

**THE ERWIN BOARD OF COMMISSIONERS
MAY 2024 REGULAR MEETING
THURSDAY, MAY 2, 2024 @ 7:00 P.M.
ERWIN MUNICIPAL BUILDING BOARDROOM**

AGENDA

1. MEETING CALLED TO ORDER

- A. Invocation
- B. Pledge of Allegiance

2. AGENDA ADJUSTMENTS /APPROVAL OF AGENDA

3. CONSENT

All items on Consent Agendas are considered routine, to be enacted on one motion without discussion. If a Board member or citizen requests discussion of an item, the item will be removed from the Consent Agenda and considered under New Business.

- A. Minutes Budget Workshop on March 21, 2024 **(Page 2)**
- B. Minutes Regular Workshop on March 25, 2024 **(Page 10)**
- C. Minutes Regular Meeting on April 4, 2024 **(Page 19)**
- D. Minutes Special Called Meeting on April 8, 2024 **(Page 25)**
- E. Al Woodall Municipal Park – Parking Lot Addition **(Page 30)**
- F. BOA-2024-06 **(Page 31)**

4. PUBLIC HEARING

- A. Penalty Text Amendment **(Page 32)**

5. OLD BUSINESS

- A. Accessory Dwelling Unit Text Amendment **(Page 39)**

6. PUBLIC COMMENT

Each speaker is asked to limit comments to 3 minutes, and the requested total comment period will be 15 minutes or less. Citizens should sign up prior to the start of the meeting. Please provide the clerk with copies of any handouts you have for the Board. Although the Board is interested in hearing your concerns, speakers should not expect Board action or deliberation on the subject matter brought up during the Public Comment segment. Thank you for your consideration of the Town Board, staff, and other speakers. §160A-81.1

7. MANAGER’S REPORT

8. ATTORNEY’S REPORT

9. ADJOURNMENT

****IN ACCORDANCE WITH ADA REGULATIONS, PLEASE NOTE THAT ANYONE WHO NEEDS AN ACCOMMODATION TO PARTICIPATE IN THE MEETING SHOULD NOTIFY THE TOWN CLERK AT (910) 591-4202 AT LEAST 48 HOURS PRIOR TO THE MEETING.****

ERWIN BOARD OF COMMISSIONERS

REGULAR MINUTES

MAY 2, 2024

ERWIN, NORTH CAROLINA

The Board of Commissioners for the Town of Erwin with Mayor Baker presiding held its Regular Meeting in the Erwin Municipal Building Board Room on Thursday, May 2, 2024, at 7:00 P.M. in Erwin, North Carolina.

Board Members present were Mayor Randy Baker, Mayor Pro Tem Ricky Blackmon, and Commissioners Timothy Marbell, Charles Byrd, David Nelson, and Alvester McKoy.

Board Member Billy Turnage was absent.

Town Manager Snow Bowden, Town Clerk Lauren Evans, Town Attorney Tim Morris, Deputy Clerk Katelan Blount, Town Planner Dylan Eure, Code Enforcement Officer Chris Jones, and Police Chief Jonathan Johnson were present.

Mayor Baker called the meeting to order at 7:00 PM.

Commissioner McKoy had a moment of silence for the Mecklenburg County Officers who had fallen in the line of duty, then gave the invocation.

Commissioner Blackmon led the Pledge of Allegiance.

AGENDA ADJUSTMENT/APPROVAL OF AGENDA

Commissioner Blackmon made a motion to approve the as presented and was seconded by Commissioner Nelson. **The Board voted unanimously.**

CONSENT

Commissioner Blackmon made a motion to approve **(ITEM A)** Minutes of Budget Workshop on March 21, 2024 **(ITEM B)** Minutes of Regular Workshop on March 25, 2024 **(ITEM C)** Minutes of Regular Meeting on April 4, 2024 **(ITEM D)** Minutes of Special Called Meeting on April 8, 2024 **(ITEM E)** Al Woodall Municipal Park- Parking Lot Addition **(ITEM F)** BOA-2024-06. The motion was seconded by Commissioner Byrd. **The Board voted unanimously.**

PUBLIC HEARING

Penalty Text Amendment

Commissioner Blackmon made a motion to open the Public Hearing and was seconded by Commissioner McKoy. **The Board voted unanimously.**

Town Planner Dylan Eure came forward and informed the Board that the Town Staff has been working on an Amendment to Town Ordinances for Penalty Text, including compliance schedules and varying penalty fees.

Mayor Baker asked the Board if there were any questions.

The Board had none.

Mayor Baker asked if anyone was present to speak in favor of or in opposition of the request.



TOWN OF ERWIN
Post Office Box 459
Erwin, NC 28339
(910) 897-5140

M-E-M-O-R-A-N-D-U-M

DATE: April 12, 2024
TO: Snow Bowden, Town Manager
FROM: Bill Dreitzler, P.E., Town Engineer
RE: Al Woodall Municipal Park – Parking Lot Addition

Mr. Bowden,

On March 29, 2024 at 1:00 PM bids were received for the additional parking at Al Woodall Municipal Park. The following bids were received:

Highland Paving Company, LLC: \$ 107,026.26

Stewart Group Enterprises, LLC: \$ 129,182.16

Barnhill Contracting Company: \$ 195,491.00

I have completed my evaluation of the bids and recommend award to Highland Paving Company, LLC in the amount of \$107,026.26. I am including the following with this recommendation of award:

1. Request for Bids
2. Engineering Plan Set
3. Highland Paving Bid Sheet
4. Stewart Group Bid Sheet
5. Barnhill Contracting Bid Sheet

Sincerely,

William W. Dreitzler, P.E.
Town Engineer

**BUDGET ORDINANCE AMENDMENT
BOA 2024 – 06
FISCAL YEAR 2023-2024**

BE IT ORDAINED by the Governing Board of the Town of Erwin, North Carolina that the following amendments are made to the annual budget ordinance for the fiscal year ending June 30, 2024.

Section 1. This Budget Ordinance Amendment seeks to Increase Revenues and Increase Expenditures by \$10,000. This amendment is to account for a Transfer from the Capital Reserve/Community Enhancement Fund for Depot Revitalization Expenditures.

Section 2. To amend the General Fund: The revenues are to be changed as follows:

Account	Description	Current Approp.	Increase/Decrease	Amended Appropriation
10-3950-470	Trans From Capital	-0-	(+) \$10,000	\$10,000.00
Reserve: Depot Revitalization				

Section 3. To amend the General Fund: The Expenditures are to be changed as follows:

Account	Description	Current Approp.	Increase/Decrease	Amended Appropriation
10-4201-360	Depot Revitalization	-0-	(+) \$ 10,000	\$ 10,000.00

Section 4. Copies of this budget amendment shall be furnished to the Clerk, the Governing Board, the Budget Officer and the Finance Director for their direction.

Adopted this 2nd day of May 2024.


 Randy L. Baker, Mayor

ATTEST:


 Lauren Evans, Town Clerk

MINUTES CONTINUED FROM MAY 2, 2024

No one came forward.

Commissioner Blackmon made a motion to close the Public Hearing and was seconded by Commissioner Nelson. **The Board voted unanimously.**

Commissioner Blackmon made a motion to approve the Penalty Text Amendment, ORD 2023-2024:008 which was seconded by Commissioner Byrd. **The Board voted unanimously.**

OLD BUSINESS**Accessory Dwelling Unit Text Amendment**

Mayor Baker stated that the Board had already held a Public Hearing regarding this text amendment.

Town Planner Dylan Eure was present to answer any questions the Board may have. There were none.

Commissioner Blackmon made a motion to deny the Accessory Dwelling Unit Text Amendment, which was seconded by Commissioner Byrd. **The Board voted unanimously.**

PUBLIC COMMENT

Mr. Pat Marshall of 164 Don Ron Road, Erwin, spoke to the Board regarding his neighbor. He stated that in the last 6-8 months, the neighbors have had three drug raids, and multiple arrests. He stated that there was another raid that same day, May 2nd. He was concerned about the safety of the situation, and is concerned that continued issues may lead to possible escalation, up to shooting, in the future. He stated that he would like assistance to ensure that his neighborhood stays a safe environment.

Commissioner Byrd asked what Mr. Marshall would like the Town to do.

Town Manager Snow Bowden stated that in addition to the Police Department activity, our Code Enforcement Officer has been reviewing minimum housing for the property.

Mr. Dwight Sheppard of 606 McKay Street, Erwin, spoke to the Board. He stated that he would like to compliment Mayor Baker and the Board on how well run the Town Meetings are. He stated that it is a compliment to the Town of Erwin, and residents should be proud of the Board and the work they do.

The Board thanked Mr. Sheppard.

MANAGER'S REPORT

Town Manager Snow Bowden informed the Board:

- The work on the Community Building has been going on for about 2 weeks. Plumbing inspections are scheduled, and the flooring should be going in soon.
- He had received a written report from the structural engineer regarding the Depot. There were some questions that he was waiting for via email. He is also awaiting cost estimates. Once that is received, he hopes to schedule a workshop and invite the Board and Erwin Historical Society. He noted that the Town will follow all NCGS regarding special called meeting notices.
- He is still working on the proposed FY2-25 Budget. He stated he would like to have another Budget Workshop prior to the presentation of the Budget at the Public Meeting on June 6th.
- He stated that he was still waiting on the Letter of Intent to Fund from the State for the Storm water Grant.
-

Erwin Planning Board

REQUEST FOR CONSIDERATION

To: Erwin's Planning Board Members
From: Dylan Eure, Town Planner
Date: April 15, 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 **ranging** in the amount of **\$50.00 - \$500.00 per violation** 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

- (A) A specified time frame shall be given to render compliance to a violation as noted in the notice of violation. A mandatory re-inspection shall take place to evaluate the status of the violation at the end of the compliance period. An extension may be requested by the property owner in writing to the Administrator providing valid evidence as to the reason for failure to comply within the specified time.
- (B) The Administrator shall have the ability to amend the specific time period for compliance due to the nature of the violation if considerable work has been done in an attempt to remedy the violation or if such violation is determined to be a potential risk to the public health, safety, and general welfare.

Compliance Schedule:

Nature of Violation	Specified Compliance Period
Dilapidated structures	120-365 calendar days
Illegal signs	10 calendar days
Junk / abandoned cars	15 calendar days
Zoning and subdivision regulations	30 calendar days
Tall Grass / Vegetation	10 calendar days
Failure to adhere to permit or special use permit	30 calendar days
Any other violation	30 calendar days

NOTICE OF PUBLIC HEARING

The Town of Erwin Board of Commissioners will conduct a Public Hearing on the following item pursuant to NC General Statute 160D-406, on Thursday, May 2, 2024, at 7:00 P.M. in the Erwin Municipal Building Board Room located at 100 West F Street, Erwin, NC 28339. Questions can be addressed to the Town Planner Dylan Eure at 910-591-4201 or by email at deure@erwin-nc.org.

- Text Amendment to Chapter 36 Zoning, Article XX Administration and Enforcement, Section 36-584.- Penalty in the Town of Erwin Code of Ordinances.

This case is available for review at the Erwin Town Hall. All persons desiring to be heard either for or against the proposed item set forth above are requested to be present at the above-mentioned time and place.
4/16,23/2024



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

ORDINANCE OF THE TOWN OF ERWIN, NORTH CAROLINA AMENDING SECTION 36-584 - PENALTY ORD 2023-2024: 008

WHEREAS, the current language of Section 36-584. - Penalty reads:

Sec. 36-584. - Penalty.

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.

a. *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.

WHEREAS, the Town of Erwin wishes to amend the current language of the same in order to better reflect the desired development within the Town's Planning Jurisdiction; and

WHEREAS, the Town of Erwin wishes to amend the current language of the same to read:

Sec. 36-584. - Penalty.

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.

a. *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 **ranging in the amount of ~~\$100.00~~ \$50.00 - \$500.00 per violation** 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.

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- (A) A specified time frame shall be given to render compliance to a violation as noted in the notice of violation. A mandatory re-inspection shall take place to evaluate the status of the violation at the end of the compliance period. An extension may be requested by the property owner in writing to the Administrator providing valid evidence as to the reason for failure to comply within the specified time.
- (B) The Administrator shall have the ability to amend the specific time period for compliance due to the nature of the violation if considerable work has been done in an attempt to remedy the violation or if such violation is determined to be a potential risk to the public health, safety, and general welfare.

Compliance Schedule:

Nature of Violation	Specified Compliance Period
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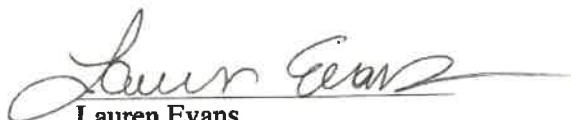
NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Erwin, North Carolina that the current language as herein found with respect to Section 36-584. - Penalty of the Town Code is stricken where indicated by strikethrough lines and includes such language as herein indicated by red bold print.

Adopted this 2nd day of May 2024.

ATTEST:



Randy Baker
Mayor



Lauren Evans
Town Clerk

Erwin Planning Board

REQUEST FOR CONSIDERATION

To: The Honorable Mayor Baker the Board of Commissioners
From: Dylan Eure, Town Planner
Date: May 2, 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. Rickey 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 marketplace. 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 requirements. 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 in which is subordinate to the principal structure.
2. Accessory dwelling units must be able to conform to an additional fifty (50) feet of frontage in addition to the required frontage of the principal structure.
3. Accessory dwelling units shall have double the required lot size that is permitted within the designated zoning district.
4. Only one (1) accessory dwelling is permitted per residency.
5. 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, whichever is lesser.
6. 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.
7. Manufactured housing, campers, travel trailers, or any other recreational vehicles are not permitted for use as an accessory dwelling.
8. Must contain complete kitchen facilities including a stove/cooktop and a full bath containing a lavatory, and tub or shower.

9. One off-street parking place shall be provided.
10. Accessory dwellings shall be built to North Carolina Building Standards.
11. Accessory dwellings must be on the separate water and utilities as the principal structure.
12. 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

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

4/22/2024

Accessory Dwelling Unit Bench Marking 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

ADU Bench Marking

Angier-

Section 4.2. - Residential uses.

4.2.1 Accessory dwelling. Accessory dwellings may be located in a building separate from the principal dwelling subject to the following requirements:

- A. The accessory Dwelling shall not exceed one-half of the total area of the principal dwelling.
- B. Accessory dwellings shall be built to North Carolina Building Standards.
- C. Accessory dwellings shall be similar in appearance to and compatible with the primary structure.

- **Requires special permit- approved by BOA**
- **Accessory to Primary Structure (No amendment to how many primary structures are allowed)**
- **Considered as an Accessory (No amendment to special uses in each district)**

Lillington-

3.03.5 ACCESSORY DWELLINGS

- A. One (1) accessory dwelling unit is permitted as an accessory to a residential use.
- B. The dwelling unit may be attached or detached, located on the side or rear of the property.
- C. The maximum size of Accessory Dwellings is the lesser of fifty (50) percent of the living area of the Principal Structure or one thousand (1,000) square feet.
- D. Accessory Dwellings must be a minimum of 10 feet from the side or rear setback and shall not be located within the front setback.
- E. If the Accessory Dwelling is attached to the primary residence, then access is limited to the side or rear of the Accessory Dwelling or to an existing door.

F. Attached or detached Accessory Dwellings must have the same architectural appearance of the primary residence such as same type and color of siding, trim and roofing appearance.

G. Manufactured housing, campers, travel trailers and recreational vehicles are not permitted for use as an accessory dwelling.

H. Must contain complete kitchen facilities including a stove or cook top and a full bath including lavatory, and tub or shower (or combination).

I. One off-street parking space shall be provided in addition to those required for the principal dwelling except in the NMX District where shared parking can be utilized with other land uses.

- **Permitted in all residential districts**
- **Accessory to Primary Structure (No amendment to how many primary structures are allowed)**
- **Considered as an Accessory (No amendment to permitted uses in each district)**

Coats-

10.1-3 Accessory Dwelling Units. (A.) Zoning Districts where the additional standards for this use below are applicable are identified in Article 8, Table 8.1 of this Ordinance.

(B.) Standards.

(1.) One (1) Accessory Dwelling Unit shall be permitted only on a lot containing a single dwelling unit (the principal dwelling) and conforming accessory structures in any single-family zoning district.

(2.) The Accessory Dwelling Unit shall not be considered a separate unit for the purpose of determining minimum lot size or maximum density.

(3.) Home occupations may be located within the Accessory Dwelling Unit.

(4.) The maximum gross floor area for the Accessory Dwelling Unit shall be 900 SF or 40% of the gross floor area of the principal structure, whichever is less. Variances shall not allow the gross floor area of the Accessory Dwelling Unit to exceed 1200 SF nor shall the size of the Accessory Dwelling Unit exceed 50 percent of the gross floor area of the principal dwelling unit.

(5.) The Accessory Dwelling Unit may be located within same structure as the principal dwelling unit or it may be a separate structure. If within the same structure as the principal dwelling unit, the Accessory Dwelling Unit may have a separate entrance. If the Accessory Dwelling Unit is located in a separate structure, the following standards shall apply: (a.) The accessory structure housing the Accessory Dwelling Unit must be located behind the principal dwelling. On corner lots, the accessory structure housing the Accessory Dwelling Unit may be located on the corner street side of and behind the principal dwelling but must be oriented to the front street (same Coats Development Ordinance - Article 10 – Page 2 orientation as principal dwelling). (b.) Vehicular access to the Accessory Dwelling Unit shall be via the same drive that provides access to the principal structure unless the Accessory Dwelling Unit is located on a corner or through

lot. If located on a corner or through lot, a secondary drive may provide access to the Accessory Dwelling Unit, but the secondary drive shall not be on the same street as the drive providing access to the principal dwelling.

(6.) One (1) parking space may be provided for the Accessory Dwelling Unit. The parking space shall be located in the same area as the parking provided for the principal dwelling unit unless the lot is a corner or through lot and a separate drive provides access to the Accessory Dwelling Unit.

(7.) The design and construction of the accessory structure housing the Accessory Dwelling Unit shall be compatible with the design and construction of the principal dwelling unit. To ensure compatibility, the following standards shall be met: (a.) The design of the accessory structure housing the Accessory Dwelling Unit shall be of the same architectural style as that of the principal dwelling unit. (b.) The roof style and pitch of the accessory structure housing the Accessory Dwelling Unit shall be the same as that of the principal dwelling unit. (c.) The exterior building materials used for the accessory structure housing the Accessory Dwelling Unit shall be the same as those used for the principal dwelling unit. When the principal dwelling unit is predominantly brick or stone, the use of smooth wood or fibrous cement siding for the accessory structure housing the Accessory Dwelling Unit is appropriate to reinforce the ancillary and secondary nature of the Accessory Dwelling Unit. (d.) Windows and doors used for the accessory structure housing the Accessory Dwelling Unit shall be the same style and design as those used for the principal dwelling unit. Window and door placement (fenestration) on the accessory structure housing the Accessory Dwelling Unit shall mimic that of the principal dwelling unit. (e.) Exterior paint colors for the accessory structure housing the Accessory Dwelling Unit shall be the same as (or complementary to) those for the principal dwelling unit.

(8.) The use of manufactured dwellings, mobile homes, travel trailers, campers, or similar units as an Accessory Dwelling Unit is prohibited.

(9.) The Accessory Dwelling Unit shall not be deeded and/or conveyed to separate and/or distinct ownership separately from the principal dwelling unit.

- **Only 1 permitted in ETJ, none inside of city limits**

Dunn-

The following accessory uses shall be permitted in an RA-40 single-family dwelling and agricultural district, provided that when any such use shall be detached from the principal structure of the property on which the use is located, such use shall be located in the rear yard and not less than fifty (50) feet from any street right-of-way:

(1) Automobile parking and garage, only as an accessory use to the principal uses of the property on which the use is located;

(2) Servants' quarters, not serviced by separate utility meters and not leased or rented to anyone other than the family of a bona fide servant spending more than fifty (50) percent of his employed time at the premises to which the servants' quarters is an accessory use and in the employ of the family occupying such premises;

(3) Guest quarters, serviced by separate utility meters and not containing cooking facilities;

(4) Private, noncommercial swimming pools, provided that, except for those used as an accessory use to a single-family, detached dwelling, such uses shall not be located nearer than fifteen (15) feet to a lot used for or to be used for single-family dwelling purposes, measured from the edge of the pool;

(5) Private stables and corrals, provided that such uses shall not be located nearer than two hundred (200) feet to a lot or building used for or to be used for dwelling purposes;

(6) Public and private gardens, gardens shall meet the setbacks for accessory buildings;

(7) Customary home occupations as an accessory use to a single-family dwelling.

- **They will not issue permits for them. They use subdivisions and variances for approval.**
-

Chapter 87.

Contractors.

Article 1.

General Contractors.

§ 87-1. "General contractor" defined; exceptions.

(a) For the purpose of this Article any person or firm or corporation who for a fixed price, commission, fee, or wage, undertakes to bid upon or to construct or who undertakes to superintend or manage, on his own behalf or for any person, firm, or corporation that is not licensed as a general contractor pursuant to this Article, the construction of any building, highway, public utilities, grading or any improvement or structure where the cost of the undertaking is forty thousand dollars (\$40,000) or more, or undertakes to erect a North Carolina labeled manufactured modular building meeting the North Carolina State Building Code, shall be deemed to be a "general contractor" engaged in the business of general contracting in the State of North Carolina.

(b) This section shall not apply to the following:

- (1) Persons, firms, or corporations furnishing or erecting industrial equipment, power plan equipment, radial brick chimneys, and monuments.
- (2) Any person, firm, or corporation who constructs or alters a building on land owned by that person, firm, or corporation provided (i) the building is intended solely for occupancy by that person and his family, firm, or corporation after completion; and (ii) the person, firm, or corporation complies with G.S. 87-14. If the building is not occupied solely by the person and his family, firm, or corporation for at least 12 months following completion, it shall be presumed that the person, firm, or corporation did not intend the building solely for occupancy by that person and his family, firm, or corporation.
- (3) Any person engaged in the business of farming who constructs or alters a building on land owned by that person and used in the business of farming, when the building is intended for use by that person after completion. (1925, c. 318, s. 1; 1931, c. 62, s. 1; 1937, c. 429, s. 1; 1949, c. 936; 1953, c. 810; 1971, c. 246, s. 1; 1975, c. 279, s. 1; 1981, c. 783, s. 1; 1989, c. 109, s. 1; c. 653, s. 1; 1991 (Reg. Sess., 1992), c. 840, s. 1; 2011-376, s. 1; 2023-108, s. 2(a).)

Chpt 6 Article 2 Section 6-32 B Section 6

Space, use and location standards.

- a. *Room sizes.* Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the town residential building code. (Floor area shall be calculated on the basis of habitable room area. However, closet area and wall area within the dwelling may count for not more than ten percent of the required habitable floor area. The floor area of any part of any room where the ceiling height is less than 4½ feet shall not be considered as a part of the floor area in computing the total area of the room to determine maximum permissible occupancy.) Every dwelling unit shall

contain at least 150 square feet of habitable floor area for the first occupant, at least 100 square feet of additional habitable area for each of the next three occupants, and at least 75 square feet of additional habitable floor area for each additional occupant. In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over, and at least 35 square feet of floor area for each occupant under 12 years of age.

- **Per North Carolina building code each dwelling unit shall have at least 150 sq ft of habitable space with an additional 100 per each additional individual.**



**TOWN OF ERWIN
BOARD OF COMMISSIONERS
REGULAR MEETING
THURSDAY, MAY 2nd 2024, AT 7 PM**

PUBLIC COMMENT- *Each speaker is asked to limit comments to 3 minutes, and the requested total comment period will be 15 minutes or less. Citizens should sign up prior to the start of the meeting. Please provide the clerk with copies of any handouts you have for the Board. Although the Board is interested in hearing your concerns, speakers should not expect Board action or deliberation on subject matter brought up during the Public Comment segment. Thank you for your consideration of the Town Board, staff and other speakers. §160A-81.1*

Name	Address	Subject
1. <u>PAT MARSHALL</u>	<u>164 DONPON ROAD</u>	<u>PAID ON Neighbor Property -</u> 3rd time
2. <u>Dwight Sheppard</u>	<u>606 McKay St</u>	<u>Compliment to the board</u>
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____
11. _____	_____	_____
12. _____	_____	_____

MINUTES CONTINUED FROM MAY 2, 2024

- He is waiting to hear back from the State regarding the scope of work that was submitted for the Park project.
- Code Enforcement Officer Chris Jones has sent out multiple letters recently regarding tall grass and weeds. As a reminder, the Town must give property owners a certain amount of days to address the issue.
- Town Staff was under the impression there was a conditional use permit for the Gettin' Place for outdoor storage. After further investigation, it appears that a conditional use permit is for propane. Staff has sent a violation letter, and will continue to do so to pursue this. Town Staff wants to ensure there is proper documentation for these violations.
- A company should be in Town in May to repair the damage on West E Street. This damage was from the company that was installing fiber for Cloudwyze.
- To the best of his knowledge, everything is still on track for the water and sewer installation down St. Matthews Road with the grant that was transferred to Harnett Regional Water.
- Erwin Area Chamber of Commerce will have the Touch a Truck on Saturday, May 11 from 11 am – 4 pm at the Central Carolina Industrial Park parking lot.
- The surplus vehicles that the Town sold on GovDeals brought in a total of \$17201.00. While this was lower than expected, some of these vehicles were not in the best shape, and the used car market is not what it was a few years ago.
- Town Engineer Bill Dreitzler submitted a grant application to the North Carolina Department of Environmental Quality for the Spring 2024 round of funding. We're hoping to get funding to help complete phase 2 of the East Erwin drainage project, which would help Prince Street and St. Matthews.
- Town Engineer Bill Dreitzler also sent recommendations for the improvements for I Street drainage issues, which we will discuss at the next workshop.

ATTORNEY'S REPORT

Town Attorney Tim Morris thanked the Board for allowing him to be their Town Attorney.

ADJOURNMENT

Commissioner Blackmon made a motion to adjourn at 7:17 P.M. and was seconded by Commissioner Nelson. **The Board voted unanimously.**

**MINUTES RECORDED AND TYPED BY
KATELAN BLOUNT DEPUTY CLERK**

ATTEST:



Randy Baker

Mayor



Katelan Blount

Deputy Clerk