to another zoning district.

g) The conditions shall be agreed upon, put in writing, and signed by both the petitioner and Town upon final approval of the rezoning by the Town Council.

h) After the town has delivered to the newspaper the notice of public hearing for the application, the applicant shall make no changes in the conditions ~~that are less restrictive than those~~ stated in the application, ~~including, but not limited to, smaller setbacks; more dwelling or rooming units; greater height; more access points; new uses; and fewer improvements. However, more restrictive conditions or additional conditions may be added to the application if the conditions are received by the Planning Department in~~

PLANNING BOARD RECOMMENDATION

~~writing and signed by all owners of the property at least ten working days before the date scheduled for final Town Council action on the application.~~

7. If a petition for conditional zoning is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the district's classification, the approved site plan or master plan for the district, and any additional approved rules, regulations and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to this Ordinance and to the zoning map.

a) If a petition is approved, only those uses and structures indicated in the approved petition and site plan shall be allowed on the subject property. A change of location of the structures may be authorized pursuant to division (B)(8) below provided that the change in building layout does not result in an increase in the number of structures.

b) Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the zoning map by the appropriate district designation. A conditional zoning district shall be identified by the same designation as the underlying general district followed by the letters "CD" (for example, "R-20 (CD)").

c) No permit shall be issued for any development activity within a conditional zoning district except in accordance with the approved petition and site plan for the district.

d) Any violation of the approved site plan or any rules, regulations and conditions for the district shall be treated the same as any other violation of the Code of Ordinances and shall be subject to the same remedies and penalties as any such violation.

8. Alterations to approval. Except as provided in division (B)(8)(a) below, changes to an approved petition or to the conditions attached to the approved petition shall be considered a change to the conditional zoning district and shall be processed as a new conditional zoning application in accordance with the procedures set forth in this section.

a) The Zoning Administrator shall have the delegated authority to approve administrative minor modifications – limited to no more than 5% total changes to the originally approved site plan. The Zoning Administrator shall have no authority to amend the conditions of approval of a petition. Any decision by the Zoning Administrator must be in writing stating the grounds for approval or denial. Minor modifications shall be limited to changes that the Zoning Administrator determines would not:

1. Change the gross square footage of nonresidential development by more than 5%;
2. Change the lot coverage by more than 5%;
3. Change any use or density;
4. Adjust the landscaping requirements by more than ~~5~~ 10%; or
5. Adjust the required parking more than 5%.

PLANNING BOARD RECOMMENDATION

b) The Zoning Administrator, however, shall always have the discretion to decline to exercise the delegated authority either because he or she is uncertain about approval of the change pursuant to the standard or because a rezoning petition for a legislative hearing and Town Council consideration is deemed appropriate under the circumstances. If the Zoning Administrator declines to exercise this authority, the applicant may file a rezoning petition for a legislative hearing and Town Council decision in accordance with the provisions delineated in this ordinance.

c) Any request for an administrative modification shall be pursuant to a written letter, signed by the owners of all of the property affected by the proposed change, detailing the requested change. Upon request, the applicant shall provide any additional information as deemed necessary by the Zoning Administrator. Upon an approval of an administrative modification, the applicant shall file a sufficient number of copies of the revised site plan as deemed necessary by the Zoning Administrator.

d) If the Zoning Administrator denies approval of the requested administrative modification, the applicant may file a rezoning petition for a legislative hearing and Town Council decision in accordance with the provisions delineated in this ordinance.

9. Review of approved Conditional Zoning Districts. It is intended that property shall be reclassified to a conditional zoning district only in the event of firm plans to develop the property. Therefore, no sooner than two years after the date of approval of the petition, the Zoning Administrator shall examine and report to the Planning Board the progress made toward developing the property in accordance with the approved petition and any conditions attached to the approval.

a) If, following such examination and report of progress, the Planning Board determines that substantial progress has not been made in accordance with the approved petition and conditions, the Planning Board shall forward to the Town Council a report which may recommend that the property be rezoned to its previous zoning classification or to another zoning district. If the Town Council concurs with the Planning Board's recommendation, the Town Council may initiate the rezoning of the property in accordance with the procedures delineated in this ordinance.

b) If, upon written request of the developer or petitioner, the Planning Board determines that substantial progress has been made to develop the property, the Planning Board may recommend that an extension of time be granted. The Town Council, after reviewing the recommendation of the Planning Board, may approve an extension of time not to exceed an additional 12 months. Approval of such a time extension by the Town Council may be made without conducting a formal public hearing.

c) If, after the expiration of the original or extended time period, the Planning Board determines that no substantial progress has been made and the Town Council concurs with that determination, the Town Council shall proceed to: conduct a legislative hearing on the matter to evaluate whether or not another extension of time is warranted; or initiate the rezoning of the property to its previous zoning classification or to another zoning classification using the procedures delineated in this ordinance.

PLANNING BOARD RECOMMENDATION

d) For purposes of this section, examples of substantial progress may include: the approval of construction plans for streets, utilities and other infrastructure; the initiation of land preparation activities such as clearing and grading; the initiation of the construction of the principal building(s); and the initiation of the construction of streets, utilities, other infrastructure or required site amenities.

Significant Dates:

August 11, 2022-Town Council directs Planning Board to begin work on ordinance
September 1, 2022-Planning Board selects Havelock ordinance as a template
November 3, 2022-Planning Board discusses draft ordinance
January 5, 2023-Planning Board discusses draft ordinance
January 12, 2023- Town Council discusses draft ordinance
February 2, 2023- Planning Board discusses and approves recommendation
February 9, 2023- Town Council discusses recommendation
February 16, 2023-Town Council discusses recommendation, directs Attorney to review
March 9, 2023- Town Council discusses Attorney's legal opinion on proposal
March 16, 2023- Town Council tables conditional zoning
June 8, 2023- Town Council discusses revisiting the recommendation



David B. Baxter, Jr.
dbaxter@nclawyers.com

March 7, 2023

**PRIVILEGED AND CONFIDENTIAL
ATTORNEY/CLIENT COMMUNICATION**

River Bend Town Council
c/o Mayor John Kirkland

VIA: E-MAIL

Re: Draft Ordinance Amendment – Conditional Zoning
Our File: 67667.02

Dear Town Council:

I have been asked to review the most recent draft of the Town of River Bend's (hereinafter "the Town") proposed conditional zoning amendments to its Code of Ordinances. Specifically, I have been asked to review the proposed ordinance amendments for suggested changes, comment on enforceability of the proposed ordinance, and discuss various issues concerning the draft ordinance, including an analysis of litigation risk.

Below please find my written legal opinion based on my review and analysis of the Town's proposed draft amendments to include conditional zoning in its Code of Ordinances.

I. General Enforceability of Conditional Zoning in North Carolina

A. History and General Framework

Conditional zoning is a tool that has been used in local government zoning practices since the 1990s. The concept was tested and approved by North Carolina courts in 2001.¹ The result of the 2001 court decision was then codified into statutes in 2005.²

The use of conditional zoning allows greater flexibility in development of certain areas within a local government's jurisdictional limits by adding site-specific conditions to address any concerns expressed by the local government and the public. Conditional zoning would allow the Town to adopt a conditional zoning district that is parallel to a general zoning district previously established by the Town. This conditional district contains additional site-specific conditions that

¹ See *Massey v. Charlotte*, 145 N.C. App. 345, 550 S.E.2d 838, *review denied*, 345 N.C. 219, 554 S.E.2d 342 (2001).

² See N.C. Gen. Stat. § 160A-382(a) (2016).

are not contained in the general zoning districts. These conditions may be more or less restrictive than those restrictions found in the corresponding general zoning district.³

B. Conditions

Generally, those impermissible conditions that would be considered illegal under a traditional rezoning are also considered illegal in conditional rezoning. One obvious illegal condition or denial is any decision based on race, religion, ethnicity, or other protected class of individuals. The same would be true in a conditional rezoning. The proposed draft ordinance amendments clarify that decisions or conditions based on these protected classes would be impermissible. Another illegal condition would be the condition that government subsidized housing be prohibited in the conditional zone. The North Carolina Fair Housing Act makes it illegal to base any land use decision or permitting decision on the fact that a proposed development contains affordable housing units for families or individuals with incomes below 80% of the area median income.⁴

There are also two additional statutory limits for conditional zoning placed on the potential conditions. The first is that the landowner and the Town have to mutually agree to the specific conditions imposed in the proposed conditional district. The second is that the conditions imposed in a conditional district are limited to those that (1) address conformance of the development and use of the site to local government ordinances and adopted plans and (2) those conditions that address “impacts reasonably expected to be generated by the development or use of the site.”⁵ Some of the allowed conditions would be things like use restrictions, the inclusion of site plans, and the addition of certain infrastructure as agreed between the landowner and the town. As stated above, the conditions contained in the conditional zoning district may be more or less restrictive than those found in the corresponding general zoning district.

Therefore, if a developer does not agree to a condition, the rezoning petition likely would not be considered complete since all conditions placed in the petition must be agreed upon by both the Town and the developer. If a condition is illegal, a developer can certainly challenge the fact that the Town insisted on an illegal condition. The best way to guard against this is to analyze each condition at the preliminary stage to ensure that each condition promotes those goals listed in N.C. Gen. Stat. §160D-703(b).

C. Judicial Review

I have been asked to give my opinion regarding various issues regarding conditional zoning if a conditional zoning is ever appealed through the judicial review process. Typically,

³ See *Rakestraw v. Knightdale*, 188 N.C. App. 129, 136, 654 S.E.2d 825, 830, *review denied*, 362 N.C. 237, 659 S.E.2d 739 (2008).

⁴ N.C. Gen. Stat. § 41A-4(g) (2020).

⁵ N.C. Gen. Stat. § 160D-703(b) (2020).

general rezonings are considered legislative decisions and enjoy the presumption of validity if ever challenged in a court proceeding. In that situation, the government's decision is presumed to be valid, and the individual seeking review of the local government's decision must rebut the presumption of validity by showing that the local government acted arbitrarily or capriciously. Conditional zoning enjoys the same presumption of validity as a general matter. However, the presumption of validity no longer exists in situations involving spot zoning. A rezoning is considered spot zoning when it involves a relatively small area of land that is rezoned inconsistently with the surrounding areas.⁶

In the case of spot zoning, the Town would not have a presumption of validity, and the Town has the initial burden of proving that its zoning decision was reasonable.⁷ If a zoning amendment is considered spot zoning, and the presumption of validity no longer exists, this does put the Town in a less advantageous litigation position as compared to an instance that does not involve spot zoning. However, proving that the Town made its zoning decision based on reasonable considerations is a relatively low standard in comparison to other heightened standards, such as strict scrutiny constitutional context. Additionally, chapter 160D of the North Carolina General Statutes requires a determination of reasonableness be made by the Town Council prior to the adoption of any zoning map amendment.⁸ Specifically, the Town Council is required to adopt a reasonableness statement as follows:

- b) Additional Reasonableness Statement for Rezonings. - When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the governing board. This statement of reasonableness may consider, among other factors, (i) the size, physical conditions, and other attributes of the 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 on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.⁹

This reasonableness statement would be essential in proving that the Town acted in a reasonable manner in the case of spot zoning.

I have been asked to give an opinion as to whether the prior proposed traditional rezoning would have been considered spot zoning. Based on the proposal made by Ellis Development in its last rezoning petition, it is my opinion that a North Carolina court would likely find that the proposed changes to the zoning map would not be considered spot zoning due to the relatively large area and the relative consistency to other areas of the Town zoned in a similar fashion.¹⁰

⁶ See *Blades v. Raleigh*, 280 N.C. 531, 549, 187 S.E. 2d 35, 45 (1972).

⁷ See *Zopfi v. Wilmington*, 273 N.C. 430, 160 S.E.2d 325 (1968).

⁸ N.C. Gen. Stat. §160D-605(b) (2021).

⁹ *Id.*

¹⁰ See *Zopfi*, 273 N.C. 430, 160 S.E.2d 325 (case involving a forty-acre tract rezoned as commercial bordered by twenty acres zoned single-family residential); see also *Friends of Mt. Vernon Springs, Inc. v. Siler City*, 190 N.C.

However, each instance is unique and I do not presume to predict the outcome of any court challenge with absolute certainty.

II. Analysis of Minor Modification Provisions

The North Carolina General Statutes allow minor modifications to the conditional district so long as the modifications do not change the use or uses listed in the conditional district or change the development density. The current draft proposed in the Town of River Bend allows for minor modification of no more than 5% of any feature. The proposed draft does contain the proper restriction that a minor modification may not be made that changes the uses or the density of the conditional district. The only requirement in the statutes for minor modification are that what is a minor modification must be defined and, as stated above, the modifications can not change the uses allowed or the overall density of the development.¹¹ Well-drafted ordinances include the specific features that may be altered and puts limits on those alterations. The draft ordinance amendments that the Town is proposing contain such restrictions in division (B)(8)(a)(1)-(4). The use of minor modifications by administrative staff is not required by statute and is optional. As I have previously stated, smaller local governments with relatively little development often do not have provisions allowing minor modification because minor modification is a method for promoting efficiency for the local government. If there is relatively little development, there are not a lot of requests to modify an approved project, which would otherwise require the local government to go through the entire ordinance amendment process each time there is a minor change. In a jurisdiction with multiple development projects, such frequent modification would consume a large amount of the governing body's time and resources.

III. Statutory Requirements and Ordinance Review

I have been asked to give my opinion as to what portions of the proposed draft ordinance amendments are required by statute if the Town allows conditional zoning within its planning jurisdiction. The only required provisions that must be in the conditional zoning regulations are (1) that the landowner must petition to have the property rezoned into a conditional district, (2) the conditions must be mutually agreed upon by the landowner and the Town and reduced to writing, and (3) that the approval process be the same as traditional rezonings pursuant to the legislative rezoning process. Additionally, the types of conditions are regulated generally by various language in 160D regarding what the conditions should be aimed at accomplishing as well as certain limits on minor administrative modification as discussed above.

When reviewing the ordinance, I have made the following comments and recommended changes:

App. 663, 660 S.E.2d 657 (2008) (case involving the rezoning of 1,079 acres from agricultural-residential to industrial) ("Here, the tract in question is approximately 1,076 acres. This tract is not 'a relatively small tract' as contemplated in *Blades* and the zoning activity did not 'constitute spot zoning as our courts have defined that term[.]").

¹¹ N.C. Gen. Stat. 160D-703(b) (2021).

1. In section (A)(3), the ordinance only allows for uses to be equal to or more restrictive than those contained in the general zoning district that parallels the conditional zoning district. This is fully permissible, but I did want to note that for the Council.
2. In section (B)(5)(b), the ordinance states “conditional zoning district decisions are subject to judicial review using the same procedures and standards of review applicable to general use district zoning decisions.” I would change general use district to legislative such that provision states “conditional zoning district decisions are subject to judicial review using the same procedures and standards of review applicable to legislative zoning decisions.”
3. In section (B)(6)(h), it appears that the Planning Department can approve more restrictive or additional conditions added to the application; however, I believe these additional conditions would be a significant enough change such that the Planning Board would be required to comment on them and provide a resolution of plan consistency prior to consideration by the Town Council. I recommend that that language be stricken.
4. In section (B)(8)(4), the proposed amendments allow minor modification of landscaping requirements up to 10%. I believe this is inconsistent with the 5% limit found in the proposed amendments. I recommend changing this limitation to 5%.

IV. Conclusion

It is my opinion that as proposed, the draft ordinance amendments to include the use of conditional zoning is legally-permissible and enforceable. I have made my suggested modifications in the attached version in redline format. This legal opinion is rendered in the name of Sumrell Sugg, P.A. and may be relied upon by you as an opinion of counsel before any Court or any state or federal administrative agency.

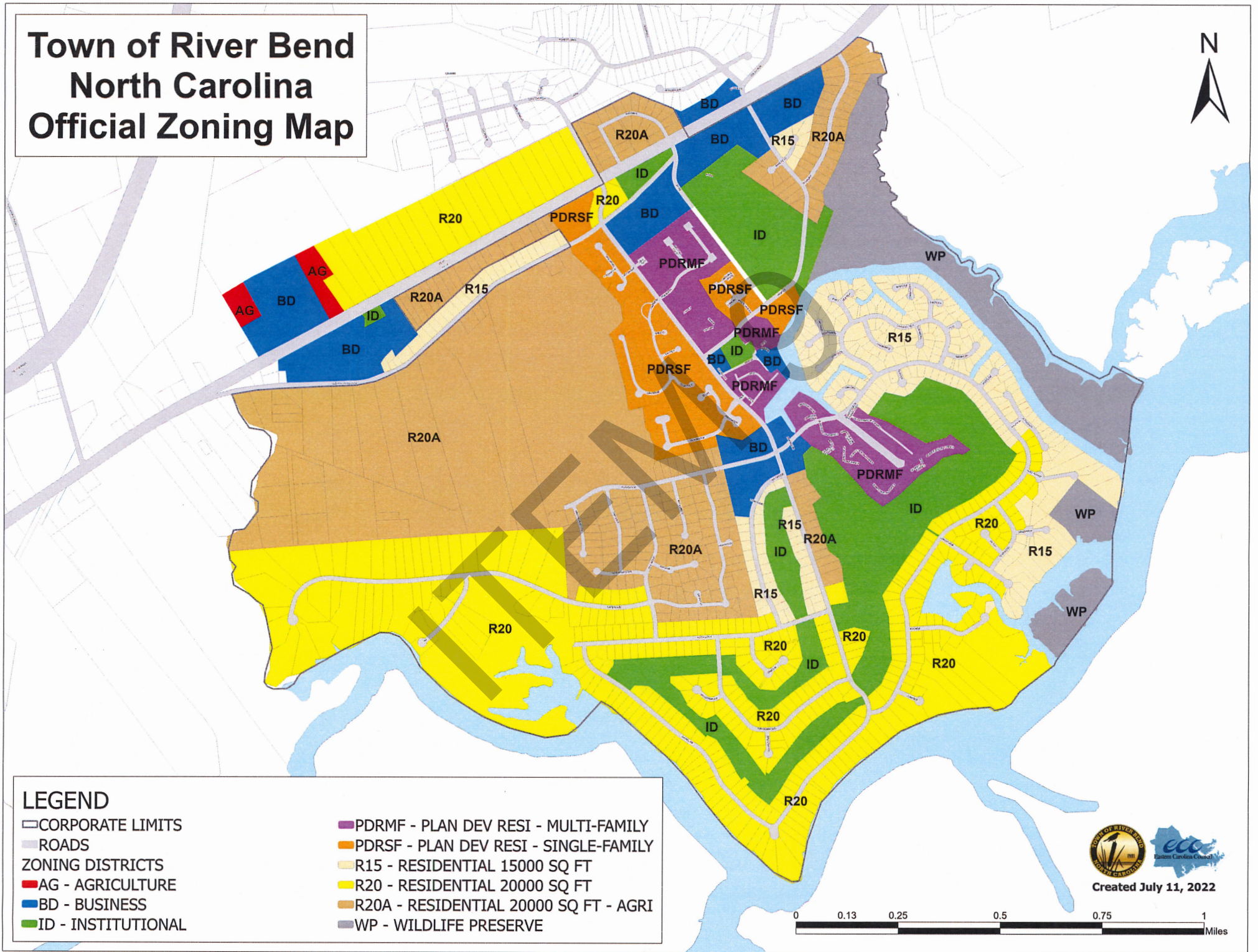
Please review this opinion and let me know if you have any questions.

Sincerely,



David B. Baxter, Jr.
Town Attorney

Town of River Bend North Carolina Official Zoning Map



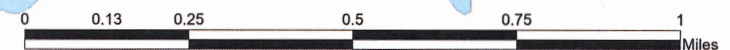
LEGEND

- CORPORATE LIMITS
- ROADS
- ZONING DISTRICTS**
- AG - AGRICULTURE
- BD - BUSINESS
- ID - INSTITUTIONAL

- PDRMF - PLAN DEV RESI - MULTI-FAMILY
- PDRSF - PLAN DEV RESI - SINGLE-FAMILY
- R15 - RESIDENTIAL 15000 SQ FT
- R20 - RESIDENTIAL 20000 SQ FT
- R20A - RESIDENTIAL 20000 SQ FT - AGRI
- WP - WILDLIFE PRESERVE



Created July 11, 2022



§ 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
Min. Side Yard (FT)										
Main Building	10	10	10	10	10	10	10	-	-	10
Accessory Building	5	5	5	5	5	-	-	-	-	-
Swimming Pool	10	10	10	-	-	10	-	-	-	-
Tennis Court	15	15	15	-	-	10	-	-	-	-
Min. Rear Yard (FT)										
Main Building	15	15	15	15	15	10	20	-	-	20
Accessory Building	10	10	10	10	10	-	-	-	-	-
Swimming Pool	10	10	10	-	-	10	-	-	-	-
Tennis Court	15	15	15	-	-	10	-	-	-	-

<i>Schedule of District Requirements</i>										
	R-20	R-20A	R-15	PDR-MF	PDR-SF	ID	BD	WP	AGR	PD-BD
Accessory Building	PLEASE REFERENCE CHART IN §15.02.061									
Max. Lot Coverage by Bldg. (%)	24	24	24	24	30	24	24	-	-	24
Max. Height (FT)										
Main Building	34	34	34	34	34	34	34	-	-	34
Accessory Building	The lesser of 18 FT or one (1) story									
CAMA and FEMA setbacks, if applicable, take priority to Town designated setbacks.										
*Density – PDR-MF – No more than 6.5 dwelling units per acre. †Density – PDR-SF – No more than 4 dwelling units per acre. ‡Density – BD, PD-BD – Nor more than 4 business units per acre. **Min. Front Lot Line – R-20, R-20A, R-15 – 40 FT on cul-de-sac. ††Min. Front Lot Line – PDR-MF, PDR-SF – 25 FT on cul-de-sac.										

Penalty, see § 1.01.999

Amended 11/18/2021



**RIVER BEND TOWN COUNCIL
DRAFT AGENDA
Regular Meeting
June 15, 2023
River Bend Town Hall – 45 Shoreline Drive
7:00 p.m.**

Pledge: Castranova

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 11, 2023 Work Council Meeting
Minutes of the May 18, 2023 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. Public Safety – Councilman Weaver
 - A. Community Watch
9. Parks & Recreation – Councilman Weaver
 - A. Parks and Rec Report
 - B. Organic Garden Report
 - C. Library Report
10. CAC – Councilwoman Maurer
 - A. CAC Report
11. Finance – Councilman Leonard
 - A. Financial Report - Finance Director

12. Environment And Waterways – Councilman Leonard
 - A. EWAB Report
13. Planning Board – Councilman Sheffield
 - A. Planning Board Report
 - B. Board of Adjustment 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

ITEM 10