



Town of Lake Lure

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Incorporated 1927

MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL HELD TUESDAY, FEBRUARY 9, 1999, 7:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER

PRESENT: Mayor Jack Powell
Commissioner Carolyn Cobb
Commissioner Beth Rose
Commissioner Gene Sheffield
Commissioner Jack Stanier

J. Christopher Callahan, Town Attorney
Sam A. Karr, Acting Town Manager

ABSENT: N/A

CALL TO ORDER

Mayor Powell called the meeting to order at 7:00 p.m.

INVOCATION

Attorney Callahan gave the invocation.

AGENDA ITEMS

After discussion, Commissioner Cobb moved, seconded by Commissioner Sheffield, to add an item on the agenda (under other new business) to discuss the productivity of Town Council Workshop meetings. The vote of approval was unanimous.

PUBLIC HEARING: ZONING REGULATIONS AMENDMENT TO AM-98-5 (CREATION OF NEW COMMERCIAL AND GOVERNMENT DISTRICTS)

Notices of the Public Hearings were duly given within the legal classified section of the issue of the Forest City Daily Courier newspaper.

Page 2 - Minutes of the February 9, 1999 Regular Council Meeting

Zoning Administrator Chuck Place reviewed and read into the record excerpts of the proposed Ordinance No. 99-02-09.

Commissioner Cobb moved, seconded by Commissioner Rose, to enter into the Public Hearing for the purpose of discussing Zoning Regulations amendment to AM-98-5 (Creation of New Commercial and Government Districts). The vote of approval was unanimous.

Mayor Powell invited citizens to speak during the public hearing. No one requested to speak during the hearing.

With no further items for discussion, Commissioner Rose moved, seconded by Commissioner Sheffield to come out of the public hearing and re-enter the regular session of the meeting. The vote of approval was unanimous.

Commissioner Stanier moved, seconded by Commissioner Cobb, to adopt the following Ordinance No. 99-02-09 as presented. The vote of approval was unanimous.

ORDINANCE NO. 99-02-09

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE TOWN OF LAKE LURE**

WHEREAS, the Town of Lake Lure Zoning and Planning Board, after due consideration, has recommended creation of three new commercial zone districts for the purpose of allowing for and regulating commercial land use in a manner more consistent with the area surrounding these districts, said recommendation including a new definition of "marina" and amended sign standards; and,

WHEREAS, the Town of Lake Lure Zoning and Planning Board, after due consideration, has recommended creation of a new government use zone district for the purpose of allowing for and regulating land owned by governmental agencies and used for public purposes; and,

WHEREAS, the Lake Lure Town Council, after due public notice, conducted a public hearing on the 16th day of February, 1999, upon the question of amending the zoning ordinance 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 COUNCILMEN VOTING IN THE AFFIRMATIVE:

SECTION ONE: Amend § 92.005, Definitions, to add:

“§ 92.005 DEFINITIONS

Marina. An establishment with a lake front location for the rental of boat slips or dock space; rental, sale or repair of boats, boat motors and accessories; and the sale of marine fuel and lubricants, bait and fishing equipment and the like.”

SECTION TWO: Add a new § 92.031A, CN District, as follows:

Page 3 - Minutes of the February 9, 1999 Regular Council Meeting

“§ 92.031A CN COMMERCIAL, NEIGHBORHOOD DISTRICT

- (A) Intent. These districts are intended to apply to areas where selected businesses may be appropriately located to serve one or more residential neighborhoods within convenient traveling distance. CN districts are not highway oriented commercial districts; therefore gasoline service or filling stations, vehicle repair or sales, and the like are prohibited. Because these commercial districts are located within or adjacent to residential neighborhoods and are subject to the public view, which is a matter of important concern to the whole community, they should provide an appropriate appearance, ample parking, controlled traffic movement and suitable landscaping.
- (B) Permitted Uses. Within the CN Neighborhood Commercial District buildings or land shall be used only for the following purposes:
- (1) Medical and dental services or clinics.
 - (2) Real estate, financial institutions, business and professional offices.
 - (3) Post offices and libraries.
 - (4) Retail sales such as grocery stores, drug stores, gift shops, convenience stores, video sales and rentals, and the like.
 - (5) Consumer services such as restaurants, dry cleaning drop-off and pick-up stores, coin laundries, tailoring shops, barber and beauty shops, and the like.
- (C) Conditional use permit. The following uses require a conditional use permit subject to a finding by the Board of Adjustment that all applicable provisions of §§ 92.045 through 92.048 and 92.080 through 92.088 have been met:
- (1) Convenience stores with accessory sale of motor vehicle fuels and lubricants.
 - (2) Produce stands.
- This section specifically excludes outside display of merchandise for sale or open storage of vehicles, motorized equipment, wrecked vehicles, inoperable vehicles, discarded tires, auto parts, and machinery and construction equipment; boat storage facilities; businesses which sell, rent, or display obscene materials as defined in the town's code of ordinances; tattoo parlors; residential uses, including mobile homes; moveable storage facilities; and manufacturing employing ten or more persons.
- (D) Site Requirements. All lots must have a minimum of 10,890 square feet, provided the maximum area of all contiguous lots zoned CN shall not exceed 2 acres. No neighborhood commercial area (lot or group of contiguous lots zoned CN) shall be located within one-half mile of any other area so zoned.
- (E) Front, Rear, and Side Yard Requirements.
- (1) For lots which abut the street, the building setback shall be not less than 10 feet from the street.
 - (2) For lots which abut the lake, the building setback shall be not less than 35 feet from the lake shoreline.
 - (3) Side yards shall be not less than 10 feet in depth, provided the side yard shall be 20 feet in depth where adjacent to land zoned or, in fact, used for residential purposes.

Page 4 - Minutes of the February 9, 1999 Regular Council Meeting

- (4) Rear yards shall be not less than 15 feet in depth, provided the rear yard shall be 20 feet in depth where adjacent to land zoned or, in fact, used for residential purposes.
 - (5) Where the lot abuts upon property used for residential purposes, a buffer strip shall be provided along the side and/or rear lot line of such abutting residential use(s). If a fence or wall is used, such fence or wall shall be opaque and not less than eight feet in height. If a planted buffer is used, such buffer strip shall be not less than eight feet in width and shall be composed of evergreen trees or shrubs which at planting will be at least four feet high and at maturity will be not less eight feet high. This requirement may be modified by the Board of Adjustment where sufficient natural buffering exists.
- (F)
- (1) Ingress/Egress. All uses in this district abutting the major thoroughfares, being U.S. Highway 64/74 , N.C. Highway 9, or Buffalo Creek Road, shall have access only from such thoroughfares and shall be allowed only one means of ingress/egress for each 150 feet of frontage or fraction thereof. All ingress/egress openings, for both one-way or two-way traffic, shall be a minimum of 15 feet wide and a maximum of 30 feet wide, measured at the road right-of-way line, unless otherwise required by the N.C. Department of Transportation.
 - (2) Landscaping. Landscaped traffic delineators are required within the front yard of the commercial site extending the full width of the front yard excepting to allow for entrances and exits. Delineators shall begin at the edge of the right-of-way or six feet from the edge of the pavement, whichever is greater, and shall extend a minimum of two feet toward the front of the structure. The area shall be planted and maintained with grass, flowers, and/or shrubs not high enough to obstruct a driver's view of traffic.
- (G) Frontage. All lots must have 50 feet of frontage on a street. For purposes of this section, all sites that are double frontage lots or corner lots shall be deemed to have frontage on all such streets. All fronts must adhere to ingress/egress requirements.

SECTION THREE: To add a new § 92.031B, CTC District, as follows:

“§ 92.031B CTC COMMERCIAL, TOWN CENTER DISTRICT

- (A) Intent. This district is intended to apply to the area bounded by Pool Creek, the lots abutting the west side of Avenue “C”, US Highway 64/74A and Second Street. The CTC district is not a highway oriented commercial district; therefore gasoline service or filling stations, vehicle repair or sales, and the like are prohibited. Because this commercial district is the focal point of commerce in Lake Lure and is subject to the public view, which is a matter of important concern to the whole community, it should provide an appropriate appearance, ample public parking, controlled traffic movement and suitable landscaping.
- (B) Permitted Uses. Within the CTC Commercial, Town Center District buildings or land shall be used only for the following purposes:
- (1) Medical and dental services or clinics.
 - (2) Real estate, financial institutions, business and professional offices.
 - (3) Post offices, fire stations, libraries, art galleries, museums, churches, public and private schools, and other similar cultural, civic and governmental buildings.
 - (4) Retail sales such as appliance stores, florist shops, book stores, clothing stores, sporting goods and equipment stores, jewelry stores, hardware stores, grocery stores, drug stores, musical instruments,

Page 5 - Minutes of the February 9, 1999 Regular Council Meeting

and video sales and rentals, but not excluding other similar uses.

- (5) Consumer services such as restaurants, dry cleaning stores, coin laundries, tailoring shops, barber and beauty shops, indoor theaters, indoor game rooms, and indoor exercise physical fitness facilities, but not excluding other similar uses.
- (6) Hotels, motels, and inns.
- (7) Conference and meeting facilities.
- (8) Existing (but not new) single family dwellings.
- (9) Multi-family dwellings located above the first floor of any structure.

This section specifically excludes outside display of merchandise for sale or open storage of vehicles, motorized equipment, wrecked vehicles, inoperable vehicles, discarded tires, auto parts, and machinery and construction equipment; boat storage facilities; businesses which sell, rent, or display obscene materials as defined in the town's code of ordinances; tattoo parlors; mobile homes; moveable storage facilities; and manufacturing employing ten or more persons.

- (C) Conditional use permit. The following uses require a conditional use permit subject to a finding by the Board of Adjustment that all applicable provisions of §§ 92.045 through 92.048 and 92.080 through 92.088 have been met:
 - (1) None
- (D) Site Requirements. All lots must have a minimum of 10,000 square feet.
- (E) Front, Rear, and Side Yard Requirements.
 - (1) Front yards are not required.
 - (2) Side yards may be 0 feet with approved fire walls or not less than 10 feet in depth, provided the side yard shall be 20 feet in depth where adjacent to land zoned or, in fact, used for residential purposes.
 - (3) Rear yards shall be not less than 15 feet, provided the rear yard shall be 20 feet in depth where adjacent to land zoned or, in fact, used for residential purposes.
 - (4) Where the lot abuts upon property used for residential purposes, a buffer strip shall be provided along the side and/or rear lot line of such abutting residential use(s). If a fence or wall is used, such fence or wall shall be opaque and not less than eight feet in height. If a planted buffer is used, such buffer strip shall be not less than eight feet in width and shall be composed of evergreen trees or shrubs which at planting will be at least four feet high and at maturity will be not less eight feet high. This requirement may be modified by the Board of Adjustment where sufficient natural buffering exists.
- (F) (1) Ingress/Egress. All uses in this district abutting U.S. Highway 64/74 shall be allowed only one means of ingress/egress to that highway for each 150 feet of frontage or fraction thereof. All ingress/egress openings, for both one-way or two-way traffic, shall be a minimum of 15 feet wide and a maximum of 30 feet wide, measured at the road right-of-way line, unless otherwise required by the N.C. Department of Transportation.

Page 6 - Minutes of the February 9, 1999 Regular Council Meeting

- (2) Landscaping. Landscaped traffic delineators are required adjacent to all rights-of-way excepting to allow for entrances and exits. Delineators shall begin at the edge of the right-of-way or six feet from the edge of the pavement, whichever is greater, and shall extend a minimum of two feet toward the front of the structure. The area shall be planted and maintained with grass, flowers, and/or shrubs not high enough to obstruct a driver's view of traffic.
- (G) Frontage. All lots must have 50 feet of frontage on a street. For purposes of this section, all sites that are double frontage lots or corner lots shall be deemed to have frontage on all such streets. All fronts must adhere to ingress/egress requirements.
- (H) Parking. All parking and loading must be in compliance with §§ 92.102 through 92.104, provided that public on-street and off-street parking spaces may be counted to meet the number of spaces required so long as such spaces are located within 900 feet, via pedestrian routing, from the entrance of the property to be served; and further provided that the number of spaces required shall be as follows:
- | | |
|---------------------------------|--|
| (1) Multiple family dwellings | One space for each dwelling unit |
| (2) Hotels, motels and the like | One space for each accommodation |
| (3) All other uses | One space for each 400 square feet of gross floor area |
- Public parking spaces may be used to meet the requirements of more than one use at the same time.
- (I) Building Height. Notwithstanding the provisions of § 92.040 concerning building height, no structure shall exceed a height of 45 feet as measured from the average finished grade at building foundation line."

SECTION FOUR: To add a new § 92.031C, CG District, as follows:

“§ 92.031C CG, COMMERCIAL GENERAL

- (A) Intent. These commercial districts are established as districts in which the principal use of land is for retail sales and services to the consumer. The districts are intended to be located in high traffic areas along major thoroughfares. Because these commercial districts are located on the major thoroughfares of the Town and are subject to the public view, which is a matter of important concern to the whole community, they should provide an appropriate appearance, ample parking, controlled traffic movement and suitable landscaping.
- (B) Permitted Uses. Within the CG Commercial, General District buildings or land shall be used only for the following purposes:
- (1) Medical and dental services or clinics.
 - (2) Real estate, financial institutions, business and professional offices.
 - (3) Post offices, fire stations, libraries, art galleries, museums, churches, public and private schools, and other similar cultural, civic and governmental buildings.
 - (4) Retail sales such as appliance stores, florist shops, book stores, clothing stores, sporting goods and equipment stores, jewelry stores, hardware stores, grocery stores, drug stores, musical instrument sales, and video sales and rentals, but not excluding other similar uses.
 - (5) Consumer services such as restaurants, dry cleaning stores, coin laundries, tailoring shops, barber and beauty shops, indoor theaters, indoor game rooms, and indoor exercise physical fitness facilities,

Page 7 - Minutes of the February 9, 1999 Regular Council Meeting

but not excluding other similar uses.

- (6) Hotels, motels, and inns.
- (7) Single and multi-family dwellings.

This section specifically excludes outside display of merchandise for sale or open storage of vehicles, motorized equipment, wrecked vehicles, inoperable vehicles, discarded tires, auto parts, and machinery and construction equipment; boat storage facilities; businesses which sell, rent, or display obscene materials as defined in the town's code of ordinances; tattoo parlors; mobile homes; moveable storage facilities; and manufacturing employing ten or more persons.

(C) Conditional use permit. The following uses require a conditional use permit subject to a finding by the Board of Adjustment that all applicable provisions of §§ 92.045 through 92.048 and 92.080 through 92.088 have been met:

- (1) Gasoline service or filling stations, including accessory auto repair in completely enclosed buildings.
- (2) Produce stands.
- (3) Automobile and/or boat sales lots for the retail sale of new and used automobiles and/or boats, but excluding wholesale sales lots of any description and vehicle fix-up shops.
- (4) Outdoor recreational facilities, excluding campgrounds.
- (5) Planned unit developments.
- (6) All telecommunications tower requirements listed in § 92.026(C)(7).
- (7) Marinas.

(D) Site Requirements. All sites must have a minimum of 21,780 square feet.

(E) Front, Rear, and Side Yard Requirements.

- (1) For lots which abut the street, the building setback shall be not less than 10 feet from the street.
- (2) For lots which abut the lake, the building setback shall be not less than 35 feet from the lake shoreline, provided that buildings for marinas shall be set back not less than ten feet from the lake shoreline.
- (3) Side yards shall be not less than 12 feet in depth.
- (4) Rear yards shall be not less than 15 feet.
- (5) Where the lot abuts upon property used for residential purposes, a buffer strip shall be provided along the side and/or rear lot line of such abutting residential use(s). If a fence or wall is used, such fence or wall shall be opaque and not less than eight feet in height. If a planted buffer is used, such buffer strip shall be not less than eight feet in width and shall be composed of evergreen trees or shrubs which at planting will be at least four feet high and at maturity will be not less eight feet high. This requirement may be modified by the Board

Page 8 - Minutes of the February 9, 1999 Regular Council Meeting

of Adjustment where sufficient natural buffering exists.

- (F) (1) Ingress/Egress. All uses in this district abutting the major thoroughfares, being U.S. Highway 64/74 , N.C. Highway 9, or Buffalo Creek Road, shall have access only from such thoroughfares and shall be allowed only one means of ingress/egress for each 150 feet of frontage or fraction thereof. All ingress/egress openings, for both one-way or two-way traffic, shall be a minimum of 15 feet wide and a maximum of ~~50~~ 30 feet wide, measured at the road right-of-way line, unless otherwise required by the N.C. Department of Transportation.
- (2) Landscaping. Landscaped traffic delineators are required within the front yard of the commercial site extending the full width of the front yard excepting to allow for entrances and exits. Delineators shall begin at the edge of the right-of-way or six feet from the edge of the pavement, whichever is greater, and shall extend a minimum of two feet toward the front of the structure. The area shall be planted and maintained with grass, flowers, and/or shrubs not high enough to obstruct a driver's view of traffic.
- (G) Frontage. All lots must have 100 feet of frontage on a street. Lots which abut the lake must have 100 feet of frontage on the lake. For purposes of this section, all sites that are double frontage lots or corner lots shall be deemed to have frontage on all such streets. All fronts must adhere to ingress/egress requirements.
- (H) Parking. All parking and loading must be in compliance with §§ 92.102 through 92.104."

SECTION FIVE: To add a new § 92.039, GU District, as follows:

§ 92.039 GU GOVERNMENT USE DISTRICT.

- (A) Intent. These districts are intended to apply to those lands where national, state or local governmental activities are conducted and where governments hold title to such lands. Any lawful governmental activity is permitted in these districts. It is not intended to classify all lands owned by governments into this district, but only those lands particularly and peculiarly related to public usage.
- (B) Permitted Uses Within the GU Government Use District buildings and land shall be used only for the following purposes:
- (1) Parks, playgrounds, and recreation areas.
 - (2) Government administrative, meeting, and support facilities.
 - (3) Public facilities such as schools, hospitals and libraries.
 - (4) Other public facilities of a like nature.
 - (5) Those uses designated on a master plan adopted by Town Council for any publicly owned property.
- (C) Development Criteria. As determined by Town Council."

SECTION SIX: To amend § 92.040, Building Site--Minimum Dimensional Requirements, to add the following:

Page 9 - Minutes of the February 9, 1999 Regular Council Meeting

ZONING CLASSIFIC.	LOT AREA	LOT WIDTH AT BLDG. SITE	FRONT YARD SETBACK	SIDE YARD SETBACK	REAR YARD SETBACK	REAR YARD OPEN SPACE % OF LOT
CG	21,780 sf	100 ft	10 ft	12 ft	15 ft	None
CN	10,890 sf	50 ft	10 ft	10 ft	15 ft	None
CTC	10,000 sf	50 ft	0 ft	0 ft or 10'	15 ft	None
GU	As determined by Town Council					

SECTION SEVEN: To amend § 92.156, Signs Prohibited, to add the following:

§ 92.156 SIGNS PROHIBITED.

- (D) Banners, pendants, flags and balloons, except as otherwise allowed.

SECTION EIGHT: To amend § 92.157, Signs Permitted, to add the following:

§ 92.157 SIGNS PERMITTED AND REGULATED.

- (A) Residential.

- (1) All residential districts:

- (c) Up to two decorative non-advertising flags of not more than three feet by five feet in size shall be permitted as accessory to any residential structure. Said flags shall be exempt from the permit requirements of this chapter.

- (B) Business, commercial and industrial districts.

- (6) Signs in this division (B) may be located within required front yards so long as no portion of any sign encroaches into any right-of-way and further provided that signs within 50 feet of any property zoned residential shall be no closer than ten feet to the right-of-way.

- (7) Up to two decorative flags of not more than three feet by five feet in size shall be permitted for each 50 feet of street frontage as accessory to any business. Said flags may include art work depicting the products and services available from the business and shall be exempt from the permit requirements of this chapter.

SECTION NINE: The Zoning Administrator shall make all the necessary corrections and additions to the zoning ordinance so as to implement the provisions of this ordinance and shall henceforth enforce the ordinance as hereby amended.

SECTION TEN: This ordinance shall be effective upon its adoption.

Adopted this 9th day of February, 1999.

ATTEST:

