

# **TOWN OF LAKE LURE**

## **Zoning And Planning Board Regular Meeting**

Tuesday, September 21, 2021 at 9:30 AM

Meeting to be held at Town Hall



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### **Agenda**

- I. Invocation**
- II. Roll Call**
- III. Approval of the Agenda**
- IV. Approval of Minutes from the August 17, 2021 Regular Meeting**
- V. Old Business**
- VI. New Business:**
  - A. Review of GU zoning and make recommendation regarding potential zoning designation for Town-owned parcel being incorporated into Town from Chimney Rock Village.
  - B. Review of LED Message Sign regulations and make recommendation regarding potential replacement of Town of Lake Lure Town Hall sign in GU district.
  - C. Review of Telecommunication Tower setback requirements and make recommendation regarding potential siting of Tower on Town-owned parcel.
  - D. Review of permit review fees for Home Occupation.
- VII. Monthly Reports – August 2021**
- VIII. Adjourn**



**Meeting of the  
Zoning and Planning Board  
Minutes**

Regular meeting, Tuesday, August 17, 2021  
9:30am

**This meeting was held in Council Chambers**

**Present:** Dave Keenan, PE  
Randall Nelson, Vice Chair  
Mike Holden  
Mac Hillabush  
Thomas McKay, Chairman  
John Moore, Town Council Liaison

**Absent:** None

**Also Present:** Michael Williams, Community Development Director  
Richard Carpenter, Development and Environment Review Specialist  
Sha'Linda Pruitt, -Recording Secretary

The meeting started at 9:31am.

**INVOCATION**

Began with the Pledge of Allegiance. Mr. Holden opened with a prayer.

**ROLL CALL**

All are present. Introduction of new member of Mac Hillabush and the newly hired Rick Carpenter who has been instrumental in processing more permits since his arrival.

**APPROVAL OF THE AGENDA**

Mr. Keenan asked why is a discussion of Home Occupation special use permits listed on the agenda?

Staff mentioned that home occupation is not in the code to come by the Zoning and Planning board if it's not a structure it does not have to be approved but it was added to the agenda so that the board would know moving forward that this will not come before them.

**The Chairman asked for a motion to accept the agenda. Mr. Nelson made a motion to approve the agenda and Mr. Holden gave the second. All voted in favor.**

### **APPROVAL OF THE APPROVAL OF THE MINUTES**

**The Chairman asked for a motion to accept the minutes with changes per Mr. Nelson. Mr. Holden made the motion to approve the minutes as amended and Mr. Keenan gave the second. All voted in favor.**

### **OLD BUSINESS**

None

### **NEW BUSINESS:**

- A. Discussion of Home Occupation special use permit procedure (SUP2021002, reviewed by Z&P June 15, 2021 and approved by Board of Adjustments June 22, 2021; SUP2021003 to be heard by Board of Adjustment on August 24, 2021)

Discussion of the procedure for home occupation. It is not this task of the Zoning and Planning board to review these applications. If it is not a change to an existing structure meaning to build, add, or modify a structure it would not come before this board. It is the preference of staff to not bring such cases before the Zoning and Planning board. These types of request are to go before the Development Review Committee and Board of Adjustments.

Mr. McKay stated that historically these cases did not come before the board.

- B. Update on new cell tower project

Mr. Williams stated that the coverage will extend west into Chimney Rock and east down through Lake Lure. One of the most common complaints that comes into the town is about cell phone reception.

He said that the board should be aware of the location and the significance of that coverage reach. The town property being considered for the tower site is only 400ft wide and is located in Chimney Rock's jurisdiction. The code requires a larger setback based on the tower height than will fit on the parcel. We are in process of exchanging two Chimney Rock-owned parcels within

our jurisdiction for the two parcels identified for the tower that are currently in Chimney Rock Village's jurisdiction. The town will then be able to determine the dimensional needs within the fall zone. The town would have the right to set dimensional requirements and setbacks within the Government Use zone currently identified as the appropriate zone for parcel.

Tower will bring cell coverage which would be huge for first responders towards providing better medical assistance. It will have 5G capabilities and provide home internet access as well. The town will likely hold a public hearing on this matter for town's people to voice their concerns.

The Chairman said this is a great use of the property that is owned by the town in the Chimney Rock city limits.

The town is working to consolidate the camp grounds with the tower safely.

Mr. Nelson asked will the site have to be rezoned.

Staff stated that it will be rezoned and come before the Zoning and Planning Board at that time. It is for government use. The Zoning and Planning Board will make a recommendation then it will go before council to be adopted.

## **MONTHLY REPORT**

The Community Development Department was requested by the Town Manager to increase permit fees to ensure department revenues cover the wage of the lowest paid department employee. Figures provided by the Finance Department shows that an increase of all land use fees by 60% will satisfy this request. After over 8 years without increasing land use fees, on May 26th the upcoming year budget was approved with the 60% increase.

Land Use fee increases, while previously reviewed by Council, were inadvertently omitted from the May 26th approved budget package. They have been placed on the consent agenda of the July 13, 2021 Town Council meeting and new fee schedule should be implemented as of July 14, 2021.

New fee schedule has been updated on website, as well as updated permit applications with current review fees on forms.

A new Development and Environmental Review Specialist has been hired and started work on July 1. Rick Carpenter comes to us with broad experience reviewing land use plans and permit applications, and also brings strong mapping, especially GIS, skills. He grew up in the area, most recently was working in zoning, planning and code enforcement with Spartanburg County, and he's a rock climbing enthusiast and guide – very familiar with our local trails and the Town's natural assets. I've been working to get him incorporated into the team and preparing for his ongoing training. Expecting a great asset in Rick! Rick has quickly and effectively taken on the load of reviewing and issuing permits, helping the department catch up on a backlog of applications. Rick has also contributed significantly as a professional peer for me with his broad zoning, planning and mapping experience. He is registered for UNC School of

Government courses to prepare for, test and receive his Certified Zoning Official (CZO) accreditation by the end of this calendar year.

Mr. McKay asked when will the lake start going down?

Staff replied it would start to be lowered November 1<sup>st</sup> and begin rising again mid to late March. Any projects to be conducted during the drawback must be completed by January 1.

Discussion ensued about repairs to take place while the lake is lowered.

Staff also made mention that the deep water ramp project will also be taking place.

Mr. Moore stated that we have to spend the 600k that the state provided and put it to good use during the calendar year so that we can reapply for it. Some will go towards dredging and working with Tim Edwards.

Mr. Nelson asked about Grey Logs Cove.

The town is in talks with the Army Corps of Engineers.

Mr. Nelson asked whether the town has just left this with the Army Corp to engineer a solution?

Mr. Williams stated that he will be meeting with Mitchell Anderson who now works with the state to follow up with next steps.

Mr. Moore confirmed that Dean will be the point person for the dredging but not with the Highlands issue.

Staff updated the board on Grey Logs Cove and the Highlands Subdivision. The Town, at the advice of our attorney, has agreed to hold Civil Penalties in abeyance for the opportunity for all parties to meet. Amy Annino with the State of NC, Brandee Boggs with USACE, Pete Dickerson with Odom Engineering, Clear Water Environment Consultants, and Highlands HOA have met at the upper road failure site on 02/26/2020. Odom Engineering, as a consultant for Highlands HOA, provided the Town with plans. Staff coordinated and reviewed plans with Amy Annino from NCDEQ and Brandee Boggs from the USACE to ensure all regulations measures are satisfied. Plan revision requests and comments were sent to Pete Dickerson with Odom Engineering on 04/02/2020. Town staff have reviewed the revised plans submitted by Odom Engineering. NCDWR, USACE, and Town Staff have approved the revised plans and have released permits to the applicants. CDD staff received plan revision requests from Odom Engineering for the upper slope failure repair. Staff reviewed the plan revisions and coordinated comments with NCDEQ and USACE. These comments were shared with Odom Engineering and the Highlands POA on 2/11/21. No final revisions were submitted nor has work commenced on this repair. On 4/1/21, the USACE issued a deadline for final plans to be submitted by 5/15/21 and the project be completed within 180 days.

Mr. McKay asked if the Lodge of Lake Lure is still in limbo has any work been done towards this?

Mr. Williams stated that the permits have an expiration date of six months. The establishment is currently not operating.

Mr. McKay stated that more than likely we will see this resurrected in the near future.

Mr. Nelson asked about an update for the golf course.

Mr. Moore stated that it was originally operated by the town. The town put it out for bids and settled on a company, The Course Doctors which didn't have the expected outcome the town had hoped for. The town reopened it for bids again and Dale Minick got it. With all of the grants that we are applying for now the grantors are concerned towards missed opportunities. Mr. Minick decided not to renew his agreement which was up in January 1. The town reached an agreement to let Mr. Minick out of his agreement early. Most of the people who use the municipal golf course are non-residents and we can't continue to ask the town to supplement payment to maintain the course as it currently stands.

Mr. McKay stated that the golf course has been a staple that previously has been viewed as an asset, however in lieu of there being something better that could take its place to better the citizens that will be for the best. Most of the residents who advocate for the course to stay are aging out to partake of usage.

Mr. Nelson asked had there been any formal discussion of new usage for the land?

Mr. Moore stated not at this time.

### **ADJOURN**

**The Chairman McKay asked for a motion. Mr. Holden made a motion to adjourn. Mr. Keenan gave the second. All voted in favor.**

The meeting adjourned at 10:35am.

### **ATTEST**

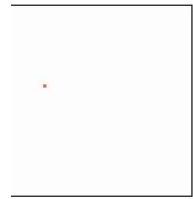
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Tom McKay, Chairman

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Sha'Linda Pruitt, Recording Secretary

Overview Map



Current Segment: 1.68 Feet  
West Segment: 404.94 Feet  
North Segment: 812.67 Feet  
Total Area: 255.79 Sq. Feet  
or 0.01 Acres  
or 0.00 Sq. Miles

- Quick Search
- Advanced Search
- Search Builder
- Coordinate Search
- Comparable Search





A. Review of Regulations Regarding LED Message Sign in GU zone – for purpose of making Recommendation

§ 92.039 GU GOVERNMENTAL – INSTITUTIONAL USE DISTRICT.

- (A) Intent. These districts are intended to apply to those lands to which national, state, county or municipal governments, or institutions hold title and where public, educational, or charitable facilities are used for public purpose. Any lawful governmental activity is permitted in these districts. It is not intended to classify all lands owned by governments or institutions into this district, but only those lands particularly and peculiarly related to public usage. **(Amended 10-9-12)**
- (B) Permitted Uses. Within the GU Governmental-Institutional Use District buildings and land shall be used only for the following purposes: **(Amended 10-9-12)**

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- (1) Indoor and outdoor recreation facilities such as, but not limited to, parks, playgrounds, gyms, ball fields, trail networks, and other recreation areas. **(Amended 10-9-12)**
  - (2) Government administrative, meeting, and support facilities.
  - (3) Facilities such as daycares, public or private schools, colleges, hospitals and libraries and their respective accessory uses and support facilities. **(Amended 10-9-12)**
  - (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. **(Adopted 2-9-99)** Penalty, see § 92.999
- (C) Development Criteria. As determined by Town Council in compliance with all town regulations. **(Amended 6-10-08)**

Internally Illuminated Sign: Any sign which has light transmitted outward through its face or any part thereof. **(Amended 11-18-03)**

Neon Type Signs: Signs made from tubes filled with neon, argon, xenon, or other luminous gasses, and producing various colors of light. **(Amended 11-18-03)**



§ 92.154 SIGNS EXEMPT FROM REGULATIONS.

The following signs are exempt from the regulations of this chapter:

- (A) Signs not visible from beyond the boundaries of the property on which they are located.
- (B) Signs of a governmental body, including traffic warning or regulatory signs and devices. These signs shall also include other governmental signs including building identification, directional, information, and welcome signs. Signs of a governmental body other than the Town of Lake Lure require Town Council approval, regardless of the type of sign, unless otherwise exempted by federal or state law. Although exempt from sign regulations, specific governmental signs like building identification, directional, information, and welcome signs must be reviewed by the Planning Board and approved by Town Council. However, traffic control signs, traffic warning signs, public notices, or signs of a similar nature need only Town Manager approval. **(Amended 5-13-14, Amended 9-13-16)**
- (C) Trade names, graphics, and prices which are located on gas pumps, newspaper, soft drink and similar vending devices.
- (D) Flags, or insignia of any governmental, non-profit, or business organization when not displayed as an advertising device.
- (E) Seasonal/holiday signs and decorations associated with a national or religious holiday.
- (F) Warning of danger signs posted by utility or construction companies.

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- (G) Signs on vehicles indicating the name of a business, unless the immediate use of the vehicle is for the display of signs.
- (H) Signs required by law, statute or ordinance.

**§ 92.156 SIGNS PROHIBITED.**

The following are prohibited within the jurisdiction of this chapter:

- (A) Swinging signs.
- (B) Snipe signs.
- (C) Portable signs except for special events. **(Amended 11-12-13)**
- (D) Banners, pendants, flags and balloons, except as otherwise allowed. **(Amended 2-9-99)**
- (E) Off-premise signs along public thoroughfares.
- (F) A sign which contains any moving, flashing, animated lights, visible moving or movable parts, or giving the appearance of animation.

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- (G) Vehicle signs, except as exempt in § 92.154.
- (H) Any sign which emits a sound, odor or visible matter.
- (I) Any sign which obstructs free ingress or egress from a required door, window, fire escape or other required exit way.
- (J) Any sign and/or sign structure which obstructs the view of, may be confused with, or purports to be a governmental or traffic direction/safety sign.
- (K) Signs painted on or attached to trees, fence posts, rocks or other natural features, telephone or utility poles, or painted on roofs or walls of buildings designed to be visible from any public thoroughfare.
- (L) Abandoned signs.
- (M) Any sign which exhibits statements, words or pictures of obscene or pornographic subjects as defined in Chapter 15 of the North Carolina General Statutes.
- (N) Signs affixed to a private residence or dwelling, or displayed upon the groundsthereof, except one personal identification sign not exceeding two (2) square feet of sign area, and one non-illuminated "For Sale" or "For Rent" sign not exceeding four (4) square feet per sign face, and any other signs authorized by this chapter.
- (O) Inflatable signs.
- (P) Political signs on public property and within public right-of-way. The Town may remove these signs immediately. **(Amended 11-18-03)**
- (Q) Signs, whether temporary or permanent, within any street or highway right-of-way, or within 10 feet from the edge of any roadway, paved or not, where no right of way exists, with the exception of governmental signs. **(Amended 1-9-01)**

## ZONING REGULATIONS

### (B) Business, commercial and industrial districts.

- (1) As this subsection is applied to commercial centers, the commercial centerowner shall be responsible for securing permits and maintaining the following signs:
  - (a) Commercial Center Signage. Each commercial center, as defined herein, shall be allowed one freestanding, double faced, detached sign, or up to three (3) suspended or flush attached signs, identifying the center. A freestanding detached sign may also contain the names of individual businesses located in the commercial center and may be illuminated. The aggregated total sign face area of said signs, shall not exceed 100 square feet. Signs listed in Section 92.154, 92.155 and 92.158 shall not be included in the allowable area calculated. **(Amended 10-14-14)**
  - (b) Individual Business Entry Signage. In addition, each individual business in the commercial center having a separate individual outside entrance serving the general public shall be permitted one projecting or flush attached sign, as defined herein, to identify the public entrance to that business. Said business entrance signs shall be positioned adjacent to the entrance of said business. The total aggregate area of the business entrance 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. **(Amended 10-14-14)**
  - (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: **(Adopted 10-13-09)**
  - (a) Said sign(s) may be illuminated. **(Adopted 10-13-09)**
  - (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. **(Adopted 10-13-09)**

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

**(Adopted 10-13-09)**

- (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. **(Adopted 10-13-09)**

- (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.
- (5) No sign in this division (B) shall have more than 50% of its sign face area devoted to changeable copy.
- (6) **The maximum height of any free-standing detached sign shall be 16 feet;** all other signs shall not project above the base of the roof of the building to which they are attached. **(Amended 11-26-96, Amended 11-18-03, Amended 10-15-14)**
- (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. **(Amended 2-9-99)**
- (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. **(Adopted 12-12-95; Amended 11-26-96, Amended 2-9-99)** Penalty, see § 92.999
- (9) Commercial districts may be permitted a single sandwich board sign to be placed adjacent to a sidewalk, the front of the individual business, or in the parking area providing such sign is located on the business establishment's property and does not pose a safety hazard. Business establishments located in the Arcade may also be permitted to place one such sign in front of their business under the breezeway on the walkway providing such location does not pose a safety hazard to pedestrians. This sign shall not exceed four feet in height or eight square feet in area per sign face. The sign must be removed at the end of each day when the business closes. Said signs may include artwork depicting the products and services available from the business, changeable copy, and shall be exempt from the permit requirements of this chapter. **(Adopted 11-12-13)**

**(C) Government districts. (Adopted 10-13-09)**

- (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. **(Adopted 10-13-09)**



**§ 92.029 R-2 GENERAL RESIDENTIAL DISTRICT**

- (A) Intent. The General Residential District is established as a district in which the principal use of land is for residential purposes. A greater coverage of lot area and densities of land use are permitted in this district. It is the intention of these regulations to discourage any use which would be detrimental to the residential nature of the areas included within this district.
- (B) Permitted Uses. Within the R-2 General Residential District, a building or land shall be used only for the following purposes:
- (1) Single-family dwellings.
  - (2) Duplexes **(Adopted 6-12-12)**
  - (3) Family care homes.
  - (4) Customary accessory buildings, including private garages, storage buildings, and non-commercial workshops shall be allowed for home occupations subject to all provisions of § 92.117. **(Amended 5-11-04)**
  - (5) Residential vacation rentals subject to special requirements contained in §92.042, below. **(Adopted 10-13-09 [Effective 01-01-10])**
  - (6) **Telecommunications Facilities and Antennae (see 92.042(D)) (Amended 02-12-19)**

**§ 92.031C CG, COMMERCIAL GENERAL DISTRICT**

- (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 animal hospital, and veterinary clinic. **(Amended 06-12-18)**
  - (2) Real estate, financial institutions, business and professional offices including but not limited to insurance broker, travel agent, stock broker, attorney, and physician. **(Amended 06-12-18)**

- (3) Post offices, fire stations, police station, rescue squad, libraries, art galleries, museums, churches, public and private schools, public utilities and support facilities, and other similar cultural, civic and governmental buildings. **(Amended 06-12-18)**
- (4) Retail sales such as ABC stores, convenience stores (without gasoline sales), feed and seed stores, pet supply stores, antique stores, consignment shops, gift shops, outdoor vending machines, appliance stores, florist shops, book stores, clothing stores, sporting goods and equipment stores, jewelry stores, hardware stores, (provided open storage of supplies is screened from public view), grocery stores, drug stores, musical instrument sales, and video sales and rentals, but not excluding other similar uses. **(Amended 06-12-18)**
- (5) Consumer services such as banks, funeral homes, personal care services (nails, tanning, weight loss) restaurants, dry cleaning stores, coin laundries, tailoring shops, barber and beauty shops, indoor theaters, indoor game rooms, pet grooming establishments, taxidermy operations, bowling alleys, health and indoor exercise physical fitness facilities, but not excluding other similar uses. **(Amended 06-12-18)**
- (6) Hotels, motels, lodges, inns, bed and breakfast establishments, **(Amended 4-13-10)**  
**(Amended 06-12-18)**
- (7) Single and multi-family dwellings.
- (8) Live-work units **(Adopted 3-10-09)**
- (9) Residential vacation rentals subject to special requirements contained in §92.042, below. **(Adopted 10-13-09, Effective 01-01-10)**
- (10) Child Care Centers **(Adopted 6-14-11)**
- (11) Brewpubs, micro-breweries, micro-distilleries, micro-wineries, and nano-breweries subject to special requirements contained in §92.042, below. **(Adopted 10-14-14)**
- (12) Customary accessory buildings incidental to single and multi-family residential buildings including non-commercial greenhouses, workshops, and private garages. (Adopted 7-14-15)  
**(Amended 06-12-18)**
- (13) Temporary structure used in conjunction with the construction of a permanent building. **(Amended 06-12-18)**
- (14) Telecommunications Facilities and Antennae (see 92.042(D)) (Amended 02-12-19)**

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### (D) Telecommunication Support Facilities and Antennae

#### Section 1. Purpose and Intent

The Town of Lake Lure desires to encourage the orderly development of wireless communication technologies for the benefit of the Town and its citizens. The Town also recognizes the need to protect the character and appearance of its community. As a matter of public policy, the Town desires to encourage the delivery of new wireless technologies throughout the Town while controlling the proliferation of communication towers. Such development activities will promote and protect the health, safety, prosperity and general welfare of persons living in Lake Lure. Unless superseded by Session Law 2013-185, the Cell Tower Deployment Act, or Session Law 2017-159, Wireless Communication Infrastructure Siting, both of which shall control, the following provisions shall apply to the erection or replacement or modification of a wireless facility. **(Amended 10-14-03, Amended 02-12-19)**

- (2) The Administrator or Board of Adjustment, shall approve or disapprove the zoning permit based upon the receipt of a completed site plan as required above and the following provisions:
- (a) The wireless facility design plan was prepared by a professional engineer registered in the state of North Carolina, including engineer's signature, seal and address.
  - (b) The site plan shall illustrate, with details, the foundation and base of the wireless support structure, the foundation for all the guy line anchors and support structures, all proposed

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buildings, and any other proposed improvements including access roads and utility connections within and to the proposed site.

- (c) In addition to any other materials required for a standard permit under this section or any other ordinance of the Town of Lake Lure, all applicants for permits to construct a telecommunications support facility or antenna shall submit visual impact demonstrations using photo or similar graphic simulations of the proposed facility as it would be seen from residential areas, public rights of way, and public parks and other sites
  - (d) Location requirements:  
The applicant shall identify all possible alternatives considered within the service area for the proposed wireless facility location and explain why the proposed wireless facility is necessary and why existing wireless facilities or other structures cannot accommodate the proposed antenna(s).
- (3) Wireless support structure height, operational limitations/requirements, and access infrastructure (for traditional wireless support facilities).
- (a) A wireless support structure shall not exceed an overall height (OAH) of 200 feet including the height of all antennae and lightning rods.
  - (b) A wireless support structure located on any major mountain ridge shall be monopole and no taller than 30 feet higher than the vegetative canopies immediately surrounding the base of the tower.
  - (c) The proposed wireless support structure shall be designed and constructed for collocation of at least three additional telecommunication antenna systems. The wireless facility area shall be of sufficient size to accommodate the accessory equipment for at least three additional telecommunication providers.
  - (d) Contingent upon space available, the wireless facility operator shall also be equitable to allowing government emergency service communications to collocate on their facility at a reduced industry standard price.
  - (e) The wireless facility access road must be a minimum of 12 feet in width accommodating, to the satisfaction of the Town Fire Marshal, all emergency equipment and vehicles; and, if gated, shall employ a Siren Operated Sensor access system.



(7) **Setback requirements** (traditional facilities).

- (a) A tower shall be separated from other on-site and off-site towers and supporting structures such that one tower will not strike another tower or its support structure if it falls. Towers shall be set back from property lines in accordance with the twice the setback requirements for the district or 110 percent of the tower height, whichever is greater. Additionally, telecommunications towers must set back from any residential districts or uses a distance equivalent to the fall radius of the tower being erected times ten percent.
- (b) Wireless facilities located within transmission line easements are not required to meet (a) above.
- (c) There shall be no setback requirement from structures located on the same parcel as the proposed wireless facility as long as a professional engineer, registered in the State of North Carolina, certifies that the fall zone of the wireless support structure is designed to avoid said structures and the owner of the structures in question records a legally valid Hold Harmless agreement, indemnifying the Town of Lake Lure from all liability and claims for damages arising from the performance of the telecommunications facility designer, contractor and installer; including any subcontractors or consultants associated with the project.



**NAME:**  
 Mike Williams: Community Development Director  
 Rick Carpenter: Development and Environmental Review Specialist

**DEPARTMENT:**  
 Community Development



**REPORT DATE:** September 1, 2021 (reporting period 8/1-8/31/21) **PREPARED FOR:** Town Manager/Town Council

**I. REOCCURRING WORK ACTIVITIES**

**1. Zoning Administration/Code Enforcement**

Certificate of Zoning Compliance Issued .....	8
Certificates of Zoning Compliance Denied .....	0
Certificates of Occupancy Issued.....	8
Vacation Rental Operating Permits Issued .....	10
Permanent Sign Permits Issued (0) Temporary (0) .....	0
Complaints Logged .....	0
Complaints Investigated .....	0
Notices of Violation Issued .....	0
Civil Penalties Issued .....	0
Stop Work Orders Issued .....	0
Improperly Posted Address Notifications Issued.....	0
Abandoned/Dilapidated Structures Cases Open ..... (0 closed by demo)...	0
Z&P Hearings Processed.....	0
BOA Hearings Processed.....(Home Occupation:SUP).....	1
Demolition Permits Issued.....	0
VROPs Active to Date.....	443

**2. House/Modular/Heavy Load Moves Through Town** ..... 1

**3. Environmental**

Land Disturbance Permits Issued.....	5
Complaints Logged .....	1
Complaints Investigated .....	1
Stop Work Orders Issued.....	1
Floodplain Development Permits Issued.....	1

**4. Lake Structures/Shoreline Stabilization**

Lake Structure Permits Issued.....	1
Shoreline Stabilization Permits Issued .....	0
LSAB Hearings Processed.....	0

**5. Subdivision Administration**

Preliminary Plat: .....	0
Final Plat.....	0

Minor Subdivisions: ..... 0  
 Exempt Plat Reviews: ..... 0  
 Lots Approved ..... 0

As Rutherford County Plat Review Officer (per GS 47-30):

Plats Reviewed: ..... 1  
 Plats Approved: ..... 1

## II. PROJECTS UPDATE

### Sedimentation into Lake/Water Quality Concerns; sub watershed 5-Grey Logs Cove and the Highlands Subdivision —

The Town, at the advice of our attorney, has agreed to hold Civil Penalties in abeyance for the opportunity for all parties to meet. Amy Annino with the State of NC, Brandee Boggs with USACE, Pete Dickerson with Odom Engineering, Clear Water Environment Consultants, and Highlands HOA have met at the upper road failure site on 02/26/2020. Odom Engineering, as a consultant for Highlands HOA, provided the Town with plans. Staff coordinated and reviewed plans with Amy Annino from NCDEQ and Brandee Boggs from the USACE to ensure all regulations measures are satisfied. Plan revision requests and comments were sent to Pete Dickerson with Odom Engineering on 04/02/2020. Town staff have reviewed the revised plans submitted by Odom Engineering. NCDWR, USACE, and Town Staff have approved the revised plans and have released permits to the applicants.

CDD staff received plan revision requests from Odom Engineering for the upper slope failure repair. Staff reviewed the plan revisions and coordinated comments with NCDEQ and USACE. These comments were shared with Odom Engineering and the Highlands POA on 2/11/21. **Update:** No final revisions were submitted nor has work commenced on this repair. On 4/1/21, the USACE issued a deadline for final plans to be submitted by 5/15/21 and the project be completed within 180 days. **Update: 8/12/21 communication with USACE: their purview is the redirected stream without permits. They returned Odom Engineering’s last resubmission due to incorrectly calculated specs and, for what USACE considered, an inadequate solution. On 8/18/21, Mitchell Anderson from NCDEQ told me that they have not received an application or acceptable plans. Their purview issue is the sediment runoff from The Highlands’ road/slope failure into stream. The Town issued a NOV letter on 9/6/19 addressing the failure to file an Erosion Control Plan and related failures of control measures. On 5/1/20, the Town issued a Land Disturbance Permit and erosion & sedimentation control plan Letter of Approval. While some measures have been taken, the approved plans have not been followed. We are evaluating, with USACE and NCDEQ, how to proceed.**

Lake Structure Tag Maintenance Program – The Town of Lake Lure’s Lake Structure Regulations require that all lake structures be maintained and in good repair. There is to be a lake structure certificate and accompanying structure tag issued for all structures on the waters of Lake Lure certifying that the structure is in compliance with the ordinance. The ordinance provides that the town shall have the authority to condemn any lake structure due to decay, disrepair, or any hazardous condition. The property owner will be given a written notice and 90 days to comply with the Town Council's determination. If the owner fails to appeal to the Town Council for a hearing or comply with their determination, Council may revoke their lake structure certificate and accompanying tag (if one had been issued) and remove the structure at the property owner's expense. It also provides that owners of upland property who fail to comply with this section of the Lake Structure Regulations (§ 94.08), shall be ineligible to receive a boat permit.

As this program has not been enforced in over 20 years, some lake structure have not been maintained, resulting in potentially hazardous conditions. In an effort to ensure all lake structures built or installed over the Town’s lake property, the Community Development Department has been asked to restart the enforcement of the lake

structures tag program. The department is working with the Town's attorney to ensure all elements of this program align with state regulations and can be restarted, as well as evaluating how to develop a sustainable means of monitoring/enforcing the program. As staff are not qualified to inspect the structural integrity of structures, a qualified professional (engineer) will have to perform the inspections. **Update:** Reinstating the program with focus on 1) communicating Town's ownership of Lake where structures stand, 2) communicating the responsibility of Lake Structure owners to maintain those structures in good repair, and 3) Town will begin periodic inspections of structures, including having certified engineering inspections and utilize those professional opinions as a basis for enforcement of the existing Lake Structure regulations. We are negotiating a contract with LaBella to conduct inspections and provide written opinion of structure compliance with Town's Regulations. Inspections will begin during this year's drawdown. **Update: No contract with LaBella/working on referral-based enforcement of Town's existing Lake Structures requirement that property owners maintain their lake structures in good repair and not create a "hazardous condition". Referrals will come from LaBella's engineers as they conduct Sewer Modification inspections, general public complaints/referrals, and staff referrals based on "float-by" inspections of all lake structures. The staff referrals will be based on inspections done by a selected team of staff and structural review-qualified inspectors. During September-October, we will conduct visual inspection from boat of all lake structures, creating new digital image file of existing structures, and identifying structures that appear to be less than structurally sound and not in compliance with Town requirements. Property owners of those identified structures will be notified of their need to either correct those structural hazards or provide professional certification that the structure is structurally sound and should not be considered a hazard. The other component of the program is communication of the Town's right, as owner of the lake, to require that property owners of structures built on the lake do maintain their structures in good, safe repair or potentially lose their right to maintain a structure on the Town's property. This will be a significant change after many years of very limited enforcement of that requirement but should greatly enhance the safety and enjoyment of the lake for our community as we go forward.**

**Deep-water Ramp project: CDD is working with Dana Bradley and Dean Givens to obtain Federal and State approval for the critical ramp beside the dam, and then to issue the Town permits to allow the ramp to be built during this year's lake drawdown. To try to push through complications with the U.S. Army Corp of Engineers and NCDEQ processes, we have scheduled a review meeting with their representatives here in Lake Lure on September 13<sup>th</sup>.**

### III. OTHER

In addition to what has already been covered, the Community Development Department has been involved in:

- 1) Staff Development/Training
  - a. Rick will begin UNC School of Government classes (virtual) for his Certified Zoning Official credentials on September 20<sup>th</sup> and sit for the testing on November 18<sup>th</sup>. Looking forward to adding the "CZO" to his considerable zoning experience.
  - b. I plan to attend the NC Floodplain Managers Conference in October for information, peer contacts and required training credits.
  
- 2) Other Projects
  - a. Working with AT&T on cell tower project. They continue to express their commitment to bringing this critically needed infrastructure to our community as we work through location and permitting issues.

- b. Rick has been working on GIS mapping support for the Town and has just created a report identifying lake structures, owners and mailing addresses which will be a great benefit as we bring the “Lake Structures Maintenance program” back into compliance.

Overall, the Community Development Department works toward completing larger projects while focusing on current permitting demands, follow-up and enforcement in the community, and expanding our effectiveness through study, training and on the job experiences. If questions or ideas, please let us know.

A handwritten signature in black ink that reads "Mike Williams". The signature is written in a cursive, flowing style.

Mike Williams, CZO, CFM  
Community Development Director