

MINUTES OF A REGULAR MEETING
OF THE BOARD OF COMMISSIONERS OF THE
TOWN OF LAKE LURE, N.C.
JULY 28, 1981

The regular meeting of the Board of Commissioners was held in the Community Building July 28th at 7:30 p.m. The following members were present: Mayor J. Paul Wilson, Commissioners David Bond, Woodrow Price, William Keller Henry Rainey and Town Attorney Jervis Arledge.

Minutes of a regular meeting held June 23rd were read. Motion was made by Commissioner Bond, seconded by Commissioner Rainey they be accepted as read and the vote was unanimous.

Mr. Woody Harton, Planner for the N.C. Department of Natural Resources and Community Development, outlined proposed changes to the zoning ordinance. Due to the large jump in lot sizes of R-1 (10,000 sq. feet) and R-1A (90,000 sq. feet) a new section R-1B (42,00 sq. feet) be allowed with the same permitted uses as R-1 and R-1A the only difference being the minimum lot size. Other changes included:

1. Group projects be allowed by Building Inspector.
2. Dimentional table area R-1A minimum lot size two (2) acres instead of 90,000 sq. feet and R-1B listed minimum lot size one (1) acre.

After discussion of the proposed changes to the zoning ordinance and the rezoning of Mr. Campbell's property motion was made by Commissioner Bond, seconded by Commissioner Price a resolution be made in accordance with recommendations presented by Woody Harton and a resolution be made to rezone the Campbell property. The vote was unanimous.

Mayor Wilson read a request to rezone the Larry Phillips property located on Highway 64/74 at Snug Harbor from R-1 to C-1. A decision was delayed for further study.

Motion was made by Commissioner Bond, seconded by Commissioner Keller to recess for 10 minutes. The vote was unanimous.

The meeting was called to order and the Chair recognized Mr. Charles Mangrum who asked that something be done to improve Boy's Camp Rd. Commissioner

Price said this fall the Town is planning to grade down the first hill and pave a 700' long X 18' wide strip. He said a majority of the Powell Bill Fund will be spent on this road.

The Board received a letter of resignation from Lynn Bociek who has been serving on the Zoning Board of Adjustments. Motion was made by Commissioner Keller, seconded by Commissioner Price it be accepted and that Mr. Jim Hooks be appointed to fill the vacancy. The vote was unanimous. The letter is attached to the minutes.

George Bond, president of the Ski Club asked if the Board would be willing to pass a resolution restricting swimming Tuesdays and Fridays after 6:00 p.m. After a brief discussion motion was made by Commissioner Bond, seconded by Commissioner Rainey the Town Board indicate no swimming Tuesdays and Fridays after 6:00 p.m. The vote was unanimous.

Motion was made by Commissioner Rainey, seconded by Commissioner Keller an ordinance be made prohibiting swimming in the Bay area except in the designated beach area and no skiing in the bay area without permission. The vote was unanimous.

Motion was made by Commissioner Bond, seconded by Commissioner Rainey and the vote was unanimous to recess for 10 minutes prior to going into executive session to evaluate the golf course.

Upon coming out of executive session Town Attorney mentioned that the motion to amend the zoning ordinance and to rezone Frank Campbell property previously voted upon should be made more explicit and suggested that he should be instructed to prepare an ordinance to accomplish the intent of the motion.

Mt. Village (Campbell)

Thereupon motion was made by Commissioner Bond, Seconded by Commissioner Price and unanimously carried that, based upon discussion, debate and recommendations considered and heard at the public hearing conducted at the begining of this meeting upon the question of amending the zoning ordinance and map, that an ordinance be, the same is hereby, adopted establishing a new R-1B district with the same uses as R-1A residential district except that the minimum lot

size shall be reduced to one acre; rewriting the provision of article VIII zoning ordinance (density requirements) incorporating the changes necessitated by the adding of a new R-1B district; rezoning the Frank Campbell 34.4 acre tract from R-1A district to R-1B district; designating group project as permitted uses and the R-1, R-1A, R-1B and R-2; rewriting the provisions section 1003 (group projects) to reflect that group projects are permitted uses; rewriting section 1300 to require the Planning Board have a part in the amendment process; and making certain technical amendment necessitated because of typographical error in original zoning ordinance, and that the Town Attorney be, and is hereby, authorized and instructed to prepare the ordinance in legal language to accomplish the above purpose and that the same be inserted in the minutes of this meeting.

see add 81-7

There being no further business the meeting was adjourned.

J. Paul Wilson
J. Paul Wilson, Mayor

Mary T. Ficker
Mary T. Ficker, Clerk

July 27, 1981

Mayor Paul Wilson
Town Council
Lake Lure, NC 28746

Dear Mayor Wilson:

Please place upon the Lake Lure Town Council meeting agenda for Tuesday, July 28, 1981, the regrading and eventual black-topping of Boy's Camp Road. A number of residents who use the road would like to speak on the inadequacies of the road, especially as the inadequacies relate to fire protection.

Sincerely,

Charles T. Mangrum

A handwritten signature in cursive script that reads "Charles T. Mangrum". The signature is written in dark ink and includes a stylized flourish at the end.

Dr. Charles Mangrum
Boy's Camp Road
Lake Lure Village Resort
Lake Lure, NC 28746

J. PAUL WILSON
MAYOR

DAVID B. BOND
WILLIAM B. KELLER
COMMISSIONERS

J. WOODROW PRICE
HENRY E. RAINEY
COMMISSIONERS

MARY FICKER, CLERK
MARLENE WILSON, DEPUTY CLERK

Town of Lake Lure

LAKE LURE, N. C. 28746

(704) 625-9396

(704) 625-9983

Charles F. Hicks
Building Inspector
July 7, 1981

Mr. Paul Wilson, Mayor
Town Of Lake Lure

Dear Paul:

The following is the Inspections Department report and billing for the months of May-June, 1981.

I have approved some thirteen structures during the period, most of them homes and boat houses, while rejecting three--one for a trailer installation in a Residential Zone, one for a house building on a lot too small in area, and one to increase the size of a store building which is in a Residential (non-conforming) District.

The Arcade businesses and the Post Office have asked to be permitted to place a business locator sign in front of the Arcade Building. I have coordinated with the N.C. Department of Transportation Highway Signs Office in Marion, and they, (Mr. Harold Wright), have no objection to the sign so long as it is at least 30feet from the right-of-way. I am certain that no one here would object, as it would pave the way for elimination of the dilapidated signs presently in front of the Arcade and at the same time afford the commercial entities a reasonable and effective business availability sign. The proposed sign is to be rustic in design, lighted, and posted in concrete, near the power pole in the island next to the War Memorial. (Toward the Lake Lure Lodge). Completion should be within the month. I suggest that the Town Office be added to the sign--at a cost of \$65-70. The others will be:

- | | |
|-------------------|----------------------|
| 1. Dr. Burch. | 2. Lake Lure Gro. |
| 3. Vanderbilt | 4. KMD |
| 5. Duke Power | 6. Northwestern Bank |
| 7. Bell Tel.(Pay) | 8. U.S Post Office |

Permits granted in May. (Eleven)	\$110.00
" " in June.(Two)	20.00
Other time expended on Signs, correspondence and potential building sites and enquiries. (80 hours at \$1.00/hr)	80.00
TOTAL BILLING	<u>\$210.00</u>

Sincerely,


Charles F. Hicks

May 4, 1981


Paul Wilson, Mayor
Lake Lure,
North Carolina, 28746

Dear Paul:

Due to illness I am unable to continue service on the Zoning Board of Adjustment and hereby submit my resignation to be effectively immediately.

I have enjoyed serving on the Zoning committees and trust that the board will continue to function for the betterment of our community,

Sincerely,


Evelyn L. Bociek

Town of Lake Lure
Zoning Planning Board
Lake Lure, N. C. 28746

Date - 2 June 1981

To - The Town Board

Reference - Letter from Community Development Planner

Subject - Revisions of the Zoning Ordinance

Recommendation -

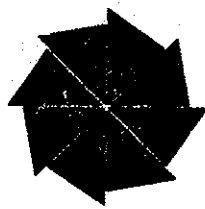
That the changes mentioned by Mr. Hanton
be incorporated in the Lake Lure zoning ordinance.

F. K. Howard

Richard Washburn

Harold A. Kitten

Robert Jones



North Carolina Department of Natural Resources & Community Development

James B. Hunt, Jr., Governor

Howard N. Lee, Secretary

May 12, 1981

Mr. Ken Howard, Chairman
Zoning - Planning Board
Town Hall
Lake Lure, North Carolina 28746

Dear Ken:

Enclosed is the revised dimensional table (Article VIII) that reflects the changes we discussed last week. Please note that I have specified single or two-family units are allowed on a 10,000 square foot lot in R-1 and on a 90,000 square foot lot in R-1A. This would clearly allow for a duplex or a garage or basement apartment on a lot that conforms to the size requirements listed above. Also note that I have footnoted both of these requirements. The footnotes would apply to a group project (two or more buildings) in R-1 and R-1A. For example, footnote "b" specifies that for each single-family or two-family (duplex) building in a group project there must be 90,000 square feet of land area. I think this would take care of the project we discussed last week. In addition to the revised table we also discussed listing group projects in each district where they would be allowed as special uses. I would suggest the following be added as a third special use in Subsections 701.3 and 702.3:

- 3) Group projects as defined in Article XIV, Section 1400(8) of this Ordinance and subject to all conditions stated in Article X, Section 1003. However, in the (R-1)(R-1A)* district no building located in a group project shall contain more than two (2) dwelling units.

I would also suggest allowing group projects as special uses in the R-2 district by adding the following to Subsection 703.3:

- 11) Group projects as defined in Article XIV, Section 1400(8) of this Ordinance and subject to all conditions stated in Article X, Section 1003.

The R-3 district already allows, in effect, a group project in #5 under Subsection 704.2, so I don't see any need to list group projects as a special use in R-3.

In addition to the items discussed above, I have briefly gone through the rest of the zoning ordinance and found several items that should be changed. These items are listed below:

1. Page 2: In Section 400 change "seven (7)" to "eight (8)" districts and add I-1 Industrial District to the list.

*Insert the appropriate district.

Asheville Regional Office Interchange Building, 159 Woodfin Street, P. O. Box 370, Asheville, N. C. 28801 Telephone 704/253-3341

An Equal Opportunity Affirmative Action Employer

2. Page 13: In #9 in Subsection 703.3 there is no need to specify three apartment buildings per lot if group projects will be allowed because if you have more than one apartment building on a lot it would be considered a group project.
3. Page 19: There are apparently two typing errors on this page. The first one involves the parking requirements for sanitariums, nursing homes, etc. I would suggest the following: "One space for each six (6) patient beds, plus one (1) space for each staff or visiting doctor, plus one (1) space for each four (4) employees."

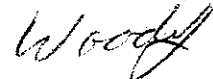
Also I would suggest the parking requirements for places of assembly or recreation without fixed seats read as follows: "One space for each two hundred (200) square feet of gross floor space directed to patron use."

4. Page 32: Part "C" at the top of the page should refer to (a) and (b) rather than (1) and (2).
5. Page 35: Dwelling, Single-Family should read as follows: a building arranged or designed to be occupied by one (1) family.

The Zoning - Planning Board should discuss the items mentioned above and decide what recommendations it wants to make to the Town Council. Although some of the suggested changes are to correct apparent typing errors, I suggest consolidating any and all changes the Zoning - Planning Board wishes to recommend into one comprehensive recommendation so the Town Council can hold one public hearing incorporating all changes.

Please let me know if I can be of additional help.

Sincerely,



Woody Harton
Community Development Planner

WH:sb
Enclosure

ARTICLE VIII
BUILDING SITE
DIMENSIONAL REQUIREMENTS

		Lot Area (Square Feet)	Lot Width (Feet)	Front Yard Setback (Feet)	Side Yard Setback (Feet)	Rear Yard Setback (Feet)	Rear Yard Open Space (% of Lot Area)	Maximum Building Height (Feet)
<u>Residential</u>								
R-1	Single or Two-Family	10,000 (a)	100 (d) (i)	35	12	15 (e)	30 (f)	35 (g)
R-1A	Single or Two-Family	20,000-90,000 (b)	100 (d) (i)	35	12	15 (e)	30 (f)	35 (g)
R-2/R-3	Single-Family	7,000	60 (d)	25	7	10 (e)	20 (f)	35 (g)
	Two-Family	9,500	70 (d)	25	8	10 (e)	20 (f)	35 (g)
	Three-Family	12,000	85 (d)	20	10	12 (e)	20 (f)	35 (g)
	Four-Family	14,500 (c)	100 (d)	20	12	12 (e)	25 (f)	35 (g)
<u>Commercial</u>								
C-1		--	--	--	(h)	(h)	--	35
L-1		--	--	--	--	--	--	--
M-1		--	--	--	--	--	--	--
I-1		--	--	--	--	--	--	35

- (a) Plus 10,000 square feet of lot area for each additional single or two-family dwelling unit.
- (b) Plus 90,000 square feet of lot area for each additional single or two-family dwelling unit.
- (c) Plus 2,000 square feet of lot area for each additional dwelling unit in excess of four (4).
- (d) Lot width at street line (minimum lot frontage) shall be not less than thirty-five (35) feet.
- (e) From the rear property line to the nearest building.
- (f) Including rear yard setback area, but excluding any space occupied by accessory buildings which may be located between principal building and rear yard setback line.
- (g) From average finished grade at building line. May be exceeded only where depth of front and total width of minimum required side yards are increased one (1) foot for each additional foot of building height.
- (h) No side or rear yard shall be required except as follows: 1) Where a side or rear yard is provided, the width of such side yard or depth of rear yard shall be not less than four (4) feet. 2) Where the lot abuts upon property zoned for residential use a densely planted buffer strip shall be provided along the side and/or rear lot line of such abutting residential property. Such buffer strip shall be not less than eight (8) feet in width and shall be composed of evergreen trees or shrubs which at planting will be at least four (4) feet high and at maturity will be not less than eight (8) feet to twelve (12) feet high. This requirement may be modified by the Board of Adjustment where sufficient natural buffering exists.
- (i) Any residential lot abutting Lake Lure shall have a frontage along said Lake of not less than 100 feet.

Town of Lake Lure
Zoning Planning Board
Lake Lure, N. C. 28746

Date - 10 June 1981

To - The Town Board

Reference - Re zoning Campbell property, 30+ acres.

Subject - Request for rezoning

Recommendation -

That the property not be rezoned. This information and problem is identical to the request acted upon negatively by the Board in a recommendation of 4 Nov 1980. Our decision then is the same as now.

Richard Washburn

F. K. Howard

Archie A. Carter

Robert Jones

RESOLUTION

Be it hereby resolved that the Planning Board of the Town of Lake Lure, North Carolina does hereby recommend to the council of said town to rezone that property located in said town limits and designated for tax purposes as 539-1-2-A, said property being presently owned by Mr. Frank C. Campbell from its present zoning of R-1A to a zoning of R-3.

In support of said resolution the Board shows unto the Town Council that said property adjoins property immediately outside the town limits which allows much greater density and further that other development in the immediate area of said property is consistent with the proposed R-3 zoning of the subject property.

Town of Lake Lure
Zoning Planning Board
Lake Lure, N. C. 28746

Date - 2 June 81

To - The Town Board

Reference - Request for rezoning - Mr. Larry Phillips

Subject - Rezoning from R-1 to C-1 for 1/4 acres intersecting Hwy 74 and
Sugar Harbor Road

Recommendation -

That the rezoning request be denied.

Several requests for rezoning along Hwy 74 have been received. Applicants have stated that available commercial area in Lake Lure is inadequate.

The Town Council may find it desirable to consider this question.

Richard Washburn

F. L. Howard

Herbert G. Porter

Edith Jones

RE-ZONING PETITION

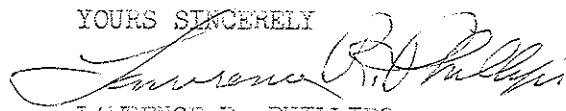
JUNE 9, 1981

I, LAWRENCE R. PHILLIPS, HEREBY PETITION THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA TO RE-ZONE MY CONVENIENT STORE AND PARKING AREA LOCATED ON U.S. 74, 64, AND N.C. #9, SNUG HARBOR ROAD, FROM RESIDENTIAL TO COMMERCIAL.

- REASONS:
1. THE BUILDING ON THIS PROPERTY IS A COMMERCIAL BUILDING AND HAS BEEN A COMMERCIAL BUILDING SINCE IT WAS BUILT OVER 17 YEARS AGO, AND WAS WRONGFULLY ZONED RESIDENTIAL WHEN THE AREA WAS ZONED.
 2. THIS PROPERTY WAS RE-APPRAISED BY THE COUNTY APPRAISERS AND WAS GIVEN A MUCH HIGHER APPRAISAL BECAUSE IT WAS COMMERCIAL.
 3. I HAVE OPERATED, "THE MOUNTAINS CONVENIENT STORE", IN THE ABOVE MENTIONED BUILDING SINCE 1979 AND PRIOR TO THAT IT WAS A CRAFT SHOP. MY STORE IS A NEEDED SERVICE AND ASSET TO THE COMMUNITY AND ALL OF LAKE LURE. IT IS OPERATED 13 HOURS PER DAY SIX DAYS A WEEK AND 15 HOURS ON SATURDAY. WHEN NOTHING ELSE IS OPEN A RESIDENT OR TOURIST CAN GET A BOTTLE OF MILK, BREAD, COFFEE, EGGS, BACON AND MANY OTHER STAPLE ITEMS THAT VISITORS AND RESIDENTS NEED.
 4. I WANT TO IMPROVE MY PROPERTY BY BLACK TOPPING IT, ADDING MORE STOCK AND OTHER IMPROVEMENTS TO BETTER SERVE THE COMMUNITY, BUT I AM RESTRICTED BECAUSE IT IS ZONED RESIDENTIAL.
 5. BY DEPRIVING ME OF THE RIGHTFUL ZONING OF MY PROPERTY, DEPRIVES ME OF THE RIGHT TO IMPROVE OR ENLARGE MY BUSINESS AND DEVELOPE MY PROPERTY TO ITS FULLEST POTENTIAL. FURTHERMORE, IT DEPRIVES ME OF THE RIGHT TO EARN A LIVELYHOOD ON MY OWN PROPERTY.
 6. ZONING A MANS PROPERTY TO CHANGE IT FROM COMMERCIAL TO RESIDENTIAL USE IS A VERY IMPORTANT AND GRAVE MATTER THAT THE OWNER SHOULD BE NOTIFIED, YET I WAS NEVER DULY NOTIFIED, EVEN THOUGH IT CONCERNED DIRECTLY AS A VOTER, TAX PAYER AND LONG TIME RESIDENT. HOWEVER, I DID^{NOT} RECEIVE A CERTIFIED LETTER ON TOWN STATIONARY INFORMING ME OF NON-COMPLIANCE WITH THE ZONING ORDINANCE.

I REQUEST AN IMMEDIATE HEARING ON THIS MATTER AND I TRUST THE TOWN COUNCIL WILL RIGHT AN UNJUST WRONG.

YOURS SINCERELY


LAWRENCE R. PHILLIPS

Town of Lake Lure
Zoning Planning Board
Lake Lure, N. C. 28746

Date - 10 June 1981

To - The Town Board

Reference - Changes in Zoning Ordinance

Subject - Resolutions suggested as changes in Ordinance.

Recommendation -

These suggestions, as stated, would accomplish the same effect as rezoning. As in previous actions our desire is to retain the current standards of density for Lake Lure. The suggested resolutions would more than double the density for the tract.

We believe that any owner of the property should stay within the ordinance as it is now written.

To do otherwise would be a great step toward negating our master plan. This is a reiteration of our recommendations for this same tract, made on 4 Nov 1980.

F K Howard

Robert G. Totten

Robert Jones

Richard Washburn

RESOLUTION

Be it hereby Resolved that the Planning Board of the Town of Lake Lure, North Carolina does hereby recommend unto the Town Council of said Town that Article VIII of the Lake Lure Zoning Ordinance be amended as follows:

(A) By adding subsection (L) in the footnotes to the dimensional requirements as follows:

(L) Any group project granted a special exception pursuant to Section 1003 of Article X and located in an R-1 or R-1A district shall be limited to single family or two family dwellings and such units shall comply with the dimensional requirements for such units as specified in R-2 and R-3 zoning. As to any group project granted a special exception pursuant to Section 1003 of Article X in a zone other than R-1 or R-1A, then in that event the dimensional requirements shall comply with the standards as set forth in the district in which said project is located pursuant to the dimensional requirements contained in Article _____ of the Lake Lure Zoning Ordinance. However, if for any reason the restrictions in this article impose unnecessary hardship so as to endanger the integrity of the proposed group project and the Board of Adjustment finds that a proposed variance would confer no special privileges that are denied to other residents of the district and will not be injurious to the public welfare, then in that event, upon specific findings to that effect the Board is hereby authorized to grant a variance and may prescribe appropriate conditions and safeguards in conformity with this ordinance.

RESOLUTION

Be it hereby Resolved that the Planning Board of the Town of Lake Lure, North Carolina does hereby recommend unto the Council of said town that subsection (2) of Section 1003 of Article X of the Lake Lure zoning ordinance be amended as follows:

- (A) By deleting the present subsection (2) and substituting in lieu thereof the following: "The overall intensity of land use and the standard of open space complies with the building site dimensional requirements as contained in Article VIII. Provided, however, that for any group project granted a special exception in an R-1 or R-1A district, then in that event all residential units shall be limited to single family units or duplexes.
- (B) By adding subsection (5) to said Section 1003 in the form of the following language:
 - (5) A group project shall include in concept a planned community development including forms of semi-public or private recreational uses and associated buildings, including, but not limited to clubs and restaurants, provided that prior to the issuance of a building permit or construction of such facilities the plans for the proposed amenities to the planned community development are approved by the Board of Adjustment.

J. PAUL WILSON
MAYOR

DAVID B. BOND
WILLIAM B. KELLER
COMMISSIONERS

J. WOODROW PRICE
HENRY E. RAINEY
COMMISSIONERS

MARY FICKER, CLERK
MARLENE WILSON, DEPUTY CLERK

Town of Lake Lure

LAKE LURE, N. C. 28746

(704) 625-9396

(704) 625-9983

Charles F. Hicks
Building Inspector
May 20, 1981

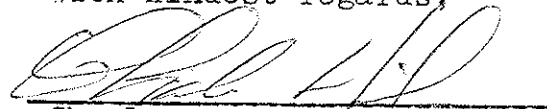
Town of Lake Lure
Paul Wilson, Mayor

Dear Paul,

In July, I will have completed one year as Building Inspector for our Town. The task has been gratifying from several standpoints, but especially in view of the fact that we were in the initial stages of zoning implementation. However, due to unanticipated personal requirements, I will be unable to serve after July.

I want to thank you and the entire Council, the Planning Board, the Board of Adjustments, and the Town office personnel for complete cooperation and assistance at all times.

With kindest regards,


Charles F. Hicks

ARTICLE XIII

AMENDMENTS

SECTION 1300. Amendments. This Ordinance, including the Official Zoning Map, may be amended from time to time. However, no amendment shall become effective unless it shall have been proposed by, or shall have first been submitted to, the Town of Lake Lure Zoning and Planning Board for review and recommendations. The Zoning and Planning Board shall have forty-five (45) days within which to submit its report. If the Zoning and Planning Board fails to submit a report within the forty-five (45) day period, it shall be deemed to have approved the proposed amendment. A public hearing shall be held by the Town Council before adoption of any proposed amendment to the Ordinance. A notice of such public hearing shall be given once a week for two successive calendar weeks in a newspaper of general circulation in the Town of Lake Lure, said notices to be published the first time not less than ten (10) days and not more than twenty-five (25) days prior to the date established for such public hearing. In the case of a protest against an amendment, supplement, change, modification or repeal signed by the owners of twenty percent (20%) or more either of the area of lots included in such proposed change, or of those immediately adjacent thereto, either in the rear thereof or on either side thereof, extending one hundred (100) feet from the street frontage of such opposite lots, such amendments shall not become effective except by favorable vote of three-fourths of all members of the Town Council. Any amendment which initially zones property added to the territorial coverage of this Ordinance as a result of annexation or otherwise is exempt from the above twenty percent (20%) protest provisions.

SECTION 703. R-1B Residential District.

703.1 Intent. The R-1B Residential District is established as a district in which the principal use of land is for single-family dwellings. Large lot size and low-density residential land use are encouraged in this area. It is the intention of these regulations to discourage any use which would be detrimental to the low-density, single-family residential nature of the areas included within the district.

703.2 Permitted Uses. Within the R-1B Residential District, a building or land shall be used only for the following purposes:

- 1) Single-family dwellings, excluding mobile homes.
- 2) Basement or garage apartment and duplexes.
- 3) Customary accessory buildings, including private garages, storage buildings, boat houses and non-commercial workshops.
- 4) Signs, incidental or accessory, as defined in Article XIV, Section 1400 (24) of this Ordinance.
- 5) Temporary construction signs, as defined in Article XIV, Section 1400 (28) of this Ordinance, located at least ten (10) feet inside any lot line.
- 6) Group projects as defined in Article XIV, Section 1400 (8) of this Ordinance and subject to all conditions stated in Article X, Section 1003. However, no building located in a group project shall contain more than two (2) dwelling units.

703.3 Special Use Permit. The following uses require a special use permit as provided for in Article XII, Section 1204.1 of this Ordinance.

- 1) Public utility buildings and facilities if such use is essential for the service of the immediate area and provided that:
 - a) All buildings shall be located at least thirty-five (35) feet from any lot line.

- b) Fences and/or other appropriate safety devices are installed to protect the public safety and welfare.
 - c) No vehicles or equipment are stored, maintained or repaired on the premises.
 - d) All structures are in keeping with the residential character of the neighborhood.
 - e) Adequate landscaping, screening and/or buffering shall be provided to ensure compatibility with the neighborhood.
- 2) Home occupations as defined in Article XIV, Section 1400 (3) of this Ordinance and subject to all conditions stated therein, provided there is no external evidence of such occupation except an announcement or professional sign not more than two (2) square feet in area.

SECTION 1003. Group Projects. In the case of two (2) or more principal buildings to be constructed on a plot of ground of at least two (2) acres not subdivided into the customary streets and lots and which will not be so subdivided, a group project may be authorized by the building inspector in districts where they are permitted and in a manner that will be in harmony with the character of the neighborhood, provided:

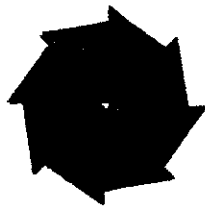
- 1) Such uses are limited to those permitted within the zoning district in which the project is located,
- 2) The overall intensity of land use is no higher, and the standard of open space is no lower than that permitted in the district in which the project is located.
- 3) The distance of every building from the nearest property line shall meet the front, side and rear yard requirements of the district in which the project is located.
- 4) If the property lies within or abuts upon a residential district, and is to be used for a non-residential purpose, there shall be a densely planted evergreen buffer strip at least eight (8) to ten (10) feet in height and not less than ten (10) feet in width along the rear and/or side lot lines abutting the residential properties. No such buffer shall, however, extend nearer to a street right-of-way line than the established building line of the adjoining residential lot.

ARTICLE VIII
BUILDING SITE

MINIMUM DIMENSIONAL REQUIREMENTS

	Lot Area (Square Feet)	Lot Width (Feet)	Front Yard Setback (Feet)	Side Yard Setback (Feet)	Rear Yard Setback (Feet)	Rear Yard Open Space (% of Lot Area)	Maximum Building Height (Feet)
<u>Residential</u>							
R-1 Single or Two-Family	10,000 (a)	100 (e)(j)	35	12	15 (f)	30 (g)	35 (h)
R-1A Single or Two-Family	2 acres (b)	100 (e)(j)	35	12	15 (f)	30 (g)	35 (h)
R-1B Single or Two-Family	1 acre (c)	100 (e)(j)	35	12	15 (f)	30 (g)	35 (h)
R-2/R-3 Single Family	7,000	60 (e)	25	7	10 (f)	20 (g)	35 (h)
Two-Family	9,500	70 (e)	25	8	10 (f)	20 (g)	35 (h)
Three-Family	12,000	85 (e)	20	10	12 (f)	20 (g)	35 (h)
Four-Family	14,500 (d)	100 (e)	20	12	12 (f)	25 (g)	35 (h)
<u>Commercial</u>							
C-1	--	--	--	(i)	(i)	--	35
L-1	--	--	--	--	--	--	--
M-1	--	--	--	--	--	--	--
I-1	--	--	--	--	--	--	35

- (a) Plus 10,000 square feet of lot area for each additional single or two-family dwelling.
- (b) Plus two (2) acres of lot area for each additional single or two-family dwelling.
- (c) Plus one (1) acre of lot area for each additional single or two-family dwelling.
- (d) Plus 2,000 square feet of lot area for each additional dwelling unit in excess of four (4).
- (e) Lot width at street line (minimum lot frontage) shall be not less than thirty-five (35) feet.
- (f) From the rear property line to the nearest building on that lot.
- (g) Including rear yard setback area, but excluding any space occupied by accessory buildings which may be located between principal building and rear yard setback line.
- (h) From average finished grade at building line. May be exceeded only where depth of front and total width of minimum required side yards are increased one (1) foot for each additional foot of building height.
- (i) No side or rear yard shall be required except as follows: 1) Where a side or rear yard is provided, the width of such side yard or depth of rear yard shall be not less than four (4) feet; 2) Where the lot abuts upon property zoned for residential use a densely planted buffer strip shall be provided along the side and/or rear lot line of such abutting residential property. Such buffer strip shall be not less than eight (8) feet in width and shall be composed of ever-green trees or shrubs which at planting will be at least four (4) feet high and at maturity will be not less than eight (8) feet to twelve (12) feet high. This requirement may be modified by the Board of Adjustment where sufficient natural buffering exists.
- (j) Any residential lot abutting Lake Lure shall have a frontage along said lake of not less than 100 feet.



North Carolina Department of Natural Resources & Community Development

James B. Hunt, Jr., Governor

Howard N. Lee, Secretary

May 12, 1981

Mr. Ken Howard, Chairman
Zoning - Planning Board
Town Hall
Lake Lure, North Carolina 28746

Dear Ken:

Enclosed is the revised dimensional table (Article VIII) that reflects the changes we discussed last week. Please note that I have specified single or two-family units are allowed on a 10,000 square foot lot in R-1 and on a 90,000 square foot lot in R-1A. This would clearly allow for a duplex or a garage or basement apartment on a lot that conforms to the size requirements listed above. Also note that I have footnoted both of these requirements. The footnotes would apply to a group project (two or more buildings) in R-1 and R-1A. For example, footnote "b" specifies that for each single-family or two-family (duplex) building in a group project there must be 90,000 square feet of land area. I think this would take care of the project we discussed last week. In addition to the revised table we also discussed listing group projects in each district where they would be allowed as special uses. I would suggest the following be added as a third special use in Subsections 701.3 and 702.3:

- 3) Group projects as defined in Article XIV, Section 1400(8) of this Ordinance and subject to all conditions stated in Article X, Section 1003. However, in the (R-1)(R-1A)* district no building located in a group project shall contain more than two (2) dwelling units.

I would also suggest allowing group projects as special uses in the R-2 district by adding the following to Subsection 703.3:

- 11) Group projects as defined in Article XIV, Section 1400(8) of this Ordinance and subject to all conditions stated in Article X, Section 1003.

The R-3 district already allows, in effect, a group project in #5 under Subsection 704.2, so I don't see any need to list group projects as a special use in R-3.

In addition to the items discussed above, I have briefly gone through the rest of the zoning ordinance and found several items that should be changed. These items are listed below:

1. Page 2: In Section 400 change "seven (7)" to "eight (8)" districts and add I-1 Industrial District to the list.

*Insert the appropriate district.

Asheville Regional Office Interchange Building 159 Woodfin Street, P. O. Box 370, Asheville, N. C. 28801 Telephone 704/253-3341

An Equal Opportunity Affirmative Action Employer

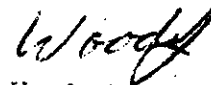
2. Page 13: In #9 in Subsection 703.3 there is no need to specify three apartment buildings per lot if group projects will be allowed because if you have more than one apartment building on a lot it would be considered a group project.
3. Page 19: There are apparently two typing errors on this page. The first one involves the parking requirements for sanitariums, nursing homes, etc. I would suggest the following: "One space for each six (6) patient beds, plus one (1) space for each staff or visiting doctor. ~~plus one (1) space for each four (4) employees."~~

Also I would suggest the parking requirements for places of assembly or recreation without fixed seats read as follows: "One space for each two hundred (200) square feet of gross floor space directed to patron use."- 4. Page 32: Part "C" at the top of the page should refer to (a) and (b) rather than (1) and (2).
- 5. Page 35: Dwelling, Single-Family should read as follows: a building arranged or designed to be occupied by one (1) family.

The Zoning - Planning Board should discuss the items mentioned above and decide what recommendations it wants to make to the Town Council. Although some of the suggested changes are to correct apparent typing errors, I suggest consolidating any and all changes the Zoning - Planning Board wishes to recommend into one comprehensive recommendation so the Town Council can hold one public hearing incorporating all changes.

Please let me know if I can be of additional help.

Sincerely,



Woody Harton
Community Development Planner

WH:sb
Enclosure

Town of Lake Lure
Zoning Planning Board
Lake Lure, N. C. 28746

Date - 2 June 1981

To - The Town Board

Reference - Letter from Community Development Plans

Subject - Revisions of the Zoning Ordinance

Recommendation -

That the changes mentioned by Mr. Henton
be incorporated in the Lake Lure zoning ordinance.

F. K. Howard
Richard W. Henton
Arthur A. Henton
Steve Jones

AN ORDINANCE AMENDING THE ZONING
ORDINANCE AND MAP OF THE TOWN OF LAKE LURE

WHEREAS, the Town Council of the Town of Lake Lure, after due notice, conducted a public hearing on the 28th day of July, 1981, upon the question of amending the zoning ordinance and map in certain respects; and

WHEREAS, after considerable discussion and debate at such public hearing, the Town Council deemed it in the best interest of the Town to enact certain amendments considered at such hearing and certain amendments which resulted from debates and discussion at such public hearing.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE:

Section 1. That Section 400 of the Zoning Ordinance pertaining to Use Districts be and the same is hereby amended to read as follows:

SECTION 400. Use Districts. For the purpose of this Ordinance, the Town of Lake Lure is hereby divided into nine (9) districts, designated as follows:

R-1 Residential District
R-1A Residential District
R-1B Residential District
R-2 General Residential District
R-3 Resort Residential District
C-1 Commercial District
L-1 Lake District
M-1 Reserved Mountainous District
I-1 Industrial District

Section 2. That those certain sections and subsections of the Zoning Ordinance hereinafter set forth be and the same are hereby given a new section and subsection number as hereinafter set forth:

<u>Present Section or Subsection Number</u>	<u>New Section or Subsection Number</u>
Section 703	Section 704
Subsection 703.1	Subsection 704.1
Subsection 703.2	Subsection 704.2
Subsection 703.3	Subsection 704.3
Section 704	Section 705
Subsection 704.1	Subsection 705.1
Subsection 704.2	Subsection 705.2
Subsection 704.3	Subsection 705.3
Section 705	Section 706
Subsection 705.1	Subsection 706.1
Subsection 705.2	Subsection 706.2
Subsection 705.3	Subsection 706.3
Section 706	Section 707
Subsection 706.1	Subsection 707.1
Section 707	Section 708
Subsection 707.1	Subsection 708.1

Section 3. That a R-1B Residential District be and the same is hereby

established, and is hereby inserted in the Zoning Ordinance immediately after the R-1A Residential District and thereby becomes new Section 703; that the provisions and regulations pertaining to the R-1B District shall read as follows:

SECTION 703. R-1B Residential District.

703.1 Intent. The R-1B Residential District is established as a district in which the principal use of land is for single-family dwellings. Large lot size and low-density residential land use are encouraged in this area. It is the intention of these regulations to discourage any use which would be detrimental to the low-density, single-family residential nature of the area included within the district.

703.2 Permitted Uses. Within the R-1B Residential District, a building or land shall be used only for the following purposes:

- 1) Single-family dwellings, excluding mobile homes.
- 2) Basement or garage apartment and duplexes.
- 3) Customary accessory buildings, including private garages, storage buildings, boat houses and non-commercial workshops.
- 4) Signs, incidental or accessory, as defined in Article XIV, Section 1400 (24) of this Ordinance.
- 5) Temporary construction signs, as defined in Article XIV, Section 1400 (28) of this Ordinance, located at least ten (10) feet inside any lot line.
- 6) Group projects as defined in Article XIV, Section 1400 (8) of this Ordinance and subject to all conditions stated in Article X, Section 1003. However, no building located in a group project shall contain more than two (2) dwelling units.

703.3 Special Use Permit. The following uses require a special use permit as provided for in Article XII, Section 1204.1 of this Ordinance.

- 1) Public utility buildings and facilities if such use is essential for the service of the immediate area and provided that:
 - a) All buildings shall be located at least thirty-five (35) feet from any lot line.
 - b) Fences and/or other appropriate safety devices are installed to protect the public safety and welfare.
 - c) No vehicles or equipment are stored, maintained or repaired on the premises.
 - d) All structures are in keeping with the residential character of the neighborhood.
 - e) Adequate landscaping, screening and/or buffering shall be provided to ensure compatibility with the neighborhood.
- 2) Home occupations as defined in Article XIV, Section 1400 (3) of this Ordinance and subject to all conditions stated therein, provided there is no external evidence of such occupation except an announcement or professional sign not more than two (2) square feet in area.

Section 4. That Article VIII of the Zoning Ordinance, pertaining to

building site minimum dimensional requirements, be and the same is hereby amended to read as shown on Exhibit "A" attached to this Ordinance, and incorporated in this Section 4 by reference.

Section 5. That the Zoning Ordinance and Zoning Map be and the same is hereby amended by redesignating from the R-1A Residential District to the R-1B Residential District hereinabove established the following described parcel of land.

Situate, lying and being in Chimney Rock Township, Rutherford County, North Carolina, and being that property conveyed to L. M. Pearson and Thomas D. Infantino and wife, Frances Infantino by deed dated September 23, 1969, of record in Deed Book 321 at page 141 and Deed Book 321 at page 143, Rutherford County Registry, and being described by metes and bounds in accordance with a plat and survey by J. J. Wells dated September 25, 1980, as follows:

BEGINNING at a point in the center of State Road 1306, said point being located near the intersection of State Road 1306 and State Road 1316, said point marking the northeast corner of that property owned by Rampart Investments, Inc. and being further located South 74 deg. 3 min. East 799.67 feet from NCGS Coordinate Station "The Mountains"; and precedes thence North 47 deg. 00 min. 30 sec. East 19.98 feet to a point in the center of State Road 1306 where said road is intersected by State Road 1316; thence, along and with the center of State Road 1306 North 53 deg. 15 min. East 94.91 feet, North 45 deg. 14 min. East 61.48 feet, North 35 deg. 48 min. 30 sec. East 132.17 feet, North 48 deg. 08 min. 10 sec. East 43.72 feet, North 79 deg. 50 min. 10 sec. East 36.41 feet, South 69 deg. 07 min. 20 sec. East 53.73 feet, South 45 deg. 11 min. 30 sec. East 93.46 feet, South 35 deg. 00 min. 20 sec. East 153.95 feet, South 47 deg. 17 min. East 95.18 feet, South 57 deg. 46 min. 40 sec. East 132.41 feet, South 67 deg. 55 min. 40 sec. East 118.51 feet, South 75 deg. 24 min. 10 sec. East 254.83 feet, South 59 deg. 47 min. East 52.05 feet, South 46 deg. 51 min. 50 sec. East 56.90 feet, South 39 deg. 37 min. 30 sec. East 152.40 feet, South 51 deg. 39 min. East 94.09 feet, South 59 deg. 24 min. 40 sec. East 323.45 feet, South 61 deg. 03 min. 50 sec. East 187.36 feet, South 62 deg. 21 min. 50 sec. East 263.18 feet; thence, leaving State Road 1306 and running along and with the common boundary with Frank Wilson, South 11 deg. 19 min. 40 sec. West (crossing an iron pin at 30.33 feet) 159.40 feet; thence, North 87 deg. 15 min. West 957.10 feet to an iron pin; thence, along and with the common boundary with the property owned by Martha Jane Powers North 87 deg. 36 min. 20 sec. West (crossing an iron pin at 1,316.26 feet) 1,355.33 feet to a point in the center of State Road 1306, said point being located South 14 deg. 24 min. 30 sec. West 100.92 feet and South 87 deg. 36 min. 20 sec. East 22.11 feet from an existing concrete monument; thence, along and with the center of State Road 1306, North 15 deg. 56 min. 30 sec. East 158.68 feet, North 26 deg. 16 min. 40 sec. East 216.60 feet, North 35 deg. 53 min. 40 sec. East 62.10 feet, North 44 deg. 46 min. 10 sec. East 114.00 feet, North 30 deg. 55 min. East 46.67 feet, and North 17 deg. 7 min. East 29.72 feet; thence, leaving State Road 1306, North 64 deg. 17 min. West (crossing iron pins at 19.70 feet and 104.04 feet) 112.04 feet to a point; thence North 13 deg. 14 min. West 63.66 feet to a point; thence, South 86 deg. 42 min. 50 sec. East (crossing an iron pin and a concrete monument at 33.65 feet and 103.66 feet, respectively) 116.31 feet to a point in State Road 1306; thence following State Road 1306 North 16 deg. 17 min. 40 sec. East 74.65 feet, North 18 deg. 55 min. 40 sec. East 72.91 feet, and North 39 deg. 41 min. 40 sec. East 99.92 feet to the point and place of Beginning, and containing 34.46 acres, more or less.

Section 6. That Subsection 701.2 of the Zoning Ordinance be and the same is hereby amended by adding the following subparagraph:

- 6) Group projects as defined in Article XIV, Section 1400 (8) of this Ordinance and subject to all conditions stated in Article X, Section 1003. However, no building located in a group project shall contain more than two (2) dwelling units.

Section 7. That Subsection 702.2 of the Zoning Ordinance be and the same is hereby amended by adding the following subparagraph:

- 6) Group projects as defined in Article XIV, Section 1400 (8) of this Ordinance and subject to all conditions stated in Article X, Section 1003. However, no building located in a group project shall contain more than two (2) dwelling units.

Section 8. That Subsection 704.2 (formerly 703.2) of the Zoning Ordinance be and the same is hereby amended by adding the following subparagraph:

- 8) Group projects as defined in Article XIV, Section 1400 (8) of this Ordinance and subject to all conditions stated in Article X, Section 1003.

Section 9. That Section 1003 of the Zoning Ordinance pertaining to Group Projects, be and the same is hereby amended to read as follows:

SECTION 1003. Group Projects. In the case of two (2) or more principal buildings to be constructed on a plot of ground of at least two (2) acres not subdivided into the customary streets and lots and which will not be so subdivided, a group project may be authorized by the building inspector in districts where they are permitted and in a manner that will be in harmony with the character of the neighborhood, provided:

- 1) Such uses are limited to those permitted within the zoning district in which the project is located.
- 2) The overall intensity of land use is no higher, and the standard of open space is no lower than that permitted in the district in which the project is located.
- 3) The distance of every building from the nearest property line shall meet the front, side and rear yard requirements of the district in which the project is located.
- 4) If the property lies within or abuts upon a residential district, and is to be used for a non-residential purpose, there shall be a densely planted evergreen buffer strip at least eight (8) to ten (10) feet in height and not less than ten (10) feet in width along the rear and/or side lot lines abutting the residential properties. No buffer, shall, however, extend nearer to a street right-of-way line than the established building line of the adjoining residential lot.

Section 10. That subparagraph 9) of subsection 704.3 (formerly 703.3) of the Zoning Ordinance be and the same is hereby amended to read as follows:

- 9) Apartment buildings, condominium, basement or garage apartments.

Section 11. That Section 901 of the Zoning Ordinance, pertaining to off-street parking, be and the same is hereby amended, in part, as follows:

- (a) That the Required Parking for Sanitarium, Nursing Homes, Etc. be as follows:

One (1) space for each six (6) patient beds, plus one (1) space for each staff or visiting doctor, plus one (1) space for each four (4) employees.

(b) That the Required Parking for Places of Assembly or Recreation Without Fixed Seats be as follows:

One (1) space for each two hundred (200) square feet of gross floor space directed to patron use.

Section 12. That subparagraph c) of subsection 1204.1 of the Zoning Ordinance be and the same is hereby amended to read as follows:

Refuse and service areas, with particular reference to the items in (a) and (b) above.

Section 13. That subparagraph 5) of Section 1400 of the Zoning Ordinance be and the same is hereby amended to read as follows:

Dwelling, Single Family. A building arranged or designed to be occupied by one (1) family.

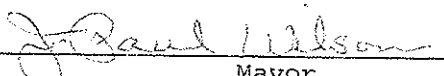
Section 14. That Section 1300 of the Zoning Ordinance, pertaining to Amendments, be and the same is hereby amended to read as follows:

SECTION 1300. Amendments. This Ordinance, including the Official Zoning Map, may be amended from time to time. However, no amendment shall become effective unless it shall have been proposed by, or shall have first been submitted to, the Town of Lake Lure Zoning and Planning Board for review and recommendations. The Zoning and Planning Board shall have forty-five (45) days within which to submit its report. If the Zoning and Planning Board fails to submit a report within the forty-five (45) day period, it shall be deemed to have approved the proposed amendment. A public hearing shall be held by the Town Council before adoption of any proposed amendment to the Ordinance. A notice of such public hearing shall be given once a week for two successive calendar weeks in a newspaper of general circulation in the Town of Lake Lure, said notices to be published the first time not less than ten (10) days and not more than twenty-five (25) days prior to the date established for such public hearing. In the case of a protest against an amendment, supplement, change, modification or repeal signed by the owners of twenty percent (20%) or more either of the area of lots included in such proposed change, or of those immediately adjacent thereto, either in the rear thereof or on either side thereof, extending one hundred (100) feet from the street frontage of such opposite lots, such amendments shall not become effective except by favorable vote of three-fourths of all members of the Town Council. Any amendment which initially zones property added to the territorial coverage of this Ordinance as a result of annexation or otherwise is exempt from the above twenty percent (10%) protest provisions.


Section 15. The building inspector shall make the necessary corrections and additions to the Zoning Ordinance and the Zoning Map so as to implement the provisions of this Ordinance, and shall henceforth enforce the Zoning Ordinance as hereby amended.

Section 16. This Ordinance shall be effective upon its adoption.

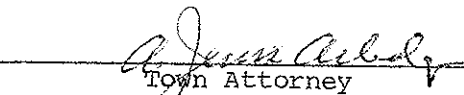
Adopted this the 28th day of July, 1981.


Mayor

ATTEST:


Town Clerk

APPROVED AS TO FORM


Town Attorney

EXH. 1 "A"

ARTICLE VIII
BUILDING SITE

MINIMUM DIMENSIONAL REQUIREMENTS

	Lot Area (Square Feet)	Lot Width (Feet)	Front Yard Setback (Feet)	Side Yard Setback (Feet)	Rear Yard Setback (Feet)	Rear Yard Open Space (% of Lot Area)	Maximum Building Height (Feet)
<u>Residential</u>							
R-1 Single or Two-Family	10,000 (a)	100 (e)(j)	35	12	15 (f)	30 (g)	35 (h)
R-1A Single or Two-Family	2 acres (b)	100 (e)(j)	35	12	15 (f)	30 (g)	35 (h)
R-1B Single or Two-Family	1 acre (c)	100 (e)(j)	35	12	15 (f)	30 (g)	35 (h)
R-2/R-3 Single Family	7,000	60 (e)	25	7	10 (f)	20 (g)	35 (h)
Two-Family	9,500	70 (e)	25	8	10 (f)	20 (g)	35 (h)
Three-Family	12,000	85 (e)	20	10	12 (f)	20 (g)	35 (h)
Four-Family	14,500 (d)	100 (e)	20	12	12 (f)	25 (g)	35 (h)
<u>Commercial</u>							
C-1	--	--	--	(i)	(i)	--	35
L-1	--	--	--	--	--	--	--
M-1	--	--	--	--	--	--	--
I-1	--	--	--	--	--	--	35

- (a) Plus 10,000 square feet of lot area for each additional single or two-family dwelling.
- (b) Plus two (2) acres of lot area for each additional single or two-family dwelling.
- (c) Plus one (1) acre of lot area for each additional single or two-family dwelling.
- (d) Plus 2,000 square feet of lot area for each additional dwelling unit in excess of four (4).
- (e) Lot width at street line (minimum lot frontage) shall be not less than thirty-five (35) feet.
- (f) From the rear property line to the nearest building on that lot.
- (g) Including rear yard setback area, but excluding any space occupied by accessory buildings which may be located between principal building and rear yard setback line.
- (h) From average finished grade at building line. May be exceeded only where depth of front and total width of minimum required side yards are increased one (1) foot for each additional foot of building height.
- (i) No side or rear yard shall be required except as follows: 1) Where a side or rear yard is provided, the width of such side yard or depth of rear yard shall be not less than four (4) feet; 2) Where the lot abuts upon property zoned for residential use a densely planted buffer strip shall be provided along the side and/or rear lot line of such abutting residential property. Such buffer strip shall be not less than eight (8) feet in width and shall be composed of ever-green trees or shrubs which at planting will be at least four (4) feet high and at maturity will be not less than eight (8) feet to twelve (12) feet high. This requirement may be modified by the Board of Adjustment where sufficient natural buffering exists.
- (j) Any residential lot abutting Lake Lure shall have a frontage along said lake of not less than 100 feet.