



OCONEE COUNTY PLANNING COMMISSION

415 S. Pine St. Room 212 | Walhalla, SC 29691
864.638.4218
OconeeSC.com

COMMISSION MEMBERS

Mike Johnson, Chairman, At-Large David Nix, Vice Chair, District 2
Teresa Spicer, District 1 Brit Adams, District 3
Vacant, District 4 Gary Gaulin, District 5
Mickey Haney, At-Large

AGENDA

6:00 pm, Monday February 5, 2024
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 January 4, 2024
5. Public Comment for Non-Agenda Items (4 minutes per person)
6. Commission Member Comments
7. Staff Comments
8. Review of Commission goals from 2023, and discussion regarding goals for 2024
 - a. Public Comment
 - b. Discussion/ vote
9. Discussion regarding a Commercial Junkyard Ordinance
 - a. Public Comment
 - b. Discussion/ vote
10. Adjourn



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STAFF

James Coley, Planning Director
Elise Dunaway, Planner I & Office Manager

MINUTES

6:00 pm, Thursday January 4, 2024

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

1. Call to Order – Mr. Coley called the meeting to order at 6:00 PM.
2. Mr. Pearson resigned from the Planning Commission.
3. Invocation was led by Mr. Root
4. Pledge of Allegiance was led by Mr. Gaulin
5. Election Of Officers:
Mr. Nix nominated Mike Johnson for Chairman of the Planning Commission.
Ms. Spicer nominated Gary Gaulin for Chairman of the Planning Commission.
Mr. Johnson was elected by a vote of 4-2, Mr. Gaulin and Ms. Spicer opposed.

Mr. Johnson nominated David Nix for Vice Chairman of the Planning Commission.
Mr. Gaulin nominated Mrs. Spicer as Vice Chairman of the Planning Commission. Mrs. Spicer declined the nomination.
Mr. Nix was elected Vice Chairman by a vote of 5-1 Mr. Gaulin opposed.

Mr. Johnson nominates Mr. Coley as Secretary of the Planning Commission. Approved unanimously.

Mr. Johnson thanked Mr. Pearson for his service on the Planning Commission.

Mr. Johnson thanked Mr. Root for his service with the county and his guidance over the years.
6. Approval of Meeting Calendar
Mr. Nix made a motion to approve the meeting calendar as presented in the backup.
Seconded by Mr. Adams. Approved unanimously.
7. Approval of minutes from December 18, 2023 – Mr. Gaulin made a motion to approve

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the minutes; Seconded by Mr. Nix. Approved unanimously.

8. Public Comment for Non-Agenda Items (4 minutes per person): N/A

9. Commission Member Comments:

Mr. Nix thanked Mr. Pearson for his service on the Planning Commission

Mr. Gaulin shared his view, with the New Year and new chairman the Planning Commission could be able to hone in on what goals to accomplish this year and focus on the objectives. He also hopes to focus on developing quality development standards to better control growth. He also hopes to grow the current relationship with the OJRSA.

Mr. Johnson thanked everyone for voting for him for Chairman of the Planning Commission and is looking forward to the year.

10. Staff Comments: N/A

11. Discussion with County Attorney regarding the list of ideas presented at the end of the planning workshop on 12.18.23. these include:

- i. Zoning – determine legal ramifications of implementing zoning across the county.
- ii. Floating Zoning – how could a floating zoning be implemented and what would be required to make it work- would it have to be across the entire county?
- iii. Additional development (performance) standards removed from zoning, could they create development standards unrelated to zoning. These would be required regardless of zoning district
- iv. CFD- can they add a width requirement to the control free district zoning standards
- v. If they can add a width requirement, could they create development incentives within specific districts that allowed smaller widths if they are in the specific desired growth area?
 - a) Public Comment: N/A
 - b) Discussion / Vote: open discussion among members and Mr. Root regarding the legalities of the list of ideas created during the planning commission workshop.

12. Adjourn – The meeting was unanimously adjourned at 6:47PM.



MATCH EXISTING CURB AND PAVEMENT

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NOT FOR CONSTRUCTION

NO.	DATE	INITIAL	DESCRIPTION
0	11/2/24		



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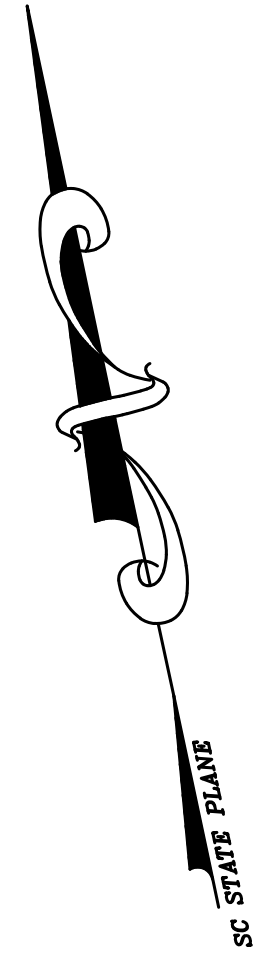
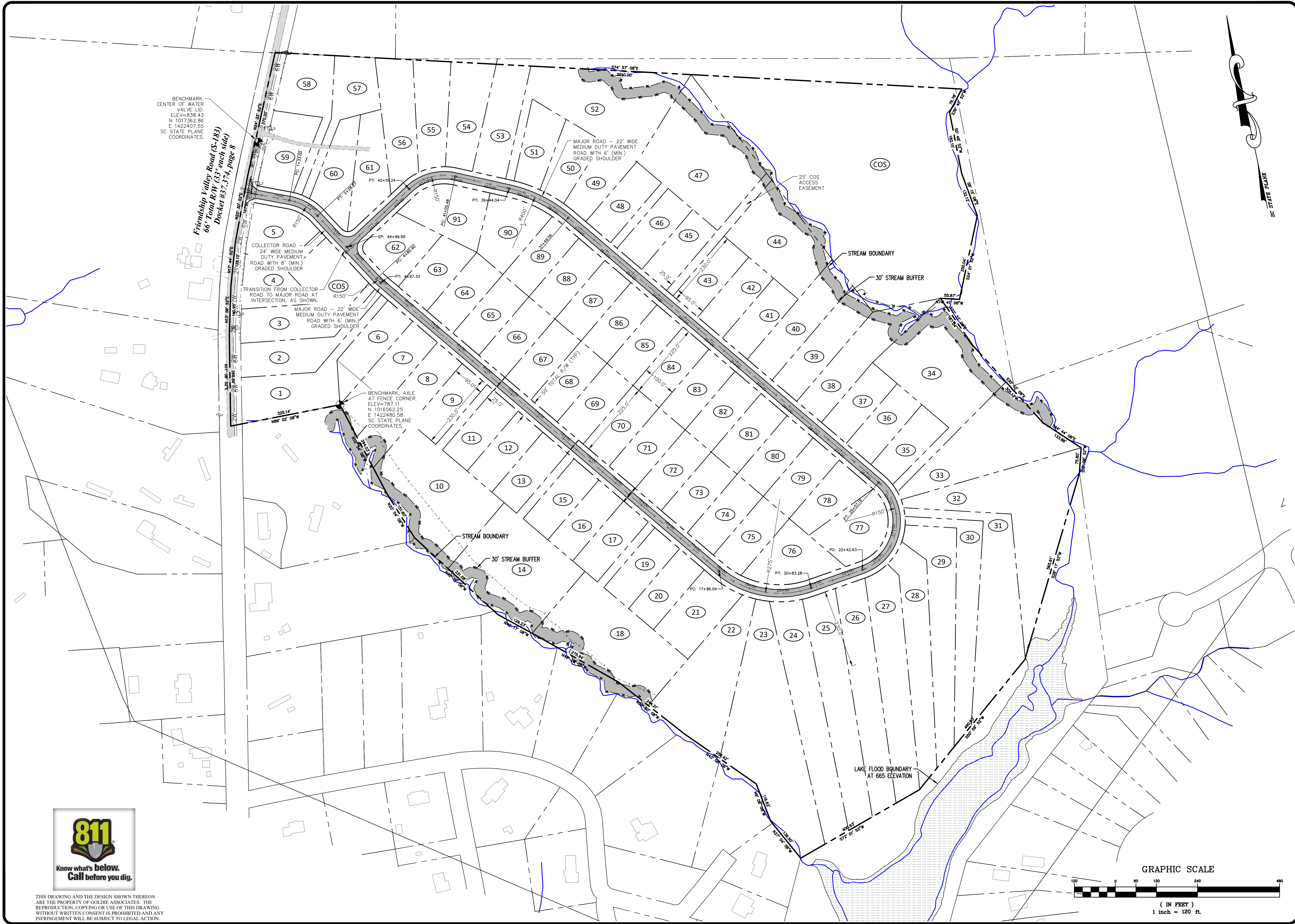
CLIENT: **Habitat for Humanity - Oconee County**

PROJECT: **Eastpoine Subdivision, Phase 2, West Union**

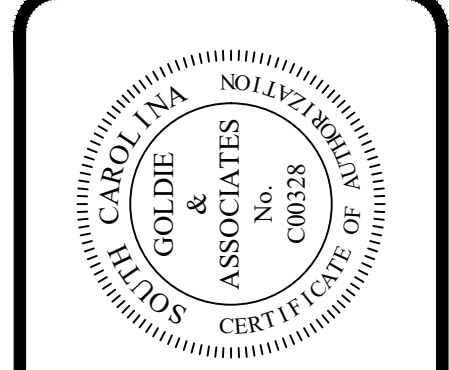
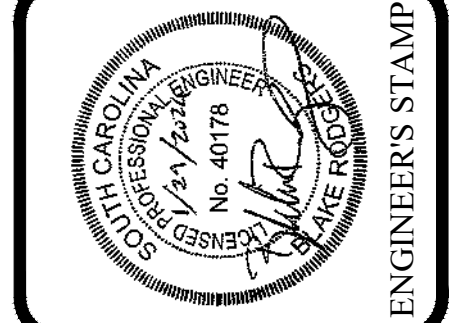
SHEET TITLE: **Layout Plan**

SHEET NO. 4 OF 16

FILE NO. 1265.6.4



NO.	DATE	INITIAL	DESCRIPTION
0	1/29/24		
BAR			
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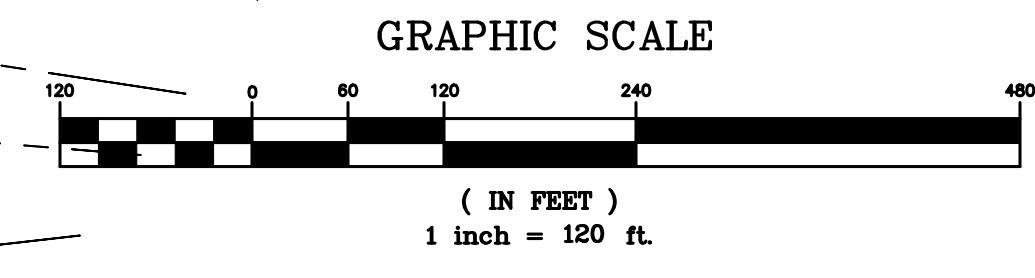


CLIENT: **Friendship Meadows, LLC**
 PROJECT: **Friendship Valley Road Subdivision**
 SHEET TITLE: **Layout Plan**

SHEET NO. 3 OF 20
 FILE NO. 1800.1.1



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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	

Provisions recommended by Law Enforcement, Public Safety, Health, and Welfare Committee on July 18, 2023.

1. Add to definition of *Fence*: “constructed and maintained in a commercially appropriate and sound manner” (This was from the Planning Commission originally.)
2. Add to the end of 32-754(g): “Electric vehicle batteries shall not be stored or handled at a *Commercial junkyard* unless done so in strict compliance with applicable hazardous waste regulations promulgated by the South Carolina Department of Health and Environmental Control (DHEC), or its successor agency, the United States Environmental Protection Agency (EPA), and any other entity of competent jurisdiction. Electric vehicle batteries are generally considered “Universal Waste” by the EPA and DHEC due to, among other factors, characteristics of ignitability and reactivity, and consequently must be carefully managed. Current DHEC regulations governing the handling of Universal Waste are located at S.C. Code Ann. Regs. 61-79.273.1, et seq.
3. Revise 32-755 regarding existing Commercial junkyards to read as follows:

Sec. 32-755. - Commercial Junkyards in existence prior to the enactment of these Commercial Junkyard regulations.

- (a) Any *Commercial junkyard* that can provide documentary proof of ongoing operations occurring prior to the date this Article is enacted (an “*Existing Commercial junkyard*”) shall be required to comply with all provisions of this Ordinance, with the following modifications:
 1. Upon submission of the *Commercial junkyard* Application required by Section 32-756, *Existing Commercial junkyards* shall have a period of **1 [or 2 or 3] years** to construct the *Fence* required by Section 32-754(a) of this Ordinance. Additional time, up to a period of **1 [or 2 or 3] years** for construction of the *Fence* may be sought on application to the Planning Commission. The Planning Department shall maintain an application for this extension, which shall require a statement of all reasons for the needed extension of time to construct the *Fence*.
 2. The *Setback* provisions governing the underlying zoning district shall apply in lieu of the requirements found in Section 32-754(b) of this Ordinance.
 3. Sections 32-754(c) and (d) of this Ordinance do not apply to *Existing Commercial junkyards*.

[As referred from the Planning Commission]

CHAPTER 32

ARTICLE X. - COMMERCIAL JUNKYARDS

Sec. 32-751. - Findings.

The County finds that Commercial junkyards:

- a) Provide a necessary service to 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 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.
- b) S.C. Code Sections 4-9-25 and 4-9-30 give Oconee County 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. In order to accomplish these purposes, the County Council enacts these 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 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 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* shall face the public and be constructed of treated lumber, stockade, masonry, chain link or add woven wire l. Fabric *Fences* shall be not allowed.

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.

Major local street shall mean a street that is designed and serves primarily to access abutting residential and commercial properties and other streets or roadways. *Major local streets* are further characterized as having two or more access points and receiving traffic from *Minor local streets* and other *Major local streets*.

Minor local street shall mean a street that is designed and serves primarily to access abutting residential properties. *Minor local streets* typically terminate in a cul-de-sac, loop, or other turnaround, and contain 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.~~

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

Right-of-way shall denote the limits of public and private roads, including the full property interest or easement area thereof. On County roads, when there is no deeded *Right-of-way* or similar instrument governing road access and use, the *Right-of-way* shall include all portions of the road used for travel, maintenance, and support, and including all accessory structures and features.

Scenic highway/scenic byway shall mean a road or highway under federal, state, or County 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 County government.

Setback shall refer to the required minimum distance, as established in this Article, between a *Fence* and the nearest property line, *Right-of-way*, body of water, *Scenic highway/scenic byway*, or heritage corridor.

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

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 Commercial Junkyards.

- a) Every *Commercial junkyard* must be enclosed on all sides by a *Fence* that is not less than six feet in height. Commercially reasonable efforts, made in good faith and appropriate to the nature of the operation as carried out in a customary and safe manner, must be employed so that the *Fence*, along with adjacent vegetation (either existing or planted for these purposes), conceals the view of all *Junk* from public roads and private property. Further, the *Fence* shall be constructed and maintained so that the *Commercial junkyard* is protected from access by children or other trespassers.
- b) Each *Commercial junkyard Fence* shall be *Setback* 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* held by the federal or state government, including any agency thereof.
 - (2) One hundred and twenty-five feet from the *Rights-of-way* of all County roads.
 - (3) One hundred feet from all property lines.
 - (4) One hundred feet from the ordinary high-water mark of all bodies of water, including, by way of example and not limitation, lakes, bays, ponds, rivers, streams, creeks, and reservoirs.
 - (5) One thousand feet from all designated *Scenic highways*.
 - (6) One thousand feet from any federally designated heritage corridor.

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, *Public building*, or public recreation facility.
- d) *Commercial junkyards* shall be located only on *Major local streets*. Locating a *Commercial junkyard* on a *Minor local street* is prohibited.
- e) All *Junk* shall be stored within the *Fenced* area of the *Commercial junkyard*. The *Setback* area, being the area between the required *Fence* and the roadway, waterway, property line, etc., shall be maintained in a clean manner and shall not be used for storing, loading, or unloading *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.
- 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.

Sec. 32-755. - Existing nonconforming Commercial Junkyards in existence prior to the enactment of these Commercial Junkyard regulations.

- (a) Any *Commercial junkyard* that can provide documentary proof of ongoing operations occurring prior to the date this Article is enacted shall be exempt from the requirements of this Article as a “*Nonconforming Commercial junkyard*,” unless one of the following conditions arise:

1. Operations are abandoned for a period of twelve (12) months or more.
2. The storage or handling area reserved for *Junk* is expanded by ___ %.
3. Operations are altered such that excessive light, noise, dust, or other negative impacts on neighboring uses arise from the altered operations.
4. *There is a change in ownership.*
5. *Safety violations.*

add 15%

← remove (a)3

- (b) Once a *Nonconforming Commercial junkyard* loses its grandfathered status as a result of a condition noted in Section 32-755(a), then it must comply with the terms of this Article and the following provisions from Section 32-754 shall apply:

See Exhibit A for requirements triggered upon the occurrence of a safety violation (or perhaps a violation of item 3, above). Note Items 1, 2, and 4 would trigger enforcement of the entirety of this ordinance.

- 1.
- 2.
- 3.

Additionally, the following requirements shall be imposed:

- 1.
- 2.
- 3.
- 4.

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. 32-754 (a-e).
 - ii. All necessary permits from governing federal, state, or local authorities.
 - 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.

-
- (d) Any applicant or other affected party shall have the right to appeal a decision of the Planning Director to the County Planning Commission.
 - (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.

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

EXHIBIT A

Existing nonconforming Commercial Junkyards in existence prior to the enactment of these Commercial Junkyard regulations.

- (a) Any *Commercial Junkyard* that can provide documentary proof of ongoing operations occurring prior to the date this Article is enacted 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 ___ feet from the *Right-of-way* of a public road, and not less than ___ 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* 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* 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** junkyards must be met within 1 year of the effective date.

[As referred from the Planning Commission]

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Receiving financial compensation

Remove

the

Fence shall mean a substantial, continuous barrier 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* shall face the public and be constructed of treated lumber, stockade, masonry, chain link or add woven wire. Fabric *Fences* shall be not allowed.

Not needed due to removal of street req.

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.

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Scenic highway/scenic byway shall mean a road or highway under federal, state, or County 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 County government.

Setback shall refer to the required minimum distance, as established in this Article, between a *Fence* and the nearest property line, *Right-of-way*, body of water, *Scenic highway/scenic byway*, or heritage corridor.

Not needed due to removal of the exemption of Wrecker, towing and impoundment services req.

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

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.

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- b) Each *Commercial junkyard Fence* shall be *Setback* 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* held by the federal or state government, including any agency thereof.
 - (2) One hundred and twenty-five feet from the *Rights-of-way* of all County roads.
 - (3) One hundred feet from all property lines.
 - (4) One **hundred feet** from the **75 feet required by DHEC** of all bodies of water, including, by way of example and not limitation, lakes, bays, ponds, rivers, streams, creeks, and reservoirs.
 - (5) One thousand feet from all designated *Scenic highways*.
 - (6) One thousand feet from any federally designated heritage corridor.

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, *Public building*, or public recreation facility.
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- e) All *Junk* shall be stored within the *Fenced* area of the *Commercial junkyard*. The *Setback* area, being the area between the required *Fence* and the roadway, waterway, property line, etc., shall be maintained in a clean manner and shall not be used for storing, loading, or unloading *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.
- 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.

Sec. 32-755. - Existing nonconforming Commercial Junkyards in existence prior to the enactment of these Commercial Junkyard regulations.

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1. Operations are abandoned for a period of twelve (12) months or more.
2. The storage or handling area reserved for *Junk* is expanded by ___ %.
3. Operations are altered such that excessive light, noise, dust, or other negative impacts on neighboring uses arise from the altered operations.
4. *There is a change in ownership.*
5. *Safety violations.*

add 15%



remove (a)3

Remove

- (b) Once a *Nonconforming Commercial junkyard* loses its grandfathered status as a result of a condition noted in Section 32-755(a), then it must comply with the terms of this Article and the following provisions from Section 32-754 shall apply:

See Exhibit A for requirements triggered upon the occurrence of a safety violation (or perhaps a violation of item 3, above). Note Items 1, 2, and 4 would trigger enforcement of the entirety of this ordinance.

- 1.
- 2.
- 3.

Additionally, the following requirements shall be imposed:

- 1.
- 2.
- 3.
- 4.

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. 32-754 (a-e).
 - ii. All necessary permits from governing federal, state, or local authorities.
 - 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.

[As referred from the Planning Commission]

CHAPTER 32

ARTICLE X. - COMMERCIAL JUNKYARDS

Sec. 32-751. - Findings.

The County finds that Commercial junkyards:

- a) Provide a necessary service to 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 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.
- b) S.C. Code Sections 4-9-25 and 4-9-30 give Oconee County 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. In order to accomplish these purposes, the County Council enacts these 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 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 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* shall face the public and be constructed of treated lumber, stockade, masonry, chain link, **woven wire** or other approved material **of at least five feet with the remaining top twelve inches of the same material or of barbed wire strand**. Fabric *Fences* shall be not allowed.

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; **tires**, 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.

Major local street shall mean a street that is designed and serves primarily to access abutting residential and commercial properties and other streets or roadways. *Major local streets* are further characterized as having two or more access points and receiving traffic from *Minor local streets* and other *Major local streets*.

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

~~*Noneconforming 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.*~~

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

Right-of-way shall denote the limits of public and private roads, including the full property interest or easement area thereof. On County roads, when there is no deeded *Right-of-way* or similar instrument governing road access and use, the *Right-of-way* shall include all portions of the road used for travel, maintenance, and support, and including all accessory structures and features.

Scenic highway/scenic byway shall mean a road or highway under federal, state, or County 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 County government.

Setback shall refer to the required minimum distance, as established in this Article, between a *Fence* and the nearest property line, *Right-of-way*, body of water, *Scenic highway/scenic byway*, or heritage corridor.

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

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 Commercial Junkyards.

- a) Every *Commercial junkyard* must be enclosed on all sides by a *Fence* that is not less than six feet in height. Commercially reasonable efforts, made in good faith and appropriate to the nature of the operation as carried out in a customary and safe manner, must be employed so that the *Fence*, along with adjacent vegetation (either existing or planted for these purposes), conceals the view of all *Junk* from public roads and private property. Further, the *Fence* shall be constructed and maintained so that the *Commercial junkyard* is protected from access by children, or other trespassers.
- b) Each *Commercial junkyard Fence* shall be *Setback* 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* held by the federal or state government, including any agency thereof.
 - (2) One hundred and twenty-five feet from the *Rights-of-way* of all County roads.
 - (3) One hundred feet from all **other *Non-Right of way* property lines OR fencing at any lesser distance up to the property line, as long as the footprint of the usable junkyard area and any junk is no closer than One hundred feet from all non-ROW property lines.**
 - (4) One hundred feet from the ordinary high-water mark of all bodies of water, including, by way of example and not limitation, lakes, bays, ponds, rivers, streams, creeks, and reservoirs.
 - (5) ~~One thousand~~ **Five hundred** feet from all designated *Scenic highways*.
 - (6) ~~One thousand~~ **Five hundred** feet from any federally designated heritage corridor.

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, *Public building*, or public recreation facility.
- d) *Commercial junkyards* shall be located only on *Major local streets*. Locating a *Commercial junkyard* on a *Minor local street* is prohibited.
- e) All *Junk* shall be stored within the *Fenced* area of the *Commercial junkyard*. The *Setback* area, being the area between the required *Fence* and the roadway, waterway, property line, etc., shall be maintained in a clean manner and shall not be used for storing, loading, or unloading *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.
- 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.
- h) Electric Vehicles, EV batteries, shall not be stored, or handled at a Commercial Junkyard. Electric vehicle batteries are generally considered “Universal Waste” by the EPA and DHEC due**

to, among other factors, characteristics of ignitability and reactivity, and consequently must be managed with considerable care. They will not be allowed in the County's Commercial Junkyards.

(Plus any additional words that need to be added to convey that Oconee County is not storing , disassembling , handling, selling, etc, EV related batteries or cars, in any county Commercial Junkyard.)

Sec. 32-755. - Existing nonconforming Commercial Junkyards in existence prior to the enactment of these Commercial Junkyard regulations.

- (a) Any Commercial junkyard that can provide documentary proof of ongoing operations occurring prior to the date this Article is enacted has 8 months to register their Commercial Junkyard with the county. The county will identify/designate the subject property in GIS as a "Commercial Junkyard" in addition to the owner of record identification. Anyone not registered by the deadline will lose its grandfathered status.
- (b) Any existing *Commercial junkyard* that registers the business by the deadline, shall be exempt from the requirements Sec. 32-754. (a) through (g) of this Article. *All Junkyards shall comply with Sec 32-754. (h).*
- (c) Any existing Commercial Junkyard that registers their Commercial Junkyard will be considered as a "Nonconforming Commercial junkyard," unless one of the following conditions arise:
 - 1. Operations are abandoned for a period of twelve (12) months or more.
 - 2. The storage or handling area reserved for *Junk* is expanded by 15%.
 - 3. Operations expand beyond the original footprint to cross a road, or drive, or driveway- which services non-related parcels, or expands into a separate parcel of land.
 - 4. More than ONE occurrence, after this Article is in place, where the fire department and/or EMS is called out for an active fire or injury, other than heart attack, stroke, or other health issues unrelated to the business itself.
 - ~~5. Operations are altered such that excessive light, noise, dust, or other negative impacts on neighboring uses arise from the altered operations.~~
 - ~~3. There is a change in ownership.~~
 - ~~5. Safety Violations.~~
- (d) Once a *Nonconforming Commercial junkyard* loses its grandfathered status as a result of a condition noted in Section 32-755(a) & (c), then it must comply with the terms of this Article and the following provisions from Section 32-754 shall apply:
 - 1. (a) Regarding Fencing, All Fencing Requirements shall apply. The business shall have Eighteen months to comply.
 - 2. (b)& (c) Regarding Setbacks, All setbacks shall apply, unless the Commercial Junkyard had existing setbacks of less than the Article requirements, at which point, no future expansion into, and in the direction of, the setbacks stated in this Article.
 - 3. Items (d) through (h) shall apply as written.

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 Registration or Application* from the County Planning Department.

-
1. A *Commercial junkyard* Application shall consist of:

James, I think this last portion should be for you to complete.

I do want existing yards to “Register” and new yards to “Apply”. I think a existing yards should provide some type of GIS aerial at minimum so Planning office can determine if any expansion of the Junkyard footprint has occurred. I think an initial site visit from Planning Office to verify information would also be productive.

- i. An initial site plan showing all required items from Sec. 32-754 (a-e).
 - ii. All necessary permits from governing federal, state, or local authorities.
 - 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.

James I’m not sure if Exhibit A is applicable, I’ll leave that to your expertise.

Also, regarding non-compliance, are the penalties/fees supposed to be spelled out in this document?

-
- (d) Any applicant or other affected party shall have the right to appeal a decision of the Planning Director to the County Planning Commission.
 - (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.

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

EXHIBIT A

Existing nonconforming Commercial Junkyards in existence prior to the enactment of these Commercial Junkyard regulations.

- (a) Any *Commercial Junkyard* that can provide documentary proof of ongoing operations occurring prior to the date this Article is enacted 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 _ feet from the *Right-of-way* of a public road, and not less than ___ 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* 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* 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** junkyards must be met within 1 year of the effective date.