

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, OCTOBER 13, 2009, 7:00 P.M. AT THE LAKE LURE MUNICIPAL
CENTER**

PRESENT: Mayor Jim Proctor
Commissioner Bill Beason
Commissioner Wayne Hyatt
Commissioner Russ Pitts
Commissioner Linda Turner

Christopher Braund, Town Manager
J. Christopher Callahan, Town Attorney
Mike Egan, Community Development Attorney

ABSENT: N/A

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 Turner made a motion to approve the agenda as presented. Commissioner Hyatt seconded the motion and the vote of approval was unanimous.

PUBLIC HEARING - PROPOSED ORDINANCE NO. 09-10-13 AMENDING THE TOWN OF LAKE LURE LAKE STRUCTURE REGULATIONS, TITLE IX, CHAPTER 94, SECTIONS 94.02 DEFINITIONS, 94.03 PERMIT TO CONSTRUCT, AND 94.05 DESIGN AND CONSTRUCTION STANDARDS OF THE LAKE STRUCTURE REGULATIONS OF THE TOWN OF LAKE LURE

Erosion Control Officer Clint Calhoun gave a brief overview and answered questions pertaining to proposed Ordinance No. 09-10-13 amending the Lake Structure Regulations.

Mayor Proctor opened the public hearing regarding proposed Ordinance No. 09-10-13 amending the Lake Structure Regulations. He invited citizens to speak during the public hearing and no one requested to speak.

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

CONSIDER ADOPTION OF ORDINANCE NO. 09-10-13 AMENDING THE TOWN OF LAKE LURE LAKE STRUCTURE REGULATIONS, TITLE IX, CHAPTER 94, SECTIONS 94.02 DEFINITIONS, 94.03 PERMIT TO CONSTRUCT, AND 94.05 DESIGN AND CONSTRUCTION STANDARDS OF THE LAKE STRUCTURE REGULATIONS OF THE TOWN OF LAKE LURE

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

After discussion, Commissioner Hyatt made a motion to adopt Ordinance No. 09-10-13 as presented. Commissioner Turner seconded the motion and the vote of approval was unanimous.

ORDINANCE NUMBER 09-10-13

AN ORDINANCE AMENDING SECTION 94.02 DEFINITIONS, 94.03 PERMIT TO CONSTRUCT, AND 94.05 DESIGN AND CONSTRUCTION STANDARDS OF THE LAKE STRUCTURE REGULATIONS OF THE TOWN OF LAKE LURE

WHEREAS, the Town of Lake Lure Lake Advisory Board has recommended modifications to Chapter 94, concerning the definitions, permit to construct, and design and construction standards of the Lake Structure Regulations of the Town of Lake Lure; and

WHEREAS, the Lake Lure Town Council, after due notice, conducted a public hearing on the 13th day of October, 2009, upon the question of amending the Lake Structure 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 TOWN COUNCIL VOTING IN THE AFFIRMATIVE.

SECTION ONE. Section 94.02 of the Lake Structure Regulations of the Town of Lake Lure is hereby amended as follows:

§ 94.02 DEFINITIONS

“Covered Slip.” Any roofed structure not enclosed with walls and containing one or more slips designed principally for permanent or temporary storage and/or housing of watercraft.

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

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SECTION TWO. Section 94.03 of the Lake Structure Regulations of the Town of Lake Lure is hereby amended as follows:

§ 94.03 PERMIT TO CONSTRUCT

- (A) No structure of any kind whether stationary, floating, or access ramp, or fuel dispensing system for boats, shall be constructed or installed before having first made written application for and obtained from the Lake Structure Administrator, a lake structure permit. A building permit must be obtained from the County Building Inspector except for structures installed rather than built (such as umbrellas, awnings, canopies, or moored inflatable platforms), so long as these structures do not exceed 150 pounds in total weight. Upon application for a lake structure permit, the applicant shall present to the Lake Structure Administrator the following information and materials. The application and all plans shall be signed and dated by the property owner. Additional restrictions and regulations apply to commercial lake structures, cluster mooring facilities and marinas. Please see sections 94.12, 94.13, and 94.14 for information regarding the permit to construct these types of lake structures.
- (3) Plans certified by a licensed architect or engineer in accordance with North Carolina code, drawn to scale, showing the height, length, width and configuration of the proposed installation. Excluded from this requirement are structures installed rather than built (such as umbrellas, awnings, canopies, or moored inflatable platforms) so long as these structures do not exceed 150 pounds in total weight.

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

SECTION THREE. Section 94.05 of the Lake Structure Regulations of the Town of Lake Lure is hereby amended as follows:

- (L) Moored Floating Platforms.
- (6) Any moored floating platform, whether permanent or temporary, shall be identified with the owner's name, local address, and local telephone number so that the platform can be identified and returned if it breaks loose from its mooring. This identification may be accomplished by attaching a metal or plastic tag to the platform or by printing the information directly onto the device using paint or ink.
- (P) As a condition of issuance of a permit, all structures built above the roof of a boathouse or covered slip, including decks and deck top accessory structures, shall require certification by a licensed architect or engineer that the boathouse structure is capable of supporting

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the dead and live load of the rooftop structure. Excluded from this requirement are structures installed rather than built (such as umbrellas, awnings, canopies, or moored inflatable platforms) so long as these structures do not exceed 150 pounds in total weight.

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

SECTION FOUR. Any person violating the provisions of this ordinance shall be subject to the penalties set forth in Section 94.99 of the Lake Structure Regulations.

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

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

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

Adopted this 13th day of October, 2009.

ATTEST:

Mary A. Flack, MMC
Town Clerk

Mayor Jim Proctor

Approved as to form:

J. Christopher Callahan
Town Attorney

PUBLIC HEARING - PROPOSED ORDINANCE NO. 09-10-13A AMENDING THE TOWN OF LAKE LURE ZONING REGULATIONS TITLE IX, CHAPTER 92, AND THE FABRIC STRUCTURES REGULATIONS TITLE IX, CHAPTER 97, PERTAINING TO STANDARDS FOR FABRIC STRUCTURES

Zoning Administrator Sheila Spicer gave a brief overview and answered questions regarding proposed Ordinance No. 09-10-13A amending the Zoning Regulations and Fabric Structures Regulations pertaining to standards for fabric structures. She also read into the record the following staff report pertaining to Ordinance No. 09-10-13A.

The Zoning and Planning Board began studying possible amendments to the regulations pertaining to fabric structures in April of this year. They initially outlined various areas of concern including the use of the structure, setbacks, duration of stay, land disturbance, and the application process. The Zoning and Planning Board feels the proposed amendments address these concerns.

Section one of the ordinance, the only amendments proposed to the Zoning Regulations, removes the exception for canopies and awnings as these types of fabric structures are currently being regulated. By leaving the remainder of this section in the Zoning Regulations, it clarifies that fabric structures are in fact regulated but differentiates them from other types of structures.

Section two of the ordinance proposes amendments to Chapter 97 of the Town Code which regulates fabric structures. This section outlines what fabric structures are regulated and addresses the application requirements. The Zoning and Planning Board has recommended that all fabric structures erected for more than 30 days be required to have a permit regardless of the size of the structure if it is visible from a street or the lake. There are also proposed amendments in this section clarifying the requirements for a site plan with the application for a permit. This is a requirement that has been stated on the application in the past, but would now be stipulated in the regulations.

Section three of the ordinance reorganizes the reviews required for each permit and clarifies the requirements for each review. This also adds new standards for land disturbance performed in conjunction with the placement of a fabric structure.

Mayor Proctor opened the public hearing regarding proposed Ordinance No. 09-10-13A amending the Zoning Regulations and the Fabric Structures Regulations pertaining to standards for fabric structures. He invited citizens to speak during the public hearing and no one requested to speak.

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

CONSIDER ADOPTION OF ORDINANCE NO. 09-10-13A AMENDING THE TOWN OF LAKE LURE ZONING REGULATIONS TITLE IX, CHAPTER 92, AND THE FABRIC STRUCTURES REGULATIONS TITLE IX, CHAPTER 97, PERTAINING TO STANDARDS FOR FABRIC STRUCTURES

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

After discussion, Commissioner Pitts made a motion to adopt Ordinance No. 09-10-13A as presented. Commissioner Turner seconded the motion and the vote of approval was unanimous.

ORDINANCE NUMBER 09-10-13A

AN ORDINANCE TO AMEND CHAPTER 92 ZONING REGULATIONS AND CHAPTER 97 FABRIC STRUCTURES REGULATIONS OF THE TOWN OF LAKE LURE MODIFYING THE REQUIREMENTS FOR FABRIC STRUCTURES

WHEREAS, the Zoning and Planning Board has recommended modifications to the Zoning Regulations as well as the Fabric Structures 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 13th day of October, 2009, upon the question of amending the Zoning Regulations and the Fabric Structures 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 92.118 of the Zoning Regulations of the Town of Lake Lure, entitled "Fabric and Metal Structures", is hereby amended as follows:

- (A) Fabric Structures. To protect the character and appearance of Lake Lure, no fabric structures, including tents and similar fabric covered shelters, ~~other than canopies and awnings~~ shall be erected in the Town of Lake Lure in any zoning district except in accordance with Chapter 97.

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

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SECTION TWO. Section 97.01 of the Fabric Structures Regulations of the Town of Lake Lure, entitled "Permit Required; Applications" is hereby amended as follows:

§ 97.01 PERMIT REQUIRED; APPLICATIONS

A permit shall be required for all structures constructed of fabric, including tents, erected within the Town of Lake Lure which exceed 500 square feet in area. All fabric structures, regardless of size, erected longer than 30 days and visible from any street as defined by Town regulations and/or the waters of Lake Lure also require a permit. The Town Manager may issue permits for such structures erected for 30 days or less in any one calendar year and having an area of less than 2000 square feet. Fabric structures erected for longer than 30 days in any one calendar year and/or having an area of 2000 square feet or more must be approved by the Town Council. Applications for a permit shall be submitted on a form obtainable from Town Hall. A site plan shall accompany the application detailing the dimensions of the lot and the location of the structure in relation to all property boundaries and existing structures. The site plan shall also include a description of any proposed land clearing and grading as well as proposed restoration of the site upon removal of the structure.

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

SECTION THREE. Section 97.02 of the Fabric Structures Regulations of the Town of Lake Lure, entitled "Standards and Review" is hereby amended as follows:

Applications for ~~all~~ fabric structure permits shall demonstrate compliance with the minimum standards set forth below in North Carolina General Statutes, the Building and Fire Codes, and the Lake Lure zoning regulations, and shall be reviewed by the Lake Lure Fire Coordinator prior to approval:

- (A) Fire Safety. The Fire Chief or his designee shall review all applications for compliance with the standards for fabric structures set forth in the North Carolina State Fire Code.
- (B) Zoning Compliance. The Zoning Administrator shall review all applications for compliance with the use requirements in the district for which the structure will be located as set forth in the Town of Lake Lure Zoning Regulations.
- (C) Land Clearing and Grading. Land clearing for fabric structures shall be limited to the removal of non-significant trees and the removal of shrubbery without grubbing as defined by the Zoning Regulations. Grading shall be limited to minimal leveling within the footprint of the structure and the driveway, if required. Upon removal of the structure, the site shall be returned as closely as possible to its condition prior to approval.

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

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

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

Adopted this 13th day of October, 2009.

ATTEST:

Mary A. Flack, MMC
Town Clerk

Jim Proctor
Mayor

Approved as to content and form:

J. Christopher Callahan
Town Attorney

PUBLIC HEARING - PROPOSED ORDINANCE NO. 09-10-13B AMENDING THE TOWN OF LAKE LURE ZONING REGULATIONS TITLE IX, CHAPTER 92, PERTAINING TO SIGNS IN COMMERCIAL SUBDIVISIONS AND THE GU-GOVERNMENT USE ZONING DISTRICT

Zoning Administrator Sheila Spicer gave a brief overview and answered questions regarding proposed Ordinance No. 09-10-13B amending the Zoning Regulations pertaining to signs in commercial subdivisions and the GU-Government Use Zoning District. She also read into the record the following staff report pertaining to Ordinance No. 09-10-13B.

The Zoning and Planning Board began studying possible amendments to the regulations pertaining to signs in commercial subdivisions in July of this year

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following the preliminary plat review for the Lake Lure Professional Park subdivision. It became apparent during that review that signs allowed for residential subdivisions are not allowed for commercial subdivisions. At that time, the Zoning and Planning Board also began discussing the addition of provisions for signs in the Government Use District due to plans to development town property along Highway 9 and Island Creek Road. The proposed ordinance being reviewed today is the result of the Zoning & Planning Board's discussions. Section one of the ordinance adds provisions for signs in commercial subdivision developments. This language, while outlined differently for added clarity, was lifted from the current regulations for subdivision and planned unit development signs in residential districts. This section also adds a provision for signs in the Government Use district, specifying Town Council as having the final approval on development criteria.

Mayor Proctor opened the public hearing regarding proposed Ordinance No. 09-10-13B amending the Zoning Regulations pertaining to signs in commercial subdivisions and the GU-Government Use Zoning District. He 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 Beason seconded the motion and the vote of approval was unanimous.

CONSIDER ADOPTION OF ORDINANCE NO. 09-10-13B AMENDING THE TOWN OF LAKE LURE ZONING REGULATIONS TITLE IX, CHAPTER 92, PERTAINING TO SIGNS IN COMMERCIAL SUBDIVISIONS AND THE GU-GOVERNMENT USE ZONING DISTRICT

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

After discussion, Commissioner Pitts made a motion to adopt Ordinance No. 09-10-13B as presented. Commissioner Turner seconded the motion and the vote of approval was unanimous.

ORDINANCE NUMBER 09-10-13B

AN ORDINANCE TO AMEND THE ZONING REGULATIONS OF THE TOWN OF LAKE LURE PERTAINING TO SIGNS PERMITTED AND REGULATED IN BUSINESS, COMMERCIAL, AND RESIDENTIAL DISTRICTS, SPECIFICALLY TO ALLOW SIGNS FOR COMMERCIAL SUBDIVISIONS AND TO ADDRESS SIGNS IN THE GU-GOVERNMENT USE DISTRICT

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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

WHEREAS, the Zoning and Planning Board finds that the proposed ordinance is consistent with the 2007-2027 Town of Lake Lure Comprehensive Plan, particularly with regard to the guidance to “attract new businesses to . . . service commercial nodes” contained in Economic Development Policy ED-1-3.1 as well as the guidance to “concentrate commercial development in designated nodes” contained in Land Use Policy LU-1-1.4; and

WHEREAS, the Lake Lure Town Council, after due notice, conducted a public hearing on the 13th day of October, 2009, 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 92.157 of the Zoning Regulations of the Town of Lake Lure, entitled “Signs Permitted and Regulated”, is hereby amended as follows:

(B) Business, commercial and industrial districts.

(1) As this subsection is applied to commercial centers, the commercial center owner shall be responsible for securing permits and maintaining the following signs:

(a) Freestanding Detached Signs. Each commercial center, as defined herein, shall be allowed one freestanding, double faced, detached sign, identifying the center. Such sign may contain the names of individual businesses located in the commercial center and may be illuminated. Said sign, including the aggregate sign face area of the individual business signs, shall not exceed 50 square feet per sign face, provided, any commercial center with an aggregate building footprint area greater than 50,000 square feet is permitted one freestanding detached sign not to exceed 100 square feet per sign face. Signs listed in Section 92.154, 92.155 and 92.158 shall not be included in the allowable area calculated.

(b) Principal Flat Signs. In addition, each individual business in the commercial center having a separate individual outside entrance serving the general public shall be permitted one principal flat sign, as defined herein, to identify the

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principal use of that business. Principal flat signs shall be positioned on the wall on which the main entrance of said business is located. The total aggregate area of the principal flat signs shall not exceed 3 percent of the gross area of the frontage wall, nor shall any single sign exceed 240 square feet. The signs may be illuminated. Signs listed in Section 92.154, 92.155 and 92.158 shall not be included in the allowable area calculated.

- (c) Incidental Flat Signs. Incidental flat signs affixed to the exterior side of the building wall on which the main entrance of the business is located, indicating an incidental use such as a pharmacy, garden center, deli or similar accessory use in a commercial center, shall be permitted. In no case shall the total aggregate area of incidental flat signs exceed 2 percent of the gross area of the frontage wall face, as defined herein, nor shall any single sign exceed 160 square feet.

- (2) Any business establishment not operating in a commercial center shall be allowed a maximum of 50 square feet of sign area as defined in § 92.148. Said sign area may be divided between a maximum of two signs. Signs may be illuminated. Signs listed in §§ 92.154, 92.155 and 92.158 shall not be included in these calculations.

- (3) Commercial subdivision developments shall be permitted one double-faced sign or two single-faced signs per entrance identifying the development, and shall be subject to the following:
 - (a) Said sign(s) may be illuminated.

 - (b) Said sign(s) shall not exceed 50 square feet per sign face. Signs listed in § 92.154, 92.155 and 92.158 shall not be included in the allowable area calculated.

 - (c) Any additional directional signs abutting public thoroughfares in the development shall not exceed 30 square feet per sign face.

 - (d) Each entrance identification sign shall require a separate permit fee and is classified as a business designation sign. Additional signs along public thoroughfares shall be classified as "additional" signs and the permit fees will be in accordance with § 92.161.

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- (3 4) Any signs permitted in business, commercial or industrial districts may contain a commercial sponsor name or motif provided that the total commercial name or motif shall not exceed 25% of the total allowable sign face area and shall be included in the total of sign face area.
- (4 5) No sign in this division (B) shall have more than 50% of its sign face area devoted to changeable copy.
- (5 6) The maximum height of the sign shall be 16 feet.
- (6 7) 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 8) 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. Penalty, see § 92.999

(C) Government districts.

- (1) As determined by Town Council in compliance with all town regulations during its review of a proposed development project or on a case by case basis.

(E D) *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.

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- (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.

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

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

SECTION FOUR. 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.

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

Adopted this 13th day of October, 2009.

ATTEST:

Mary A. Flack, MMC
Town Clerk

Jim Proctor
Mayor

Approved as to content and form:

J. Christopher Callahan
Town Attorney

PUBLIC FORUM

Mayor Proctor invited the audience to speak on any non-agenda item and/or consent agenda topics and no one requested to speak.

STAFF REPORTS

Town Manager Christopher Braund read into the record the town manager's report dated October 13, 2009. (Copy of the town manager's report is attached).

COUNCIL LIAISON REPORTS & COMMENTS

Commissioner Hyatt reported on the activities of the Board of Adjustment/Lake Structures Appeals Board and the Lake Lure ABC Board.

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Commissioner Beason reported on the activities of the Golf Course Committee and Lake Advisory Board.

Commissioner Pitts reported on the activities of the Zoning/Planning Board. Mr. Pitts mentioned that the town manager was looking into ways to better communicate with the public including web broadcasting of town meetings.

Commissioner Turner reported on the activities of the Parks and Recreation Board.

Mayor Proctor mentioned that he had recently attended a meeting representing the Town of Lake Lure in the governor's office among with others from various agencies to talk about funding for land conservation acquisitions. He said this meeting went very well.

<p style="text-align: center;">CONSENT AGENDA</p>
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Mayor Proctor presented the consent agenda and asked if any item should be removed before calling for action.

Commissioner Turner moved, seconded by Commissioner Beason, to approve the consent agenda items as presented. Therefore, the consent agenda, incorporating the following items were unanimously approved:

- a. minutes of the September 4, 2009 (special meeting) and September 8, 2009 (regular meeting and closed session)

End of Consent Agenda.

<p style="text-align: center;">UNFINISHED BUSINESS</p>

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| <p>a. CONSIDER ADOPTION OF ORDINANCE NO. 09-10-13C AMENDING THE TOWN OF LAKE LURE ZONING REGULATIONS, TITLE IX, CHAPTER 92, CREATING A NEW SECTION 92.042 REQUIRING VACATION RENTAL OPERATING PERMITS AND OTHERWISE REGULATING THE USE OF SINGLE-FAMILY RESIDENCES AND DUPLEXES AS RESIDENTIAL VACATION RENTALS; DEFINING RESIDENTIAL VACATION RENTALS AS RENTALS FOR A PERIOD OF TIME LESS THAN 30 DAYS;</p> |
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PROVIDING OTHER DEFINITIONS; DELETING BOARDING AND ROOMING HOUSES, NON-PROFIT RETREATS AND NON-PROFIT LODGES AS CONDITIONAL USES IN THE R-2 ZONING DISTRICT; MAKING RESIDENTIAL VACATION RENTALS A PERMITTED USE SUBJECT TO SPECIAL REQUIREMENTS IN THE R-1, R-1A, R-1B, R-1C, R-1D, R-2, M-1, R-3, R-4, C-1, CN, CTC, CG AND S-1 ZONING DISTRICTS; PROVIDING FOR FURTHER STUDY OF THE ISSUE OF THE IMPACTS OF RESIDENTIAL VACATION RENTALS. (SECOND READING)

A motion was made by Commissioner Pitts to adopt Ordinance No. 09-10-13C as presented. Commissioner Beason seconded the motion.

Commissioner Turner read into the record the following statement:

This ordinance has come a long way from where it started and Commissioner Hyatt and I applaud the efforts made by both sides in the search for a compromise, for it is only in a compromise that both sides of an issue are served. It is our hope that these regulations will set a standard for fairness and goodwill, the hallmark of a town where all work together for the greater good of the community. However, we still believe for this Council to advise a future Board of Commissioners to take a specific action on the phrase “negative impact” which has yet to be defined is ill-advised and illogical. We believe that the elimination of vacation rentals in single family residential districts would not be in the best interests of our town. We also recognize that a future Council will have many more facts in front of them on which to amend this ordinance, if, indeed, an amendment is necessary.

Commissioner Turner made a motion to amend the motion to change the last sentence of Section Two, Paragraph F of the proposed Ordinance No. 09-10-10-13C to read as follows. Commissioner Hyatt seconded the motion.

“Should those studies indicate that the objectives of this Ordinance are not being achieved, it is the desire of Council and the intent of this Ordinance that a future Council makes amendments to this Ordinance in whatever manner it deems appropriate in order to achieve these objectives.”

After discussion, Commissioner Pitts amended his original motion to adopt Ordinance No. 09-10-13C (SECOND READING) as amended per Community Development Attorney Mike Egan, revising Section Two, Paragraph F to read as follows. Commissioner Beason seconded the motion and the vote of approval was unanimous.

