

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

First Reading: April 20, 2026
Second Reading:
Third Reading:
Public Hearing:

AN ORDINANCE NO. 684 ESTABLISHING A LAKE KEOWEE AND LAKE JOCASSEE OVERLAY DISTRICT TO PROTECT WATER QUALITY, CONSERVE NATURAL RESOURCES, SAFEGUARD DRINKING WATER AND OTHER MATTERS RELATED THERETO

WHEREAS, Pickens County Council is empowered pursuant to Title 4, Chapter 9, Section 4-9-25 of the South Carolina Code of Laws, 1976, as amended, to adopt ordinances as may appear to be necessary and proper for the security, general welfare, efficiency and convenience of the County of Pickens and for preserving health, peace, order and good government, to include providing for land use regulations pursuant to Section 4-9-30 of the South Carolina Code of Laws, 1976, as amended; and

WHEREAS, the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, Section 6-29-310 *et seq.*, of the South Carolina Code of Laws, 1976, as amended, authorizes the County to enact or amend its land development regulations to guide development in accordance with existing and future needs and to protect, promote and improve public health, safety, and general welfare; and

WHEREAS, County Council has adopted a Unified Development Standards Ordinance (“UDSO”), which regulates the use of land, the location and use of buildings and other site improvements, and the construction of public facilities and private improvements related to the development of land; and

WHEREAS, the Comprehensive Plan recognizes the importance of preserving and protecting the County's natural resources, water resources, scenic assets, recreational opportunities, tourism economy, and environmental quality for the benefit of current and future generations; and

WHEREAS, Lakes Keowee and Jocassee are among the most significant natural, recreational, environmental, scenic, and economic resources within Pickens County, consisting of approximately 25,640 acres of surface water, 480 miles of shoreline, and serving as destinations for residents and visitors from throughout South Carolina and the southeastern United States; and

WHEREAS, Lake Keowee serves as a significant regional drinking water reservoir supplying potable water to residents, businesses, and institutions throughout portions of Pickens County, Greenville County, and surrounding communities, and County Council finds that the continued protection of water quality within Lake Keowee is a matter of substantial public importance; and

WHEREAS, Lake Jocassee is widely recognized for its exceptional water quality, ecological significance, scenic character, biodiversity, and recreational opportunities, and County

Council finds that preserving the environmental integrity and natural character of Lake Jocassee serves an important public purpose; and

WHEREAS, County Council finds that the unique character of the lake areas is derived from a combination of environmental resources, scenic viewsheds, recreational opportunities, tourism activity, residential communities, and public access to the lakes; and

WHEREAS, County Council further finds that growth and development surrounding Lakes Keowee and Jocassee have increased over time and that continued residential, commercial, tourism-related, and recreational development is anticipated within the lake areas in the future; and

WHEREAS, County Council recognizes that future development within the lake areas should occur in a manner that balances economic growth, private property rights, environmental stewardship, recreational opportunities, tourism interests, and the long-term protection of valuable public resources; and

WHEREAS, County Council further finds that certain land uses are inherently dependent upon access to the lakes for their operation and function, while other land uses primarily benefit from proximity to the lakes, and that differing development standards may be appropriate based upon such distinctions; and

WHEREAS, County Council has received substantial public input concerning development within the Lake Keowee and Lake Jocassee areas through public meetings, workshops, stakeholder meetings, written comments, County Council meetings, and other public engagement opportunities conducted throughout the review process; and

WHEREAS, public meetings and informational sessions concerning a potential lake overlay district were conducted on or about March 3, 2026, April 2, 2026, May 19, 2026, and at other times during the review process, providing citizens, property owners, stakeholders, and interested parties opportunities to provide feedback and recommendations concerning future development within the lake areas; and

WHEREAS, County Council has considered comments and recommendations from citizens, property owners, business owners, ~~developers~~, environmental interests, community organizations, public agencies, utility providers, and other stakeholders regarding the appropriate balance between growth, development, property rights, tourism, recreation, environmental protection, and preservation of lake resources; and

WHEREAS, County Council, County staff, and the Planning Commission have reviewed existing County regulations governing shoreline setbacks, natural vegetative buffers, stormwater management, sediment and erosion control, wastewater disposal, and other development standards applicable to properties surrounding Lakes Keowee and Jocassee; and

WHEREAS, County Council finds that Pickens County currently maintains regulations intended to protect water quality and natural resources, including shoreline setbacks, natural

vegetative buffer requirements, stormwater management requirements, and sediment and erosion control standards, and that the purpose of this Ordinance is to supplement such protections where appropriate based upon the unique characteristics of the lake areas; and

WHEREAS, County Council has reviewed and considered lake overlay regulations, shoreline protection standards, development regulations, and watershed management approaches adopted by other South Carolina jurisdictions, including Oconee County and Kershaw County, in evaluating regulatory approaches that may be appropriate for Pickens County; and

WHEREAS, County Council has further considered shoreline management classifications, shoreline protection practices, and resource management approaches utilized by Duke Energy and other entities with responsibilities relating to the management and protection of lake resources; and

WHEREAS, County Council finds that objective and measurable standards relating to development intensity, impervious surface coverage, setbacks, buffering, and the location of certain land uses may assist in preserving water quality, protecting lake resources, maintaining scenic character, and ensuring compatibility between future development and surrounding uses; and

WHEREAS, County Council further finds that development standards should be practical, enforceable, consistently administered, and based upon identifiable impacts to public resources rather than subjective or arbitrary criteria; and

WHEREAS, County Council recognizes and respects the rights of private property owners and finds that the purpose of this Ordinance is not to prohibit the reasonable use and enjoyment of private property, but rather to establish standards intended to balance private property interests with the protection of shared public resources that benefit the citizens of Pickens County as a whole; and

WHEREAS, County Council finds that the adoption of the Lake Keowee and Lake Jocassee Overlay District will further the public health, safety, and welfare of the citizens of Pickens County by providing development standards tailored to the unique characteristics of the lake areas while preserving opportunities for reasonable growth, investment, recreation, tourism, and development; and

WHEREAS, County Council further finds that the provisions contained herein are consistent with the goals, objectives, and policies of the Pickens County Comprehensive Plan and are in the best interests of the citizens of Pickens County.

NOW, THEREFORE, BE IT ORDAINED by Pickens County Council, duly assembled, that the above recitals are adopted as legislative findings of fact and that the Unified Development Standards Ordinance, specifically, Appendix A is hereby amended as set forth below.

SECTION 1. PURPOSE AND INTENT

Lake Keowee and Lake Jocassee are shared resources for all Pickens County citizens, and

the subsequent overlay district is a prudent step toward protecting their recreational value, natural beauty and role as vital sources of drinking water for generations to come. The purpose of the Lake Keowee and Lake Jocassee Overlay District is to establish development standards applicable to properties ~~located~~ within the Overlay District and to supplement the regulations ~~otherwise applicable under of the~~ the Pickens County Unified Development Standards Ordinance to reduce or mitigate adverse impacts that development might otherwise have on the waterbody or surrounding area. The overlay is focused on the lakeshore and watersheds specific to Lake Keowee and Lake Jocassee in order to maintain and improve water quality, maintainpreserve natural resources and safeguard these areas for the general benefit of all county citizens.-

SECTION 2. ESTABLISHMENT OF THE LAKE KEOWEE AND LAKE JOCASSEE OVERLAY DISTRICT

There is hereby established the Lake Keowee and Lake Jocassee Overlay District ("Overlay District").

The Overlay District shall apply to properties meeting the applicability and boundary requirements set forth herein and shall supplement the requirements of the Pickens County Unified Development Standards Ordinance.

SECTION 3. APPLICABILITY AND OVERLAY BOUNDARIES

The Lake Keowee and Lake Jocassee Overlay District shall apply to all properties located wholly or partially within one-quarter (1/4) mile, or one thousand three hundred twenty (1,320) feet, of the Full Pond Elevation of Lake Keowee or Lake Jocassee.

For purposes of determining applicability, the Overlay District boundary shall be measured horizontally from the Full Pond Elevation line of Lake Keowee or Lake Jocassee.

Where only a portion of a parcel is located within the Overlay District, the requirements of this Ordinance shall apply only to that portion of the parcel located within the Overlay District unless otherwise expressly provided herein.

The Planning Department shall maintain an official Lake Keowee and Lake Jocassee Overlay District map depicting the approximate location of the Overlay District boundary. The map may be updated administratively to reflect improved survey information, GIS data, or other mapping corrections. In the event of any discrepancy between the mapped boundary and the location of the Full Pond Elevation, the Full Pond Elevation shall control.

SECTION 4. RELATIONSHIP TO THE UNIFIED DEVELOPMENT STANDARDS ORDINANCE

The requirements of the Lake Keowee and Lake Jocassee Overlay District shall apply in addition to all other applicable provisions of the Pickens County Unified Development Standards Ordinance.

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 5. DEFINITIONS

For purposes of this Overlay District, the following terms shall have the meanings set forth below. Any term not defined herein shall have the meaning assigned in the Pickens County Unified Development Standards Ordinance.

FULL POND ELEVATION. The normal full pond elevation established and maintained for Lake Keowee and Lake Jocassee by the applicable regulatory authority.

OVERLAY DISTRICT. The Lake Keowee and Lake Jocassee Overlay District established by this Ordinance.

WATER-DEPENDENT USE. A use that, by its nature, requires direct access to or location on the water in order to function. Land uses, structures, or activities that can only be conducted on, in, or immediately adjacent to the water, and which require direct water access for their primary function, operation, or existence. Water-dependent uses include, but are not limited to: marinas, commercial boat slips, boat ramps, marine fueling facilities, water taxi facilities, boat rental facilities, public or private docks, piers, boathouses, water intake structures, pumping stations, hydroelectric facilities, dry-dock boat storage and boat repair facilities with direct water launch access.

WATER-RELATED USE. A use that supports or serves water-dependent activities but does not require direct access to the water in order to function, but provide goods, products, or services that are uniquely tied to water-dependent uses or lake-based recreation. Water-related uses include, but are not limited to, bait and tackle shops, marine supply stores, and similar uses serving lake-oriented recreation.

WATER-ENHANCED USE. A land use that does not strictly require direct water access or functional marine operations to exist, but whose economic value, operational efficiency, or marketability is significantly amplified by a waterfront location. Water-Enhanced uses include, but are not limited to, waterfront restaurants, hotels, resorts, bed and breakfasts, campgrounds, and corporate offices. A use that does not require direct water access or functional ties to water-dependent activities, but whose value, profitability, or aesthetic appeal is significantly increased by a location adjacent to or overlooking the water.

IMPERVIOUS SURFACE. A man-made structure or surface that prevents the infiltration of stormwater into the ground below the structure or surface, including but not limited to buildings, paved roads, driveways, parking lots, patios, decks, and swimming pools.

PROHIBITED USES: A use that, by its nature, poses an unacceptable risk to the lake's water quality, public safety, or ecological health. Such as, land uses, structures, or activities that are determined to be incompatible with the environmental preservation, public safety, or recreational intent of the lake overlay area due to risks of pollution, runoff, or aesthetic degradation.

VIEW LANE: The portion of a natural buffer utilized and maintained by the property owner to enhance observation and access of the lake and surrounding landscapes.

SECTION 6. USE REGULATIONS WITHIN THE OVERLAY DISTRICT

- 6.1 Water-Dependent Uses: Water-Dependent Uses shall be permitted within the Overlay District, subject to compliance with all other applicable provisions of the Unified Development Standards Ordinance and this Overlay District.
- ~~6.2 Water-Related Uses: Water-Related Uses may be permitted within the Overlay District only upon approval of a Special Exception by the Pickens County Board of Appeals in accordance with Section 8 of this Ordinance. ~~Uses shall be permitted within the Overlay District, subject to compliance with all other applicable provisions of the Unified Development Standards Ordinance and this Overlay District.~~~~
- 6.3 Water-Enhanced Uses: Water-Enhanced Uses may be permitted within the Overlay District only upon approval of a Special Exception by the Pickens County Board of Appeals in accordance with Section 8 of this Ordinance.
- 6.4 Prohibited Uses:
 - Heavy Industrial Uses, as defined in Article 16 of the Pickens County Unified Development Standards Ordinance, ~~junkyards, salvage yards, solid waste landfills, transfer stations, and bulk storage facilities for hazardous materials, petroleum products, or other substances that present a significant risk to water quality~~ shall be prohibited within the Lake Keowee and Lake Jocassee Overlay District, except where otherwise required or permitted by state or federal law and incidental to an approved principal use.
 - Light Industrial Uses, as defined in Article 16 of the Pickens County Unified Development Standards Ordinance, shall be prohibited within the Lake Keowee and Lake Jocassee Overlay District, except where otherwise required or permitted by state or federal law and incidental to an approved principal use.
 - Exception: those uses specifically defined as a Water-Enhanced Use in Section 5 of this ordinance.
 - Single-Family Attached: Duplex, Single-Family Attached, Townhome, and Multi-Family Uses, as defined in Article 16 of the Pickens County Unified Development Standards Ordinance, shall be prohibited within the Lake Keowee and Lake Jocassee Overlay District.
 - Except as otherwise expressly prohibited by this Overlay District, uses permitted by the Pickens County Unified Development Standards Ordinance shall remain permitted within the Lake Keowee and Lake Jocassee Overlay District and shall be subject to the additional requirements of this Ordinance.

6.5 Authority

The Planning Department shall have the authority to classify any unlisted land use, structure, or activity proposed within the Lake Overlay District into one of the four established use categories (Water-Dependent, Water-Related, Water-Enhanced, or Prohibited).

6.5.1 Review Criteria.

In rendering a determination, the Planning Department shall evaluate the proposed unlisted use against the specific definitions established in this Ordinance, utilizing the following foundational criteria:

1. **Functional Necessity:** The degree to which the primary, day-to-day operation of the use physically requires direct access to, or immersion in, the water body to exist.
2. **Economic and Operational Nexus:** The degree to which the use directly supports, services, or provides essential goods to recognized Water-Dependent uses or lake-based recreational activities.
3. **Amenity Benefit:** The degree to which the commercial viability, residential value, or public utility of the use is enhanced by the scenic, aesthetic, or microclimatic qualities of the lake environment, without creating a negative impact on water quality.
4. **Environmental Compatibility:** The potential for the use to generate adverse impacts on the lake ecosystem, including but not limited to: stormwater runoff, chemical contamination, shoreline erosion, or thermal pollution. Any unlisted use presenting risks similar to those listed under the Prohibited category shall be deemed prohibited.

6.5.2 Appeals.

Any person aggrieved by a classification decision of the Planning Department under this section may appeal the determination to the Board of Appeals within thirty (30) days of the date of the decision, in accordance with the appellate procedures established in Section 10 of this Code.

SECTION 7. DEVELOPMENT STANDARDS WITHIN THE OVERLAY DISTRICT

- **7.1 Applicability:** The requirements of this Section shall apply to all development, redevelopment, land disturbance activities, and uses located within the Overlay District, except as otherwise expressly provided herein.
- **7.2 Additional Setback Requirements:** All ~~Water-Enhanced~~allowed Uses shall maintain a minimum setback of 100' (one hundred feet) ~~-feet~~ from the Full Pond Elevation of Lake Keowee or Lake Jocassee.
- **7.3 Impervious Surface Limitations:**
 - A. The maximum impervious surface coverage for any parcel developed with a Water-Enhanced Use within the Overlay District shall not exceed thirty percent (30%) of the parcel area.

B. Impervious surface coverage shall be calculated using the definition of Impervious Surface contained in Section 5 of this Ordinance.

C. Existing legally established impervious surface areas, as of the effective date of this ordinance, may be expanded in compliance with this Section. The expansion must not exceed an area of fifteen percent (15%) of the footprint of the existing established impervious surface area. may remain but shall not be expanded except in compliance with this Section.

- **7.4 Landscaping and Buffering Requirements**

Landscaping and buffering within the Lake Keowee and Lake Jocassee Overlay District shall comply with the requirements of Article 4 and Appendix C of the Pickens County Unified Development Standards Ordinance, as may be amended.

All allowed Uses shall maintain a minimum buffer of 100' (one hundred feet) from the Full Pond Elevation of Lake Keowee or 300' (three hundred feet) from Lake Jocassee. The buffer must be comprised of native vegetation and maintained to better enhance water quality in non-forested areas and to provide additional benefits to wildlife.

- Exceptions: Allowable activities within the buffer:

- Recreational activity. Recreational uses such as hiking, non-motorized bicycling, fishing, hunting, picnicking and similar uses and associated structures including boardwalks, pathways constructed of pervious material, foot trails, picnic tables, and wildlife viewing areas are allowed.
 - Removal of damaged or diseased trees. Damaged or diseased trees may be removed. Because of the potential for felled logs and branches to damage downstream properties, logs and branches resulting from the removal of damaged or diseased trees that are greater than 6 inches in diameter, shall be anchored to the shore.
 - Removal of noxious or invasive vegetation is allowed. Mechanical or manual removal is preferred. The use of chemicals may be permitted only where necessary for the targeted treatment of noxious or invasive vegetation.
 - Revegetation and/or reforestation. The revegetation and/or reforestation of the buffer shall be allowed. A diverse mix of native plants and unmanaged (uncut below 12 inches and untreated) native grasses are the preferred vegetation where available and suited to the site.
 - Buffer stabilization/erosion control and restoration measures. Practices for stabilization, erosion control, or restoration may be allowed if such practices are within permitted uses and are ecologically compatible and emphasize

the use of natural materials and native plant species where practical and available.

- Access. Intrusions necessary to provide access to a property when no other feasible or prudent alternative exist.
- Structures which, by their nature, cannot be located anywhere except within the buffer area. These structures include docks, boat launches, public water supply intake structures, utilities, facilities for natural water quality treatment and purification, and public wastewater treatment plant sewer lines and outfalls. However, such structures should provide for the minimum practicable disturbance of the buffer area by minimizing size and location.
- Landscaping. No new manicured lawns shall be established within the buffer area. The application of fertilizers, pesticides, herbicides, or fungicides shall be prohibited within the buffer area.

View Lanes. Property owners may establish a view lane within the buffer. The view lane shall not to exceed fifteen percent (15%) of a lot's shoreline frontage or twenty-five (25) feet in width, whichever is less, as measured at the Full Pond Elevation . Trees may be limbed up to fifty percent (50%) of their height, but no tree larger than a six inch (6") caliper may be removed unless certified as a hazard.

7.5 Forestry and Timbering Regulations

Forestry and timbering activities, defined as the commercial harvesting, clearing, or removal of forest vegetation, are prohibited unless conducted under a Forest Best Management Practices Plan prepared or approved by a South Carolina registered forester or the South Carolina Forestry Commission, and implemented in full compliance with such plan.

Except as otherwise expressly provided in this Overlay District, uses permitted by the Pickens County Unified Development Standards Ordinance shall remain permitted.

7.6 Pet Waste

All Water-Related and Water-Enhanced Uses shall require pet waste stations to ensure proper disposal of pet waste to reduce bacteria loadings from pets.

7.7 Septic Systems

The installation of Sseptic tanks and their associated leach fields are explicitly prohibited within the one hundred foot (100') buffer to prevent water quality degradation.

7.8 Building Height

No building constructed in the overlay shall have a building height greater than sixty-five feet (65') above finished grade. In no circumstance shall the grade elevation be altered beyond that necessary to provide for structural soundness.

SECTION 8. Water-Enhanced Use Review

- **8.1 Board of Appeals Jurisdiction:** Any Water-Enhanced and Water Related Use proposed within the Overlay District shall require approval by the Pickens County Board of Appeals prior to the issuance of any development permit.
- **8.2 Application Requirements:** An applicant seeking approval of a Water-Enhanced Use shall submit an application on forms provided by the Planning Department together with all supporting documentation required by the Planning Department.
- **8.3 Approval Criteria:** In reviewing a Special Exception application, the Board of Appeals shall consider:
 - a) The purpose and intent of the Lake Keowee and Lake Jocassee Overlay District;
 - b) The compatibility of the proposed use with surrounding properties and existing development patterns;
 - c) The location, design, scale, and intensity of the proposed use;
 - d) The impact of the proposed use on the scenic, recreational, environmental, and economic resources of the lake area;
 - e) The extent to which the proposed use complies with the development standards of this Overlay District;
 - f) Traffic access, circulation, parking, and public safety considerations; and
 - g) Any other factor reasonably related to the purposes of this Overlay District.
- **8.4 Conditions of Approval:** The Board of Appeals may approve, approve with conditions, or deny an application and may impose reasonable conditions necessary to further the purposes of this Overlay District.
- **8.5 Appeals and Procedure:** Applications, notices, hearings, decisions, and appeals shall be conducted in accordance with the procedures governing the Pickens County Board of Appeals.

SECTION 9. COORDINATION WITH DUKE ENERGY SHORELINE MANAGEMENT PLAN

9.1 Dual Permitting Required.

Approval of any land use, structure, or activity within the Lake Overlay District by the Planning Department does not authorize development within areas under the jurisdiction of Duke Energy. The applicant shall be solely responsible for obtaining all necessary permits, leases, or licenses from Duke Energy prior to the issuance of any local zoning, land disturbance, or building permits.

9.2 Compatibility with the Shoreline Management Plan (SMP).

All proposed development, activities, and shoreline stabilization within the Lake Overlay District must be fully compatible with the rules, regulations, and classifications set forth in the current

Duke Energy Shoreline Management Plan, as approved by the Federal Energy Regulatory Commission (FERC).

9.3 Evidence of Compliance.

As part of the application submittal process for any use within the Lake Overlay District, the applicant must provide written documentation from Duke Energy indicating one of the following:

1. A validly issued Duke Energy Shoreline Activity Permit or lease agreement for the proposed project; or
2. Official written confirmation from Duke Energy stating that the proposed project does not require a shoreline permit or falls entirely outside of Duke Energy's jurisdictional boundaries.

9.4 Conflicting Regulations.

In instances where the regulations of this Ordinance and the requirements of the Duke Energy Shoreline Management Plan conflict, the more restrictive standard—or that which provides the highest level of water quality and shoreline environmental protection—shall govern.

SECTION 10. APPEALS

Any person aggrieved by a final order, requirement, decision, determination, notice, or enforcement action issued pursuant to this Overlay District may appeal such action to the Pickens County Board of Appeals in accordance with Ordinance No. 679, as amended.

Any person aggrieved by a final decision of the Board of Appeals may seek judicial review as provided by applicable law.

SECTION 11. NONCONFORMING USES, STRUCTURES, AND LOTS

Nonconforming uses, structures, and lots within the Lake Keowee and Lake Jocassee Overlay District shall be governed by Article 14 of the Pickens County Unified Development Standards Ordinance, as may be amended.

SECTION 12. ADMINISTRATION AND ENFORCEMENT

This Overlay District shall be administered and enforced by the Planning Department in accordance with the provisions of the Pickens County Unified Development Standards Ordinance. Any violation of this Overlay District shall constitute a violation of the Unified Development Standards Ordinance and may be enforced through any remedy authorized by the Unified Development Standards Ordinance or applicable law.

SECTION 13. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, and County Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, and provision thereof irrespective of the fact that any one or more portions may be declared invalid.

SECTION 14. EFFECTIVE DATE

This Ordinance shall take effect immediately upon its enactment by Pickens County Council following public hearing and third reading.

Passed and approved, this ____ day of _____, 2026.

**COUNTY COUNCIL OF PICKENS COUNTY,
SOUTH CAROLINA**

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

(SEAL)

Attest:

Jessica Varney, Clerk of County Council
Pickens County, South Carolina