**Town of Lake Santeetlah**

**Special Minutes Workshop (Zoom)**

**October 6, 2021**

Vice Mayor Predmore called the meeting to order at 10:00AM. Councilmembers Simon and Carlton were present for the meeting. Town Administrator Matheson, Town Clerk Hooper and Attorney Justus were also present for the meeting. Mayor Hager and Councilmember Haag were not present for the meeting.

**Old Business:**

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

The objective for this meeting is to continue discussion of the Memorandum sent by Craig Justus to review notes and comments from prior meetings and public hearings concerning Zoning.

14. Carlton raised the question in a prior meeting if alternates on the Planning Board would have the opportunity to vote. Justus clarified in the Ordinance that alternates would not vote. Carlton asked if there were four members of the Planning Board present and one alternate sitting in, in that case would the alternate member vote. In that situation, yes, the member would vote. Justus will add a sentence to clarify that unless the alternate is sitting in a Board members seat he/she will not vote.

15. Predmore suggested the substitution of “Department” for “Inspector.”

Justus agreed.

16. In Section 804 dealing with Planned Unit Developments. Carlton asked, should PUD even be mentioned here? After discussion at the last meeting and garage was eliminated as an accessory building. It is important to determine what is a garage? Justus explained that we should use the language “principal” instead of “main” which is the language used throughout the document. Language will be added to clarify that a garage is not a principal building so a PUD is not triggered by having a home and detached garage on the same lot. If the garage is attached to the home it is the principal building. Justus explained the section is generally saying that two principal buildings are not permitted on a lot except in a PUD. It is very typical to have a section in an Ordinance to explain how many principal buildings are permitted on a lot. Carlton agreed to Justus’ suggestion depending on verbiage of explanation.

17. Section 807. Setbacks for parking pads. Justus asked if the Council feels that parking pads should be 5ft. or 10 ft. from the property line. The rule is currently 10ft. from water. A parking pad is not a water dependent structure.

Carlton asked if we could add esthetic requirements to the parking pads. Justus did not recommend. Suggested to keep it simple at 5 or 10ft.

Carlton suggested a definition for parking pad be added (example): A structure that levels the sight in order to allow for the parking for vehicles.

Simon asked if the parking pads that are currently closer than the approved setback would be grandfathered. Justus answered, yes.

Justus agreed to define parking pad, all members are agreeable to a 5ft. setback for parking pads.

18. Carlton asked for clarification that local staff does not enforce County or State laws. Justus added “Town” between the words applicable and laws.

19. Carlton asked for the word “parking” to be added to Section 901-3(f). Justus added.

20. Section 901 (4) Deals with variations in the approved conditions. Justus suggested clarification of any variations of the conditions not go to Board of Adjustments but directly to the Town Council. Any variance requests with PUD’s would be dealt with by the Town Council and not the BOA. Town Staff can deal with minor changes in the conditions. An example of minor change would be: a site plan is approved with an outside HVAC system. After approval the developer wants to place a screen around the HVAC system. This would be considered a minor change that staff could deal with and not have to go back to the Council for approval.

Justus suggests re-adopting the clause in the existing Ordinance defining the difference between minor and major changes and allowing staff to have the ability to approve minor changes.

Carlton is concerned that allowing staff to make changes in PUD or SUP situations major or minor is a risk. Carlton asked if Justus could add language restricting staff to approve setback changes both in the interior and exterior lines of the project. This would not be a minor change.

Carlton agreed pending the addition of this language.

21. Carlton asked for clarification that the majority vote is not just of a quorum for Special Use Permits. Justus added a sentence to clarify. All agreed on the addition.

22. Section 1002(4) (a) Carlton had a question concerning setbacks within a PUD. Carlton asked, according to previous conversation if someone wanted to build 9.5ft from the property line, staff could approve. If the request was more than 5% the Town Council would consider the variance request. Justus confirmed this would be the process. Justus explained that waiving the setback lines within a PUD are common because the developer would like to build in a cluster to allow more open space. Carlton agreed that it could be waived as long as it complies with the Total Development Plan. Justus explained that the new language would have more grounding, the setbacks could be waived as long as it follows the standards of Article IX but must be approved by the Town Council.

23. Predmore suggested to remove “final inspection” to “certificate of completion.” This was done throughout the Ordinance.

24. Section 1101. Creating dimensional standards for parking spaces. Justus agreed and suggested changing number (1) to (6) at the end of the Section (typo). Also adding a number (7) that states: “An off street parking space shall also be provided for any boat (including its trailer) maintained on a lot.” Carlton asked, if that meant that someone who has a boat and two cars would need three parking spaces. Justus answered, yes. They could not be parked along the right-of-way. Those currently parked along the right-of-way would be grandfathered.

25. Justus will add the word “Simulants” in Section 1104.

26. Justus explained the word use, opaque, is adequate in relation to junkyard fencing. This does not need changed.

Carlton asked if someone wants to build a retaining wall out of concrete blocks and then put a fence on top of it. Is that subject to height restrictions? Currently proposed at 4ft. Justus stated that this should be reviewed as discussed at a previous meeting the 4ft. requirement should possibly be increased. Carlton proposed that the height be raised to 5ft. Simon thought the standard was possibly 6ft. Predmore stated he will measure the premanufactured fences at Home Depot and report to Justus. All members agreed that the measurement Predmore determined would be acceptable moving forward.

27. Section 1302. Justus reported he is still researching and will provide a recommendation in the red line copy of the Ordinance.

28. Section 1503.02 (3) Change “final inspection” to “completion.” Agreed.

29. Is a temporary CO needed? For example, a homeowner has a fence to build on the home site and has not completed, however all other items are complete and ready to occupy. Would a temporary CO be needed? Justus explained this was a policy choice. Should the homeowner be kept from occupancy when items of no impact to the dwelling are not complete?

Predmore stated that a certificate of occupancy is issued by Graham County.

Carlton pointed out that the term, CO should be changed in our circumstance. Carlton explained that the important factor is having a clear understanding from the homeowner that the Town will have a final sign off at the completion of the project. The Town would not hinder occupancy over detail such as fences or driveway bricks or a simple matter that has not been completed.

Justus agreed that the term Certificate of Occupancy should be changed to Certificate of Completion. Justus suggested that the Town wait until final completion before completing the certificate and avoid issuing anything temporary. This only adds another step. The County will be completing the CO and would not be concerned with the guidelines from the Town therefore the best interest of the Town is to simply complete one final Certificate upon full completion.

Carlton asked about creating time limits for the “full completion.” Carlton referred to a house currently being built on the top of Black Bear that has been under construction for more than two years. Justus suggested the Town avoid time limits as they are defined in some manner in the state statutes (approximately two years). Justus will add wording to mimic the statute requirement of two years to complete.

30. Section 1504.04 (3) A definition has been added to major variance.

A Public Hearing is scheduled for October 28, 2021 at 10:00AM to further review/discuss and receive comment from the public regarding the Zoning Ordinance.

Justus plans to create a red-lined draft of the Ordinance and send out for review next week. A copy will be posted on the website.

Comments on the Zoning Ordinance can be emailed to Town Hall prior to the meeting. Public Comment will also be received during the Zoom meeting on October 28th.

**Upcoming Meetings:**

October 14, 2021 Council Meeting a Public Hearing within the meeting to discuss changes to the Lakeside Condo project.

October 26th Public Hearing at 10AM for One Way Streets and 11AM for Town-wide Speed Limit.

October 28th Public Hearing at 10AM to further discuss the Zoning Ordinance, Map and Forms.

**Motion to Adjourn.**

Councilmember Simon made a motion to adjourn the meeting. Carlton seconded. The meeting was adjourned at 11:31AM.

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Keith Predmore, Vice Mayor Emily Hooper, Town Clerk