

# OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



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

## COMMISSION MEMBERS

Teresa Spicer, District I

Alex Vassey, District III

Gary Gaulin, Vice-Chairman, District V

Pat Williams, At-Large

David Nix, District II

Frankie Pearson, Chairman, District IV

Mike Johnson, At-Large

## AGENDA

5:00 pm, Monday, October 03, 2022

Council Chambers - Oconee County 415 S Pine St, Walhalla SC 29691

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Approval of minutes from September 19, 2022
5. Public Comment for Non-Agenda Items (4 minutes per person)
6. Commission Member Comments
7. Staff Comments
8. Discussion of commercial junkyards standards
  - a. Public Comment
  - b. Discussion/ vote
9. Adjourn

*If you are not able to attend in person and you have a comment, you may submit it by contacting the Planning Department at [planninginfo@oconeesc.com](mailto:planninginfo@oconeesc.com) or 864-638-4218, so that we may receive your comment and read it into the record. Meetings available on YouTube: "YourOconee"*

# OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



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

## Minutes

5:00 pm- Thursday, September 8, 2022

Council Chambers - Oconee County Administrative Complex

### Members

Gary Gaulin

Mike Johnson

David Nix

Frankie Pearson

Teresa Spicer – Via Phone

Alex Vassey

Pat Williams

### Staff Present

James Coley, Planning Director

Elise Dunaway, Assistant to Planning & Codes

### Media Present – Lauren Pierce, The Journal

1. Call to order – Mr. Pearson called meeting to order at 5:04 PM.
2. Invocation was led by Mr. Williams.
3. Pledge of Allegiance was led by Mr. Vassey.
4. Approval of minutes from September 8, 2022 – Mr. Pearson made a motion to approve the minutes; seconded by Mr. Nix. Approved unanimously 7/0.
5. Public comment (non-agenda items): None
6. Commission member comments  
Mr. Williams commented on the importance of controlling the growth in the County to protect the citizens.
7. Staff comments: None
8. Planning Commission involvement in land use and subdivision approval process
  - a. Public Comment: None
  - b. Discussion/Vote:  
Mr. Williams commented on the density for multi-unit housing in the Pickens County Ordinance. Also commented on the possibility of limiting the number of driveways allowed. Ms. Spicer commented on the standards for land use approval consideration in Chapter 12 of the Pickens Ordinance. Discussion followed.  
Mr. Johnson comments on choosing density or affordable housing.  
Mr. Pearson moves to postpone the discussion of the planning commissions involvement in

land use and subdivision approval process until the October 17 meeting. Seconded by Mr. Gaulin. Approved 6/1.

9. Subdivision Development Standards

a. Public Comment: None

b. Discussion/Vote:

Mr. Gaulin states having too much growth too fast and the economy doesn't balance out then slowing it down is important. If the issue is numbers, then we need to address the numbers and have an ordinance that restricts growth.

Mr. Pearson says were not trying to limit growth but manage it. Discussion Followed.

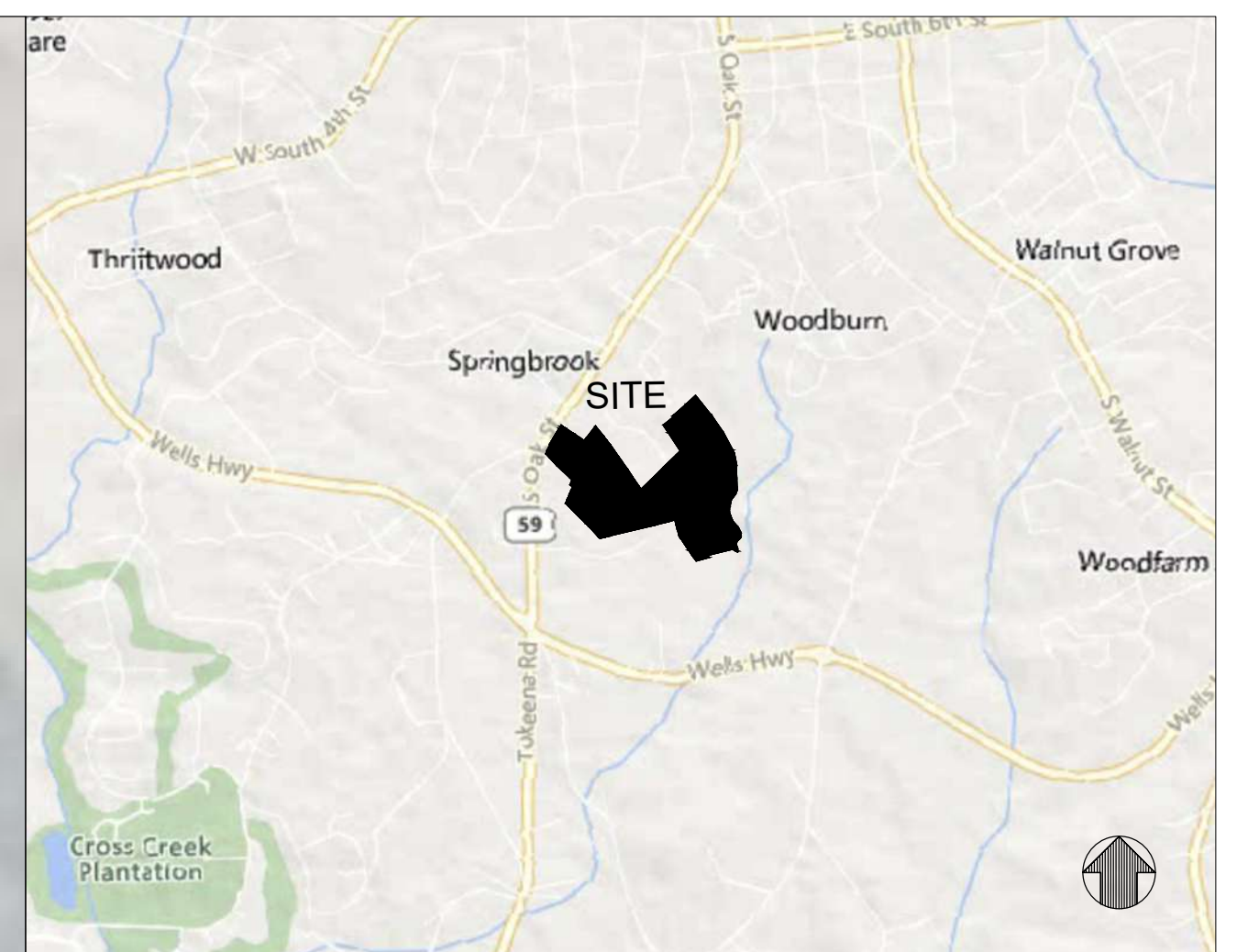
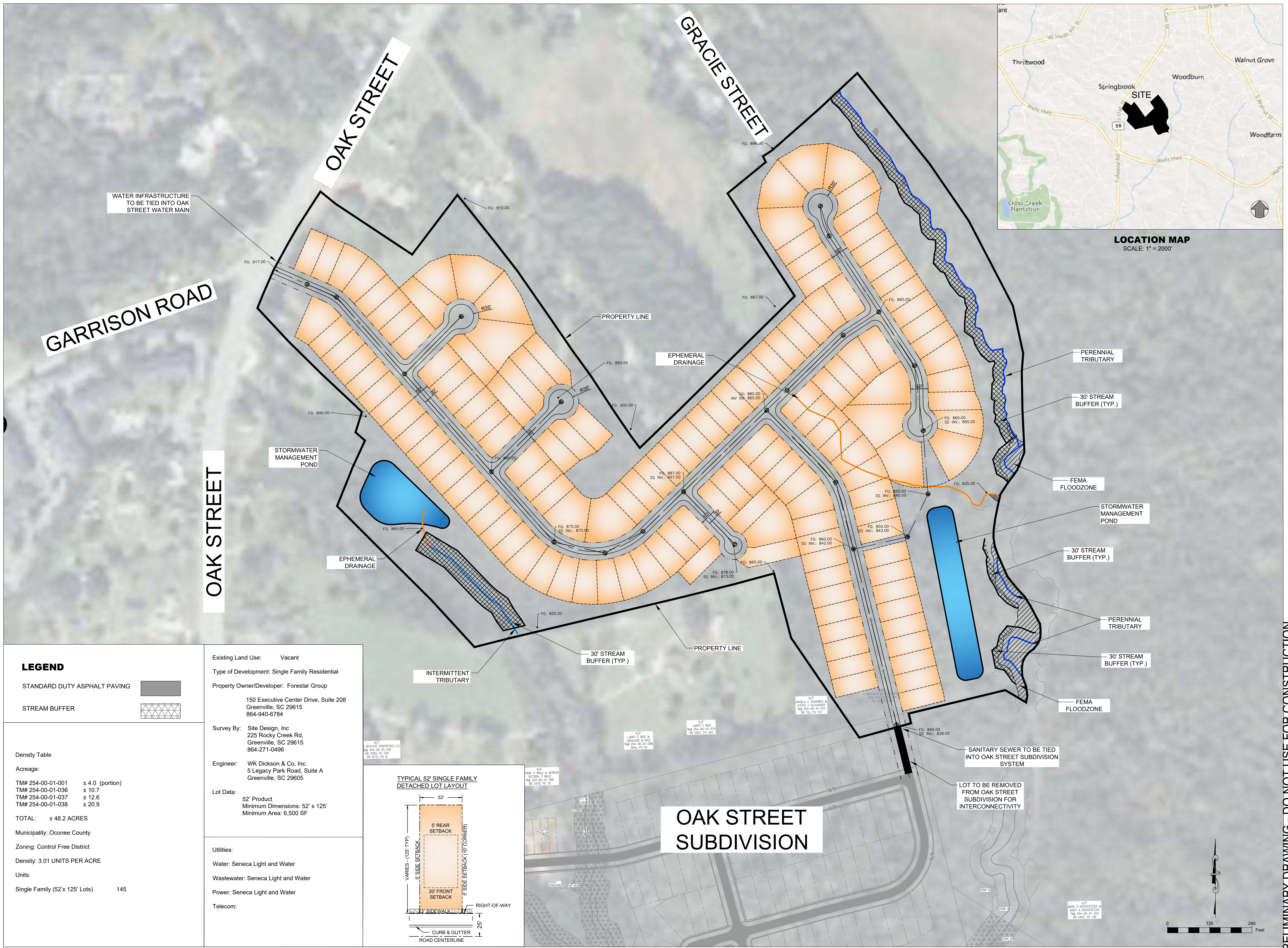
Mr. Nix states the population outgrowing the infrastructure.

Mr. Nix moves that the planning commission comes up with a set of criteria that would place a potential developer who chooses to develop into a different zoning category other than control free district. Seconded by Mr. Vassey. Approved 5/2.

10. Adjourn – The meeting was unanimously adjourned at 6:10pm.

DRAFT

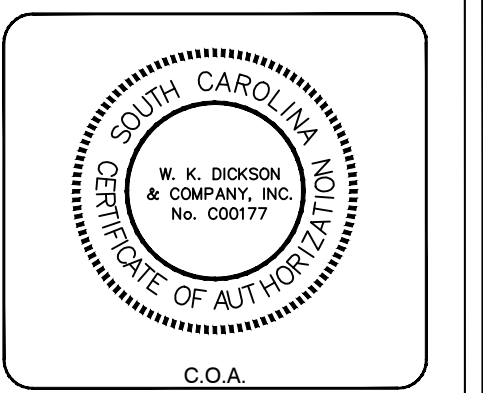
CONSTRUCTION OF THIS SUBDIVISION SHALL BE IN ACCORDANCE WITH THE SUBDIVISION ACT AND THE SUBDIVISION ACT REGULATIONS, AS AMENDED, AND THE ZONING ORDINANCE, AS AMENDED, OF THE COUNTY OF OCONEE, SOUTH CAROLINA. THE SUBDIVISION SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE SUBDIVISION ACT AND THE SUBDIVISION ACT REGULATIONS, AS AMENDED, AND THE ZONING ORDINANCE, AS AMENDED, OF THE COUNTY OF OCONEE, SOUTH CAROLINA.



**LOCATION MAP**  
SCALE: 1" = 2000'

**WK DICKSON**  
community infrastructure consultants

5 LEGACY PARK ROAD  
SUITE A  
GREENVILLE, SC 29607  
(864) 990-0180  
(864) 990-0185  
WWW.WKDICKSON.COM



PROFESSIONAL SEAL

NO.	DATE	DESCRIPTION	BY

PROJECT NAME: JUNKYARD SUBDIVISION SKETCH PLAN SUBMITTAL FOR THE FORESTAR GROUP, INC. OCONEE COUNTY, SOUTH CAROLINA

DRAWING TITLE: OVERALL SITE PLAN

PROJ. MGR.: JHE  
DESIGN BY: JLS  
DRAWN BY: JLS  
PROJ. DATE: SEPT 2022  
DRAWING NUMBER: X1.0  
WKD PROJ. NO.: 20220014.00.GV

**LEGEND**

STANDARD DUTY ASPHALT PAVING [Symbol]

STREAM BUFFER [Symbol]

Density Table

Acres:	Units:
TM# 254-00-01-001 ± 4.0 (portion)	145
TM# 254-00-01-036 ± 10.7	
TM# 254-00-01-037 ± 12.6	
TM# 254-00-01-038 ± 20.9	
<b>TOTAL: ± 48.2 ACRES</b>	

Municipality: Oconee County  
Zoning: Control Free District  
Density: 3.01 UNITS PER ACRE  
Units: Single Family (52' x 125' Lots)

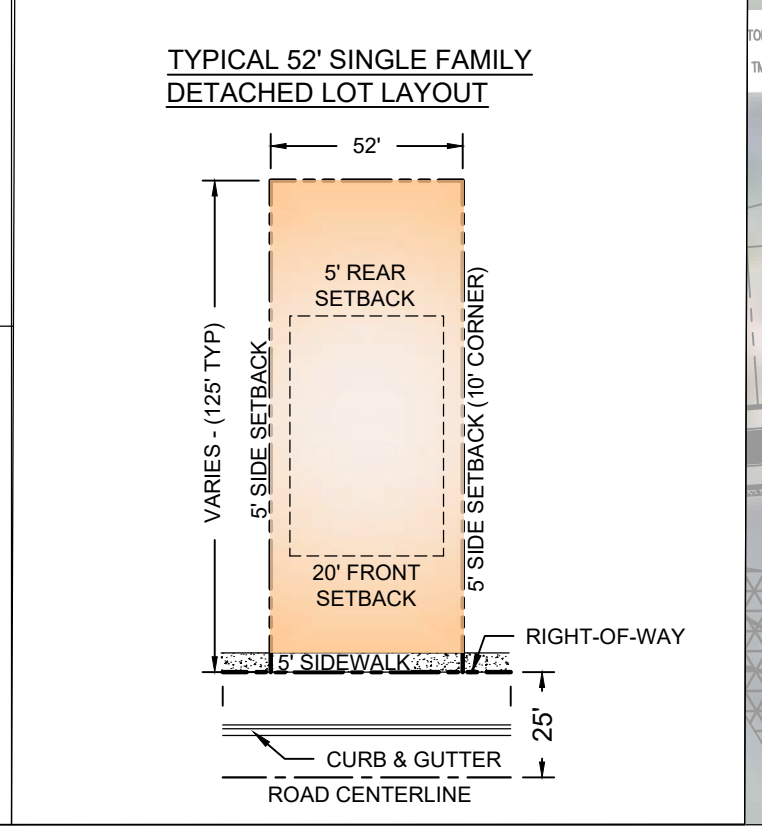
Existing Land Use: Vacant  
Type of Development: Single Family Residential  
Property Owner/Developer: Forestar Group  
150 Executive Center Drive, Suite 208  
Greenville, SC 29615  
864-940-6784

Survey By: Site Design, Inc.  
225 Rocky Creek Rd.  
Greenville, SC 29615  
864-271-0496

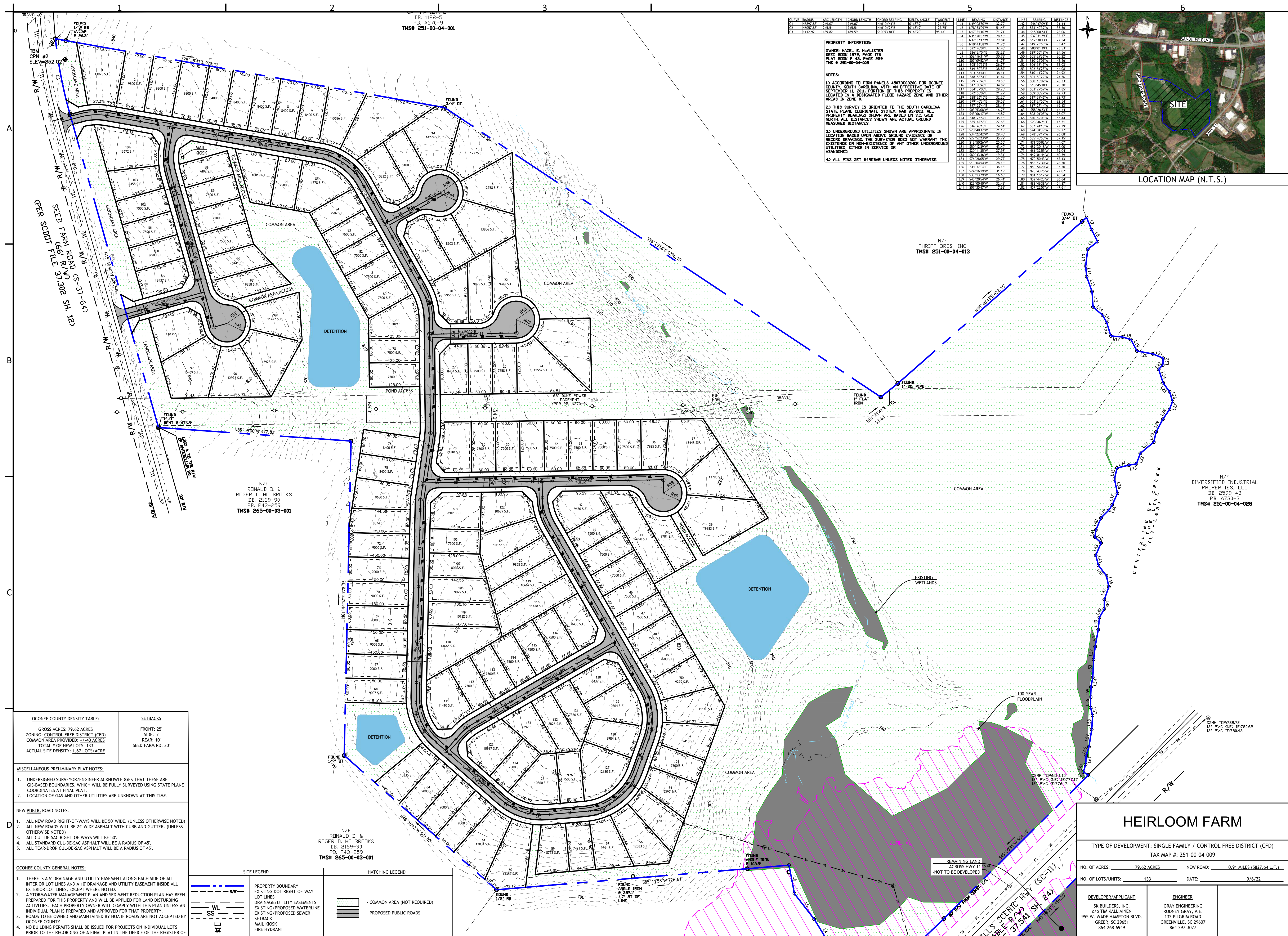
Engineer: WK Dickson & Co., Inc.  
5 Legacy Park Road, Suite A  
Greenville, SC 29605

Lot Data: 52' Product  
Minimum Dimensions: 52' x 125'  
Minimum Area: 6,500 SF

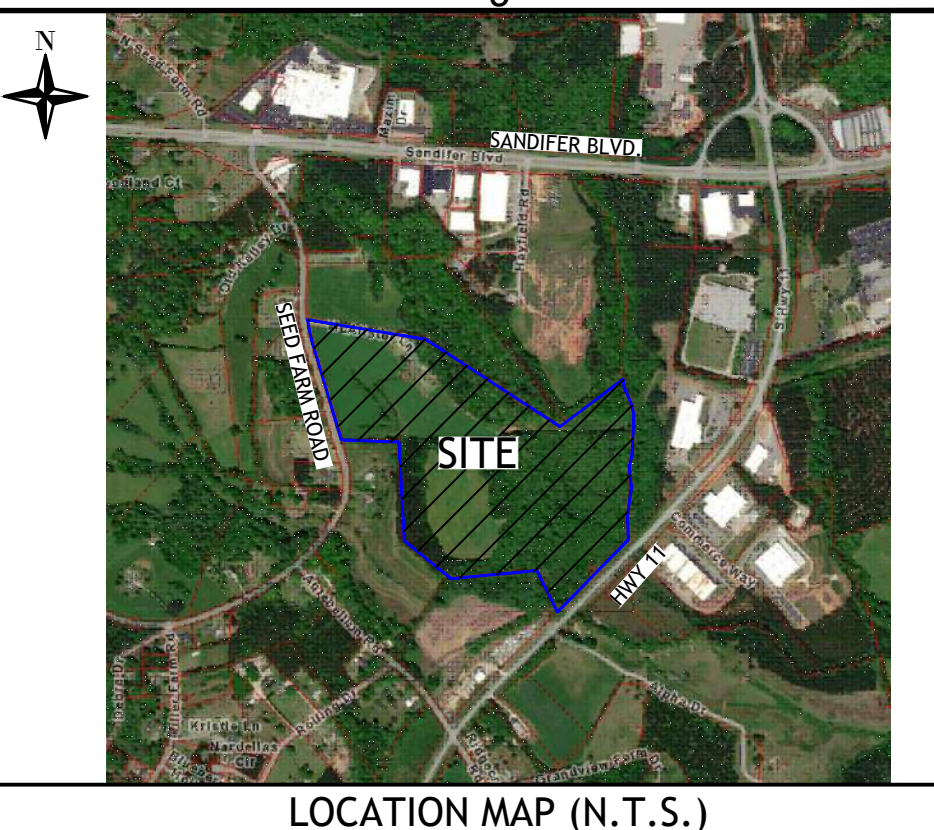
Utilities:  
Water: Seneca Light and Water  
Wastewater: Seneca Light and Water  
Power: Seneca Light and Water  
Telecom:



PRELIMINARY DRAWING - DO NOT USE FOR CONSTRUCTION



LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N89°57'31"	229.07	L41	N44°48'30"W	32.79
L2	N89°57'31"	229.07	L42	N44°48'30"W	32.79
L3	N89°57'31"	229.07	L43	N44°48'30"W	32.79
L4	N89°57'31"	229.07	L44	N44°48'30"W	32.79
L5	N89°57'31"	229.07	L45	N44°48'30"W	32.79
L6	N89°57'31"	229.07	L46	N44°48'30"W	32.79
L7	N89°57'31"	229.07	L47	N44°48'30"W	32.79
L8	N89°57'31"	229.07	L48	N44°48'30"W	32.79
L9	N89°57'31"	229.07	L49	N44°48'30"W	32.79
L10	N89°57'31"	229.07	L50	N44°48'30"W	32.79
L11	N89°57'31"	229.07	L51	N44°48'30"W	32.79
L12	N89°57'31"	229.07	L52	N44°48'30"W	32.79
L13	N89°57'31"	229.07	L53	N44°48'30"W	32.79
L14	N89°57'31"	229.07	L54	N44°48'30"W	32.79
L15	N89°57'31"	229.07	L55	N44°48'30"W	32.79
L16	N89°57'31"	229.07	L56	N44°48'30"W	32.79
L17	N89°57'31"	229.07	L57	N44°48'30"W	32.79
L18	N89°57'31"	229.07	L58	N44°48'30"W	32.79
L19	N89°57'31"	229.07	L59	N44°48'30"W	32.79
L20	N89°57'31"	229.07	L60	N44°48'30"W	32.79
L21	N89°57'31"	229.07	L61	N44°48'30"W	32.79
L22	N89°57'31"	229.07	L62	N44°48'30"W	32.79
L23	N89°57'31"	229.07	L63	N44°48'30"W	32.79
L24	N89°57'31"	229.07	L64	N44°48'30"W	32.79
L25	N89°57'31"	229.07	L65	N44°48'30"W	32.79
L26	N89°57'31"	229.07	L66	N44°48'30"W	32.79
L27	N89°57'31"	229.07	L67	N44°48'30"W	32.79
L28	N89°57'31"	229.07	L68	N44°48'30"W	32.79
L29	N89°57'31"	229.07	L69	N44°48'30"W	32.79
L30	N89°57'31"	229.07	L70	N44°48'30"W	32.79
L31	N89°57'31"	229.07	L71	N44°48'30"W	32.79
L32	N89°57'31"	229.07	L72	N44°48'30"W	32.79
L33	N89°57'31"	229.07	L73	N44°48'30"W	32.79
L34	N89°57'31"	229.07	L74	N44°48'30"W	32.79
L35	N89°57'31"	229.07	L75	N44°48'30"W	32.79
L36	N89°57'31"	229.07	L76	N44°48'30"W	32.79
L37	N89°57'31"	229.07	L77	N44°48'30"W	32.79
L38	N89°57'31"	229.07	L78	N44°48'30"W	32.79
L39	N89°57'31"	229.07	L79	N44°48'30"W	32.79
L40	N89°57'31"	229.07	L80	N44°48'30"W	32.79



**PROPERTY INFORMATION**  
 OWNER: HAZEL E. McALLISTER  
 DEED BOOK 1879, PAGE 176  
 PLAT BOOK P. 43, PAGE 259  
 TMS # 251-00-04-009

**NOTES:**  
 1.) ACCORDING TO FIRM PANELS 400730028C FOR OCONEE COUNTY, SOUTH CAROLINA, WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2011, PORTION OF THIS PROPERTY IS LOCATED IN A DESIGNATED FLOOD HAZARD ZONE AND OTHER AREAS IN ZONE X.  
 2.) THIS SURVEY IS ORIENTED TO THE SOUTH CAROLINA STATE PLANE COORDINATE SYSTEM, HAD 80+000. ALL PROPERTY BEARINGS SHOWN ARE BASED ON S.C. GRID NORTH. ALL DISTANCES SHOWN ARE ACTUAL GROUND MEASURED DISTANCES.  
 3.) UNDERGROUND UTILITIES SHOWN ARE APPROXIMATE IN LOCATION BASED UPON ABOVE GROUND EVIDENCE OR RECORD DRAWINGS. THE SURVEYOR DOES NOT WARRANT THE EXISTENCE OR NON-EXISTENCE OF ANY OTHER UNDERGROUND UTILITIES, EITHER IN SERVICE OR ABANDONED.  
 4.) ALL PINS SET #4REBAR UNLESS NOTED OTHERWISE.

NO.	DATE	BY	REVISION
1	4/23/21	CJR	SUBMITTED TO COUNTY FOR REVIEW

**Gray Engineering**  
 132 PILGRIM ROAD, GREENVILLE, SC 29607  
 PH: (864) 297-3027, FAX: (864) 729-8747  
 WWW.GRAYENGINEERING.COM

THIS DRAWING AND ASSOCIATED CAD FILES ARE AN INSTRUMENT OF SERVICE AND NOT BE LOANED, REPRODUCED, COPIED, OR OTHERWISE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF GRAY ENGINEERING CONSULTANTS, INC. IN WRITING.

SKETCH PLAN  
**HEIRLOOM FARM SUBDIVISION**  
 SEED FARM ROAD  
 OCONEE COUNTY, SC

SCALE: 1" = 100'  
 PROJECT MANAGER: REG  
 DRAWN BY: CJR  
 PROJECT DATE: 3/26/21  
 JOB No.: 2021043  
 PLOT DATE: 9/16/22  
 SHEET **CV-1**

OCONEE COUNTY DENSITY TABLE:	SETBACKS:
GROSS ACRES: 79.62 ACRES	FRONT: 25'
ZONING: CONTROL FREE DISTRICT (CFD)	SIDE: 5'
COMMON AREA PROVIDED: +/- 40 ACRES	REAR: 10'
TOTAL # OF NEW LOTS: 133	SEED FARM RD: 30'
ACTUAL SITE DENSITY: 1.67 LOTS/ACRE	

MISCELLANEOUS PRELIMINARY PLAT NOTES:
1. UNDERSIGNED SURVEYOR/ENGINEER ACKNOWLEDGES THAT THESE ARE GIS-BASED BOUNDARIES, WHICH WILL BE FULLY SURVEYED USING STATE PLANE COORDINATES AT FINAL PLAT.
2. LOCATION OF GAS AND OTHER UTILITIES ARE UNKNOWN AT THIS TIME.

NEW PUBLIC ROAD NOTES:
1. ALL NEW ROAD RIGHT-OF-WAYS WILL BE 50' WIDE. (UNLESS OTHERWISE NOTED)
2. ALL NEW ROADS WILL BE 24' WIDE ASPHALT WITH CURB AND GUTTER. (UNLESS OTHERWISE NOTED)
3. ALL CUL-DE-SAC RIGHT-OF-WAYS WILL BE 50'
4. ALL STANDARD CUL-DE-SAC ASPHALT WILL BE A RADIUS OF 45'
5. ALL TEAR-DROP CUL-DE-SAC ASPHALT WILL BE A RADIUS OF 45'

OCONEE COUNTY GENERAL NOTES:
1. THERE IS A 5' DRAINAGE AND UTILITY EASEMENT ALONG EACH SIDE OF ALL INTERIOR LOT LINES AND A 10' DRAINAGE AND UTILITY EASEMENT INSIDE ALL EXTERIOR LOT LINES, EXCEPT WHERE NOTED.
2. A STORMWATER MANAGEMENT PLAN AND SEDIMENT REDUCTION PLAN HAS BEEN PREPARED FOR THIS PROPERTY AND WILL BE APPLIED FOR LAND DISTURBING ACTIVITIES. EACH PROPERTY OWNER WILL COMPLY WITH THIS PLAN UNLESS AN INDIVIDUAL PLAN IS PREPARED AND APPROVED FOR THAT PROPERTY.
3. ROADS TO BE OWNED AND MAINTAINED BY HOA IF ROADS ARE NOT ACCEPTED BY OCONEE COUNTY
4. NO BUILDING PERMITS SHALL BE ISSUED FOR PROJECTS ON INDIVIDUAL LOTS PRIOR TO THE RECORDING OF A FINAL PLAT IN THE OFFICE OF THE REGISTER OF DEEDS

SITE LEGEND	HATCHING LEGEND
PROPERTY BOUNDARY	COMMON AREA (NOT REQUIRED)
EXISTING DOT RIGHT-OF-WAY LOT LINES	PROPOSED PUBLIC ROADS
DRAINAGE/UTILITY EASEMENTS EXISTING/PROPOSED WATERLINE	
SETBACK	
MAIL KIOSK	
FIRE HYDRANT	

HEIRLOOM FARM
TYPE OF DEVELOPMENT: SINGLE FAMILY / CONTROL FREE DISTRICT (CFD)
TAX MAP #: 251-00-04-009
NO. OF ACRES: 79.62 ACRES      NEW ROAD: 0.91 MILES (5827.64 L.F.)
NO. OF LOTS/UNITS: 133      DATE: 9/16/22
DEVELOPER/APPLICANT: SK BUILDERS, INC.      ENGINEER: GRAY ENGINEERING
c/o TIM KALLIANEN      132 PILGRIM ROAD, GREENVILLE, SC 29607
955 W. WADE HAMPTON BLVD.      864-297-3027
GREER, SC 29651      864-268-6949

## Junkyard Ordinance Information

### **Mike Johnson**

Items for consideration in no particular order:

- (1) Yard sales of 48 hours duration or less shall be exempt from the provisions of this article.
- (2) Every junkyard must be enclosed on all sides by a fence not less than six feet in height and constructed to protect children from entry and protect area from trespassers.
- (3) Junkyard fences shall be located outside of the “setback” requirements in zoning, just as any vertical structure improvements must meet setback requirements.
- (4) No junkyards shall be located within \_\_\_\_\_ feet from a school, daycare center, church, public recreation facility, or public park.
- (5) Junkyard operators shall conduct all business within the fenced area of their property such that “setback” areas are buffer areas not to be used for loading or unloading, storage, or trash.
- (6) Any existing nonconforming junkyards holding a valid retail license for operation at its present location issued before \_(Ordinance Effective Date) \_\_\_\_\_  
Shall be exempt from the ordinance requirements. Any expansion, relocation, or creation of new junkyard site will require existing junkyards to follow all aspects of this ordinance.
- (7) No person shall maintain a commercial junkyard except and unless the owner /operator shall have (license or permit?)
- (8) We need stated penalties for non-compliance.

### **Gary Gaulin**

I support the use of the SC state law on junkyards along with our introduction info. that we already accepted. – Gary

## **Teresa Spicer**

Introduction - Junkyards provide a necessary service to the county residents. They contribute to the economy and tax base of the county. The intent of the regulations of the junkyards in Oconee County is to preserve public safety by preventing fire, to protect public health by preventing the spread of disease or to serve the general welfare by preventing harm to the environment. These regulations can also manage the potential threat of injury to children and/or other individuals who may be attracted to this premises.

South Carolina has a state law which is found in Title 57, Chapter 27. This law is found in a pdf below.

Some amendments or additions to this law -

Add 'watercraft' to the definition of junk.

Taken from the Pickens Ordinance Sec 10-74 regarding setbacks -

"Each junkyard fence shall be set back:

- 1) One hundred feet from all property lines.
- 2) One hundred feet from all waterways.
- 3) One thousand feet from all designated scenic highways (SC state law requirement).
- 4) One thousand feet from any federally designated heritage corridor.
- 5) No junkyard shall be located within a thousand feet of a church, school, daycare center, nursing home, health care facility, public building or public recreation facility.
- 6) Every junkyard operator shall conduct all business within the fenced area of their property.

Add the provision (from the Greenville Ordinance) that "All junkyards shall comply with applicable chapters of the 'Standard Fire Prevention Code' and other pertinent requirements.

Add the provision that junkyards comply with DHEC storm water regulations which mandates that junkyards have an NPDES permit for their storm water discharge.

#### Definitions:

Junkyard means any land or area used, in whole or in part, for commercial storage and/or sale of waste paper, rags, scrap metal, parts, rope or other junk and including storage of inoperable vehicles, watercraft and machinery and/or dismantling of such vehicles or machinery. This definition does not include motor vehicles impoundment lots or tow yard or County operated or approved and permitted sanitary landfills.

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.

#### 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. Can 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. Can be a visual blight and depreciative to the aesthetic quality of the environment of the County.



## **ARTICLE III. JUNKYARDS<sup>1</sup>**

### **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

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<sup>1</sup>Editor'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.

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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 re-inspected 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 Ligustrum	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)

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**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:

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- (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.

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**Secs. 10-78—10-111. Reserved.**

# South Carolina Legislature

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## 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 or 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.