

**TOWN OF ERWIN  
PLANNING BOARD/BOARD OF ADJUSTMENTS  
MONDAY, FEBRUARY 19, 2024, AT 7:00 PM  
ERWIN MUNICIPAL BUILDING BOARD ROOM**

**AGENDA**

1. **MEETING CALLED TO ORDER**
  - A. Invocation
  - B. Pledge of Allegiance
2. **CONSENT AGENDA**
  - A. Planning Board Minutes from Regular Meeting on January 16, 2024 (**Page 2**)
3. **OLD BUSINESS**
  - A. Updates
4. **NEW BUSINESS**
  - A. ZT-2024-001 (**Page 4**)
  - B. ZT-2024-002 (**Page 20**)
  - C. Golf Course R-15 Permitted Use Text Amendment (**Page 42**)
  - D. R.O.W. Maintenance Text Amendment (**Page 43**)
5. **ADJOURNMENT**

PLANNING BOARD  
MEETING MINUTES  
TUESDAY, JANUARY 16, 2024  
ERWIN, NORTH CAROLINA

The Town of Erwin Planning Board held its regular meeting in the Erwin Municipal Building Board Room 100 West F Street, Erwin NC on Tuesday, January 16, 2024, at 7:00 PM.

Board members present were Vice-Chairperson Joshua Schmieding, In-Town Board Members Ronald Beasley, Kathryn Moore, and Jim Hartman, and Out-of-Town Board Members Nicholas Skatell and Howard Godwin.

Board members absent were: In-Town Board Member Rebecca Kelly and In-Town Alternate Vanessa Lech.

Town Manager Snow Bowden, Town Planner Dylan Eure, and Town Clerk Lauren Evans were present.

Vice-Chairperson Joshua Schmieding called the meeting to order at 7:00 PM.

Board Member Ronald Beasley gave the invocation.

Board Member Nicholas Skatell led the Pledge of Allegiance.

CONSENT ITEMS

Board Member Ronald Beasley made a motion to approve the minutes of December 18, 2023, and was seconded by Kathryn Moore. **The Board voted unanimously.**

OATH OF OFFICE

In-Town Board Member Jim Hartman stated the oath of office witnessed by Town Clerk Lauren Evans.

ORGANIZATIONAL MEETING

Board Member Howard Godwin made a motion to elect Joshua Schmieding as Chairperson and was seconded by Nicholas Skatell. **The Board voted unanimously.**

Board Member Howard Godwin made a motion to elect Ronald Beasley as Vice-Chairperson and was seconded by Nicholas Skatell. **The Board voted unanimously.**

OLD BUSINESS

**Updates:**

Town Planner Dylan Eure informed the Board that the rezoning case off of Suggs Road, ZT-2023-006, that the Planning Board recommended for approval in December was approved by the Town Board. The parcel was rezoned to RD with the intention of a single-family home being built there.

## NEW BUSINESS

### **Accessory Structure Text Amendment**

Town Planner Dylan Eure stated this was a proposed amendment to our Town Code. This amendment would increase the size of accessory structures that homes may construct on their property. The current diction in our ordinances stated that "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". The proposed amended language was "Each accessory structure shall not exceed 40 percent of the total area of the side or rear yard". He explored another option of allowing adjacent parcel under the same ownership to allow for accessory structures but he did not find any other municipalities that used that practice.

Chairperson Joshua Schmieding clarified whether the total area was based on the footprint or actual square footage.

Town Planner Dylan Eure stated it was based on the square footage.

Board Member Ronald Beasley made a motion to recommend the Accessory Structure Text Amendment for approval and was seconded by Kathryn Moore. **The Board voted unanimously.**

## ADJOURNMENT

Board Member Ronald Beasley made a motion to adjourn the meeting at 7:09 PM and was seconded by Kathryn Moore. **Motion unanimously approved.**

**Minutes recorded and typed by**

**Lauren Evans Town Clerk**

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**Joshua Schmieding**

**Chairperson**

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**Lauren Evans, NCCMC**

**Town Clerk**



# TOWN OF ERWIN

P.O. Box 459 • Erwin, NC 28339  
Ph: 910-897-5140 • Fax: 910-897-5543  
www.erwin-nc.org

12/18/2023

## **ZT-2024-001** **Memorandum**

**Mayor**  
Randy L. Baker  
**Mayor Pro Tem**  
Ricky W. Blackmon  
**Commissioners**  
Alvester L. McKoy  
Timothy D. Marbell  
Charles L. Byrd  
David L. Nelson  
William R. Turnage

### **Rezoning Description**

The Town of Erwin has received a request to rezone a piece of property located by its Harnett County Tax Pin: 1506-15-0948 off of Hog Heaven Lane within the Town of Erwin's planning jurisdiction but not within the Town's corporate limits. Currently this parcel is split zoned between R-15 and RD. With R-15 occupying approximately 15.55 acres or 53.27% of the property, and RD occupying approximately 13.67 acres or 46.73% of the property. Said petition would rezone the above parcel to be entirely under RD zoning classification.

### **Property Description**

A single vacant parcel totaling 29.19 acres located off of Hog Heaven Rd within Erwin's planning jurisdiction approximately .35 of a mile south of town limits. According to Harnett County GIS no water or sewer lines are accessible through the property. Property is within both watershed HUC8 and HUC12 which will require approval from North Carolina's Department of Environmental Quality prior to development taking place. Otherwise the property is not within a flood zone or wetland. The surrounding land uses are R-15 to the North and to the West with RD being South and East of the parcel.

### **Findings of Fact**


The requested rezoning from being split zoned with R-15 and RD to entirely with RD classification is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances the uses defined within the RD zoning classification would best serve the above stated parcel.

Regards,

Dylan Eure  
Town Planner

Planning board - 2/19/24  
Commissioners - 3/7/24

Revised 9-19-2014



## Application for an Amendment To The Official Zoning Map of Erwin, NC

**Staff Only:**    Zoning Case # Z-2024 - 001

Fee:                      Check # \_\_\_\_\_    MO                      Cash

PB Recommendation:    A            D            A/W Conditions

BOB Date:                      Decision:    A            D            T            A/W Conditions

DEONNIE CARL HAMILTON & BECKY P HAMILTON 687 HOG HEAVEN LN DUNN NC 28334-7146

687 Hog Heaven Ln., Dunn, N.C. 28334  
Mailing Address of Applicant

SREMC – Hamilton Property – Rezoning Application

Names and addresses of property owners immediately adjacent to the proposed.

(properties within 100 feet of proposed rezoning area)


1. HAMILTON DONNIE CARL & HAMILTON BECKY P
  - a. PIN: 1506-15-4599.000
  - b. Mailing Address: 687 HOG HEAVEN LN DUNN, NC 28334-7146
  - c. Physical Address: 687 HOG HEAVEN LN DUNN, NC 28334-7146
2. HAMILTON RONNIE CARL & HAMILTON DEBRA LYNN
  - a. PIN: 1506-04-8916.000
  - b. Mailing Address: 473 HOG HEAVEN LN DUNN, NC 28334
  - c. Physical Address: HOG HEAVEN LN DUNN, NC 28334
3. HAMILTON RONNIE C & HAMILTON D
  - a. PIN: 1506-15-5148.000
  - b. Mailing Address: 473 HOG HEAVEN LANE DUNN, NC 28334-0000
  - c. Physical Address: 473 HOG HEAVEN LN DUNN, NC 28334
4. HAMILTON CARL JR HEIRS
  - a. PIN: 1506-04-7058.000
  - b. Mailing Address: 2628 NC HWY 82 DUNN, NC 28334-0000
  - c. Physical Address: 221 HOG HEAVEN LN DUNN, NC 28334
5. SMITH JOHN E JR
  - a. PIN: 1506-24-3948.000
  - b. Mailing Address: 473 HOG HEAVEN LANE DUNN, NC 28334-0000
  - c. Physical Address: 473 HOG HEAVEN LN DUNN, NC 28334
6. LEWIS SHARON HAMILTON & LEWIS STEPHEN AUSTIN
  - a. PIN: 1506-35-0468.000
  - b. Mailing Address: 1057 HUDSONTOWN RD DUNN, NC 28334
  - c. Physical Address: 1116 HOG HEAVEN LN DUNN, NC 28334
7. LEE KEVIN JACOB
  - a. PIN: 1506-26-4385.000
  - b. Mailing Address: 383 HINSON RD DUNN, NC 28334-9586
  - c. Physical Address: ---- HOG HEAVEN LN NC

8. ANCHOR PROPERTIES OF RALEIGH LLC
  - a. PIN: 1506-16-8759.000
  - b. Mailing Address: 503 WRENNSTONE CT APEX, NC 27529
  - c. Physical Address: ---- HOG HEAVEN LN NC
9. HARANT FRANKIE EDWIN
  - a. PIN: 1506-16-5628.000
  - b. Mailing Address: 111 LAVENDALE LN DUNN, NC 28334-6553
  - c. Physical Address: 111 LAVENDALE LN DUNN, NC 28334
10. BAIRD LARRY W & BAIRD ROXANNE
  - a. PIN: 1506-16-0834.000
  - b. Mailing Address: 135 LAVENDALE LN DUNN, NC 28334-6553
  - c. Physical Address: 135 LAVENDALE LN DUNN, NC 28334-6553
11. JENKINS ROBERT LAWRENCE JR & JENKINS MELODY L
  - a. PIN: 1506-06-4701.000
  - b. Mailing Address: 114 LAVENDALE LN DUNN, NC 28334
  - c. Physical Address: 114 LAVENDALE LN DUNN, NC 28334
12. DAVIS DON TRUSTEE & ANTIOCH PENTECOSTAL FREE WILL
  - a. PIN: 1506-06-1569.000
  - b. Mailing Address: PO BOX 2005 DUNN, NC 28335-2005
  - c. Physical Address: 494 ANTIOCH CHURCH RD DUNN, NC 28334
13. MATTHEWS SHIRLEY B
  - a. PIN: 0596-95-4677.000
  - b. Mailing Address: 2016 RICE ROAD SANFORD, NC 27330-0000
  - c. Physical Address: ---- NC 82 NC






Location: R:\South River\Slingshot\Substation\CAD Files\SD-Schematic Design\REZONING-ERWIN-SUBSTATION.dwg Last Saved By: slfm Last Saved Date: 1/19/2024 1:07 PM Plot Date: 1/24/2024

#	Revision	Date	SOUTH RIVER ELECTRIC MEMBERSHIP CORPORATION			
			ADJACENT PROPERTY OWNERS FOR REZONING APPLICATION OF THE DONNIE CARL HAMILTON PROPERTY			
			115 OAKLAND AVE., STE. 102 ROCK HILL, SC 29730 TEL: 704.372.6673 N.C. FIRM NO. F-0429			
			 <b>ECE</b> E C E P O W E R . C O M			
			<b>R1.00</b>			

**NOTES:**

1. THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS OF RECORD AFFECTING SAME.
2. THIS DRAWING IS NOT INTENDED TO DEPICT ALL PHYSICAL CHARACTERISTICS, UTILITIES, TOPOGRAPHICAL INFORMATION, ETC. OF THE AREA SHOWN.
3. THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENTAL AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.

 **South River Electric  
Membership Corporation**  
A Touchstone Energy Cooperative

Date: 1/24/2024  
Drawn By: SPF  
Approved: GSB  
Job No.: 8-317B  
ADJACENT PROPERTY OWNER:



Application to Amendment to  
Official Zoning Map to only  
include this parcel.



NOT A PART OF THE PLAT. THIS PLAT AND THE RECORDS THEREIN ARE NOT TO BE CONSIDERED AS A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

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**CARL HAMILTON JR. AND WIFE**  
**GLENN M. HAMILTON**  
OCTOBER 28, 1992  
DAKE TOWNSHIP  
HARRIS COUNTY  
1918 694-3575

100 0 100 200 300 400 500 600  
1/4" = 100 FEET  
1/8" = 200 FEET  
1/16" = 400 FEET  
1/32" = 800 FEET  
1/64" = 1600 FEET  
1/128" = 3200 FEET  
1/256" = 6400 FEET  
1/512" = 12800 FEET  
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**TWESTER**

12.0595.0001-01

2-14-17 BY SLZ



NORTH CAROLINA                    )  
  )  
HARNETT COUNTY                    )                   DEED

WITNESSETH:

10

the old property line of Hamilton and Tart, North 0 degrees 56 minutes 30 seconds West 749.57 feet to the point of beginning and contains 32.79 acres, more or less, within the traverse. The area between the traverse line and the ditch contains approximately 0.32 acres leaving a total acreage in this tract of 33.11 acres and is Tract 1 as shown on a map for Carl Hamilton, Jr. and wife, Glenda Hamilton, dated October 29, 1992 by W.R. Lambert, R.L.S.

There is conveyed with the above referenced parcel a right of way and easement for the purposes of ingress, egress and regress, over and across the lands of the grantor, said right of way and easement being more particularly described as follows:

Beginning at a point in the centerline of SR 1776, said point may be located by beginning at an existing 1 inch iron pipe, said pipe being the northeastern corner for the B.F. Hamilton 2.801 acre tract recorded in Deed Book 878, at Pages 31-32 of the Harnett County Registry, and running as an extension of the northern property line of the B.F. Hamilton 2.801 acre tract 29.69 feet to a point in the centerline of SR 1776; then running as the center of the road North 17 degrees 03 minutes 10 seconds West 328.51 feet to the BEGINNING POINT; thence from said BEGINNING POINT, runs as the centerline of a 50 foot wide easement, South 57 degrees 56 minutes 50 seconds West 600.0 feet to a point; thence as the centerline of a 50 foot wide easement, South 75 degrees 26 minutes 56 seconds West approximately 1690.99 feet to a point; thence South 22 degrees 45 minutes 52 seconds West 25 feet to a point in the old property line between Hamilton and Alvis Wood; thence as the southern side of a 50 foot wide easement, North 67 degrees 14 minutes 05 seconds West 900 feet to an iron stake, said stake being a joint corner for Alvis Wood and Hamilton, said stake being the southwestern corner for the Carl Hamilton, Jr. 36.5 acre tract recorded in Deed Book 349, at page 623 of the Harnett County Registry, and said stake being the northeastern corner for the Carl Hamilton, Jr. and wife, Glenda Hamilton 20.8 acre tract recorded as Tract 3 of Deed Book 441, at Page 124, Harnett County Registry, and the southeastern corner for the Carl Hamilton, Jr. and wife, Glenda Hamilton 16 3/4 acre tract recorded as Tract 2 of Deed Book 441, at page 124 of the Harnett County Registry; thence as the eastern side of a 25 foot wide easement, South 20 degrees 31 minutes 32 seconds West 137.74 feet to an iron stake, corner for Tract 1 and Tract 2 of the Carl Hamilton, Jr. and wife, Glenda Hamilton Division as shown on a map dated October 29, 1992; thence continuing as the eastern property line of Carl Hamilton, Jr., and as the eastern side of a 25 foot wide easement, South 20 degrees 31 minutes 23 seconds West 1149.12 feet to the southeastern corner for Tract 2 of the Carl Hamilton, Jr. and wife, Glenda Hamilton Division as shown on a map dated October 29, 1992. With the above described 600 foot line being the centerline of the 50 foot wide easement and the above describe approximately 1690.99 foot line also being the centerline of the 50 foot wide easement and the above described 900 foot line being the southern line of the 50 foot wide easement and the above described 137.74 foot line and the 1149.12 foot line being the eastern line of the 25 foot wide easement with the purpose of the easement being for ingress and egress.

**PARCEL TWO:** BEGINNING at an iron stake at the high bank of the Cape Fear River, said stake being located at the south end of Red Rock Lock, said stake also being a corner for the Inez Corbin 200 acre "Williams Tract", and runs as the old line of Carl Hamilton, Jr. and Corbin, North 67 degrees 05 minutes 44 seconds West 48.57 feet to an iron stake set on the property line; thence as the old line of Hamilton and Corbin, North 67 degrees 05 minutes 44 seconds West 780.45 feet to an existing iron pipe at the intersection of ditches, corner chops were also found; thence as the line of Hamilton and Corbin, and as a ditch, South 7 degrees 59 minutes 05 seconds West 2184.31 feet to an existing iron stake at the intersection of ditches; thence as the old line of Hamilton, South 63 degrees 27 minutes 54 seconds West 152.95 feet to a set iron stake; thence as the line of Hamilton and Corbin, South 22 degrees 20 minutes 00 seconds West 785.0 feet to a set 5/8 inch steel rod over a tile that is at the northern side of a 50 feet wide right of way; thence as the line of Hamilton and Corbin, North 85 degrees 00 minutes 00 seconds West 500.00 feet to an existing concrete monument; thence as the line of Hamilton and Corbin, North 78 degrees 40 minutes 00 seconds West 650.13 feet to an existing concrete monument; thence as the line of Hamilton and Wellons, South 22 degrees 19 minutes 31 seconds West 671.3 feet to an iron stake, a new corner, also a corner for Tract #2; thence as a new line and as the line between Tract #1 and Tract #2, South 83 degrees 21 minutes 53 seconds East 2855.68 feet to an iron stake at the high bank of Cape Fear River, a new corner; thence as the run of Cape Fear River, measured along the high bank, the following courses and distances: North 9 degrees 57 minutes 25



seconds West 199.35 feet to an iron stake, and North 12 degrees 12 minutes 35 seconds West 200.95 feet to an iron stake, and North 5 degrees 55 minutes 20 seconds West 275.24 feet to an iron stake, and North 8 degrees 24 minutes 00 seconds West 182.41 feet to an iron stake, and North 0 degrees 23 minutes 05 seconds East 391.94 feet to an iron stake, and North 6 degrees 45 minutes 40 seconds East 571.28 feet to an iron stake, and North 7 degrees 33 minutes 10 seconds East 201.51 feet to an iron stake, and North 2 degrees 37 minutes 20 seconds East 319.44 feet to an iron stake, and North 7 degrees 14 minutes 10 seconds East 300.11 feet to an iron stake, and North 4 degrees 01 minute 15 seconds East 197.23 feet to an iron stake, and North 4 degrees 36 minutes 05 seconds East 420.16 feet to an iron stake, and North 2 degrees 37 minutes 55 seconds West 176.44 feet to the point of beginning and contains 101.14 acres, more or less.

There is conveyed with the above referenced parcel a 50 foot right of way and easement for the purposes of ingress, egress and regress, over and across the lands of the grantor, said right of way and easement being more particularly described as follows:

Beginning at an existing concrete monument, said monument being the joint corner between Carl Hamilton, Jr., Wellons, and Inez Corbin's 200 acre "Williams Tract", said monument may also be located by beginning at a P.K. nail over a culvert in the center of SR 1779, and running as the center of the road, North 78 degrees 48 minutes 18 seconds East 748.80 feet to a P.K. nail, and North 65 degrees 22 minutes 18 seconds East 224.64 feet to a P.K. nail and then running as the center of an existing path, South 66 degrees 11 minutes 21 seconds East 188.63 feet to an iron stake and South 68 degrees 33 minutes 31 seconds East 516.83 feet to an iron stake, and South 67 degrees 04 minutes 41 seconds East 506.74 feet to an iron stake, and South 77 degrees 50 minutes 31 seconds East 627.0 feet to the BEGINNING POINT; thence from said BEGINNING POINT, runs as the northern side of a 50 foot wide right of way and as the line of Hamilton and Inez Corbin, South 78 degrees 40 minutes 00 seconds East 650.13 feet to an existing concrete monument, and South 85 degrees 00 minutes 00 seconds East 500.0 feet to a set 5/8 inch steel rod over a tile; thence traversing from the northern side of a 50 foot wide right of way to the southern side, South 80 degrees 09 minutes 11 seconds East 1047.68 feet to an iron stake; thence as the western side of a 50 foot wide right of way, South 5 degrees 27 minutes 31 seconds East 642.23 feet to an iron stake, and South 36 degrees 41 minutes 08 seconds West 568.48 feet to an iron stake, and South 35 degrees 24 minutes 23 seconds West 1024.36 feet to an iron stake, and South 39 degrees 08 minutes 58 seconds West 1053.90 feet to an iron stake, and South 38 degrees 25 minutes 08 seconds West 440.73 feet to an iron stake, said stake being in the property line between Tract #3 and Tract #4, and being located North 62 degrees 09 minutes 02 seconds West 1431.48 feet from an iron stake at the high bank of the Cape Fear River that is a joint corner for Tract #4 and Tract #3, and being located South 62 degrees 09 minutes 02 seconds East 1645.4 feet from an iron stake in the line of Wellons that is a joint corner for Tract #4 and Tract #3 with the above described lines being a 50 foot wide easement for the purpose of ingress and egress for Tracts #1, #2, #3, and #4 of the Carl Hamilton, Jr. Division.

No title search was performed

To have and to hold said lands and premises, together with all privileges and appurtenances thereunto belonging, to the said Grantees and their heirs and assigns in equal shares as tenants in common.

And the said Grantor does covenant that he is seized of said premises in fee and has the right to convey the same in fee simple; that the same are free from encumbrances; and that he will warrant and defend the said title to the same against the claims of all persons whomsoever.

IN TESTIMONY WHEREOF, said Grantor has hereunto set his hand and seal the day and year first above written.

Donnie Carl Hamilton (SEAL)  
Donnie Carl Hamilton

NORTH CAROLINA

HARNETT COUNTY

I, Karen P. Lamm, a Notary Public for said County and State, certify that Donnie Carl Hamilton personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and seal, this the 15<sup>th</sup> day of February, 2017.



Notary Public

My Commission Expires: September 21, 2020





## REZONING MAP REQUEST STAFF REPORT

Case: ZT-2024-001

Dylan Eure, Town Planner

deure@erwin-nc.org

Phone: (910) 591-4201 Fax: (910) 897-5543

Planning Board: 2/19/2024

Town Commissioners: 03/07/2024

The Town of Erwin has received a request to rezone a parcel located by its Harnett County Tax Pin 1506-15-0948. Currently this parcel is split zoned between R-15 and RD. With R-15 occupying approximately 15.55 acres or 53.27% of the property, and RD occupying approximately 13.67 acres or 46.73% of the property. Said petition would rezone the above parcel to be entirely under RD zoning classification.

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### Applicant Information

#### Owner of Record:

Name: Carl & Becky Hamilton

Address: 687 Hog Heaven Ln

City/State/Zip: Dunn, NC 28334

#### Applicant:

Name: Carl & Becky Hamilton

Address: 687 Hog Heaven Ln

City/State/Zip: Dunn, NC 28334

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### Property Description

Harnett County Tax Pin #1506-15-0948

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### Vicinity Map

- See Attached Harnett County GIS Image with zoning districts
- See Attached Harnett County GIS Image without zoning districts

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### Physical Characteristics

#### Site Description:

A single vacant parcel totaling 29.19 acres located off of Hog Heaven Rd within Erwin's planning jurisdiction approximately .35 of a mile south of town limits. According to Harnett

County GIS no water or sewer lines are accessible through the property. Property is within both watershed HUC8 and HUC12 which will require approval from North Carolina's Department of Environmental Quality prior to development taking place. Otherwise the property is not within a flood zone or wetland.

Surrounding Land Uses: The surrounding land uses are R-15 to the North and to the West with RD being South and East of the parcel.

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### Services Available

- No water or sewer lines run by property.

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### Staff Evaluation

The applicant has requested to have a single split zoned parcel between R-15 and RD zoning classifications to be entirely under the RD.

### Staff Evaluation

☒ Yes ☐ No The IMPACT to the adjacent property owners and the surrounding community is reasonable, and the benefits of the rezoning outweigh any potential inconvenience or harm to the community

- **Reasoning:** The rezoning is compatible with the surrounding community and would not cause any inconvenience to the those within the area.

☒ Yes ☐ No The requested zoning district is COMPATIBLE with the existing Land Use Classification.

- **Reasoning:** According to Erwin's current Land Use Plan done in 2023 the property is assigned to be zoned as an suburban area.

☒ Yes ☐ No The proposal does ENHANCE or maintain the public health, safety, and general welfare.

- **Reasoning:** The rezoning would allow for additional developments on property that are currently not allowed due to the parcel being split zoned.

☒ Yes ☐ No The request is for a SMALL SCALE REZONING and should be evaluated for reasonableness.

- **Reasoning:** This rezoning request includes a single parcel to be rezoned to be completely zoned under RD.



There is a convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group. <b>YES</b>	Parcel is currently split zoned making it challenging to develop. By rezoning to be entirely under the RD zoning classification it would allow for all permitted uses under said zoning district to occur.
There is a convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.) <b>YES</b>	The rezoning would place the entire parcel under RD and all permitted uses along with it. Furthermore, the parcel is not within corporate limits of the Town.
There is a convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change. <b>YES</b>	The parcel is currently split zoned under both RD and R-15 zoning classification. This would ensure all RD classification and uses on the parcel.
The proposed change is in accord with the Land Development Plan and sound planning principles. <b>YES</b>	The Erwin 2023 Land Use Plan has this parcel of land to be zoned under suburban classifications and by the rezoning would solve the issue of being split zoned.

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### Statement of Consistency

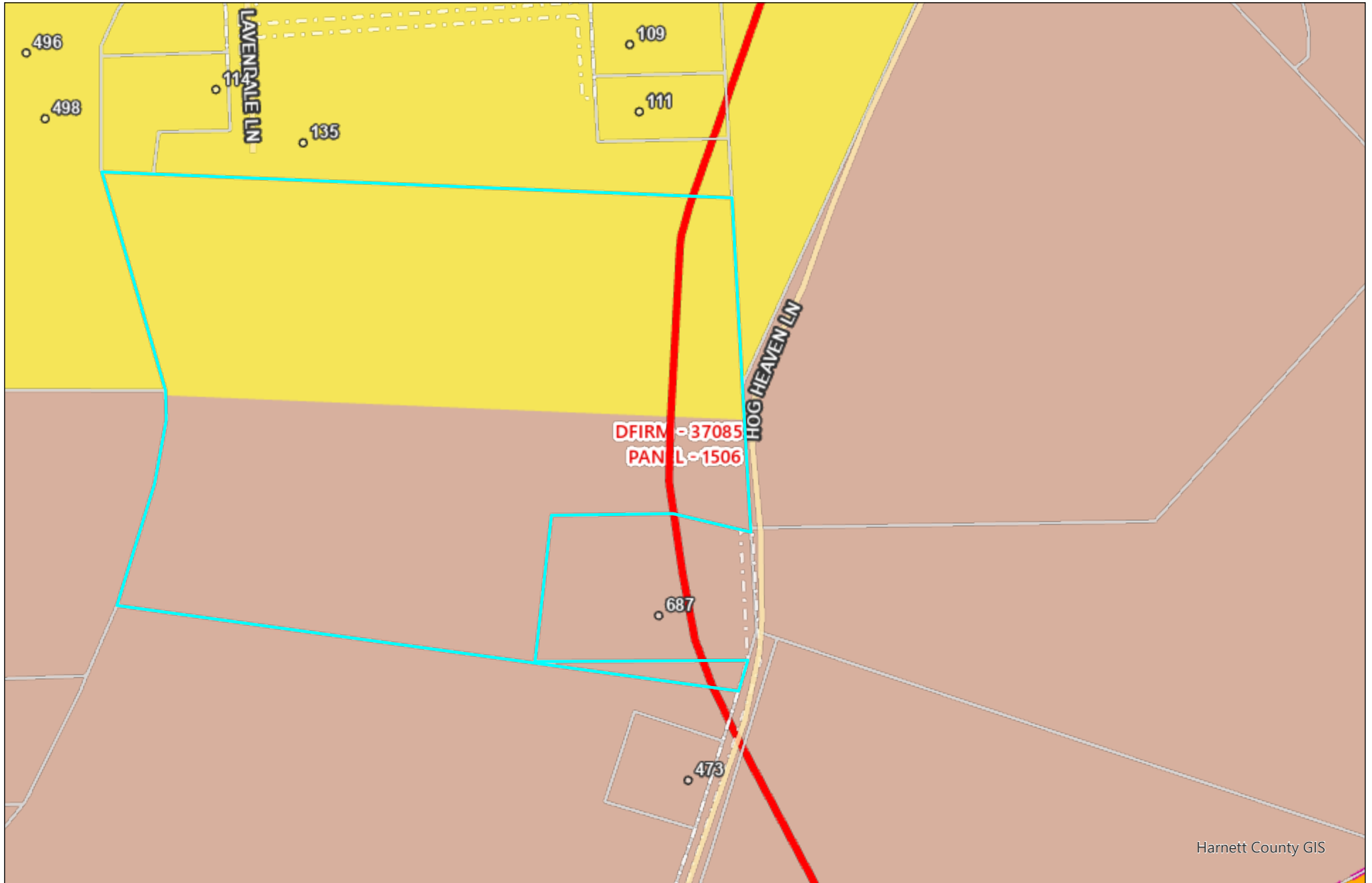
The requested rezoning from being split zoned with R-15 and RD to entirely with RD classification is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances the uses defined within the RD zoning classification would best serve the above stated parcel. It is recommended that this rezoning request be **Approved**.

#### Attachments:

- ZT-2024-001 Application
- Harnett County GIS Image with zoning districts
- Harnett County GIS Image without zoning districts
- Adjacent property owner sheet

# Harnett GIS

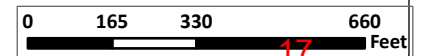
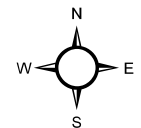
NOT FOR LEGAL USE



Harnett County GIS

## Easements

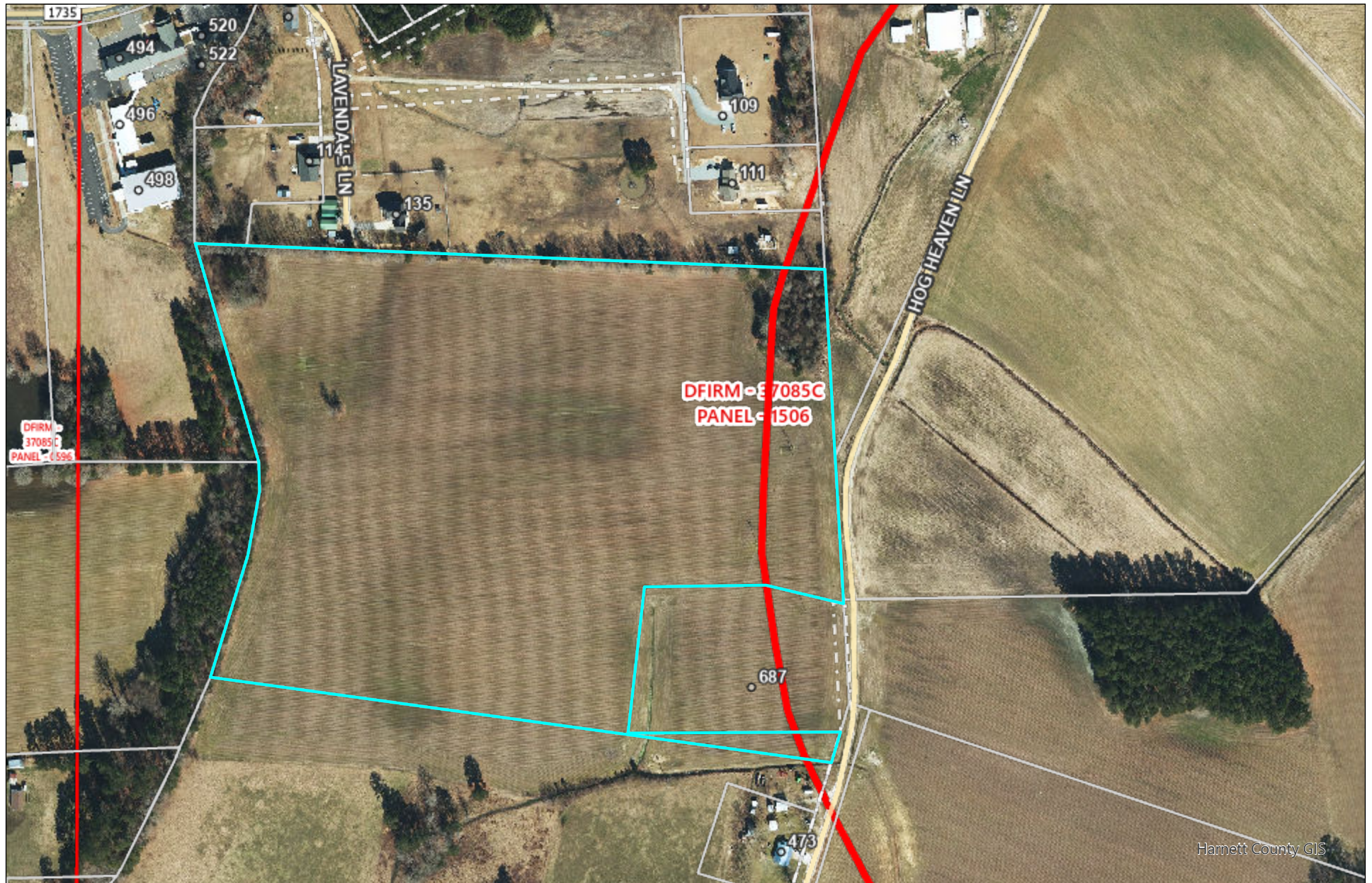
## Zoning Districts





# Harnett GIS

NOT FOR LEGAL USE



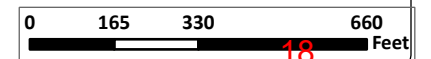
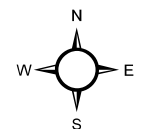
GIS/E-911 Addressing  
January 24, 2024

- Flood Map Index
- County Boundary
- Address Numbers

County Water Mains  
 6 - 36

- Road Centerlines
- Easements**
- Other
- Parcels
- Watershed HUC8

Watershed HUC12



John Smith Jr  
1174 Old Hamilton Rd  
Dunn, NC 28334

Carl Ronnie & Debra Lynn Hamilton  
473 Hog Heaven Ln  
Dunn, NC 28334

Carl Hamilton Jr Heirs  
2628 NC HWY 82  
Dunn, NC 28334

Kevin Jacob Lee  
383 Hinson Rd  
Dunn, NC 28334

Edwin Frankie Harant  
111 Lavendale Ln  
Dunn, NC 28334

Robert & Melody Jenkins  
114 Lavendale Ln  
Dunn, NC 28334

Shirley B Matthews  
2016 Rice Rd  
Sanford, NC 27330

Carl Donnie & Becky P Hamilton  
687 Hog Heaven Ln  
Dunn, NC 28334

Carl R. & Debra Hamilton  
473 Hog Heaven Ln  
Dunn, NC 28334

Sharon & Stephen Lewis  
1057 Hudsonstown Rd  
Dunn, NC 28334

Anchor Properties of Raleigh  
503 Wrennstone Ct  
Apex, NC 27529

Larry & Roxanne Baird  
135 Lavendale Ln  
Dunn, NC 28334

Don Davis Trustee & Antioch Pentecostal  
Free Will  
PO Box 2005  
Dunn, NC 28334





# TOWN OF ERWIN

P.O. Box 459 • Erwin, NC 28339  
Ph: 910-897-5140 • Fax: 910-897-5543  
www.erwin-nc.org

2/19/2024

## **ZT-2024-002** **Memorandum**

**Mayor**  
Randy L. Baker  
**Mayor Pro Tem**  
Ricky W. Blackmon  
**Commissioners**  
Alvester L. McKoy  
Timothy D. Marbell  
Charles L. Byrd  
David L. Nelson  
William R. Turnage

### **Rezoning Description**

The Town of Erwin Staff wishes to request to rezone eight (8) parcels located off of Moulton Springs Rd and S 13<sup>th</sup> St for the purpose of correcting split zoned parcels and four (4) incorrectly zoned parcels to be entirely under the zoning classification in which is currently being primarily used. Said parcels are as followed...

- 308 Moulton Springs Rd – **Rezone to full R-10**
- HC Tax Pin 0597-51-6406 – **Rezone to full R-10**
- 309 Moulton Springs Rd – **Rezone to full R-6**
- HC Tax Pin 0597-51-7332 - **Rezone to full R-6**
- 305 Moulton Springs Rd – **Rezone to full R-6**
- 203 Moulton Springs Rd – **Rezone to full R-6**
- 825 S 13<sup>th</sup> St – **Rezone to full R-10**
- 808 S 13<sup>th</sup> St – **Rezone to full B-2**
- 814 S 13<sup>th</sup> St – **Rezone to full R-6**
- 812 S 13<sup>th</sup> St – **Rezone to full R-6**
- 201 Moulton Springs Rd- **Rezone to full R-6**
- 106 Ennis St- **Rezone to full R-10**

### **Property Description**

- 308 Moulton Springs Rd
  - Home on Property, no change to home owner except increase in dimensional requirements.
  - R-10: 1.77 Acres, 84%
  - R-6: .33 Acres, 16%
  - **Rezone to full R-10**
- HC Tax Pin 0597-51-6406
  - No home on Property, only accessory structures for 302 Moulton Springs, no change to home owner except increase in dimensional requirements.
  - R-10 .55 Acres, 69%

- R-6 .25 Acres, 31%
  - **Rezone to full R-10**
- 309 Moulton Springs Rd
  - Home on the Property, B-2 zoning would prevent owners from building onto the home.
  - B-2 .23 Acres, 64.43%
  - R-6 .15 Acres, 35.57%
  - **Rezone to full R-6**
- HC Tax Pin 0597-51-7332
  - Too small of a parcel to develop .05 acres.
  - R-6 .04 Acres, 82.33%
  - B-2 .01 Acres, 17.67%
  - **Rezone to full R-6**
- 305 Moulton Springs Rd
  - Homes on property, no change to homeowner.
  - Two Primary Structures on property
  - R-6 1.01 Acres, 70.42%
  - B-2 .42 Acres, 29.58%
  - **Rezone to full R-6**
- 203 Moulton Springs Rd
  - Home on Property B-2 zoning would prevent owners from building onto the home.
  - B-2 .42 Acres, 95.71%
  - R-6 .02 Acres. 11.9%
  - **Rezone to full R-6**
- 825 S 13<sup>th</sup> St
  - Home on Property, no change to homeowner, would only increase dimensional requirements.
  - R-10 3.19 Acres, 94.87%
  - B-2 .0 Acres, .12%
  - R-6 .17 Acres, 5.01%
  - **Rezone to full R-10**
- 808 S 13<sup>th</sup> St
  - Business location- The Gettin' Place, No change to owner
  - B-2 .42 Acres, 95.71%
  - R-6 .02 Acres, 4.29%
  - **Rezone to Full B-2**
- 814 S 13<sup>th</sup> St
  - B-2 zoned while a SFD currently occupies the property
  - Parcel too small to develop
  - **Rezone to full R-6**
- 812 S 13<sup>th</sup> St
  - B-2 zoned while a SFD currently occupies the property

- Parcel too small to develop
- **Rezone to full R-6**
- 201 Moulton Springs Rd
  - B-2 zoned while a SFD currently occupies the property
  - **Rezone to full R-6**
- 106 Ennis St
  - B-2 zoned while a SFD currently occupies the property
  - **Rezone to full R-10**

## **Findings of Fact**

Surrounding Land Uses: The surrounding land uses for all of the 8 parcels are as followed

- Conservation to the West
- B-2 to the East / North East
- R-10 to the North and South
- R-6 to the East
- 

The requested rezoning from being split zoned is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances the uses defined within the mixed use classification would best serve the above stated parcels. It is recommended that this rezoning request be **Approved**.

Regards,

Dylan Eure  
Town Planner





## REZONING MAP REQUEST STAFF REPORT

Case: ZT-2024-002

Dylan Eure, Town Planner

deure@erwin-nc.org

Phone: (910) 591-4201 Fax: (910) 897-5543

Planning Board: 2/19/2024

Town Commissioners: TBD

The Town of Erwin Staff wishes to request to rezone eight (8) parcels located off of Moulton Springs Rd and S 13<sup>th</sup> St for the purpose of correcting split zoned parcels and four (4) incorrectly zoned parcels to be entirely under the zoning classification in which is currently being primarily used. Said parcels are as followed...

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- 814 S 13<sup>th</sup> St – **Rezone to full R-6**
- 812 S 13<sup>th</sup> St – **Rezone to full R-6**
- 201 Moulton Springs Rd- **Rezone to full R-6**
- 106 Ennis St- **Rezone to full R-10**

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### Applicant Information

#### Owners of Record:

Name: Kimber Group  
Address: 308 Moulton Springs / Mailing  
Address PO Box 181  
City/State/Zip: Erwin, NC 28339

Name: Margaret Bradshaw  
Address: HC Tax Pin 0597-51-6406 / Mailing  
Address 302 Moulton Springs  
City/State/Zip: Erwin, NC 28339

Name: Linda Lou Westbrook  
Address: 309 Moulton Springs  
City/State/Zip: Erwin, NC 28339

Name: Delauriel Deck Matthews  
Address: HC Tax Pin 0597-51-7232 / Mailing  
Address 305 Moulton Springs  
City/State/Zip: Erwin, NC 28339

Name: Delauriel Deck Matthews  
Address: 305 Moulton Springs  
City/State/Zip: Erwin, NC 28339

Name: Sara Collins Tyndall  
Address: 203 Moulton Springs  
City/State/Zip: Erwin, NC 28339

Name: Dianna Jackson Barefoot  
Address: 825 S 13<sup>th</sup> / Mailing Address 1434  
Neills Creek Rd  
City/State/Zip: Erwin, NC 28339 / Lillington, NC  
27546

Name: Edward Neil Parker  
Address: 808 S 13<sup>th</sup> / Mailing Address 915 S  
13<sup>th</sup>  
City/State/Zip: Erwin, NC 28339

Name: Eller Rental Properties  
Address: 814 S 13<sup>th</sup> / Mailing Address PO  
Box 2228  
City/State/Zip: Erwin, NC 28339 / Lillington, NC  
27546

Name: Eller Rental Properties  
Address: 812 S 13<sup>th</sup> / Mailing Address PO  
Box 2228  
City/State/Zip: Erwin, NC 28339/ Lillington, NC  
27546

Name: John Henry Williams  
Address: 201 Moulton Springs / Mailing  
Address 100 B Pope St  
City/State/Zip: Erwin, NC 28339

Name: Mason Gordon  
Address: 106 Ennis St / Mailing Address 55  
Pete Mason Dr

City/State/Zip: Erwin, NC 28339 / Spring Lake, NC  
28390

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**Applicant:**

Name: Town of Erwin

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Address: 100 West F St

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City/State/Zip: Erwin, NC 28339

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**Property Description**

- 308 Moulton Springs Rd
  - Home on Property, no change to home owner except increase in dimensional requirements.
  - R-10: 1.77 Acres, 84%
  - R-6: .33 Acres, 16%
  - **Rezone to full R-10**
- HC Tax Pin 0597-51-6406
  - No home on Property, only accessory structures for 302 Moulton Springs, no change to home owner except increase in dimensional requirements.
  - R-10 .55 Acres, 69%
  - R-6 .25 Acres, 31%
  - **Rezone to full R-10**
- 309 Moulton Springs Rd
  - Home on the Property, B-2 zoning would prevent owners from building onto the home.
  - B-2 .23 Acres, 64.43%
  - R-6 .15 Acres, 35.57%
  - **Rezone to full R-6**
- HC Tax Pin 0597-51-7332
  - Too small of a parcel to develop .05 acres.
  - R-6 .04 Acres, 82.33%
  - B-2 .01 Acres, 17.67%
  - **Rezone to full R-6**
- 305 Moulton Springs Rd
  - Homes on property, no change to homeowner.
  - Two Primary Structures on property
  - R-6 1.01 Acres, 70.42%
  - B-2 .42 Acres, 29.58%
  - **Rezone to full R-6**
- 203 Moulton Springs Rd
  - Home on Property B-2 zoning would prevent owners from building onto the home.

- B-2 .42 Acres, 95.71%
  - R-6 .02 Acres. 11.9%
  - **Rezone to full R-6**
- 825 S 13<sup>th</sup> St
  - Home on Property, no change to homeowner, would only increase dimensional requirements.
  - R-10 3.19 Acres, 94.87%
  - B-2 .0 Acres, .12%
  - R-6 .17 Acres, 5.01%
  - **Rezone to full R-10**
- 808 S 13<sup>th</sup> St
  - Business location- The Gettin' Place, No change to owner
  - B-2 .42 Acres, 95.71%
  - R-6 .02 Acres, 4.29%
  - **Rezone to Full B-2**
- 814 S 13<sup>th</sup> St
  - B-2 zoned while a SFD currently occupies the property
  - Parcel too small to develop
  - **Rezone to full R-6**
- 812 S 13<sup>th</sup> St
  - B-2 zoned while a SFD currently occupies the property
  - Parcel too small to develop
  - **Rezone to full R-6**
- 201 Moulton Springs Rd
  - B-2 zoned while a SFD currently occupies the property
  - **Rezone to full R-6**
- 106 Ennis St
  - B-2 zoned while a SFD currently occupies the property
  - **Rezone to full R-10**

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## Vicinity Map

- See Attached Harnett County GIS Image with zoning districts
- See Attached Harnett County GIS Image without zoning districts

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## Physical Characteristics

### Site Description:

Total of 12 parcels with 7 located on Moulton Springs Road, 4 on S 13<sup>th</sup> Street, and 1 on Ennis in which all are within approximately .15 miles or 300 yards of each other. All parcels that are

included have access to Harnett County water and sewer lines. According to Harnett GIS there are no wetlands, watersheds, or flood areas within any of the parcels discussed. Furthermore according to GIS there are no recorded easements through any of the properties. The exact acreage for each of the parcels are as followed.

- 308 Moulton Springs Rd -2.10 acres
- HC Tax Pin 0597-51-6406 - .80 acres
- 309 Moulton Springs Rd - .36 acres
- HC Tax Pin 0597-51-7332 - .05 acres
- 305 Moulton Springs Rd -1.43 acres
- 203 Moulton Springs Rd -.31 acres
- 825 S 13<sup>th</sup> St – 3.36 acres
- 808 S 13<sup>th</sup> St - .44 acres
- 814 S 13<sup>th</sup> St- .06 acres
- 812 S 13<sup>th</sup> St- .07 acres
- 201 Moulton Springs - .42 acres
- 106 Ennis St- .32 acres

Surrounding Land Uses: The surrounding land uses for all of the 8 parcels are as followed

- Conservation to the West
- B-2 to the East / North East
- R-10 to the North and South
- R-6 to the East

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#### Services Available

- Harnett County Water and Sewer are accessible for all properties.

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#### Staff Evaluation

The Town of Erwin has requested 8 parcels to be rezoned to correct zoning map conformities to align parcels to a single zoning classification in which fits each parcel best based on their current use.

#### Staff Evaluation

☒ Yes ☐ No The IMPACT to the adjacent property owners and the surrounding community is reasonable, and the benefits of the rezoning outweigh any potential inconvenience or harm to the community

- **Reasoning:** The rezoning's are compatible with the surrounding community and would not cause any inconvenience to those within the area.

☒ Yes ☐ No The requested zoning district is COMPATIBLE with the existing Land Use Classification.

- **Reasoning:** According to Erwin's current Land Use Plan done in 2023 the properties are assigned to be zoned under mixed use that promotes residential and commercial uses.

☒ Yes ☐ No The proposal does ENHANCE or maintain the public health, safety, and general welfare.

- **Reasoning:** The rezoning would correct zoning nonconformities and ensure that clear uses are defined for the parcels.

☒ Yes ☐ No The request is for a SMALL SCALE REZONING and should be evaluated for reasonableness.

- **Reasoning:** This rezoning request includes 12 parcels all within less than .15 of a mile between each other.

There is a convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group. <b>YES</b>	Parcels are currently split zoned and by rezoning would ensure that their current uses are permitted.
There is a convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.) <b>YES</b>	All parcels are designated under the Erwin 2023 Land use Plan to be either residential or mixed use.
There is a convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change. <b>YES</b>	The rezoning's would not alter the character of the neighborhood in anyway. Rezoning's would ensure clarity for owners and not take away rights that they currently have to their land.
The proposed change is in accord with the Land Development Plan and sound planning principles. <b>YES</b>	All of the parcels that are included are designated to be mixed in the 2023 Erwin Land Use Plan for the purposes of residential and commercial.

The requested rezoning from being split zoned is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances the uses defined within the mixed use classification would best serve the above stated parcels. It is recommended that this rezoning's request be **Approved**.

Attachments:

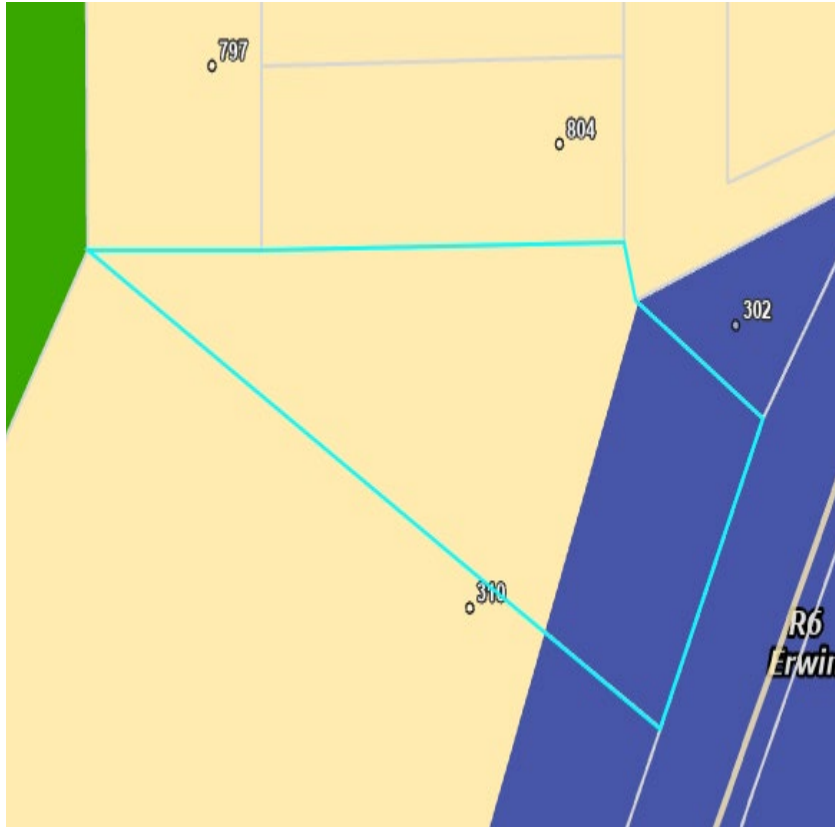
- ZT-2024-002 Application
- ZT-2024-002 Memo
- Harnett County GIS Image with zoning districts
- Harnett County GIS Image without zoning districts
- Adjacent property owner sheets
- Public notice letter sent to adjacent property owners



308 Moulton Springs



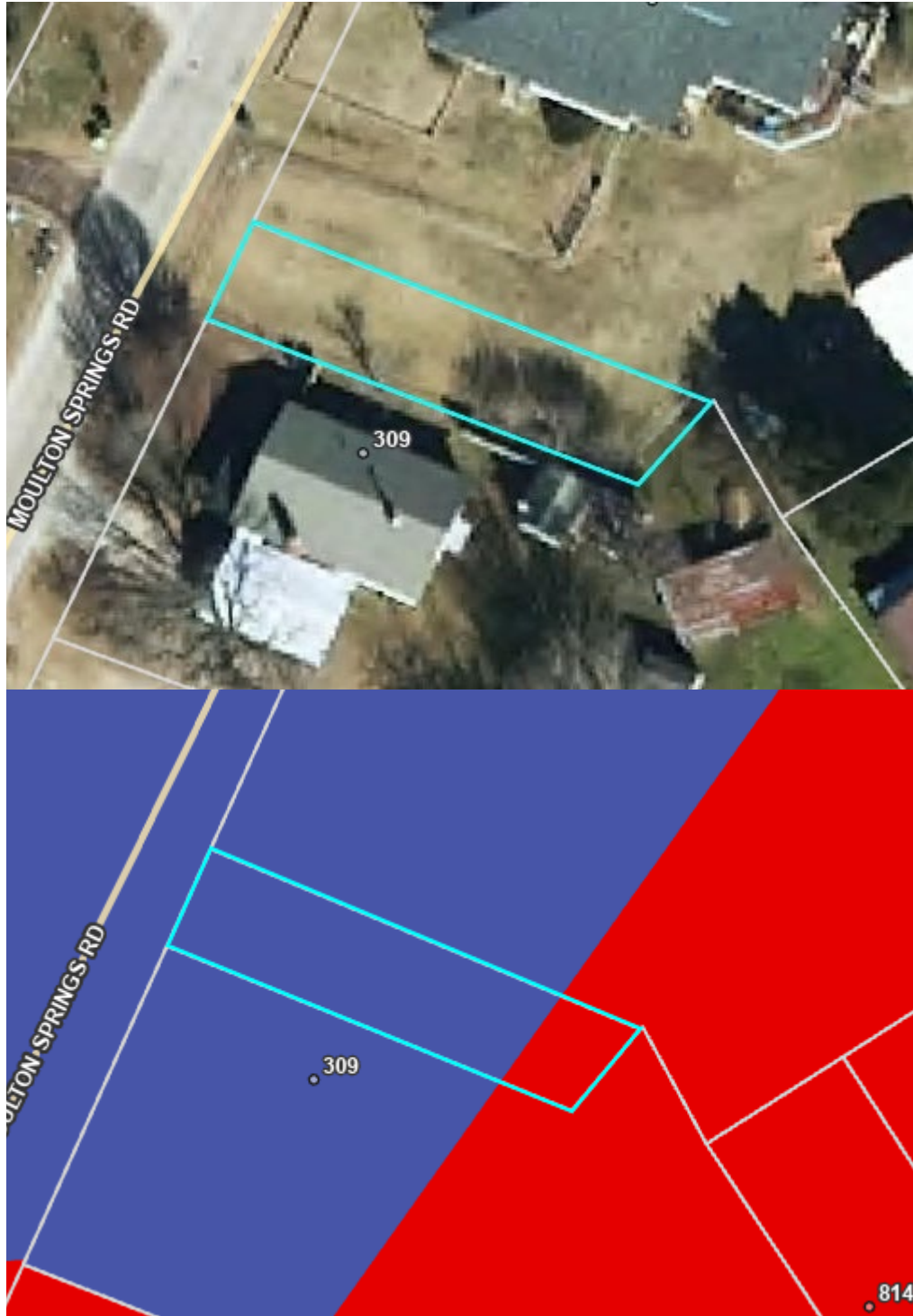
HC Tax Pin 0597-51-6406



309 Moulton Springs

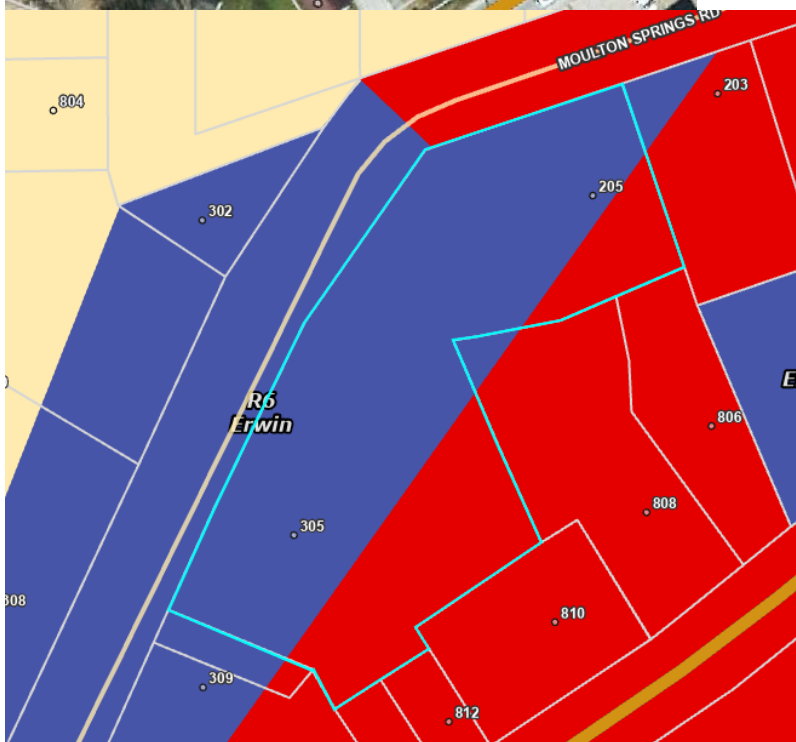


HC Tax Pin 0597-51-7232

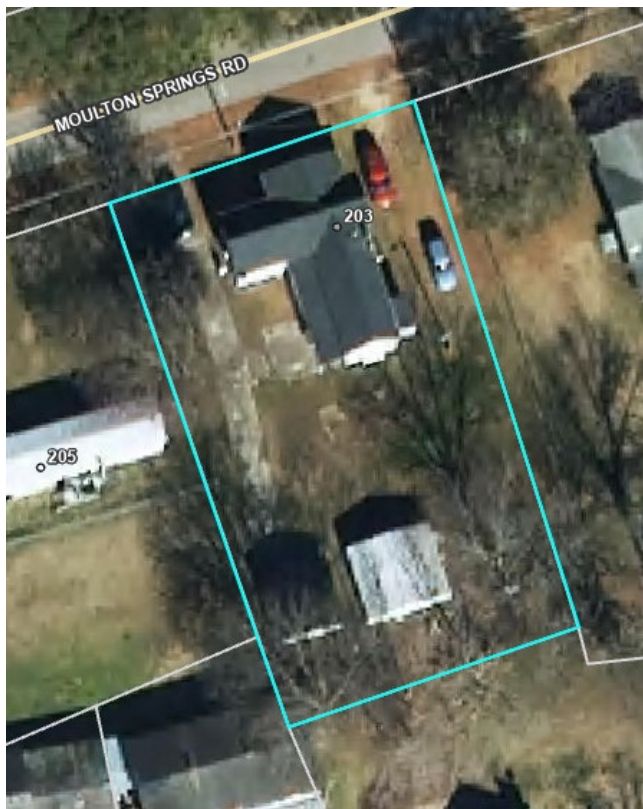




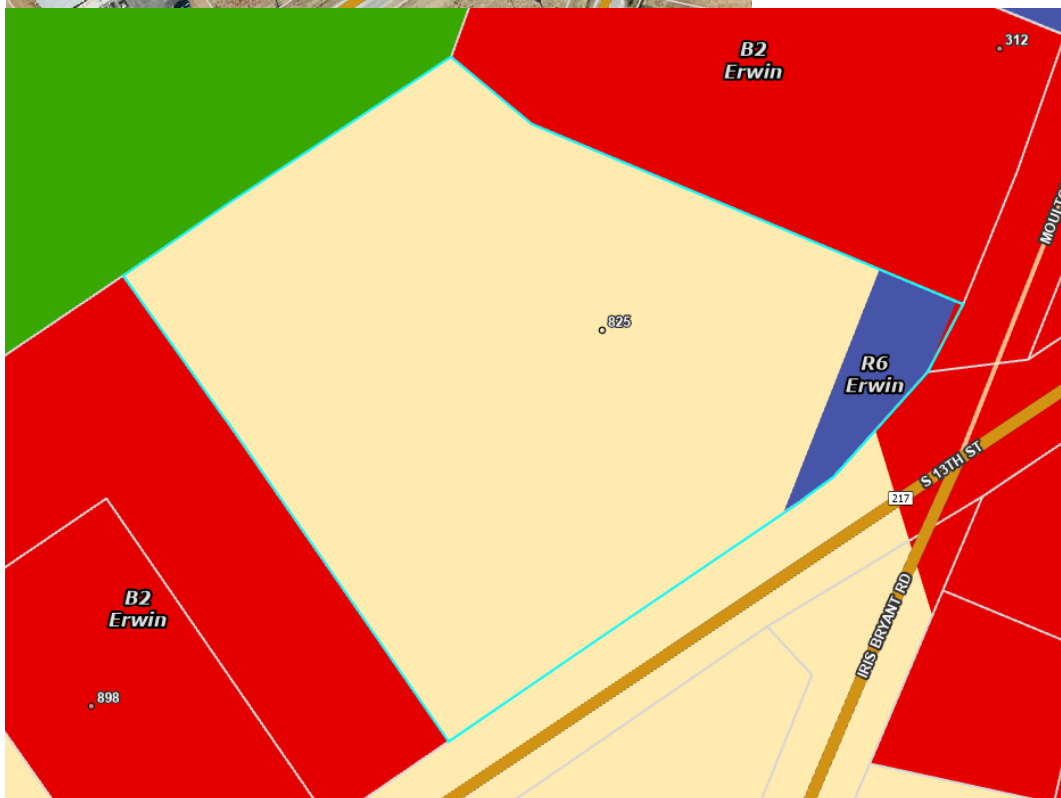
### 305 Moulton Springs



203 Moulton Springs



825 S 13<sup>th</sup>





808 S 13<sup>th</sup>



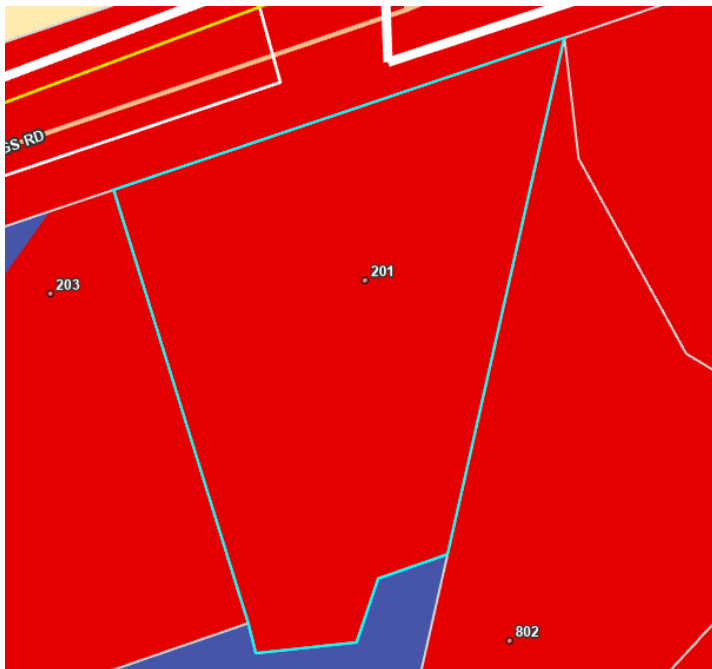
814 S 13<sup>th</sup>



812 S 13<sup>th</sup>

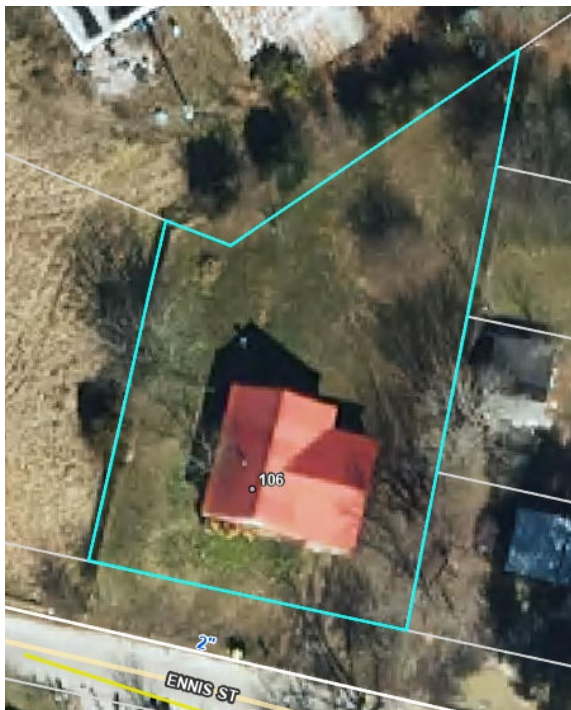
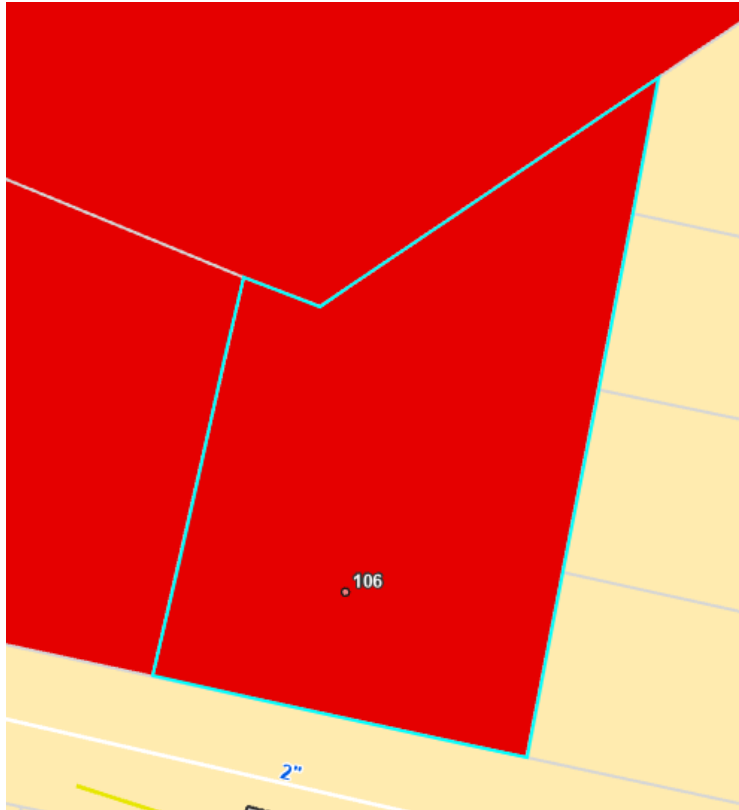


## 201 Moulton Springs





106 Ennis



# Erwin Planning Board

## REQUEST FOR CONSIDERATION

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To: Erwin's Planning Board Members  
From: Dylan Eure, Town Planner  
Date: February 19, 2024  
Subject: Golf Course R-15 Permitted Use

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Town Staff has prepared a proposed text amendment to Chapter 36 entitled Zoning under Article 5 Section 36-115 and Article 2. Within the mentioned article and section are the permitted uses within R-15 jurisdiction. The only two currently permitted uses allowed within R-15 zoning classification are single-family dwellings and municipal facilities. Due to the way our ordinances are worded the current golf course located at 448 Chicora Club Drive, Dunn is to be considered an existing non-conforming use. Because of this it is the Staff's recommendation that golf courses be added to the list of permitted uses and a definition of a golf course be added to the list of definitions. The NC municipality that was used to benchmark against was Morganton, located in the western portion of the state.

Proposed permitted uses to be added to R-15:

- Golf courses

Proposed definition of a golf course:

- An area of land laid out for golf with a series of 9 to 18 holes varying from 100 to 600 yards with each including a tee, fairway, putting greens, bunkers and that may contain clubhouses, areas for refreshment, or golf equipment sales.

# Erwin Planning Board

## REQUEST FOR CONSIDERATION

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To: Erwin's Planning Board Members  
From: Dylan Eure, Town Planner; Chris Jones, Town Code Enforcement Officer  
Date: February 19, 2024  
Subject: R.O.W. Maintenance Text Amendment

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Town Staff has prepared a proposed text amendment to Chapter 12 Article IV Weeds, Hedges, Tall Grass and Other Vegetation specifically under Section 12-92. entitled Definitions under item 7 in the Erwin Code of Ordinances. This amendment to the Erwin Code of Ordinances would require the owner of any specific property to maintain vegetation growing within their portion of the right-of-way. The current language in our ordinances within item 7 of Article IV under Section 12-92 reads as follows "Hedges or dense, thorny shrubs extending into the public right-of-way;". The proposed amended diction is as follows "Hedges, dense thorny shrubs, weeds, grass, brush, poisonous vegetation or any other over grown / dead vegetation as defined in items (1),(3), and (4) of Section 12-92. of this article extending into the public right-of-way to the edge of the street;"

By amending our code it would allow for Erwin's Code Enforcement Officer to require that the vegetation grown in the public right-of-way of private property be maintained and cared for by the owner of said private property. This is to prevent rodents such as rats and snakes making nests in areas of development along with maintaining a well-kept community.

Town staff wishes to update the Erwin Code of Ordinances to enforce property owners to maintain their portion of the right-of-way due to aesthetic and safety/health concerns. North Carolina General Statute 160A-174 Section A states that "A city may by ordinance define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city, and may define and abate nuisances", thus allowing Erwin to require property owners to maintain their portion of the right-of-way. Town staff has bench marked other communities that require property owners to maintain their portion of the right-of-way that have similar policies in place such as Fuquay-Varina, Cary, and Knightdale.

After conducting research to evaluate the best option in order for right-of-ways to be maintained, the Town of Erwin staff recommends the following amendment to the Erwin Code of Ordinance to be recommended and adopted.

### **Current Un-amended Diction:**

Weeds and nuisance vegetation under this article shall include the following which may occur on any lot within the corporate limits of the town:

- (1) Weeds or vegetation allowed to grow to a height greater than 12 inches on the average, or any accumulation of dead weeds, grass or brush, on any lot regardless of size and whether developed or undeveloped, or on any occupied or unoccupied lot or land less than one acre in area excluding wooded areas, that may provide safe harborage for rats, mice, snakes, and other vermin;
- (2) Any dead, diseased, infested or dying tree or shrub on any property so near to a street, public right-of-way or a public utility easement as to constitute a danger to street trees, public utility services' streets, sidewalks, vehicle travel, persons or property other than that of the owner of the tree;
- (3) Vegetation which creates a nuisance by its existence (i.e., poison ivy, kudzu);
- (4) Dead or dying trees or plants which may cause a hazardous situation if they fall;
- (5) Vines or climbing plants growing into or over any street tree, fire hydrant, pole, utility wire or electrolier;
- (6) Branches, roots, trees, shrubs or foliage that interfere with visibility on, illumination of, or the free, safe, or undamaged use of, or access to or along any portion of any public street or sidewalk;
- (7) Hedges or dense, thorny shrubs extending into the public right-of-way;
- (8) Branches of trees that extend within eight vertical feet from any portion of a public sidewalk or within 14 vertical feet from any portion of a public street.

**Proposed Amended Diction:**

Weeds and nuisance vegetation under this article shall include the following which may occur on any lot within the corporate limits of the town:

- (1) Weeds or vegetation allowed to grow to a height greater than 12 inches on the average, or any accumulation of dead weeds, grass or brush, on any lot regardless of size and whether developed or undeveloped, or on any occupied or unoccupied lot or land less than one acre in area excluding wooded areas, that may provide safe harborage for rats, mice, snakes, and other vermin;
- (2) Any dead, diseased, infested or dying tree or shrub on any property so near to a street, public right-of-way or a public utility easement as to constitute a danger to street trees, public utility services' streets, sidewalks, vehicle travel, persons or property other than that of the owner of the tree;
- (3) Vegetation which creates a nuisance by its existence (i.e., poison ivy, kudzu);
- (4) Dead or dying trees or plants which may cause a hazardous situation if they fall;
- (5) Vines or climbing plants growing into or over any street tree, fire hydrant, pole, utility wire or electrolier;
- (6) Branches, roots, trees, shrubs or foliage that interfere with visibility on, illumination of, or the free, safe, or undamaged use of, or access to or along any portion of any public street or sidewalk;
- (7) Hedges, dense thorny shrubs, weeds, grass, brush, poisonous vegetation or any other over grown / dead vegetation as defined in items (1),(3), and (4) of Section 12-92. of this article extending into the public right-of-way to the edge of the street;
- (8) Branches of trees that extend within eight vertical feet from any portion of a public sidewalk or within 14 vertical feet from any portion of a public street