

**ORDINANCE NUMBER 22-11-08**

**AN ORDINANCE AMENDING ARTICLE I SECTION 36-5, ARTICLE VIII SECTIONS 36-235 – 36-261, AND ARTICLE X 36-295 OF THE ZONING REGULATIONS OF THE TOWN OF LAKE LURE CODE OF ORDINANCES**

**WHEREAS**, The Town of Lake Lure Code of Ordinances does not adequately define or address gatehouses, guardhouses, or security gates; and

**WHEREAS**, The Town of Lake Lure Town Council has deemed that it is necessary to define and address gatehouses, guardhouses, and security gates; and

**WHEREAS**, The Town of Lake Lure Town Council has determined that Article VIII Section 36-235 should be added to the Zoning Regulations to define and address gatehouses, guardhouses, and security gates; now

**WHEREAS**, The Town of Lake Lure Town Council has also determined that Article X Section 36-295 should be amended to include address gatehouses, guardhouses, and security gates in terms of exceptions to required yards.

**NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA, MEETING IN SPECIAL SESSION AND WITH A MAJORITY OF TOWN COUNCIL VOTING IN THE AFFIRMATIVE.**

**SECTION ONE.** Article I Sections 36-5, “Definitions”, is hereby amended as follows:

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

Gatehouses, guardhouses and security gates refers to structures, generally associated with resorts or subdivisions, for the purpose of controlling access to a private property, development, resort or subdivision, usually located in or across a road.

**Sec. 36-235. Gatehouses, guardhouses and security gates**

**SECTION TWO.** Article VIII Sections 36-235 – 36-261, “Reserved”, is hereby amended as follows:

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

**Sec. 36-235. Gatehouses, guardhouses and security gates**

- a. Gatehouses, guardhouses and security gates may be permitted provided that:
  1. it is not located on a publicly dedicated street or street right-of-way; and

2. the project proposal is reviewed and approved by the Fire Chief, Police Chief and any other authority having jurisdiction (AHJ).

b. Gatehouses, guardhouses and security gates are exempt from yard setback requirements but for applications other than personal dwellings:

1. shall be setback sufficiently far from public road access to allow for the stacking of at least three (3) vehicles out of the public travel lanes on the public road;

2. shall have an additional setback in front of the gate to allow a vehicle which is denied access to safely turn around and exit onto a public road;

3. shall provide adequate gate width and alignment of approach and departure areas, on both sides of gate, to allow free and unimpeded passage of emergency vehicles;

4. where the gate crosses a travel way, such gate shall open so as to provide a minimum width of 18 feet of passage for two-way travel; or minimum width of 12 feet of passage for one-way travel.

c. Gatehouses, guardhouses and security gates shall provide unfettered and immediate access to all private roads by emergency and law enforcement vehicles and reasonably guarantee access to all private roads by Town, County and State of North Carolina employees operating within the scope of their official duties to perform governmental regulatory activities, and to all public utility companies to perform installation and maintenance activities of public utility infrastructure. If an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle if applicable, shall be the responsibility of the owner or operator of the gate. A statement to this effect shall be filed with the Town of Lake Lure Police Department and appear on the final plat of all new development.

~~Secs. 36-235—36-261. Reserved.~~

~~Secs. 36-236—36-261. Reserved.~~

**SECTION THREE.** Article X Section 36-295, “Exceptions to required yards”, is hereby amended as follows:

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

In all zoning districts, yards, as defined in section 36-5, shall be as established by this chapter provided the following shall be permitted in any yard:

1. Access structures to connect the principal structure to the street or shoreline, provided said structures are constructed above grade at an elevation no greater than reasonably required by topography.
2. Fences, walls, hedges, and retaining walls under the provisions of section 36-231.
3. One masonry column located on each side of a driveway to define entrance to a property or to support a gate across a driveway, provided that such columns shall not exceed 36 inches in width and eight feet in height.
4. Entrance gates, gatehouses or guardhouses as defined in section 36-5 and under the provisions of section 36-235.

**SECTION FOUR.** The Town of Lake Lure Town Council deems Ordinance No. 22-11-08 to be consistent with the Lake Lure comprehensive plan because it enhances and clarifies land use and zoning definitions.

**SECTION FIVE.** The Town of Lake Lure Town Council deems Ordinance No. 22-11-08 to be reasonable and in the public interest because it provides clarification in regard to regulating gatehouses, guardhouses, and security gates.

**SECTION SIX.** All provisions of any Town ordinance inconsistent with the language herein adopted are hereby repealed.

**SECTION SEVEN.** This Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately from after the date of its final passage and adoption.

**READ, APPROVED, AND ADOPTED** this 8<sup>th</sup> day of November, 2022.

ATTEST:

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Olivia Stewman  
Town Clerk

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Carol C. Pritchett  
Mayor

Approved as to content & form:

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William C. Morgan, Jr.  
Town Attorney