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)

A 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 this criteria shall be exempt from this standard.

(ii)

The buffer shall extend to a depth of 25 feet measured along a perpendicular line from the full-pond contour; in the event permanent shoreline stabilization, such as rip-rap, retaining walls, is located at the full-pond contour, the buffer may begin at the back of the stabilization, provided the minimum required area is achieved. Right-of-way maintenance activities by all utilities shall be exempt.

(iii)

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. Any new structures or any other new objects that are impediments to the establishment of the required buffer shall be placed outside the natural buffer areas unless the total square footage occupied by the structure, not to exceed 20 percent of the required buffer area, is added to the buffer at another location on the same parcel, provided the resulting buffer area is equal to the required buffer area, and the effectiveness of the buffer is not compromised.

(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, separating the buffer from the developed area, 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 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.

(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)

Natural, existing vegetation is encouraged; however, the following mix of plants shall be required for every 2,500 square feet of vegetative buffer area that is established by planting:

(1)

The following mixture of plants for every 2,500 square feet of natural vegetative buffer shall be required when existing:

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

(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)

A view lane of no more than 15 percent of the buffer area shall be permitted in the natural buffer area. 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 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.

(Ord. No. 2012-14, § 1, 5-15-2012)

For more information:

https://www.municode.com/library/sc/oconee_county/codes/code_of_ordinances?nodeId=COOR_CH38ZO