

**TOWN OF ERWIN
PLANNING BOARD/BOARD OF ADJUSTMENTS
MONDAY, MARCH 18, 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 February 19, 2024 (**Page 2**)

3. **OATH OF OFFICE**
 - A. Grace Watts (**Page 8**)

4. **OLD BUSINESS**
 - A. Updates

5. **NEW BUSINESS**
 - A. Red Hill Church Road Preliminary Plat (**Page 9**)
 - B. Accessory Dwelling Unit Text Amendment (**Page 26**)
 - C. ZT-2024-003 (**Page 30**)
 - D. R.O.W. Maintenance Text Amendment (**Page 35**)
 - E. Outdoor Storage Text Amendment (**Page 38**)
 - F. Penalty Text Amendment (**Page 40**)
 - G. Arcades Text Amendment (**Page 42**)
 - H. Axe Throwing Text Amendment (**Page 43**)
 - I. Bowling Alley Text Amendment (**Page 44**)
 - J. Escape Room Text Amendment (**Page 45**)
 - K. Laser Tag Text Amendment (**Page 46**)
 - L. Pool Hall Text Amendment (**Page 47**)
 - M. Rage Room Text Amendment (**Page 48**)

6. **ADJOURNMENT**

PLANNING BOARD
MEETING MINUTES
MONDAY, FEBRUARY 19, 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 Monday, February 19, 2024, at 7:00 PM.

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

Board members absent were: In-Town Board Member Ronald Beasley and In-Town Alternate Vanessa Lech.

Town Manager Snow Bowden, Town Planner Dylan Eure, Town Clerk Lauren Evans, and Finance Officer Katelan Blount were present.

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

Board Member Howard Godwin gave the invocation.

Board Member Kathryn Moore led the Pledge of Allegiance.

CONSENT ITEMS

Board Member Nick Skatell made a motion to approve the minutes of January 16, 2024, and was seconded by Kathryn Moore. **The Board voted unanimously.**

OLD BUSINESS

Updates:

Town Planner Dylan Eure informed the Board that the rezoning case at 261 Suggs Road was approved by the Town Board. The Accessory Structure Text Amendment was also approved by the Town Board.

NEW BUSINESS

ZT-2024-001

Town Planner Dylan Eure informed the Board that the Town of Erwin received a request to rezone a piece of property located by its Harnett County Tax Pin: 1506-15-0948. The parcel was currently 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. This petition would rezone the parcel to be entirely under RD zoning classification. The parcel was 29.19 acres located off of Hog Heaven Road within the Erwin Planning Jurisdiction approximately .35 of a mile south of town limits. No water or sewer lines are accessible through the property. The property was within both watersheds HUC8 and HUC12 which would require approval from North Carolina's Department of Environmental Quality prior to development taking place.

Chairman Joshua Schmieding asked if the applicants planned to develop the property.

Town Planner Dylan Eure stated the owners of the property were planning to sell a portion of the parcel to the applicants for the purpose of developing a substation to provide energy for the Town.

Chairman Joshua Schmieding asked if anyone was present to speak in favor of the request.

Shane Finn of ECE, consultants for South River came forward.

Board Member Rebecca Kelly arrived at 7:06 PM.

Town Planner Dylan Eure reminded the Board that the applicants were planning to build a substation but if the parcel is rezoned, the applicants were allowed to develop the land for any allowable use in the RD zoning district.

Board Member Howard Godwin inquired why South River wanted to put a substation on this property when Duke Energy is the primary electric provider in Erwin.

Wilson Holder, Assistant Engineer for South River also came forward. He stated South River serviced a territory right below this property and its facilities were located next to the Duke Energy Substation off of Red Hill Church Road. South River was in the process of moving a substation closer to the northern territory. They served a good section of Chicora and residents on the other side of Cape Fear River.

Chairman Joshua Schmieding asked if anyone was present to speak against the request.

No one came forward.

Board Member Nicholas Skatell made a motion in the affirmative, seconded by Kathryn Moore, and unanimously approved by the Board that 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 those within the area.

Board Member Jim Hartman made a motion in the affirmative, seconded by Nicholas Skatell, and unanimously approved by the Board that 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 a suburban area.

Board Member Kathryn Moore made a motion in the affirmative, seconded by Jim Hartman, and unanimously approved by the Board that the proposal does enhance or maintain the public health, safety, and general welfare.

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

Board Member Rebecca Kelly made a motion in the affirmative, seconded by Nicholas Skatell, and unanimously approved by the Board that the request is for a small-scale rezoning and should be evaluated for reasonableness.

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

Board Member Nicholas Skatell made a motion in the affirmative, seconded by Kathryn Moore, and unanimously approved by the Board that 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.

- Reasoning: The 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.

Board Member Jim Hartman made a motion in the affirmative, seconded by Nicholas Skatell, and unanimously approved by the Board that 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.)

- Reasoning: The rezoning would place the entire parcel under RD and all permitted uses along with it. Furthermore, the parcel is not within the corporate limits of the Town.

Board Member Kathryn Moore made a motion in the affirmative, seconded by Nicholas Skatell, and unanimously approved by the Board that 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.

- Reasoning: 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.

Board Member Rebecca Kelly made a motion in the affirmative, seconded by Nicholas Skatell, and unanimously approved by the Board that the proposed change is in accord with the Land Development Plan and sound planning principles.

- Reasoning: The Erwin 2023 Land Use Plan has this parcel of land to be zoned under suburban classifications and the rezoning would solve the issue of being split-zoned.

Board Member Nicholas Skatell made a motion that 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 and was seconded by Kathryn Moore. **The Board voted unanimously.**

ZT-2024-002

Town Planner Dylan Eure stated that The Town of Erwin Staff wishes to request to rezone twelve parcels located off of Moulton Springs Rd and S 13th 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 follows:

- 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 13th St - **Rezone to full R-10**
- 808 S 13th St - **Rezone to full B-2**

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

Town Manager Snow Bowden stated the reason that Town Staff was requesting these rezonings was to be proactive and prevent a property owner from having to apply to have a split-zoned property rezoned in the future.

Board Member Nicholas Skatell made a motion in the affirmative, seconded by Rebecca Kelly, and unanimously approved by the Board that 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 those within the area.

Board Member Jim Hartman made a motion in the affirmative, seconded by Kathryn Moore, and unanimously approved by the Board that 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 under mixed use that promotes residential and commercial uses.

Board Member Kathryn Moore made a motion in the affirmative, seconded by Rebecca Kelly, and unanimously approved by the Board that 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.

Board Member Rebecca Kelly made a motion in the affirmative, seconded by Jim Hartman, and unanimously approved by the Board that 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.

Board Member Rebecca Kelly made a motion in the affirmative, seconded by Jim Harman, and unanimously approved by the Board that 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.

- Reasoning: Parcels are currently split-zoned and by rezoning would ensure that their current uses are permitted.

Board Member Rebecca Kelly made a motion in the affirmative, seconded by Kathryn Moore, and unanimously approved by the Board that 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.)

- Reasoning: All parcels are designated under the Erwin 2023 Land Use Plan to be either residential or mixed use.

Board Member Rebecca Kelly made a motion in the affirmative, seconded by Kathryn Moore, and unanimously approved by the Board that 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.

- Reasoning: The rezonings would not alter the character of the neighborhood in any way. Rezoning's would ensure clarity for owners and not take away rights that they currently have to their land.

Board Member Rebecca Kelly made a motion in the affirmative, seconded by Jim Hartman, and unanimously approved by the Board that the proposed change is in accord with the Land Development Plan and sound planning principles.

- Reasoning: 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.

Board Member Rebecca Kelly made a motion that 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 and was seconded by Nicholas Skatell. **The Board voted unanimously.**

Golf Course R-15 Permitted Use

Town Planner Dylan Eure stated that this Text Amendment was simply to add Golf Courses to the permitted uses of R-15 and to add the definition of a golf course to our Code of Ordinances. This was merely a housekeeping item and to let Chicora know they are welcome in R-15. This amendment would not affect any other property in the area.

Nicholas Skatell made a motion to recommend approval of adding Golf Courses to the permitted uses of R-15 and to add the definition of a golf course to our Code of Ordinances and was seconded by Kathryn Moore. **The Board voted unanimously.**

R.O.W Maintenance Text Amendment

Town Planner Dylan Eure stated that this Text Amendment would ensure that property owners are maintaining their portion of the right-of-way. He recommended the amendment of line seven. 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;". He proposed amending the dictation to state: "Hedges, dense thorny shrubs, weeds, grass, brush, poisonous vegetation or any other overgrown/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;"

Nicholas Skatell inquired whether there would be consequences if the property owner did not maintain their portion of the right-of-way.

Town Planner Dylan Eure stated that would be a question for our Code Enforcement Officer.

Kathryn Moore made a motion to recommend approval of amending item 7 of Article IV under Section 12-92 in our Code of Ordinances and was seconded by Nicholas Skatell. **The Board voted unanimously.**

ADJOURNMENT

Prior to adjourning, Town Clerk Lauren Evans introduced Finance Officer Katelan Blount to the Planning Board. She informed the Board that Ms. Blount would be sworn in as Deputy Town Clerk at our March Town Board Meeting and would take over minutes for the Planning Board/Board of Adjustments going forward.

Board Member Nicholas Skatell made a motion to adjourn the meeting at 7:34 PM and was seconded by Kathryn Moore. **Motion unanimously approved.**

Minutes recorded and typed by

Lauren Evans Town Clerk

Joshua Schmieding

Chairperson

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

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

OATH OF OFFICE

“I, Grace Watts, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as In Town Planning Board Member of the Town of Erwin, so help me God.”

Grace Watts

Sworn To and Subscribed Before Me
This 18^h Day of March 2024.

Katelan Blount
Deputy Town Clerk



TOWN OF ERWIN

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

3/18/2023

Red Hill Church Major Subdivision 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

Subdivision Description

The Town of Erwin has received and preliminary major subdivision plat for 12 single-family homes zoned as RD (Rural District) to be built off of Red Hill Church Road located by its Harnett County Tax Pin 1507-47-5272 by the applicant Long Land Development. Said subdivision is within the Town of Erwin's Planning Jurisdiction and approximately .6 of a mile north of the Town's corporate limits and is 8.13 acres in size. Homes on said subdivision will have lot sizes varying from 25,000 Sq. Ft to 30,000 Sq. Ft. To access the said subdivision the developer intends to build a residential street built to NCDOT road standards and be later turned over to NCDOT for the maintenance of the road. Prior to the naming of the street and final plat submission the developer must ensure that there are no other roads sharing the same name within the Town through Harnett County.

According to Harnett County GIS both watershed HUC8 and HUC12 go through the south of the property. Prior to the issuance of the final plat, a permit from North Carolina Department of Environmental Quality. Along with receiving approval from NCDEQ in regards to storm water due to the project being over 1 acre. Due to the fact that sewer is not accessible to the property all homes to be built must be on their own septic tank, which has already been approved by a licensed soil scientist.

Regulation

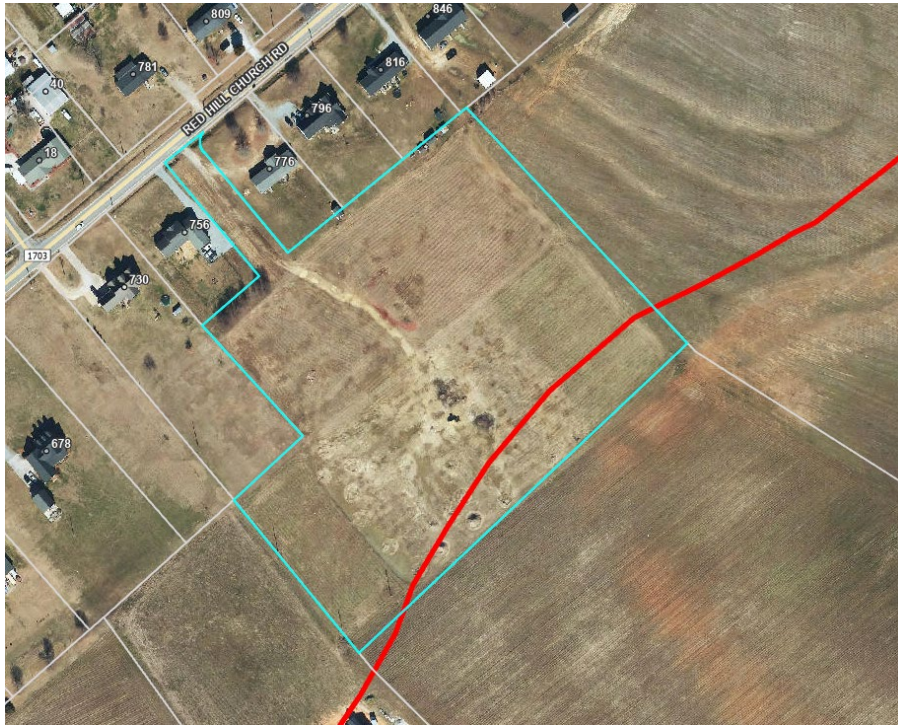
Per The Erwin Code of Ordinances subdivision section, along with RD zoning classifications all requirements for preliminary plats have been met and the produced residential lots are compliant with all RD zoning regulations including lot size, required frontage, and width.

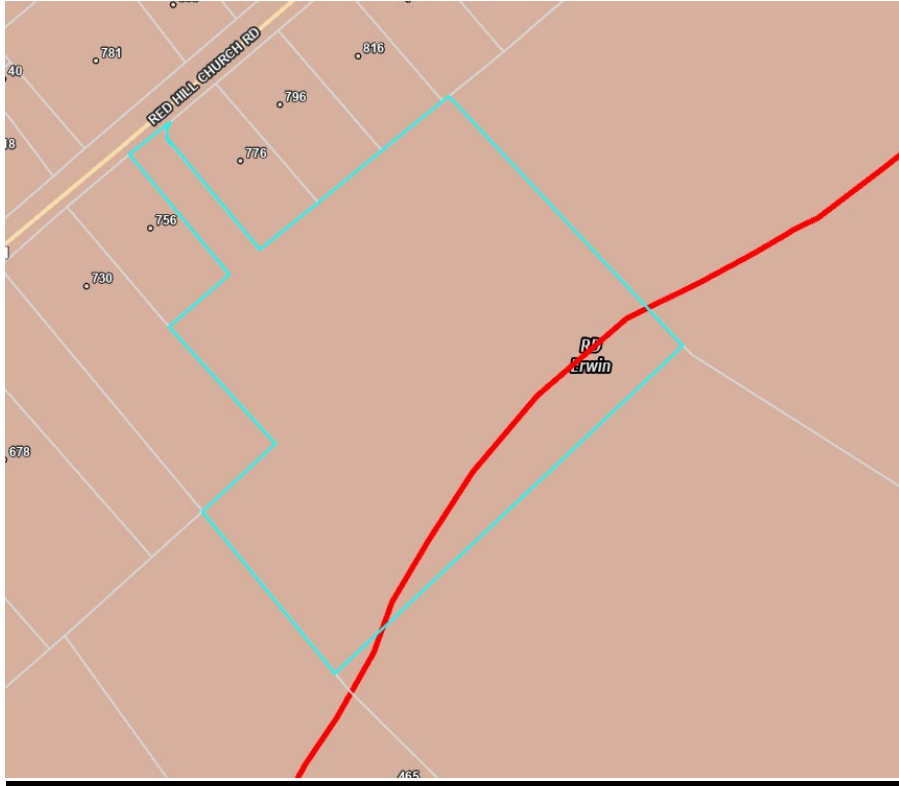
Required Improvements

Prior to the final plat being submitted the applicant must show that they have made all of the required improvements per Erwin's subdivision ordinances, meet all RD zoning regulations, and obtain the proper permits from affiliated agencies. Upon submission of the final plat the

applicant must have received approval from NCDEQ in regards to the Watershed affecting the property. Along with approval from NCDEQ in regards to storm water due to more than 1 acre being disturbed. The applicant must also have an approved permit from NCDOT stating that the roads are being constructed to NCDOT standards. A permit is also required from Harnett Regional Water stating that the waterlines to be extended to the property is constructed to HRW Standards. HRW has stated that in order to have the density/style of home that the applicant would like improvements will have to be made to HRW lines in regards to pressure for fire hydrants to obtain clearance from Harnett County Fire Marshall. The current gallons per minute for the nearest hydrant is 404.7 gpm and Harnett County Fire Marshall requires at least 500 gpm. Harnett Regional has stated that these improvements to increase water pressure have already been approved for later this year to increase the gpm to the required 500 gpm. If the improvements to the water lines are not made and the gpm is not met, then the development will require a specific upgrade to the water lines for the homes to be created within the subdivision increasing the gpm to the required 500 gpm to receive approval from the Harnett County Fire Marshall.

Images







Town of Erwin

Zoning Application & Permit

Planning & Inspections Department

Permit #

Rev Sep2014

Each application should be submitted with an attached plot/site plan with the proposed use/structure showing lot shape, existing and proposed buildings, parking and loading areas, access drives and front, rear, and side yard dimensions.

Name of Applicant	HAROLD LONG	Property Owner	LONG LAND DEV., LLC
Home Address	9404 NORTHFIELD CT.	Home Address	SAME
City, State, Zip	RAE, NC 27603	City, State, Zip	
Telephone	919-810-6151	Telephone	
Email	HALLONG@ATT.NET	Email	

Address of Proposed Property		RED HILL CHURCH RD., ERWIN NC	
Parcel Identification Number(s) (PIN)	1507-47-5272.000	Estimated Project Cost	TBD, 400K
What is the applicant requesting to build / what is the proposed use of the subject property? Be specific.		RESIDENTIAL SUBDIVISION/12 LOTS	
Description of any proposed improvements to the building or property		ROAD, COUNTY WATER	
What was the Previous Use of the subject property?		VACANT / AGRICULTURE	
Does the Property Access DOT road?		YES	
Number of dwelling/structures on the property already	0	Property/Parcel size	8.13 ACRES
Floodplain SFHA <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Watershed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Wetlands <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
MUST circle one that applies to property	Existing/Proposed Septic System <input checked="" type="checkbox"/> Or Existing/Proposed County/City Sewer		

Owner/Applicant Must Read and Sign

The undersigned property owner, or duly authorized agent/representative thereof certifies that this application and the forgoing answers, statements, and other information herewith submitted are in all respects true and correct to the best of their knowledge and belief. The undersigning party understands that any incorrect information submitted may result in the revocation of this application. Upon issuance of this permit, the undersigning party agrees to conform to all applicable town ordinances, zoning regulations, and the laws of the State of North Carolina regulating such work and to the specifications of plans herein submitted. The undersigning party authorizes the Town of Erwin to review this request and conduct a site inspection to ensure compliance to this application as approved.

HAROLD LONG, PRES.		2/22/24
Print Name	Signature of Owner or Representative	Date

For Office Use

Zoning District	MD	Existing Nonconforming Uses or Features	
Front Yard Setback	40 FT	Other Permits Required	<input type="checkbox"/> Conditional Use <input type="checkbox"/> Building <input type="checkbox"/> Fire Marshal <input type="checkbox"/> Other
Side Yard Setback	12 FT	Requires Town Zoning Inspection(s) <input type="checkbox"/> Foundation <input type="checkbox"/> Prior to C. of O.	
Rear Yard Setback	40 FT	Zoning Permit Status	<input type="checkbox"/> Approved <input type="checkbox"/> Denied
		Fee Paid: 420	Date Paid: <input type="checkbox"/> Staff Initials: <input type="checkbox"/>

Comments	Major Sub, Preliminary, Planning Board / TOWN COMMISSION approval		
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Signature of Town Representative:	Date Approved/Denied:
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12 homes to be built.

February 13, 2024

Longland Realty Inc.
9404 Northfield Court
Raleigh, North Carolina 27603-9209

Attention: Mr. Hal Long

Reference: **Report for Detailed Soil/Site Assessment for Septic System Suitability
Red Hill Church Road Subdivision Site**
Erwin, Johnston County, North Carolina

Dear Mr. Long:

We have performed a detailed soil and site assessment on the above referenced property. Our assessment was performed to determine areas of soil that have potential for subsurface wastewater treatment and disposal with individual on-site wastewater (septic) systems as part of the preliminary planning process for a proposed single-family residential subdivision.

◆ Background Information

The site is located on the south side of Red Hill Church Road in Erwin, Harnett County, North Carolina, is approximately 8.46-acres in size, and is further identified by Harnett County PIN: 1507-47-5272. The site is depicted on the attached U.S. Department of Agriculture (USDA) Soil Conservation Service (SCS) Harnett County Soil Survey Exhibit (**Figure 1**), U.S. Geologic Service (USGS) Topographic Exhibit (**Figure 2**), and 2021 Color Aerial and Topographic Exhibit (**Figure 3**).

◆ Scope of Services

In order to perform the detailed site and soil assessment, the site was traversed and the landscape was observed (slope, drainage patterns, past use, etc.) as well as soil conditions (depth, texture, structure, seasonal wetness, restrictive horizons, etc.) through the use of hand auger borings. The site was evaluated during dry soil conditions. From these observations, a detailed evaluation of the site was developed, relative to subsurface treatment and disposal of wastewater. The soil/site evaluation criteria used is that contained in 15 A NCAC 18A .1900 "Laws and Rules for Sewage Treatment and Disposal Systems".

Numerous hand auger borings were made throughout the site, were flagged in the field, located with a GPS receiver and are shown on the attached Soil Assessment Exhibit (**Figure 4**). The "Red Hill Church Road Subdivision Soil Data" table on the attached **Figure 4** lists the auger boring location number, the subsurface horizon texture, the depth to the seasonal high water table (SHWT), and the recommended long term acceptance rate (LTAR).

Report for Detailed Soil/Site Assessment for Septic System Suitability

Red Hill Church Road Subdivision Site

Erwin, Johnston County, North Carolina

◆ Findings

The areas with red soil borings that are numbered on the attached **Figure 4** represent areas that are potentially suitable and contain soils with predominately sandy clay textured subsurface horizons. These areas have a minimum of 24 inches to SHWT indicators and a minimum of 36 inches to unsuitable soil structure and are similar to the Marlboro soil series.

It should be noted that clay textured soils belong to Soil Group IV classification and are provisionally suitable with regard to soil texture, and the recommended long-term acceptance rate is 0.25 to 0.3 gallons/day/square feet (gpd/ft²).

◆ Regulatory Considerations

Soils greater than 24 inches deep to unsuitable characteristics may be considered for use with various types of septic systems. These systems include the gravelless trenches such as the chamber and polystyrene aggregate trench systems. Soils that are at least 24 inches deep located on gently sloping landforms may be permitted with shallow conventional trenches per 15A NCAC 18A Laws and Rules for Sewage Treatment, and Disposal Systems Rule.1956 (1). Shallow trenches do require at least 6 inches of soil cover to be placed over the trenches. Conventional septic systems with trench bottoms placed 18 inches below the surface can be sited on soils with usable soil depths at least 30 inches below the surface.

Once potentially useable areas are located through vertical borings, the next consideration is the horizontal extent of those areas. The size and configuration of the useable soil area dictate the utility of that area. The size of a subsurface disposal field is determined by: 1) the design flow from the source, and 2) the long term acceptance rate (LTAR) of the soil (based on the hydraulic conductivity of the soil, a function of the soil's texture, mineralogy, structure, porosity, etc.). The configuration must be such that an efficient layout of disposal lines (on contour) is possible. An additional consideration is the required setbacks for the system from various elements. Some relevant setbacks to subsurface septic systems are as follows.

Any building foundation	5 feet
Any property line	10 feet
Basement	15 feet
Surface waters	50 feet
Any private or public water supply source	100 feet
Top of slope of embankments or cuts of two feet or more vertical height	15 feet

A list of additional setbacks can be found in Rule.1950.

The site plan for each proposed lot must ensure that adequate soil area for system and repair is unaffected by site elements (house placement, driveway, wells, patios, decks, etc.) on that, or adjacent lots. The area ultimately designated by the health department on the site plan for the septic system and repair must remain undisturbed (no mechanical clearing, excavation, heavy traffic or other significant site

Report for Detailed Soil/Site Assessment for Septic System Suitability

Red Hill Church Road Subdivision Site

Erwin, Johnston County, North Carolina

disturbing activities) until authorized by the health department. A lot with initially adequate useable soil area may be rendered unusable as a result of improper site planning and/or disturbance.

An individual septic system permit will be required for each lot prior to obtaining a building permit. Only after developing this information can a final determination be made concerning specifics of system design and site utilization.

◆ Limitations

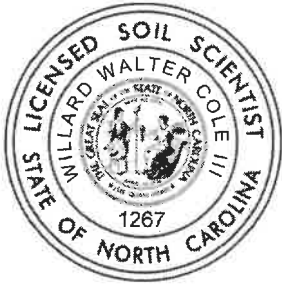
This report is limited to the above referenced project and client and no other uses are authorized. This report identifies the general location of potentially usable soils for on-site wastewater treatment and disposal systems, and does not constitute or imply approval for permit, as required by the appropriate regulatory agency. Soil evaluations are done based on interpretations of the rules governing wastewater treatment and disposal systems and are not guarantees for site approval. This evaluation consists of a soil scientist evaluation and a more detailed soil evaluation will be necessary to determine total usable areas. The rules governing wastewater treatment (interpreted and governed by local and state agencies) are evolving constantly, and in many cases, affected by the opinions of individuals employed by these governing agencies. Because of this, I cannot guarantee that any areas will be permitted by the governing agencies. I recommend that anyone making financial commitments on a tract be fully aware of individual permit requirements on that site prior to final action.

Report for Detailed Soil/Site Assessment for Septic System Suitability
Red Hill Church Road Subdivision Site
Erwin, Johnston County, North Carolina

◆ **Closing**

If you have any questions or need additional information, please call me at (919) 801-3798.

Sincerely,



Walter Cole
NC Licensed Soil Scientist #1267
Registered Environmental Health Specialist #1510

Encl. **Figure 1:** USDA-NRCS Halifax County Soil Survey Exhibit
Figure 2: USGS Topographic Quadrangle Exhibit
Figure 3: 2021 Color Aerial and Topographic Exhibit
Figure 4: Soil Assessment & Septic System Layout Exhibit



TYPICAL SOIL PROFILE DESCRIPTION - MARLBORO

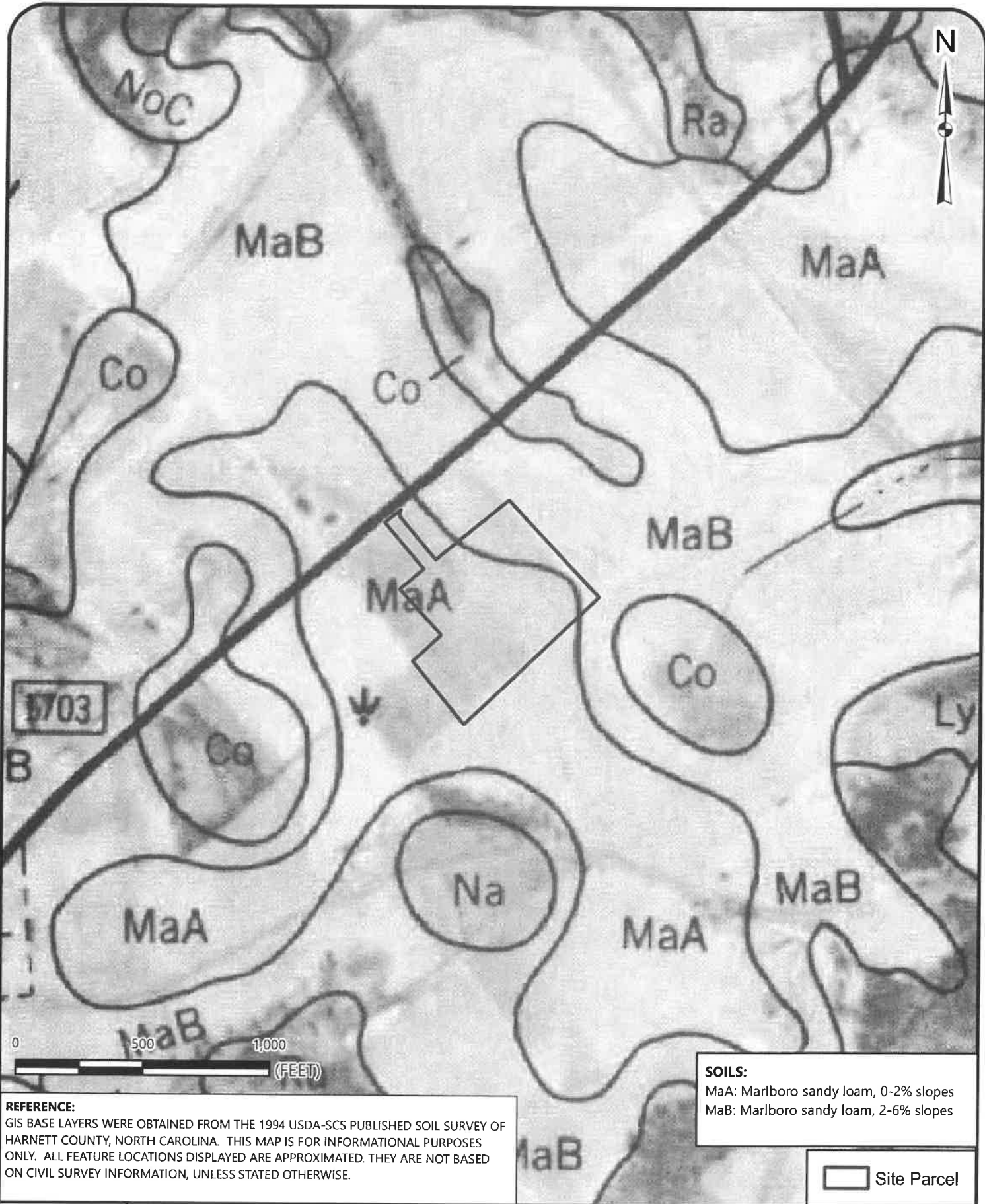
HORIZON	DEPTH	COLOR (MUNSELL)	TEXTURE	STRUCTURE
Ap	0 -6	10 YR 4/2	sandy loam	granular
Bt1	6-20	7.5YR 5/6	sandy clay	weak medium subangular blocky
Bt2	20-30	10 YR 5/8	sandy clay	mod. to weak subangular blocky
Bt3	30-42+	10 YR 5/6 7.5 YR 5/6 mottles	sandy clay	weak, medium subangular blocky

Notes:

- 1) Soil similar to the Marlboro Soil Series.
- 2) LTAR 0.3 gpd/ft² for conventional septic systems.
- 3) Soil described from auger boring.
Slopes ranged from 5% to 30%.

Figures


Drawing Path: R:\CADData\Raleigh\PROJECTS\2024\Red_Hill_Church_Rd_Subdivision\SOILS.mxd plotted by abentz 02-07-2024



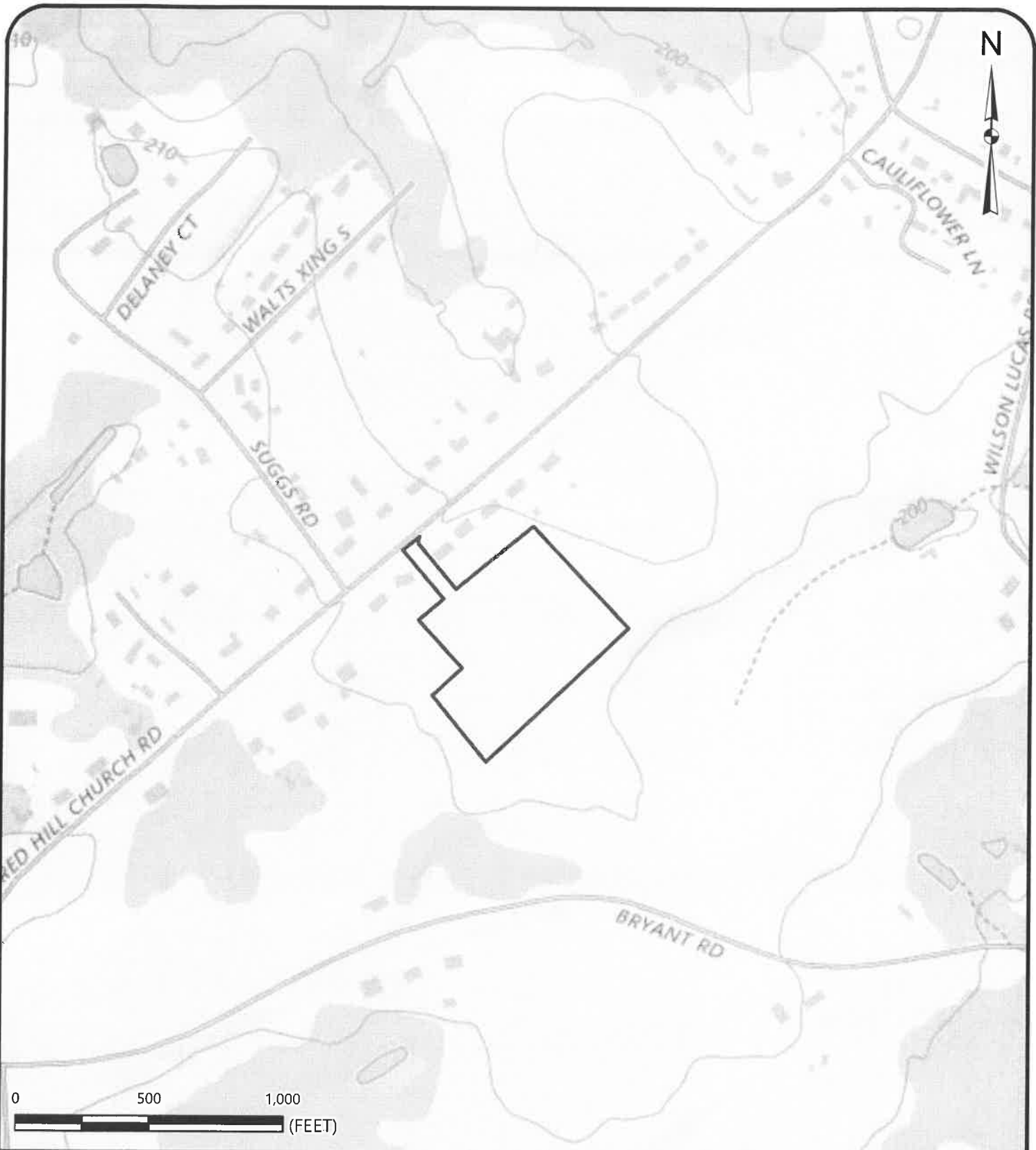
REFERENCE:
 GIS BASE LAYERS WERE OBTAINED FROM THE 1994 USDA-SCS PUBLISHED SOIL SURVEY OF HARNETT COUNTY, NORTH CAROLINA. THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY. ALL FEATURE LOCATIONS DISPLAYED ARE APPROXIMATED. THEY ARE NOT BASED ON CIVIL SURVEY INFORMATION, UNLESS STATED OTHERWISE.

SOILS:
 MaA: Marlboro sandy loam, 0-2% slopes
 MaB: Marlboro sandy loam, 2-6% slopes

 Site Parcel


	USDA-SCS SOIL SURVEY EXHIBIT	SCALE: 1" = 500'	FIGURE NO.
	RED HILL CHURCH ROAD SUBDIVISION RED HILL CHURCH ROAD ERWIN, HARNETT COUNTY, NORTH CAROLINA	DATE: 2-7-24	1
		PROJECT NUMBER TBD	19

Drawing Path: R:\CADData\Ra\ra\PROJECTS\2024\Red_Hill_Church_Rd_Subdivision\USGS.mxd plotted by abentz 02-07-2024



REFERENCE:
 GIS BASE LAYERS WERE OBTAINED FROM THE USGS NATIONAL TOPO MAP VIEWER. THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY. ALL FEATURE LOCATIONS DISPLAYED ARE APPROXIMATED. THEY ARE NOT BASED ON CIVIL SURVEY INFORMATION, UNLESS STATED OTHERWISE.

 Site Parcel

	USGS TOPOGRAPHIC EXHIBIT		SCALE: 1" = 500'	FIGURE NO. 2
	RED HILL CHURCH ROAD SUBDIVISION RED HILL CHURCH ROAD ERWIN, HARNETT COUNTY, NORTH CAROLINA		DATE: 2-7-24 PROJECT NUMBER TBD	



REFERENCE:
 GIS BASE LAYERS WERE OBTAINED FROM THE 2021 NCONEMAP AERIAL ORTHOIMAGERY LAYER AND THE 2007 NCDOT LIDAR CONTOUR DATASET. THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY. ALL FEATURE LOCATIONS DISPLAYED ARE APPROXIMATED. THEY ARE NOT BASED ON CIVIL SURVEY INFORMATION, UNLESS STATED OTHERWISE.

— 2 - Foot Contours
 □ Site Parcel

Drawing Path: R:\CADData\Raleigh\PROJECTS\2024\Red_Hill_Church_Rd_Subdivision\TOPO.mxd plotted by abentz 02-07-2024

	COLOR AERIAL AND TOPOGRAPHIC EXHIBIT	SCALE: 1" = 200'	FIGURE NO.
	RED HILL CHURCH ROAD SUBDIVISION RED HILL CHURCH ROAD ERWIN, HARNETT COUNTY, NORTH CAROLINA	DATE: 2-7-24	3
		PROJECT NUMBER TBD	21



Tony West <tony@myintegrarealty.com>

To: Dylan Eure; Hal Long <hallong@att.net>



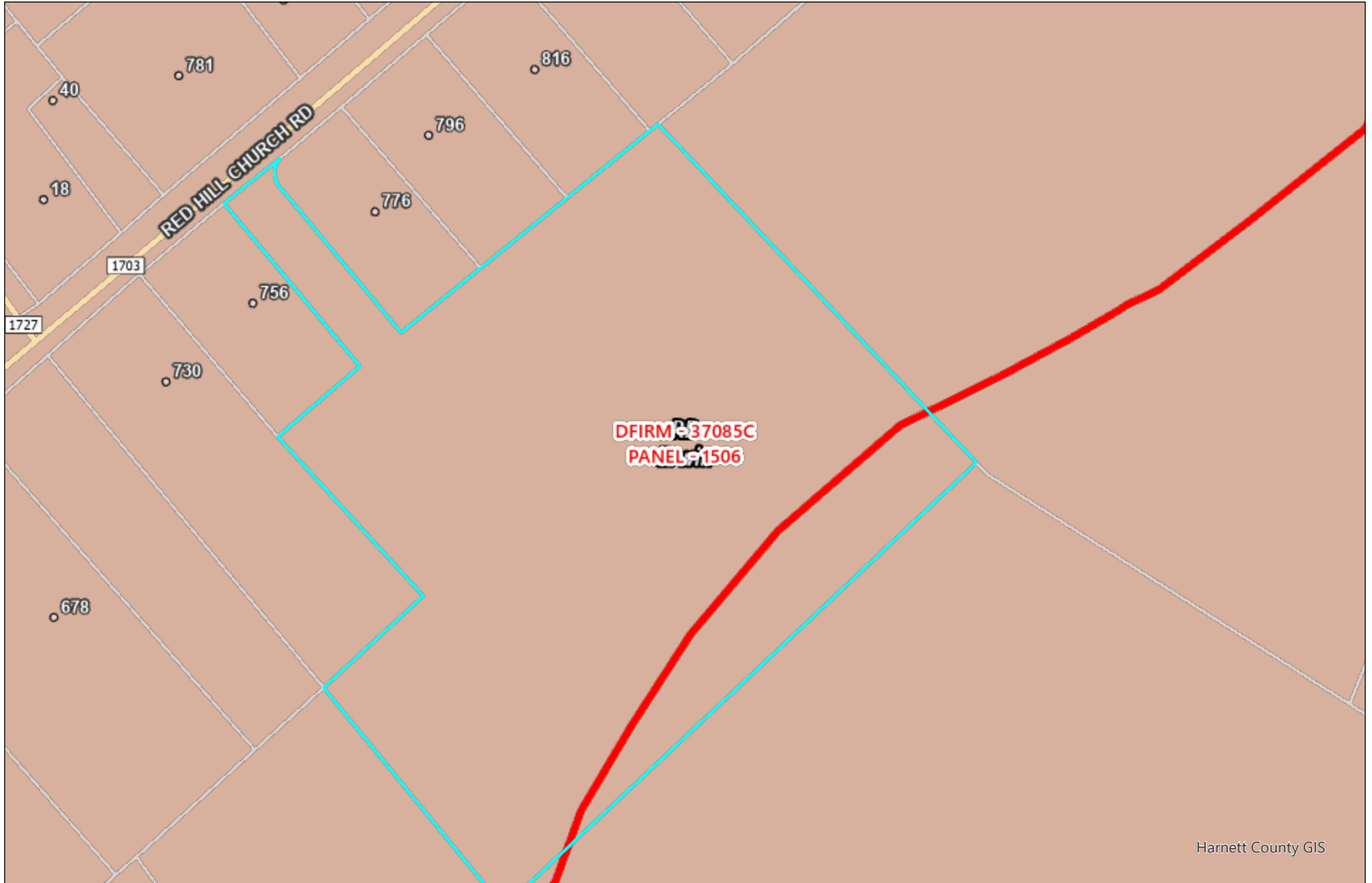
Fri 3/8/2024 12:45 PM

Dylan and Hal,

 Seller and I give permission to Hal Long / Long Land Development to submit a preliminary plat for a Town Board Meeting concerning 0 Redhill Church Rd (PIN # is 1507-47-5272). We are ok with Hal Long / Long Development Company addressing any matters concerning this tract of land with the Town Board. Please let me know if you have additional questions or concerns. Thanks, Tony.

Harnett GIS

NOT FOR LEGAL USE



Harnett County GIS

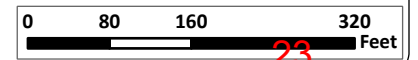
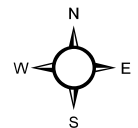


GIS/E-911 Addressing
March 7, 2024

- Flood Map Index
- County Boundary
- Address Numbers
- RoadCenterlines
- Parcels
- Watershed HUC12
- Watershed HUC8

ZoningDistricts

- RD
- ETJ



Harnett GIS

NOT FOR LEGAL USE



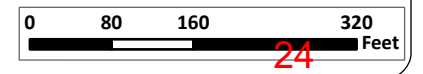
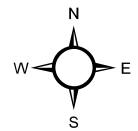
Harnett County GIS

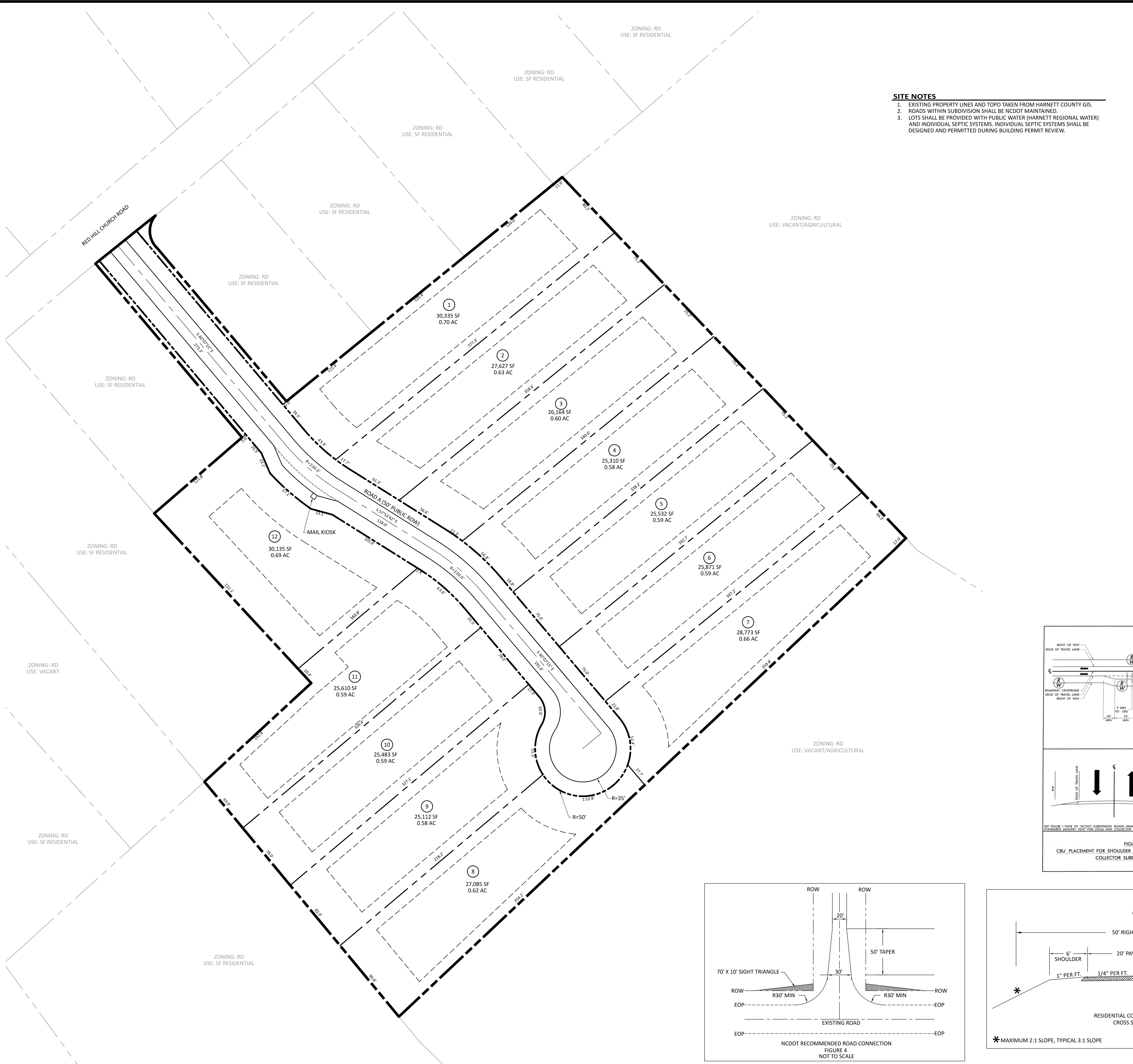


GIS/E-911 Addressing

March 7, 2024

- Flood Map Index
- County Boundary
- Address Numbers
- Road Centerlines
- Parcels
- Watershed HUC8
- Watershed HUC12





- SITE NOTES**
- EXISTING PROPERTY LINES AND TOPO TAKEN FROM HARNETT COUNTY GIS.
 - ROADS WITHIN SUBDIVISION SHALL BE NCDOT MAINTAINED.
 - LOTS SHALL BE PROVIDED WITH PUBLIC WATER (HARNETT REGIONAL WATER) AND INDIVIDUAL SEPTIC SYSTEMS. INDIVIDUAL SEPTIC SYSTEMS SHALL BE DESIGNED AND PERMITTED DURING BUILDING PERMIT REVIEW.



VICINITY MAP
1"=1,000 FT

PROPERTY DATA

PROJECT NAME:
RED HILL CHURCH ROAD SUBDIVISION
ERWIN, NORTH CAROLINA

PROJECT SCOPE:
SINGLE FAMILY HOMES

SITE LOCATION:
RED HILL CHURCH ROAD
ERWIN, NORTH CAROLINA

DEVELOPER:
LONG LAND DEVELOPMENT, LLC
9404 NORTHFIELD CT
RALEIGH, NC 27603
CONTACT: MR. HAL LONG
PHONE: 919-772-8125

CIVIL ENGINEER:
ARNOLD LAND DESIGN, PLLC
113 YOSEMITE COURT
HOLLY SPRINGS, NORTH CAROLINA 27540
CONTACT: MR. DAVID ARNOLD, PE
PHONE: 919-630-2552

PROPERTY INFORMATION:
OWNER: EDWARD E MILLER AND ELIZABETH ANNETTE MILLER
DEED BOOK: 3277; PAGE: 0850
BM: 2015, PG: 22
PIN NO. 1507-47-5272.000

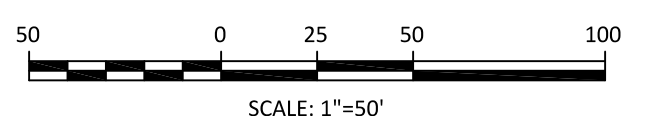
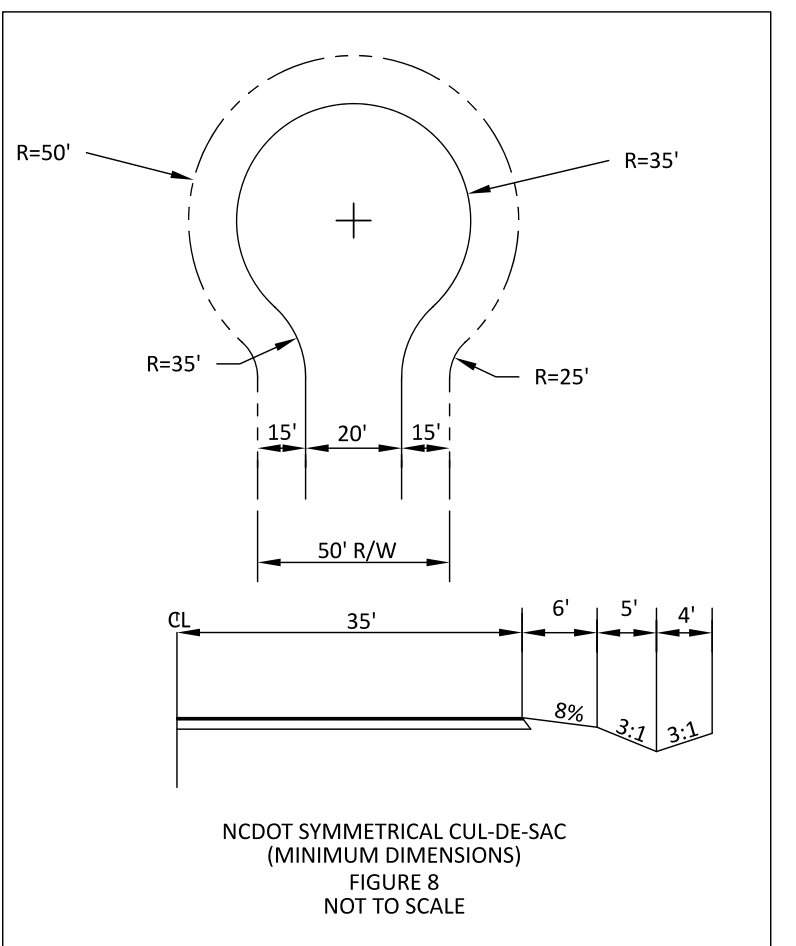
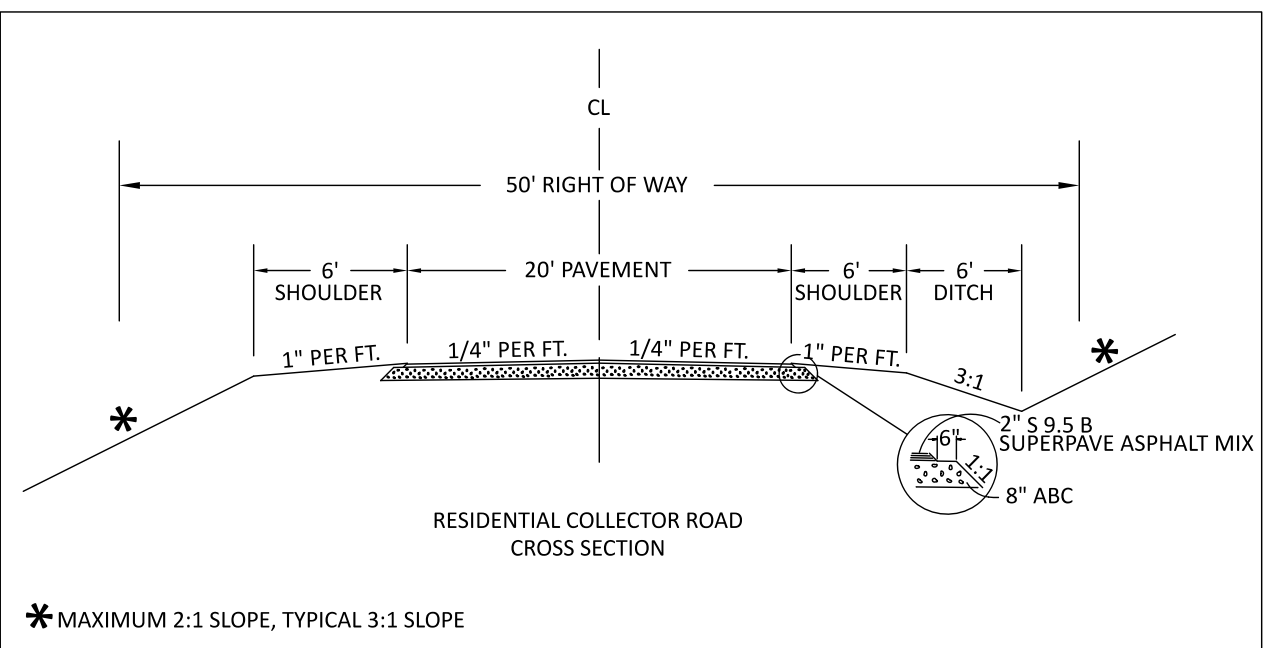
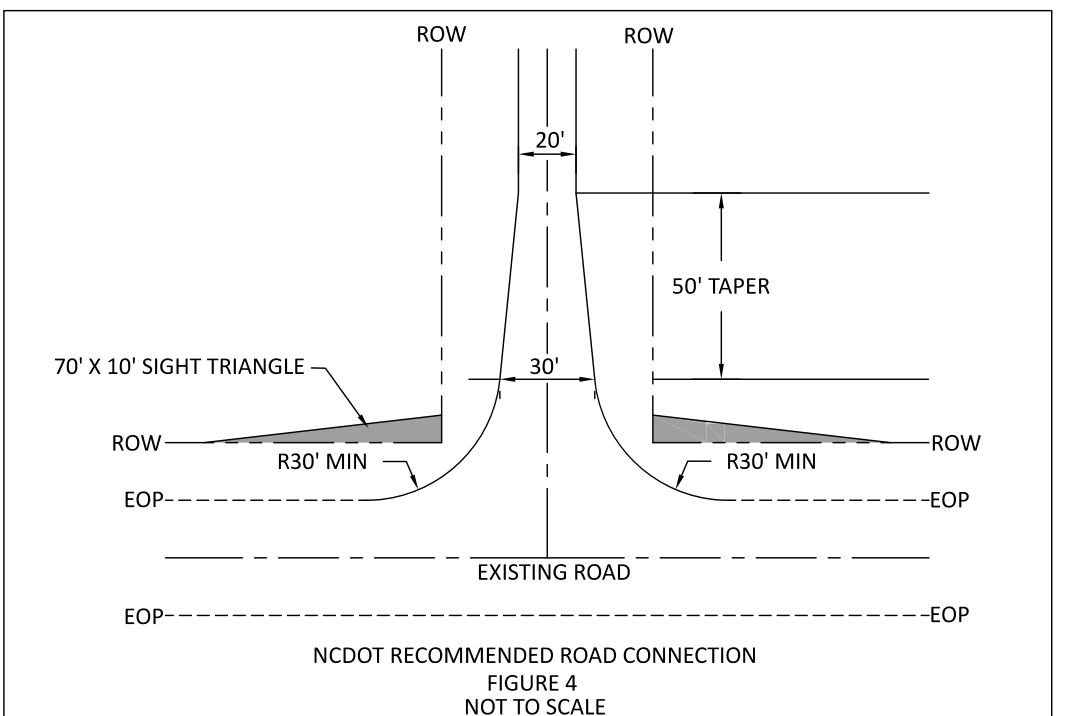
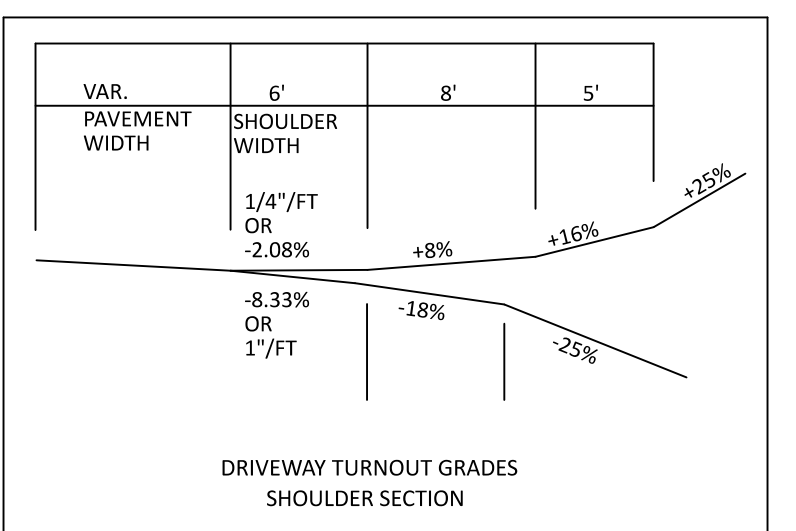
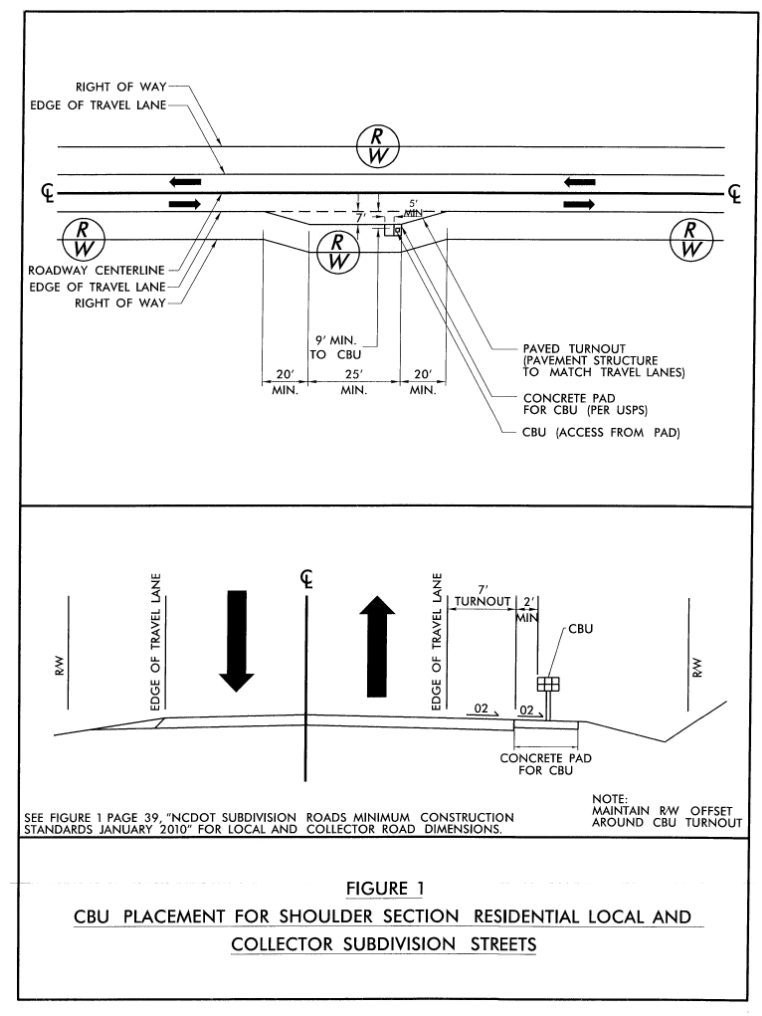
PROJECT NET ACREAGE:
368,329 SF (8.46 ACRES)

ZONING CLASSIFICATION:
RD

EXISTING LAND USE:
VACANT/AGRICULTURAL

PROPOSED LAND USE:
SINGLE FAMILY RESIDENTIAL

RD DEVELOPMENT DATA	
PROPOSED NUMBER OF LOTS	12
MIN LOT AREA	20,000 SF
MIN LOT WIDTH	75 LF
FRONT SETBACK	40 LF
SIDE SETBACK	12 LF
REAR SETBACK	40 LF
MAXIMUM BUILDING HEIGHT	35 LF



REVISION DESCRIPTION	DATE



ALD
ARNOLD LAND DESIGN
113 YOSEMITE COURT
HOLLY SPRINGS, NC 27540
(919) 630-2552

DESIGN BY:	JDA	DRAWN BY:	JDA
DATE:	2024-02-21	SCALE:	1"=50'

RED HILL CHURCH ROAD SUBDIVISION
ERWIN, NC
PRELIMINARY PLAT

SHEET NO:
PRELIMINARY

Erwin Planning Board

REQUEST FOR CONSIDERATION

To: Erwin's Planning Board Members
From: Dylan Eure, Town Planner
Date: March 18, 2024
Subject: Accessory Dwelling Unit Amendment

The Town of Erwin Staff has received a petition to amend its Code of Ordinances to allow for accessory dwelling structures in all residential districts by a Mr. Ricky Davis of BARZ holdings of whom owns rental properties within the Town of Erwin. Said amendment would add the proposed definition of accessory dwelling units to Chapter 36 Article 2 entitled definitions, along with the proposed regulations within the same chapter under Article XV entitled General Provisions. The purpose of the said petitioned amendment is to increase the amount of affordable living options for those who may be priced out by the market place. Said amendment was authored by the property owner (Rickey Davis) and was written by the Erwin Town Planner (Dylan Eure) as per the petition to amend the Erwin Code of Ordinances requires. Per the 2023 Erwin Land Use Plan Goal 1 LUH 4.2 states that accessory dwellings are to be allowed and are desirable to increase housing options.

Proposed Regulation:

Accessory Dwellings:

1. Accessory dwelling units are permitted as an accessory use to a residential use.
2. Only one (1) accessory dwelling is permitted per residency on lots less than 15,000 square feet, two (2) may be permitted per additional 15,000 square feet of property. Under no circumstance shall more than two (2) be placed on a single residential lot.
3. The maximum size of the accessory dwelling unit is lesser than fifty (50) percent of the living area of the principal structure or one thousand (1,000) square feet.
4. Accessory Dwelling must be a minimum of 10 feet from the side property and rear property lines or principal structure. Under no circumstance shall accessory dwellings be placed within the front setback.
5. Manufactured housing, campers, travel trailers, or any other recreational vehicles are not permitted for use as and accessory dwelling.
6. Must contain complete kitchen facilities including a stove/cook top and a full bath containing a lavatory, and tub or shower.
7. One off-street parking place shall be provided.
8. Accessory dwellings shall be built to North Carolina Building Standards or have been certified by a licensed engineer that the structure is suitable for habitation.
9. Accessory dwellings may be on the same water and utilities as the principal structure.

10. Any accessory dwelling unit that is being built must be done by a certificated general contractors as required per NC General Statute Chapter 87.

Proposed definition of an accessory dwelling unit:

A detached smaller, self-contained home that is subordinate to the principal structure and built to North Carolina Building Code for the purpose of occupying and or renting by the property owner.



Town of Erwin

Zoning Text Amendment Application

Planning & Inspections Department
 PO Box 459, 100 West F St, Erwin, 28339 · 910-897-5140 · Fax 910-897-5

Applicant Name	Rickey Davis / Baez Holding LLC
Applicant Mailing Address	7749 Pogon sr hollow spring NC 27592
Applicant Contact Phone	951-796-8253
Applicant Email	Rickey8733@msn.com
Zoning Ordinance Section Number	

In the space provided below, or on a separate sheet of paper, please state the nature of the proposed text amendment.

Rickey Davis
 Applicant's Name (Print)


 Applicant's Signature (Sign)


3/11/24
 Date

Administrative Official's Comments and Additional Requirements:

In the space provided below, or on a separate sheet of paper, provide the language proposed by Staff and authorized by the applicant for consideration of the Planning Board and Board of Commissioners.

I, Rickey Davis, do hereby certify that the language as herein provided and prepared by the Town of Erwin Staff does meet the intent, in all respects, of my proposed Zoning Ordinance Text Amendment; and authorize the same to be presented to the Town of Erwin Planning Board and Board of Commissioners for their consideration of approval.

Rickey Davis
 Applicant's Name (Print)


 Applicant's Signature (Sign)

3/11/24
 Date

\$300 Ordinance Amendment Fee Must Accompany Application and Be Paid Prior to Scheduling for a consideration by Boards.

Fee Paid: <u>8300</u>	Date Paid: <u>11/19/24</u>	Staff Initials: <u>KB</u>
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3.3: Encourage subdivisions with larger lots and/or higher amounts of open space to be located in the Suburban Residential areas on the Future Land Use Map.

LUH 4: Allow for a variety of residential land uses.

4.1: Encourage a mix of higher-density housing types to locate in Commercial/Mixed Use areas or near US 421.

4.2: Allow a variety of small-scale attached housing types (accessory dwellings, duplexes, quads, townhomes) on well-located sites in the mill village.

- ◆ Consider allowing townhomes in more areas (Currently allowed only as a Special Use in R-10, R-6, RMV, and DMV districts).
- ◆ Consider allowing duplexes, triplexes or quadplexes in more areas (currently allowed as a Special Use in R-6 only).
- ◆ Consider allowing accessory dwelling units that meet design criteria (minimum setbacks, etc.).

4.3: Allow a certain percentage of attached homes as part of new planned developments (i.e. 30% max).

- ◆ Encourage alley-loaded attached units with front porches and on-street parking to improve pedestrian safety.
- ◆ Consider reduced setbacks and lot width requirements for rear loaded housing types.



LUH 5: Protect rural views on the edges of town.

5.1: Discourage large stretches of “Fanny First” development (visible backs of homes) along major roads by encouraging tree preservation, planting buffers and location of open space along blocks.



TOWN OF ERWIN

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

3/18/2023

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

ZT-2024-003

Erwin Highway Overlay District

Memorandum

Zoning Description

The Town of Erwin wishes to create an additional zoning layer that reaches 600 ft in either direction from the center line along of U.S. 421 / E Jackson Blvd. The purpose of a Zoning Overlay District is to require additional development regulations for all non-residential and non-religious intuitions that may develop or expand in the future. Said additional regulations include dimensional standards, building materials, landscaping, parking, and sidewalk / street scape standards. Standards are designed to prevent areas of blight, reduce traffic coming on and off of U.S.421, minimize safety hazards, and promote overall community appeal and connectivity. This would not change the current zoning of the properties, but rather add an additional zoning layer for those who are above classified.

Trade Offs

The current language of the Overlay requires any affected groups or individuals to adhere to all of the proposed regulations. This would not only require regulations to take place along U.S. 421/E Jackson Blvd, but also parcels that are within the 600 ft of the center line of 421/E Jackson Blvd that front other streets. Such as NC 55, N13th, Masonic Rd, St. Matthews Rd, Professional Pkwy, and Shriji Ln. However, if deemed inappropriate the diction can be altered to only apply to 421. Due to the increased regulation this may cause local businesses to avoid development along US 421. By forcing adherence this will increase the amount of money that it will take to develop land along US 421 making it harder to start a businesses within the location of the affecting overlay.

Methodology

In order to create the Erwin Highway Overlay District a variety of municipalities were benchmarked and evaluated to establish a Highway Overlay District that would best fit the Town of Erwin. Municipal agencies that were used during the process of building the Erwin Highway Overlay District are Lillington, Coats, Dunn, Wake Forest, Knightdale and Kenly along with the previously discussed Med-Ed Corridor Overlay that was offered by the Mid-Carolina COG.

Legality

North Carolina General Statute §160D-703 (4) empowers local governments to divide its jurisdiction into zoning districts including overlay districts in which different requirements are imposed on certain properties within one or more underlying conventional, conditional, or formed-based districts. Per NC General Statutes the Erwin Highway Overlay District is permissible by the State of North Carolina.

E.H.O.D. – Erwin Highway Overlay District

A. Purpose

It is the intent of the Highway Overlay to protect natural resources, provide landscaping improvements, ensure connectivity, ensure adequate walking spaces, and enhance the overall appearance of the corridors identified. Development standards from the Erwin Highway Overlay District apply to all parcels within 600 feet of the Right-of-way on both sides of the corridor. In cases where a portion of a tract of land lies within the overlay district, the entire tract shall fall into the same regulation as the overlay.

The Erwin Highway Overlay District is established to:

1. Prevent unsightly conditions that may destroy or detract the natural character, beauty, or condition of the area.
2. Reduce the amount of traffic coming on and off of the corridors.
3. Minimize potential safety hazards that may exist along the corridors.

B. Area of Applicability

The major highway corridor of which is affected by Erwin's Highway Overlay District is U.S. 421/E Jackson Blvd within only the corporate limits of the Town. Said overlay would impact all non-single family buildings and non-religious institutions including but not limited to businesses and multi-family dwellings.

C. Specific Development Standards

1. Dimensional Standards
 - a. At no time shall any development not face the nearest Right-of-way. All non-single family developments are required to front the nearest accessible Right-of-way, and be accessed internally. In the event of a parcel abutting two Right-of-ways, the buildings should face the heavier trafficked Right-of-way, and access via the Right-of-way, or by a newly constructed street.
 - b. At no time shall any developments loading area face the public Right-of-way. All loading areas shall be located at the rear or side of the establishment as long as it does not face a public Right-of-way.
 - c. For additional standards see the corresponding zoning jurisdiction in which a parcel is related to for setbacks requirements.
2. Building Materials
 - a. At no time should any buildings be made entirely of materials that are prone to deterioration or weathering causing the building to become a blight throughout ageing.
 - b. Buildings may be accented with other materials but are limited to twenty percent (20%) of the façade.
 - c. To avoid blight, all non-residential facades shall be made of at least eighty percent (80%) one the following materials:
 - i. Brick Masonry
 - ii. Wood
 - iii. Stone

- iv. Architectural Concrete
- v. Vinyl Siding
- d. Facades to be prohibited:
 - i. Metal

3. Landscaping Standards

- a. Parking lots, loading areas, and other vehicle use areas shall be planted with one (1) tree and (2) shrubs for every ten (10) parking spaces required.
- b. At least 65 percent (65%) of the required parking lot trees shall be large shade trees.
- c. Trees and shrubs shall be planted within 15 feet of the vehicle use areas.
- d. Developments containing 30 or more parking spaces, at least half or 50 percent (50%) of the trees and shrubs must be planted in islands or medians spaced throughout the parking area.
- e. A consecutive strip of parking places shall include landscape islands every 20 spaces apart and at the end of all parking rows.
- f. Land scape islands shall be grass and mowed, covered with organic materials (ex: pine mulch)
- g. For specific parking guidelines see Article XVIII entitled Parking and Loading within Chapter 36 of the Erwin Code of Ordinances.

4. Parking Lot Standards

- a. Developers of non-residential properties shall be required to have shared driveways and parking areas with adjoining developments. If there is no current adjoining development, the development shall make modifications for a future connection to be made by the adjoining developer.
- b. All areas designated for trash or refuse shall be screened from the public eye with a minimum height of 1 foot above the highest point of the trash receptacle. Materials for the screen shall be natural or made of masonry materials. (ex: wood, stone, or brick)
- c. For specific parking guidelines see Article XV entitled General Provisions Chapter 36 of the Erwin Code of Ordinances (Sec. 36-436. & Sec. 36-441.)

5. Sidewalk / Street Scape Standards

- a. Any non-single family development shall be required to install ADA compliant sidewalk along their portion of the Right-of-way upon development. If the property that is being developed does not abut a Right-of-way, then no sidewalk installation is required.
- b. Sidewalks shall be separated from the nearest Right-of-way by a minimum of a 5 ft. grass landscaping buffer compromised of street trees placed at 15 – 20 ft. increments.
- c. Areas located between sidewalks and parking areas shall be compromised of a minimum 4 ft. vegetation buffer containing grass.

6. Signage Standards

- a. All standalone signs shall be made of primarily masonry materials surrounded by a natural base of shrubs and other small plants.

- b. For specific signage guidelines please see Article XIX entitled Sign Regulations within Chapter 36 of the Erwin Code of Ordinances.

Erwin Planning Board

REQUEST FOR CONSIDERATION

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

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 from the owners private property into the public right-of-way to the edge of the street; Under no circumstances shall the administrator require the property owner to maintain vegetation placed or caused by the Town of Erwin."

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 extending from the owners private property into the public right-of-way to the edge of the public street, on any occupied lot, 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

(9) Under no circumstances shall the administrator require the property owner to maintain vegetation placed or caused by the Town of Erwin either intentionally or unintentionally.

Erwin Planning Board

REQUEST FOR CONSIDERATION

To: Erwin's Planning Board Members
From: Dylan Eure, Town Planner
Date: March 18, 2024
Subject: Outdoor Storage Facilities

Town Staff has prepared a proposed text amendment to Chapter 36 of the Erwin Code of Ordinances within Article 2 entitled "Definitions". Said amendment would require all future outdoor storage locations to adhere to additional regulations dealing with setbacks, permitted location, and screening requirements. The purpose of this amendment is to ensure proper screening from possible unsafe equipment, limit aesthetic concerns, and prevent possible vandalization of vehicles / equipment. According to the 2023 Erwin Land Use Plan this is a actionable task under Goal 1, LUH 7.

After benchmarking our current Code of Ordinances with the municipality of Kenly, NC it is my recommendation to amend our definition of outdoor storage facilities to include the following diction.

1. Outdoor Storage shall be entirely screened from the public right-of-way, public parking, or adjacent residential development by a 12ft 100 % opaque visual barrier. A 12ft Chain-linked fence with slats may be considered acceptable, except when facing residential development.
2. Outdoor Storage shall be located entirely in the rear or side of the development while still maintaining dimensional requirements.
3. Outdoor Storage shall not be within the designated yard space of the property.
4. Setbacks for said development will be measured at the start of open space not used for storage.

Current Un-amended Diction:

Outdoor storage means the placement or storage of goods, equipment, or materials outside of an enclosed building for a period of more than 48 consecutive hours. Outdoor storage shall include vehicles not for immediate sales and those not considered junk or abandoned. The term "outdoor storage" does not refer to vehicular sales and rental, licensed vehicles in use by the person occupying the property, or other minor and incidental storage, such as items specifically designed for outdoor use, including lawn furniture, outdoor grill, swing set, lawn care equipment, which would not have a negative impact on the health, safety and general welfare of adjacent property owners and land uses.

Proposed Amended Diction:

Outdoor storage means the placement or storage of goods, equipment, or materials outside of an enclosed building for a period of more than 48 consecutive hours. Outdoor storage shall include vehicles not for immediate sales and those not considered junk or abandoned. The term "outdoor storage" does not refer to vehicular sales and rental, licensed vehicles in use by the person occupying the property, or other minor and incidental storage, such as items specifically designed for outdoor use, including lawn furniture, outdoor grill, swing set, lawn care equipment, which would not have a negative impact on the health, safety and general welfare of adjacent property owners and land uses.

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2. Outdoor Storage shall be located entirely in the rear or side of the development while still maintaining dimensional requirements.
3. Outdoor Storage shall not be within the designated yard space of the property.
4. Setbacks for said development will be measured at the start of open space not used for storage.

Example of acceptable chain linked fence:



Example of acceptable opaque visual barrier:



Erwin Planning Board

REQUEST FOR CONSIDERATION

To: Erwin's Planning Board Members
From: Dylan Eure, Town Planner
Date: March 18, 2024
Subject: Penalty Amendment

The Town of Erwin Staff wishes to amend Chapter 36 of the Erwin Code of Ordinances within Article XX (10) Administration and Enforcement, Section 36-584 Penalty. Said amendment would allow staff to enforce code and zoning regulations throughout the Town of Erwin. The way the current penalties are written limits the Town from issuing higher fines which will result in faster compliance with our ordinances. This effort is to begin the process of cleaning areas of towns and ensuring zoning regulations are being properly followed.

Legality

NC General Statutes 14-4 (Violation of local ordinances misdemeanor) states that (a) Except as provided in subsection (b) or (c) of this section, if any person shall violate an ordinance of a county, city, town, or metropolitan sewerage district created under Article 5 of Chapter 162A, he shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00). No fine shall exceed fifty dollars (\$50.00) unless the ordinance expressly states that the maximum fine is greater than fifty dollars (\$50.00).(b) If any person shall violate an ordinance of a county, city, or town regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars (\$50.00).

(c) A person may not be found responsible or guilty of a local ordinance violation punishable pursuant to subsection (a) of this section if, when tried for that violation, the person produces proof of compliance with the local ordinance through any of the following:

(1) No new alleged violations of the local ordinance within 30 days from the date of the initial alleged violation.(2) The person provides proof of a good-faith effort to seek assistance to address any underlying factors related to unemployment, homelessness, mental health, or substance abuse that might relate to the person's ability to comply with the local ordinance. (1871-2, c. 195, s. 2; Code, s. 3820; Rev., s. 3702; C.S., s. 4174; 1969, c. 36, s. 2; 1985, c. 764, s. 2; 1985 (Reg. Sess., 1986), c. 852, s. 17; 1991, c. 415, s. 1; c. 446, s. 1; 1993, c. 538, s. 8; c. 539, s. 9; 1994, Ex. Sess., c. 24, ss. 14(b), 14(c); 1995, c. 509, s. 133.1; 2021-138, s. 13(c).)

Un-amended Diction

The administrator shall be authorized to use any one or more of the methods described in this section, or action authorized by law, to ensure compliance with or to prevent a violation of the provisions of this article.

(1)*Civil penalties.* Any person, corporation, LLC or other entities, who violate any provision of this article may be subject to assessment of the maximum civil penalty of up to \$500.00 per violation.

Civil citations. A civil citation shall be issued by the administrator of the town planning department to any person, corporation, LLC, or other entity, failing to take corrective action according to and within the specific compliance period ordered by the administrator. Each day such violation exists after the expiration of the compliance period shall constitute a separate offense and be charged as a separate violation. Each said violation shall be subject to a civil penalty in the amount of \$100.00 per day until such violation has reached compliance. Failure to pay the penalty within 15 days from the receipt of the notice of civil penalty shall subject said person, corporation, LLC, or other entity to a civil action in the nature of debt for the stated penalty plus any additional penalties, together with the cost of the action to be taxed by the court.

Amended Diction

The administrator shall be authorized to use any one or more of the methods described in this section, or action authorized by law, to ensure compliance with or to prevent a violation of the provisions of this article.

(1)*Civil penalties.* Any person, corporation, LLC or other entities, who violate any provision of this article may be subject to assessment of the maximum civil penalty of up to \$500.00 per violation.

Civil citations. A civil citation shall be issued by the administrator of the town planning department to any person, corporation, LLC, or other entity, failing to take corrective action according to and within the specific compliance period ordered by the administrator. Each day such violation exists after the expiration of the compliance period shall constitute a separate offense and be charged as a separate violation. Each said violation shall be subject to a civil penalty **ricing** in the amount of **\$50.00 - \$500.00** per day until such violation has reached compliance or the sum of penalties has reached the amount that it requires to fix said violations. Failure to pay the penalty within 15 days from the receipt of the notice of civil penalty shall subject said person, corporation, LLC, or other entity to a civil action in the nature of debt for the stated penalty plus any additional penalties, together with the cost of the action to be taxed by the court.

Penalty Schedule:

Citation	Penalty
Warning Citation	N/A
Official Citation	\$50
Second Citation	\$100
Third Citation	\$250
Fourth & Subsequent Citations	\$500

Erwin Planning Board

REQUEST FOR CONSIDERATION

To: Erwin's Planning Board Members
From: Dylan Eure, Town Planner
Date: March 18, 2024
Subject: Arcades; CB, M-1 – Permitted Use

Town Staff has prepared a proposed text amendment to Chapter 36 entitled Zoning under Article 2, 8, and 11. Within the prior mentioned articles are the permitted uses in CB and M-1, along with definitions. Per goal 2 within Erwin's 2023 Land Use Plan that states to "promote the Town of Erwin to attract businesses and investment that increase the tax and create local jobs" therefore calling for increase uses within business districts. Therefore it is the Staff of Erwin recommendation that a definition of arcades be created along with their permitted uses in M1 (Industrial) and CB (Central Business).

Proposed permitted uses to be added to M-1 and CB:

- Arcades

Proposed definition of arcades:

- An establishment that is tailored to entertainment through forms of arcade games such as but not limited to pinball, air hockey, skee-ball, or any other electro-mechanical games, but does not include a casino, pool halls, electronic gaming operations, or any form of gambling. May contain areas for refreshments and food, however, not required. In order to sell alcoholic beverages the owner of the establishment must obtain a valid beer and liquor license from the North Carolina Alcoholic Beverage Control Commission (ABC).

Erwin Planning Board

REQUEST FOR CONSIDERATION

To: Erwin's Planning Board Members
From: Dylan Eure, Town Planner
Date: March 18, 2024
Subject: Axe Throwing M-1, B2, CB – Permitted Use

Town Staff has prepared a proposed text amendment to Chapter 36 entitled Zoning under Article 2, 8, 10, and 11. Within the mentioned articles are the permitted uses allowed in B-2, M1, and CB zoning districts along with definitions. Per goal 2 within Erwin's 2023 Land Use Plan that states to "promote the Town of Erwin to attract businesses and investment that increase the tax and create local jobs" therefore calling for increase uses within business districts. Therefore it is the Staff of Erwin recommendation that a definition of axe throwing facility be created along with their permitted uses in B-2 (Highway Business), M1 (Industrial), CB (Central Business). In order to create a definition and regulation of said axe throwing facilities the [world axe throwing league was used](#).

Proposed permitted uses to be added to B-2, M1, and CB:

- Axe Throwing Facility

Proposed Definition of an axe throwing facility:

- A facility in which contains at least 3 (three) 12 ft. lanes with each being separated by a minimum 9 ft. tall fencing that is a minimum of 15 ft. long for the purpose of throwing axes/knives at a designated target for sport and recreation and may contain areas for refreshments food. In order to sell alcoholic beverages the owner of the establishment must obtain a valid beer and liquor license from the North Carolina Alcoholic Beverage Control Commission (ABC).

Erwin Planning Board

REQUEST FOR CONSIDERATION

To: Erwin's Planning Board Members
From: Dylan Eure, Town Planner
Date: March 18, 2024
Subject: Bowling Alley B-2– Permitted Use; M1 –Special Use

Town Staff has prepared a proposed text amendment to Chapter 36 entitled Zoning under Article 2, 10, and 11. Within the mentioned articles are the permitted uses allowed in B-2 and M1 zoning districts along with definitions. Per goal 2 within Erwin's 2023 Land Use Plan that states to "promote the Town of Erwin to attract businesses and investment that increase the tax and create local jobs" therefore calling for increase uses within business districts. At the current time there is a singular bowling alley located within the Town of Erwin, however, there is not a clear definition nor an areas where they are a permitted use /special use. Therefore it is the Staff of Erwin recommendation that a definition of bowling alleys be created along with their permitted uses in B-2 (Highway Business) and special use in M1 (Industrial) zoning districts.

Proposed permitted uses to be added to B-2:

- Bowling Alleys

Proposed special uses to be added to M1:

- Bowling Alleys

Proposed definition of a bowling alley:

- A long narrow track of at least 5 lanes which balls are rolled down for the purpose of knocking down pins for competition or enjoyment and that may contain areas for refreshments and food. In order to sell alcoholic beverages the owner of the establishment must obtain a valid beer and liquor license from the North Carolina Alcoholic Beverage Control Commission (ABC).

Erwin Planning Board

REQUEST FOR CONSIDERATION

To: Erwin's Planning Board Members
From: Dylan Eure, Town Planner
Date: March 18, 2024
Subject: Escape Room M-1, B2, CB – Permitted Use

Town Staff has prepared a proposed text amendment to Chapter 36 entitled Zoning under Article 2, 8, 10, and 11. Within the mentioned articles are the permitted uses allowed in B-2, M1, and CB zoning districts along with definitions. Per goal 2 within Erwin's 2023 Land Use Plan that states to "promote the Town of Erwin to attract businesses and investment that increase the tax and create local jobs" therefore calling for increase uses within business districts. Therefore it is the Staff of Erwin recommendation that a definition of an escape room be created along with their permitted uses in B-2 (Highway Business), M1 (Industrial), CB (Central Business).

Proposed permitted uses to be added to B-2, M1, and CB:

- Escape Room

Proposed Definition of an escape room:

- A business in which creates rooms where individuals are voluntarily locked in a confined area requiring them to solve a series a puzzles before a certain amount of time expires. Site may contain food and refreshments; in order to sell alcoholic beverages the owner of the establishment must obtain a valid beer and liquor license from the North Carolina Alcoholic Beverage Control Commission (ABC).

Erwin Planning Board

REQUEST FOR CONSIDERATION

To: Erwin's Planning Board Members
From: Dylan Eure, Town Planner
Date: March 18, 2024
Subject: Laser Tag; M1, B-2 –Permitted Use

Town Staff has prepared a proposed text amendment to Chapter 36 entitled Zoning under Article 2, 10, and 11. Within the prior mentioned articles are the permitted uses in M1 and B-2 zoning districts along with definitions. Per goal 2 within Erwin's 2023 Land Use Plan that states to "promote the Town of Erwin to attract businesses and investment that increase the tax and create local jobs" therefore calling for increase uses within business districts. Therefore it is the Staff of Erwin recommendation that a definition of laser tag be created along with their permitted uses in M1 (Industrial) and in B-2 (Highway Business).

Proposed permitted uses to be added to M1 and B-2:

- Laser tag

Proposed definition of laser tag:

- An indoor recreational shooting sport where individuals use infrared-emitting light guns to tag designated targets and may contain areas for refreshments food. In order to sell alcoholic beverages the owner of the establishment must obtain a valid beer and liquor license from the North Carolina Alcoholic Beverage Control Commission (ABC).

Erwin Planning Board

REQUEST FOR CONSIDERATION

To: Erwin's Planning Board Members
From: Dylan Eure, Town Planner
Date: March 18, 2024
Subject: Pool Hall, B-2 - Special Use

Town Staff has prepared a proposed text amendment to Chapter 36 entitled Zoning under Article 2 and 10. Within the mentioned articles are the special uses allowed within Erwin's B-2 district, while providing a definition of a pool hall. At the current time there is a singular pool hall within the Town of Erwin, however, there is not a clear definition of a pool hall nor an area where they are permitted or seen as a special use. Due to this it is the belief of town staff that it is in the best interest of Erwin to address this issue. Therefore it is the staff recommendation that pool halls be added to the list of special uses within B-2 (Highway Business) while providing a definition for pool halls. Per goal 2 within Erwin's 2023 Land Use Plan that states to "promote the Town of Erwin to attract businesses and investment that increase the tax and create local jobs" this amendment should be approved.

Proposed special uses to be added to B-2:

- Pool Hall(s)

Proposed definition of a pool hall:

- An establishment that contains at least 2 or more pool/billiards tables with a pool table, cues, balls, racks, and that may contain areas for refreshments and food. In order to sell alcoholic beverages the owner of the establishment must obtain a valid beer and liquor license from the North Carolina Alcoholic Beverage Control Commission (ABC).

Erwin Planning Board

REQUEST FOR CONSIDERATION

To: Erwin's Planning Board Members
From: Dylan Eure, Town Planner
Date: March 18, 2024
Subject: Rage Room M-1, B2, CB – Permitted Use

Town Staff has prepared a proposed text amendment to Chapter 36 entitled Zoning under Article 2, 8, 10, and 11. Within the mentioned articles are the permitted uses allowed in B-2, M1, and CB zoning districts along with definitions. Per goal 2 within Erwin's 2023 Land Use Plan that states to "promote the Town of Erwin to attract businesses and investment that increase the tax and create local jobs" therefore calling for increase uses within business districts. Therefore it is the Staff of Erwin recommendation that a definition of rage room be created along with their permitted uses in B-2 (Highway Business), M1 (Industrial), CB (Central Business).

Proposed permitted uses to be added to B-2, M1, and CB:

- Rage Room

Proposed Definition of a rage room:

- A business in which rents out rooms located within their building for the purpose of stress relief and venting anger in which items are destroyed and disposed of in a safe and cautionary manner. Site may contain a designated area for food and refreshments but are required, to sell alcoholic beverages the owner of the establishment must obtain a valid beer and liquor license from the North Carolina Alcoholic Beverage Control Commission (ABC).