

ARTICLE XX. MARINA OVERLAY DISTRICT

References to all other City ordinances are as such ordinances are amended, from time to time.

SECTION 19-996 – PURPOSE

The purpose of this district is to provide a balance and variety of compatible uses to increase development potential, allow for flexibility of design in order to promote a higher quality of mixed-use development, protect the natural and scenic beauty of the lake, enhance the general benefit and enjoyment of the public, and provide for boating and marine uses without negatively impacting existing or future land uses. Geographical boundaries of this district are designated on the approved map labeled as Appendix I.

SECTION 19-997 - DEFINITIONS OF SPECIFIC TERMS AND WORDS

These terms are in addition to the Definitions found in Section 19-16.

1. **Architecture.** The art and science of constructing a building.
2. **Art Gallery.** An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art.
3. **Articulation.** The state of being joined or interrelated; the way in which parts are joined together.
4. **Bakery.** An establishment primarily engaged in the retail sale of baked goods for consumption on or off site. The baked products may be prepared either on or off site.
5. **Base Zoning District.** A standard zoning district classification which is combined with an overlay district for the purposes of development regulation specificity. The base (underlying) district regulations shall apply unless expressly superseded by overlay district provisions.
6. **Bay Window.** A projection from the main wall of a building with windows on all sides and its own foundation and roof.
7. **Bookstores.** An establishment engaged in the sale of books, periodicals or magazines
8. **Building Façade.** The exterior wall of a building parallel to the frontage line or the street that fronts the parcel on which the building is located. Facades may be on the front, side, or rear elevation of the building.
9. **Business Services.** Establishments that engage primarily in rendering services to small businesses and consumers, including printers, equipment rental, mailing, photo finishing, and similar uses.

10. **Civic Facility.** A building or lot designated for occupancy or use by the public that is of recreational, cultural, historic, or educational interest.
11. **Cornice.** A horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.
12. **dbA.** The sound pressure level, in decibels, as measured using the impulse mode and 'A' weighting network on a precision sound level meter.
13. **Development.** Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures; any change in use in land or increase in the number of dwelling units.
14. **Drug Store.** An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.
15. **Dry Boat Storage.** The land-based storage of boats and related watercraft and the operation thereof. Under this Marina Overlay District Ordinance this use is considered a commercial operation.
16. **Fenestration.** The arrangement of windows in a building façade.
17. **Financial Services.** An establishment that provides retail banking services, mortgage lending, accounting or similar services. These establishments may engage in the onsite circulation of cash money, but shall not include establishments licensed as check-cashing facilities or bail bond brokers.
18. **Floating Zone.** A zone which is described in the zoning ordinance text but is unmapped within the overlay district. A property owner may petition for the zone to be applied to a particular residential parcel meeting the minimum district area requirements for the requested zoning designation.
19. **Florist.** An establishment engaged in the retail sale of flowers or ornamental plants.
20. **Fluted Masonry.** Stone having a regular series of concave grooves.
21. **Fresh Farm Market.** An establishment engaged in the retail sale of fresh fruits and vegetables
22. **Green Building.** A structure that is designed to utilize LEED (Leadership in Energy & Environmental Design) certification standards to improve sustainability and performance throughout the life cycle of the building.
23. **Hotel.** An establishment providing guest rooms for lodging intended primarily for temporary occupancy by persons on an overnight basis, not including bed and breakfast establishments or rooming house.

24. **Landscaping.** The process or product of site development including grading, installation of plant materials, and seeding of turf or ground cover. Landscaping includes any live plant material such as trees, shrubs, ground cover, and grass used in spaces void of any impervious material or building structure and areas left in their natural state.
25. **LEED (Leadership in Energy & Environmental Design).** An internationally recognized green building certification system, providing third-party verification that a building or development is designed and built using strategies intended to improve performance in metrics such as energy savings, water efficiency, CO₂ emissions reduction, improved indoor environmental quality, and stewardship of resources and sensitivity to their impacts.
26. **Mixed-Use Development.** A tract of land or structure developed for two or more uses, including residential and non-residential. Such uses may be vertically integrated within a multi-story building or horizontally integrated within a single-story building or on a lot or development site.
27. **Monolithic.** Consisting of a large block of massive, solid, and uniform stone.
28. **Overlay Zoning District.** A zoning district which overlaps one or more general and/or conditional use districts. Overlay districts place a set of requirements or relaxes a set of requirements imposed on property by the underlying general and/or conditional use districts.
29. **Primary Entrance.** The place of ingress and egress to a building, parcel, or development used most frequently by the public.
30. **Professional Office.** An establishment used for the conducting of the affairs of a profession or industry, including lawyers, engineers and architects.
31. **Recessed Entrance.** A point of access into or out of a structure located behind the primary front façade plane.
32. **Traffic Impact Analysis.** A report analyzing anticipated traffic and roadway conditions within and near an applicant's development.
33. **Watercraft.** Water vehicles used for transport such as boats and jet skis.
34. **Water-Dependent Structure.** Any structure for which the use requires access to or proximity to or siting within surface waters to fulfill its basic purpose such as docks, boat slips, boat ramps, or piers.
35. **Yacht Club.** A facility that promotes and supports boating activities and provides social, educational, and recreational enrichment of its members and where members must meet certain prescribed qualifications for membership and pay dues.

SECTION 19-998 - DISTRICT SIZE REQUIREMENTS

- (A) Mixed-Use Developments are required to be a minimum of five acres except where the area is deemed to warrant special consideration to achieve the goals or intent of the Comprehensive Plan; a development of less than five acres must be approved by the Planning Commission; mixed-use developments must be located on a single parcel of land or separate but contiguous parcels, which are under one ownership, or to be developed jointly by two or more property owners.
- (B) Neighborhood Commercial is limited to a maximum of 10,000 square feet in area per use in an individual building; new commercial development or redevelopment must be contiguous to existing property zoned for commercial use in order to avoid isolated uses.
- (C) Single-Family Residential Density will be determined by the underlying Residential Zoning District. Multi-Family Residential Density is limited to a maximum of 20 Dwelling Units (DU)/Acre however;
 - (1) Multi-Family Density may be increased by (30) thirty percent if the development utilizes accepted minimum Green Building/LEED (Leadership in Energy & Environmental Design) Standards or provides improved infrastructure to mitigate impact or provides additional open space or provides civic facilities for public use, or an accepted combination of the above.

SECTION 19-999 - PERMITTED USES

- (A) Residential Uses as permitted in the underlying Base Residential Zoning Districts of R-3, R-6, and R-15 are allowed as flexible floating zones anywhere in the geographical area covered by the Overlay.
- (B) Upper-story Residential dwelling units are permitted above Non-Residential Uses.
- (C) Neighborhood Commercial Uses are limited to;
 - (1) Art Galleries
 - (2) Bookstores (but not adult bookstores or stores selling X-rated media)
 - (3) Fresh Farm Market (no sale of fish)
 - (4) Bakeries
 - (5) Business Services (printing, copying, parcel services)
 - (6) Drug Stores (Walk-in Only)
 - (7) Financial Services (Banks, Accountants, Mortgage Brokers)
 - (8) Retail Clothing and Accessories
 - (9) Bed and Breakfast (requires a Conditional Use Permit as outlined in Ordinance 77, Article XI, Section 19-204.9)
 - (10) Florists
 - (11) Professional Office such as legal services, architectural and engineering services

(D) Government Offices

- (1) administration
- (2) police substation
- (3) fire and emergency management services
- (4) libraries

(E) Public Spaces

- (1) parks and open space
- (2) public square
- (3) playground

(F) Marina Activities

- (1) minor repair, servicing, and routine maintenance of marine watercraft; major repairs such as construction or rebuilding of watercraft, engine overhaul (unless contained inside a structure), installation of new bottoms or substantial structural additions or alterations are prohibited
- (2) launching ramps and small hoists
- (3) Marinas with 25 or more boat slips may have accessory uses such as;
 - i. sale and rental of watercraft and accessories
 - ii. bait and tackle retail sales
 - iii. snack bars and retail groceries (convenience scale)

SECTION 19-1000 - USES SUBJECT TO SPECIAL CONDITIONS

(A) Restaurants

- (1) on-site parking shall be adequate to reasonably accommodate all traffic to be generated by the development;
- (2) must be situated on uplands;
- (3) outdoor seating is permitted based on availability to accommodate without impediment of pedestrian or vehicular traffic;
- (4) must have access to a major thoroughfare or through a commercial project which shall be designed to avoid a negative impact on general traffic;
- (5) Prior to any zoning map amendment proposing a restaurant, a master plan and traffic impact study must be submitted at time of application

(B) Yacht Clubs

- (1) Indoor seating capacity is limited to no more than 300 occupants;
- (2) on-site parking shall be adequate to reasonably accommodate all traffic to be generated by the development;

- (3) must be situated on uplands;
- (4) must have access to a major thoroughfare or through a commercial project which shall be designed to avoid a negative impact on general traffic;
- (5) Prior to any zoning map amendment proposing a yacht club, a master plan and traffic impact study must be submitted at time of application

(C) Dry Boat Storage

- (1) In the event of adverse weather and/or the need to quickly remove boats from the water, the storage business must have a staging area large enough to accommodate a minimum of 10 watercraft;
- (2) so as not to adversely affect adjacent uses;
- (3) where such use is located adjacent to a residential use, no driveway shall be located closer than 30 feet from the adjacent lot line;
- (4) no watercraft shall be stacked upon the other except under a permanent roof;
- (5) parking facilities shall be provided on the basis of a minimum of one (1) space for each (3) watercraft storage slots
- (6) loading and off-loading boats into the lake must utilize private or on-site launch ramps

(D) Water-Dependent Structures such as docks, boat slips, or piers must be submitted to Duke Energy for their authorization under the Duke Energy Shoreline Management Guidelines Private Facilities Program in addition to a permit application with Tega Cay Development Services Department.

(E) Live-Aboard or Overnight Transient Marine Uses

- (1) must utilize appropriate sanitary or pump-out facilities

SECTION 19-1001 - ARCHITECTURAL STANDARDS

(A) Mixed-Use Buildings and Commercial Development must demonstrate that it and Commercial Development must demonstrate that it promotes and enhances attractive, stimulating, and visually compatible design by the following;

- (1) Any building façade oriented to the public view shall provide ground floor transparent windows to allow visual access into and out of the building;
- (2) Primary entrances shall open on to a street or interior courtyard.
- (3) Building frontages along streets shall break any flat, monolithic façade by including architectural features such as, but not limited to, bay windows, recessed entrances, fluted masonry, fenestration, cornices, or other articulation so as to provide visual interest and a pedestrian scale to the first floor.

(4) Multi-story buildings shall extend the same architectural features above the ground floor level through variations in design, detail, and proportion, and by avoiding designs featuring a monolithic street façade.

(B) New Multi-Family Residential Dwellings shall be constructed with exterior building materials and finishes of high quality to convey an impression of permanence and durability. Materials such as, but not limited to, masonry, stucco, stone, terra cotta, tile, cedar shakes and shingles, beveled or ship-lap or other narrow-course horizontal boards or siding, vertical board and batten siding/articulated architectural concrete masonry units are permitted. Materials implying non-permanence such as T-111 siding, plain or plain painted plywood, strandboard sheets, concrete or cinder block, vinyl siding, and smooth surface concrete panels are prohibited unless a variance is approved by the Planning Commission based on the production of superior quality.

SECTION 19-1002- GENERAL DEVELOPMENT STANDARDS

(A) Site Plan Submission and Approval is required for all Uses and Development and Subdivision Proposals and must meet all platting requirements outlined in Ordinance 50, 1103.3-1105.2. Plans must include;

- (1) The location of existing property lines, watercourse, bodies of water, wooded areas and existing roads within or adjoining the property;
- (2) The approximate boundaries of each section, land use or density, the approximate location of proposed streets and rights-of-way, walks, parking areas, recreation areas, common open space, civic or public spaces, tree covers and planting, and buildings or other structures;
- (3) A Landscape Plan showing all existing plant material to remain and all proposed new plant material, indicating the size and type of each;
- (4) A table setting forth the dimensions of all building sites, streets, utility easements, and parking and loading spaces to be dedicated to the public. All other areas shall be shown and designated as common areas.
- (5) Building elevations showing all required architectural standards as applicable.

(B) Pedestrian connectivity is required; sidewalks are required along streets and at a minimum must be provided at the front of all buildings to connect with the public sidewalk.

(C) All Uses and Subdivision and Development Proposals must meet Dimensional Standards for Density/Intensity as outlined in Ordinance 77, Article X, Section 19-180 thru 186; however, the setback requirements may be altered up to 15 percent for all mixed-use developments where such reduction does not negatively impact adjoining properties or general street circulation as determined by the Planning Director and the City Engineer.

- (D) A Land Use Buffer Strip of a minimum of 10 feet is required if a pre-existing principal dwelling in a residential district is located adjacent to or across a street from a new commercial use. The Land Use Buffer Strip will remain in its natural state to the extent that the natural vegetation provides equal or better screening to a planted landscape. All trees with a diameter breast height (DBH) of four inches or greater shall be preserved. Minimum Planted Land Use Buffer Landscaping required per 100 linear feet is two (2) Canopy Trees, three (3) Understory Trees (at least 50 percent evergreen) and twenty (20) shrubs.
- (E) Any parking associated with use of the launching ramp and other marine activities must be accommodated on-site and all parking surfaces shall be graded and covered with a permanent dust proof surface.
- (F) A Traffic Impact Analysis shall be required for all Uses under the following described conditions;
 - (1) The proposed development will generate more than 125 cumulative trips per acre per day at full occupancy, according to most current versions of the ITE Trip Generation Informational Report or comparable research data published by a public agency or institution, and which will generate, based on the size of the development, 750 or more average daily trips;
 - (2) The proposed development will concentrate 1,500 or more trips per day through a single access point;
 - (3) The proposed development will include 30 or more dwelling units taking sole access from an existing or planned local residential or neighborhood street;
 - (4) Any residential project accessing an arterial street.

SECTION 19-1003- MINIMUM PERFORMANCE STANDARDS

- (A) All Uses and Development and Subdivision Proposals must meet Off-Street Parking and Loading Requirements as outlined in Ordinance 77, Article XII, however;
 - (1) Development of internal parking structures is encouraged where topography can be utilized and can result in a more flexible application of parking standards as determined by the Planning Director and City Engineer.
- (B) Building Height Limitations shall be in accordance with adopted City Building Codes, however;
 - (1) Multiple story buildings of 70 feet or less are permitted where topography can be utilized to lessen the impact on fire truck ladder limitations; the number of stories must conform to the requirements established in the applicable City

Building Codes, including fire suppression and ingress and egress requirements and must meet the approval of the Planning Director and City Building Official.

- (C) Landscaping and Screening must comply with requirements outlined in Ordinance 77, Article XIII, Section 19-402 thru 404 and Article XIV, Section 19-451 thru 454.
- (D) Development of an existing undeveloped site or subsequent subdivisions thereof that any portion of its boundaries is adjacent to Lake Wylie shall have a fifty (50) foot lakeside buffer measured from the high-water impoundment area.
 - (1) A limited number of trees within the buffer may be removed to provide an access corridor for the purposes of shoreline stabilization and water dependent structures, removing large debris, or installing paths, boardwalks or stairs to access water dependent structures. This corridor shall not exceed 15' in width. Paths and boardwalks shall not exceed 4' in width. Vehicular equipment may be operated in this access corridor, and the natural terrain may be disturbed only to the extent required to safely operate such equipment. The resulting terrain should be immediately stabilized and revegetated with shrubs, low growing trees and other natural ground cover plantings.
 - (2) Underbrush (defined as nuisance shrubs, vines, and similar plant growth beneath the tree canopy, and generally growing less than 6' feet in height) may be removed within the buffer, provided that such work is performed manually and without the use of vehicular or mechanical equipment.
 - (3) Pruning and trimming of trees within the buffer is permitted, provided that pruning shall be limited to tree branches beginning at the ground and extending up the tree trunk no more than one half of the total height of the tree. Trimming or pruning may also be performed on any limbs or branches that are diseased or naturally damaged. All pruning shall conform to ANSI A300 standards.
 - (4) The use of powered mowers for the maintenance of vegetative ground covers is permissible.
- (E) Exterior Lighting should be installed so as to minimize impacts on adjacent properties.
- (F) All Uses and Development and Subdivision Proposals shall comply with all Water Quality protection requirements as established by SCDHEC and City of Tega Cay Ordinances.
- (G) Facilities for the collection and removal of solid wastes shall be provided.
- (H) All new Marinas shall provide adequate capacity to handle sewage in accordance with state standards, either by means of on-site pump-out and treatment facilities or connection to a treatment plant. Marinas shall have available the above sewage facilities with the capacity to handle the anticipated volume of wastes. All marinas with fueling facilities shall provide pump-out facilities at each fuel dock.

- (I) All Marinas shall have the capability to respond to contain any Spills of Petroleum or other Hazardous Materials within their boundaries.

- (J) Where a proposed project (including Mixed-Use) includes noise sources that are likely to produce noise levels exceeding 60 db(A), an acoustical analysis shall be required so that noise mitigation may be included in the project design. Nighttime (10 pm- 7 am) exterior noise levels in Mixed Use Projects shall not exceed 50 db(A).
 - (1) Noise levels to be evaluated and measured at the property line of the residential district adjacent to business districts.
 - (2) For the purpose of determining db(A)'s as referred to in this article, the noise shall be measured on the A-weighting scale on a sound meter of standard design and quality having characteristics established by the American National Standards Institute.
 - (3) A post project assessment shall verify effectiveness of proposed mitigation measures.

SECTION 19-1004- REVIEW AND APPROVAL PROCESS

For Mixed-Use Development Plans, use the requirements in Section II. For all other Subdivision Plans, use the requirements in Section I.

I. Subdivision Plat Review and Approval

- (1) All plats shall conform to the platting requirements in Ordinance 50, Subdivision Land Development Code, except;
 - (1) The Planning Commission shall have the responsibility to approve or disapprove all Final subdivision plats within (60) sixty days of submission of the accepted plat and supporting data. Failure to act within the designated period shall be considered to constitute approval. If the plat is approved, the Planning Commission shall indicate in writing the conditions of the approval, if any. If the plat is not approved, the Planning Commission shall state this in writing with explanations for the disapproval. The Planning Commission may also defer action for 30 days and shall indicate in writing the conditions to be met by the applicant. Upon mutual consent, the deferment may be extended for an additional 30 days. Failure by the applicant to conform to the written conditions of the deferment within the specified time shall constitute a disapproval of the plat and will result in a written notice of denial to the applicant. Any appeals from the decision of the Planning Commission must be taken to circuit court within (30) thirty days after the actual notice of the decision.

II. Site Plan Review and Approval Process for Mixed-Use Development Plans

(A) The Review and Approval Process for a Mixed-Use Development Plan consists of four steps:

- (1) **Pre-Application Conference:** Before submitting a development site plan, a pre-application conference between the applicant and the Zoning Administrator, Planning Director and City Engineer is required to obtain information and guidance before entering into binding commitments, or incurring substantial expense, in the preparation of plans, surveys, traffic impact assessments, and other data for the project.
- (2) **Sketch Plan:** The applicant shall submit twenty (20) copies of the sketch plan for review by the Planning Commission. The sketch plan is a conceptual or simplified drawing of the development which designates the general information outlined in the General Development Standards 1(a) thru 1(e). The Planning Commission shall review and provide comments to the applicant within sixty days from when the sketch plan was submitted.
- (3) **Master Site Plan:** Twenty (20) copies, as well as a digital copy, of the final Master Plan shall be submitted for review by the Planning Commission. The Master Plan shall be prepared by a licensed surveyor, engineer, architect, landscape architect and/or planner. A scale shall be used so that the entire parcel can be shown on one piece of paper no larger than 30 by 40 inches. No Master Plan will be accepted for final review until all the data listed below is identifiable on the Master Plan.
 - a) An insert map at a scale of not less than one inch to one mile, showing the property in relation to surrounding roads, subdivisions, or major landmarks.
 - b) A north arrow.
 - c) The location of existing property lines, water courses or lakes, wooded areas and existing roads which are within or adjoin the property.
 - d) The approximate boundaries of each section, land use and density; the approximate location of proposed streets and rights-of-way with an indication of whether public or private; the approximate location of proposed common open space area; and all areas proposed for dedication for public or civic use within the project.
 - e) As marginal data, any Master Plan for Mixed-Use projects shall contain a table which shows, for each section, or areas of different uses, the following:
 1. use;
 2. approximate phasing;
 3. the maximum density and approximate number of dwelling units for residential areas, square feet of floor space for commercial areas;
 4. approximate acreage of each area;

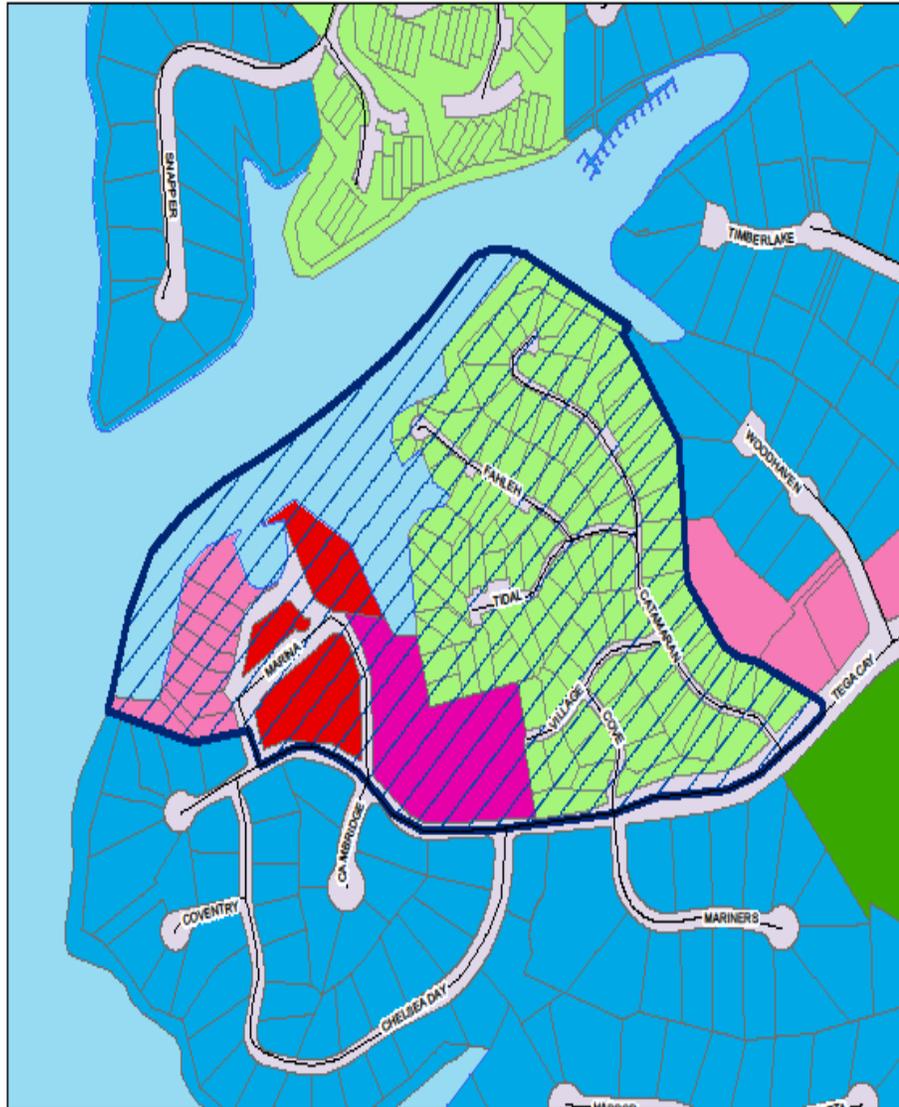
5. type, size and location of signs;
 6. location, type and size of screening and buffering; and
 7. approximate number of off-street parking and loading spaces.
- f) Schematic plans which shall indicate the phasing of the development.
 - g) A statement satisfactory to the City of Tega Cay on the guarantees and assurances to be provided for the maintenance of common open space, civic or public spaces, sidewalks, parking, private streets, and other privately owned but common facilities serving the project.
 - h) A statement of planning objectives for the site.
 - i) A reduced copy of the Master Plan on a piece of paper no larger than 11 by 17 inches.

(4) **Planning Commission Action:** The Planning Commission shall have the responsibility to approve or disapprove all development plans within (60) sixty days of submission of the accepted plan and supporting data. Upon approval of the Master Site Plan, subdivision plats may be submitted. All plats shall conform to the platting requirements in Ordinance 50, Subdivision Land Development Code, except;

- (1) The Planning Commission shall have the responsibility to approve or disapprove all Final subdivision plats within (60) sixty days of submission of the accepted plat and supporting data. Failure to act within the designated period shall be considered to constitute approval. If the plat is approved, the Planning Commission shall indicate in writing the conditions of the approval, if any. If the plat is not approved, the Planning Commission shall state this in writing with explanations for the disapproval. The Planning Commission may also defer action for 30 days and shall indicate in writing the conditions to be met by the applicant. Upon mutual consent, the deferment may be extended for an additional 30 days. Failure by the applicant to conform to the written conditions of the deferment within the specified time shall constitute a disapproval of the plat and will result in a written notice of denial to the applicant. Any appeals from the decision of the Planning Commission must be taken to circuit court within (30) thirty days after the actual notice of the decision.

ARTICLE XX APPENDIX I

MARINA OVERLAY DISTRICT ZONING MAP



TEGA CAY, SOUTH CAROLINA

ZONING

Tega Cay Zoning Code	
	B-1
	R-3
	R-8
	R-13
	R-15
	Park
	Marina Overlay District

