

ORDINANCE NO. 91 AMENDED
CITY OF TEGA CAY, SOUTH CAROLINA
RESIDENTIAL WATERFRONT
CONSTRUCTION ORDINANCE

ARTICLE I. GENERAL PROVISIONS

Section 1. Purpose.

This ordinance has been enacted to establish guidelines for residential waterfront construction to promote and protect the health, safety and general welfare by providing for the orderly development, enhancement and protection of shoreline properties within the City. This Ordinance, by reference, adopts Duke Power Company's "Shoreline Management Guidelines" dated June 1, 1996 and any amendments thereto, the most restrictive of which shall apply.

Section 2. Authority.

This ordinance is adopted under authority granted by Title 6 of the Code of Laws of South Carolina, 1976.

Section 3. Effective Date.

This ordinance shall take effect immediately upon adoption.

Section 4. Relationship of this Ordinance to Other Ordinances.

This ordinance hereby repeals Ordinances 27, 32, 35, 51, 56 and 90. Subject to Article IV, this ordinance is not intended to interfere with any easements, covenants or other agreements between parties. It is further not intended that this ordinance obviate the necessity of seeking approval by and compliance with the rules of Duke Power and/or other State and Federal Agencies, as the case may be. Except for Article IV, this ordinance is subject to the provisions of the zoning ordinance.

Section 5. Definitions.

- (1) **Base Line.** For those lots as defined in Article I, Section 5 (16) (a), it is the line connecting the points where the lot line extensions intersect the 570' contour line. (See illustration 1). For those lots as defined in Article I, Section 5 (16) (b), it is the line connecting the point where the lot line extension intersects the 570' contour line and the point where a circle (having a fifty foot radius centered on the aforementioned side lot line extension intersection point) intersects with the 570' contour line. (See illustration 2).
- (2) **Boat House.** A structure enclosed on top, sides and back, with or without a movable door at the boat entrance. The structure may be floating (attached to land, pier or dock) or non-floating (built on pilings).
- (3) **Boat Shelter.** A structure without enclosed sides composed of pilings which support a roof. It is primarily used to support a mechanical boat lift for dry storage.
- (4) **Buildable Area.** An area whose dimensions are determined by extending a line perpendicular to the base line into the lake from a point on the base line fifteen feet from each end of said base line (for a total of two perpendicular lines) for a distance of eighty feet or one-third of the width of the cove (should the subject lot be located in a cove), whichever is shorter, and extending a line (parallel to the base line) to connect the other ends of the perpendicular lines. Subject to Article IV, Section 2, if the buildable areas of two lots overlap, the dimensions of said buildable areas shall be reduced by the area between the two lines described in subparagraph (c) of the following formula:
- (a) Extend the base lines of the two lots until they intersect. {point (a)}
 - (b) Extend a line from the point where the two buildable areas intersect to the point where the two base lines intersect in (a) above. {line (b)}
 - (c) Extend lines parallel to and fifteen feet on either side of the line described in (b) from the base line (or extension) through the original buildable areas. {line (c) {See illustration 3}}.
- (5) **Deck.** A structure permanently attached to dry land from which a pier or dock may be attached.
- (6) **Dock.** A structure extending from dry land into the lake, a portion of which may be permanently attached to land and lake bottom with or without a gangway to a permanently attached floating section for boat tie-up, to accommodate changes in the lake water level.
- (7) **Pier.** A structure permanently attached to land and the lake bottom, extending from dry land out into the lake, built on pilings.
- (8) **Gangway.** Construction extending from the area of the residence to a dock.

(9) **Greenbelt.** That portion of land between the 570' contour line and a property line of a lot. The land may or may not be covered by water.

(10) **Lot.** A parcel of land or any combination of several lots of record having frontage on a common driveway or on a street or road, meeting the size and setback requirements of a buildable lot as set forth in the Land Development Code and the Zoning Code, and occupied or intended to be occupied by a principal building or a building group.

(11) **Lot Lines.** (a) **Front.** The line most closely parallel to the public street, excluding common drive. (b) **Side.** The line most closely perpendicular to the front. (c) **Property Line Extension.** A straight line parallel to and tangent to a lot line.

(12) **Pilings.** Long, treated lumbers five to eight inches in diameter, driven into the ground or lake bottom to support decks, docks, piers or boat shelters.

(13) **Marine Railway.** A structure consisting of a track of metal or concrete rails, extending from dry land into the lake, upon which runs a wheeled dolly or carriage, for putting a boat in or out of the water.

(14) **Rip Rap.** A continuous placement of rock for controlling erosion.

(15) **Sea Wall.** A retaining wall at or near the land/water interface along a stretch of shore to prevent land erosion.

(16) **Waterfront lot.** A lot, not otherwise restricted, which borders the water or greenbelt, whose closest corner to the 570' contour line within the lot line extensions does not exceed 75 feet and;

- (a) has both side lot line extensions reaching the 570' contour line without intersecting a surveyed property line or property line extension and has a base line at least 50 feet long, or
- (b) has one side lot line extension reaching the 570' contour line without intersecting a surveyed property line or property line extension and has a base line at least 50 feet long which is not intersected by a surveyed property line or property line extension.

Section 6. Interpretation of Certain Terms.

- (1) The word "shall" is always mandatory.
- (2) The word "may" is always permissive.

ARTICLE II - PERMIT APPROVAL

Section 1. Permits Required.

- (A) No structure regulated by this ordinance shall be constructed or altered except in accordance with a dock permit issued by the Planner/Code Enforcement Officer or a variance issued by the Board of Zoning Appeals.
- (B) A dock permit authorizes only the location and construction set forth in the approved plans and applications. Any arrangement or construction at variance with the issued dock permit shall be deemed a violation of this ordinance punishable as provided in Section 19-114 of the Zoning Code.

Section 2. Permit Procedure

- (A) All applications for dock permits must be filed with the Planner/Code Enforcement Officer and accompanied by the appropriate application fee as established by City Council and set forth in the City's miscellaneous fees and charges schedule.
- (B) All applications for dock permits must be complete before the permit-issuing authority is required to consider the applications.
- (C) An application is complete when it contains the following:
 - 1. Completed application forms provided by the City and Duke Power Company;
 - 2. A survey of the property no older than one year;
 - 3. A proposed site drawing, drawn at a scale of no less than 1" = 30' which includes:
 - a. relevant lot lines;
 - b. the 570' contour line;
 - c. approximate shore line;
 - d. the greenbelt;
 - e. the location and length of the shortest line between the 570' contour line and the property line (said line being within the lot line extensions);
 - f. the location and dimension of the proposed construction as well as the distances from the main structure to the property lines;
 - g. the approximate location and dimensions of all existing structures regulated by this ordinance which are located on adjacent lots and lots across from the proposed construction.

- h. if necessary, the width of a cove from the 570' contour line and any parallel 570' line;
 - I. if the buildable area overlaps the buildable area of another lot or lots, the overlap; and
 - j. if the Planner/Code Enforcement Officer reasonably believes the buildable area will overlap other buildable areas, the lot lines, lot line extensions, the 570' contour and buildable areas of such neighboring lots as is reasonably necessary.
4. A proposed construction drawing which includes:
- a. a basic overview setting forth all necessary and relevant dimensions, length, width, and location of pilings;
 - b. a front elevation setting forth relevant dimensions;
 - c. a side elevation with all relevant dimensions, the high and low watermark and the depth and size of pilings.

Section 3. Permit Issuance.

The Planner/Code Enforcement Officer shall not issue a dock permit until he is satisfied that the subject property is a waterfront lot (as defined in Article I, Section 16), that there is a sufficient buildable area (as defined in Article I, Section 4) in which to locate the structure and that the request and structure are in compliance and conformity with the provisions of this ordinance.

Section 4. Permit Expiration.

(A) Subject to subsection (B), if the work authorized by the dock permit is not commenced within six months after the issuance of the permit, the permit shall expire.

(B) The Planner/Code Enforcement Officer for good cause may grant a six months' extension in which to commence or recommend the authorized work provided he receives a written request for such extension from the permit recipient, his successor or assign, prior to date the permit expires.

(C) For purposes of this section, a permit is issued when a copy of the permit is delivered to the permit recipient.

(D) For purposes of this section, work is commenced when some physical alteration of land or structures begins to take place.

(E) Subject to subsection (B), if the work authorized by a permit is discontinued for a period of twelve (12) months after the work is commenced, then the permit shall immediately expire.

waterfront properties;

- (5) That the granting of such variance will not prevent an adjoining or neighboring property owner the right to erect a structure which conforms with this Ordinance.

(C) Before granting a variance, the Board must vote affirmatively on all five required findings stated in Subsection (B).

(D) In granting variances, the Board of Zoning Appeals may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.

(E) The nature of the variance and conditions attached to it shall be entered on the face of the dock permit (or the dock permit may simply note the issuance of the variance and refer to the written record of the variance for further information). All such conditions are enforceable in the same manner as any other applicable requirement of this Ordinance.

(F) The Board of Zoning Appeals shall hear and decide all requests for variances herein as expeditiously as possible in accordance with Article VI of the Zoning Code.

Section 2. Common Dock Facilities.

Two or more adjoining waterfront property owners shall be permitted to construct a common dock facility provided:

- (1) Each lot has at least one lot line extension reaching the 570' contour without intersecting a surveyed property line or property line extension of a lot other than the adjoining lot in question.
- (2) The application is in compliance and conformity with Article II, Section 3 herein.
- (3) The adjoining waterfront property owners execute an agreement granting each other, their heirs and assigns, a perpetual easement for access to and use of the common dock facility. A copy of said agreement must be attached to the application for dock permit. If approved, the original agreement shall be filed in the office of the Clerk of Court for York County.

ARTICLE IV - NONCONFORMING LOTS AND STRUCTURES

Section 1. Non-conforming Lots and Structures.

Any lot or structure regulated by this Ordinance that would not meet the standards outlined in this Ordinance but met the standards, if any, imposed at the time the structure was built is grandfathered to those standards.

Section 2. Reconstruction of Damaged Structures.

Any non-conforming structure or structure located on a non-conforming lot as described in Article IV, Section 1 which is damaged or destroyed to the extent of more than 75% of its replacement costs at the time of the damage or destruction shall be permitted to be reconstructed under the following terms:

- (a) If the structure can be rebuilt in conformity with the provisions of this Ordinance, it shall be so constructed.
- (b) If the structure cannot be rebuilt in conformity with the provisions of this Ordinance, it shall be reconstructed in such a location and manner to be as close to conformity as possible as determined by the Board of Zoning Appeals.
- (c) The owner of a structure being reconstructed pursuant to (b) above shall furnish the Board of Zoning Appeals with all documents and information necessary for it to make such a determination. Such documents shall include a lot survey, proposed site drawing and proposed construction drawing. Any documents created for submission on a prior occasion concerning the damaged or destroyed dock may be submitted, in lieu of new and current documents, if the Board of Zoning Appeals concludes it can make a fair determination from the documents previously made or submitted.

ARTICLE V - CONSTRUCTION RESTRICTIONS AND REQUIREMENTS

Section 1. Prohibitions.

The following structures, materials and/or devices are prohibited:

- (1) Boat houses
- (2) Marine railways
- (3) Barrel flotations
- (4) Non-navigational shoreline lighting that flashes or moves
- (5) Living quarters, sinks, showers or toilets on piers or docks

Section 2. Restrictions and Requirements.

The following restrictions and requirements apply to all residential waterfront construction:

(1) No structure shall be constructed within ten (10) feet of any water or sewer easement or other dedicated right-of-way.

(2) No pier shall be less than four (4) feet wide.

(3) The width of gangways shall not be less than four (4) feet, no greater than six (6) feet.

(4) Pilings shall have a minimum penetration of five (5) feet into the original ground.

(5) Any pilings used to protect boats from wave action shall be placed in the buildable area.

(6) While lighting is optional, all structures must be marked with reflectors as required by Duke Power. All lighting shall be directed downward.

(7) The top decking of the pier or dock shall be at least one (1) foot above the water surface at full pond.

(8) Any structure extending waterward from the 570' contour line which casts a shadow over the lake shall not exceed 1,000 square feet of construction. A gangway shall not be included in the 1,000 square feet limitation.

(9) Only one waterfront structure per lot is permitted except for PUDS or lots conveyed to the city for public use.

(10) No dock permit shall be issued for construction on parcels other than lots as defined in Article I, Section 5(10) except for construction in PUDS or on parcels (or lots) conveyed to the city for public use.

(11) Removal and replacement of any structure or portion thereof by the City or Utility Service for maintenance, repair or service to utilities or common areas shall be at the property owners' expense.

ARTICLE VI - ENFORCEMENT, APPEALS AND REVIEW

Section 1. Enforcement.

The enforcement and review of all complaints alleging a violation of this Ordinance shall be pursuant to and in accordance with Article VII of the Zoning Code.

Section 2. Penalties and Remedies for Violations.

The penalties and remedies for violations of this Ordinance shall be identical to those set forth in Section 19-114 of the Zoning Code.

Section 3. Appeals.

- A. From actions by Planner/Code Enforcement Officer. Appeals from final orders or decisions of the Planner/Code Enforcement Officer shall be pursuant to and in accordance with Sections 19-91, 19-94, 19-95, and Article VI of the Zoning Code.
- B. From actions by the Board of Zoning Appeals. Appeals from final orders or decisions of the Board of Zoning Appeals shall be pursuant to and in accordance with Section 19-116 of the Zoning Code.

This Ordinance shall become effective upon the date of Amended Second Reading.

First Reading: May 15, 1989.

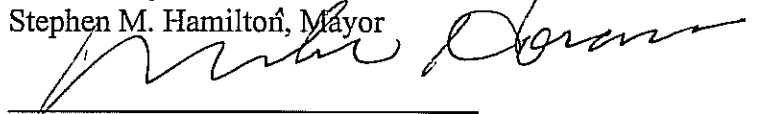
Second Reading: June 19, 1989

Amended First Reading: January 19, 1998

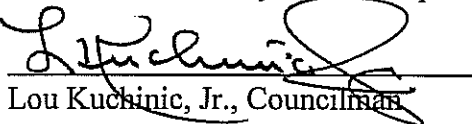
Amended Second Reading: February 16, 1998



Stephen M. Hamilton, Mayor



Michael Horan, Mayor Pro Tempore



Lou Kuchinic, Jr., Councilman

Mary C. Lewis

Mary Lewis, Councilwoman

James "Buster" Millwood

James "Buster" Millwood, Councilman

ATTEST

Jean C. Varner

Jean C. Varner, City Administrator

ILLUSTRATION 1

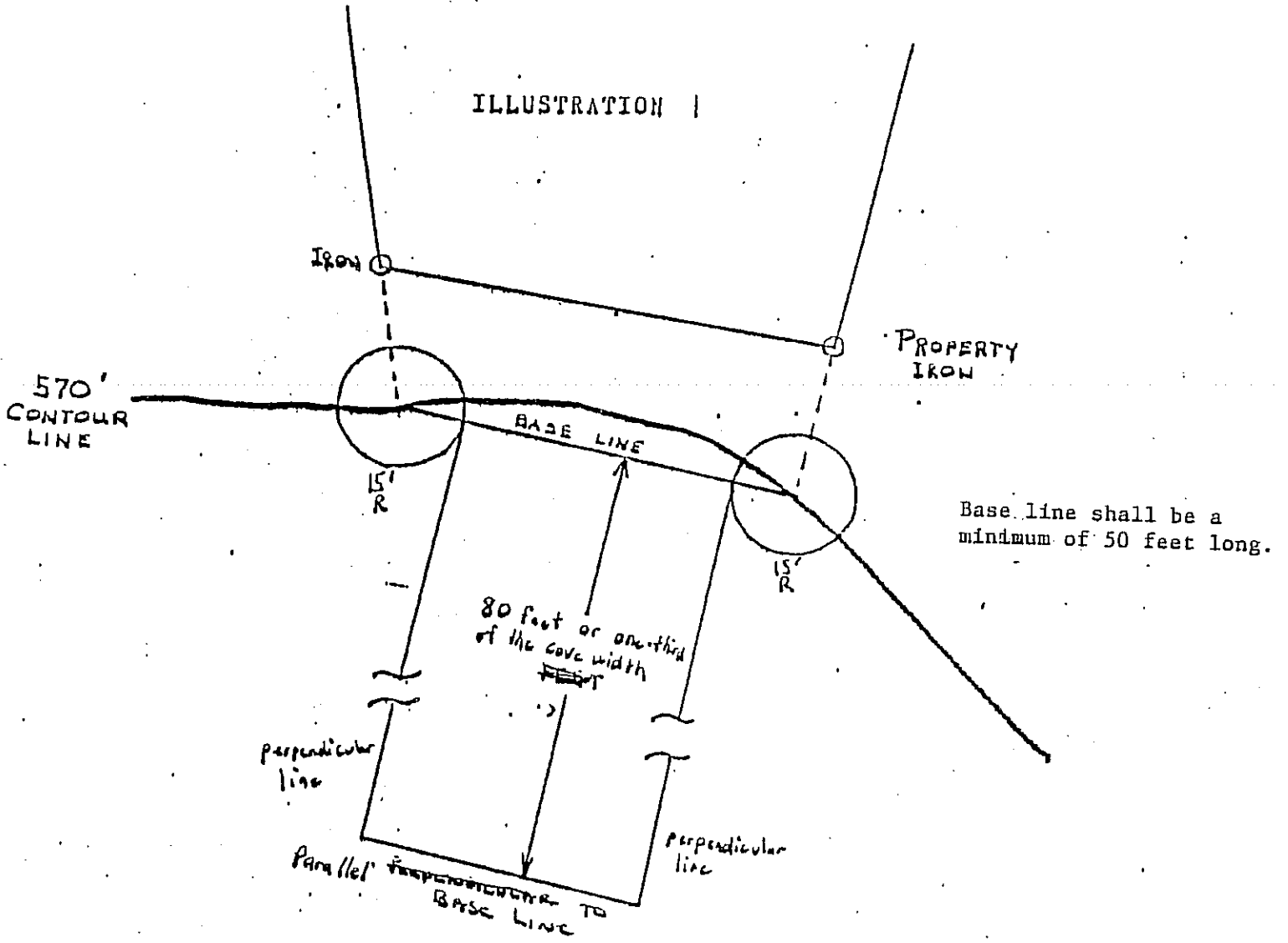
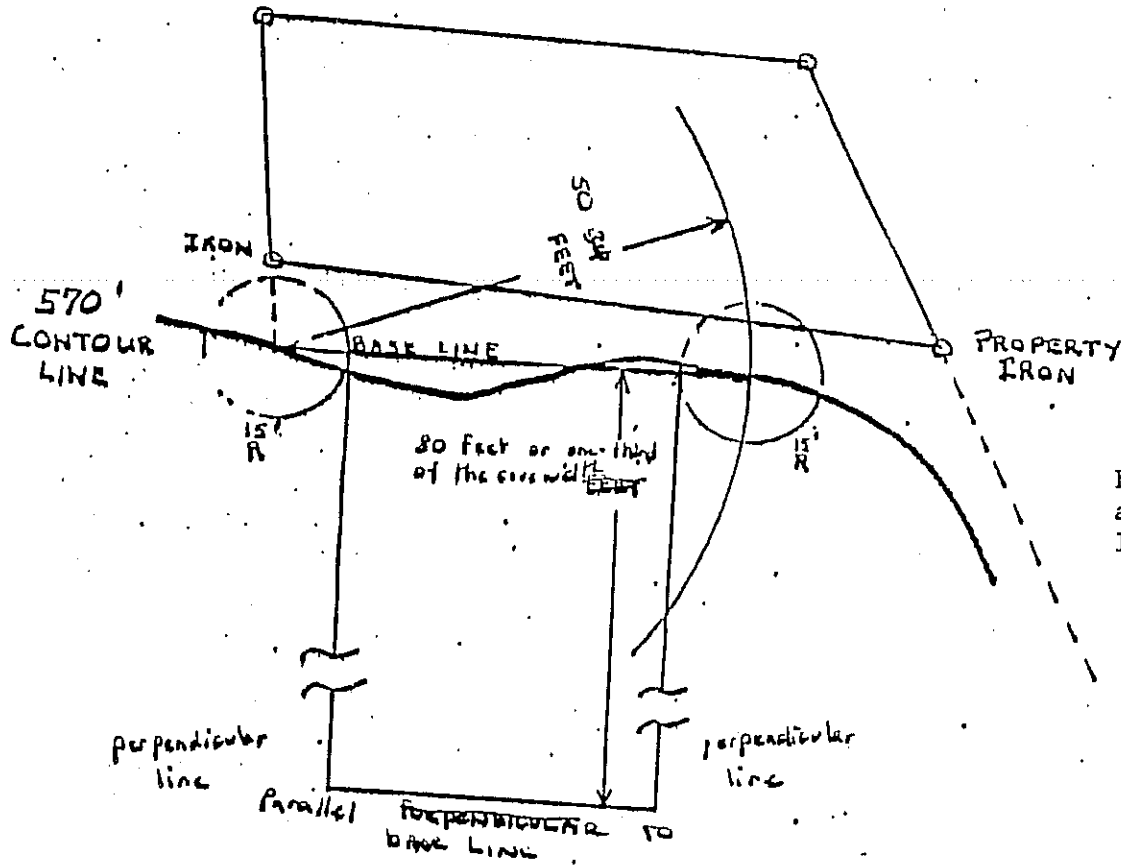


ILLUSTRATION 2



Base line shall be a minimum of 50 feet long.

ILLUSTRATION 3

