

REGULAR MEETING OF THE BOARD OF COMMISSIONERS
OF THE TOWN OF LAKE LURE

December 11, 1987

The regular meeting of the Board of Commissioners of the Town of Lake Lure was called to order at 7:30 p.m., on December 11, 1987 in the Community Center.

Those present were: Mayor Charles F. Hicks, Commissioners Karr, Wildman, Michelon, Price and Town Attorney Chris Callahan.

Commissioner Michelon moved, seconded by Commissioner Karr to accept the reading of the minutes of November 25, 1986 as read. The motion carried with a unanimous vote.

After nominations were made and the vote taken, Paul Wilson and Joseph Doti were appointed to the Lake Lure Zoning and Planning Board, each for a term of three years.

Commissioner Wildman made a motion, seconded by Commissioner Michelon, to enter into a public hearing on the question of amending the Town of Lake Lure Zoning Ordinance and Map. The motion was unanimously approved.

After discussion, Commissioner Wildman, seconded by Commissioner Karr, moved to conclude the public hearing. The motion was unanimously adopted.

Commissioner Karr moved, seconded by Commissioner Wildman, to amend the zoning ordinance as follows;

WHEREAS, the Board of Commissioners of the Town of Lake Lure, after due notice, conducted a public hearing on the 11th day of December, 1986, upon the question of amending the Zoning Ordinance and Map in certain respects; and

WHEREAS, after discussion, the Board of Commissioners deems it in the best interest of the Town to enact certain amendments considered at the public hearing held on December 11, 1986;

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Lake Lure that the Zoning Ordinance and Map of the Town of Lake Lure is hereby amended as follows:

Section One: To delete in its entirety SECTION 400. USE DISTRICTS, of the Town of Lake Lure Zoning Ordinance and insert in lieu thereof the following:

SECTION 400. USE DISTRICTS. For the purposes of this Ordinance, the Town of Lake Lure is hereby divided into eleven (11) districts, designated as follows:

- R-1 Residential District
- R-1A Residential District
- R-1B Residential District
- R-1C Residential District
- R-1D 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 Two: A. Section 702. R-1A, R-1B & R-1C Residential District, is deleted in its entirety and inserted in lieu thereof the following:

Section 702. R-1A, R-1B, R-1C, and R-1D Residential District.

B. To delete in its entirety the first sentence in Section 702.1 INTENT, and insert in lieu thereof the following:

The R-1A, R-1B, R-1C, and R-1D Residential Districts are established as districts in which the principal use of land is for single-family dwellings.

C. To designate current Section 702.2 PERMITTED USES, as Subsection "A" by inserting the capital letter A, followed by a period (A.), immediately after 702.2 PERMITTED USES, and establishing a new Subsection B immediately after the current provisions of 702.2 PERMITTED USES, to read as follows:

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

- 1) Single-family dwellings, excluding mobile homes.
- 2) Customary accessory buildings, including private garages, storage buildings, boat houses and non-commercial workshops.

Section Three: To amend Article VIII of the Town of Lake Lure Zoning Ordinance, entitled "Building Site Minimum Dimensional Requirements", by deleting the line reading as follows:

R-1B 1 ACRES 100 35 12 15 30 35

and inserting in lieu thereof:

R-1B/R-1D 1 ACRES 100 35 12 15 30 35

Section Four: The Zoning Administrator shall make the necessary corrections and additions to the Zoning Ordinance and Map so as to implement the provisions of this Ordinance and shall henceforth enforce the Zoning Ordinance and Map as hereby amended.

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

Adopted this the 11th day of December, 1986.

The motion passed with a unanimous vote.

Commissioner Wildman moved, seconded by Commissioner Karr to open the public hearing on the question of amending the Town of Lake Lure Zoning Ordinance and Map by redesignating from R-1A Residential District to the R-1D Residential District the following parcel of land:

Being that tract of land, described by metes and bounds as Parcel No. 9 in the aforementioned Deed dated January 1, 1953, and recorded in Deed Book 219, Page 178, said Registry and described as follows:

BEGINNING at a point where the southern margin of Robert Louis Stevenson Drive intersects the western margin of the Asheville-Charlotte Highway No. 74, said point located at survey station 113 plus 29.8 of the survey of said Highway 74, the said point also being the beginning point of a 170.5 acre tract of land conveyed by A. D. Warner to H. F. Smart and Martin Nesbitt by deed dated November, 1947, as shown on a map of the property of A. D. Warner located on the waters of Cane Creek and Lake Lure southwest of Highway 74, by Howard B. Miller, Engineer, dated October 18, 1947, the said map being recorded in Plat Book 5, Page 14, of the records of Plats for Rutherford County, North Carolina, and runs thence with the south margin of Robert Louis Stevenson Drive following the curves and tangents thereof, the same being the boundary line of the Smart-Nesbitt 170.5 acre tract as appears on said map, in a general northwesterly direction 2370 feet to a stake, the said stake being a corner of the Smart-Nesbitt tract; thence with the Smart-Nesbitt boundary line South 45 deg. 29 min. West 184 feet to a stake, the said stake being a corner of the 93.88 acre H. D. Nix Tract; thence with the boundary line of the said Nix Tract as follows: North 85 deg. 18 min. West 811.2 feet, North 6 deg. 15 min. East 976 feet, North 16 deg. 58 min.

West 78.5 feet and North 16 deg. 54 min. East 470 feet, being the same more or less, to a stake in the southern boundary line of a tract of land designated as Tract No. 5 in a deed from Lureland Realty Corporation to F. M. Edwards, recorded in Book 175, Page 97, of the records of Deeds for Rutherford County, North Carolina; thence with said line South 76 deg. 52 min. East 103 feet to a locust stake and pointers, the said stake also being the southeast corner of Lot 23, Block 23, as shown on a map of Blocks 21 through 25, of Lake Lure, recorded in Plat Book 2, Page 17, of the records of Plats for Rutherford County, North Carolina; thence with the southeast boundary lines of Lots 23 and 22, Block 23, to a stake, said stake being the north easternmost corner of Lot 22, Block 23, the said stake also being the southeast corner of a small tract of land conveyed by A. D. Warner to Ada Laughter by Deed dated October 6, 1945; thence with the eastern boundary line of the Ada Laughter tract North 9 deg. 30 min. West 82 feet more or less to a stake, the said stake being the southwest corner of Lot 31, Block 23; thence with the southern boundary line of Lot 31, Block 23, to a stake in the southwest margin of Horace Kephart Drive, said stake also being the southeast corner of Lot 31, Block 23; thence crossing Horace Kephart Drive in a northeasterly direction 44 feet, being the same more or less, to a stake, the said stake being the southwest corner of Lot 13, Block 24, as shown on the above map thence following said margin of said Horace Kephart Drive with the southern boundary lines of Lots 13, 14, 15, 16 and 17, and the western margin of or boundary line of Lot 18 of Block 24, 335 feet more or less to a stake, said stake being the southwest corner of Lot 18, Block 24; thence with the southern boundary line of Lot 18, Block 24, 215 feet more or less to a stake in the western margin of Highway 74 (Asheville-Charlotte Highway), the said stake being the southeast corner of Lot 18, Block 24, as shown on the above map; thence with the said margin of the said Highway in a southwesterly, a southeasterly, a northeasterly, a southeasterly, an easterly, a southeasterly, a westerly and southwesterly direction, following the curves and tangents thereof, 4,350 feet, being the same more or less, to the point of the BEGINNING, it being the intention of this description to embrace and include all of the land designated as Blocks 26, 27, 29, and 30, and that portion of Blocks 23, 24 and 28, not appearing on Plat of Blocks 21 through 25 of Lake Lure, recorded in Plat Book 2, Page 17 of the records of Plats for Rutherford County, North Carolina, as shown on a Plat of the Lake Lure General Plan of Development of Luremont Section Plat No. 2, excepting however, any portion shown on said map that might extend into the 93.88 acre Nix Tract.

Excepting from the above described boundary, the following property, to-wit:

EXCEPTION NO. 1: All that certain Lot of land, described in Deed dated April 28, 1954 and described by metes and bounds in said Deed recorded in Deed Book 224, Page 456, Rutherford County Registry.

EXCEPTION NO. 2: All that certain Lot described by metes and bounds in Deed dated July 29, 1954 and recorded in Deed Book 226, Page 103, Rutherford County Registry.

EXCEPTION NO. 3: All that lot of land described in Deed dated July 25, 1955 and recorded in Deed Book 229, Page 189, Rutherford County Registry.

EXCEPTION NO. 4: All that lot of land described in Deed dated July 27, 1957, by metes and bounds and recorded in Deed Book 237, Page 62, Rutherford County Registry.

EXCEPTION NO. 5: All that land containing 2.39 acres, more or less, described by metes and bounds in Deed dated August 12, 1959, and recorded in Deed Book 248, Page 675, Rutherford County Registry.

EXCEPTION NO. 6: All that lot of land containing 1 acre, more or less, described by metes and bounds in Deed dated August 28, 1961, and recorded in Deed Book 259, Page 385, Rutherford County Registry.

EXCEPTION NO. 7: Being all of that certain Lot or tract of land described by metes and bounds in Deed dated November 10, 1965, and recorded in Deed Book 287, Page 30, Rutherford County Registry.

It being the intention of the Grantors herein to convey to the Grantee all of the unsold portion of the above described land containing 58.76 acres, more or less and shown on Rutherford County Tax Map 526, as Lot 2.

And being the same and identical property described as Parcel Three in Deed from John F. Mojjs to John F. Mojjs and wife, Elizabeth F. Mojjs, dated September 20, 1984, and recorded in Deed Book 462, at Page 169, Rutherford County Registry.

Commissioner Michelon moved, seconded by Commissioner Wildman to conclude the public hearing. The motion passed with a unanimous vote.

Commissioner Wildman moved, seconded by Commissioner Karr to table action on re-zoning Mr. Mojjs property until such time as his financial obligations for the re-zoning were met. The motion passed with a unanimous vote.

Commissioner Wildman made a motion to give a Christmas bonus of \$100.00 to each employee with the Town full time for over six months, and \$50.00 to each employee with the Town full-time under six months. The motion passed with a unanimous vote.

Commissioner Karr, seconded by Commissioner Wildman, moved to adjourn. The motion carried with a unanimous vote.

Charles F. Hicks, Mayor

ATTEST:

Bonnie D. Nelon, Town Clerk