

***USE AND DEVELOPMENT
OF LAKE LANIER***

SECTION § 153.01: COMPLIANCE.

No structure shall hereinafter be erected or maintained upon or over Lake Lanier or its lake boundary and no use made of the water surface and land thereunder or any facility or structure located thereon, except in conformity with the regulations of this chapter or amendments thereto.

SECTION § 153.02: DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOAT GARAGE—Any structure designed for storage of watercraft. Such a structure does not have a floor, other than a narrow walkway to access watercraft and limited storage space.

DISTANCE FROM SHORELINE—Distance as measured from the lake edge or boundary, where land meets water.

DOCK/PIER—A flat uncovered structure attached to the shoreline, reaching from the shoreline out over the lake.

ENCLOSED STRUCTURE—Any structure constructed over the water with sides, screening, or roof.

FLOAT—A flat uncovered structure located on the water but not permanently attached to the shoreline or lake bottom.

FULL POND—The measurement of the lake surface at an elevation of 1,032 feet above mean sea level, USGS Datum. This is also the height of the spillway on the dam at the north end of the lake.

HEIGHT—Measurement from lake surface at full pond to the top of the structure being measured.

LAKE BOUNDARY—Contour elevation 1,032 above mean sea level, USGS Datum (where water meets shore when lake is at full pond).

LENGTH—Measurement from shoreline extending approximately perpendicular to shoreline out over the water.

NEW CONSTRUCTION (NEW STRUCTURE) — Any structure (for example: boat garage, dock, platform, ramp) constructed over the water or over the lake bed after the adoption of these ordinances (?,?,2004).

EXISTING STRUCTURE—Any structure constructed over the water or over the lake bed before the adoption of these ordinances (?,?,2004).

PLATFORM—A flat uncovered structure attached permanently to the lake bottom but not attached to the shoreline.

RAILING—A vertical open structure without a cover, intended to serve as a barrier.

RAMP—A slope extending from the shoreline into the lake for the purpose of launching a water craft.

STRUCTURE—Anything constructed over the water or over the lake bed or extending beyond the lake edge into the lake. Examples: boat garage, dock, platform, ramp, or float.

WIDTH—measurement approximately parallel to shoreline.

SECTION § 153.03: LAKE ENCROACHMENT PERMITS.

(A) A lake encroachment permit, formerly known as a lake access zoning permit, shall be issued by the Town prior to the construction of any new structure or replacement or modification of an existing structure on Lake Lanier. The permit must be posted at the site so that it may be readily seen from the road until final construction approval occurs.

(B) The applicant shall present to the Town Zoning Administrator, upon application for a lake encroachment permit, the following:

(1) Statement of intended use of structure.

(2) Width, length, height of proposed structure, including a sketch. The sketch should include railings and roofs.

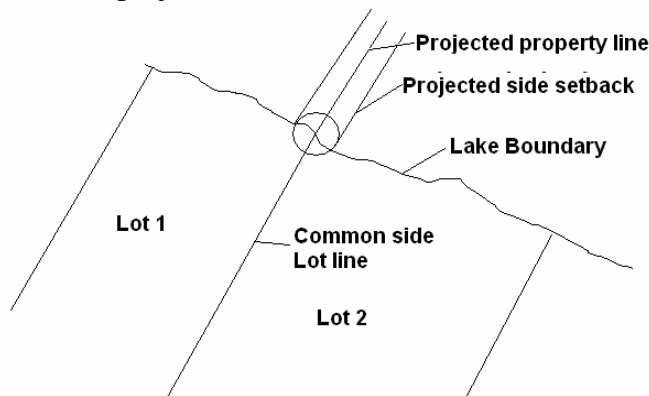
(3) Site plan including measurements, drawing, and location of both existing and proposed structures on the lot and over the lake bed.

(C) The following requirements must be met in order for a lake encroachment permit to be issued:

(1) A new boat garage shall not be placed in or above the water more than 25 feet in length or width, outside dimensions. New construction or modifications to existing structures shall not be permitted which, when combined with existing structures, total more than 25 feet in width of covered and/or enclosed structure.

(2) Regardless of other length provisions, no structure shall be placed in or over the water more than 25 feet from the lake edge or one fifth (1/5) the distance to the opposite shoreline, whichever is less. The projection of a proposed structure into the water may be further restricted if it represents a navigational hazard or has an adverse impact on neighboring properties.

(3) No new structures shall be closer than five feet to a projected side lot line. The projected side lot line (setback) is to be determined by the following method:



(4) New structures with cover, enclosure, or roof shall only be constructed for the purpose of a boat garage. Such a structure shall not have a floor other than a narrow walkway designed to access watercraft or store small items. The structure shall not have a second story with a floor. The structure shall be constructed no higher than 16 feet measured from the top of the water at full pond to the topmost part of the roof or other construction such as a railing. The dimensions of a boat garage are no larger than: 25 feet in length, 25 feet in width, and 16 feet in height unless otherwise restricted.

(5) Platforms and/or docks shall not exceed 25 feet in length nor exceed 500 square feet in area per lot of record when combined with the area of existing platforms or docks.

(6) No floats shall exceed 100 square feet surface area. No metal barrels or toxic chemical barrels will be permitted. There shall be no more than one float per lot of record.

(7) Only one ramp shall be constructed per lot of record.

(8) Retaining walls shall not extend into the water beyond the lake boundary. No creosote timbers or other environmentally hazardous materials are permitted.

(D) The "Narrows."

(1) *Prohibition on structures in the Narrows.* Due to the navigational hazards of the narrow channel in the area, no lake encroachment permits for new

structures shall be issued for and no new structures shall be constructed in that portion of Lake Lanier commonly known as “the Narrows” and more particularly described as:

BEGINNING AT A Point on the western bank of the “Narrows” of Lake Lanier, said point being located North 12-36-40 East 1,562.35 feet from the centerline intersection of Dug Hill Road and West Lakeshore Drive in Greenville County, South Carolina, said point also being the on the eastern boundary for a tax parcel numbered 0624061100100; thence northerly following the western shore of the “Narrows” and the eastern boundaries for the tax parcels numbered 0624061100100, 0624061102000, and 0639020101700 the following calls: North 19-36-30 East 8.05 feet, North 14-41-44 East 21.29 feet, North 16-44-51 East 22.77 feet, North 23-14-02 East 21.32 feet, North 21-57-03 East 17.79 feet, North 10-37-36 East 20.39 feet, North 05-57-30 East 20.71 feet, North 02-43-26 East 22.52 feet, North 02-18-33 East 25.81 feet, North 02-41-19 East 23.88 feet, North 00-22-19 East 20.02 feet, North 02-28-19 West 23.88 feet, North 06-10-36 West 23.61 feet, North 08-45-44 West 24.62 feet, North 06-47-26 West 26.13 feet, North 05-41-53 West 27.19 feet, North 17-01-47 West 21.92 feet, North 19-02-53 West 20.68 feet, North 19-40-51 West 19.92 feet, North 21-41-27 West 21.16 feet, North 20-33-44 West 21.98 feet, North 19-25-45 West 26.42 feet, North 30-23-16 West 22.00 feet, North 34-31-34 West 25.09 feet, North 28-24-51 West 23.29 feet, North 42-03-52 West 22.09 feet, North 46-54-20 West 19.35 feet, North 53-00-06 West 20.52 feet, North 35-20-52 West 22.44 feet, North 28-30-34 West 23.07 feet, North 39-52-15 West 20.25 feet, North 46-01-21 West 16.24 feet, North 52-32-54 West 16.15 feet, North 67-04-35 West 19.43 feet, North 78-57-43 West 18.59 feet, North 81-10-12 West 15.05 feet, North 86-04-36 West 23.38 feet, South 87-35-57 West 22.44 feet, and South 68-57-45 West 18.25 feet to a point on the northern boundary for a tax parcel numbered 0639020101700; thence northeasterly crossing the “Narrows” North 58-16-38 East 289.97 feet to a point on the eastern bank of the “Narrows”, said point also being on the western boundary for a tax parcel numbered 0624030800500; thence southeasterly following the eastern shore of the “Narrows” and the western boundaries for tax parcels numbered 0624030800500, 0624030800100, 0624030800101, 0624030800100 the following calls: South 11-03-17 West 15.85 feet, South 05-01-29 East 19.87 feet, South 23-02-34 East 16.89 feet, South 40-20-12 East 16.44 feet, South 50-43-02 East 17.96 feet, South 47-55-52 East 17.70 feet, South 54-56-09 East 18.85 feet, South 52-42-49 East 17.33 feet, South 41-57-04 East 16.48 feet, South 37-08-56 East 18.07 feet, South 36-13-26 East 17.57 feet, South 26-54-12 East 18.94 feet, South 32-18-07 East 21.30 feet, South 30-35-29 East 24.01 feet, South 40-51-29 East 23.01 feet, South 30-10-28 East 24.15 feet, South 27-22-23 East 23.47 feet, South 34-25-17 East 22.38 feet, South 26-01-55 East 25.95 feet, South 16-14-39 East 25.81 feet, South 20-01-04 East 22.67 feet, South 14-20-53 East 21.83 feet, South 13-37-12 East 22.04 feet, South 06-48-29 East 22.86 feet, South 07-41-01 East 18.70 feet, South 01-30-09 East 18.69 feet, South 02-15-18 West 16.77 feet, South 03-51-02 West 19.80 feet, South 07-50-05 West 21.13 feet, South 14-42-49 West 19.49 feet, South 13-39-20 West 23.72 feet, South 15-04-56 West 21.79 feet, South 10-35-56 West 18.65 feet, South 12-19-17 West 16.78 feet, South 07-25-03 West 19.67 feet, South 01-35-14 West 20.94 feet, South 04-52-15 East 19.08 feet, South 07-50-06 East 19.22 feet, South 10-46-52 East 16.79 feet, South 13-54-16 East 14.77 feet, South 16-19-51 East 24.29 feet, South 22-49-14 East 18.90 feet, South 24-38-24 East 21.04 feet, South 29-18-26 East 21.59

feet, South 24-48-30 East 20.42 feet, South 26-00-28 East 22.99 feet, South 27-01-31 East 20.60 feet, South 30-46-26 East 20.17 feet, South 41-59-06 East 20.44 feet, South 45-14-51 East 11.17 feet to the westernmost corner for a tax parcel numbered 0624040500100, said corner being on the eastern shore of the “Narrows”; thence westerly crossing the “Narrows” North 71-55-09 West 288.68 feet to the **POINT OF BEGINNING**.

The tract described above encompasses 3.493 acres more or less and is a portion of that tax parcel identified as having the PIN “Lake Lanier”.

(2) *Restrictions on structures adjacent to the Narrows.*

(a) No new structure shall be approved for the Greenville County, South Carolina tax parcel numbered 0624061100101 which (i) includes a boat mooring, (ii) extends a distance from the shoreline greater than fifteen feet (15’), (iii) extends a distance parallel to the shoreline greater than twenty-four feet (24’) or (iv) is not limited to a platform dock only.

(b) No new structure shall be approved for the Greenville County, South Carolina tax parcel numbered 0624050705700 which (i) extends a distance from the shoreline greater than twenty feet (20’), (ii) extends a distance parallel to the shoreline greater than twenty-four feet (24’) or (iii) is not limited to a platform dock only.

(3) The tax parcel numbers, identifications, and other records used in the preparation of this description are incorporated herein by reference and were identified using cadastral mapping acquired from the Greenville County GIS Department on August 8th, 2003.

(4) A copy of a map showing the “Narrows” area covered by this ordinance is attached hereto as Exhibit A and incorporated herein by reference.

(E) No environmentally hazardous materials shall be used in new construction or repairs to existing structures. Examples: creosote lumber, etc.

(F) Liability insurance covering structures on the lake must be carried by the property owner. The name of the company issuing the insurance and the policy number must be entered on the application form for a lake encroachment permit.

(G) The Town reserves the right to refuse issuance of a lake encroachment permit to an applicant whose request does not comply with the provisions of this chapter.

(H) The lake encroachment permit will remain valid for a period of not more than six months from the date of issuance. If construction is not complete within that time period, an application for extension must be submitted and an extended permit issued before construction may continue.

SECTION § 153.04: BUILDING PERMIT.

No structure shall be constructed or installed without a building permit issued by Greenville County.

SECTION § 153.05: SIGNS

No signs, other than navigational aids that comply with the South Carolina Wildlife Resources Commission regulations, shall be placed within the lake bed.

SECTION § 153.06: LIGHTING.

Lighting that offers navigational aid on the lake shall comply with the South Carolina Wildlife Resources Commission regulations. When installed for purposes other than navigational aid, lights shall not be moving or flashing or colored other than white, except for a continuous nonflashing yellow light for insect control. Lights shall not be of such intensity as to cause night blindness to boat operators on the lake or inhibit vision in any way. No light fixture, electric wiring, or outlet shall be installed lower than four feet above floor level.

153.07 PROHIBITED USES OR ACTIVITIES

(A) The following uses or activities shall be prohibited unless as expressly permitted herein:

- (1) Commercial and business activities conducted over the lake.
- (2) Dredging unless a dredging permit is obtained from the Town's Zoning Administrator and Water Plant Superintendent. The following conditions must be met to obtain a dredging permit from the Town of Tryon:
 - (a) Dredging may only be done during the months of October through February.
 - (b) Dredging may only be done when water is flowing over the spillway.
 - (c) A dredging permit will be revoked if the Town implements mandatory water restrictions.
 - (d) All required approvals and permitting shall be obtained by the applicant from the Army Corps of Engineers and SCDHEC prior to Town approval. This includes a plan to dispose of dredging material.
 - (e) Individual property owners who seek to conduct a dredging operation are encouraged to work with other property owners on a collaborative

dredging operation at the same time rather than conducting several smaller operations.

(3) Any use of the lake bed requiring disposal of any interest in land involving occupancy, possession or control by the user. Examples of such use include but are not limited to the following: Construction of causeways, roads, bridges, fences, retaining walls, utility transmission and distribution lines, pipelines, water diversion facilities, sewage lagoons and treatment plants, septic tanks, drain fields and effluent discharge lines, the dumping of solid wastes or fill, the discharge of solid wastes, and the diversion of the water of Lake Lanier.

(4) Disposing of solid waste, liquid waste and yard debris of any kind in or around the lake.

(5) Using any pesticide, herbicide, or chemical in the lake.

(B) No boats or new structures on or over Lake Lanier shall be used as living quarters. No toilets are permitted in any boat or any new structure.

(C) No boats, floats, or platforms shall be permanently moored, anchored, or attached to the lake bed more than 25 feet from shore. Exception: the existing platform covering the concrete structure in the entrance to first basin from second basin.

SECTION § 153.08: MAINTENANCE OF STRUCTURES.

All structures on Lake Lanier must be maintained and repaired. The Town of Tryon reserves the right to condemn unsafe structures.

SECTION § 153.09: NONCONFORMING USES.

Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions of area, height, length, width or other characteristics of the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

(A) No such structure may be enlarged or altered in a way which increases its nonconformity.

(B) An existing structure which has been destroyed, burned, or otherwise demolished may be replaced in the original footprint, with original features and dimensions. If the size or features are changed, the standards in this chapter for new construction must be followed. A Greenville County building permit must be obtained within one year of the date of destruction or demolition of the existing structure. If a building permit is not obtained within such time, the standards in this chapter for new construction must be followed.

(C) New structures constructed on existing pylons must adhere to the standards in this chapter for new construction.

SECTION § 153.10: APPEALS.

All appeals from the specific provisions of this chapter must be considered as to their effect on the health, safety, and welfare of the general public and the residents of Lake Lanier and as to their effect on the purity of the water of Lake Lanier. Request for a variance shall be referred to the Town of Tryon Board of Adjustments. Greenville County procedures must also be followed.

SECTION § 153.11: AMENDMENTS.

This chapter may be amended from time to time but no amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the Tryon Planning Board for review and recommendation. The Planning Board shall have 30 days within which to submit its report. If the Planning Board fails to submit a report within the 30-day period, it shall be deemed to have approved the proposed amendment. A public hearing shall be held by the Board of Commissioners before adoption of any proposed amendment to this chapter. A notice of such public hearing shall be given once a week for two successive calendar weeks in a newspaper of general circulation in the Town, said notice to be published the first time not less than 15 days prior to the date established for such public hearing.

(Ord. 1990-6, passed 7-9-90; Am. Ord. passed 5-15-2000; Am. Ord. 2003-11, passed 12-16-03; Am. Ord. 2004-5, passed 11-16-04; Am. **Ord. 2006-???** Passed 10-17-06)

Adopted and approved as amended this 17th day of October, 2006.

J. Alan Peoples, Mayor

Attest:

Susan Bell, Clerk
(SEAL)

Approved as to form:

A. Bailey Nager, Town Attorney