

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL  
HELD TUESDAY, JANUARY 8, 2008, 7:00 P.M. AT THE LAKE LURE MUNICIPAL  
CENTER**

**PRESENT:** Mayor Jim Proctor  
Commissioner Wayne Hyatt  
Commissioner Jeanine Noble  
Commissioner Linda Turner

H. M. Place III, Town Manager  
J. Christopher Callahan, Town Attorney

**ABSENT:** Commissioner Russ Pitts

**CALL TO ORDER**

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

**INVOCATION**

Attorney Callahan gave the invocation.

**APPROVE THE AGENDA**

After discussion, Commissioner Noble made a motion to approve the agenda as amended adding an item as 3a for Mayor's Comments and an item under new business as 18g to consider a budget amendment regarding a housing allowance for the new town manager. Commissioner Turner seconded the motion and the vote of approval was unanimous.

Mayor Proctor introduced Steve Wheeler as the new town manager starting effective as of January 15, 2008. He announced that Town Manager H. M. Place is retiring at the end of this month. The Mayor also recognized and thanked Mr. Place on behalf of town council and town staff members for all that he has done for the town. Mayor Proctor invited citizens to attend Mr. Place's retirement party. Mr. Place expressed his appreciation to the town council and staff members.

**Public Hearing - Proposed Ordinance No. 08-01-08 Amending Chapter 92 of the Zoning Regulations of the Town of Lake Lure Code of Ordinances; Establishing Regulations and Providing Definitions for Resort Signage**

Mayor Proctor opened the public hearing regarding proposed Ordinance No. 08-01-08.

**Page 2 - Minutes of the January 8, 2008 Regular Council Meeting**

Community Development Director Shannon Baldwin gave a brief overview and answered questions pertaining to proposed Ordinance No. 08-01-08.

Mayor Proctor invited citizens to speak during the public hearing and no one requested to speak.

After discussion, Commissioner Turner made a motion to close the public hearing. Commissioner Hyatt seconded the motion and the vote of approval was unanimous.

**Adopt Ordinance No. 08-01-08 Amending Chapter 92 of the Zoning Regulations of the Town of Lake Lure Code of Ordinances; Establishing Regulations and Providing Definitions for Resort Signage**

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

After discussion, Commissioner Turner made a motion to adopt Ordinance No. 08-01-08 as presented. Commissioner Noble seconded the motion and the vote of approval was unanimous.

**ORDINANCE NUMBER 08-01-08**

**AN AMENDMENT TO CHAPTER 92 (ZONING REGULATIONS) OF THE TOWN OF LAKE LURE CODE OF ORDINANCES; AMENDING SECTION 92.157 TO ESTABLISH REGULATIONS FOR RESORT SIGNAGE; PROVIDING DEFINITIONS**

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

**WHEREAS**, the Lake Lure Town Council, after due notice, conducted a public hearing on the 8th day of January, 2008, 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.** Section 92.147 of the Zoning Regulations of the Town of Lake Lure, regarding definitions for sign regulations, is hereby amended by adding the following definition:

*Resort:* A place or places under common management where a large selection of organized activities takes place such as recreation and entertainment, and where facilities are provided for dining and lodging for residents and guests.

**SECTION TWO.** Paragraph (C) of Section 92.157 of the Zoning Regulations of the Town of Lake

**Page 3 - Minutes of the January 8, 2008 Regular Council Meeting**

Lure, regarding standards for resort signs, is hereby enacted to read as follows:

- (C) *Resort Signs.* These standards govern signage located within resorts containing 75 acres or more as that term is defined in §92.147. If any resort sign regulated pursuant to this paragraph is illuminated, it shall only be illuminated by an external bulb.
- (1) *Resort Private Road Sign:* A sign communicating limits on speed and/or messages of warning, caution, and prohibitions for regulating vehicular or pedestrian traffic for safety. These signs shall neither exceed six (6) feet height nor be greater than nine (9) square feet in area per sign face. Said sign may display the insignia or logo of the entity which owns and maintains the private road, so long as not more than 20% of the sign face is used to display the logo or insignia. Signs shall be placed in a manner so as to neither obstruct visibility nor sight distance of motorists.
  - (2) *Resort Direction Sign:* A sign within a resort designed and erected solely for the purpose of vehicular or pedestrian traffic direction. These signs shall neither exceed ten (10) feet in height nor be greater than forty (40) square feet in area per sign face. Such signs may display the insignia or logo of the resort, so long as not more than 20% of the sign face is used to display the logo or insignia. Signs shall be placed in a manner so as to neither obstruct/impair visibility nor sight distance of motorists.
  - (3) *Resort Information Sign:* A single face announcement sign within a resort designed and erected solely for the purpose of conveying information relative to rules of conduct, resort protocol, directives, warnings, or caution. These signs shall neither exceed seven (7) feet in height nor be greater than forty (40) square feet in area per sign face. Such signs may display the insignia or logo of the resort, so long as not more than 20% of the sign face is used to display the logo or insignia. Signs shall be placed in a manner so as to neither obstruct/impair visibility nor sight distance of motorists.
  - (4) *Resort Incidental Sign:* A single face, announcement sign within a resort containing information relative to direction, warning, emergencies, caution, rules, or other similar necessary accessory messages. These signs shall neither exceed five (5) feet in height nor be greater than five (5) square feet in sign area. The total number of resort incidental signs in a resort shall not exceed a number which is the product of three times the number of acres in the resort. For purposes of determining this number, acreage contained within a golf course shall not be counted, nor shall any resort incidental signs contained within such golf course.

**Page 4 - Minutes of the January 8, 2008 Regular Council Meeting**

**SECTION THREE.** Any person violating the provisions of this ordinance shall be subject to the penalties set forth in Section 92.999 of the Zoning Regulations.

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

**SECTION FIVE.** 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 SIX.** 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 SEVEN.** This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 8th day of January, 2008.

ATTEST:

\_\_\_\_\_  
Mary A. Flack, MMC  
Town Clerk

\_\_\_\_\_  
Jim Proctor  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
J. Christopher Callahan  
Town Attorney

**Public Hearing - Proposed Ordinance No. 08-01-08A Amending Chapter 92 of the Zoning Regulations of the Town of Lake Lure Code of Ordinances; Making Common Amenities Intended to Serve Residential Developments Conditional Uses in Various Zoning Classifications**

Mayor Proctor opened the public hearing regarding proposed Ordinance No. 08-01-08 A.

Community Development Director Shannon Baldwin answered questions pertaining to proposed Ordinance No. 08-01-08A.

Mayor Proctor invited citizens to speak during the public hearing and no one requested to speak.

After discussion, Commissioner Noble made a motion to close the public hearing. Commissioner Turner seconded the motion and the vote of approval was unanimous.

**Adopt Ordinance No. 08-01-08A Amending Chapter 92 of the Zoning Regulations of the Town of Lake Lure Code of Ordinances; Making Common Amenities Intended to Serve Residential Developments Conditional Uses in Various Zoning Classifications**

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

After discussion, Commissioner Noble made a motion to adopt Ordinance No. 08-01-08A as presented. Commissioner Turner seconded the motion and the vote of approval was unanimous.

**ORDINANCE NUMBER 08-01-08A**

**AN AMENDMENT TO CHAPTER 92 (ZONING REGULATIONS) OF THE TOWN OF LAKE LURE CODE OF ORDINANCES MAKING COMMON AMENITIES INTENDED TO SERVE RESIDENTIAL DEVELOPMENTS CONDITIONAL USES IN VARIOUS ZONING CLASSIFICATIONS**

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

**WHEREAS**, the Lake Lure Town Council, after due notice, conducted a public hearing on the 8th day of January, 2008, 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.** Section 92.005 of the Zoning Regulations of the Town of Lake Lure, entitled "Definitions", is hereby amended by adding the following definitions:

*Common Amenities:* Clubhouses (not to include lodging facilities), gazebos, tennis courts, swimming pools, amphitheaters, parks, or other facilities or structures accessory to one or more residential developments, intended to provide recreational, cultural or social enrichment solely to persons residing within the residential development(s) and their guests and not to the general public.

*Residential Development:* A subdivision or planned unit development. This definition is provided as a means of grouping the aforementioned uses into a category of uses, and is not intended to define a new use under the Zoning Regulations. Use of the term "Residential Development" in the Zoning Regulations shall not be deemed to add any uses to a zoning

**Page 6 - Minutes of the January 8, 2008 Regular Council Meeting**

district which are not specifically listed as permitted uses or conditional uses within said district.

**SECTION TWO.** Paragraph (C) of Section 92.027 of the Zoning Regulations of the Town of Lake Lure, regarding conditional uses in the R-1A, R-1B and R-1C Residential Districts, is hereby amended by adding the following conditional use:

- (2) Common amenities for residential developments provided that they are situated within the residential development so as not to adversely impact existing and/or reasonably foreseeable uses on adjoining properties. Such amenities shall be set back a minimum of 30 feet from such adjoining properties and a minimum of 60 feet from Lake Lure. Buffering may be utilized to assure compatibility with adjoining uses.

**SECTION THREE.** Paragraph (C) of Section 92.028 of the Zoning Regulations of the Town of Lake Lure, regarding conditional uses in the R-1D Residential District, is hereby amended by adding the following conditional use:

- (2) Common amenities for residential developments provided that they are situated within the residential development so as not to adversely impact existing and/or reasonably foreseeable uses on adjoining properties. Such amenities shall be set back a minimum of 30 feet from such adjoining properties and a minimum of 60 feet from Lake Lure. Buffering may be utilized to assure compatibility with adjoining uses.

**SECTION FOUR.** Paragraph (C) of Section 92.029 of the Zoning Regulations of the Town of Lake Lure, regarding conditional uses in the R-2 Residential District, is hereby amended by adding the following conditional use:

- (17) Common amenities for residential developments provided that they are situated within the residential development so as not to adversely impact existing and/or reasonably foreseeable uses on adjoining properties. Such amenities shall be set back a minimum of 30 feet from such adjoining properties and a minimum of 60 feet from Lake Lure. Buffering may be utilized to assure compatibility with adjoining uses.

**SECTION FIVE.** Paragraph (C) of Section 92.030 of the Zoning Regulations of the Town of Lake Lure, regarding conditional uses in the R-3 Residential District, is hereby amended by adding the following conditional use:

- (11) Common amenities for residential developments provided that they are situated within the residential development so as not to adversely impact existing and/or reasonably foreseeable uses on adjoining properties. Such amenities shall be set back a minimum of 30 feet from such adjoining properties and a minimum of 60 feet from Lake Lure. Buffering may be utilized to assure compatibility with adjoining uses.

**Page 7 - Minutes of the January 8, 2008 Regular Council Meeting**

**SECTION SIX.** Paragraph (G) of Section 92.031 of the Zoning Regulations of the Town of Lake Lure, regarding conditional uses in the C-1 General Commercial District, is hereby amended by adding the following conditional use:

- (9) Common amenities for residential developments provided that they are situated within the residential development so as not to adversely impact existing and/or reasonably foreseeable uses on adjoining properties. Such amenities shall be set back a minimum of 30 feet from such adjoining properties and a minimum of 60 feet from Lake Lure. Buffering may be utilized to assure compatibility with adjoining uses.

**SECTION SEVEN.** Paragraph (C) of Section 92.031C of the Zoning Regulations of the Town of Lake Lure, regarding conditional uses in the CG Commercial General District, is hereby amended by adding the following conditional use:

- (11) Common amenities for residential developments provided that they are situated within the residential development so as not to adversely impact existing and/or reasonably foreseeable uses on adjoining properties. Such amenities shall be set back a minimum of 30 feet from such adjoining properties and a minimum of 60 feet from Lake Lure. Buffering may be utilized to assure compatibility with adjoining uses.

**SECTION EIGHT.** Subparagraph (A)(4) of Section 92.048 of the Zoning Regulations of the Town of Lake Lure, regarding conditional use standards for planned unit developments, is hereby amended by adding the following minimum requirement:

- (k) Common amenities for residential developments provided that they are situated within the residential development so as not to adversely impact existing and/or reasonably foreseeable uses on adjoining properties. Such amenities shall be set back a minimum of 30 feet from such adjoining properties and a minimum of 60 feet from Lake Lure. Buffering may be utilized to assure compatibility with adjoining uses.

**SECTION NINE.** Any person violating the provisions of this ordinance shall be subject to the penalties set forth in Section 92.999 of the Zoning Regulations.

**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.

**Page 8 - Minutes of the January 8, 2008 Regular Council Meeting**

**SECTION THIRTEEN.** This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 8th day of January, 2008.

Attest:

\_\_\_\_\_  
Mary A. Flack, MMC  
Town Clerk

\_\_\_\_\_  
Jim Proctor  
Mayor

Approved as to form:

\_\_\_\_\_  
J. Christopher Callahan  
Town Attorney

**Public Hearing - Proposed Ordinance No. 08-01-08B Amending Chapter 92 of the Zoning Regulations of the Town of Lake Lure Code of Ordinances; Modifying the Requirements for Amending the Zoning Regulations; Modifying the Requirements for Home Occupations; Requiring Proof of Approval for Water and Septic to Accompany Applications for Zoning Compliance Permits; Requiring Construction Sites to be Kept Clean and Free of Debris**

Mayor Proctor opened the public hearing regarding proposed Ordinance No. 08-01-08 B.

Community Development Director Shannon Baldwin gave a brief overview and answered questions pertaining to proposed Ordinance No. 08-01-08B.

Mayor Proctor invited citizens to speak during the public hearing. Bill Bush and John Cloud requested to speak regarding home occupancy and garages.

After discussion, Commissioner Turner made a motion to close the public hearing. Commissioner Hyatt seconded the motion and the vote of approval was unanimous.

**Adopt Ordinance No. 08-01-08B Amending Chapter 92 of the Zoning Regulations of the Town of Lake Lure Code of Ordinances; Modifying the Requirements for Amending the Zoning Regulations; Modifying the Requirements for Home Occupations; Requiring Proof of Approval for Water and Septic to Accompany Applications for Zoning Compliance Permits; Requiring Construction Sites to be Kept Clean and Free of Debris**

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

After discussion, Commissioner Noble made a motion to adopt Ordinance No. 08-01-08AB as presented. Also, direct the zoning and planning board to review the number of employees allowed



**Page 9 - Minutes of the January 8, 2008 Regular Council Meeting**

for home occupations and draft an amendment. Commissioner Turner seconded the motion and the vote of approval was unanimous.

**ORDINANCE NUMBER 08-01-08B**

**AN AMENDMENT TO CHAPTER 92 (ZONING REGULATIONS) OF THE TOWN OF LAKE LURE CODE OF ORDINANCES; MODIFYING THE REQUIREMENTS FOR AMENDING THE ZONING REGULATIONS; MODIFYING THE REQUIREMENTS FOR HOME OCCUPATIONS; REQUIRING PROOF OF APPROVAL FOR WATER AND SEPTIC TO ACCOMPANY APPLICATIONS FOR ZONING COMPLIANCE PERMITS; REQUIRING CONSTRUCTION SITES TO BE KEPT CLEAN AND FREE OF DEBRIS**

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

**WHEREAS**, the Lake Lure Town Council, after due notice, conducted a public hearing on the 8th day of January, 2008, 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.** Section 92.171 of the Zoning Regulations of the Town of Lake Lure, regarding applications to amend the zoning regulations, is hereby amended as follows:

**§92.171 Application.** Before any application on a proposed change or amendment, an application shall be submitted to the office of the Zoning Administrator at least ~~ten~~ 30 days prior to the Zoning and Planning Board's meeting at which the application is to be considered. The application shall contain the name(s) and address(es) of the owner(s) of the property in question, the location of the property, and a description and/or statement of the present and proposed zoning regulation or district. All applications requesting a changes in the zoning map shall include a description of the property in question. The Zoning and Planning Board will not consider a reapplication for any rezoning of any such property denied for a period of twelve months from the date of denial. The provisions of this section and §92.172 regarding application fees shall not apply to amendments generated by the Town of Lake Lure.

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

**SECTION TWO.** Section 92.173 of the Zoning Regulations of the Town of Lake Lure, regarding Zoning and Planning Board action on applications to amend the zoning regulations, is hereby amended as follows:

**Page 10 - Minutes of the January 8, 2008 Regular Council Meeting**

**§92.173 Zoning and Planning Board Action.** Before taking any action on a proposed amendment to the chapter, the Town Council shall consider the Zoning and Planning Board's recommendations on each proposed amendment. ~~The Zoning and Planning Board shall have 35 days after the first consideration of the application within which to submit its recommendations to the Town Council. Failure of the Zoning and Planning Board to submit recommendations within the 35 day period shall constitute a favorable recommendation. Provided, however, if the Zoning and Planning Board shall not have made its recommendations within 35 days after the first consideration of an application by the Board, the applicant shall have the right to demand that the application be forwarded to the Town Council for a public hearing thereon.~~

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

**SECTION THREE.** The definition of "home occupation", contained in Section 92.005 of the Zoning Regulations of the Town of Lake Lure, is hereby amended as follows:

*Home Occupation:* Any profession or occupation conducted entirely within a dwelling and/or a building which is customarily accessory thereto, by a family member or occupant permanently residing on the premises that is incidental to the primary use of the dwelling as a residence. ~~No merchandise shall be sold or displayed on the premises, and no mechanical equipment shall be installed which is not normally used for domestic or professional purposes. No more than 25% of the total floor space of the dwelling unit may be used for a home occupation. No exterior evidence of the presence of a home occupation shall be allowed other than a sign as permitted in §§ 92.145 through 92.161. Only members of the immediate family residing in the same dwelling unit and not more than one other employee may be employed in the operation of a home occupation. One off-street parking space shall be required in addition to the parking requirements for the dwelling unit.~~

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

**SECTION FOUR** Section 92.117 of the Zoning Regulations of the Town of Lake Lure, entitled "Home Occupations", is hereby amended as follows:

§92.117 HOME OCCUPATIONS:

- (A) The person conducting the home occupation must be the owner of the dwelling unit/building or accessory building in which the home occupation is to be located, or if the applicant is a tenant, written approval of the owner must be provided.
- (B) The use of the dwelling unit/building or accessory building for home occupations shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character of it.

**Page 11 - Minutes of the January 8, 2008 Regular Council Meeting**

- (C) Deliveries or pick-ups of supplies or products associated with the home occupation are allowed only between 8a.m. and 6p.m.
- (D) The home occupation shall not generate additional traffic beyond what is customary to and of the type associated with residential use.
- (E) Goods or materials used in connection with a home occupation shall only be stored within a completely enclosed structure.
- (F) No vehicles used primarily in connection with a home occupation which advertises that home occupation may be parked where they are visible from the road.
- (G) No merchandise or articles for sale shall be displayed for advertising purposes so as to be visible from outside the main dwelling.
- (H) No persons other than the resident occupants and 3 individuals shall be working on the home occupation in the dwelling unit/building or accessory building at any given time. ~~Parking for such employees must be off the street.~~
- (I) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference which is detectable.
- (J) There shall be no visible evidence of the conduct of a home occupation when viewed from the street right-of-way or from an adjacent lot. No changes shall be made to the outside appearance of the dwelling unit or lot, ~~including the posting of any signs,~~ for the use in conjunction with a home occupation, and there shall be no other visible evidence of the conduct of such home occupation on the lot. Notwithstanding the foregoing, a home occupation may utilize one non-illuminated sign, not exceeding two square feet in area, affixed to the residence.
- (K) The home occupation shall cease immediately when the use is determined by the Zoning Administrator to be a nuisance or is in violation of any statute, ordinance, law or regulation.
- (L) Parking adequate to accommodate employees, clients or customers, and residents shall be provided off the street and shall be screened from view from adjoining properties.

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

**SECTION FIVE.** Section 92.062 of the Zoning Regulations of the Town of Lake Lure, entitled “Certificate of Zoning Compliance Required; Applications”, is hereby amended as follows:

**Page 12 - Minutes of the January 8, 2008 Regular Council Meeting**

§ 92.062 CERTIFICATE OF ZONING COMPLIANCE REQUIRED; APPLICATIONS

- (A) Except as otherwise provided in these Zoning Regulations, no building or other structure shall be erected, moved, added to or structurally altered, nor shall any County building permit be issued nor shall any change in the use of any building or land be made until a certificate of zoning compliance shall have been issued by the Zoning Administrator. No certificate of zoning compliance shall be issued except in conformity with the provisions of this chapter. Upon approval of a conditional use permit or variance by the Board of Adjustment the Zoning Administrator shall issue a certificate of zoning compliance.
- (B) All applications for zoning compliance certificates shall be accompanied by ~~detailed site plans, in duplicate and drawn to scale,~~ showing the following:
- (1) Detailed site plans, in duplicate and drawn to scale, showing the following:
    - (a) actual dimensions and general topography of the lot to be built upon;
    - (b) accurate dimensions, uses and locations on the lot of the building(s); proposed to be erected or altered;
    - (c) the significant trees to be protected or removed; and
    - (d) a steep slope plan in accordance with § 92.119 where such slopes occur. and
  - (2) If connection is to be made to the Town's water or sewer systems, proof of approval for taps from the Town.
  - (3) If individual septic tanks and/or wells are to be used, proof of approval from the County Health Department.
  - (4) Such other information as may be necessary to provide for the enforcement of the provisions of this chapter.

Prior to issuance of a certificate of zoning compliance, the Zoning Administrator may consult with such qualified personnel as surveyors, geotechnical engineers, the tree protection officer, the erosion control officer, and others, as needed, for assistance to determine if the application meets the requirements of this chapter. The cost of a zoning compliance certificate shall be as set forth in the Town of Lake Lure fee schedule at the time the application for a zoning compliance certificate is made.

**Page 13 - Minutes of the January 8, 2008 Regular Council Meeting**

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

**SECTION SIX.** Section 92.063 of the Zoning Regulations of the Town of Lake Lure, entitled “Requirements Prior to Issuance of a Building Permit”, is hereby repealed.

**SECTION SEVEN.** Section 92.066 of the Zoning Regulations of the Town of Lake Lure, entitled “Construction Progress”, is hereby amended as follows:

§ 92.066 CONSTRUCTION PROGRESS. Construction sites shall be kept clean and free of debris. If work has not commenced within six months of the date of the issuance of the certificate of zoning compliance, or if work begins and then ceases for a period of 12 months, the certificate of zoning compliance shall become invalid.

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

**SECTION EIGHT.** Paragraph (A)(3) of §92.157 of the Zoning Regulations of the Town of Lake Lure, concerning signs permitted in the R-1, R-2, R-3 and R-4 zoning classifications, is hereby amended as follows:

- (a) One flat sign not to exceed 12 square feet, identifying the premises of or on which permitted non-residential uses are located. Such signs shall not be illuminated by either an internal or external source. This paragraph shall not apply to home occupations, signs in which are regulated by the terms of §92.117(J).

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

**SECTION NINE.** Any person violating the provisions of this ordinance shall be subject to the penalties set forth in Section 92.999 of the Zoning Regulations.

**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 the date of its adoption.

**Page 14 - Minutes of the January 8, 2008 Regular Council Meeting**

Adopted this 8th day of January, 2008.

Attest:

\_\_\_\_\_  
Mary A. Flack, MMC  
Town Clerk

\_\_\_\_\_  
Jim Proctor  
Mayor

Approved as to form:

\_\_\_\_\_  
J. Christopher Callahan  
Town Attorney

**Public Hearing - Proposed Ordinance No. 08-01-08C Amending the Zoning Map of the Town of Lake Lure By Rezoning a Lot from CTC and R-2 to R-2 as Requested By Chris Conard, Agent for Tom Zink dba Raven Ridge LLC Rezoning Petition RZ-07-04**

Mayor Proctor opened the public hearing regarding proposed Ordinance No. 08-01-08C.

Amos Gilliam, Planner/Subdivision Administrator gave a brief overview and answered questions pertaining to proposed Ordinance No. 08-01-08C.

Mayor Proctor invited citizens to speak during the public hearing and no requested to speak.

After discussion, Commissioner Turner made a motion to close the public hearing. Commissioner Noble seconded the motion and the vote of approval was unanimous.

**Adopt Ordinance No. 08-01-08C Amending the Zoning Map of the Town of Lake Lure By Rezoning a Lot from CTC and R-2 to R-2 as Requested By Chris Conard, Agent for Tom Zink dba Raven Ridge LLC Rezoning Petition RZ-07-04**

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

After discussion, Commissioner Turner made a motion to adopt Ordinance No. 08-01-08C as presented. Commissioner Hyatt seconded the motion and the vote of approval was unanimous.

**ORDINANCE NUMBER 08-01-08C**

**AN ORDINANCE AMENDING THE ZONING MAP OF TOWN OF LAKE LURE BY REZONING A LOT FROM CTC and R-2 TO R-2 AS REQUESTED BY REZONING PETITION RZ-07-04**

**Page 15 - Minutes of the January 8, 2008 Regular Council Meeting**

**WHEREAS**, Raven Ridge, LLC is the owner of a parcel identified by tax Parcel Identification Number (PIN) 1644615 and described in deed book 942 page 656 at the Rutherford County Register of Deeds Office; and,

**WHEREAS**, the current zoning of the above referenced parcel is CTC/Commercial, Town Center and R-2/General Residential District; and,

**WHEREAS**, Tom Zink dba Raven Ridge, LLC has petitioned to have this parcel rezoned to R-2/General Residential District as described with petition number RZ-07-04; and,

**WHEREAS**, the Lake Lure Zoning and Planning Board, after due consideration on the 18th of December, 2007, recommended approval of this petition; and,

**WHEREAS**, the Lake Lure Town Council, after due public notice, conducted a public hearing on the 8<sup>th</sup> day of January, 2008, on the question of amending the zoning map in this respect and, after further consideration, determined that the rezoning is in the best interests of the Town of Lake Lure;

**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:** The zoning map referenced in Chapter 92 of the Lake Lure Code of Ordinances is hereby amended to change the lot having County tax PIN 1644615 from CTC/Commercial, Town Center and R-2/General Residential District to R-2/General Residential District.

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

**SECTION THREE:** This ordinance shall be effective upon its adoption.

Adopted this 8<sup>th</sup> day of January, 2008.

Attest:

\_\_\_\_\_  
Mary A. Flack, MMC  
Town Clerk

\_\_\_\_\_  
Jim Proctor  
Mayor

Approved as to form:

\_\_\_\_\_  
J. Christopher Callahan  
Town Attorney

