

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, November 21, 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 November 7, 2022
5. Public Comment for Non-Agenda Items (4 minutes per person)
6. Commission Member Comments
7. Staff Comments
8. Discussion regarding the development of a Commercial Junkyards Ordinance
 - a. Public Comment
 - b. Discussion/ vote
9. Discussion of subdivision development standards
 - a. Public Comment
 - b. Discussion/ vote
10. 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 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- Monday, November 7, 2022

Council Chambers - Oconee County Administrative Complex

Members

Gary Gaulin
Frankie Pearson
Mike Johnson
Pat Williams

Teresa Spicer
David Nix
Alex Vassey

Staff Present

James Coley, Planning Director
Elise Dunaway, Assistant to Planning & Codes

1. Call to order – Mr. Pearson called meeting to order at 5:01 PM.
2. Invocation was led by Mr. Nix.
3. Pledge of Allegiance was led by Mr. Vassey.
4. Approval of minutes from October 17, 2022 –Mr. Gaulin moved to approve the minutes with the correction; seconded by Mr. Nix. Approved unanimously 7/0
5. Public comment (non-agenda items):
Mr. John Morrey prepared a title tree and natural area of protection ordinance for the members. This document is available in the backup.
6. Commission member comments:
Mrs. Spicer commented on the comprehensive plan items that have been completed thus far.
7. Staff comments:
None
8. Public Hearing: AN ORDINANCE AMENDING CHAPTER 32 OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY, BY ADDING A PROVISION PROVIDING FOR PREAPPROVAL BY THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION IN RELATION TO SUBDIVISION PLANS SUBMITTED FOR PRELIMINARY APPROVAL TO OCONEE COUNTY FOR PROPERTIES WITH ROAD FRONTAGE ON U.S. HIGHWAY 123, BETWEEN THE OCONEE COUNTY - PICKENS COUNTY BORDER AND THE EASTERMOST BOUNDARY OF THE CITY OF SENECA; AND OTHER MATTERS RELATED THERETO.

- a. Public Comment:
Mr. Tom Markovich expressed his concern with the last sentence in the ordinance regarding parking.
 - b. Discussion/Vote/Develop Report to Council:
Mr. Nix moved to amend to strike the last sentence in the ordinance. Seconded by Mr. Pearson. Motion passed 4/3.
Mr. Gaulin moved to send the ordinance back to council with the amendment. Seconded by Mr. Nix. Motion passed 7/0
9. Discussion of an ordinance amending chapter 38 of the Oconee County Code of Ordinances, in certain limited regards and particulars only, by revising the lot size and density standards applicable to the lake overlay district; and other matters related thereto.
- a. Public Comment
Mr. Markovich believes this is being treated as a zoning ordinance due to the decision of subdividing a property. Believes this is going to appear as if it is an overlay over an overlay.

Mr. Jim Codner iterates that this is just a change to the lake overlay. Speaks about the subdivision on South Cove Rd and the breakdown of the total acreage into the average lot sizes. He discusses the minimum lot sizes for other zoning districts.
Questions and discussion followed.

Mr. Coley read a letter that was emailed in by Brittany Gosnell.
 - b. Discussion/Vote:
Mr. Johnson expressed that people should have the ability to determine their lot size on their own. He does not agree that appearance is the sole reason for the change in the ordinance. Mr. Gaulin believes that having houses evenly spaced on the lake is better.
Discussion followed.
Mrs. Spicer moved to send the ordinance to council as is. Seconded by Mr. Gaulin. Motion passed 7/0.
10. Discussion of Planning Commission involvement in subdivision development standards
- a. Public Comment:
Mr. John Morrey reiterated that the county does not have subdivision ordinance and they are working with a zoning ordinance.
 - b. Discussion/Vote:
Mr. Nix mentions that Section 32 Article 6 is land development and subdivision regulations
Mrs. Spicer mentions having SCDOT review plans sooner rather than later.
Discussion Followed.
Mrs. Spicer moved that applicants with road frontage on state roads should submit to and receive approval from SCDOT prior to approval for the Oconee County Planning Department. All SCDOT comments should be incorporated in the plan submitted to the county. Seconded by Mr. Gaulin. Motion Passed 7/0.
Mr. Nix asked Mrs. Spicer for clarification that this motion would apply to all state roads within county jurisdiction not just HWY 123. Mrs. Spicer confirms that is accurate.
Discussion Followed.

Mr. Gaulin moved that Mr. Coley and staff propose an ordinance change for all subdivision developments over 30 acres or 50 lots. Seconded by Mrs. Spicer. Motion Passed 7/0.

11. Discussion regarding the development of a Commercial Junkyards Ordinance

a. Public Comment: None

b. Discussion/Vote:

Mr. Pearson recommends that Section 6(a) be eliminated out of the Commercial Junkyard Ordinance.

Mr. Gaulin moved to table the Commercial Junkyard Ordinance discussion until the next Planning Commission meeting. Seconded by Mr. Nix. Motion Passes 7/0.

12. Adjourn – The meeting was unanimously adjourned at 6:30 PM.

DRAFT

COMMERCIAL JUNKYARDS

Sec. 1. 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.

Sec. 2. Purpose.

- (a) The purpose of this article is to provide for the regulation of existing and proposed Commercial 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 Commercial Junkyard except pursuant to the provisions of this article.

Sec. 3. 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 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.

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.

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.

Sec 4. 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 Commercial 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 Commercial 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 Commercial 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 Commercial 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.
- (f) Each Commercial Junkyard shall apply to SC DHEC for a NPDES stormwater discharge permit
- (g) Each Commercial Junkyard shall comply with all applicable chapter of the standard fire prevention code and other pertinent requirements.

Sec. 5. Existing nonconforming commercial junkyards in existence prior to the enactment of Commercial Junkyard regulations.

- (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 **DATE** 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 3.
 - (2) Shall be exempt from access restrictions in section 4(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 4(a).
- (c) Notwithstanding the provisions for administration contained in section 4, this article is not intended to impose additional restrictions on the nonconforming portion of junkyards existing prior to **DATE**
- (d) All applicable requirements to pre-**DATE** junkyards must be met within 180 days of the effective date.

Sec. 6. 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 Commercial 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) 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.

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. 7. Reserved.

Junk Yard

October 13, 2022

Hello Ms. Spicer and Mr. Nix,

It has been brought to my attention that Oconee County Planning Commission is working towards adopting a junkyard ordinance like Pickens County.

While I am all for safety and aesthetics, I believe this ordinance should have not included some of the items the Planning Commission added.

First of all, this ordinance creates an undue hardship on small businesses. I quoted fencing for approximately ½ acre lot a few years ago and pricing ranged from \$45,000 to \$60,000, which is sure to be substantially more today. This is an extreme burden for a small business owner. If this is forced upon an existing business, it can very likely put the owner out of business. While I believe this puts undue hardship on new businesses, current businesses should be grandfathered or exempt from this new proposal. If an existing business wishes to expand, at that point the expansion portion only should be held to the new requirements.

Also, car and watercraft service should be added as an exception to this ordinance. During these times, some replacement parts for cars and watercraft take months to receive from suppliers. I know of cases where watercraft parts were ordered in June and still have not arrived in October.

This is out of the service shop's control.

Is the Planning Commission also considering a Storage Lot for watercraft and RV's as part of this ordinance?

Have all of the existing junkyard owners in the county been contacted regarding this change? To be fair to the citizens impacted in Oconee County, these people should be notified and given a chance to have their concerns addressed. Is this change being brought to clean up the areas around Newry and Lake Keowee due to new development projects?

Thank you for your time.

Sincerely,

Lucretia Morgan

Lucretia Morgan

Elise Dunaway

From: Stacy Lyles stacyl@clark.com >
Sent: Monday, November 21, 2022 9:03 AM
To: Planning Info
Subject: Commercial junkyard

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

I would like to go on record voicing my opposition to the proposed junkyard regulations. This has been defeated in the past and with a more regulation friendly board has been brought up again. The concerns then and now are rooted in one community not wanting to see things as they drive to their lakefront homes. They do not take into consideration the fact that they live in a farming community and in an unzoned part of the county. They should not be able to decide what the property owners who live on the property outside their subdivision is allowed to do with their land just because they don't like the way it looks. This is a slippery slope to regulating other things that they don't like the looks of. They have been trying for years to get Mr Marcengill and do not consider that the things they call eyesore and junk is how he pays his bills. This group also tried their best to keep commercial poultry houses out off of farmland in this community. It is time that this county stop giving in to the voices of the few just because they are loud. It is not the popular opinion of the people in this county to be told what they can do on their own land. They put their taxes just like everyone else and deserve peace and respect. They deserve to be left alone as long as it stays in their property and isn't in violation of DHEC standards. This is not the time to be passing new regulations on small businesses or anyone else that is suffering in this economy.

Furthermore, this is a personal agenda of the commission member from district 5 whose family and neighbors have been after this gentleman for years. They were also instrumental in the petition to deny permits for a poultry farm in their neighborhood. Anything that they don't like they try to shut down. It is time to shut it down and show them they are not entitled to tell their neighbors how to manage their personal property. If the commission does not take a stand against this attack now it will continue. A reminder that zoning and regulation were never suppose to be in the outlying parts of this county. It only passed the referendum because it was stated that it would not be inflicted on the parts of the county that did not want it, but the commission keeps trying to creep into those areas under the disguise of it being only for commercial use. With all due respect I think I speak for a large part of this county when I say stay off our land and out of our business!! We pay our taxes and obey the law and just want to be left alone. We don't try to bother our neighbors and just ask politely that they do the same. Their lakeside homes are an eyesore to us when we are fishing or recreating on the lakes with their docks and all the stuff on them, but we don't bother them. It's time we return to honoring the landowner and their right to do as they so choose with their personal property.

Stacy Lyles
Resident of District 5

Sent from my iPhone

1. Section 32-213, Subsection i, is added to read as follows:

A subdivision of 30 acres, or 50 lots shall have a maximum density of 2 units per acre. The underlying zoning district shall determine the density for subdivisions of less than 30 acres or 50 lots. Higher density projects could be considered through Planned Development District applications, see SEC 38-10.15