

ORDINANCE NUMBER 22-07-27

AN ORDINANCE AMENDING SECTIONS 36-5 AND 36-296 OF THE ZONING REGULATIONS OF THE TOWN OF LAKE LURE

WHEREAS, The Town of Lake Lure requires enhanced clarity regarding lake structures on waters within the Town of Lake Lure other than the lake known as Lake Lure;

WHEREAS, The Town of Lake Lure Town Council has determined that Section 36-5 of the Zoning Regulations should be amended to further clarify the definition of Lake Structure; and

WHEREAS, The Town of Lake Lure Town Council has determined that Section 36-296 should be added to the Zoning Regulations to address regulating lakes or navigable bodies of water within Town of Lake Lure limits other than the lake known as Lake Lure; and

WHEREAS, The Town's Zoning and Planning Board has reviewed and made a recommendation to Town Council to accept these text amendments to Sections 36-5 and 36-296 to address lake structures not on Lake Lure; 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. Section 36-5 of the Zoning Regulations of the Town of Lake Lure, entitled "Definitions", is hereby amended by adding the following new definition:

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

Lake structure means anything constructed or erected within the lake boundary including any pier, dock, boathouse, slip, ramp, swimming float, sea wall, or similar facility whether fixed or floating or a combination thereof, used primarily as a stationary facility for the mooring or housing of watercraft and associated items; and, used for lake access and related recreational activities. Lake structures shall not be used as living quarters. Lake Structures built within the boundary of the waters of Lake Lure at full pond will be regulated by the Town's Lake Structure Regulations. Lake Structures built within the boundary of other lakes or navigable waters will be regulated by the Town's Zoning Regulations.

SECTION TWO. Sections 36-296 – 36-323, "Reserved", is hereby amended as follows:

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

~~Secs. 36-296 – 36-323. Reserved.~~

Sec. 36-296.

Lake structures within the full pond boundary of the waters of Lake Lure are regulated by the Lake Structure Regulations, rather than this Zoning Regulations chapter. Lake Structures within the boundary of any other lake or navigable body of water will be regulated under this chapter as accessory structures with the following provisions:

(1) Lake structures not within the full pond boundary of the waters known as Lake Lure will be exempt from setback requirements at the point where the lake structure connects with the lakeshore property line.

(2) The owner of the lake or other navigable body of water must provide authorization for the structure to be built on that property, including but not limited to the owner's signature on the zoning permit application.

Secs. 36-297 – 35-323. Reserved.

SECTION THREE. The Town of Lake Lure Town Council deems Ordinance No. 22-07-27 to be consistent with the Lake Lure comprehensive plan because it follows the recommendations of Section 6A: Lake Management of the 2007-2027 Comprehensive Plan to clarify the application to the lakes other than Lake Lure.

SECTION FOUR. The Town of Lake Lure Town Council deems Ordinance No. 22-07-27 to be reasonable and in the public interest because it provides clarification in regard to regulating lake structures on waters within the Town of Lake Lure other than Lake Lure.

SECTION FIVE. 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 27th day of July, 2022.

ATTEST:

Olivia Stewman
Town Clerk

Carol C. Pritchett
Mayor

Approved as to content & form:

William C. Morgan, Jr.
Town Attorney