

Kershaw County Planning and Zoning Department

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3:7.4 LAKE WATEREE OVERLAY DISTRICT

3:7.4-1 Authority

The Land Use Element of the Comprehensive Plan for Kershaw County, South Carolina 2006 – 2016 has special recommendations for land use on and around Lake Wateree. This section of the Comprehensive Plan is entitled the *Lake Wateree Land Use District*, and states: “Lake Wateree represents a wide diversity of land uses that have the potential to work at cross-purposes: residential, commercial, recreational, and conservation. The goal of Lake Wateree land use policies is to allow for a high quality of life for residential uses, provide for commercial establishments serving the residential and tourist/recreational communities while preserving water quality and protecting the ecology of the Lake and its watershed.” The Lake Wateree Overlay District (LWOD) regulations are written pursuant to the Comprehensive Plan’s Lake Wateree land use policies.

3:7.4-2 Establishment of the Lake Wateree Overlay District

The boundary of the Lake Wateree Overlay District (LWOD) shall be a one quarter mile (1,320 feet) wide zone starting at, and perpendicular to the project boundary as defined under the Federal Energy Regulatory Commission (FERC) regulatory provisions governing Duke Energy in its management and ownership of the impoundment. The project boundary is contour elevation 225.5 feet above mean sea level (MSL) around Lake Wateree plus metes and bounds surveys at Duke-Energy-owned recreation areas and the dam and powerhouse structures. Any parcel transected by the one quarter mile delineation shall be considered to completely lie within the LWOD.

3:7.4-3 Compliance with Duke Energy Shoreline Management Plan

All shoreline activities on Lake Wateree are subject to Duke Energy Shoreline Management Plan regulations within the project boundary.

3:7.4-4 Group Development Guidelines for the Lake Wateree Overlay District

A group development is a development of a single tract of land or adjacent tracts of land under the same ownership or control. Group developments include commercial, retail, industrial, institutional, multi-family residential, and manufactured home parks, and are classified as major or minor group developments. The Planning and Zoning Commission shall approve all minor and major group development applications within the LWOD in consideration of the principles listed below. The following principles shall also be considered by the Planning and Zoning Commission and the County Council when approving re-zoning requests that would allow for group development uses within the LWOD:

A. Limit Non-Residential Development

1. Allow no industrial uses.
2. Limit commercial development to establishments serving the residential, tourist, and recreational communities.
3. Cluster proposed commercial development around existing commercial development.
4. Safeguard against commercial intrusion into residential areas.

B. Protect Water Quality

1. Establish protective shoreline buffers (refer to Lake Wateree Shoreline Buffer Regulations in this section).

2. Implement innovative and efficient individual waste water treatment technologies and maintenance of waste treatment systems (refer to Lake Wateree On-site Sewage Disposal Systems Regulations in this section).
3. Control stormwater runoff by minimizing impervious surfaces and employing other low impact development techniques and practices.

3:7.4-5 Resource Conservation

The Comprehensive Plan recommends riparian buffers for tributaries of Lake Wateree and the enforcement of forestry best management practices for logging activities in the vicinity of the Lake. These provisions have been enacted county-wide and are included in the Water Quality Buffers and the Forestry Activity regulations in Article 5 of this Ordinance. County-wide provisions for shoreline buffers are included in the Water Quality Buffer section in Article 5. Special provisions for the shoreline buffer on Lake Wateree are presented below.

3:7.4-6 Lake Wateree Shoreline Buffer Regulations

- A. **Applicability** - These regulations apply to all parcels of land contiguous to the project boundary of Lake Wateree. The project boundary on Lake Wateree shall be as defined under the FERC regulatory provisions governing Duke Energy in its management and ownership of the impoundment (hereafter the “project boundary”). The project boundary is contour elevation 225.5 feet above mean sea level (MSL) around Lake Wateree plus metes and bounds surveys at Duke-Energy-owned recreation areas and the dam and powerhouse structures. All activities within the project boundary are subject to Duke Energy Shoreline Management regulations.
- B. **Undeveloped Parcels** - The following shoreline buffer requirements apply to all undeveloped parcels of land contiguous to the project boundary in existence as of the effective date of this Ordinance. Any subsequent development and/or subdivision of such parcels shall comply with the shoreline buffer requirements of this section.
 1. **General Requirements** - Any existing undeveloped parcel or subsequent subdivisions thereof that have any portion of its boundaries adjacent to Lake Wateree shall have a fifty (50) foot buffer perpendicular to the project boundary. The distance of the interior edge of the buffer shall be measured horizontally, such that at any point along the interior edge, a horizontal line would be exactly fifty (50) feet from a vertical line extending up from the project boundary.
 2. **Disturbance of Buffers** - Installation of any new structures (including structure replacements), disturbance of the existing terrain, or removal of existing vegetation within the water quality buffer is prohibited except as provided herein. The installation of septic systems or any portion thereof is prohibited within shoreline buffers. This prohibition includes any disturbance or removal of topsoil, trees, and other natural growth located in the buffers, for any purpose, subject to the express, limited exceptions listed below.
 - a. **General Exceptions** - The following exceptions are permitted within the buffers established herein without a permit, but only upon strict observance and compliance with the provisions stated below:
 - 1.) **Tree Removal**
 - a.) Within the buffer, trees less than four (4) inches DBH may be removed, provided it is done using only manual labor and hand or chain saws, and not mechanical equipment.
 - b.) Additionally, any trees that are dead or have become diseased or damaged through natural processes may be removed in the same manner.
 - c.) No motorized vehicles or construction equipment other than chain saws or similar hand-operated machines are permitted within the buffer, except as specifically provided in these regulations.

- 2.) **Underbrush Removal**
 - a.) Underbrush (defined as nuisance bushes, vines, and similar rank plant growth beneath the tree canopy) may be removed within the buffer, provided that such work is performed manually and without the use of vehicular or mechanical equipment or chemical applications.
 - b.) This activity may also include removal of any natural or man-made debris lying on or near the floor of the buffer.
 - 3.) **Pruning and Trimming**
 - a.) 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.
 - b.) Trimming or pruning may also be performed on any limbs or branches that are diseased or naturally damaged.
 - c.) No topping of trees is permitted within the buffer.
 - 4.) **Emergency Operations** - Activities associated with emergency operations, such as hazardous materials removal, flood or fire control, evacuations, and storm damage clean up are exempt from these requirements. However, any such activity must be authorized by an appropriate government agency or conducted in accordance with prior emergency management regulations.
 - 5.) **Eminent Domain** - Activities conducted or required by the US Government, the State of South Carolina, Kershaw County, railroads, public utilities, or other entities that typically have the power of eminent domain (e.g., utility or roadway right-of-way, construction, and maintenance) are not subject to the provisions of this section. However, such activities, where practicable, should be conducted in a manner that is consistent with the requirements of the Lake Wateree shoreline buffer regulations.
- b. **Exceptions Requiring a Permit** - The following exceptions are permitted within required water quality buffers only after submission of an application for and issuance of a written permit or approval by the Planning Official:
- 1.) **View Corridors**
 - a.) Tree removal within shoreline buffers to allow for view corridors is allowed; provided that such removal shall not exceed fifteen (15) feet in width, and shall not constitute an area greater than one-fifth of the total buffer area required on each lot; or
 - b.) alternatively, trees may be removed randomly for the purpose of improving the lake view, provided that an amount not greater than one-tenth of the total DBH of all trees located in the buffer area of each lot is removed.
 - c.) Any tree removal shall be manually performed using hand or chain saws, and no other disturbance of the natural terrain is permitted.
 - d.) Any view corridors or open area created through the utilization of this provision shall be stabilized and improved with shrubs, low-growing trees, or other natural groundcover plantings.
 - 2.) **Access Corridors**
 - a.) **Tree Removal** - Tree removal within buffers is allowed in order to:
 - i. Provide a limited access corridor to the lakeshore;
 - ii. install shoreline stabilization and water-dependent structures;
 - iii. remove large debris or previously existing nonconforming structures; and
 - iv. install paths, boardwalks, or stairs to access water-dependent structures.
 - b.) **Standards**
 - i. This access corridor shall not exceed fifteen (15) feet in width and shall not

- constitute an area greater than one-fifth of the total buffer area required for each lot.
- ii. Vehicular equipment may be operated in an approved access corridor; provided that, to the furthest extent practicable, the equipment utilizes rubberized mini-track systems and the natural terrain is disturbed only to the extent required to safely operate such equipment.
 - iii. After such disturbance, the resulting terrain shall be stabilized and revegetated with shrubs, low-growing trees, and other natural groundcover plantings that closely match the existing terrain on either side of the access corridor.
 - iv. When the access corridor provided in this section is used for the installation of paths, boardwalks, or stairs leading to the Lake, such structures shall not exceed six (6) feet in width.
- 3.) **Separation Between Corridors** - Applications for multiple view and access corridors will be considered under the following conditions:
- a.) There shall be a minimum of 100 linear feet of buffer between corridors.
 - b.) The combined area of all corridors cannot exceed twenty-five (25) percent of the total buffer area of each lot.
- 4.) **Shoreline Bank Stabilization** - Proposed shoreline bank stabilization plans must be submitted to Duke Energy for their authorization under the Duke Energy Shoreline Management Guidelines Shoreline Stabilization Program.
- 5.) **Nonconforming Structures** - Any structure located within the buffer or under construction on a lot existing as of the effective date of this Ordinance, including dwellings, barns, outbuildings, garages, carports, guesthouses, patios, decks, outdoor recreation structures, or water-dependent structures such as docks, boathouses, or piers, shall be allowed to remain as a nonconforming structure. The property owner must be able to document its prior existence through property tax records, building permits, contracts for construction, or other clear evidence.
- a.) Work within the existing footprint of a nonconforming structure may be undertaken for purposes of maintenance, repair, and renovation of the nonconforming structure lying within the shoreline buffers.
 - b.) In any such case, however, the nonconformity may not be expanded or the use of the nonconforming structure altered.
- 6.) **Water-Dependent Structures** - Proposed water-dependent structures such as docks, boathouses, or piers must be submitted to Duke Energy for their authorization under the Duke Energy Shoreline Management Guidelines Private Facilities Program.
- 7.) **Exceptions for Public Recreational Facilities**
- a.) **Purpose** - Lake Wateree is a valuable recreational resource for the citizens of Kershaw County and its guest tourists. The value of the Lake as a recreational resource is dependent upon the protection of its water quality. Because public recreational facilities such as swimming beaches, boat ramps, trails, picnic areas, bank fishing areas, and fishing docks require direct shoreline access and/or viewsheds, the following exceptions to the disturbance of buffers at such facilities are provided.
 - b.) **Modification of Buffer Boundaries** - Activity areas of public recreational facilities that are strictly water and shoreline dependant (swimming beaches, boat launches, and bank fishing areas) may have the exterior (lakeside) boundary of the fifty (50) foot buffer adjusted to follow the proposed perimeter of the activity area. In such cases, the distance of the interior edge of the buffer shall be measured horizontally,

such that at any point along the interior edge, a horizontal line would be exactly fifty (50) feet from a vertical line extending up from the perimeter of the activity area.

- c.) **Location of Facilities** - Public recreational facilities that are not water dependant (parking lots, bath houses, club houses, picnic shelters, etc.) shall be located behind the interior buffer boundaries.
 - d.) **Access and View Corridors at Public Recreational Facilities**
 - i. **Access Corridors** - Corridors through the buffer shall be permitted to allow pedestrian access to water dependant shoreline activity areas. The number of access corridors shall be limited to those needed to provide adequate access between the activity areas and recreational facilities. Access corridors shall also be permitted to provide vehicular access to boat launches.
 - ii. **View Corridors** - Lake views are an important factor in the recreational experience for non-water dependant activities such as picnicking and walking. Recreational facilities master plans shall consider the placement of facilities desiring viewsheds and the design of the viewshed to accommodate the lake view without diminishing the water quality functionality of the buffer.
 - e.) **Stormwater Management** - The public recreational facility master plan shall incorporate the following stormwater best management practices and stormwater pollution prevention measures:
 - i. Access corridors shall be designed such that there is positive drainage of the corridors into the buffer area and such that the corridors do not function as a conduit for direct stormwater discharge into the Lake. Corridor drainage shall be designed to promote sheet flow to minimize channelization of runoff.
 - ii. Land development shall be planned in harmony with the natural runoff pattern and along the contours.
 - iii. Impervious surfaces shall be limited. Surface drainage shall be designed to promote sheet flow to minimize channelization of runoff.
 - iv. Chemicals such as fertilizers and pesticides shall be applied at appropriate rates and shall not be applied within 100 feet of unprotected shorelines.
 - v. All trash receptacles shall be firmly secured from animal and weather disturbances and contact with stormwater.
 - f.) **Review and Approval of Public Recreational Facility Master Plans** - The recreational facility master plans shall be included in the group development submittal and review and shall be approved by the Planning and Zoning Commission per the submittal requirements and approval process provisions of this Ordinance.
- c. **Approval Procedures for Permitted Activity**
- 1.) Except as permitted under the General Exceptions provisions, no shoreline stabilization, tree removal, or land disturbance activity of any kind, including those permitted under the Exceptions Requiring a Permit provisions, shall be conducted in the buffer without a written permit for such activity issued by the Kershaw County Planning and Zoning Department. In order to apply for approval, the lot owner must supply the Planning and Zoning Department with three (3) copies of a survey prepared by a South Carolina-registered land surveyor, showing the following:
 - a.) The extent of the shoreline buffer on the subject property shown by metes and bounds.
 - b.) The labeling of the shoreline buffer.
 - c.) The location of any previously existing nonconforming structures located within the buffer.

- d.) The location and size of any existing tree, four (4) inches DBH or greater, located in the buffer.
 - e.) The location of the proposed activities for which approval is being requested.
- 2.) The approval request shall be submitted in writing and shall include a detailed description of the permitted activity with any required supporting information needed to establish that the requested activity meets the requirements of this section. Requests with incomplete information to support the proposed activity will not be considered. Survey flagging shall clearly indicate the following:
- a.) The location of the project boundary.
 - b.) The interior edge of the buffers.
 - c.) All trees four (4) inches DBH or greater.
 - d.) All trees proposed to be removed.
 - e.) All areas proposed to be disturbed on the subject property.
- d. **Restoration of Previously Disturbed Buffers**
- 1.) **Applicability** - These provisions apply to undeveloped parcels in which the shoreline buffer has been disturbed prior to the effective date of this Ordinance through logging or other activity. The fifty (50) foot buffer shall be restored prior to obtaining a land development and/or building permit.
- 2.) **Restoration Plan** - In areas in which the natural shoreline buffer has been disturbed or compromised, the buffer shall be enhanced with additional plantings within the fifty (50) foot buffer zone perpendicular to project boundary. When landscaping within the buffer is conducted as a means of restoring the natural buffer, it shall be performed manually and without the use of vehicular or mechanical equipment to the greatest extent practicable, and stringent sediment and erosion controls shall be utilized to protect the Lake from siltation as a result of landscaping activities. Planting of native and adaptive species is encouraged. The planting of invasive species is not allowed. A list native and adaptive species is available from the Planning and Zoning Department. The applicant shall submit a shoreline buffer restoration plan to the Planning and Zoning Office which must be approved prior to the issuance of a land development and/or building permit. Final project certification of approval shall not be issued until the approved shoreline buffer restoration plan has been implemented and inspected. The plan shall include:
- a.) Existing conditions of the shoreline buffer zone to include the location and species of all trees over four (4) inches DBH, and existing non-conforming structures.
 - b.) Landscape plan and planting schedule showing location and species of new plantings within the buffer zone.
 - c.) Vegetation Density of the Restored Shoreline Buffer - Utilize existing vegetation and augment with new plantings to achieve the following minimum densities:

Table 3-19 VEGETATION DENSITIES FOR RESTORATION OF BUFFERS DISTURBED PRIOR TO DEVELOPMENT			
Vegetation Type	Number of Plantings	Coverage	Minimum Number of Species
Large-Maturing Tree	1	Per 200 sq. ft.	3
Small-Maturing Tree or Shrubbery	1	Per 100 sq. ft.	4
Groundcover Plugs	70	Per 100 sq. ft.	1
Groundcover Seedlings*	General seed broadcast	Complete coverage of bare soil	1

*Groundcover may be planted utilizing plugs or seed broadcasting, or a combination of both methods.

- d.) At installation or planting, all plant material shall meet the following specifications:
 - i. Shrubbery shall be a minimum three (3) gallon container size.
 - ii. All evergreen and medium-maturing trees shall be no less than ten (10) gallon container size or one and one-half (1½) inch caliper, balled and burlapped.
 - iii. All large-maturing trees shall be not less than fifteen (15) gallon container size or two (2) inch caliper, balled and burlapped.
 - iv. All plant material shall comply with ANSI Z60.1-2004: American Standard Nursery Stock - American Nursery and Landscape Association.
- e.) Location of proposed view and access corridors per the Exceptions Requiring a Permit provisions of this section.
- f.) A double row of silt fence (with metal posts and wire backing) or other sediment/erosion control device approved by the Stormwater Manager shall be shown on the project boundary side of the buffer area.

3.) **Minimum Mature Size** - Plant material shall be selected that will meet the following specification at maturity:

- a.) Evergreen plant material and medium-maturing trees shall attain a minimum average of twenty-five (25) feet in height.
- b.) Deciduous large-maturing trees shall attain a minimum average of thirty-five (35) feet in height.

4.) **Maintenance of Restored Buffer** - The maintenance of planted materials in restored buffer areas shall be the responsibility of the property owner. All such areas shall be properly maintained so as to ensure continued buffering. Dead or diseased plants shall be removed and replaced. Replacement plants shall be of similar type and sized per the installation of planted material.

C. **Developed Parcels** - The following shoreline buffer requirements apply to all parcels of land contiguous to the project boundary that have been developed prior to the effective date of this Ordinance. Any subsequent development and/or subdivision of such parcels shall comply with the Lake Wateree Shoreline Buffer Regulations of this section.

- 1. **Nonconforming Structures** - Any structure located within the buffer or under construction on a lot existing as of the effective date of this Ordinance, including dwellings, barns, outbuildings, garages, carports, guesthouses, patios, decks, outdoor recreation structures, or water-dependent structures such as docks, boathouses, or piers, shall be allowed to remain as a nonconforming structure. The property owner must be able to document its prior existence through property tax records, building permits, contracts for construction, or other clear evidence. Work within the existing footprint of a nonconforming structure may be undertaken for purposes of maintenance, repair, and renovation of the nonconforming structure lying within the shoreline buffer. In any such case, however, the nonconformity may not be expanded or the use of the nonconforming structure altered except as provided below under the regulations for Expansion of Non-Conforming Principal Residential Structures within the Buffer Area.
- 2. **Non-Encroachment** - No new structure including dwellings, barns, outbuildings, garages, carports, guesthouses, patios, decks, or outdoor recreation structures shall be permitted to encroach on the fifty (50) foot buffer zone perpendicular to the project boundary.
- 3. **Water-Dependent Structures** - Proposed water-dependent structures such as docks, boathouses, or piers must be submitted to Duke Energy for their authorization under the Duke Energy Shoreline Management Guidelines Private Facilities Program.
- 4. **Enhancement of Buffers on Developed Single-Family Residential Parcels** - Enhancement, restoration, and/or reestablishment of shoreline buffers on land developed prior to the effective date of this Ordinance is strongly encouraged. For redevelopment projects on such parcels that

will require a land development and/or building permit, buffers are a preferred best management practice for sediment and erosion control and stormwater management. The Kershaw County Stormwater Manager may require the enhancement, restoration, and/or reestablishment of water quality buffers (including shoreline buffers) on any parcels of land, structures, and activities which are causing or contributing to pollution, including non-point pollution of the waters of Kershaw County; erosion or sedimentation of stream channels; and/or degradation of aquatic or riparian habitat.

In areas in which the natural buffer has been disturbed or compromised, the buffer may be enhanced with additional plantings. When landscaping within the buffer is conducted as a means of enhancing the natural buffer, it shall be performed manually and without the use of vehicular or mechanical equipment to the greatest extent practicable, and stringent sediment and erosion controls shall be utilized to protect the Lake from siltation as a result of landscaping activities. Planting of native and adaptive species is encouraged. The planting of invasive species is not allowed. A list of native and adaptive species is available from the Planning and Zoning Department.

- a. **Expansion of Non-Conforming Principal Residential Structures within the Buffer Area** - Further expansion of the footprint of existing non-conforming principal residential structures into the required buffer area during building renovations or reconstruction shall not be allowed unless it can be demonstrated that, due to specific site constraints, the proposed renovations or reconstruction cannot be accomplished without further expansion into the required buffer area. In such cases, expansion into the buffer shall be allowed upon the submittal of a mitigation plan prepared by a qualified Profession Engineer. This provision applies only to the principal residential structure, not detached garages, sheds, patios, or other detached secondary structures.

The mitigation plan shall demonstrate the expansion can be accomplished without sacrificing water quality protection as to erosion prevention and sediment control and nutrient, pesticide, and biocontaminant (fecal coliform) removal. Mitigation may include buffer enhancement and restoration as provided under the Restoration Plan provisions of this section, and other stormwater pollution prevention controls such as rain gardens, bio-retention cells, and infiltration trenches. Mitigation plans shall be reviewed and approved by the Stormwater Manager.

5. **Restoration of Buffers on Previously Developed Multi-Family and Non-Residential Parcels**

- a. **Applicability** - These provisions apply to the redevelopment of multi-family residential, commercial, industrial, and institutional buildings (group developments) in which the shoreline buffer has been disturbed through logging or other activity prior to the effective date of this Ordinance. The fifty (50) foot buffer shall be restored prior to obtaining a new land development and/or building permit.
- b. **Restoration Plan** - In areas in which the natural shoreline buffer has been disturbed or compromised, the buffer shall be enhanced with additional plantings within the fifty (50) foot buffer zone perpendicular to the project boundary. When landscaping within the buffer is conducted as a means of restoring the natural buffer, it shall be performed manually and without the use of vehicular or mechanical equipment to the greatest extent practicable, and stringent sediment and erosion controls shall be utilized to protect the Lake from siltation as a result of landscaping activities. Planting of native and adaptive species is encouraged. The planting of invasive species is not allowed. A list of native and adaptive species is available from the Planning and Zoning Department. The applicant shall submit a shoreline buffer restoration plan to the Planning and Zoning Office which must be approved prior to

the issuance of a land development and/or building permit. Final project certification of approval shall not be issued until the approved shoreline buffer restoration plan has been implemented and inspected. The plan shall include:

- 1.) Existing conditions of the shoreline buffer zone, to include the location and species of all trees over four (4) inches DBH, and existing non-conforming structures.
- 2.) Landscape plan and planting schedule showing location and species of new plantings within the buffer zone.
- 3.) Vegetation Density of the Restored Shoreline Buffer - Utilize existing vegetation and augment with new plantings to achieve the following minimum densities:

Table 3-20 VEGETATION DENSITIES FOR PREVIOUSLY DEVELOPED MULTI-FAMILY AND NON-RESIDENTIAL PARCELS			
Vegetation Type	Number of Plantings	Coverage	Minimum Number of Species
Large-Maturing Tree	1	Per 200 sq. ft.	3
Small-Maturing Tree or Shrubbery	1	Per 100 sq. ft.	4
Groundcover Plugs	70	Per 100 sq. ft.	1
Groundcover Seedlings*	General seed broadcast	Complete coverage of bare soil	1

*Groundcover may be planted utilizing plugs or seed broadcasting, or a combination of both methods.

- 4.) At installation or planting, all plant material shall meet the following specifications:
 - a.) Shrubbery shall be a minimum three (3) gallon container size.
 - b.) All evergreen and medium-maturing trees shall be no less than ten (10) gallon container size or one and one-half (1½) inch caliper, balled and burlapped.
 - c.) All large-maturing trees shall be not less than fifteen (15) gallon container size or two (2) inch caliper, balled and burlapped.
 - d.) All plant material shall comply with ANSI Z60.1-2004: American Standard for Nursery Stock - American Nursery and Landscape Association.
- 5.) Location of proposed view and access corridors per the Exceptions Requiring a Permit section of this Article.
- 6.) A double row of silt fence (with metal posts and wire backing) or other sediment/erosion control device approved by the Stormwater Manager shall be shown on the project boundary side of the buffer area.
- c. **Minimum Mature Size** - Plant material shall be selected that will meet the following specifications at maturity:
 - 1.) Evergreen plant material and medium-maturing trees shall attain a minimum average of twenty-five (25) feet in height.
 - 2.) Deciduous large-maturing trees shall attain a minimum average of thirty-five (35) feet in height.
- d. **Maintenance of Restored Buffer** - The maintenance of planted materials in restored buffer areas shall be the responsibility of the property owner. All such areas shall be properly maintained so as to ensure continued buffering. Dead or diseased plants shall be removed and replaced. Replacement plants shall be of similar type and sized per the installation of planted material requirements located in the previous section.

- D. Protection of Shoreline Buffers During Site Development and Construction Activity** - A shoreline buffer plan, ensuring the following safeguards shall be included in all required sediment and erosion control plans, as applicable:
1. Shoreline buffers must be clearly identified on all stormwater management plans and construction drawings, and must be marked with the statement "Shoreline Buffer. Do Not Disturb."
 2. Shoreline buffers cannot be encroached upon or disturbed during project construction, unless in accordance the General Exceptions and the Exceptions Requiring a Permit provisions of this section, or unless they are being established, restored, or enhanced in accordance with an approved buffer restoration plan.
 3. Shoreline buffers must be clearly marked with a warning barrier before construction activities begin. The marking shall be maintained until completion of construction activities. All contractors and others working on the construction site must be made aware of the existence of the buffer(s) and the restrictions on disturbing the buffer(s).
 4. All areas of the shoreline buffer must be left in the existing condition upon completion of construction activities. Should construction activities associated with development cause degradation to the buffer, all eroding, bare, or unstable areas shall be restored to existing conditions.
 5. If any trees are allowed to be removed, the tree location shall be shown and a note provided stating that the tree must be hand cleared.
 6. The locations of all signage must be clearly shown on plans.
 7. A narrative stating the extent of the buffer areas, including any allowed disturbance in the buffer areas must be included with the plans.
 8. A double row of silt fence (with metal posts and wire backing) or other sediment/erosion control device approved by the Stormwater Manager shall be shown on the project boundary side of the applicable buffer area(s).
- E. Shoreline Buffer Plat Requirements** – The Lake Wateree shoreline buffer shall be shown on all applicable land development application site plans and on all final plats prepared for recording as follows:
1. Show the extent of the shoreline buffer on the subject property by metes and bounds.
 2. Label the shoreline buffer.
 3. Provide a note to reference all buffers stating, "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the Kershaw County Planning Official."
 4. Provide a note to reference any protective covenants governing all buffer areas stating, "Any buffer shown on the plat is subject of protective covenants which may be found in the land records and which restricts disturbance and use of these areas."
 5. If the buffer area will not be part of an individually-owned lot, then ownership must be stated by identifying who is the responsible party.

3:7.4-7 Sediment and Erosion Controls for Residential Lot Development

Sediment and erosion controls for land development applications for major subdivisions, large acreage residential developments on private roads, minor group developments, major group developments, and planned development districts (PDDs) within the LWOD shall be regulated per the respective permitting process in the land development regulations of Article 5 of this Ordinance. For residential lots created through minor and exempt subdivision of property, or individually owned parcels being developed for residential uses, the individual homebuilder shall be responsible for implementing sediment and erosion controls as a condition to obtaining a building permit. In addition, when a developer of a major subdivision, large acreage residential development on a private road, or a PDD has completed the grading activities, utility installation, building of roads, and has recorded the final

plat then sells a lot or group of lots over to a homebuilder(s), then the homebuilder shall likewise be responsible for implementing sediment and erosion controls as a condition to obtaining a building permit.

A. **Residential Building Sediment and Erosion Control Certification** - Prior to the issuance of a residential building permit in the LWOD to an individual homebuilder as defined above, the homebuilder (permit holder) shall sign a certification containing the following conditions:

“I certify under penalty of law that I understand and will implement the County's Sediment and Erosion Control (SEC) requirements specified below. I will ensure that the SEC measures are maintained. I further certify that Kershaw County inspectors may enter the property as necessary to ensure compliance with all related requirements.”

1. The lot shall have SEC protection around the entire boundary of the area of disturbance with allowances for no more than two (2) entrances/exits. This protection may be silt fencing, earthen or man-made berms or dikes, sediment tubes, or other controls as approved by the Kershaw County Stormwater Manager. These measures shall be installed within twenty-four (24) hours of land disturbance and maintained until the project is stabilized as detailed below. The following guidelines shall be followed:
 - a. The maximum length from the crest of a hill to the fence or other control is 100 feet. When the distance from a crest to the property boundary is greater than 100 feet, an intermediate row of silt fencing shall be used or another SEC measure shall be employed.
 - b. The maximum slope steepness (normal [perpendicular] to fence line) shall be two to one (2:1 or 50%). When exceeded, slope drains shall be employed.
 - c. A maximum of one-fourth ($\frac{1}{4}$) acre drainage area per 100 linear feet of silt fence should be used. When this is exceeded, an intermediate row of silt fence shall be used or another SEC measure shall be employed.
 - d. Sediment accumulated along the fence shall be removed when it reaches one third ($\frac{1}{3}$) the height of the fence.
 - e. Contact the Stormwater Manager, County Engineer, or Public Works Department for correct installation of silt fencing or alternate SEC controls. Where applicable, consult the manufacturer's recommended installation and maintenance procedures as applicable.
2. Nearby stormwater inlets, manholes, etc. in the street or adjacent property shall be protected through the use of sediment tubes, check dams, or inlet protection devices. These measures shall be maintained throughout the construction process until the site is stabilized as detailed below. Maintenance requirements are specified in the SCDHEC *Best Management Practices Manual*.
3. Construction entrances shall be provided at all entrances/exits (maximum of two). The entrance shall contain washed stone that is at least six (6) inches deep, twenty (20) feet wide, and fifty (50) feet long. The stormwater manager may approve a shorter driveway length due to specific site conditions. The stone shall be maintained throughout the construction process until the site is stabilized as detailed below. Sediment tracked onto streets shall be removed weekly. Additional information on the installation and maintenance of the construction entrances can be obtained from the Stormwater Manager, County Engineer, and the Public Works Department.
4. All SEC shall be inspected every seven (7) calendar days and within twenty-four (24) hours after each rainfall event that produces one-half ($\frac{1}{2}$) inches or more of precipitation.
5. Construction debris and other waste shall be contained in a dumpster or covered with plastic. Covers that prevent exposure to precipitation shall also be used for stockpiles of soil. Chemicals, paints, solvents, and other materials shall be stored such that exposure risk to precipitation and stormwater runoff is low. Concrete wash water shall be disposed in an area of

soil away from surface waters where soil can act as a filter or allow the water to evaporate. Be aware that this water can kill vegetation. Remaining cement shall be disposed of in a dumpster or otherwise removed from the site. De-watering water shall be disposed of in a pervious area. Discharge of sediment from dewatering operations shall be prevented from entering into storm sewers and surface waters.

6. Areas not used during construction should be vegetated with sod or grass seed. Existing/natural vegetation should be preserved as much as possible. Grass specifications are available from the Stormwater Manager and Planning and Zoning Department.
7. A site is considered stabilized once the entire area other than buildings, driveways, and walkways has vegetative cover with a density of seventy (70) percent. Seeding should be accompanied or replaced with erosion control mats as necessary to achieve this density.
8. After final stabilization is achieved, all SEC measures shall be removed from the site.
9. The general regulations of the stormwater management standards in Article 5 of this Ordinance shall also apply.

3:7.4-8 Lake Wateree Overlay District On-Site Sewage Disposal System Regulations

A. Definitions

Failed System - A failed system means any sewage disposal system that does not adequately treat and dispose of sewage that consequently creates a public or private nuisance or threat to public health and/or environmental quality as evidenced by, but not limited to, one (1) or more of the following conditions:

1. Failure to accept sanitary sewage into the building sewer.
2. Discharge of sanitary sewage to a basement, subsurface drain, surface drain, or surface water unless expressly permitted by SCDHEC.
3. Sanitary sewage rising to the surface of the ground over or near any part of an onsite wastewater disposal system (OSDS) or seeping down-gradient from the drain field at any change in grade, bank, or road cut.
4. Any deterioration or damage to any OSDS that would preclude adequate treatment and disposal of wastewater. For example, damage from a vehicle driven over the drain field or septic tank.
5. A septic tank that is not constructed to be watertight (e.g., bottomless tank) as required to hold wastewater for primary treatment prior to discharging to a drain field.
6. The presence of a grease trap to which kitchen waste is discharged and which is not connected to the septic tank or drain field.

Good Operating Condition - Good operating condition means an OSDS that, upon inspection, is determined to function in a sanitary manner; prohibits the discharge of untreated or partially treated wastewater onto the ground surface, into surface water, or into ground water; and allows building plumbing to discharge rapidly.

Inspector - Any person licensed by SCDHEC to install, repair, service, monitor, or inspect an OSDS. At such time as regularly scheduled SCDHEC Septic System Inspector Training Workshops become available, inspectors shall successfully complete such workshops.

On-Site Sewage Disposal System (OSDS) - Any system, piping, tanks, drain fields, alternate toilets, or other facilities designed to function as a unit to convey, store, treat, and/or dispose of sanitary sewage by means other than discharge into a public sewer. For purposes of this regulation an OSDS shall mean any septic tank or other on-site sewage disposal system.

- B. Applicability** - These regulations shall apply to all new and existing OSDS installations within the Lake Wateree Overlay District. In no way do the provisions of these regulations abrogate the

powers and duties of SCDHEC of their responsibilities for the permitting and enforcement of wastewater systems.

- C. **New Installations** - Any new or replacement OSDS installed within the LWOD shall be required to include an access manhole built into the lid over each compartment of the tank, and over the outlet end of the septic tank with risers and access manholes extending to within six (6) inches of the ground surface. An appropriate mechanism shall be provided to make the access manholes vandal, tamper, and child resistant.
- D. **Inspections of Existing Installations** - The following regulations shall apply to all OSDS within the LWOD installed prior to the effective date of this Ordinance, as well as all OSDS within the LWOD installed subsequent to the effective date of this Ordinance.
1. **Inspections Prior to Sale of Real Estate Interest** - As of the effective date of this Ordinance, prior to the sale of any ownership interest of a lot containing an OSDS, the seller of interest shall provide the buyer with a written inspection report of the system prepared by an inspector. Sale of ownership interest does not include the conveyance by gift or inheritance from one family member to another. The inspection shall occur no earlier than sixty (60) days prior to the sale. Prior to the inspection, a pump-out of the septic tank is required to insure a proper inspection of the interior of the tank, to check for leaks from the building, and to check for saturated conditions in the drain field. A copy of the inspection report and sewage disposal manifest from the pumping contractor shall be submitted to the Building Official within ten (10) days of the inspection. The inspection report shall certify that the system is in good operating condition. Otherwise, the following actions shall be taken:
 - a. **Minor Repairs or Alterations** - If the inspector determines that minor repairs or alterations are needed to bring the OSDS into good operating condition (such as replacing cracked lids and missing or broken tees and baffles), such work shall be done within ninety (90) days of the inspection. Evidence of said work shall be submitted to the buyer or prospective buyer and a copy submitted to the Building Official.
 - b. **Failure Evaluation and Repairs** - If the inspector determines that the OSDS has failed, as herein defined, the Building Official shall notify SCDHEC of the failure within five (5) days of receiving the inspection report. The property owner shall:
 - 1.) Contact SCDHEC within fifteen (15) days of the inspection to request a failure evaluation and course of corrective action by a licensed contractor.
 - 2.) Submit evidence of repairs to the buyer or prospective buyer and the Building Official within sixty (60) days of repairs.
 2. **Inspections Prior to Renovations** - As of the effective date of this Ordinance, prior to the issuance of a building permit for renovations, the applicant shall provide to the Building Official a written inspection report of the system prepared by an inspector. For purposes of this regulation a renovation shall mean any addition (including structural and plumbing fixtures with waste lines), replacement, demolition, and reconstruction, or modification of an existing structure on the subject property such that the renovation results in an increased flow into the system, or adds bedroom(s) and/or significant water-using fixtures to the structure (bathroom, hot tub, laundry room, etc.). Sewage flows shall be determined in conformance to SCDHEC Regulation 61-56. Prior to the inspection, a pump-out of the septic tank is required to insure a proper inspection of the interior of the tank to check for leaks from the building, and to check for saturated conditions in the drain field. A copy of the inspection report and sewage disposal manifest from the pumping contractor shall be submitted to the Building Official within ten (10) days of the inspection. The inspection report shall certify that the system is in good operating condition. Otherwise, the following actions shall be taken:
 - a. **Minor Repairs or Alterations** - If the inspector determines that minor repairs or alterations are needed to bring the OSDS into good operating condition (such as replacing

cracked lids and missing or broken tees and baffles), such work shall be done within ninety (90) days of the inspection. Evidence of said work shall be submitted to the Building Official.

- b. **Failure Evaluation and Repairs** - If the inspector determines that the OSDS has failed, as herein defined, the Building Official shall notify SCDHEC of the failure within five (5) days of receiving the inspection report. The property owner or his contractor shall:
 - 1.) Contact SCDHEC within fifteen (15) days of the inspection to request a failure evaluation and course of corrective action by a licensed contractor.
 - 2.) Submit evidence of repairs to the Building Official within sixty (60) days of repairs.
3. **Inspections Prior to Change of Occupancy** - As of the effective date of this Ordinance, prior to the issuance of a use permit and any subsequent required building permits for a change of occupancy that is likely to result in an increase in sewage flow into the system, the applicant shall provide the Building Official with a written inspection report of the system prepared by an inspector. Sewage flows shall be determined in conformance to SCDHEC Regulation 61-56. Prior to the inspection, a pump-out of the septic tank is required to insure a proper inspection of the interior of the tank, to check for leaks from the building, and to check for saturated conditions in the drain field. A copy of the inspection report and sewage disposal manifest from the pumping contractor shall be submitted to the Building Official within ten (10) days of the inspection. The inspection report shall certify that the system is in good operating condition. Otherwise, the following actions shall be taken:
 - a. **Minor Repairs or Alterations** - If the inspector determines that minor repairs or alterations are needed to bring the OSDS into good operating condition (such as replacing cracked lids and missing or broken tees and baffles), such work shall be done within ninety (90) days of the inspection. Evidence of said work shall be submitted to the Building Official.
 - b. **Failure Evaluation and Repairs** - If the inspector determines that the OSDS has failed, as herein defined, the Building Official shall notify SCDHEC of the failure within five (5) days of receiving the inspection report. The property owner or his contractor shall:
 - 1.) Contact SCDHEC within fifteen (15) days of the inspection to request a failure evaluation and course of corrective action by a licensed contractor.
 - 2.) Submit evidence of repairs to the Building Official within sixty (60) days of repairs.
4. **Time Between Inspections** - If an inspection has been conducted pursuant to a sale of real estate interest or a change of occupancy within three years of a subsequent sale of real estate interest or change of occupancy of the subject site, a new inspection shall not be required unless the sale or change of occupancy will result in increased sewage flow into the system.
5. **Specialized (Engineered) Onsite Wastewater Systems** - This section applies to specialized onsite wastewater systems that have been permitted and installed in accordance with SCDHEC Regulations R.61-56 system standards for specialized onsite wastewater system designs (less than 1500 GPD).

Specialized onsite wastewater systems are exempted from the inspections prior to sale of real estate interest, prior to renovations, and prior to change of occupancy under the following condition:

- a. Upon submittal of documentation that the specialized onsite wastewater system has been inspected and maintained in accordance with the manufacturer's recommendations for operation and maintenance of the system, as well as the consulting Professional Engineer's plans for compliance of the manufacturer's recommendations. If such documentation cannot be presented, an inspection shall be required to certify that the manufacturer's recommendations for operations and maintenance of the system are current and that the

system is functioning satisfactorily in accordance with the consulting Professional Engineer's plan.

3:7.4-9 Compliance, Penalties, and Violations

Failure to comply with the requirements of the Lake Wateree Overlay District regulations shall be cause for a "Stop Work" order on applicable permits. New permits or "Resume Work" orders shall not be issued until all requirements of this Ordinance are met and the required fines are paid through the courts. Any person, firm, or corporation in violation of any provision of the LWOD regulations shall, upon conviction, be guilty of a misdemeanor and fined or imprisoned per the provisions of the Administration article of this Ordinance.