

**THE ERWIN BOARD OF COMMISSIONERS  
JANUARY 2020 REGULAR WORKSHOP  
MONDAY, JANUARY 27, 2020 @ 6:00 P.M.  
ERWIN MUNICIPAL BUILDING BOARD ROOM**

**AGENDA**

1. **MEETING CALLED TO ORDER**
  - A. INVOCATION
  - B. PLEDGE OF ALLEGIANCE
2. **AGENDA ADJUSTMENTS /APPROVAL OF AGENDA**
3. **NEW BUSINESS**
  - A. Proposed Text Amendment to B-2 (Highway Business) Zoning District in the Code of Ordinance Section 36-272 & Section 274 (**Page 2**)
  - B. Proposed Text Amendment involving Accessory Structures in our RD Zoning District of the Code of Ordinance Section 36-419(**Page 9**)
  - C. Amend Maximum Building Height in certain areas within Town Limits (**Page 12**)
  - D. Meeting Structure (**Page 14**)
4. **ADJOURNMENT**

NEW BUSINESS

## Erwin Board of Commissioners

### REQUEST FOR CONSIDERATION

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To: The Honorable Mayor and Board of Commissioners  
From: Snow Bowden, Town Manager  
Date: January 27, 2020  
Subject: Proposed Text Amendment to B-2 (Highway Business) Zoning District in the Code of Ordinance Section 36-272 & Section 274

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At our December Planning Board meeting we discussed some issues that you wanted to address with our ordinance. We discussed the need to make some changes, and it was decided that we start with proposing some changes to our B-2 (Highway Business) Zoning District. I have included the current copy of our B-2 Zoning District to this packet. I have also attached the proposed changes to our B-2 Zoning District in this packet.

The consensus of the Planning Board was to recommend this proposed text amendment be approved. With the recent passing of some new laws involving planning/zoning in North Carolina (160D) I felt like this proposed amendment deserved some discussion before setting a public hearing. If this proposed text amendment is ready for a public hearing we will have to advertise it and set it for our March 5<sup>th</sup>, 2020 regularly scheduled Town Board meeting.

Attachments:

- Current B-2 Zoning District
- Proposed Text Amendment to our B-2 Zoning District

ARTICLE X. - HIGHWAY BUSINESS (B-2)

Sec. 36-271. - Intent.

It is the purpose of this district to accommodate a wide variety of large commercial, wholesale, and retail businesses.

(Code 1977, § 9-4030.1)

Sec. 36-272. - Permitted principal uses and structures.

The following are permitted uses and structures:

- (1) Retail shops and stores and service establishments whose operation is conducted entirely within an enclosed building.
- (2) Offices for business and professional purposes.
- (3) Social uses, such as social halls, lodges, fraternal organizations, clubs, and similar activities.
- (4) Trades and similar enterprises catering to household and business establishments.
- (5) Motels, hotels, bed and breakfasts, boardinghouses and roominghouses, and other similar establishments.
- (6) Religious uses, including churches and other places of worship, religious education buildings, and parish houses.
- (7) Family care home.
- (8) Municipal facilities.
- (9) Mobile food vendors.

(Code 1977, § 9-4030.2; Ord. of 5-3-2001; [ZT-2013-005](#), § 2, 10-3-2013)

Sec. 36-273. - Permitted accessory uses and structures.

The following are permitted accessory uses and structures:

- (1) Any use or structure customarily incidental to a principal use or structure or to a conditional use for which a permit has been issued. (See article XV of this chapter.)
- (2) Commercial signs customarily incidental to a business establishment subject to the provisions of article XIX of this chapter.

(Code 1977, § 9-4030.3)

Sec. 36-274. - Conditional uses.

The following are conditional uses:

- (1) Convenience store.
- (2) Outdoor storage of vehicles, or equipment or material. See section 36-276.
- (3) Vehicular services.
- (4) Public facilities.
- (5) Private recreation facilities for profit.

- (6) Electronic gaming operations.
- (7) Day care centers, day nurseries, preschools, and similar uses. Day care centers, day nurseries, preschools, and similar uses may not be located within a 300-foot radius measured from the center of the property of other day care center, day nursery, preschool, or similar use.
- (8) Vehicular sales and rental.

(Code 1977, § 9-4030.4; Ord. of 5-3-2001; Ord. of 9-6-2012; Ord. No. 2013-2014:003, 1-9-2014; Ord. of 11-20-2014)

Sec. 36-275. - Dimensional requirements.

The following regulations shall govern all permitted and conditional uses in this district:

- (1) Minimum lot area: 20,000 square feet (0.459 acres).
- (2) Minimum lot width: 100 feet.
- (3) Minimum required front yard: 30 feet.
- (4) Minimum required rear yard: 20 feet.
- (5) Minimum required side yard: There shall be no required side yard except where a lot abuts a residentially zoned lot. In such instance, the abutting side yard shall be at least 20 feet wide.
- (6) Maximum building height: 35 feet.

All setbacks shall be measured from either the property line or public right-of-way whichever is closer. If no public right-of-way exists then the measurement will be taken from the access easement line.

(Code 1977, § 9-4030.5; Ord. of 8-2-2012)

Sec. 36-276. - Buffers.

- (a) Buffer strips as herein defined shall be required in this district for all uses where they abut land which is zoned residential.
- (b) The buffering requirement may be waived by the board of adjustment along any boundary which is naturally screened by evergreen plant materials or topography or may be deferred in isolated areas.
- (c) Refer to article XV of this chapter for additional landscaping requirements.

(Code 1977, § 9-4030.6; Ord. of 12-10-2009)

Sec. 36-277. - Off-street parking and loading.

Refer to article XVIII of this chapter.

(Code 1977, § 9-4030.7)

Sec. 36-278. - Signs.

Refer to article XIX of this chapter.

(Code 1977, § 9-4030.8)

Sec. 36-279. - Lights.

Refer to article XVII of this chapter.

(Code 1977, § 9-4030.9)

Sec. 36-280. - General provisions.

Refer to article XV of this chapter.

(Code 1977, § 9-4030.10)

Secs. 36-281—36-308. - Reserved.

ARTICLE X. - HIGHWAY BUSINESS (B-2)

Sec. 36-271. - Intent.

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(Code 1977, § 9-4030.1)

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4. Trades and similar enterprises catering to household and business establishments.
5. Motels, hotels, bed and breakfasts, boardinghouses and rooming houses, and other similar establishments.
6. Religious uses, including churches and other places of worship, religious education buildings, and parish houses.
7. Family care home.
8. Municipal facilities.
9. Mobile food vendors.
10. Single-family dwelling units
11. Convenience Store
12. Vehicular Services
13. Vehicular Sales and Rental
14. Day care centers, day nurseries, preschools, and similar uses. Day care centers, day nurseries, preschools, and similar uses may not be located within a 300-foot radius measured from the center of the property of other day care center, day nursery, preschool, or similar use.
15. Public facilities
16. Private recreation facilities for profit.
17. Brewery/Distillery/Winery

(Code 1977, § 9-4030.2; Ord. of 5-3-2001; ZT-2013-005 , § 2, 10-3-2013)

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- ~~(4) Public facilities.~~
- ~~(5) Private recreation facilities for profit.~~
- (6) Electronic gaming operations.
- ~~(7) Day care centers, day nurseries, preschools, and similar uses. Day care centers, day nurseries, preschools, and similar uses may not be located within a 300-foot radius measured from the center of the property of other day care center, day nursery, preschool, or similar use.~~
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- (2) Minimum lot width: 100 feet.
- (3) Minimum required front yard: 30 feet.
- (4) Minimum required rear yard: 20 feet.
- (5) Minimum required side yard: There shall be no required side yard except where a lot abuts a residentially zoned lot. In such instance, the abutting side yard shall be at least 20 feet wide.
- (6) Maximum building height: 35 feet.

All setbacks shall be measured from either the property line or public right-of-way whichever is closer. If no public right-of-way exists then the measurement will be taken from the access easement line.

(Code 1977, § 9-4030.5; Ord. of 8-2-2012)

Sec. 36-276. - Buffers.

- (a) Buffer strips as herein defined shall be required in this district for all uses where they abut land which is zoned residential.
- (b) The buffering requirement may be waived by the board of adjustment along any boundary which is naturally screened by evergreen plant materials or topography or may be deferred in isolated areas.
- (c) Refer to article XV of this chapter for additional landscaping requirements.

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Refer to article XV of this chapter.

(Code 1977, § 9-4030.10)

Secs. 36-281—36-308. - Reserved.



NEW BUSINESS

**Erwin Board of Commissioners**  
REQUEST FOR CONSIDERATION

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To: The Honorable Mayor and Board of Commissioners  
From: Snow Bowden, Town Manager  
Date: January 27, 2020  
Subject: Proposed Text Amendment involving Accessory Structures in our RD Zoning District of the Code of Ordinance Section 36-419

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Our current ordinance allows for lots that have a primary structure on them to have an accessory building/structure on them that does not exceed 40% of the total area of the principal structure. Each developed lot up to 15,000 square feet is permitted one accessory building. For each additional 15,000 square feet a lot is they are allowed an additional accessory structure/building. These standards apply to our zoning districts inside Town Limits and in our ETJ.

The proposed text amendment would allow secondary structures on lots larger than five acres in our RD zoning District. The secondary structure could not exceed 80% of the total size of the principal structure on the lot. The secondary structure would still need to follow the guidelines set forth in Section 36-419(b).

The consensus of the Planning Board was to recommend this proposed text amendment be approved. This proposed text amendment was advertised and the public hearing is set for February 6<sup>th</sup>, 2020.

Attachments:

- Current Ordinance
- Proposed text amendment

Sec. 36-419. - Accessory building/structures.

- (a) Accessory buildings/structures are restricted to rear and side yards. Only one accessory building/structure shall be permitted on lots less than 15,000 square feet. Larger lots are allowed an extra accessory building/structure for each additional 15,000 square feet. There shall be a minimum of ten feet between the primary structure and any accessory building/structure as well as ten feet between each accessory building/structure.
- (b) Each accessory structure shall not exceed 40 percent of the total area of the principal structure. At no time shall the total area of accessory use exceed 25 percent of the rear yard.
  - (1) Minimum side setback: Ten feet.
  - (2) Minimum rear setback: Ten feet.
  - (3) Minimum setback from principal structure: Ten feet.
  - (4) Maximum building height for accessory structures shall not exceed 20 feet mean roof height with the exception of schools, churches, hospitals, municipal facilities, and other such campuses, provided that at least one acre comprise the total land area of the development. The maximum height for accessory structures in such instances shall not exceed 35 feet mean roof height.

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- (b) Each accessory structure shall not exceed 40 percent of the total area of the principal structure **unless located on a lot greater than eight acres. If the lot is larger than eight acres the accessory structure shall not exceed 75 percent of the total area of the principal structure.** At no time shall the total area of accessory use exceed 25 percent of the rear yard.
  - (1) Minimum side setback: Ten feet.
  - (2) Minimum rear setback: Ten feet.
  - (3) Minimum setback from principal structure: Ten feet.
  - (4) Maximum building height for accessory structures shall not exceed 20 feet mean roof height with the exception of schools, churches, hospitals, municipal facilities, and other such campuses, provided that at least one acre comprise the total land area of the development. The maximum height for accessory structures in such instances shall not exceed 35 feet mean roof height.

NEW BUSINESS

## Erwin Board of Commissioners

### REQUEST FOR CONSIDERATION

---

To: The Honorable Mayor and Board of Commissioners  
From: Snow Bowden, Town Manager  
Date: January 27, 2020  
Subject: Amend Maximum Building Height in certain areas within Town Limits

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Town Staff recommends that we change our maximum building height in certain areas within Town Limits. At the moment, 35 feet is the maximum building height. This maximum building height might be a hindrance in efforts to recruit a hotel to locate in Erwin. After our discussion at our last Planning Board meeting Town Staff believes that this proposed language is in line with a proactive change to our rules and regulations.

The consensus of the Planning Board was to recommend this proposed text amendment be approved. With the recent passing of some new laws involving planning/zoning in North Carolina (160D) I felt like this proposed amendment deserved some discussion before setting a public hearing. If this proposed text amendment is ready for a public hearing we will have to advertise it and set it for our March 5<sup>th</sup>, 2020 regularly scheduled Town Board meeting.

Memo

- Proposed Language

## Proposed amendment

The maximum height of any structure shall be the same as required by the underlying zoning district unless otherwise stated herein. Buildings located within the areas identified Medium Intensity, High Intensity, Downtown, and Employment Center Land Use Classifications are exempt from the district height requirement if they conform to the following:

A. Highest point of the building shall not exceed 80 feet.

B. Fire Code Official shall certify that the building is designed and equipped to provide adequate fire protection. All buildings that exceed maximum building height of 35 feet shall provide automatic sprinkler system in accordance with the North Carolina State Building Code.

NEW BUSINESS

## Erwin Board of Commissioners

### REQUEST FOR CONSIDERATION

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To: The Honorable Mayor and Board of Commissioners  
From: Snow Bowden, Town Manager  
Date: January 27, 2020  
Subject: Meeting Structure

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Since these workshop meetings are new to the Town I wanted to find out from you what you expect. There will be times when we do not need to have a workshop meeting. Due to the need to advertise for public hearings for text amendments we might discuss an item this month and then have it presented at the following months Town Board meeting. In my opinion, whenever there is a conditional use application that needs to be presented to the Town Board I believe that should be done at the regularly scheduled board meeting that it was advertised to be presented.