

OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



TEL (864) 638-4218 FAX (864) 638-4168

LIMITED IN-PERSON ATTENDANCE PERMITTED

Due to the Novel Coronavirus pandemic and the ongoing state of emergency, in-person attendance at this Commission meeting by members of the general public will be limited. Attendance will be limited to twenty percent of the stated maximum occupancy, which equates to thirty-four (34) persons (including Council members, other elected officials, and staff). Attendees will be required to sit in designated seats, appropriately spaced. In-person attendance will be allowed on a “first-come” basis.

*Additionally, to ensure the meeting otherwise remains open to the public, we will continue to broadcast it live on the County’s YouTube channel, which can be found via the County’s website at Oconeesc.com. Further, the public may call in and listen by dialing **888-475-4499 OR 877-853-5257** and entering meeting ID # **828 4377 0168**. And, individuals parked in close proximity to Council Chambers may listen to the meeting on FM 92.3.*

PARTISAN POLITICAL ACTIVITY PROHIBITED

During this election season, please remain aware that engaging in partisan political activity during a County Commission meeting is prohibited. Oconee Code of Ordinances Section 2-61. “Partisan political activities” are those activities that are directed at the success or failure of a political party, candidate for political office, or political group.

Planning Commission agenda- :00PM Monday, August 3rd, 2020

Council Chambers - Oconee County administrative complex

Corridor planning sub-committee – 4PM – Conference Room

1. Corridor planning

Planning Commission – 5PM- Council Chambers

1. Call to Order

2. Invocation

3. Pledge of Allegiance

4. Public Comment for Non-Agenda Items (3-minutes per person)

5. Commission member comment

6. Approval of minutes from 07/06/2020

7. Recreational Vehicle Park draft ordinance

Citizen comment (3-minutes per person)

Discussion

Vote

8. Development standards discussion

A. Citizen comment (3-minutes per person)

B. Discussion

C. Vote

. Junkyard/Scrap-yard discussion

A. Citizen comment (3-minutes per person)

B. Discussion

C. Vote

10. U.S. Census update

11. Adjourn

Anyone wishing to submit written comments to the Planning Commission can send their comments to the Planning Department by mail or by emailing them to the email address below. Please Note: If you would like to receive a copy of the agenda via email please contact our office, or email us at achapman@oconeesc.com.

OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



TEL (864) 638-4218 FAX (864) 638-4168

LIMITED IN-PERSON ATTENDANCE PERMITTED

Due to the Novel Coronavirus pandemic and the ongoing state of emergency, in-person attendance at this Commission meeting by members of the general public will be limited. Attendance will be limited to twenty percent of the stated maximum occupancy, which equates to thirty-four (34) persons (including Council members, other elected officials, and staff). Attendees will be required to sit in designated seats, appropriately spaced. In-person attendance will be allowed on a “first-come” basis.

*Additionally, to ensure the meeting otherwise remains open to the public, we will continue to broadcast it live on the County’s YouTube channel, which can be found via the County’s website at Oconeesc.com. Further, the public may call in and listen by dialing **888-475-4499 OR 877-853-5257** and entering meeting ID # **828 4377 0168**. And, individuals parked in close proximity to Council Chambers may listen to the meeting on FM 92.3.*

PARTISAN POLITICAL ACTIVITY PROHIBITED

During this election season, please remain aware that engaging in partisan political activity during a County Commission meeting is prohibited. Oconee Code of Ordinances Section 2-61. “Partisan political activities” are those activities that are directed at the success or failure of a political party, candidate for political office, or political group.

Minutes

5:00 pm- Monday, July 6, 2020
Council Chambers - Oconee County Administrative
Complex

Members Present

Frankie Pearson
Mike Smith
Gwen McPhail
Alex Vassey
Mike Johnson
Andy Gramling

Staff Present

Adam Chapman
Vivian Kompier

Media Present

None

1. **Call to Order** – Ms. McPhail called the meeting to order at 5:00pm.
2. **Invocation**
3. **Pledge of Allegiance**
4. **Public Comment for Non-Agenda Items** –
Mr. Markovich spoke about RV parks and emailed a GA county ordinance for reference. He also mentioned that 20’ lighting fixture would not be to code.

- Mr. Hall spoke about growth and we need to be ready.
5. **Commission member comment** - None
 6. **Approval of minutes from 07/06/2020**
A motion was made by Mr. Pearson to accept the minutes with the change in spelling of minutes. A second was made by Mr. Gramling and approved 6/0.
 7. **Recreational Vehicle Park discussion-**
Citizen comment – Mr. Luce owns an RV park in the County and said there are many people doing their jobs and overseeing RV’s so there is no need for an ordinance.
Discussion – There was much discussion in reference to the RV parks.
Vote – Mr. Smith made a motion to have the owner put up a sign with his/her contact information clearly marked at the entrance of the park. Mr. Johnson seconded and the motion approves 5/1 with Mr. Gramling in opposition.
Mr. Vassey made a motion to draft the RV ordinance and forward it to the County Attorney for his approval. The motion was seconded by Mr. Smith and approved 5/1 with Mr. Gramling in opposition.
 8. **“Good neighbor” ordinance** –
Citizen comment – None
Discussion – There was much discussion line by line about the “Good Neighbor” or Development Standards.
Vote - None
 9. **Adjourn** – The meeting was adjourned at 7:50 pm by a unanimous vote.

Anyone wishing to submit written comments to the Planning Commission can send their comments to the Planning Department by mail or by emailing them to the email address below. Please Note: If you would like to receive a copy of the agenda via email please contact our office, or email us at achapman@oconeesc.com.

Oconee County Administrative Offices
415 S. Pine Street, Walhalla, SC 29691 / 864.638.4218 / www.oconeesc.com

Oconee County Code of Ordinances, Chapter 32, Article IX

The Recreational Vehicle Park Standards Ordinance of Oconee County, South Carolina

32-601 Intent

To provide a safe, clean, and sanitary environment for occupants of recreational vehicle parks in Oconee County, South Carolina.

32-602 Definitions

“All-weather road” means a hard-packed and graded and/or graveled road that is passable by vehicles under both wet and dry weather conditions, is at least ten (10) feet wide, and is suitable for emergency vehicles to utilize regardless of weather, as determined by Oconee County Emergency Services.

“Dealer” means any person, firm, corporation, or business entity licensed or required to be licensed under this chapter to sell new and/or used recreational vehicles to the retail public.

“Manufacturer” means any person, firm, corporation, or business entity that engages in the manufacturing of recreational vehicles.

“Minor recreational vehicle park”: Four (4) to nineteen (19) recreational vehicles or recreational vehicle spaces for rent on-site on any single parcel to be utilized as temporary living quarters for recreational, camping, or travel use.

“Major recreational vehicle park”: Twenty (20) or more recreational vehicles or recreational vehicle spaces for rent on-site on any single piece of property utilized as temporary living quarters for recreational, camping, or travel use.

“Ready to travel”: A recreational vehicle is ready to travel if it:

- a. Is on wheels or a jacking system;
- b. Is attached to the site only by quick-disconnect type utilities and security devices; and,
- c. Has no permanently-attached additions.

“Recreational vehicle” means a motorhome, travel trailer, fifth-wheel trailer, or folding camping trailer designed to provide temporary living quarters for recreational, camping, or travel use, as defined herein.

“Motorhome” means a self-propelled vehicle designed to provide temporary living quarters for recreational, camping, or travel use that complies with all applicable federal vehicle regulations. The unit must contain at least four of the following permanently installed independent life support systems which meet the NFPA 1192 Standard for Recreational Vehicles:

- a. a cooking facility with an on-board fuel source;
- b. a potable water supply system that includes at least a sink, a faucet, and a water tank with an exterior service supply connection;
- c. a toilet with exterior evacuation;
- d. a gas or electric refrigerator;

- e. a heating or air conditioning system with an on-board power or fuel source separate from the vehicle engine; or,
- f. an electric power system.

“Travel trailer” means a vehicle mounted on wheels designed to provide temporary living quarters for recreational, camping, or travel use that complies with all applicable federal vehicle regulations and is of such size and weight as to not require a special highway movement permit when towed by a motorized vehicle.

“Fifth-wheel trailer” means a vehicle mounted on wheels designed to provide temporary living quarters for recreational, camping, or travel use that complies with all applicable federal vehicle regulations and is of such size and weight as to not require a special highway movement permit when towed by a motorized vehicle equipped with a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

“Folding camping trailer” means a vehicle mounted on wheels designed to provide temporary living quarters for recreational, camping, or travel use that complies with all applicable federal vehicle regulations and is constructed with collapsible partial side walls that fold for towing by another vehicle.

“Recyclable materials” mean those materials which are capable of being recycled which would otherwise be processed or disposed of as solid waste.

“Solid waste” means any garbage, refuse, sludge, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, residential, mining, and agricultural operations and from community activities.

32-603 Authority

Personnel employed by the County Administrator as zoning administrator or the zoning administrator’s designee shall be vested with the authority to enforce and administer recreational vehicle park standards within the County.

32-604 Jurisdiction

The regulations set forth in this article shall be applicable within the unincorporated areas of the County.

32-605 Exemptions

- a. Dealers and manufacturers of recreational vehicles are exempt from the standards in this Article unless a portion of the dealer or manufacturing business meets the definition of a recreational vehicle park, as contained in this Article.
- b. Indoor or outdoor facilities that store recreational vehicles that are not being utilized to provide temporary living quarters for recreational, camping, or travel use on-site.

32-606 Existing recreational vehicle parks

Recreational vehicle parks existing prior to the enactment of this Ordinance are exempt from this Article. Creation of new recreational vehicle sites in an existing recreational vehicle park will, however, be required to adhere to this Ordinance.

32-607 Solid waste and recycling facilities

All recreational vehicle park owners and/or operators shall provide appropriate on-site solid waste and recyclable materials disposal receptacles. The recreational vehicle park owner and/or operator is responsible for transporting solid waste and recyclable materials from the recreational vehicle park to an appropriate disposal site, consistent with local, state, and federal law.” Removing solid waste and recyclable materials shall be done on a regular basis in order to avoid the attraction of pests or the development of other nuisances.

32-608 Wastewater

All recreational vehicle park owners and/or operators are responsible for ensuring all recreational vehicles and recreational vehicle sites that are for rent follow all applicable DHEC standards. DHEC-approved wastewater facilities shall be included in the submission of plans for any recreational vehicle park if proposed or present.

32-609 Utilities

Utility connections shall adhere to all local, state, and federal laws including any applicable building code standards.

32-700 Setbacks and height

Setbacks and height regulations shall be determined by the underlying zoning district.

32-701 Ready to travel

Recreational vehicles in recreational vehicle parks must be ready to travel, as defined in this chapter. Recreational Vehicle Parks containing Recreational vehicles not ready for travel will be reviewed utilizing Chapter 32, Article VI “*Land Development and Subdivision Regulations*,” including the review process, road standards, traffic-impact studies, density, and all other applicable provisions of that ordinance chapter and corresponding local, state, and federal law, as applicable

32-702 Parking and maneuverability

All-weather roads and parking areas capable of accommodating recreational and associated vehicles will be provided by the park and reviewed by Oconee County Emergency Services prior to approval and construction. No recreational vehicle shall be parked or set up in any private or public right-of-way.

32-703 Access

Permitted access to the recreational vehicle park from a state, County, or private road is as follows and must be included in the submission of plans for a recreational vehicle park

- a. State road: Permit from South Carolina Department of Transportation;
- b. County road:
 - (1) Minor recreational vehicle parks: Permit from Oconee County Roads & Bridges;
 - (2) Major recreational vehicle parks: A traffic-impact study and the recommended improvements therein and a permit from Oconee County Roads & Bridges.
- c. Private road intersecting a County road:
 - (1) Major and minor recreational vehicle parks: Written permission from private road owners;
 - (2) Major recreational vehicle park: A traffic-impact study and the recommended improvements therein. Permit from Oconee County Roads & Bridges.

32-704 Park contact information

For purposes of emergency contact, the owner and/or operator shall post up-to-date contact information for the park owner and/or operator. This posting shall be at a place within the park that is clear and conspicuous.

32-705 Application, review, and permitting process

The following must be included with the application for a minor or major recreational vehicle park:

- a. An accounting of total acreage in the tract to be utilized and the number of proposed recreational vehicle parking spaces and any existing and proposed accessory buildings and setbacks;
- b. Location of existing property lines, buildings, easements, road right-of-ways and other public ways contained within and adjoining the tract;
- c. Alignment, right-of-way width, and clarification of proposed roads;
- d. Map scale, north arrow, and date;
- e. Name, address, and telephone number of legal owner or agent;
- f. Location of watercourses and land subject to flooding based on a 100-year frequency flood. Owner's surveyor shall indicate if property is or is not in a floodplain;
- g. The existing and proposed uses of land throughout the recreational vehicle park;
- h. Permits and method of water supply and wastewater treatment and other utility service;
- i. DHEC land-disturbance permits and storm-water permits if applicable;
- j. The proposed names of the subdivision and internal road system;
- k. Applicable Zoning (including any applicable Overlay) designations;

1. Any other information the zoning administrator or his or her designee requests, as necessary to assist in the review process.

32-706 Penalties

Any person or entity violating the regulations set forth in this article is guilty of a misdemeanor and may be fined up to \$500.00 or imprisoned for 30 days or both.

DRAFT

38-9.5 Development standards and other requirements

Oconee County is growing. In order to encourage and maintain a harmonious living and business environment the following standards shall be applicable to all developments indicated herein.

1. Lighting

- a. Lighting Standards for lighting of horizontal tasks such as roadways, sidewalks, entrances and parking areas, and all other outdoor fixtures installed for the permanent illumination of signs, landscaping, and buildings shall be aimed, located, designed, fitted, and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light skyward, onto a neighboring property or onto a public roadway.
- b. Flashing lights are prohibited.
- c. Applicability – see table 1 below

2. Screening and buffering

- a. Screening and a physical separation (buffer) must be provided at least the entire length of the proposed developed area +25% and up to the entire length of the shared property lines as determined by the planning director for the purpose of screening and buffering adjacent activities from view of proposed projects including but not limited to: buildings, solid-waste, parking & drive lanes, outdoor storage, signage, lighting.

Table 1 : Where screening & buffering and lighting standards are required:

Proposed use :Party responsible for installation and maintenance of screening and buffer		Adjacent existing use or zoning district
Non-residential Multi-family Mixed-use		Agricultural Residential
Proposed use :Party responsible for installation and maintenance of screening and buffer		Adjacent existing use or zoning district
Residential subdivision Multi-family Mixed-use		Agricultural Non-residential

b. Screening requirements

Unless otherwise required, the following minimum landscaping and screening provisions will apply.

- a. A minimum 6-foot-tall wall, fence, berm, evergreen screening plant material, existing vegetation or a combination of wall, fence, berm or evergreen screening plant material, existing vegetation, with a combined minimum height of 6 feet above grade shall be used for the purposes of screening.
- b. If evergreen plant material is used, it must be at least 4 feet in height at the time of planting and capable of forming a continuous opaque screen at least 6 feet in height, with individual plantings spaced not more than 5 feet apart.
- c. Berms, if utilized shall have a side slope no greater than a ratio of 3:1.
- d. Existing vegetation may be utilized provided it provides the screening required as determined by the Planning Director or their designee.
- e. Fences or walls installed for the purposes of screening shall have a “finished” side toward the adjacent or neighboring properties.

c. Buffer requirements

A buffer is a physical separation by distance between development and the adjacent property lines. The size of the buffer, measured running parallel with the shared property lines the length of the developed areas in view of adjacent existing uses. This is not in addition to any underlying zoning district setbacks.

Buffer width

Acreage of proposed use	Minimum size of buffer
Less than 0.5 acres	5 feet
0.5-2 acres	15 feet
More than 2 acres	25 feet

Uses permitted in the buffer:

- Landscaping
- Agricultural plantings
- Storm water drainage easements and any necessary drains, culverts, riprap, etc.
- DHEC approved storm water retention/detention areas
- DHEC approved septic systems
- Permitted signage
- Sidewalks
- Shared-use driveways/lanes
- parking lot stub outs (not parking lots) for the purposes of connectivity

Exemptions

The buffer and screening requirements may be waived or modified between two or more non-residential, mixed-use, residential, and/or multi-family developments after review by the planning director if all adjacent property owners provide a notarized, recorded statement that permits the new development to modify the standards herein.

Agricultural and Forestry uses as defined by the South Carolina Right-to Farm act and the South Carolina Right-to-Forestry act.

South Carolina Legislature

South Carolina Law > Code of Laws > Title 40

South Carolina Code of Laws Unannotated

Title 40 - Professions and Occupations

CHAPTER 27

Junk Dealers

ARTICLE 1

General Provisions

SECTION 40-27-10. Record of purchases; nonferrous metals.

A person or entity buying junk other than junk that consists of nonferrous metals, as defined by Section 16-17-680, or vehicles shall keep a book that the person or entity shall keep open to the inspection of all persons, wherein the person or entity shall set down the name and address, city, and street of every person selling junk and an itemized statement of all junk bought from such persons and the purchase dates. A person or entity buying junk that consists of nonferrous metals, as defined by Section 16-17-680, is subject to the provisions of Section 16-17-680. A person or entity buying junk that consists of vehicles is subject to the provisions of Sections 56-5-5670 and 56-5-5945.

HISTORY: 1962 Code Section 56-751; 1952 Code Section 56-751; 1942 Code Section 7138; 1932 Code Section 7138; Civ. C. '22 Section 3954; 1913 (28) 209; 2009 Act No. 26, Section 4; 2012 Act No. 242, Section 3, eff December 15, 2012.

Editor's Note

2012 Act No. 242, Section 13, provides as follows:

"Subsection (H) of Section 56-5-5670 of the 1976 Code as contained in SECTION 8 and subsection (H) of Section 56-5-5945 of the 1976 Code as contained in SECTION 9 take effect upon approval by the Governor. All other provisions of this act take effect one hundred eighty days after approval by the Governor."

Effect of Amendment

The 2012 amendment rewrote this section.

SECTION 40-27-20. Junk required to be kept for certain period of time and open for inspection.

A person or entity shall keep each article of junk purchased other than junk that consists of nonferrous metals, as defined by Section 16-17-680, and vehicles for a period of seventy-two hours following the purchase and shall keep the junk open to the inspection of all persons. A person or entity buying junk that consists of nonferrous metals, as defined by Section 16-17-680, is subject to the provisions of Section 16-17-680. A person or entity buying junk that consists of vehicles is subject to the provisions of Sections 56-5-5670 and 56-5-5945.

HISTORY: 1962 Code Section 56-752; 1952 Code Section 56-752; 1942 Code Section 7139; 1932 Code Section 7139; Civ. C. '22 Section 3955; 1913 (28) 209; 2012 Act No. 242, Section 4, eff December 15, 2012.

Editor's Note

2012 Act No. 242, Section 13, provides as follows:

"Subsection (H) of Section 56-5-5670 of the 1976 Code as contained in SECTION 8 and subsection (H) of Section 56-5-5945 of the 1976 Code as contained in SECTION 9 take effect upon approval by the Governor. All other provisions of this act take effect one hundred eighty days after approval by the Governor."

Effect of Amendment

The 2012 amendment rewrote this section.

SECTION 40-27-40. Penalties.

A person violating a provision of this article shall be fined a sum not exceeding five hundred dollars or imprisoned not exceeding thirty days. Each violation constitutes a separate offense.

HISTORY: 1962 Code Section 56-753; 1952 Code Section 56-753; 1942 Code Section 7140; 1932 Code Section 7140; Civ. C. '22 Section 3956; Cr. C. '22 Section 295; 1913 (28) 209; 2009 Act No. 26, Section 6.

ARTICLE 3

Motor Vehicle Junk Yards in Counties With City Over 70,000

SECTION 40-27-110. "Motor vehicle junk yard" defined.

The term "motor vehicle junk yard" shall include any place of storage or deposit, whether in connection with another business or not, which displays, or in or upon which are displayed, to view from the public highway two or more unregistered motor vehicles which are unfit for reconditioning for use on the public highways, used parts of motor vehicles, old iron, metal, glass, paper, cordage or other waste, discarded or secondhand material which has been a part or is intended to be a part of any motor vehicles, the sum of which parts or material shall be equal in bulk to two or more motor vehicles.

HISTORY: 1962 Code Section 56-761; 1952 Code Section 56-761; 1942 Code Section 7140-1; 1939 (41) 176, 535; 1940 (41) 1632; 1941 (42) 49.

SECTION 40-27-120. Annual license fee.

In all counties of this State containing a city having more than seventy thousand population, according to the then most recent United States official census, there is hereby levied and imposed an annual license fee upon all motor vehicle junk yards which are located within fifty feet of the right of way of any state highway or county road or which shall be visible from any such highway or road, such license to be graduated according to the area occupied by each such motor vehicle junk yard at the rate of one

hundred and fifty dollars per acre. Such license fee shall be due and payable on or before July first of each year.

HISTORY: 1962 Code Section 56-762; 1952 Code Section 56-762; 1942 Code Section 7140-1; 1939 (41) 176, 535; 1940 (41) 1632; 1941 (42) 49.

SECTION 40-27-130. Furnishing of list of junk yards to county treasurer.

The board of assessment and equalization in each such county shall furnish to the county treasurer on or before the first day of March in each year a list of all junk yards required to procure a license under this article and to pay the license fee herein imposed, together with the acreage of the area occupied by each such motor vehicle junk yard.

HISTORY: 1962 Code Section 56-763; 1952 Code Section 56-763; 1942 Code Section 7140-1; 1939 (41) 176, 535; 1940 (41) 1632; 1941 (42) 49.

SECTION 40-27-140. Payment of fee; issuance of license.

Such license fees shall be payable to the county treasurer of the county in which the motor vehicle junk yard shall be located. Upon receipt of such fees the county treasurer shall issue to the person paying it a receipt which shall constitute the license of such person to conduct such business for the current calendar year.

HISTORY: 1962 Code Section 56-764; 1952 Code Section 56-764; 1942 Code Section 7140-1; 1939 (41) 176, 535; 1940 (41) 1632; 1941 (42) 49.

SECTION 40-27-150. Collection of delinquent license fees.

In the case of any such motor vehicle junk yard for which no license fee has been paid on or before July first of the preceding year, the county treasurer shall issue his execution to the sheriff for the collection of the license fee due hereunder, together with the same costs and penalties as are provided by law in the case of county taxes, and the sheriff shall enforce such execution and collect it in the manner provided by law for the collection of executions for county taxes.

HISTORY: 1962 Code Section 56-765; 1952 Code Section 56-765; 1942 Code Section 7140-1; 1939 (41) 176, 535; 1940 (41) 1632; 1941 (42) 49.

SECTION 40-27-160. Notice to magistrate of nonpayment of license fee.

When the county treasurer shall issue his execution to the sheriff under the provisions of Section 40-27-150, he shall also notify the magistrate having jurisdiction over the territory in which such junk yard shall lie that the license fee herein imposed has not been paid by the person operating such junk yard and such magistrate shall institute proceedings under Section 40-27-170 for the enforcement of the provisions of this article.

HISTORY: 1962 Code Section 56-766; 1952 Code Section 56-766; 1942 Code Section 7140-1; 1939 (41) 176, 535; 1940 (41) 1632; 1941 (42) 49.

SECTION 40-27-170. Penalties.

Any person owning, operating or conducting a motor vehicle junk yard in any such county without obtaining a license, as herein provided, and paying the license fee herein levied and imposed on or before the time fixed in this article for the payment thereof shall be guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars or imprisoned for not more than thirty days. Each day upon which any such violation occurs shall constitute a separate offense.

HISTORY: 1962 Code Section 56-767; 1952 Code Section 56-767; 1942 Code Section 7140-1; 1939 (41) 176, 535; 1940 (41) 1632; 1941 (42) 49.

ARTICLE IV: JUNKYARDS

Section

- 9-51 Title
- 9-52 Authority
- 9-53 Findings; purpose
- 9-54 Definitions
- 9-55 Applicability
- 9-56 Certain areas not to be construed as junkyards or motor vehicle graveyards
- 9-57 Permit requirements
- 9-58 Penalties for noncompliance
- 9-59 Variance procedure
- 9-60 General provisions for junkyards
- 9-61 Operation of junkyard business
- 9-62-9-80 Reserved

§ 9-51 TITLE.

This article shall be known as the "Junkyard Ordinance of Greenville County, South Carolina."

(1976 Code, § 9-51) (Ord. 1777, § 1, passed 12-15-1987)

§ 9-52 AUTHORITY.

This article is adopted pursuant to the authority conferred upon the county by the Code of Laws of South Carolina (1976), as amended.

(1976 Code, § 9-52) (Ord. 1777, § 2, passed 12-15-1987)

§ 9-53 FINDINGS; PURPOSE.

The Greenville County council finds that junkyards:

- (1) Are a visual blight and are patently offensive to the aesthetic quality of the environment in Greenville County;
- (2) Pose a hazard to the health, safety and welfare of the citizens of the county;
- (3) Pose a fire hazard, and may cause soil and groundwater contamination;
- (4) Pose a threat of injury to children or other individuals who may be attracted to the premises;
- (5) Depreciate the value of surrounding properties and may inhibit future development of the area.

Because of the negative impacts that junkyards have on the community, the county council hereby adopts this article, the purpose of which is to provide standards for the establishment, use, and maintenance of junkyards in the county so as to protect the health, safety

and general welfare of the citizens of Greenville County.

(1976 Code, § 9-53) (Ord. 1777, § 3, passed 12-15-1987; Ord. 2467, § 1, passed 6-15-1993)

§ 9-54 DEFINITIONS.

As used herein, the following terms shall have the meanings given below:

Evergreen screening shall mean evergreen trees or shrubs with a minimum height of not less than 8 feet when mature. Acceptable species include, but are not limited to, Ligustrum, Euonymous, Leyland Cypress, White Pine, Cedar, Arborvitae, Hemlock, and upright varieties of Juniper, Holly and Yew. Other species may be approved by the zoning manager.

Fence shall mean an 8-foot tall chain link or wooden fence which forms a substantial physical barrier which is capable of withstanding the effects of the local climate and which completely surrounds the items defined as "junk". Other fencing materials may be approved by the zoning manager.

Junk shall include, but not be limited to abandoned barrels or drums, dismantled or inoperable industrial or commercial equipment or machinery being salvaged for parts, and the following old, scrap or used items: Metal; rope; rags; batteries; paper; cardboard; plastic; rubber; pallets; appliances; motors; industrial or commercial fixtures; rubbish; debris; wrecked, dismantled or disabled motor vehicles or parts thereof.

Junkyard shall mean any property which is used in part or in whole for storing, keeping, buying or selling of items defined as "junk" in this section. For the purpose of this article, properly licensed sanitary landfills are exempt.

Visual screen shall mean a static barrier which shields the junkyard from view. The visual screen shall extend from the ground to a height of 8 feet and shall completely enclose the junkyard. Not more than 25% of the vertical surface shall be open to allow the passage of air, but any such openings shall be designed to obscure visibility.

(1976 Code, § 9-54) (Ord. 1777, § 5, passed 12-15-1987; Ord. 2467, § 2, passed 6-15-1993)

§ 9-55 APPLICABILITY.

In order to fulfill the purposes for which this article is adopted, the provisions of this article shall apply to all junkyards located in the unincorporated areas of the county, regardless of when such junkyards were established.

(1976 Code, § 9-55) (Ord. 1777, § 4, passed 12-15-1987)

§ 9-56 CERTAIN AREAS NOT TO BE CONSTRUED AS JUNKYARDS OR MOTOR VEHICLE GRAVEYARDS.

The definitions of "junkyard" and "motor vehicle graveyard" shall not include garbage dumps, sanitary landfills, scrap metal processors, establishments, or places of business which are located within a completely enclosed structure, or establishments or places of business which exclusively perform motor vehicle repair work or towing/wrecker service and do not sell wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts.

(1976 Code, § 9-56) (Ord. 1777, § 5, passed 12-15-1987)

§ 9-57 PERMIT REQUIREMENTS.

(a) All junkyards shall, within 60 days after the effective date of this section (June 15, 1993), obtain a "junkyard operation permit" and a letter stating the junkyard complies with the requirements of this section. Such permit and letter of compliance shall be valid until March first of the following calendar year. No fee shall be charged for 1993, but a written request for reinspection, accompanied by a \$20 reinspection fee, must be submitted to the office of the zoning manager no later than January fifteenth of each successive year. The zoning manager, or his designee, shall then inspect the premises, notify the junkyard operator of any corrections that need to be made, and issue the "junkyard operation permit" and letter of compliance after completion of any required corrections.

(b) No person shall establish, enlarge, or operate a junkyard after the effective date of this article without first complying with the

provisions set forth herein.

(1976 Code, § 9-57) (Ord. 1777, § 8, passed 12-15-1987; Ord. 2467, § 6, passed 6-15-1993)

§ 9-58 PENALTIES FOR NONCOMPLIANCE.

(a) Any person, firm, corporation or agent, who shall violate the provisions of this division shall be guilty of a misdemeanor and shall be punished within the jurisdictional limits of magistrate's court. Each such person, firm, corporation or agent shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this division is committed or continued.

(b) The county may also seek injunctive relief or may institute any other appropriate action in courts of competent jurisdiction to enforce the provisions of this article.

(1976 Code, § 9-58) (Ord. 1777, § 10, passed 12-15-1987; Ord. 2626, § 3, passed 9-6-1994)

§ 9-59 VARIANCE PROCEDURE.

(a) The board of zoning appeals may authorize, upon written appeal, such variance from the terms of this article as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this article would result in unnecessary hardship or peculiar and exceptional practical difficulties. An applicant shall file a written request for a variance with the director of the building standards department, or his designee, within 10 days after such applicant has received written notification that a violation of this article has been committed. The request shall specify the nature of the variance being sought and the reasons for such request.

(b) Notice shall be given at least 15 days in advance of a public hearing. The owner of the property for which the variance is requested or his agent shall be notified by mail. Notice of hearings shall be made in a newspaper of general circulation, posted on the property for which a variance is requested, and posted at Greenville County Square.

(c) When an applicant requests a variance from the terms of this article, the building standards department shall provide the applicant or his designated representative with an adequate number of notice of public hearing signs to allow the applicant or his designated representative to properly post and maintain on the property a notice of public hearing at least 10 days prior to the date of the board of zoning appeals hearing. Only such signs as provided by the building standards department shall be used and such signs shall be placed in a conspicuous place or places on the affected premises. Failure to comply with the posting requirements will result in removal of the application from the public hearing agenda and forfeiture of the application fee. All signs must be removed within 30 days after the public hearing.

(d) A variance from the terms of this article may be granted by the board upon a finding that:

(1) The variance requested is the minimum variance that will make possible the legal use of the land.

(2) Owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship or peculiar and exceptional practical difficulties.

(3) The variance requested will be in harmony with the general purpose and intent of this article and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(1976 Code, § 9-59) (Ord. 1777, § 9, passed 12-15-1987; Ord. 2467, § 7, passed 6-15-1993; Ord. 2530, § 1, passed 12-6-1993)

§ 9-60 GENERAL PROVISIONS FOR JUNKYARDS.

(a) *Fencing and screening.* All junkyards shall be enclosed on all sides by a chain link fence with evergreen screening of an approved type, a chain link fence with vinyl, metal or wooden strips or slats woven into the fence fabric, a wooden privacy fence, or other type material which has been given approval by the zoning manager.

(b) *Anchoring.* All metal or wooden fence posts shall have at least 1/3 of their length below ground level and shall be set in hard-packed clay or concrete. All metal fence posts shall be treated with an anti-corrosive coating. All wooden posts shall be pressure treated or creosote coated lumber with at least a 4-inch by 4-inch nominal cross section.

(c) *Location*. No junkyard shall be established within 500 feet of any existing church, school, cemetery or dwelling. No junkyard shall be established within 500 feet of the following scenic corridors:

- (1) U.S. Highway 25 north of Travelers Rest.
- (2) U.S. Highway 276 west of the Town of Cleveland.
- (3) S.C. Highways 11, 290, 414, 418, 101 or 146.
- (4) S.C. Highway 253 from Altamont Road to Highway 414.
- (5) Interstate Highways 85, 185 and 385.
- (6) S.C. Highway 14 north of Greer city limits.
- (7) Old U.S. Highway 25.
- (8) Reedy Fork Road and Fork Shoals Road south of Donaldson Center.

(1976 Code, § 9-60) (Ord. 1777, § 6, passed 12-15-1987; Ord. 2467, § 4, passed 6-15-93)

§ 9-61 OPERATION OF JUNKYARD BUSINESS.

- (a) All junkyard business shall be conducted entirely within the screened area of the property.
- (b) No junk shall be stacked, stored or maintained at a height greater than 8 feet above the adjacent grade.
- (c) Adequate off-street customer parking must be provided, and must be graveled or paved in an acceptable manner.
- (d) All junkyards shall comply with Chapter 40 of the "Standard Fire Prevention Code" and any other pertinent requirements.
- (e) Scrap metal processors, while considered to be junkyards by definition, shall be exempt from the permit requirements of § 9-57 herein. In addition, the 8-foot stacking requirement of § 9-61(b) shall not apply if the scrap metal processor is located substantially below the grade of the adjacent public road or is located more than 500 feet from any public road.

(1967 Code, § 9-61) (Ord. 1777, § 7, passed 12-15-1987; Ord. 2467, § 5, passed 6-15-1993)

§§ 9-62-9-80 RESERVED.