

ATTACHMENT A

Sec. 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 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 two 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 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 of zoning appeals shall use Appendix A as a guide and for good cause shown they may waive the strict application of any standard therein.
 - 5. Natural Vegetative Buffer.
 - (i) The Natural Vegetative Buffer shall be established on all waterfront parcels whose property line is located within 25 feet from the full pond contour. Those parcels not meeting these criteria shall be exempt from this standard. 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.

- (ii) The Buffer shall extend to a depth of 25 feet measured along a perpendicular line from the full-pond contour (800 feet above MSL for Keowee and 1100 feet above MSL for Jocassee). 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. Right-of-way maintenance activities by all utilities shall be exempt.
- (iii) Motorized equipment will be permitted inside the Natural Vegetative Buffer if:
 - a. required to remove dead or dying trees, as confirmed by a certified arborist, forester or Zoning Administrator
 - b. required for remediation purposes, as permitted by the Zoning Administrator.
 - c. required for construction of the 15% view lane path or permitted patio/deck.
 - d. required for work related to installing permitted electrical/water piping into the Lake.
 - e. Golf carts and similar vehicles are permitted to utilize the path of the permitted 15% View Lane(s).
- (iv) All structures and landscaping existing at the time of adoption of this chapter shall be considered as permitted and shall not be considered impediments to the buffer.
- (v) Silt Fences: In order to ensure that the Natural Vegetative Buffer is maintained during the development of property, properly installed, entrenched and maintained silt fences are required, before a Zoning inspection will take place. The silt fences must begin at or above the Vegetative Buffer line. Wire backed silt fences are highly recommended and J-hooks, hay bales, grass mats and seeding shall be installed, as needed, at least 25 feet from the full pond contour (800 feet above MSL for Keowee and 1100 feet above MSL for Jocassee), separating the Buffer from the developed area, until the completion of construction. The County may mandate additions of any or all of these options at any point during construction.

If the silt fences and other measures, listed above, fail to prevent an accumulation of silt and other debris in the Natural Vegetative Buffer, the County shall require the responsible parties to install additional control

measures. These measures shall be installed in a timely manner to prevent any further accumulation.

Silt that has entered the Natural Vegetative Buffer shall be removed if possible and then the area within the Natural Vegetative Buffer shall be stabilized with pine straw, mulch and/or other planted vegetation.

See section "f" for Penalties.

- (vi) **View Lanes:** View Lane means the portion of a natural buffer utilized and maintained by the property owner to enhance observation and access of the lake and surrounding landscapes. Typically, the vegetation in the View Lane is lower in height and/or smaller in diameter than that found in the rest of the buffer. The View Lane may be up to 15% of the Vegetative Buffer either as one contiguous lane or multiple smaller lanes.
- (vii) **Allowed Development within the Vegetative Buffer:** Paths of permeable or impermeable construction are permitted within the Natural Vegetative Buffer provided they are no wider than six (6) feet. Turnarounds are permitted within the 15% View Lane. Any path is considered a part of the allowed 15% View Lane. Patios or decks, without permanent vertical features other than those required for safety or building code standards, are permitted but may not be more than 100 square feet and must be part of a contiguous 15% View Lane. Electrical and water lines may be installed through the Natural Vegetative Buffer provided they run within the permitted 15% View Lane and meet all applicable building codes.
- (viii) **Vegetation Removal:** No trees larger than six-inch caliber 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. Invasive species may be removed in such a manner that does minimal damage to surrounding native vegetation. Trees that are clearly dead or dying may be removed with the permission of the Zoning Administrator. Existing vegetation, outside of the allowed 15% View Lane, may be under-brushed. This under-brushing may not utilize herbicides, fertilizers or other chemicals and may not increase run-off throughout the Natural Vegetative Buffer. Vegetation within the allowed 15% View Lane may be maintained to the property owner's standards provided it does not create or contribute to runoff entering the Lake or adjacent properties and the maintenance does not utilize herbicides, fertilizers or other chemicals.
- (ix) **Vegetation Mitigation :** The following mixture of plants for every 2500 square feet of the Natural Vegetative Buffer shall be required if reestablishing the native vegetation or for mitigation purposes:

- a. Three large maturing shade trees, equally spaced, four-inch or greater caliper at four feet.
 - b. Three understory trees, equally spaced, two-inch or greater caliper at four feet.
 - c. Six small evergreen trees.
 - d. Twenty shrubs or a diverse mix of native plants and unmanaged (uncut below 12 inches and untreated) native grasses where available and suited to the site.
- (x) No new manicured lawns or other managed grasses shall be established within the buffer area. 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 ~~of zoning appeals~~ may, in its sole discretion, grant or not grant such variance, for good cause shown.

(e) Compliance and Conflicts:

Compliance with the requirements of this Section does not nullify a party's duty to comply with other or more stringent regulations, requirements, or guidelines of a Duke Energy company or affiliate, or any local, state, or federal law or other applicable authority

(f) Penalties:

The intent of the Natural Vegetative Buffer is to protect the natural and built environment within and surrounding Lakes Keowee and Jocassee. All parties owning, renting, or inhabiting property or working on property within the Lake Overlay are required to work within the intent and the letter of this and all applicable ordinances and standards to protect and enhance the natural and built environments.

A violation of this Article is punishable by fine and/or imprisonment in an amount not to exceed the jurisdictional limits granted to a magistrate's court in Oconee County under South Carolina law. Additionally, building and zoning permits may be revoked, stop work orders issued, and civil fines levied as appropriate under the circumstances. Further, the provisions, including prescriptions, proscriptions, and penalties contained within the International Property Maintenance Code may apply.