

AMENDMENT TO DECLARATION OF REGULATIONS AND RESTRICTIONS
BY THE TOWN OF TRYON, NORTH CAROLINA
GOVERNING THE USE OF THE LAKE BED OF LAKE LANIER

WHEREAS, the lake bed of Lake Lanier in Greenville County, South Carolina, is owned by the Town of Tryon and the Declaration of Regulations and Restrictions of the Town of Tryon, North Carolina Governing the Use of the Lake Bed of Lake Lanier, recorded at Book DE 2359, Page 1470, Greenville County Registry, currently prohibits any commercial activity over the lake bed; and

WHEREAS, Mark Kerhulas, a property owner at Lake Lanier, has petitioned the Town of Tryon to amend the Declaration of Regulations and Restrictions to allow commercial use of the dock at Lake Lanier Tea House property; and

WHEREAS, the Town and Mr. Kerhulas have discussed this matter and have agreed on a limited set of commercial uses for the dock which are acceptable to both; and

WHEREAS, the Town and Mr. Kerhulas understand that the lake bed of Lake Lanier is presently zoned for residential use by Greenville County and that a rezoning of a portion of the lake bed by Greenville County would be required before any commercial activity can take place on the dock;

NOW THEREFORE, the Board of Commissioners of the Town of Tryon hereby resolves as follows:

Subject to 1) Greenville County, South Carolina, adopting any zoning amendments necessary to allow the following limited commercial activity over the lake bed of Lake Lanier, and 2) Mark Kerhulas paying all costs relating to a) obtaining such rezoning by Greenville County and b) recording the amended Declaration of Regulations and Restrictions in Greenville County, the Board hereby amends Section 7(A)(1) of its Regulations and Restrictions Governing the Use of the Lake Bed of Lake Lanier as follows:

SECTION 7: PROHIBITED USES OR ACTIVITIES

- (A) The following uses or activities shall be prohibited unless as expressly permitted herein:
 - (1) Commercial and business activities conducted over the lake, except that if a restaurant business is being actively conducted at the Lake Lanier Tea House property, Greenville County Tax PIN 0624010401800, then, subject to the laws of South Carolina, including alcoholic beverage control laws, and of Greenville County, (a) food and beverages from that restaurant establishment may be consumed by patrons of that restaurant establishment on the 52' x 25' dock structure located directly across E. Lakeshore

Drive from the restaurant, (b) unamplified music may be played on said dock structure, and (c) when the restaurant establishment is being used for a wedding or similar social event, the dock may be used for that event as well.

The Board further authorizes Town staff 1) to pursue a rezoning of the 52' x 25' Lake Lanier Tea House dock by Greenville County consistent with these restrictions, and 2) if Greenville County approves such rezoning, to republish the Declaration of Regulations and Restrictions of the Town of Tryon, North Carolina Governing the Use of the Lake Bed of Lake Lanier to include the foregoing amendment and to record the republished Declaration of Regulations and Restrictions in the Greenville County Registry.

Adopted and approved this 15th day of November, 2016.



J. Alan Peoples, Mayor

ATTEST:



Susan Bell, Clerk

(SEAL)

APPROVED AS TO FORM:



A. Bailey Nager, Town Attorney