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Town of Lake Lure

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Minutes of the Regular Meeting of the Zoning and Planning Board

Tuesday, April 16, 2013

Lake Lure Municipal Center

ROLL CALL

Present: Thomas McKay, Chair
Bruce Barrett
John Wisniewski
Charlie Ellis
John Moore, Town Council Liaison

Absent: Ric Thurlby

Also Present: Shannon Baldwin, Community Development Director
Suzy Smoyer, Planner/Subdivision Administrator, Recording Secretary
Sheila Spicer, Zoning Administrator

Chairman McKay called the meeting to order at 9:30 a.m. and gave the invocation.

APPROVAL OF THE AGENDA

While no formal action was taken, there were no objections to the agenda as presented in the Board's packet.

APPROVAL OF THE MINUTES

The minutes of the March 19, 2013 regular meeting were unanimously approved upon a motion made by Mr. Wisniewski and seconded by Mr. Barrett.

NEW BUSINESS

(A) Consider Amendments to the Subdivision and Zoning Regulations Pertaining to Streets and Driveways

Suzy Smoyer explained that while the definition for streets in the Subdivision Regulations and the Zoning Regulations is consistent, there are provisions for private driveways accessing multiple properties in the Subdivision Regulations that exempt them from certain requirements that apply to streets. These exemptions are not currently

recognized by the Zoning Regulations. This has the potential for creating confusion not only for staff, but the public. Sheila Spicer explained how the amendment could impact setback requirements. Staff has studied this issue, and recommends that the Zoning and Planning consider the following amendments to revise the definition for private drives in the Subdivision Regulations, and add the new definition for private drives to the Zoning Regulations (as outlined in the memo to the Board.).

EXISTING:

Private Drive: A private access not intended to be a public ingress or egress. Private drives are intended to provide direct access from one lot or building site to a publicly or privately dedicated and maintained street.

PROPOSED:

Private Drive (Driveway): A private access not intended to be a public ingress or egress. Private drives are intended to provide direct access from one lot or building site to a publicly or privately dedicated and maintained street. However, a private drive may provide access for up to 3 lots provided it meets the requirements of § 91.39A of the Subdivision Regulations. Private drives shall be excluded from the definition of street. The term “private drive” shall include the term “driveway”.

John Wisniewski asked how the proposed amendment would impact the RVR regulations. Ms. Spicer noted that there are on premise parking requirements for RVRs. This issue was discussed in more detail later in the meeting.

Charlie Ellis noted that we could have unintended consequences without this amendment, specifically unnecessary tree loss and topographic impacts. Charlie Ellis made a motion to accept the amendment. Staff will put the amendment in ordinance format with a plan consistency statement for a formal recommendation at the May meeting. Bruce Barrett seconded the motion. All were in favor.

(B) Consider Amendments to the Zoning Regulations Pertaining to Residential Vacation Rentals

After significant discussion regarding proposed application requirements regarding properties with onsite septic systems, the Board asked that the draft amendments be written to include the option of either submitting the original septic permit issued by Rutherford/Polk/McDowell District Health Department or submitting an Existing System permit issued by them if the original permit is not available. The Board asked that staff gather more information on the existing system permit offered by the Health Department for further discussion at the next meeting.

The Board then discussed parking requirements as outlined in §92.042 (G)(4) of the draft amendments. Mr. Ellis recommended changing “public parking areas” to “private parking areas” so as not to encourage property owners to rely on public parking areas as overflow parking for a residential vacation rental. After brief discussion on parking on streets, Mr.

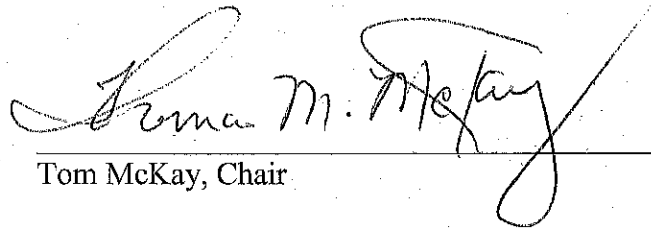
Webber stated he would remove the phrase "off-street" from this section so that it would be clear that all parking must be within the property boundaries. There were concerns about parking areas extending into private drives that are still located on the property but afford access to abutting properties. Mr. Webber suggested adding language to clarify that no on-street parking or parking on private drives is allowed.

Ron Morgan, Fire Chief, pointed out to the Board that there are state requirements in the North Carolina General Statutes regarding smoke detectors in vacation rentals. There was a brief discussion concerning state requirements and whether or not to include these requirements in Town regulations. There was also discussion on the latest draft amendments regarding the proposed appeal process if an adjoining property owner chooses to contest the vacation rental operating permit request. The consensus of the Board was to ask Mr. Webber to prepare a new draft proposing that residential vacation rentals are strictly a permitted use with the same approval and appeals process as any other administrative approval. Mr. Webber stated he would work with Town staff and have the revised draft ready for the next regular meeting.

ADJOURNMENT

Upon a motion by Mr. Wisniewski and seconded by Mr. Barrett, the meeting was adjourned at 12:00 p.m. The next regular meeting is scheduled for Tuesday, May 21, 2013 at 9:30 a.m. at the Lake Lure Municipal Center.

ATTEST



Tom McKay, Chair

Suzy Smoyer, Clerk