

First Reading: 6/16/2025
Second Reading: 7/7/2025
Third Reading: 8/11/2025

STATE OF SOUTH CAROLINA)
COUNTY OF PICKENS)

ORDINANCE # 617

WHEREAS Pickens County, South Carolina (the "County") is a political subdivision of the State of South Carolina and is thereby authorized to enact regulations, resolutions, and ordinances, not inconsistent with the Constitution and general law of this State, including the exercise of these powers in relation to health and order in counties or respecting any subject as appears to them necessary and proper for the security, general welfare, and convenience of counties or for preserving health, peace, order, and good government in them; and

WHEREAS, as such the County is further authorized by state law to establish and enforce reasonable land use regulations and/or restrictions, official maps, regulations on structures or changes in land use, building sites or open spaces, and other development and/or use standard in order to promote and preserve the public safety, economy, good order, appearance, convenience, prosperity, and general welfare, and

WHEREAS, South Carolina Highway 11 ("HWY 11") follows part of the historic Cherokee Path through the Blue Ridge Escarpment of South Carolina, spanning 118 miles through five counties, including Pickens County and was designated the "Cherokee Foothills Scenic Byway" on June 9, 1998, establishing it as a National Scenic Byway under the Federal Highway Administration (FHWA) to recognize, protect, and promote America's most outstanding roads; and

WHEREAS, In addition to the requirement that a National Scenic Byway must possess characteristics of regional significance within at least one of the intrinsic quality categories of scenic, natural, historic, recreational, archaeological, or cultural, the byway must demonstrate strong community support and a corridor management plan must be developed that describes in detail the preservation, marketing, and improvement strategies for the byway; and

WHEREAS, the Corridor Management Plan was developed in 1997 as a collaborative effort between the Appalachian Council of Governments, the appointed Advisory Committee and various residents and businesses from the Highway 11 corridor area and across the region; and

WHEREAS, the General Assembly of the state South Carolina enacted the Local Government Comprehensive Planning Enabling Act in 1994 that allows for local governments to engage in planning activities; and

WHEREAS, the Unified Development Standards Ordinance of Pickens County (hereinafter the "UDSO") sets forth in Article 1 that its purpose is to conserve and ensure access to the County's natural and scenic resources for future generations to enjoy; and

WHEREAS, Pickens County Council adopted the Pickens County Comprehensive Plan in March of 2022 that states an objective to preserve natural beauty; protect mountain vistas, lakes and river watersheds, and forest preserves; increase green space areas; protect pristine land all in a manner that respects the rights of property owners as well as an objective to continue to protect and market the SR 11 corridor and the County's lakes and mountains to create

economic and recreational opportunities related to recreation and tourism in a way that minimizes impact to these natural resources; and

WHEREAS, Pickens County Council established a vision for the County that emphasizes the importance of protecting and enhancing our unique nature; and

WHEREAS, In furtherance of this vision, County Council authorized a 202 Branding and Marketing Study by the South Carolina Natural Heritage Corridor ("SCNHC") to conduct an analysis of our County-wide strengths, weaknesses, opportunities, and threats; and

WHEREAS, one of the key recommendations provided in the SCNHC study was to investigate and consider protections for HWY 11 through the adoption of a scenic overlay ordinance for The Cherokee Foothills Scenic Byway; and

WHEREAS, based on the recommendation of the SCHNC study, County Council requested a further study of HWY 11 Corridor by the Appalachian Council of Governments ("ACOG"); and

WHEREAS, County Council voted for a Moratorium on development along the corridor until such time as the ACOG-led Corridor Study could be completed and considered; and

WHEREAS, during the study, ACOG and the County's Division of Community and Tourism Development scheduled numerous public meetings to receive public comment from citizens and stakeholders, both in person and online; and

WHEREAS, ACOG completed its study, and presented its findings and recommendations to County Council in April of 2022; and

WHEREAS, the results of the ACOG study and its extensive community engagement resulted in a series of recommendations, including 1) preserving the natural and remote characteristics of the corridor's unique driving experience, 2) buffering and/or sighting residential uses so as to limit impact on the visual characteristics of the corridor, 3) limiting commercial development to maintain the rural and natural features of the corridor, 4) excluding industrial impacts, 5) recognizing and protecting the historic, environmental, and cultural significance of the corridor and its features, and 6) preserving the corridor's unique driving experience; and

WHEREAS, the Pickens County Planning Commission also held a public hearing on the ACOG study and its recommendations, and subsequently voted unanimously to advance and endorse the study's recommendation to County Council; and

WHEREAS, as part of the study and public comments the HWY 11 view shed was identified as a desirable natural asset that should be preserved for future generations and that the preservation of the viewshed can be fostered by methods that require further consideration and/or regulation; and

WHEREAS, as a result of the above referenced recitals, public inputs, studies, and approvals, the County Council of Pickens County has found, and does hereby find, that the preservation of the unique nature of the Natural Heritage Area is in the best interest of the County, its citizens, and the region's natural environment, and is necessary and proper for the security, general welfare, and convenience of County and/or for preserving health, peace, order, and good government in the County;

NOW THEREFORE, BE IT RESOLVED that the Pickens County Code of Ordinances be amended as follows:

ORDINANCE FOR ESTABLISHMENT OF THE PICKENS COUNTY NATURAL HERITAGE AREA

Section 1. DEFINITIONS

A. Pickens County Natural Heritage Area

1. Natural Heritage Area (hereinafter "THE HERITAGE AREA") is the area bound by a line One Thousand (1000) feet in a southern direction from the center line of Highway 11 northward to a line One Thousand (1000) feet in a northern direction from the center line of Highway 11. The area is bound by Greenville County on the east and Oconee County on the west. The area also includes the areas north and south of Highway 11 which are in the Highway 11 viewshed. A map of the above described area is incorporated herein and shall be dispositive to any ambiguity in the description as Exhibit A.
2. Exclusions
 - a. Areas within Subdivisions which have filed covenants and restrictions created prior to the passage of this Ordinance are excluded from THE HERITAGE AREA.
 - b. Areas within Subdivisions which have filed covenants and restrictions approved by the Pickens County Planning Commission as conforming to the character of THE HERITAGE AREA subsequent to the passage of this Ordinance are excluded from THE HERITAGE AREA.

B. Highway 11 Buffer

1. Highway 11 Buffer. The area one hundred fifty (150) feet north of and one hundred fifty (150) feet south of the center line of Highway 11 in Pickens County South Carolina. Highway 11 traverses Pickens County approximately 21 miles from Oconee County on the west to Greenville County on the east.

C. Major Roads

1. Major Roads. Public roads with the classification of 1, 2 or 3 as set forth by Pickens County and more particularly described in Exhibit B.

Section 2. BUFFER

A. Setback Disturbance Prohibition

1. No development other than the maintenance or approved renovation of existing construction is allowed within the Highway 11 Buffer.
2. No land disturbance, such as cutting of trees, grading, paving or other disturbance to the character and heritage of the NATURAL HERITAGE AREA may occur within the Highway 11 Buffer.

B. Exclusions from Buffer Setback Disturbance Prohibition

1. **Major Road Intersection Exclusion.** The Setback Disturbance Prohibition shall not apply to areas 500 feet along the roadway from the centerline intersection of Major Roads. Should the intersection be more than two Major Roads then the exclusions shall be 500 feet along each roadway from the centerline intersection of each road.
2. **Access Exclusion.** The Planning Commission may grant an access exclusion through the buffer upon submission of a site plan and remediation plan submitted by or on behalf of the property owner. The access exclusion shall be for access to property through the buffer. The access exclusion shall be in compliance with the remainder of the restrictions set forth herein. The access exclusion for Driveways and entrance roads shall comply with the Pickens County UDSO (Unified Development Standards Ordinance).

Section 3. INDUSTRIAL USE PROHIBITED

Industrial Uses are prohibited in THE HERITAGE AREA.

Industrial Use, in the context of land or buildings, generally refers to activities involving manufacturing, processing, transportation or the disposal or storage of product(s), materials or supplies.

Section 4. COMMERCIAL AND SITE DESIGN LIMITATIONS

- A. Commercial uses including new construction, rehabilitation of construction, maintenance, and remodeling or renovation projects within the area defined as THE HERITAGE AREA and maintenance and renovation of existing commercial within the Highway 11 Buffer are subject to the limitations and requirements set forth in this Section 4. For the purposes of this ordinance, Commercial Use is defined in the Pickens County Unified Development Standards Ordinance.
- B. Compliance with the requirements set forth in this Ordinance shall be required prior to the issuance of any building, electrical, stormwater, development and/or land use permit. A temporary permit may be issued if it is demonstrated that work necessary to bring the parcel into compliance with this Ordinance will be undertaken simultaneously with a development, rehabilitation, remodeling, or redevelopment project.
- C. All Land Use Plans and Development Plans proposed for THE HERITAGE AREA or Highway 11 Buffer shall be reviewed and approved by the Planning Commission.
- D. Clearcutting of land is not allowed unless it is part of an integrated pest management program as recommended by a certified forester or the South Carolina Forestry Commission.

Section 4.1 LIMITATIONS ON BUILDING MATERIALS

All facades of buildings visible from a road in THE HERITAGE AREA, including accessory buildings, must have fenestration and articulation on all sides with the consistent and appropriate materials, detailing, and features:

- A. All buildings shall be constructed of brick, stone, exposed timber, fiber cement siding, wood siding, shingle siding, or other material that is consistent with the natural features of THE HERITAGE AREA. No building

shall be covered with sheet or corrugated metal or with vinyl siding. Exterior buildings shall be continued to finished grade of any elevation in accordance with manufacturer specifications.

- B. Architectural accent materials located above the roof line shall be constructed of brick, stone, wood, pre-cast concrete, architectural quality steel, fiber cement siding or other high quality, long-lasting material that is consistent with the natural features of THE HERITAGE AREA. Accent materials shall be approved by the Planning Commission.
- C. The color of all structures must be those occurring in the natural environment of THE HERITAGE AREA, such as various natural shades and earth tone hues. Neon, unnatural, or fluorescent colors are prohibited. Colors must be approved by the Planning Commission.

Section 4.2. LIMITATIONS ON BUILDING CONFIGURATION

- A. Building facades shall have no more than one hundred (100) feet of frontage on any road in THE HERITAGE AREA and shall not exceed thirty-five (35) feet in height from existing grade at the proposed building site location. Buildings located on steep areas shall conform to hillside topography by stepping or staggering the mass of the proposed structure up or down the slope.
- B. Building masses shall maintain a balance of scale and proportion using design components which are harmonious with natural landforms and landscaping.
- C. Proposed structures shall not be cited atop peaks or silhouetted against the sky when viewed from a road within THE HERITAGE AREA.
- D. Retaining walls visible from any public right of way shall not exceed ten (10) feet in height as measured from grade at face to top of wall. Multiple "stepped" retaining walls whose total height exceeds ten (10) feet must each be offset by at least eight (8) horizontal feet. Visible walls shall be colored and textured to complement the background land and vegetation. "Stepped" walls shall have three (3) understory trees and ten (10) 6'-8' shrubs per one hundred (100) feet of offset.
- E. Changes in existing elevation and/or slope beyond fifteen (15) degrees from existing and/or natural conditions are hereby prohibited.
- F. Sites with multiple buildings shall have a uniform design and material composition amongst the buildings.

Section 4.3. ARCHITECTURAL LIMITATIONS

Elements of articulation shall be employed on any building visible from any public right of way to reduce the apparent bulk and uniform appearance of large buildings, provide visual interest and variety, and reinforce local architecture. A minimum of three (3) articulations of at least twelve (12) inches, in addition to fenestration or change of material for each fifty (50) feet of façade is required.

Section 4.4. ROOF DESIGN LIMITATIONS

The roof of any building shall present a distinctive profile and add interest to larger buildings and complement the character of other buildings included on the same lot or parcel.

- A. All structures within a footprint of three thousand (3,000) square feet or less shall incorporate a pitched roof system; all others shall be constructed of either a pitched, parapet, or mansard roof system (enclosed on all sides).
- B. Standing seam metal roofs shall be constructed of a factory-treated, non-metallic, matte finish. Metal roofs with lapped seam construction, bituminous built-up roofs, and flat, membrane-type roofs which are visible from any public right of way shall be prohibited.
- C. All rooftop mechanical equipment and vents greater than eight (8) inches in diameter shall be screened from the line of sight of public rights of way, private roads, parking lots, public sidewalks, greenways, and internal pedestrian ways except for instances where site topography precludes reasonable compliance with the minimum screening requirement. Materials used to screen equipment must be compliant with those listed in Section 3.1. This screening, if necessary, shall not be counted towards the thirty-five (35) foot maximum building height.

Section 4.5. PROHIBITION OF FRANCHISE ARCHITECTURE

To maintain the unique character of THE HERITAGE AREA, buildings shall not be constructed or renovated using franchise and/or branded architecture. Any commercial use must follow the standards of this ordinance to remain strictly compatible with the existing topography, features, and character of THE HERITAGE AREA.

Section 4.6. LIMITATIONS ON PARKING LOTS

Vehicular use areas are defined as any area used for movement, circulation, parking and/or display of any type of vehicle, including but not limited to parking lots, loading and unloading areas and sales service areas. Vehicular use areas under the jurisdiction of this Ordinance must be located behind the front building line and screened with a ten (10) foot Class 2 buffer and shall comply with the following standards:

- A. When a parking lot contains twenty-five (25) or more spaces, an area equal to twenty (20) percent of the total interior square footage of the vehicular use area shall be dedicated to landscaping. The twenty (20) percent landscape requirement is in addition to any required buffers as outlined in this Ordinance and in Article 8 of the Pickens County Unified Development Standards Ordinance.
- B. Landscaped areas shall contain a mixture of native canopy trees, understory trees, evergreens/conifers, and shrubs. Article 8 of the Pickens County Unified Development Standards Ordinance details the minimum standards for plant sizes, substitutions, installation, and maintenance of landscaped area.
- C. All paved area planting plans must demonstrate complete canopy coverage from hardwood trees after fifteen (15) years of growth.
- D. The minimum landscape area for each tree shall be no less than one hundred seventy (170) square feet with four (4) foot minimum distance between all trees and paving at time of planting, measured at the base of the tree.
- E. For any developments with two hundred fifty (250) feet or less of frontage on a road in THE HERITAGE AREA, only one (1) curb cut shall be allowed. Developments with more than two hundred fifty (25) feet of frontage shall be allowed two (2) curb cuts.
- F. No drive-through windows allowed.

Section 4.7. LIMITATIONS ON EXTERIOR LIGHTING

- A. All outdoor light fixtures shall be fully shielded and Dark Sky Compliant (as defined by the International Dark-Sky Association). A fully shielded light fixture must be a full cutoff luminaire or a decorative luminaire with full cutoff optics, and is defined as an outdoor lighting that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest part of the fixture.
- B. No flickering or flashing lights shall be permitted.
- C. Fixtures shall be limited to twenty-five (25) feet in height.
- D. Planning staff may require submission of an exterior lighting plan if deemed necessary to ensure compliance with the intent of this Ordinance.

Section 4.8. LIMITATIONS ON SIGNAGE

Signs within THE HERITAGE AREA boundary shall conform to Article 7 of the Pickens County Unified Development Standards Ordinance and shall also be subject to the following standards and prohibitions:

- A. In addition to the signs prohibited in Section 704 of the Pickens County Unified Development Standards Ordinance, the following signs shall be prohibited in THE HERITAGE AREA.
 - 1. Free-standing pole signs;
 - 2. Water towers as advertising;
 - 3. Wall murals as advertising;
 - 4. Any and all off-premise signs, including billboards;
 - 5. Electronic signs;
 - 6. Streamers, pennants, ribbons, spinners and other similar devices;
 - 7. Signs containing reflective elements that sparkle or twinkle in the sunlight; and
 - 8. Signs containing moving parts.
- B. One (1) free-standing monument sign shall be permitted per parcel of land:
 - 1. Single tenant monument signs shall not exceed fifty (50) square feet in area and ten (10) feet in height above the finished grade elevation at the edge of the adjacent public roadway.
 - 2. Multi-tenant monument signs shall not exceed one hundred (100) square feet in area and fifteen (15) feet in height above the finished grade elevation at the edge of the adjacent public roadway.
 - 3. Signs shall be setback ten (10) feet from public rights of way and property line(s) and may be located within a buffer yard, however, there shall be no reduction in the planting requirements of any buffer yard.
 - 4. Monument signs shall be constructed of brick, stone or similar materials that are used on the principal building. Landscaping around the base of the sign shall be required.
- C. Permanent signs attached to buildings shall be limited to fifty (50) square feet in size and limited to one (1) per building.

- D. Signs may be externally illuminated. External illumination must be directed downward; text and logo only may be illuminated. Internally lit signs are prohibited.

Section 5. SINGLE FAMILY RESIDENTIAL USE

- A. Single Family Residential use in THE HERITAGE AREA is subject to all requirements now existing or created in the future. Any subdivisions shall be limited to ten or fewer homes. Single Family Residential use is not further limited by the design provisions of this Ordinance.
- B. Single Family Residential is defined as a single-family residential structure.
- C. Multi-Family use is deemed to Commercial Use.

Section 6. ESTABLISHMENT OF THE PICKENS COUNTY CONSERVATION BANK

Section 6.1. The Pickens County Conservation Bank (hereinafter THE BANK) is hereby established

- 1. To foster the protection of lands with significant natural resources,
- 2. To aid in the preservation of historic structures and areas chosen by Pickens County Council, and
- 3. To foster the advancement of cultural structures and areas all of which must be at least partially located in Pickens County, South Carolina

Section 6.2 PROCESS TO PROVIDE FUNDS

- A. Pickens County Community and Tourism Development staff will:
 - 1. Establish guidelines and procedures necessary to establish the BANK;
 - 2. Develop a ranking system for applications pursuant to the criteria in Sections 6.3;
 - 3. Receive applications from Eligible Bank Recipients pursuant to Sections 6.3;
 - a. Eligible Bank Recipient means any of the following:
 - 1. Pickens County;
 - 2. A municipality in Pickens County;
 - 3. An agency or commission of Pickens County whose mission directly relates to the conservation of lands with significant natural resources;
 - 4. A not-for-profit charitable corporation or trust operated for natural resource conservation or land conservation, and having tax-exempt status as a public charity under the Internal Revenue Code of 1986, as amended, and having the power to acquire, hold, and maintain interests in land for these purposes;
 - 5. Federal, state, and local agencies organized and operated for natural resource protection, or land conservation purposes.
 - 4. Evaluate applications from Eligible Bank Recipients for eligibility in the program pursuant to Section 6.3;

5. Review and rank applications from Eligible Bank Recipients pursuant to the ranking system;
 6. Submit Eligible Bank Recipients to Pickens County Council for approval; and
 7. Submit an annual report of the BANK to Pickens County Council
- B. Pickens County Council may approve and award grants to Eligible Bank Recipients with such conditions as determined by County Council.
- C. The County Administrator will provide the administrative resources and support needed to operate and manage the BANK.

Section 6.3. CRITERIA

Pickens County Community & Tourism Development staff shall use the following conservation criteria in developing a ranking system for applications to the BANK.

Section 6.3.1. Natural Resources Criteria

- A. Environmental Sensitivity
1. Presence of wetlands;
 2. Frontage on USGS blue line streams;
 3. Water quality classification of stream by the South Carolina Department of Health and Environmental Control;
 4. Presence of threatened and/or endangered species;
 5. Habitat suitable for threatened and/or endangered species;
 6. Habitat suitable for native wildlife species;
 7. Extent of biological diversity
 8. Presence of unique geological and/or natural features; or
 9. Percentage of property sharing a boundary with protected land
- B. Percentage of Property Containing Prime/Statewide Important Soil Types
- C. Extent of Active Farming on Property
- D. Extent of Public Visibility of Property
1. Visibility from public roads
 2. Visibility from public land
- E. Scenic view from property
- F. Extent of public access
- G. Location of property
- H. Threat of development
- I. Size of property

Section 6.3.2. Historic Criteria

The criteria for determining and ranking projects for funding under the historic criteria as determined by the Pickens County Community and Tourism Development staff shall be set forth in writing to the Pickens County Council for approval prior to March 15, 2023.

Section 6.3.3. Cultural Criteria

The criteria for determining and ranking projects for funding under the cultural criteria as determined by the Pickens County Community and Tourism Development staff shall be set forth in writing to the Pickens County Council for approval prior to March 15, 2023

Section 6.4. EMINENT DOMAIN OR CONDEMNATION PROCEEDINGS

The BANK may not be used to acquire interests in lands or other interests in real property through the exercise of any power of eminent domain or condemnation proceedings.

Section 6.5. RECREATIONAL AND ECONOMIC USE

The provisions of this Ordinance shall not be construed to eliminate or unreasonably restrict hunting, fishing, farming, forestry, timber management, or wildlife habitat management, as regulated by the law of this State, upon lands for which interests in lands are obtained pursuant to this Ordinance. These and other traditional and compatible activities may be conducted, where appropriate, upon lands protected or acquired by the BANK.

Section 6.6. BANK ACCOUNT

The Pickens County Treasurer shall establish an account for the BANK that is separate and distinct from all other funds appropriated by County Council. The BANK shall receive revenues according to one or more funding measures approved by Pickens County Council. The Council acknowledges and agrees that funding measures shall be undertaken as soon as feasible in order to avoid escalating land costs and lost acquisition and protection opportunities. Any funds not fully expended during the fiscal year shall remain in the BANK and be available for grants in subsequent years unless the Council expressly provides otherwise.

SECTION 7. LEGAL STATUS PROVISIONS

Section 7.1. AUTHORITY

This ordinance is adopted pursuant to authority conferred by the South Carolina Code of Laws upon Pickens County in Title VI, Chapter 29, Section 710 of South Carolina Code of Laws. Likewise, 4-9-25 of South Carolina Code of Laws provides counties with the police power to regulate for the health, safety and welfare of local citizens.

SECTION 7.2. SEVERABILITY

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part or application so declared to be invalid or unconstitutional.

Section 7.3. RELATIONSHIP TO OTHER LAWS

Nothing contained in this Ordinance is intended to relieve compliance with any other Ordinance or law adopted and in effect by Pickens County, South Carolina, or the United States. Where any provision or regulation contained in

this Ordinance is in conflict with any other Ordinance of Pickens County, South Carolina the stricter regulation shall apply.

Section 7.4. CASE OF HARDSHIP

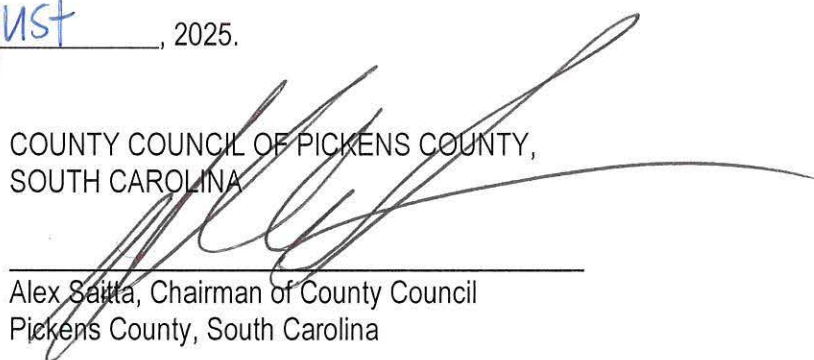
If any of the provisions or regulations contained in this ordinance impose an undue hardship on any property owner, that property owner has the right to seek relief through the Pickens County Board of Appeals. Variance procedures and criteria for determination of a hardship shall be as specified in the Pickens County Development Standards Ordinance.

Section 7.5. ENACTMENT

This Ordinance shall become fully enforced and binding upon its formal adoption by Pickens County, South Carolina.

Passed and approved, this 11 day of August, 2025.

COUNTY COUNCIL OF PICKENS COUNTY,
SOUTH CAROLINA



Alex Saitta, Chairman of County Council
Pickens County, South Carolina

(SEAL)

Attest:



Meagan Nations, Clerk of County Council
Pickens County, South Carolina