



**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, MARCH 10, 2015, 6:00 P.M. AT THE LAKE LURE MUNICIPAL
CENTER**

PRESENT: Mayor Bob Keith
Commissioner John W. Moore
Commissioner Mary Ann Silvey
Commissioner Bob Cameron
Commissioner Diane Barrett

Christopher Braund, Town Manager
J. Christopher Callahan, Town Attorney

ABSENT: N/A

CALL TO ORDER

Mayor Bob Keith called the meeting to order at 6:00 p.m.

INVOCATION

Attorney Chris Callahan gave the invocation.

PLEDGE OF ALLEGIANCE

Council members led the pledge of allegiance.

APPROVE THE AGENDA

Commissioner John Moore made a motion to approve the agenda as amended with the following changes:

- remove item 10c, Adoption of Resolution No. 15-03-10 Adopting the South Mountains Regionals Hazard Mitigation Plan, from the consent agenda (this item will be consider at a later meeting)

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- add approval of a request from the Hickory Nut Gorge Chamber to suspend the peddling ordinance for the “Sale on the Trail” being held on April 18, 2015 to allow selling of vendor space on the concrete pad near the welcome center for the event as item 10c under the consent agenda
- add consideration of a construction contract with the Patton Construction Group for road repairs at Snug Harbor Circle and Ridge Road as item 12b under new business

Commissioner Mary Ann Silvey seconded the motion and the vote of approval was unanimous.

PUBLIC HEARING - PROPOSED ORDINANCE NO. 15-03-10: AN ORDINANCE AMENDING THE ZONING REGULATIONS CONCERNING NON-CONFORMITIES AND SETBACKS FOR RESIDENTIAL DISTRICTS
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Mayor Bob Keith opened the public hearing regarding proposed Ordinance No. 15-03-10 one requested to speak.

Council agreed to close the public hearing.

CONSIDER ADOPTION OF ORDINANCE NO. 15-03-10: AN ORDINANCE AMENDING THE ZONING REGULATIONS CONCERNING NON-CONFORMITIES AND SETBACKS FOR RESIDENTIAL DISTRICTS

Public notices were duly given and published in the Daily Courier newspaper.

Board of Adjustment Chairman Stephen Webber gave an overview and background concerning proposed Ordinance No. 15-03-10.

After discussion, Commissioner Diane Barrett made a motion to adopt Ordinance No. 15-03-10 as presented. Commissioner Bob Cameron seconded the motion and the vote of approval was unanimous.

ORDINANCE NUMBER 15-03-10

AN ORDINANCE CONCERNING NON-CONFORMITIES AND SETBACKS FOR RESIDENTIAL DISTRICTS

WHEREAS, the Zoning and Planning Board has recommended modifications to the Zoning Regulations of the Town of Lake Lure as noted in the title of this ordinance; and

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WHEREAS, Town Council finds that this amendment is consistent with the 2007-2027 Town of Lake Lure Comprehensive Plan in that it will allow development to harmoniously blend with the natural environment per Objective NE-1-1 of the 2007-2027 Comprehensive Plan by giving more flexibility to a lot owner when selecting a house site on a given lot to reduce cut and fill; and

WHEREAS, Town Council finds that this amendment is consistent with the 2007-2027 Town of Lake Lure Comprehensive Plan in that it will increase staff effectiveness and efficiency in keeping with GA Goal 1 (Improved Government Operations) of the 2007-2027 Comprehensive Plan by reducing variance requests, decreasing staff workload and ensuring regulations are enforced appropriately; and

WHEREAS, Town Council finds that this amendment is consistent with the 2007-2027 Town of Lake Lure Comprehensive Plan in that it will increase desirable growth in keeping with GA Goal 2 (Fiscally Sound Budget) of the 2007-2027 Comprehensive Plan by encouraging investment and increasing the town tax base; and

WHEREAS, the Lake Lure Town Council, after due notice, conducted a public hearing on the 10th of February, 2015, upon the question of amending the Zoning Regulations in this respect.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA, MEETING IN REGULAR SESSION AND WITH A MAJORITY OF THE COUNCIL MEMBERS VOTING IN THE AFFIRMATIVE:

SECTION ONE. This ordinance is enacted pursuant to the grants of authority contained in Section 160A-381 of the North Carolina General Statutes.

SECTION TWO. Section 92.005 of the Zoning Regulations of the Town of Lake Lure, concerning Definitions, is hereby amended as follows:

Setback: The minimum allowable distance measured on the horizontal plane between a property line, water's edge, right of way, or street centerline and specified improvements such as a building or parking area. No building or other structure may be placed within the setback area except as provided. (See definition of "Yard" and Section 92.133). Whenever the front, side, or rear portions of a lot abut a street right-of-way, setback lines shall be measured from said right-of-way, ~~or where no right-of-way exists, from a point sixteen feet from the center line of the street.~~ Where no street right of way exists, setback lines shall be measured from the center of the traveled way.

Street, Primary: For the purpose of this chapter, the following streets shall be considered primary streets: US Highway 64/74A (Memorial Highway), NC Highway 9, ~~Boys Camp Road,~~ Island Creek Road, Girls Scout Camp Road, Buffalo Shoals Road and Buffalo Creek Road.

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Traveled Way: That part of the roadway provided for the movement of vehicles, exclusive of shoulders and auxiliary lands.

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~.]

SECTION THREE. Subparagraph (D)(1) of Section 92.101 of the Zoning Regulations of the Town of Lake Lure, concerning non-conforming structures, is hereby amended as follows:

- (D) Non-conforming Structures. Where a structure exists lawfully under these zoning regulations at the effective date of its adoption or amendment that could not be built under these zoning regulations by reasons of restrictions on area, residential densities, height, yards, location on the lot, or requirements other than use concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) Enlargement, Alteration. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity. Enlargements, additions, or alterations under an existing roofline or within the existing building footprint shall not be considered an increase in a structure's non-conformity.

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~.]

SECTION FOUR. Paragraph (G) of Section 92.101 of the Zoning Regulations of the Town of Lake Lure, concerning non-conforming structures, is hereby amended as follows:

- (G) Repairs and Maintenance. On any non-conforming structure or portion of a structure and on any structure containing a non-conforming use, ordinary repairs, or repair or replacement of walls, fixtures, wiring, or plumbing may be done; ~~provided that the cubic content of the structure existing at the date it becomes non-conforming shall not be increased.~~

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~.]

SECTION FIVE. Section 92.040 of the Zoning Regulations of the Town of Lake Lure, concerning setbacks depicted in the Chart of BUILDING SITE—MINIMUM DIMENSIONAL REQUIREMENTS, is hereby amended for R-1, R-1A, R-1B, R-1C, R-1D, and R-4, as follows:

Setbacks

Side Yard Rear Yard

~~42~~ 10

~~45~~ 10

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[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~.]

SECTION SIX. Section 92.040 of the Zoning Regulations of the Town of Lake Lure, concerning setbacks depicted in the Chart of BUILDING SITE—MINIMUM DIMENSIONAL REQUIREMENTS, is hereby amended for R-2/R-3 Three Family, as follows:

Setbacks

Side Yard	Rear Yard
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10	12 <u>10</u>
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[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~.]

SECTION SEVEN. Section 92.040 of the Zoning Regulations of the Town of Lake Lure, concerning setbacks depicted in the Chart of BUILDING SITE—MINIMUM DIMENSIONAL REQUIREMENTS, is hereby amended for R-2/R-3 Four Family, as follows:

Setbacks

Side Yard	Rear Yard
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12 <u>10</u>	12 <u>10</u>
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[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~.]

SECTION EIGHT. Section 92.040 of the Zoning Regulations of the Town of Lake Lure, concerning footnotes depicted under the Chart of BUILDING SITE—MINIMUM DIMENSIONAL REQUIREMENTS, is hereby amended , as follows:

(c) For primary streets, the front yard setback shall be ~~50~~ 40 feet from the centerline, but not closer than 10 feet from any right-of-way line where such line exists. For secondary streets, the front yard setback shall be ~~40~~ 35 feet from the centerline, but not closer than 10 feet from any right-of-way line where such line exists.

In all commercial districts, setbacks shall be measured from the right-of-way line, or where no right-of-way exists, from a point 15 feet from the centerline of the street. In most situations, the front yard lies between the building and the street. However, for lots which abut a lake, the lake side is also considered a front yard. In any zoning district, minimum setback from the lake is 35 feet measured from the shoreline. (Amended 4-10-07). *See definition of ~~Building Setback Line~~ for setback from streets with no right-of-way.

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SECTION NINE. Section 92.064A of the Zoning Regulations of the Town of Lake Lure concerning foundation surveys is hereby amended as follows:

Where plans submitted for a Certificate of Zoning Compliance show that any portion of a new structure or addition to an existing structure will be within ~~ten~~ five feet of any required yard, a survey prepared by a registered land surveyor or civil engineer shall be made to insure that the proposed structure will be located as shown on the approved plans. This survey shall be conducted after the construction of any foundation. The survey shall also indicate the location of roof overhangs, decks, chimneys and any other appurtenances that extend beyond the walls of the structure. This survey shall be submitted to the Zoning Administrator for review and, if in accord with the approved plans, the Zoning Administrator shall issue a statement of approval. This statement shall be required before any certificate of occupancy shall be issued by the Rutherford County Building Inspections Office. If the survey is not performed or if the survey shows the structure is not in accord with the approved plans, the Certificate of Zoning Compliance shall be rescinded until such time as a survey shows the location of the structure is in conformance. In the event the Certificate of Zoning Compliance is rescinded, the Zoning Administrator shall notify the Rutherford County Building Inspections Office that the building permit is no longer valid. Penalty, see § 92.999

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SECTION TEN. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION ELEVEN. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION TWELVE. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

SECTION THIRTEEN. This ordinance shall be in full force and effect from and after its enactment.

PUBLIC FORUM

Mayor Bob Keith invited the audience to speak during public forum.

Don Hinton of 346 Lakeview Road commended town council for the dredging that has been done in Gray Logs Cove this year. Mr. Hinton also thanked Lake Operations Director Dean Givens, Paul Knaub (resident of Gray Logs Cove), and Tim Edwards (contractor) for helping

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make the project possible. Mr. Hinton stressed the importance of the Town finding a way to reduce the amount of sediment coming into the lake.

Paul Knaub of 347 Lakeview Road also complimented the dredging work that Tim Edwards did in Gray Logs Cove and urged council to find a way to reduce the amount of sediment that enters the lake.

STAFF REPORTS

Town Manager Chris Braund presented the town manager's report dated March 10, 2015. (Copy of the town manager's report is attached.)

COUNCIL LIAISON REPORTS & COMMENTS

Commissioner John Moore reported the activities of the activities of the Lake Lure Board of Adjustment/Lake Structures Appeals Board.

Commissioner Mary Ann Silvey reported the activities of the Lake Advisory Board Lake and the Lake Lure ABC Board.

CONSENT AGENDA

Mayor Bob Keith presented the consent agenda and asked if any items should be removed before calling for action.

Commissioner John Moore pointed out that the minutes from the special meeting held on February 10, 2015 were included in the packet, but approval of the minutes needed to be added to the consent agenda.

Commissioner Bob Cameron made a motion to approve the consent agenda as amended. Commissioner Diane Barrett seconded the motion and the vote of approval was unanimous. Therefore, the consent agenda incorporating the following item was unanimously approved:

- a. minutes of the February 10, 2015 regular meeting and the February 10, 2015 special meeting;
- b. a request for the Lake Lure Classical Academy PTO to suspend the peddling ordinance for their Spring Fling on May 9th from 10a.m. to 4p.m. Also, allow them to collect and dispose of their garbage without renting a dumpster in order to avoid paying the dumpster fee; and

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- c. a request from the Hickory Nut Gorge Chamber to suspend the peddling ordinance for the “Sale on the Trail” being held on April 18, 2015 to allow selling of vendor space on the concrete pad near the welcome center for the event

End of Consent Agenda.

NEW BUSINESS:

a. CONSIDER APPROVAL OF A REQUEST FROM RUMBLING BALD RESORT CONCERNING SHORT-TERM PLACEMENT OF LAUNCHING DOCKS

Town Manager Chris Braund reviewed a request submitted by Tom Judson on behalf of Rumbling Bald Resort asking to place temporary launching docks in the lake at the resort’s property in an effort to better assist rowing teams that use the lake each year. Mr. Braund explained that according to Mr. Judson’s request the docks will be in the water four to five weeks each year.

After discussion, Commissioner John Moore made a motion to approve the request from Rumbling Bald Resort to allow them to install one dock this year. Commissioner Diane Barrett seconded the motion and the vote of approval was unanimous. The Resort will submit a lake structures permit application for a total of 4 docks in future years.

NEW BUSINESS:

b. CONSIDER APPROVAL OF A CONSTRUCTION CONTRACT WITH THE PATTON CONSTRUCTION GROUP FOR ROAD REPAIRS AT SNUG HARBOR CIRCLE AND RIDGE ROAD

Town Manager Chris Braund gave an overview of a proposed construction contract with Patton Construction Group for road repairs at Snug Harbor Circle and Ridge Road.

After discussion, Commissioner Mary Ann Silvey made a motion to approve the contract with Patton Construction Group as presented. Commissioner Diane Barrett seconded the motion and the vote of approval was unanimous.

ADJOURN THE MEETING

With no further items of discussion, Commissioner Bob Cameron made a motion to adjourn the meeting at 6:30 p.m. Commissioner Mary Ann Silvey seconded the motion and the

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vote of approval was unanimous.

ATTEST:

Andrea H. Calvert

Mayor Bob Keith