**Town of Lake Santeetlah**

**Special Meeting Minutes (Zoom)**

**August 24, 2021**

Mayor Hager called the meeting to order at 10:00AM. Councilmembers Predmore, Haag, Simon, and Carlton were present for the meeting. Town Administrator Matheson, Town Clerk Hooper and Attorney Justus were also present for the meeting.

**Old Business:**

1. **Continued Discussion of the Proposed Zoning Ordinance, Map and Application Forms**:

The Town Council continued the review of the Ordinance, attachments and Map beginning on page 24.

Page 24 Section 803: Certificate of Occupancy should be required by Building Inspector, Predmore stated it should read, Building Department instead of Inspector.

(24) Section 804. One main building per lot. Refers to article 10 for clarification. Article 10 does not offer clarification according to Carlton.

807. No separate accessory building can be erected within five feet of any other building. Carlton provided an example that by this statement a garage will be permitted to be built separate from the living quarters and be within 5ft. of the side or rear. Carlton feels that a variance is needed for garage, carport or parking pad. Steps and driplines would be acceptable.

Haag clarified that ownership of property does not grandfather an individual from these ordinances. An existing structure that was built prior to the adoption of this ordinance is grandfathered according to Justus. If the current or new owner requests to build an additional structure or renovation all current codes must be followed.

Simon asked if the neighbor’s deck that was within 5ft. of the property line could be rebuilt in the same footprint. Justus explained that it could be built in the same footprint according to this Ordinance.

Page 25 Section 809. Speaks of permit. Predmore feels that a Letter of Authorization would be a better word as a “permit” is something that would come from the Building Inspector. Justus explained the permit could come in the form of a letter.

Certificate of Completion. Predmore asked if there is a form to authorize completion. Justus explained this is a step or process that would occur prior to occupancy that would allow a representative from the Town to check off that all Zoning Standards have been followed. Carlton referred to a phrase, the Zoning Administrator must look at the building prior to occupancy. Carlton questions, can the Town have this “power” to hold up a final CO? Justus stated that “Town” should be inserted before laws. This inspection would confirm that all “Town” rules and regulations had been followed and not what is ordered or expected from Graham County. Carlton suggested to remove “and applicable laws” but leave “applicable approvals.”

Page 26. Special Use 3(f) Carlton suggested to add the word “parking” before traffic flow and control. In the first sentence – “has been or will be provided.” What is the guarantee that it “will be” provided? All would be subject to the conditions of the approval according to Justus.

Page 26/27. Special Use Permits are well defined in the Ordinance and the TC has been granted the authority to add additional Conditions if necessary. Justus explained that the General Assembly defined Special in the Statutory Standards and shouldn’t be added to or taken away from.

Page 27. Simple majority can approve a Special Use. Carlton is concerned that only two members of the Board would be potentially allowed to approve a Special Use. Justus explained that this is written in a Statute by the General Assembly and cannot be altered. Justus noted to review and clarify about the absence of a member.

Carlton suggested that variances and special use permits approved should be filed with the Register of Deeds.

Page 27 Section 6. No structure in a PUD should be located closer than 25ft. from an external property line. This may not be the case with the current condo project in Lakeside. This language only deals with the external setbacks and not the internal setbacks (side and front).

Page 28. Section 1002 (4) (a) Minimum requirements: Total Development Plan. Carlton stressed there needs to be a definition of Total Development Plan so that it is clear what the standard is for a PUD. The Zoning Administrator needs a document to refer to when approving what is acceptable for a PUD. Carlton suggested this is a “grey” area and needs to be nailed down. Justus will research more information concerning Total Development Plan details.

Page 30. Section 1100 (2) Refers to a Certificate of Final Inspection in (Section 810) however in (810) states Certificate of Completion.

Page 31. Parking Spaces. Predmore ask what is defined as a “space.” The standard should be defined. Justus asked Matheson to refer to other cities Technical Standards Manual to determine the minimum size that should be defined. Predmore stated in other states it is 11x19 but could be different in NC.

Page 34. Section 1105. Septic, Sewer Permit. This is simply a process. When applying for a Zoning Certificate you must show a permit of approval for Septic/Sewer.

Predmore pointed out the term Opaque fence couldn’t be used when referring to wood. Justus explained “opaque” means – cannot be seen through. This would keep someone from building a fence with large sections between them. Predmore suggested different words or phrasing.

Section 1104. Hager stated that only wood and wrought iron are permitted. Hager feels that the term, plastic or composite materials that simulates wood should be added.

Page 41 Section 1302 (7) Carlton would like to add a sentence that if the violator does not remove the sign, then Town Staff will remove at the expense of the violator. Justus will review the law to determine if that would be allowed.

Page 42 Section 1304. Carlton referred to flashing signs which are not permitted. Carlton thought a changeable sign at the front entrance would be a good idea to permit.

Section 1306 (1) (c) Is there a limit on the size of a sign in Commercial District and should the 100ft. from a building be changed to make it difficult for any area within the CS District have the ability for large signs. Justus stated you can restrict outdoor advertising but cannot exclude.

Page 47 Section 1502. The Planning Board consist of five members. Carlton asked if the Council would prefer the majority of those members to be full time residents.

Page 48. Final Inspection. The Zoning Administrator will issue a Certificate of Completion instead of Certificate of Final Inspection.

Justus asked the Council which term they preferred.

Carlton pointed out there should be a time limit of which a Zoning Administrator must complete the inspection (30 days) and other language added of a temporary certificate that could be granted. For example, the resident wanted to have their driveway paved but couldn’t get the pavers scheduled. A temporary certificate would be granted with a timeline of completion and the homeowner could move in and drive on the driveway until the work is completed. Predmore feels that the County will handle deadlines and temporary certificates.

Page 49 Section 1504.04 (2) Administrative Review. Carlton asked are PUD’s and Conditional Use still the responsibility of the Town Council? Can items approved by the Town Council in these situations be amended by the Administrator? Carlton asked that any wording that should be added in this area to be in compliance be completed. Justus will further review.

On this same page (6 lines from the bottom). Carlton asked, should we define major variance? Who makes the decision if the variance is major or minor? Justus explained that it is numerical. A minor variance is 5%. Justus noted to review.

Page 53 Section 1702. Carlton stated that we should remember to fill in the blank in this section as to when the Ordinance becomes effective.

Forms: Certificate of Zoning Compliance Application. Carlton asked if something substantial happens then no work is completed afterwards what the process would be. Justus explained that this was explained in the Statute. Carlton asked to consider referencing that Statute in the Form.

Carlton asked if equivalent replacement is defined by Statute. If not, it should be defined in the Ordinance to clarify.

12 pages say 10 of 12. Should say 1 of 12, 2 of 12.

A variance would be paid for and approved prior to the Completion of Zoning Certificate to avoid any refunds if the variance is not approved.

The application fees were created according to other Towns nearby. This can be changed in the budget development process.

Justus will review building height reference in definitions and forms to make sure they comply.

Carlton asked if the Zoning Map that was presented in the package had been amended to include the three Residential lots in the Commercial District as adopted by the Planning Board during their Public Hearing. Matheson will update the map according to the Planning Board recommendations.

Justus asked the Council if they are ready for the Ordinance, Forms, Applications and Map to be reviewed and discussed by scheduling a Public Hearing. After discussion the Council set a Public Hearing date for September 21, 2021 at 10:00am.

Prior to the Public Hearing Town Administrator Matheson and Justus will compare notes to confirm that all areas of concern are researched and prepared to further address at the Hearing.

* The next Council Meeting will be held September 9, 2021 at 10:00AM. This meeting will be held via Zoom unless otherwise notified. Information will be sent out at a later date.

**Motion to Adjourn.**

Councilmember Haag made a motion to adjourn the meeting. Simon seconded. The meeting was adjourned at 12:35PM.

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Jim Hager, Mayor Emily Hooper, Town Clerk