

OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



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

COMMISSION MEMBERS

Teresa Spicer, District I
Brit Adams, District III
Gary Gaulin, District V
Mickey Haney, At-Large

David Nix, District II
Frankie Pearson, Chairman, District IV
Mike Johnson, Vice Chair, At-Large

AGENDA

6:00 pm, Monday August 7, 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 July 17, 2023
5. Public Comment for Non-Agenda Items (4 minutes per person)
6. Commission Member Comments
7. Staff Comments
8. Discussion regarding Agricultural II zoning district with the Agricultural Advisory Board
 - a. Public Comment
 - b. Discussion/ vote
9. Discussion regarding a Commercial Junkyard ordinance
 - 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

6:00 pm- Monday, July 17, 2023

Council Chambers - Oconee County Administrative Complex

Members

Teresa Spicer

Brit Adams

Gary Gaulin – via Phone

Mike Johnson

David Nix

Frankie Pearson

Mickey Haney

Staff Present

James Coley, Planning Director

Elise Dunaway, Assistant to Planning & Codes

David Root, County Attorney

1. Call to order – Mr. Pearson called meeting to order at 6:00 PM.
2. Invocation was led by Mr. Nix.
3. Pledge of Allegiance was led by Mr. Johnson.
4. Approval of minutes from June 5, 2023 – Mr. Johnson made a motion to approve the minutes; seconded by Mr. Nix. Approved unanimously 6/0
5. Public comment (non-agenda items):
None
6. Commission member comments:
None
7. Staff comments:
Mr. Coley presented four subdivisions: The Pier South, Cliffs Golf Cottages, Cascade Point, and Green Paw Mixed Use.
8. Discussion of Comprehensive Plan Goals for 2023, chapter 4.
 - a. Public Comment:
None
 - b. Discussion / Vote:

Mr. Gaulin joined the meeting via phone call.

9. Discussion regarding the development of an ordinance to foster the identification and safe repair or removal of structures that have become unsafe for occupation as a result of fire damage and natural disasters.
 - a. Public Comment:
Mr. Tom Markovich expresses his concern regarding the proposed ordinance and the lack of standards it encompasses.
 - b. Discussion / Vote:
Mr. Root reviewed the proposed ordinance sent from the Law Enforcement and Public Safety Health and Welfare committee with the commission.
Discussion followed.

Mr. Nix made a motion to recommend the Law Enforcement Committee eliminate the ordinance. Seconded by Mr. Johnson. Approved 7/0.
Discussion Followed.
10. Discussion regarding Agricultural II zoning district.
 - a. Public Comment:
None
 - b. Discussion / Vote:
Mr Pearson moved to invite the Agricultural Advisory Board to a meeting and discuss the proposed zoning district. Seconded by Mr. Johnson.

Mr. Adams made a motion to amend the motion. Seconded by Mr. Johnson.

Mr. Adams withdrew his amendment.

Mr. Pearson made a motion to have the Agricultural Advisory Board attend the next meeting or the next meeting a quorum is available to attend the meeting in order to discuss the matter further and to postpone any vote on this item until further discussion. Seconded by Mr. Johnson. Approved 7/0.
11. Adjourn – The meeting was unanimously adjourned at 7:13 PM.

Sec. 38-10.6. Agriculture district II (AD II).

Title: Agriculture district II.

Definition: Those areas in which rural lifestyles have traditionally been and continue to be intertwined with agricultural activity and production which has a significant economic impact to the area and Oconee County.

Intent: Agricultural districts are intended for the protection of farm land in Oconee County while ensuring sufficient residential and commercial development opportunities exist to serve the needs of citizens living in those areas.

*Dimensional requirements:**

| Residential Uses | Density and Lot Size | | | Minimum Yard Requirements | | | Max. Height |
|---------------------|----------------------|------------------------|---------------------------|---------------------------|--------------------|--------------------|------------------------|
| | Min. Lot Size | Max. Density | Min. Width (ft.) | Front Setback (ft.) | Side Setback (ft.) | Rear Setback (ft.) | Structure Height (ft.) |
| | 5 acres | 1 dwelling per 5 acres | 400 | 35 | 20 | 50 | |
| Nonresidential Uses | Minimum Lot Size | | Minimum Yard Requirements | | | Max. Height | |
| | Min. Lot Size | | Min. Width (ft.) | Front Setback (ft.) | Side Setback (ft.) | Rear Setback (ft.) | Structure Height (ft.) |
| | 5 acres | | 600 | 35 | 20 | 50 | |

*See Article 9 for general provisions and exceptions to dimensional requirements.

| | AD | ADII |
|--|----|------|
| Agricultural production, crops, livestock, and poultry | P | P |
| Agricultural production, crops, livestock, and poultry (excluding commercial chicken houses, commercial hog parlors, and commercial feed lots) | P | P |
| Agricultural support services-veterinarians, kennels, feed/seeds, supply stores, implements, etc. | P | P |
| Air strips | S | S |
| Auction houses | P | P |
| Auditorium/Indoor Public Assembly | S | S |
| Bed and Breakfast Inns | C | C |
| Building and Trade Contractors, including materials and supply uses | P | P |
| Cemeteries and accessory uses | P | P |
| Civic, fraternal, professional, and political organizations | P | P |
| Commercial Fishing, Hunting and Trapping | P | P |
| Communications towers | S | S |
| Conservation subdivisions | C | C |
| Convenience stores (excluding motor vehicle services) | S | S |
| Correctional facilities and half-way houses | X | X |
| Day Care Facilities (all ages) | P | P |
| Distribution and other Warehouses | P | P |
| Educational buildings, and Research Facilities (all types) | S | S |

| | | |
|---|---|---|
| Emergency services | P | P |
| Farm and roadside markets | P | P |
| Financial Services | S | S |
| Forestry/Silviculture | P | P |
| Fuel supply services | P | P |
| Funeral homes and services | X | X |
| Golf courses, country clubs, driving ranges | X | X |
| Government buildings (excluding correctional facilities) | S | S |
| Group Homes | S | S |
| Greenhouses, nurseries, and landscape commercial services | P | P |
| Gun and Archery clubs and shooting ranges | S | S |
| Health care services, service retail, and emergency short term shelters | P | P |
| Home occupations and businesses | C | C |
| Hotels, Motels, and Inns | S | S |
| Laundry Mats | P | P |
| Laundry and dry cleaning services | X | X |
| Light Manufacturing | S | S |
| Liquor stores and bars | X | X |
| Lumber and saw mills (permanent) | P | P |
| Lumber and saw mills (portable) | P | P |
| Manufactured Home Dealer | X | X |
| Heavy Manufacturing | X | X |
| Marinas | S | S |
| Mini storage or mini warehouses | X | X |

| | | |
|---|---|---|
| Mining | S | S |
| Mixed Use Buildings and parcels | P | P |
| Motor vehicle parking and garages (as a principal business use) | X | X |
| Motor vehicle sales and rental | X | X |
| Motor vehicle services and repair | P | P |
| Motor vehicle services and gas stations (excluding truck stops) | P | P |
| Movie theater | X | X |
| Multi-family residential development (structures containing 5 or more residential units) | X | X |
| Multi-family residential development (structures containing no more than 4 residential units) | X | X |
| Museums, cultural centers, historical sites, sightseeing, and similar institutions | P | P |
| Office uses, general | X | X |
| Outdoor Retail | P | P |
| Places of worship | P | P |
| Public, Private, and Commercial parks and recreation, camping or social facilities | P | P |
| Public and private utilities | P | P |
| Railroad stations | X | X |
| Residential care facilities | X | X |
| Restaurants (up to 2,500 square feet) | P | P |
| Restaurants (greater than 2,500 square feet) | S | S |
| Retail uses (up to 5,000 square feet) | S | S |
| Retail uses (5,000—50,000 square feet) | X | X |
| Retail uses (greater than 50,000 square feet) | X | X |

| | | |
|---|---|---|
| Roadside Stands | P | P |
| Salvage yard, Junkyard, and Recycling Operations | S | S |
| Single-family detached residential | P | P |
| Single-family subdivisions (10 units or less) | S | S |
| Single-family subdivisions (more than 10 units) | X | X |
| Solid waste landfill and Waste Management Services; (excluding hazardous waste) | S | S |
| Taxidermy, slaughter houses and wild game processing | P | P |
| Waste management services (excluding hazardous waste) | S | S |

[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 wirel. 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.

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*.