

Meeting agenda Monday August 16, 2021 5:00pm

- 1. Call to Order
- 2. Invocation
- 3. Pledge of Allegiance
- 4. Approval of minutes August 2, 2021
- 5. Public Comment for non-agenda items (4 minutes per person)
- 6. Commission member comment
- 7. Staff comments
- 8. RV Park Ordinance revision
- 9. Scrapyard/junkyard ordinance consideration
- 10. Annual Comp Plan strategies to review.
- 11. Adjourn

Oconee County Planning Commission

Council Chambers 415 South Pine Street Walhalla, S.C. 29691

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OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



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Minutes

5:00 pm- Monday, August 2, 2021 Council Chambers - Oconee County Administrative Complex

Members Present

Frankie Pearson Alex Vassey David Nix Mike Smith Mike Johnson Pat Williams

Staff Present

Vivian Kompier

Media Present

None

- 1. Call to order Mr. Smith called meeting order at 5:00 PM
- 2. Invocation was led by Mr. Smith
- 3. Pledge of Allegiance was led by Mr. Johnson
- 4. Approval of minutes for July 8, 2021 and July 19, 2021 Mr. Nix made a motion to approve the minutes for July 8th; seconded by Mr. Vassey and unanimously approved 6/0. Mr. Pearson made a motion to approve the minutes for July 19th; seconded by Mr. Nix and unanimously approved 6/0.
- 5. Public comment for non-agenda items (4 minutes per person) None
- 6. Commission member comments
 - a. Mr. Smith Planning & Economic Development Committee has asked the Planning Commission to address reducing curb cuts and increasing auxiliary turn lanes on certain corridors. Within that request is a desire to harmonize Chapter 26 (Roads & Bridges), Chapter 32 (Unified Performance Standards), and Chapter 38 (Zoning). The RV Ordinance requires a revision. Strategies that require an annual review for 2021-22 are coming up in the future.
- 7. Staff comments None
- 8. Public Hearing 2021 A request by James R. Neal & Diane E. Neal, the owners of a property on Waterstone Drive identified as TMS #192-00-04-028, to rezone said property, which consists of 4.343 acres, from CD (Conservation District) to LRD (Lake Residential District).

- a. Procedure Mr. Smith read the Parliamentary Procedures adopted by the State of South Carolina and will be used for this public hearing. Public hearing is the tool used to get input from the public. Planning Commission members should refrain from making comments during the hearing and should not enter in debate with the public or other member of the Commission. There is no time limit for public comment. At the conclusion of the hearing, a motion will be made and seconded to address the rezoning request. A discussion by the Commission Members will follow. Matters addressed during the public hearing may be commented on during the Commission's discussion. The Chair will call for a vote at the end of the discussion. The Planning Commission's decision will be forwarded to the County Council for further action.
- b. Public Comment none
- c. Motion Mr. Smith made a motion that Parcel #192-00-04-028 be rezoned from Conservation District to Lake Residential District. Mr. Johnson seconded.
- d. Discussion Mr. Johnson found in his research that the original developer of the land put a section of the development into a conservancy in 2014. He noted that this is a common practice when developers are unable to sell the land. The developer then pulled the subject parcel out of the conservancy as a residential lot for himself. At the same time, the Oconee County Tax Office changed the tax classification from Agricultural to Residential for the subject parcel. As a result, the taxes on the parcel have been paid as such. Mr. Williams asked what type of conservancy easement is on the property? The Commission deferred to Ms. Kompier, who explained that the parcel in question is **zoned** in the Conservation District; there is no easement. Mr. Johnson asked if there was a tax benefit for the developer for making the changes he made. Ms. Kompier stated that she did not find any benefit. She explained that when she first started researching the request, she thought the zoning was a mistake. Ms. Kompier contacted Lisa Simmering, Oconee County GIS Manager, and Ms. Simmering confirmed that the documentation shows the zoning was intended. Mr. Williams expressed his concern that this will open the door for others to change zoning from Conservation to Residential. Ms. Kompier addressed Mr. Williams concern stating that this is a unique piece of property. First, parcels in the Conservation District are supposed to be 10 acres or more. The subject parcel is 4.343 acres. Ms. Kompier is not sure how or why it was zoned Conservation District, but the people who bought the property last year want to build a house on it. Mr. Johnson restated that the property is classified residential on public facing documents and the tax rate has been residential since 2014. Therefore, Mr. Johnson believes that the County has already made the call—it's residential. Mr. Pearson asked if there was a letter from the Waterstone HOA. Ms. Kompier shared a document that the Neals HOA dues are current. Mr. Pearson asked if the HOA is in agreement with the rezoning request. Ms. Kompier noted that there is no one in attendance or otherwise voicing their opposition after being notified of the public hearing. Mr. Johnson made mention of a statement in a letter that the Neals envision splitting the lot to give to their children to build next door to them. Mr. Johnson noted that this would be an issue for the Waterstone HOA, not the Planning Commission. Mr. Pearson commented on Mr. Williams concern about this request opening up a flood gate of rezoning requests. Mr. Pearson stated that the County's zoning structure is set-up where property owners can request for property be rezoned, unlike the Conservation Bank. Ms. Kompier added that if you rezone, the property owner is not allowed to rezone back to Control Free District. Mr. Vassey asked for confirmation that the subject parcel was originally part of the larger tract of land being developed. Mr. Johnson stated that was his understanding. Mr. Vassey confirmed that the Waterstone HOA now owns the remaining 32 acres.

- e. Vote Mr. Smith called for a vote for the motion on the table. The motion was passed unanimously 6/0. Mr. Smith made a motion that the Commission's decision be sent to County Council for their consideration. Mr. Nix seconded and unanimously approved 6/0.
- 9. Adjourn Mr. Pearson made a motion to adjourn; seconded by Mr. Nix and approved unanimously 6/0 at 5:18 PM.



ARTICLE III. JUNKYARDS1

Sec. 10-71. Findings.

The county finds that junkyards:

- (1) Provide a necessary service to the county residents;
- (2) Contribute to the economy and tax base of the county;
- (3) Pose a potential hazard to the health, safety, and general welfare of the citizens of the county;
- (4) Depreciate the value of surrounding property;
- (5) Are a breeding ground for mosquitoes or other insects, snakes, rats and other pests;
- (6) Pose a potential threat of injury to children and other individuals who may be attracted to the premises;
- (7) Are a visual blight and are depreciative to the aesthetic quality of the environment of the county.

(Ord. No. 297, § 1, 10-1-2001)

Sec. 10-72. Purpose.

- (a) The purpose of this article is to provide for the regulation of existing and proposed junkyards under the development standards ordinance. Such uses may only be established and operated in the county if they do not constitute a hazard to the health and welfare of the people, inclusive of attracting vermin, or causing disease, public nuisance, fire hazard, or blight or adversely affecting environmental conditions.
- (b) S.C. Code 1976, § 6-29-710 gives to counties the authority to adopt regulations. In order to accomplish these purposes, the county council enacts the following regulations with respect to junkyards.
- (c) It shall be unlawful for any person, corporation or other business entity to maintain a junkyard except pursuant to the provisions of this article.

(Ord. No. 297, § 2, 10-1-2001)

Sec. 10-73. Definitions.

As used in this article, the following terms shall have the meanings given below:

Commercial junk shall mean items for resale or more than five junked vehicles stored on a tract of land.

Fence shall mean a substantial, continuous barrier aesthetically constructed and extending from the surface of the ground to a uniform height of not less than six feet. The finished side of the fence shall face the public and

¹Editor's note(s)—Ord. No. 297, adopted Oct. 1, 2001, repealed the former Art. III and enacted a new article as set out herein. The former Art. III, §§ 10-71-10-75, pertained to similar subject matter and derived from Ord. No. 164, §§ 1—4, 6, adopted Nov. 5, 1990.

be constructed of treated lumber, stockade, masonry, chain link or other approved material. Fabric fences shall be not allowed.

Junk shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, or tires, waste, junked, dismantled or wrecked motor vehicles or parts thereof, iron, steel and other old or scrap ferrous or nonferrous metal. The term junk shall include, but not be limited to, abandoned barrels or drums, dismantled or inoperable industrial or commercial equipment, machinery being salvaged for parts, appliances, motors, industrial or commercial fixtures, or parts thereof.

Junked or abandoned vehicle shall mean any vehicle without a current and valid license plate which is not moved or subject to physical repair or restoration for a period in excess of 90 days. An inoperable wrecked vehicle with a current license plate shall also be considered a junked vehicle.

Junkyard shall mean any location, including a residential area, establishment, or place of business that is maintained, operated, or used for storing junk. The term shall not include county operated or approved and permitted sanitary landfills. Yard sales of 48 hours' duration or less shall be exempt from the provisions of this article.

Local street shall mean a minor local street is one designed primarily to access abutting properties. This street normally terminates in a cul-de-sac, loop or other turnaround, with no more than two access points.

Lot of record shall mean a lot or parcel of land, the plat or deed of which has been recorded prior to the adoption of this article.

Major local street shall mean a major local street is one designed primarily to access abutting properties. This street is characterized as one having two or more access points, and receiving traffic from minor local streets.

Nonconforming shall mean signs, structures, uses of land and characteristics of uses that are prohibited under the terms of this article, but were lawful on the date of the article's enactment.

Nonresidential use shall mean a principal use of land for other than residential purposes, i.e. commercial, industrial, institutional.

Public building shall mean any building owned, leased or held by the United States, the state, the county or any city, any special purpose district, or any other agency or political subdivision of the state or the United States, which building is used for governmental or other public purpose.

Re-inspection fee shall mean the fee assessed when a property fails the initial inspection and must be reinspected at a later date.

Right-of-way (ROW) shall denote the limits of public road property. On county roads when there is no deeded right-of-way along a road or highway, the right-of-way shall be considered to be 25 feet from the centerline on each side.

Scenic highway/scenic byway shall mean a road or highway under federal, state or county jurisdiction that has been so designated through legislation ordinance other official declaration because of its scenic, historic, recreational, cultural, archeological, or natural qualities. An official declaration is an action taken by an individual, board, committee, or political subdivision acting with the granted authority on behalf of the federal, state or county government.

Setback shall refer to the required distance between a structure or building line and the nearest property line or right-of-way.

Temporary storage shall be defined as not exceeding 90 days, subject to state law, from the date possession or custody of the vehicle is obtained except when possession is pursuant to a court order.

Vegetation shall mean the following recommended shrubs/trees for hedge planting with planting distance, in feet, between plants and from fence:

Shrubs—Five feet apart	Trees—Seven feet apart	
Red Tip Photinia	Eastern Red Cedar	
Wax Leaf Liqustrum	Leyland Cypress	
Burford Holly	Virginia Pine	
Nellie R. Stevens Holly	Southern Magnolia	
Carolina Cherry	White Pine	
Wax Myrtle	Hemlock	
American Holly		

Plants must be a minimum height of three feet when planted and reach a height at maturity of not less than eight feet.

Wrecker, towing and impoundment service shall mean an establishment or place of business that provides towing or temporary storage services for currently licensed and currently registered vehicles that have been wrecked or repossessed, or whose possession is by virtue of court order, a copy of which is in the possession of the proprietor of such service or affixed to the vehicle.

(Ord. No. 297, § 3, 10-1-2001; Ord. No. 492, 8-17-2015)

Sec. 10-74. Regulation of commercial junkyards.

- (a) Every commercial junkyard shall be situated on suitable terrain so that the fence and vegetation hides the view of all junk from public roads and private property. Every junkyard must be enclosed on all sides by a fence not less than six feet in height. The fence and vegetation required herein shall be constructed and planted such that the junkyard is protected from children or other trespassers and is hidden from view. The vegetation shall be located on outside of the fence and shall be as near the fence as practical. The vegetation shall be planted evenly spaced with each plant in close proximity to the other so that an unbroken, continuous hedgerow shall exist at maturity. Any vegetation that dies shall be replaced within 60 days.
- (b) Each junkyard fence shall be set back:
 - (1) Two hundred fifty feet from all U.S. or S.C. highway rights-of-way.
 - (2) One hundred twenty-five feet from the center of all county roads.
 - (3) One hundred feet from all property lines.
 - (4) One hundred feet from all waterways.
 - (5) One thousand feet from all designated scenic highways (SC state law requirement).
 - (6) One thousand feet from any federally designated heritage corridor.
- (c) No junkyard shall be located within 1,000 feet of a church, school, daycare center, nursing home, health care facility, hospital, public building or public recreation facility.
- (d) Access to a junkyard shall not be allowed from a minor local street. The terms minor and major are defined in the county development standards ordinance.
- (e) Every junkyard operator shall conduct all business within the fenced area of their property. The buffer area, if any, located between the property line of the adjoining property and the junkyard shall be maintained in a clean manner and shall not be used for loading or unloading junk.

(Ord. No. 297, § 4, 10-1-2001)

Sec. 10-75. Existing nonconforming commercial junkyards in existence prior to the enactment of junkyard regulations on November 5, 1990.

- (a) Any existing nonconforming commercial junkyard holding a valid retail license for operation at its present location from the state department of revenue issued before November 5, 1990 shall be permitted the following deviations from this article:
 - (1) Beyond 150 feet from the right-of-way of a road, any boundary line may be enclosed with vegetation only pursuant to the requirements of the definition of "vegetation" in section 10-73.
 - (2) Shall be exempt from access restrictions in section 10-74(d).
 - (3) The fence and/or vegetation required herein shall be located not less than 20 feet from the right-of-way of a public road, and not less than 50 feet from a waterway, and as near the boundary line as practical on all other boundaries.
 - (4) No operator shall place, store or maintain junk less than five feet from the property line of a developed residential area, school, church, cemetery, or public property or within 20 feet of the right-of-way of a public road, or within 50 feet of a waterway.
- (b) No existing junkyard may expand without a proper permit. Any expansion shall conform to all provisions of this article and shall not be permitted the deviations listed above in section 10-75(a).
- (c) Notwithstanding the provisions for administration contained in section 10-77, this article is not intended to impose additional restrictions on the nonconforming portion of junkyards existing prior to November 5, 1990.
- (d) All applicable requirements to pre-November 5, 1990 junkyards must be met within 180 days of the effective date.

(Ord. No. 297, § 5, 10-1-2001)

Sec. 10-76. Standards for residential uses and commercial businesses which do not meet the definition of a junkyard in this article.

- (a) It shall be unlawful for any person, corporation or business entity to have upon its premises items of junk or abandoned vehicles unless:
 - (1) Each vehicle is covered with a car cover (tarps are not allowed) or stored in a totally enclosed building.
 - (2) All junk is to be out of view of all roads and adjacent properties.
- (b) All requirements of this article must be met within 180 days of the effective date.
- (c) This article shall not apply to any business storing five or fewer vehicles subject to valid garageman's liens as provided by state statute.
- (d) This article shall not apply to farm equipment located on property having an agriculture tax exemption.

(Ord. No. 297, § 6, 10-1-2001)

Sec. 10-77. Provisions for administration.

(a) Permitting and licensing procedures. No person shall maintain a commercial junkyard except and unless the owner or operator shall have:

- (1) A retail license from the state department of revenue.
- (2) A permit from SCDHEC for any septic tank upon the premises.
- (3) A certificate of compliance and approved site plan from the county planning department pursuant to the county development standards ordinance.
- (4) A street number authorized by the county E911 office.
- (5) A valid junkyard permit from the county planning department.
- (b) Fees for required permits shall be established and published by the county council.
- (c) The enforcement of this article shall be the responsibility of the code enforcement officer (employed by the county building codes department) in full cooperation with the county sheriff's department.
- (d) Any applicant shall have the right to appeal a decision of the code enforcement officer to the county board of zoning appeals.
- (e) Penalties for noncompliance. Any person, firm or corporation violating any provision of this article, after receiving written notice from the county code enforcement officer or his agent to correct such violation, shall be issued a uniform ordinance summons to appear before the county magistrate court if the violation is not corrected within 30 calendar days. The uniform ordinance summons must cite only one violation per summons and must contain, at a minimum, the following information:
 - (1) The name and address of the person or entity charged;
 - (2) The name and title of the issuing officer;
 - (3) The time, date and location of the hearing;
 - (4) A description of the ordinance the person or entity is charged with violating;
 - (5) The procedure to post bond; and
 - (6) Any other notice or warning otherwise required by law.

The uniform ordinance summons must be consecutively numbered. The ordinance summons shall be audited as part of the annual independent audit required in S.C. Code 1976, § 4-9-150, and a separate copy of each audit shall be furnished to the county administrator. Service of a uniform ordinance summons vests all magistrates' courts with jurisdiction to hear and dispose of the charge for which the uniform ordinance summons was issued and served.

The code enforcement officer who serves a uniform ordinance summons must allow the person served to proceed without first having to post bond or to appear before a magistrate. Acceptance of a uniform ordinance summons shall be deemed to constitute a person's recognizance to comply with the terms of the summons. The uniform ordinance summons may not be used to perform a custodial arrest.

Any person who fails to appear before the court as required by a uniform ordinance summons, without first having posted such bond, as may be required, or without having been granted a continuance by the court, is guilty of a misdemeanor and, upon conviction, may be fined not more than \$200.00 or imprisoned for not more than 30 days. Any law enforcement agency processing an arrest made pursuant to this subparagraph must furnish such information to the state law enforcement division as required by S.C. Code 1976, § 23-3-10 et seq.

(Ord. No. 297, § 7, 10-1-2001)

State law reference(s)—Authority of counties to adopt by ordinance the use of an ordinance summons for enforcement of county ordinances, S.C. Code 1976, § 56-7-80.

Secs. 10-78—10-111. Reserved.

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.

South Carolina Law > Code of Laws > Title 57

South Carolina Code of Laws Unannotated

Title 57 - Highways, Bridges and Ferries

CHAPTER 27

Junkyard Control

SECTION 57-27-10. Short title.

This chapter may be cited as the "Junkyard Control Act."

HISTORY: 1962 Code Section 33-581; 1966 (54) 2130.

SECTION 57-27-20. Definitions.

As used in this chapter:

- (a) The term "junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, junked, dismantled, or wrecked automobiles, trucks and other motor vehicles, or parts of them, iron, steel, and other old or scrap ferrous or nonferrous material.
- (b) The term "automobile graveyard" shall mean any establishment which is maintained or used for storing, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.
- (c) The term "junkyard" shall mean an establishment which is maintained or used for storing, buying, or selling junk, or an automobile graveyard, and the term shall include garbage dumps, sanitary fills and scrap processors.
- (d) The term "scrap processor" shall mean any person, firm or corporation engaged only in the business of buying scrap iron and metals, including, but not limited to, old automobiles, for the specific purpose of processing into raw material for remelting purposes only, and whose principal product is ferrous and nonferrous scrap for shipment to steel mills, foundries, smelters and refineries, and maintaining an established place of business in this State and having facilities and machinery designed for such processing.
- (e) "Interstate system" means that portion of the National System of Interstate and Defense Highways located within this State, as officially designated, or as may hereafter be so designated, by the Department of Transportation, and approved by the Secretary of Commerce or other appropriate federal official, pursuant to the provisions of Title 23 of the United States Code.
- (f) "Federal aid primary system" means that portion of connected main highways, as officially designated, or as may hereafter be so designated, by the Department of Transportation, and approved by the Secretary of Commerce or other appropriate federal official, pursuant to the provisions of Title 23 of the United States Code.
- (g) "Department" means the Department of Transportation.

HISTORY: 1962 Code Section 33-583; 1966 (54) 2130; 1978 Act No. 530 Section 1; 1993 Act No. 181, Section 1541; 2009 Act No. 26, Section 10, eff June 2, 2009.

SECTION 57-27-30. Declaration of purpose.

To promote the public safety, health, welfare, convenience and travel enjoyment, to protect the public investment in highways, and to preserve and enhance the scenic beauty of lands bordering public highways, and to promote the conservation of our natural mineral resources by encouraging the recycling of resalable scrap iron and metal, it is hereby declared to be in the public interest to regulate the establishment, operation, and maintenance of junkyards in areas adjacent to interstate and federal aid primary highway systems in the state highway system within this State. The General Assembly hereby finds and declares that junkyards which do not conform to the requirements of this chapter are public nuisances.

HISTORY: 1962 Code Section 33-582; 1966 (54) 2130; 1978 Act No. 530 Section 2.

SECTION 57-27-40. Junkyards prohibited within 1,000 feet of certain highways; exceptions.

No person shall establish, operate, or maintain a junkyard, any portion of which is within one thousand feet of the nearest edge of the right-of-way of any interstate or Federal aid primary highway in the State highway system, except the following:

- (a) Those which are screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main-traveled way of the systems, or otherwise removed from sight.
- (b) Those located within areas which are zoned for industrial use under authority of law.
- (c) Those located within unzoned industrial areas, which areas shall be determined from actual land uses.
- (d) Those which are not visible from the main-traveled way of the system.

HISTORY: 1962 Code Section 33-584; 1966 (54) 2130; 1978 Act No. 530 Section 3.

SECTION 57-27-45. Operating junkyard within proscribed areas without permit; permits.

No person shall establish, operate or maintain a junkyard, any portion of which is within one thousand feet of the nearest edge of the right-of-way of the interstate or federal aid primary system, without obtaining a permit from the department. No permit shall be issued under the provisions of this section, except for those junkyards which conform to one or more of the exceptions in Section 57-27-40. The department shall charge a fee of twenty-five dollars for the issuance of the permit and the permit shall be renewed annually at no additional fee and shall remain in effect until revoked by the department after attaining an injunction from the court of common pleas to abate the junkyard as a nuisance or upon conviction of a violation under the provisions of Section 57-27-80. No permit shall be required before January 1, 1979.

HISTORY: 1978 Act No. 530 Section 4.

SECTION 57-27-50. Screening of nonconforming junkyards; placement of junk over or beyond screening; penalties.

Any junkyard lawfully in existence on March 24, 1966, which is within one thousand feet of the nearest edge of the right-of-way and visible from the main-traveled way of any highway on the interstate or federal aid primary system and any junkyard lawfully in existence along any highway which may be hereafter designated as an interstate or federal aid primary highway and which does not conform to the requirements for exception under Section 57-27-40, shall be screened if feasible by the department at locations on the highway right-of-way or in areas acquired for such purposes outside the right-of-way so as not to be visible from the main-traveled way of such highways. After a junkyard has been screened by the department, no junkyard owner or operator shall permit the placement of junk so that it may be seen above or beyond the screen, or otherwise become visible. Junkyard owners or operators violating the provisions of this section shall be subject to the penalties provided in Section 57-27-80; provided, however, that no junkyard owner or operator shall be charged under this section unless he has been notified in writing by the department of the alleged violation and allowed thirty days to comply with the requirements of this section.

HISTORY: 1962 Code Section 33-585; 1966 (54) 2130; 1978 Act No. 530 Section 5.

SECTION 57-27-55. Maintenance of screening.

After a junkyard has been screened by the department pursuant to Section 57-27-50, the owner or operator of such junkyard shall adequately maintain the screening erected by the department. Maintenance shall be deemed inadequate if the screen installed by the department:

- (a) Deteriorates so as to no longer be of the quality or standard as when erected by the department;
- (b) Becomes ineffective as a screen, resulting in the junkyard being visible from the main-traveled way of the highway;
- (c) Falls into such disrepair as to endanger the health, safety or welfare of the community.

Any owner of operator of a junkyard violating the provisions of this section shall be subject to the penalties provided in Section 57-27-80.

HISTORY: 1978 Act No. 530 Section 6.

SECTION 57-27-57. Parking motor vehicles adjacent to junk yard.

It is unlawful for a junkyard owner to allow motor vehicles to be parked on a highway adjacent to its property.

HISTORY: 2009 Act No. 26, Section 11, eff June 2, 2009.

SECTION 57-27-60. Promulgation of regulations.

The department shall have authority to promulgate regulations governing:

- (A) To determine unzoned industrial areas for the purposes of this chapter;
- (B) The specific procedures for obtaining a permit for junkyards;
- (C) The specific requirements governing the location, planting, construction, and maintenance of material used in screening and fencing.

HISTORY: 1962 Code Section 33-586; 1966 (54) 2130; 1978 Act No. 530 Section 8.

SECTION 57-27-70. Acquisition of lands for relocation, removal, disposal or screening of junkyards.

When the Department of Highways and Public Transportation determines that the topography of the land adjoining the highway does not permit adequate screening of a junkyard or the screening of the junkyard would not be economically feasible, the Department may acquire by gift, purchase, exchange, or condemnation, such interests in lands necessary to secure the relocation, removal, or disposal of the junkyards, and to pay for the costs of relocation, removal, or disposal. When the Department determines that it is in the best interest of the State it may acquire lands, or interests in lands, necessary to provide adequate screening of junkyards. The Department may exercise the power of eminent domain whenever it is necessary, in the judgment of the Department, to acquire lands, or interests therein, by condemnation.

HISTORY: 1962 Code Section 33-587; 1966 (54) 2130; 1987 Act No. 173 Section 44.

SECTION 57-27-80. Penalties.

Whoever establishes, operates or maintains a junkyard in violation of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars or imprisoned for not more than thirty days for each offense. Each day that the junkyard remains in violation shall be considered a separate offense. In addition, the department may apply to the court of common pleas in the county in which the junkyard is located for an injunction to abate as a nuisance any junkyard which does not conform to the requirements of this chapter.

HISTORY: 1962 Code Section 33-588; 1966 (54) 2130; 1978 Act No. 530 Section 9.

SECTION 57-27-90. Agreements with United States Secretary of Commerce as to control of junkyards.

The Department of Transportation is hereby authorized to enter into agreements with the United States Secretary of Commerce as provided by Title 23 of the United States Code, relating to the control of junkyards in areas adjacent to the interstate and federal aid primary systems, and to take action in the name of the State to comply with the terms of such agreement.

HISTORY: 1962 Code Section 33-590; 1966 (54) 2130; 1993 Act No. 181, Section 1542.

SECTION 57-27-100. Rule of construction.

Nothing in this chapter shall be construed to abrogate or affect the provisions of any lawful ordinance, regulation, or resolution, which are more restrictive than the provisions of this chapter.

HISTORY: 1962 Code Section 33-589; 1966 (54) 2130.

ARTICLE 18. - JUNKYARD REGULATIONS

18:1. - Purpose.

Jasper County Council finds that junkyards:

- (a) Are a visual blight and are patently offensive to the aesthetic quality of the environment in Jasper County;
- (b) Pose a hazard to the health, safety and welfare of the citizens of Jasper County;
- (c) Pose a fire hazard, and may cause soil and groundwater contamination;
- (d) Pose a threat of injury to children or other individuals who may be attracted to the premises;
- (e) Depreciate the value of surrounding properties and may inhibit future development of the area.
- (f) Junkyards as a nuisance. Additional requirements for the operation of junkyards and salvage yards and vehicle graveyards to prevent such from being a public nuisance are found at Chapter 10 of the County Code of Ordinances, and supplement the provisions of this Article 18.

Because of the negative impacts that junkyards have on the community, Jasper County Council has provided a standard for the establishment, use, and maintenance of junkyards in Jasper County so as to protect the health, safety and general welfare of the citizens of Jasper County.

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

(Ord. No. 17-09, § 2, 5-1-17)

18:2. - General provisions.

- (a) Junk. The term "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.
- (b) Junkyard. The term "junkyard" shall mean any property which is used in part or in whole for storing, keeping, buying or selling of items defined as "Junk." For the purpose of this ordinance, properly licensed sanitary landfills are exempt.
- (c) Fencing and screening. All junkyards shall be enclosed on all sides by a chain link fence with evergreen screening of an approved type, a wooden privacy fence, or other type material which has been given approval by the DSR. All metal or wooden fence posts shall have at least one-third 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 four inch by four inch nominal cross section.
 - i. The term "fence" shall mean an eight-foot tall chain link, wooden fence, or fencing of other material which has been given approval by the DSR, which forms a substantial physical barrier which completely surrounds the junkyard, including all items defined as "junk" in article 18 of the Jasper County Zoning Ordinance and is capable of withstanding the effects of the local climate.
 - ii. The term "evergreen screening" shall mean evergreen trees or shrubs with a minimum height of five feet at time of installation, and not less than eight feet when mature; spacing shall be based upon the species used so that at maturity the body of the branches of the tree or shrub shall not be more than one foot from the body of the adjacent planting. Acceptable species include, but

- are not limited to, Ligustium, Euonymous, Leyland Cypress, White Pine, Cedar, Arborvitae, Hemlock, and upright varieties of Juniper, Holly and Yew.
- iii. Landscaping is required outside of the fence when evergreen screening is not used. One evergreen shrub shall be installed for every five linear feet of fence on the side of the fence facing a neighboring property or public right-of-way. The minimum shrub shall be three to five gallons in size and shall be nursery stock with well-developed root systems. All planted areas shall be properly maintained and shall be provided with an irrigation system or a readily available water supply to ensure continuous healthy growth and development.
- (d) Location. Establishment of a junkyard shall be allowed in the Industrial Development District subject to the conditions contained here in article 18.
 - i. No junkyard shall be located closer than 1,000 feet to any residential use, church, school, historical place or public park.
 - No junkyard shall be located within view of and/or 1000 feet of Interstate I-95, US 17, US 17A, US 278, US 301, US 321, US 601, SC 46, SC 170, SC 315, and SC 462 from 1-95 (Exit 28) to Highway 170 (North Okatie Highway).
 - iii. No Junkyards shall be located within the 100-year floodplain.

(Ord. No. 17-13, § 3, 5-15-17)

18:3. - Operation.

- (a) All activity conducted on the premises must be contained within the visual screen as required in Section 18:2.3, and the fencing shall be securely locked unless being actively and contemporaneously supervised.
- (b) No junk shall be stacked, stored or maintained at a height greater than eight 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 all applicable chapters in 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 Section 8 herein. In addition, the eight-foot stacking requirement of subsection 7(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.
- (f) Upon receiving an appliance or vehicle, all junkyards or vehicle graveyards shall remove, as applicable, the battery, lubricants, fluids, coolants, refrigerants, and the like and shall recycle or dispose of same in accordance with all applicable state and federal laws regarding disposal of waste and hazardous materials. All vehicle graveyards shall annually provide the county a complete description of all vehicles received at such yard and shall certify that the requirements of this section have been met.
- (g) No junkyard or vehicle graveyard shall be used as a dump by the public. No burning of any material other than material specifically designed or suitable for the purpose of employee comfort. Any exception must be approved by state or local fire officials given a minimum of 24 hours' notice of such burn.
- (h) A surety bond shall be required of the site from contamination resulting from junkyard storage. Said surety shall be based upon the acreage of the site as follows:

Less than 50 acres:	\$5,000.00 per acre
51 to 250 acres:	\$4,500.00 per acre
Over 251 acres:	\$4,000.00 per acre

(Ord. No. 17-13, § 3, 5-15-17)

18:4. - Permit requirements.

All junkyards shall, within 60 days after the effective date of this ordinance, obtain a "Junkyard Operation Permit" and a letter stating the junkyard complies with the requirements of this ordinance. Such permit and letter of compliance shall be valid until March 1 of the following calendar year. A written request for reinspection, accompanied by a re-inspection fee as provided in the Jasper County Fee Schedule, must be submitted to the office of the DSR no later than January 15 of each successive year. The DSR, 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.

No person shall establish, enlarge, or operate a junkyard after the effective date of this ordinance without first complying with the provisions set forth herein.

18:5. - Junkyards as a nuisance.

Additional requirements for the operation of junkyards and salvage yards and vehicle graveyards to prevent such from being a public nuisance are found at Chapter 10 of the County Code of Ordinances, and supplement the provisions of this Article 18.

(Ord. No. 17-13, § 4, 5-15-17)

THIS PRIORITY CATEGORY LIST WAS DEVELOPED FOR STRATEGIES THAT REQUIRE ANNUAL REVIEW

Category 1 –Action by PC should have positive effect on this strategy. Related PC time and implementational expense minimal. Strategy should be in the top 75 of comments received from citizens at community meetings.

Category 2 - Action by PC may have marginal effect on this strategy. Related PC time and implementational expense a consideration.

Category 3 –Action by other committees/commissions/OEA needed on this strategy and coordinate with PC – if required - during development of draft ordinance.

Category 4 – Coordination at county administrator or county council level would result in more timely and beneficial response from other municipalities and/or state agencies.

Category 5 – This strategy recently addressed when 2021 strategies that required review or is under review or is not achievable or obtainable.

- CAT 4 3.3.1.1 Support and encourage participation in the annual Point-In-Time Homeless count to determine the extent of homelessness in Oconee County in the effort to prevent and eliminate homelessness. **Review** PC previously interviewed Ms Richardson who works with homeless in county. Several programs discussed but no easy answers to solve problem.
- CAT 5 3.3.1.3 Encourage cooperation between agencies, non-profits, and private developers to meet the housing needs of other special populations such as individuals with special needs and victims of domestic violence. **Review** Housing addressed during 2021 strategy review and letter sent to CC.
- CAT 3 4.1.2.3 Conduct annual visits and tours of County industrial facilities to establish and maintain rapport and working relationships with existing businesses. **Review** Annie Caggiano (OEA) does this on a regular basis.
- CAT 4 6.2.3.1 Protect and preserve natural resources for recreational use and develop new opportunities for recreational access.

 Review Several municipalities are expanding rec facilities and greenway funds for feasibility study are in budget.
- CAT 2/4 6.2.3.4 Expand and maintain public parks and recreation spaces to a uniform standard of excellence. **Review** There is a continual upgrade program underway at several municipalities and at county. Bathhouse at Chau Ram recently completed.

- CAT 5 6.3.2.2 Explore local and regional strategies to minimize non-point source pollution and institute Best Management Practices for the protection of water resources. **Review** previously discussed in 2021 strategy review. Lake Keowee Source Water Protection Team.
- CAT 4 6.3.5.1 Periodically review floodplain regulations and procedures to ensure protection per FEMA requirements and to evaluate conditions that may require more stringent standards. **Review** This is at county administrator level, but delegated to PD.
- CAT 3 6.3.5.2 Review and update the Oconee County Flood Damage Prevention Ordinance as needed. **Review** This is at county administrator level, but delegated to PD.
- CAT 5 7.1.2.2 Work with neighboring jurisdictions, when possible, to establish regional effort to expand sewer service into prime commercial and industrial locations. **Review** Previously discussed in 2021 strategy review. County not member of sewer authority.
- CAT 5 7.1.2.3 Partner with municipalities and the Joint Regional Sewer Authority to coordinate efforts to provide sever throughout high growth corridors. **Review** See 7.1.2.2
- 7.1.2.4 Establish partnerships with regional, state, and federal agencies to seek and secure funding for wastewater treatment facility upgrade and expansion needs. **Review** Responsibility of Oconee Joint Regional Sewer Authority. County not member of this 'group'.
- 7.1.3.2 Regularly update and utilize the County Capital Improvements Plan to systematically construct and upgrade facilities identified in the Community Facilities Plan. **Review** This is at county administrator level, but delegated to PD.

- CAT 3 7.1.3.3 Seek alternative funding sources to taxpayer financing of projects such as private partnerships and user-based fees. **Review** County has grant writer.
- 7.2.1.1 Continue to support and enhance advanced job training and work readiness of residents through state-of-the-art training centers. **Review** New Oconee County career training facility open on Hwy 11.
- 7.2.1.4 Continue cooperative efforts with the School District that optimize resources and result in savings for both. **Review** School Board responsibility.
- 7.2.3.1 Review and upgrade existing emergency facilities plans on a regular basis, implementing established goals in a systematic manner. **Review**
- 7.2.3.2 Provide local public safety agencies appropriate assistance in obtaining funding to expand and upgrade operations. **Review**
- 7.2.3.3 Partner with private entities in the development of emergency satellite facilities and specialized response equipment. **Review**
- 7.2.3.4 Continue to conduct regular updates to the County Disaster Preparedness Plan. **Review** This is at county administrator level, but delegated to PD.
- 7.2.3.5 Work closely with local energy and utility providers and emergency management agencies to ensure coordination in the event of major natural or man-made events. **Review**

- 7.2.3.6 Work with communications providers to ensure optimum communications access and speed for emergency services, local governments, businesses, residents, and visitors. **Review**
- 7.2.6.1 Reduce the high school dropout rate. **Review**
- 9.2.1.8 Upgrade County roads that were built prior to current standards and align roads that pose safety hazards, if feasible. **Review**
- 9.3.1.2 Explore incentives or requirements that increase the connectivity of local, connector, and arterial components of the County's roadway network. **Review**
- 10.1.1.2 Review, update, and adopt the Infrastructure Master Plan. **Review**
- 10.1.1.6 Prioritize infrastructure and facilities needs and capital investment. **Review**
- 10.1.2.5 Regularly review public safety needs and enhance facilities as required and needed. **Review**
- 10.1.2.7 Upgrade and maintain the County road system in a manner that meets the needs of Oconee County's growing population and provides safe and efficient routes through the County.

Review

10.1.2.8 – Continue to evaluate and fund public transportation in urbanizing areas of Oconee County, expanding as needed to provide for ongoing growth and development. **Review**

- 10.1.3.1 Support and participate in the efforts of Oconee County municipalities in planning for future public infrastructure and facilities needs. **Review**
- 10.2.1.3 Explore and pursue other revenue sources such as user-based fees, impact fees and other sources to help fund infrastructure. **Review**
- 10.3.1.2 Coordinate with adjacent and relevant jurisdictions and agencies on updates to the Oconee County Priority Investment Element. **Review**