

Section 38-11.1 Lake Overlay District**(a) Title: Lake Overlay District**

(b) Definition: The Lake Overlay is not intended to be a separate zoning district, but shall be assigned to the shoreline areas of Oconee County lakes that are considered by County Council to be vital to the economic prosperity and general well-being of all county citizens.

(c) Intent: This overlay is intended to protect water quality, maintain natural beauty, and limit secondary impacts of new development that may negatively affect the lifestyles of those living near the lakeshore and the general enjoyment of the lakes by all citizens.

(d) Boundary: The boundaries of the Lake Overlay District are shown on the Official Oconee County Zoning Map, and are divided into the following sub-districts:

1. **Keowee/Jocassee Overlay (Lakes Keowee and Jocassee)** - The following standards shall apply within seven hundred and fifty (750') feet of the full pond contour of Lake Keowee and Lake Jocassee, to be measured along a perpendicular line from the full-pond contour.

A. Standards

1. No single-family or multi-family development shall have a net density greater than 2 dwelling units per acre within the boundary of the overlay.
2. No structure constructed in the overlay shall have a building height greater than 65 feet above finished grade. In no circumstance shall the grade elevation be altered beyond that necessary to provide for structural soundness. For the purposes of this section, unless otherwise stated, all dimensions, heights, elevations and other specifications related to structures shall be measured in accordance with adopted building codes.
3. Marinas and commercial boat storage shall comply with the Duke Energy's regulations and shall not be located within a mile radius of an existing platted and properly recorded subdivision.
4. All non-residential projects that have a proposed developed area fully or partially located within the boundaries of the Lake Keowee/Jocassee Overlay shall be subject to a Special Exception hearing by the Board of Zoning Appeals. The Board may consider Appendix A as part of the Special Exception guidelines.
5. Natural Vegetative Buffer
 - i. A natural vegetative buffer shall be established on all waterfront parcels. This regulation shall exempt projects that are located on parcels lying no closer than 25 feet from a lake shoreline or are located on parcels that are not traversed, either in full or in part, by a perennial stream, designed wetland, or other watercourse within the boundary of the overlay. The buffer shall begin at the lake's full pond level.
 - ii. The buffer shall extend to a depth of twenty-five (25) feet measured along a perpendicular line from the full-pond contour or any permanent shoreline stabilization, such as rip-rap, retaining

- walls, and the like; or a perennial stream. Right-of-way maintenance activities by all utilities shall be exempt.
- iii. All existing structures at the time of adoption of this ordinance shall be considered as permitted and shall not be considered impediments to the buffer. Any new structures or any other new objects that are impediments to the establishment of the required buffer shall be placed outside the 25 natural buffer areas unless the total square footage they contain is added to the buffer at another location on the same parcel, resulting in a buffer area equal to the required buffer area.
 - iv. In order to ensure that the natural buffer is maintained during the development of property a properly installed and maintained silt fence shall be installed 25 feet from the full pond elevation, until the completion of construction. No construction or disturbance shall occur below the silt fence unless it is deemed necessary by a certified arborist to remove diseased trees. Dead trees may be removed with the approval of the zoning administrator. No trees larger than six-inch caliper at four feet from the ground shall be removed unless certified to be a hazard by a registered forester or arborist. Trees may be limbed up to 50 percent of their height. A removal plan shall be submitted for approval.
 - v. No development activity or soil disturbance shall occur in the buffer area, unless permitted by the zoning administrator.
 - vi. Shoreline stabilization shall be permitted provided any soil disturbance or other stabilization activities are supervised and approved by the appropriate licensed design professional and submitted to the zoning administrator.
 - vii. A map indicating those parcels to which the standards of this section apply, as well as the status of the establishment of the required buffer, shall be created and maintained as a layer in the county's Geographic Information System (GIS), and shall be available to the public.
 - viii. Any reestablished buffer shall meet all standards, including:
 1. The following mixture of plants for every twenty-five hundred (2500) square feet of natural vegetative buffer shall be required when existing:
 - a. 3- large maturing shade trees, equally spaced, 4 inch or greater caliper at 4 feet
 - b. 3-understory trees, equally spaced, 2 inch or greater caliper at 4 feet
 - c. 6-small evergreen trees
 - d. 20- shrubs; or
 2. A diverse mix of native plants and unmanaged (uncut below 12 inches and untreated) native grasses where available and suited to the site.

- ix. Impervious surface no greater than 20 percent of the allowed view lane area is permitted. All impervious surfaces shall be considered part of the view lane. Other structures must be temporary.
- x. No new manicured lawns or other managed grasses shall be established within that buffer. Additionally, no clear cutting or mowing, cultivation activities, fertilization, use of herbicides, fungicides, or pesticides shall occur within the buffer area.
- xi. In the event, that a property owner is unable to establish the said buffer, they may request a variance, to be considered at a hearing before the Board of Zoning Appeals stating the reasons why a buffer cannot be established. The Board of Zoning Appeals may, in its sole discretion, grant or not grant such variance, for good cause shown. (amended)



Oconee County Planning Commission

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Minutes

Planning Commission Meeting

January 9, 2012

The Oconee County Planning Commission held a regular meeting on January 9, 2012 at 6:00 PM in Council Chambers at the Oconee County Administrative Building, 415 S. Pine St., Walhalla, SC 29691.

Members Present: Ryan Honea, (Chairman)
Howard Moore
David Lyle
Andy Heller
Bill Gilster
Tommy Abbott
Gwen McPhail

Staff Present: Aaron Gadsby (Planner)
Yancey Green (Planner)

Media Present: Carlos Galarza, Daily Journal

Item 1: Call to Order

Mr. Gadsby called the meeting to order.

Mr. Gadsby asked for a motion to amend the agenda to review the schedule and election of officers to the second agenda item. Ms. Heller made a motion to amend the agenda. Mr. Lyle seconded the motion. The motion carried.

Item 2: Meeting Schedule for 2012

The Commission discussed the schedule for the 2012 year. Mr. Gilster made a motion for the first Monday of the month to be a regular business meeting and for the third Monday of the month to be held in reserve. Mr. Honea seconded the motion. The motion passed unanimously.

Item 3: Election of Officers (Chairperson and Vice-Chairperson) for 2012

Ms. McPhail nominated Mr. Honea for the Chair. Hearing no other nominations Mr. Abbott made a motion to elect Mr. Honea to the Chair. Ms. McPhail seconded the motion. Mr. Honea was elected as Chair by unanimous consent.

Ms. Heller made a motion to elect Mr. Lyle to the Vice-Chair. Mr. Moore seconded the motion. The motion passed unanimously.

Item 4: Approval of Minutes

Ms. McPhail made a motion to approve the minutes from the December 5, 2011 meeting. Mr. Gilster seconded the motion. The motion passed unanimously.

Item 5: Public Comment- General Comments

Ms. Donna Linsin spoke about her concerns with the owners of those being rezoned into the PRLD not being informed.

Mr. BJ Littleton agreed with Mr. Abbot that “Bottom line, this zoning is nothing but a mess.”

Mr. Barry Nichols stated that he was concerned about people who are included in large number parcel rezoning that were never informed.

Item 6: Discussion and/or Consideration of Planning Commission Goals

Mr. Gadsby reviewed the goals with the Commission. The Commission discussed the goals. It was the Commission’s consensus to remove the goal of having top down county wide zoning and to look at the goals on a quarterly basis.

Item 7: Opportunity for comment on ordinance 2011-21, as amended by Council at 2nd reading

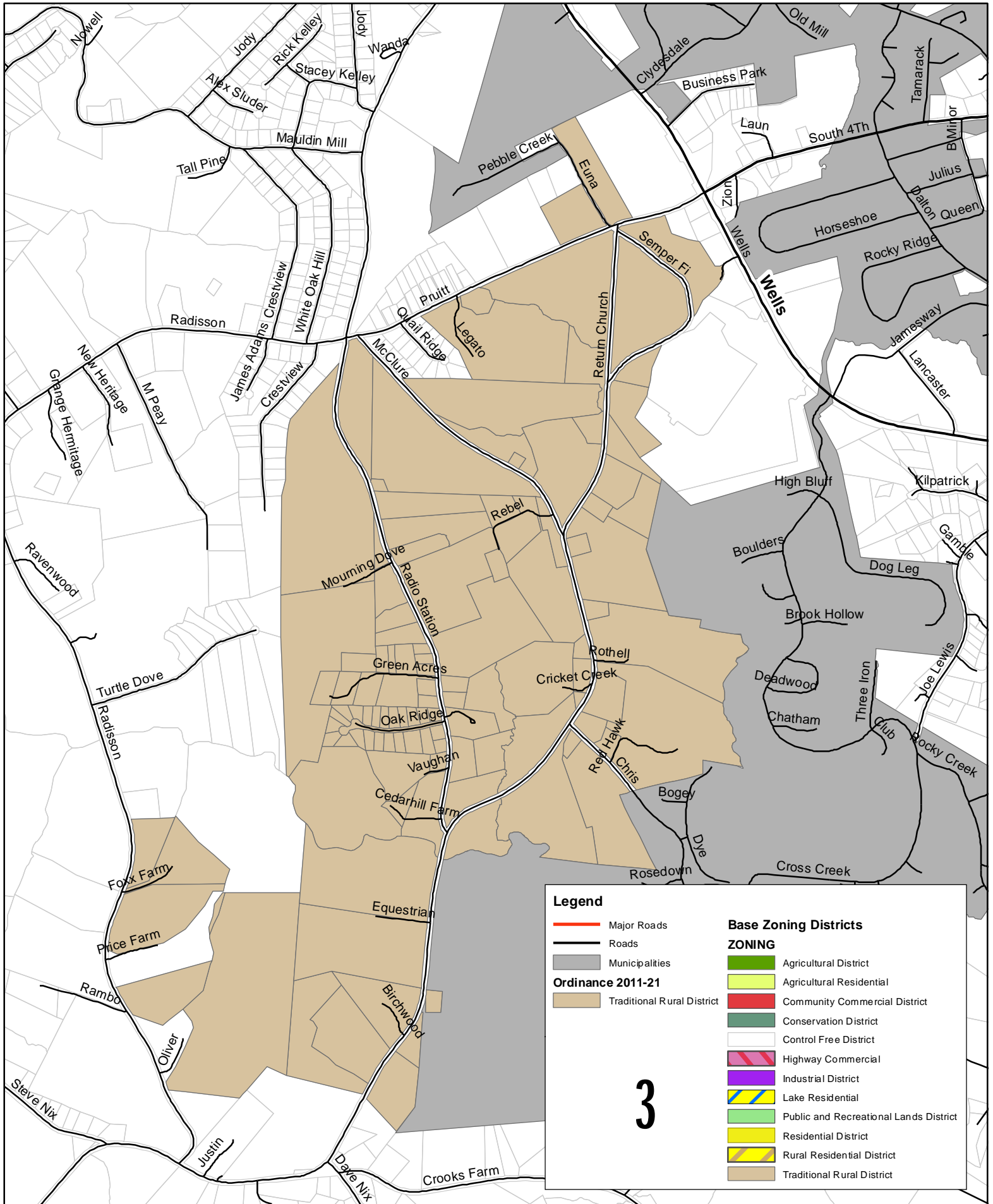
Mr. Moore made a motion to approve the changes that County Council made and send the Ordinance back to County Council. Mr. Abbott seconded the motion. The motion passed unanimously.

Item 8: Chairman Honea adjourned the business meeting.

Item 9: Workshop

The Commission continued their review of the Zoning Enabling Ordinance. Mr. Gadsby presented drafts of the Lake Overlay District and the Small Area rezoning method. The Commission asked staff to clarify a few issues on the Small Area rezoning and to finalize a draft for the Commission to review.

Ordinance 2011-21 2nd Reading



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(2) Method 2- Small Area Rezoning

Any property owner, or group of property owners, may petition for initial rezoning, provided the parcels proposed for rezoning are contiguous and comprise no less than two hundred (200) acres in area with at least 65% of parcels 1.5 acres or greater; or

Any property owner, or group of property owners, may petition for initial rezoning, provided the platted subdivisions proposed for rezoning are contiguous with a total area of fifty (50) acres, or a minimum of forty (40) lots, recorded in the office of the Oconee County Register of Deeds; or

Any parcel that is contiguous to a petitioned rezoning may join as long as there is a favorable petition.

Any property owner; owning a parcel, currently in the Control Free District, that is contiguous with parcels that have already rezoned from the Control Free District may petition to rezone their parcel(s).

For the purposes of this regulation, in addition to standard definitions, parcels separated by a perennial stream or a cove within a body of water shall be considered contiguous.

This method of rezoning shall be initiated by a signed petition containing the signatures of a minimum of 51% of the affected property owners. Proposed changes to any part of these regulations shall be subject to review by the planning commission, as set forth in Section 8.1 (above), and public notice requirements contained in Section 8.2 (above), as well as other applicable standards established by the South Carolina Code of Laws. (amended)

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