

OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



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

COMMISSION MEMBERS

Teresa Spicer, District I

David Nix, District II

Gary Gaulin, Vice-Chairman, District V

Frankie Pearson, Chairman, District IV

Pat Williams, At-Large

Mike Johnson, At-Large

AGENDA

5:00 pm, Thursday February 23, 2023

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 February 6, 2023
5. Public Comment for Non-Agenda Items (4 minutes per person)
6. Commission Member Comments
7. Staff Comments
8. Discussion regarding draft Junkyard ordinance revisions with County Attorney
9. Discussion regarding amending chapter 32 of the Oconee County Code of Ordinances by adding a provision proving for preapproval by South Carolina Department of Transportation- guest speaker Joel Smith SCDOT.
 - 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, February 6, 2023

Council Chambers - Oconee County Administrative Complex

Members

Gary Gaulin

Frankie Pearson

Mike Johnson

Teresa Spicer

David Nix

Pat Williams

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. Gaulin.
4. Approval of minutes from January 19, 2023 – Mr. Gaulin moved to approve the minutes. Seconded by Mr. Nix. Approved unanimously 6/0.
5. Public comment (non-agenda items): None
6. Commission member comments:
Mrs. Spicer updated the members on Comprehensive Plan achievements of goals 11.1.4.5, 7.2.3.6, and 3.1.3.2

Mr. Nix applauded Ms. Brock and council for voting to provide additional funds for Sewer South.

Mr. Williams commented on the Agricultural Task Force and his disappointment over comments that were not appreciated by the agricultural community.

Mr. Gaulin would like to have the OJRSA come and speak about sewer and future ideas including expansion, to be better informed.

Mr. Pearson moves to have James reach out to Chris to speak at the first meeting in March. Seconded by Mr. Nix. Approved unanimously 6/0.

Mr. Pearson requested members to keep Mr. Hart and Mize in their thoughts as they are experiencing

person issues that would keep them from attending the council meeting scheduled for 2.7.23. Mr. Pearson apologized for any comments made by the Agricultural Task Force that were hurtful. They were not intentional.

Mrs. Spicer asked if a representative from the Agricultural Advisory Board could come speak to the Commission quarterly to improve communication.

7. Staff comments:

Mr. Coley reminds the member the next meeting is on Thursday February 23, 2023. He reviewed two new proposed neighborhoods. Discussion followed.

8. Discussion regarding amending Chapter 32 of the Oconee County Code of Ordinances by adding a provision proving for preapproval by South Carolina Department of Transportation or the Oconee County Roads and Bridges Department in relation to subdivision plans submitted for preliminary approval.

a. Public Comment: None

b. Discussion/Vote:

Discussion amongst members on how the revision to the ordinance should be worded and how it will have the most benefit to the County, as well as balancing potential costs to the developer.

Mr. Gaulin moved to submit the document “as is” as an independent ordinance addition to Mr. Root. Seconded by Mr. Johnson.

Mr. Nix moved to amend the motion to make section 11 separate from the existing section 10 and add wording “plans including 11 or more residential units.” Seconded by Mr. Gaulin. Discussion followed. Approved unanimously 6/0. After then amendment passed, a the chairman called a vote on the amended motion, Approved 6/0.

9. Discussion regarding 2023 goals and objectives for the Planning Commission.

a. Public Comment: None

b. Discussion:

Planning Commission Goals 2023	
Commissioner	Goal(s)
Pearson	1. Development Standards
Johnson	1. Development Standards 2. Agriculture Protections
Gaulin	1. Quality Development 2. Development Regulations 3. Agricultural Issues
Williams	1. Density Standard 2. Agriculture Standards
Spicer	
Nix	

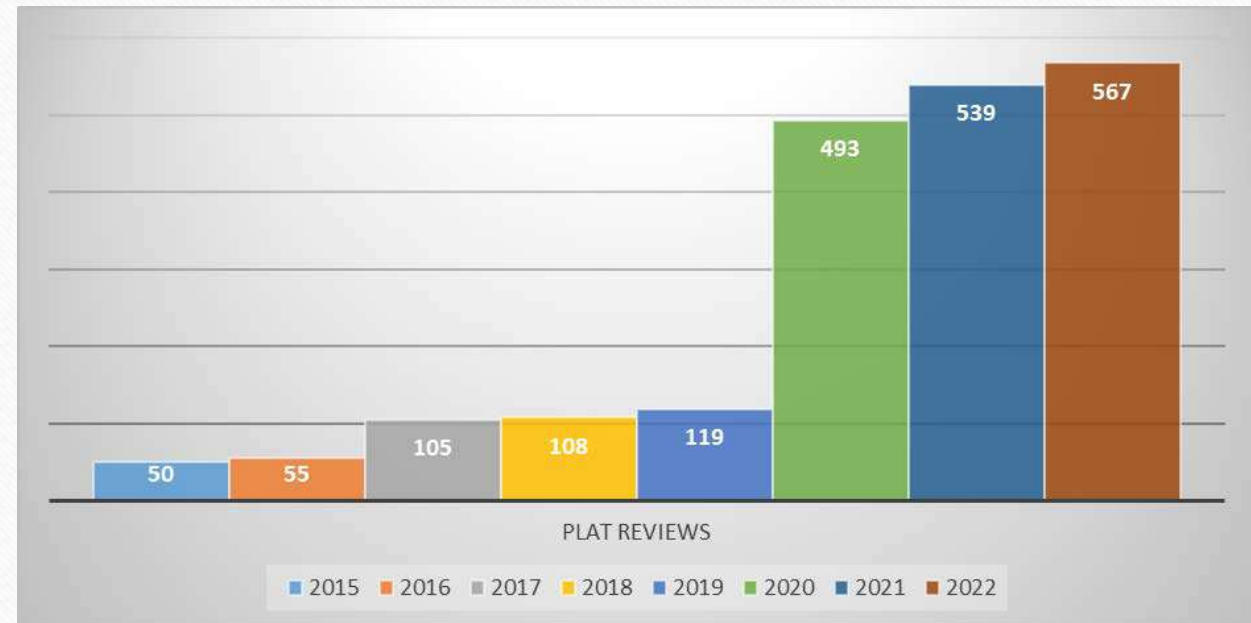
10. Adjourn – The meeting was unanimously adjourned at 6:23 PM.

Planning, Zoning, and Code Enforcement

2022 Review

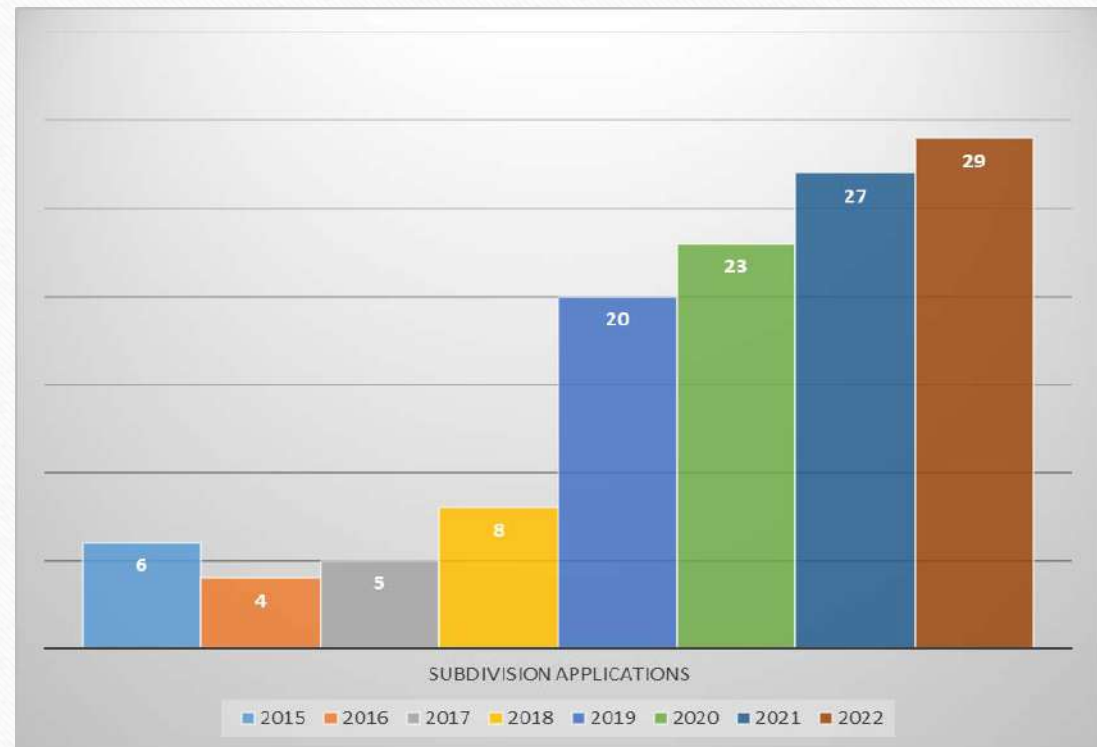
PLAT REVIEWS

Year	Plat Reviews
2015	50
2016	55
2017	105
2018	108
2019	119
2020	493
2021	539
2022	567



SUBDIVISION APPLICATIONS

YEAR	SUBDIVISIONS
2015	6
2016	4
2017	5
2018	8
2019	20
2020	23
2021	27
2022	29



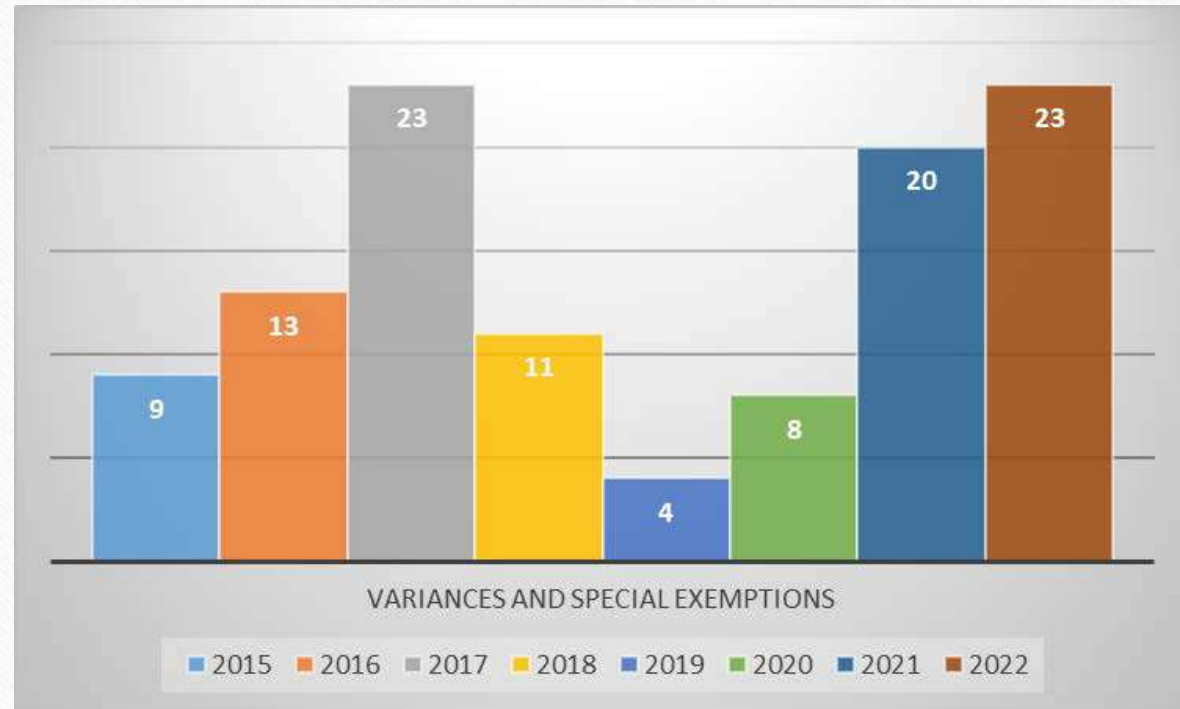
Residential Building Permits

YEAR	SUBDIVISIONS
2015	762
2016	782
2017	909
2018	885
2019	806
2020	932
2021	1232
2022	1380



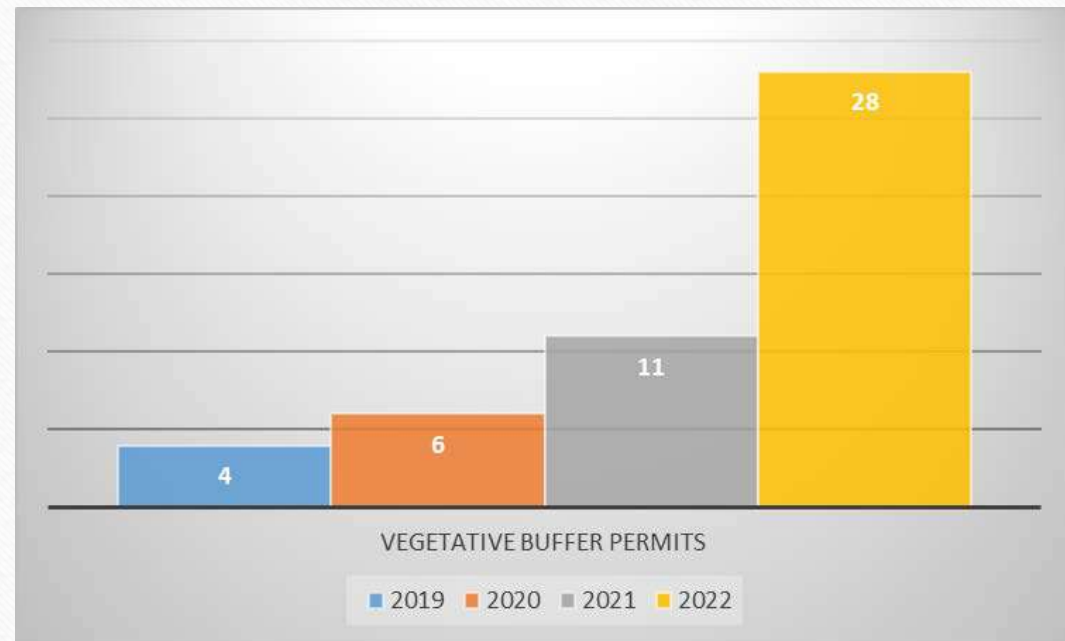
Variations and Special Exemptions

YEAR	SUBDIVISIONS
2015	9
2016	13
2017	23
2018	11
2019	4
2020	8
2021	20
2022	23



Buffer Permits

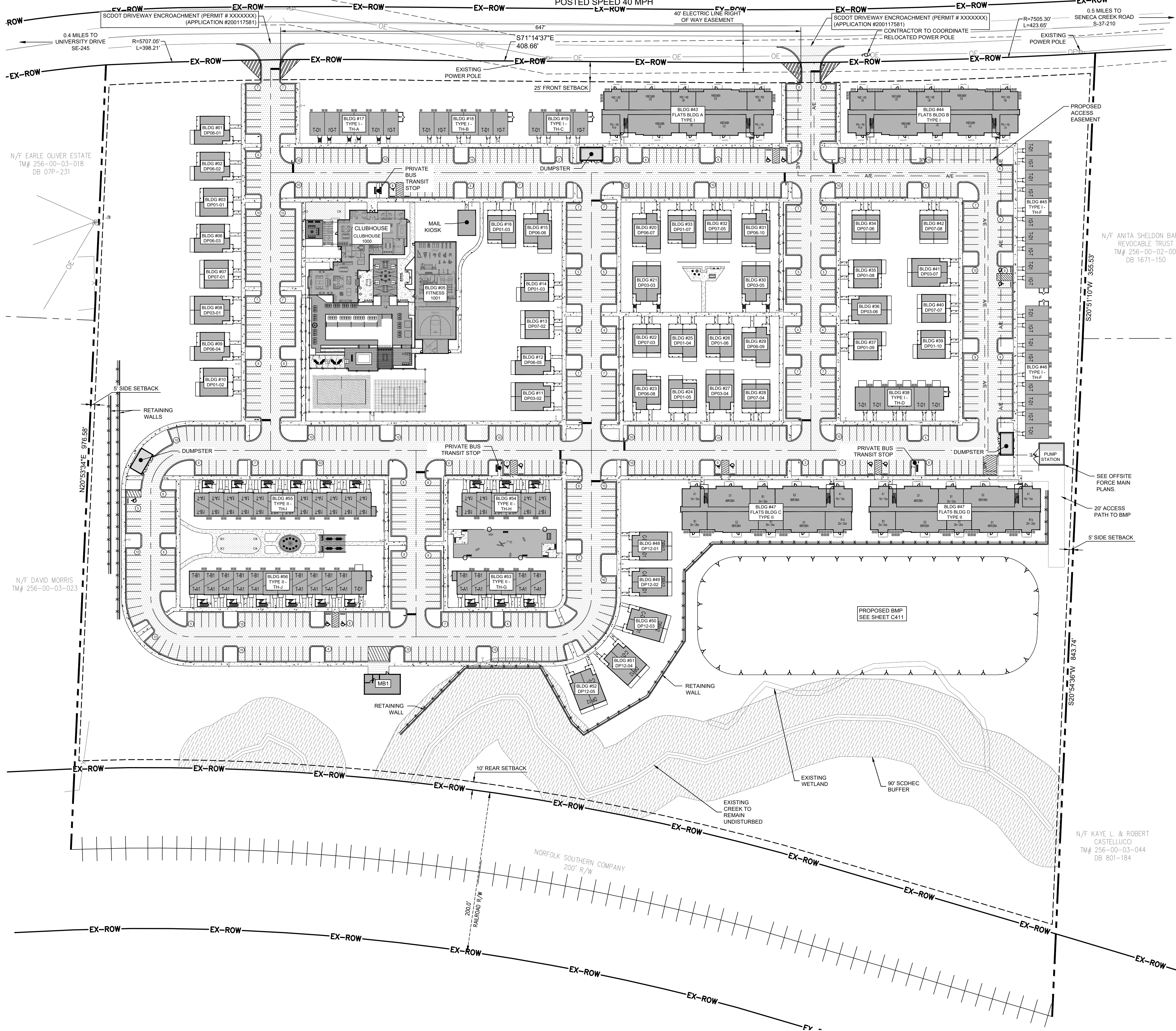
YEAR	SUBDIVISIONS
2015	NA
2016	NA
2017	NA
2018	NA
2019	4
2020	6
2021	11
2022	28



Code Enforcement

- Cases Opened 2022 : 159
- Cases Closed 2022: 26
- Structures Placarded: 40

SHILOH ROAD (S-37)
(66' PUBLIC R/W)
POSTED SPEED 40 MPH



SITE ANALYSIS TABLE	
CLIENT NAME	TRINITAS
CLIENT CONTACT	LINDA IRVING (783) 807-2727
SITE ADDRESS	SHILOH ROAD, SENECA, SC 29678
PARCEL NUMBER	256-00-03-020
TOTAL PARCEL AREA	29.56 AC
TOTAL UNITS & BEDS	324 UNITS 899 BEDS
UNIT COUNT	COTTAGE: 82 UNITS (25.31%) TOWNHOUSE: 112 UNITS (34.57%) FLAT: 130 UNITS (40.12%)
BED COUNT	COTTAGE: 252 BEDS (28.35%) TOWNHOUSE: 273 BEDS (30.71%) FLAT: 364 BEDS (40.94%)
MAXIMUM DENSITY	N/A (PER SEC. 38-10.2)
PROPOSED DENSITY	10.96 UNITS / ACRE (324 UNITS/29.56 ACRES) 30.07 BEDS / ACRE (899 BEDS/29.56 ACRES)
ZONING CODE SUMMARY	
WATERSHED NAME	HARTWELL LAKE-SENECA RIVER
EXISTING LAND USE	WOODED
PROPOSED LAND USE	FOR RENT MULTI-FAMILY RESIDENTIAL
PROPOSED DEVELOPMENT	FOR RENT MULTI-FAMILY RESIDENTIAL UNITS
ZONING	CONTROL FREE DISTRICT
FLOOD ZONE	ZONE "X" (PER COMMUNITY MAP NO. 4592030462)
MAXIMUM HEIGHT FOR RESIDENTIAL BUILDINGS (PER SEC. 38-10.2)	65'
PROPOSED MAXIMUM HEIGHTS	COTTAGE: 30' TOWNHOUSE: 40' FLAT: 61.5'
SETBACKS (FROM R.O.W.) (PER SEC. 38-10.2)	FRONT: 25' SIDE: 5' REAR: 10'
TOTAL LENGTH OF PROPOSED PRIVATE ROAD	0'
PARKING SUMMARY	
REQUIRED PARKING (PER SEC. 38-10.2 FOR CONTROL FREE DISTRICT)	0 SPACES
REQUIRED ACCESSIBLE SPACES (PER SEC. 38-10.2 FOR CONTROL FREE DISTRICT)	0 SPACES
PROVIDED TOTAL PARKING SPACES	691 SPACES
STANDARD PARKING SPACES PROVIDED	676 SPACES
ADA ONSITE PARKING SPACES PROVIDED	15 SPACES
PROPOSED PARKING TO BED RATIO (891 SPACES/899 BEDS)	0.78 PARKING SPACES / BED
REQUIRED MINIMUM LANDSCAPE ISLAND WIDTH: (INSIDE OF CURB)	15'
PROVIDED MINIMUM LANDSCAPE ISLAND WIDTH: (INSIDE OF CURB)	15'
MAXIMUM PARKING SPACING PROVIDED AND REQUIRED	10' PARKING STALLS

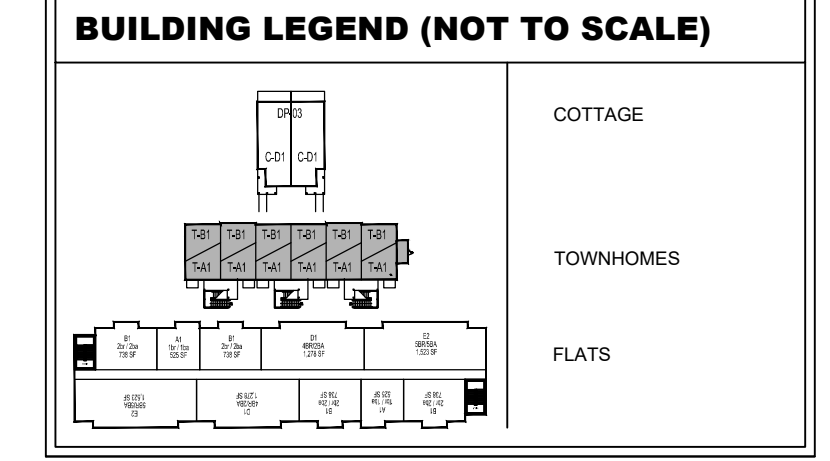
- SITE DEVELOPMENT PLAN NOTES**
- SEE "GENERAL NOTES" SHEET FOR SITE GENERAL CONSTRUCTION NOTES, PAVING, STRIPING, GRADING, AND ZONING NOTES.
 - SEE "EXISTING CONDITIONS" FOR COMPLETE BOUNDARY DESCRIPTION, ADJOINING PROPERTIES, ZONING AND USE.
 - SEE "SITE DETAILS" SHEETS FOR DETAILS REFERENCED ON THE SITE PLANS.
 - ALL DIMENSIONS SHOWN ARE MEASURED FROM THE FACE OF CURB TO FACE OF CURB, UNLESS OTHERWISE NOTED. DIMENSIONS LABELED "EOP" ARE MEASURED FROM LIP OF GUTTER TO LIP OF GUTTER.
 - DIMENSIONS TO THE BUILDING ARE MEASURED TO THE EXTERIOR OF THE FOUNDATION WALL UNLESS OTHERWISE SHOWN.
 - BEARINGS, DIMENSIONS AND EASEMENTS ARE SHOWN FOR REFERENCE. REFER TO RECORDED PLATS AND SURVEYS FOR ADDITIONAL PROPERTY INFORMATION.
 - CONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF VESTIBULES, SLOPE PAVING, SIDEWALKS, EXIT PORCHES, TRUCK DOCKS, PRECISE BUILDING DIMENSIONS AND EXACT BUILDING UTILITY ENTRANCE LOCATIONS.

PROPOSED IMPROVEMENTS LEGEND

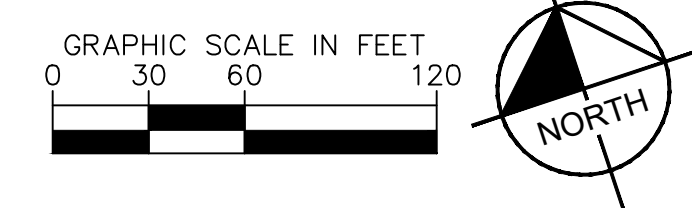
BUILDING / STRUCTURE	RETAINING WALL
SIGNS - MONUMENT / PYLON	GUARD RAIL
SIGNS - SINGLE	PROPERTY BOUNDARY
SITE LIGHTING	RIGHT-OF-WAY
BOLLARD / WHEEL STOP	BUILDING SETBACK
ADA STRIPING	PROP. STREET CENTERLINE
90° SCDHEC BUFFER	PROP. 18" CURB
STOP BAR & STOP SIGN	PROP. 18" ROLLED CURB
	HAND RAIL

PROPOSED PAVEMENT SECTIONS

P1	STANDARD DUTY ASPHALT PAVEMENT:	
P2	HEAVY DUTY ASPHALT PAVEMENT:	
P3	STANDARD DUTY CONCRETE PAVEMENT:	
P4	HEAVY DUTY CONCRETE PAVEMENT:	

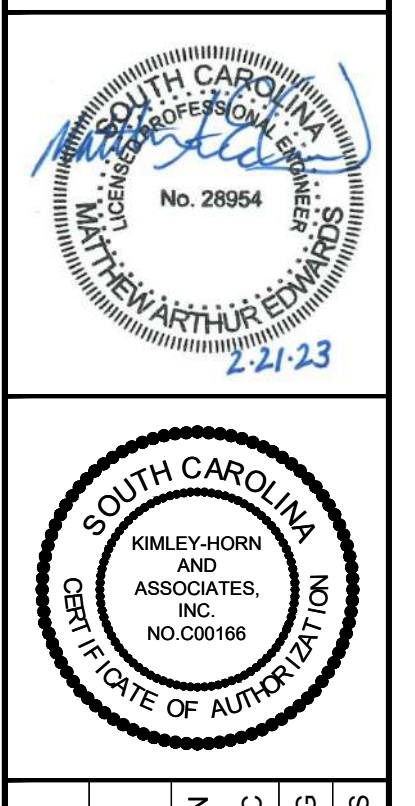


NOTE
NO PRIVATE OR PUBLIC ROADS ARE PROPOSED WITHIN THIS DEVELOPMENT.



NO.	REVISIONS	DATE	BY

Kimley & Horn
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WWW.KIMLEY-HORN.COM
SC LICENSE #201166



KH PROJECT	014860000
DATE	02/21/2023
SCALE	AS SHOWN
DESIGNED BY	JAC
DRAWN BY	ILG
CHECKED BY	KMS

OVERALL SITE PLAN

SHILOH ROAD APARTMENTS
PREPARED FOR
TRINITAS
COOKEE COUNTY, SC

SHEET NUMBER C301

Plotted By: Rock, Amanda. Sheet Set: 014860000 SHILOH ROAD. Layout: C301 - OVERALL SITE. February 21, 2023 05:16:28pm. K:\CHL_PRJ\014860 Trinitas\000 - Shiloh Road\02 - DWG\PlanSheets\C301 - SITE.dwg

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CHAPTER 32

ARTICLE X. - COMMERCIAL JUNKYARDS

Sec. 32-751. - Findings.

The eCounty finds that Commercial junkyards:

- a) Provide a necessary service to the County residents; and
- b) Contribute to the economy and tax base of the County; yet
- c) Pose a potential hazard to the health, safety, and general welfare of the citizens of the County;
- d) Can depreciate the value of surrounding property;
- e) Can attract and harbor ~~Are a breeding ground for~~ mosquitoes or other insects, snakes, rats, and other pests and vermin;
- f) Pose a potential threat of injury to children and other individuals who may be attracted to the premises; and
- g) Can be a visual blight and depreciative to the aesthetic quality of the environment of the County.

Sec. 32-752 - Purpose.

- a) The purpose of this article is to provide for the regulation of existing and proposed Commercial Junkyards under the Unified Performance Standards contained in Chapter 32 of the Oconee County Code of Ordinances. ~~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 Sections 4-9-25 and 4-9-30~~1976~~, gives ~~to Oconee County counties~~ the authority to enact regulations, resolutions, and ordinances relating to health and order within its boundaries and respecting any subject as appears to it necessary and proper for the security, general welfare, and convenience of the County or for preserving health, peace, order, and good government therein~~to adopt regulations~~. In order to accomplish these purposes, the County Council enacts the se following regulations with respect to Commercial 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. 32-573. - Definitions.

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

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

Commercial junkyard shall mean any land or area used, in whole or in part, as a business for storing, handling, or selling Junk. This definition does not include facilities which are an essential part of wrecker, towing, or impoundment services, or County-operated or approved and permitted sanitary landfills. Further excluded from this Article are temporary business operations such as garage or yard sales, which are related to a specific event of a limited time and limited duration.

Fence shall mean a substantial, continuous barrier ~~aesthetically~~ constructed in a commercially appropriate and sound manner, and extending from the surface of the ground to a uniform height of not less than six feet. The finished side of the ~~fence~~Fence shall face the public and be constructed of treated lumber, stockade, masonry, chain link or other approved material. Fabric ~~fence~~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.

Junk shall mean, by way of example and not limitation: 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 and trash; debris; wrecked, dismantled, or disabled motor vehicles, watercraft, and aircraft, or parts thereof; and other old or scrap ferrous or nonferrous material.

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.

Minor 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 that is one designed and serves primarily to access abutting residential and commercial properties and other streets or roadways. Major local streets This street is are further characterized as one having two or more access points, and receiving traffic from ~~the~~Minor local streets and other Major local streets.

Minor local street shall mean a minor local street that is one designed and serves primarily to access abutting residential properties. This Minor local streets typically normally terminates in a cul-de-sac, loop, or other turnaround, and contain with no more than two access points.

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

~~*Nonresidential use* shall mean a principal use of land for other than residential purposes, i.e. commercial, industrial, institutional. [Not used elsewhere]~~

Public building shall mean any building owned, leased, ~~or held,~~ or operated by the United States, the state, the eCounty, ~~or any a~~ city, ~~any~~ special purpose district, or any local, state, or federal ~~other governmental~~ 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.

Commented [DR1]: Used once, just here.

Right-of-way (ROW) shall denote the limits of a public road, including the full property interest or easement area thereof ~~property~~. On eCounty roads, when there is no deeded *Right-of-way* or similar instrument governing road access and use ~~along a road or highway,~~ the ~~#~~*Right-of-way* shall include all portions of the road used for travel, maintenance, and support, and including all accessory structures and features, ~~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 eCounty jurisdiction that has been so designated through legislation, ordinance, or 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 eCounty government.

Setback shall refer to the required minimum distance, as established in this Article, between a Fence ~~a structure or building line~~ and the nearest property line, ~~or Right-of-way, or body of water.~~

Temporary storage service 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. 32-754. - Regulation of ~~e~~Commercial ~~j~~Junkyards.

- a) ~~Every Commercial junkyard must be enclosed on all sides by a ~~Fence that is not less than six feet in height.~~ Every commercial junkyard shall be situated on suitable terrain so that ~~Commercially reasonable efforts, made in good faith, must be employed so that the~~ ~~Fence, along with adjacent vegetation (either existing or planted for these purposes), and vegetation~~ ~~conceals~~ ~~hides~~ the view of all ~~j~~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. Further, ~~the~~ ~~Fence and vegetation required herein~~ shall be constructed and maintained so that the ~~and~~ planted such that the Commercial junkyard is protected from access by 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~~ as follows:
- (1) ~~Subject to the provisions of S.C. Code Section 57-27-10, et seq. (the South Carolina "Junkyard Control Act"), ~~Two hundred and fifty feet from all Rights-of-way [or edge of the paved portion?] held by the federal or state government, including any agency thereof~~ U.S. or S.C. highway rights of way.~~
 - (2) One hundred ~~and~~ twenty-five feet from the center of all ~~e~~County roads. ~~[edge of right-of-way?]~~
 - (3) One hundred feet from all property lines.
 - (4) One hundred feet from all ~~bodies of water, including, by way of example and not limitation, lakes, bays, ponds, rivers, streams, creeks, wells, and reservoirs~~ ~~waterways~~.
 - (5) One thousand feet from all designated ~~s~~Scenic highways (SC state law requirement?).
 - (6) One thousand feet from any federally designated heritage corridor.

Commented [DR2]: Consider scrap metal dealers and height of stacking.

Commented [DR3]: Measured from where?

~~If more than one Setback requirement applies, the greater distance shall be enforced.~~

- (c) No Commercial Junkyard shall be located within 1,000 feet of a church, school, daycare center, nursing home, health care facility, hospital, ~~p~~Public building, or public recreation facility.
- (d) Access to a Commercial Junkyard shall not be allowed from a ~~m~~Minor local street. **The terms minor and major are defined in the county development standards ordinance.**
Or:
~~Commercial junkyards shall be located on Major local streets. Locating a Commercial Junkyard on a Minor local street is prohibited.~~

- (e) ~~All Junk shall be stored within Every Commercial Junkyard operator shall conduct all business within the fenced area of the Commercial junkyard property. The Setback area, being the area between the required Fence and the roadway, waterway, property line, etc., shall. 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 storing, loading, or unloading ~~j~~Junk.
- (f) Each ~~Commercial Junkyard~~ shall apply to ~~the South Carolina Department of Health and Environmental Control (DHEC) for an appropriate National Pollutant Discharge Elimination System (NPDES) permit, unless the applicant can show that an NPDES permit is not required by DHEC for the subject Commercial Junkyard. The NPDES permit must be appropriately maintained during the course of operations. SC DHEC for a NPDES stormwater discharge permit~~
- (g) Each ~~Commercial Junkyard~~ shall comply with all applicable chapters ~~of the International Fire Code with South Carolina modifications, along with all applicable statutory and regulatory laws addressing the handling, storage, and disposal of hazardous waste, along with any applicable manufacturer's instructions and industry standards. of the standard fire prevention code and other pertinent requirements.~~

Sec. 32-575. - Existing nonconforming ~~e~~Commercial ~~j~~Junkyards in existence prior to the enactment of ~~these~~ Commercial Junkyard regulations.

Commented [DR4]: This section needs further discussion in total.

- (a) Any ~~existing nonconforming Commercial Junkyard that can provide documentary proof of ongoing operations occurring prior to holding a valid retail license for operation at its present location from the state department of revenue issued before the date this Article is enacted~~ **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. ~~[May be concealed from public view by vegetation only? Where?]~~
 - (2) Shall be exempt from access restrictions in section 4(d).
 - (3) The ~~fence~~*Fence* and/or vegetation required herein shall be located not less than ~~20~~ **20** feet from the *Right-of-way* of a public road, and not less than ~~50~~ **50** feet from a waterway, ~~as described above,~~ and as near the boundary line as practical on all other boundaries.
 - (4) No operator shall place, store or maintain ~~junk~~*Junk* less than 10 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 ~~Commercial junkyard junkyard~~ may ~~expand~~ without a proper approved application. 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~~ **DATE** junkyards must be met within 1 year of the effective date.

Commented [DR5]: Threshold? Boundaries? It's 50% as to buildings in Chapter 38.

Commented [DR6]: Purpose here? This does not apply to current grandfathered, but does apply to new portion . . . ?

Sec. 32-756. - Provisions for administration.

- (a) No person shall maintain a *Commercial Junkyard* except and unless the owner or operator has an approved *Commercial Junkyard* Application from the County Planning Department.
1. A *Commercial Junkyard* Application shall consist of:
- i. An initial site plan showing all required items from Sec 4. (a-~~ed~~)
 - ii. All ~~necessary appropriate~~ permits from governing federal, state, or local authorities, the state of South Carolina, SCDOT, SCDHEC, and any others
 - iii. A certificate of compliance [what is intent here?] prior to starting operations
- (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 County Planning Director or their designee~~code enforcement officer (employed by the County) in full cooperation with the County Sheriff's Department.~~
- (d) Any applicant or other affected party shall have the right to appeal a decision of the Planning Director~~code enforcement officer~~ to the County Planning Commission~~County Board of Zoning Appeals.~~
- (e) Penalties for noncompliance. Any violation of this Article shall be a misdemeanor and, upon conviction, is punishable to full extent of the jurisdictional limits of magistrate courts located in the County. Additionally, or alternatively, the County may pursue civil litigation to compel compliance, including the pursuit of injunctive relief, damages, and other available relief. ~~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.~~

Sec. 32-757 through Sec. 32-800 - Reserved.

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE
ORDINANCE 2022-22

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 EASTERNMOST BOUNDARY OF THE CITY OF SENECA; AND OTHER MATTERS RELATED THERETO.

WHEREAS, consistent with the powers granted county governments by S.C. Code § 4-9-25 and S.C. Code § 4-9-30, Oconee County (“County”), a body politic and corporate and a political subdivision of the State of South Carolina, acting by and through its governing body, the Oconee County Council (“County Council”), has the authority to enact regulations, resolutions, and ordinances, not inconsistent with the Constitution and the general law of the State of South Carolina, including the exercise of such powers in relation to health and order within its boundaries and respecting any subject as appears to it necessary and proper for the security, general welfare, and convenience of the County or for preserving health, peace, order, and good government therein;

WHEREAS, the County has adopted multiple ordinances for the effective, efficient governance of the County, which, subsequent to adoption, are codified in the Oconee County Code of Ordinances (“Code of Ordinances”), as amended;

WHEREAS, the County is authorized by Chapter 29 of Title 6 of the South Carolina Code of Laws, among other sources, to impose land development and subdivision standards in the unincorporated areas of the County;

WHEREAS, County Council recognizes that there is a need to revise the law of the County to meet the changing needs of the County and that there is a need to amend, specifically, Chapter 32 of the Code of Ordinances by adding a provision providing for preapproval by the South Carolina Department of Transportation (“SCDOT Preapproval”) 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 easternmost boundary of the City of Seneca;

WHEREAS, the Oconee County Planning Commission has considered this issue and recommends that the following language be added to Section 32-222 of the Oconee County Code of Ordinances:

Sec. 32-222 Preliminary plan and supporting data.

A. Submittal requirements.

10. Properties with road frontage on U.S. Highway 123, between the Oconee - Pickens County border and the easternmost municipal boundary of the City of Seneca, shall submit to and receive approval from the South Carolina Department of Transportation (“SCDOT”) prior to final approvals from the Oconee County Planning Department. All SCDOT comments shall be incorporated in the plan submitted to the County. Design priorities should include connecting parking areas and limiting curb cuts.

WHEREAS, County Council hereby agrees to modify Chapter 32 of the Code of Ordinances in this limited regard and particular only and to affirm and preserve all other provisions of the Code of Ordinances not expressly, or by implication, amended hereby; and

WHEREAS, after first reading of this Ordinance by County Council, the Oconee County Planning Commission will hold a public hearing on this matter upon thirty (30) days’ advance notice, consistent with Section 32-226(4) of the Oconee County Code of Ordinances; and it will report the results of that public hearing to County Council prior to County Council conducting second reading and holding its public hearing on this matter.

NOW THEREFORE, it is hereby ordained by the Oconee County Council, in meeting duly assembled, that:

1. Chapter 32 of the Code of Ordinances is hereby revised, rewritten, and amended by adding the following subsection:

Sec. 32-222 Preliminary plan and supporting data.

A. Submittal requirements.

10. Properties with road frontage on U.S. Highway 123, between the Oconee - Pickens County border and the easternmost municipal boundary of the City of Seneca, shall submit to and receive approval from the South Carolina Department of Transportation (“SCDOT”) prior to final approvals from the Oconee County Planning Department. All SCDOT comments shall be incorporated in the plan submitted to the County. Design priorities should include connecting parking areas and limiting curb cuts.

2. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the remainder of this Ordinance, all of which is hereby deemed separable.

3. All ordinances, orders, resolutions, and actions of County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded. Nothing contained herein, however, shall cancel, void, or revoke, or shall be interpreted as cancelling, voiding, or revoking, *ex post facto*, in any regard any prior subdivision or land use provision, or decision of the County or County Council based thereon, which were valid and legal at the time in effect and undertaken pursuant thereto.

4. All other terms, provisions, and parts of the Code of Ordinances, and specifically, but without exception, the remainder of Chapter 32, not amended hereby, directly or by implication, shall remain in full force.

5. This Ordinance shall take effect and be in full force from and after third reading, public hearing, and enactment by County Council.

ORDAINED in meeting, duly assembled, this _____ day of _____, 2022.

ATTEST:

Jennifer Adams
Clerk to Oconee County Council

John Elliott
Chair, Oconee County Council

First Reading: _____
Second Reading: _____
Third Reading: _____
Public Hearing: _____