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Town of Lake Lure

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Minutes of the Regular Meeting of the Zoning and Planning Board

Tuesday, January 27, 2009
(Recessed from January 20, 2009)

Lake Lure Municipal Center

Chairman Washburn called the meeting to order at 9:38 a.m.

ROLL CALL

Present: Dick Washburn, Chairman
Tony Brodfuhrer (entered late)
Bill Bush
Paula Jordan (entered late)
Donnie Samarotto
Russ Pitts, Council Liaison

Also Present: Shannon Baldwin, Community Development Director
Chris Braund, Interim Town Manager
Garry Cooper, Facilitator
Mike Egan, Legal Counsel
Amos Gilliam, Planner/Subdivision Administrator
Sheila Spicer, Zoning Administrator, Recording Secretary

OLD BUSINESS

(A) Update on the Single Family Dwelling-Vacation Rental Policy Implementation Plan

The Board was asked at the meeting on January 20, 2009 to review the registration, licensing, and permit standards and criteria in advance of this meeting.

Dr. Cooper gave an overview and update of the Single Family Dwelling-Vacation Rental (SFD-VR) implementation activities to date. (Ms. Jordan entered the room.) He then outlined the next steps in the process:

- Draft the proposed SFD-VR regulations.

- The Zoning and Planning Board reviews the proposed regulations and makes a recommendation to Town Council.
- Town Council adopts the regulations.
- Permitting and licensing procedures are established and adopted.
- Town Council establishes permitting and licensing fees and penalties for noncompliance.
- Letters are mailed to all property owners in Lake Lure notifying them of the new requirements.
- Begin registering SFD-VRs and licensing property managers.
- Review and revise the Zoning regulations as necessary.

Commissioner Pitts stated he feels the seven year amortization period for SFD-VRs in the R-1 and R-2 zoning districts should begin immediately. He stated if a future Town Council wants to allow SFD-VRs to continue in these districts they will have to amend the regulations at that time.

Dr. Cooper mentioned that implementing and enforcing the proposed regulations will place a significant burden on Town staff. Commissioner Pitts pointed out that the cost for implementation and enforcement will be paid for by the licensing and permitting fees, not by the general public.

Dr. Cooper stated he has completed the work he was asked to do. He assured he would continue to work with the Town for as long as he is needed.

Commissioner Pitts pointed out that the proposed regulations will classify SFD-VRs as a commercial use and the standards and criteria pertain to public health and safety. He asked Mr. Egan if this will place any additional liability on the Town during the time that the program is being implemented if Town Council chooses to delay implementation of the regulations so they do not interfere with current rental contracts for the upcoming season. Mr. Egan stated he feels the Town would be justified in delaying implementation, and he does not feel this will place any additional liability on the Town. Ms. Jordan asked if the Town would have any enforcement options during this grace period. Mr. Egan responded it would depend on how the regulations are worded. Commissioner Pitts suggested that the regulations could be worded so they could be enforced during the grace period, but no penalties would be issued for violations until after the grace period had ended. Mr. Egan agreed.

Chairman Washburn asked if there will be a database established to track the SFD-VRs once they are registered and asked if this information will be available to the public. Commissioner Pitts responded that SFD-VRs will probably be tracked electronically, similar to the boat licensing program. Mr. Braund pointed out the boat licensing database is used to store quite a bit of information that is used for tracking and reporting. He stated he is not aware of any requests by the general public for this information in the past; however the information is probably public information. He further stated the information collected for SFD-VRs will have to be assessed for what is appropriate for public viewing.

Mr. Bush suggested holding two informational workshops once the regulations are adopted, one near the Rumbling Bald Resort and one at Town Hall, and advertising the workshops in the letter that will be mailed out to all property owners.

Mr. Braund asked that the Board carefully consider the parking requirements for SFD-VRs as he feels they are currently unclear. (Mr. Brodfuhrer entered the room.) He pointed out that the number of renters allowed in a SFD-VR is addressed in different ways; one is in the number of bedrooms available and another is the number of available parking spaces. There followed a lengthy conversation on parking requirements and whether it should be tied to the number of guests allowed. The Board felt the parking requirements should be a separate issue and should not limit the number of allowable overnight guests. They also agreed that the available parking should be delineated on the site plan when applying for a permit.

The Board then discussed the maximum occupancy requirements. They agreed that maximum occupancy should be defined as overnight guests, which is 10:00 p.m. to 6:00 a.m. Mr. Braund pointed out the current proposal caps the maximum occupancy in the R-1 and R-2 districts at ten guests regardless of the number of bedrooms available while SFD-VRs in the R-3 and R-4 district would be allowed to have the maximum occupancy tied to the number of bedrooms. The Board agreed with the occupancy formula as presented.

There was a brief discussion on the proposal that all SFD-VR guests who are sex offenders be required to register with the Town. The Board agreed that this should be changed to state sex offenders are required to register with the police department.

Mr. Bush stated he feels the proposed conduct criteria should be removed from the SFD-VR implementation process since these pertain to all property owners.

Mr. Egan stated his understanding of what the Board wants in the regulations is that registration and licensing should begin immediately with permitting and enforcement of the regulations to begin at a later date. He suggested that date be set for January 2010 because it coincides with the calendar year requirements in the standards. Commissioner Pitts stated he did not want the responsibility of enacting the regulations left to a future Town Council. Mr. Egan assured him the regulations would be adopted by the current council; they would just be delaying the enforcement of the regulations. He stated Town Council could also consider strengthening the nuisance regulations at the same time and those regulations could be enforced as soon as they are adopted.

Mr. Bush asked if the Board should consider recommending an amendment to allow preliminary plat approval for two years instead of the current one year. Mr. Baldwin stated this would be placed on the agenda for the February meeting.

Mr. Bush again asked that something be done about the amount of noise created by the heating and air conditioning system.

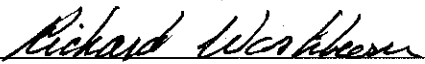
Chairman Washburn thanked Mr. Braund for attending the meeting. The Board then expressed their appreciation for all the work Dr. Cooper has done.

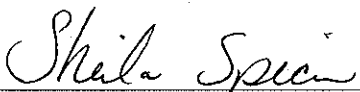
ADJOURNMENT

Ms. Jordan made a motion seconded by Mr. Bush to adjourn the meeting. The motion passed unanimously.

The meeting was adjourned at 11:45 a.m. The regular meeting is scheduled for Tuesday, February 17, 2009 at 9:30 a.m. at the Lake Lure Municipal Center.

ATTEST


Richard Washburn, Chairman


Sheila Spicer, Recording Secretary