



**NEWBERRY COUNTY COUNCIL
COUNTY COUNCIL AGENDA
Newberry Courthouse Annex
1309 College Street, Newberry, SC 29108
February 19, 2025
6:00 P.M.**

Call to order: Robert Shealy, Chairman.
Invocation and Pledge of Allegiance: Todd Johnson, Councilman.

1. Adoption of Consent Agenda:

- a. Newberry County Council Work Session – February 5, 2025.
- b. Newberry County Council Meeting – February 5, 2025.

2. Additions, Deletions & Adoption of the Agenda.

3. Recognitions:

- | | | |
|--------------------------|----------|----------------|
| a. Katrina Bouknight | 10 years | Animal Control |
| b. Arvid D. Lominick Jr. | 15 years | Corrections |
| c. Debbie Cromer | 50 years | Finance |

4. Personal Appearances:

- a. Antwan Harris – Public Affairs Specialist, U.S. Small Business Administration.

5. Ordinance No. 02-01-2025. An Ordinance acting on a request to amend the official zoning map established pursuant to Zoning Ordinance No. 12-24-01 as revised and amended by Zoning Ordinance No. 06-11-16 and codified in Chapter 153 of the Newberry County Code of Ordinances, establishes Zoning Classifications and Districts so as to rezone one (1) real estate parcel totaling three and nine hundredths (3.09) acres designated as TMS No. 295-7 from RS-Single Family Residential to R2-Rural.
 - a. Public Hearing.
 - b. Second Reading.

6. Ordinance No. 02-02-2025. An Ordinance acting on a request to amend the official zoning map established pursuant to Zoning Ordinance No. 12-24-01 as revised and amended by Zoning Ordinance No. 06-11-16 and codified in Chapter 153 of the Newberry County Code of Ordinances, establishes Zoning Classifications and Districts so as to rezone one (1) real estate parcel totaling two and seventy-eight hundredths (2.78) acres designated as TMS No. 741-79 from RS-Single Family Residential to GC-General Commercial.
 - a. Public Hearing.
 - b. Second Reading.

7. Ordinance No. 02-03-2025. An Ordinance to amend Chapter 154 of the Code of Ordinances of the County of Newberry, South Carolina, to adopt updated Newberry County Land Development Regulations.
 - a. Public Hearing.
 - b. Second reading.

8. Ordinance No. 02-04-2025. An Ordinance to amend the text of the official zoning ordinance of Newberry County, South Carolina, as codified in Chapter 153 of the Code of Ordinances of Newberry County, South Carolina, to establish regulations for the issuance of permits for the keeping of chickens on a non-commercial basis on residential properties in Newberry County as an accessory use.
 - a. First Reading.

9. Ordinance No. 02-05-2025. An Ordinance amending Section 152.04 of the Newberry County Code of Ordinances, Chapter 152, Flood Damage Prevention, to clarify the date of the Flood Insurance Study of the Federal Emergency Management Agency identifying areas of special flood hazard within Newberry County, South Carolina and referenced therein.
 - a. First Reading.

10. Appointments.

11. Public Comments.

12. Comments/Requests from County Administrator.

13. Comments/Requests from Council.

14. Future meetings:

- a. Newberry County Executive Committee – February 24 at 5 p.m.
- b. Newberry County Council Work Session – March 5 at 5 p.m.
- c. Newberry County Council Meeting – March 5 at 6 p.m.
- d. Newberry County Economic Development Committee – March 10 at 5 p.m.
- e. Newberry County Council Work Session – March 19 at 5 p.m.
- f. Newberry County Council Meeting – March 19 at 6 p.m.

15. Adjournment.

**NEWBERRY COUNTY COUNCIL WORK SESSION
MINUTES
February 5, 2025**

Newberry County Council met on Wednesday, February 5, 2025, at 5:01 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a Work Session.

Notice of the meeting was duly advertised, as required by law.

PRESENT: Karl Sease, Vice-Chairman
Leon Fulmer, Council Member
Todd Johnson, Councilman
Travis Reeder, Council Member
Johnny Mack Scurry, Council Member
Stuart Smith, Council Member
Jeff Shacker, County Administrator
Joanie Winters, County Attorney
Karen Brehmer, Deputy County Administrator
Debbie Cromer, Finance Director
Rick Farmer, Economic Development Director
Eric Nieto, I.T. Director
Katie Werts, Director of Planning and Development
Andrew Wigger, Clerk to Council/PIO

ABSENT: Robert Shealy, Chairman

Mr. Sease called the meeting to order at 5:01 p.m.

1. Presentation of FY 2023-2024 Audit – David Usefara, Mauldin and Jenkins
 - Mr. Usefara said they found an unmodified, clean opinion for the governmental activities in each major fund and aggregate fund information. He said where they have a

qualified opinion was on the component units, with the Newberry County Library and Westview Behavioral Services as they did not file financial statements in time.

- During the audit, Mr. Usefara said they noted two findings, which are repeat findings from the past few years. Per staff, these items are being addressed, he said.
- The first finding was the General Ledger system not working properly for rolling forward into the new fiscal year and running reports and issues balancing the different funds together. The county is in the process of switching over to a new system.
- The second finding was segregation of duties, Mr. Usefara said that is something that happens with some counties where there are not enough employees to cover all the different areas that need to be segregated. He said the county has several instances of overlapping duties where someone might be preparing a bank reconciliation and then there is no one to review it, so someone is reviewing their own work. Another example is someone who is depositing the money into the bank and is also recording it in the General Ledger. Mr. Usefara said this can be difficult in counties with lack of personnel.
- When it comes to recommendations, Mr. Usefara said depreciation is currently being calculated manually on a spreadsheet, as opposed to in a system, and they said with the new system, that it will have an aspect of calculating depreciation.
- Under inventory, he said they noted the general fund inventory did not change from last year and Mr. Usefara said they wanted to bring that to the attention of management.
- Mr. Usefara said they encountered no difficulties with management and Ms. Cromer was once again helpful and great throughout this process. They also did not encounter any disagreements with management over the application

of significant accounting principles. Mr. Usefara said they requested written representations from management relating to the accuracy of information included in the financial statements and they had no issues receiving that. There were also no significant issues discussed with management related to business conditions, plans, or strategies that may have impacted the risk of material misstatement of the financial statements.

- Mr. Usefara reviewed the numbers from the audit, including that there is a net position of \$20 million, \$18 million of which is invested in capital assets. He also said that the county has \$16.7 million in fund balance, \$15.6 of which is unassigned, and \$1 million is committed to the subsequent year's budget. That total fund balance is an increase of \$2.5 from the prior year.
- Mr. Johnson said this has been a concern of his for a while, he said it seems like every year they say separation of duties. He asked Mr. Usefara if it was possible for his firm to give recommendations for what those checks and balances should be and how the county could adjust that.
 - Mr. Usefara said they have a specific practice in their firm which does this and they've been doing this a lot more for other governments, they come in and see what the operations are and give recommendations and help implement those policies that they find might be more helpful. In regard to the audit, it does not get in the way of their independence.
- Mr. Sease asked, regarding depreciation, if we were using that manual sheet because they went to a new software and they are not used to it yet and doesn't the new software have a module to do depreciation.
 - Mr. Shacker said once the Tyler software is implemented they will do depreciation with the software.

- Mr. Johnson asked Mr. Shacker if there was a time frame on the new software.
 - Mr. Shacker said last he heard it would be this fall but deferred to Ms. Cromer. Ms. Cromer said that is what they are hoping, but the hardest thing to do is the accounts and the new account numbers, which they are still working on. Ms. Cromer said with the new software, once you scan a piece of equipment into that system, it will automatically show up on a report.
 - Mr. Reeder said his concern is with the different regulations going on with the federal government, do they foresee any money not coming toward the state, county, that is going to affect anything.
 - Mr. Shacker said the county does have some grants that are frozen, at the moment.
2. Update on a proposed ordinance to allow the keeping of hens (not roosters) as a conditional use within residential zoning districts, subject to minimum standards.
- Mr. Shacker reviewed the draft ordinance, as attached with these minutes, to get Mr. Smith up to speed.
 - In the current zoning ordinance, with the exception of R2 (which is 90% of Newberry County) the other four residential districts, the keeping of chickens is prohibitive as they are not explicitly permitted, like they are for horses.
 - This ordinance has been recommended by the Joint Planning Commission.
 - Mr. Johnson said they talked about the fees associated with this at a prior meeting, he wanted to know if it would be possible to do a stay period before they move forward with the fee. He said this would give folks an opportunity if they already have chickens.
 - Mr. Shacker said they can address the fees in the ordinance.

- Mr. Fulmer suggested that they should make it a year after the ordinance is adopted.
- Mr. Johnson said there was a local publishing of an article with a headline saying the county was going to limit the number of chickens, and the truth is the exact opposite. He said he hopes they can work with local media outlets a little bit, so they get a much clearer explanation of what is going on.
 - Mr. Shacker said they will work on that.
- Mr. Fulmer asked what the steps regarding enforcement of this ordinance are.
 - Mr. Shacker said they'd follow the same corrective action (with a written agreement with a deadline) agreement the county has in the nuisance codes. He said if there is an instance where someone does not comply, they will get an ordinance summons and the case would go to Magistrate Court.
 - Mr. Shacker also said they would work with residents to give them time to comply with the ordinance.

3. Adjournment.

- Mr. Reeder made a motion to adjourn; Mr. Smith provided the second and the motion carried 6-0.
- The Newberry County Council Work Session adjourned at 5:40 p.m.

NEWBERRY COUNTY COUNCIL

Karl Sease, Vice-Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____

DRAFT

**NEWBERRY COUNTY COUNCIL
MINUTES
February 5, 2025**

Newberry County Council met on Wednesday, February 5, 2025, at 6:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a regular scheduled meeting.

Notice of the meeting was duly advertised, as required by law.

PRESENT: Karl Sease, Vice-Chairman
Leon Fulmer Jr., Council Member
Todd Johnson, Council Member
Travis Reeder, Council Member
Johnny Mack Scurry, Council Member
Stuart Smith, Council Member
Jeff Shacker, County Administrator
Joanie Winters, County Attorney
Karen Brehmer, Deputy County Administrator
Katherine Cook, Human Resources Director
Debbie Cromer, Finance Director
Captain Ben Chapman, NCSO
Eric Nieto, I.T. Director
Andrew Wigger, Clerk to Council/PIO

ABSENT: Robert Shealy, Chairman

Mr. Sease called the meeting to order at 6:00 p.m.

Mr. Fulmer led the invocation and Pledge of Allegiance.

1. Adoption of Consent Agenda:

- a. Newberry County Council Work Session – January 8, 2025.
- b. Newberry County Council Meeting – January 8, 2025.

- c. Newberry County Council Work Session – January 15, 2025.
- d. Newberry County Council Meeting – January 15, 2025.
- e. Newberry County Public Safety & Courts Committee – January 27, 2025.

- Mr. Johnson made a motion to adopt the minutes as presented; Mr. Fulmer provided the second and the motion carried 6-0.

2. Additions, Deletions & Adoption of the Agenda.

- Mr. Scurry made a motion to adopt the agenda as presented; Mr. Johnson provided the second and the motion carried 6-0.

3. Personal Appearances:

a. Jon Snow, CEO Newberry County Memorial Hospital.

- Mr. Snow provided an update on the hospital, which included: from summer of 2023 through March of 2024, they successfully completed the process of developing their strategic plan; opening of the Newberry Medical Center of Newberry College; partnering with Midlands Anesthesia Group; partnering with Lovelace Family Medicine for an inpatient medicine program; completed construction on a new office building that is the home of the Newberry Hospital Center for Adult Physical, Speech, and Occupational Therapy Services.
- This year marks the 100th year of the hospital. Mr. Snow then announced a new name for the hospital, Newberry Health.

b. Steven Knapp, Executive Director of The Newberry Museum.

- Mr. Knapp reviewed what The Newberry Museum accomplished in 2024, and what they expect in 2025 and

beyond. In 2024, he said they partnered with several organizations including the Newberry Fire Department and the National Museum of Civil War Medicine. They also had new artifacts loaned and donated to the museum.

- The Museum also opened a Botanical Garden in 2024, which they can use for programs and events.
 - At the end of 2024, The Newberry Museum had 3,634 visitors, a five percent increase over 2023. This number represents 39 states, one territory and 11 foreign countries.
 - Looking at 2025-26, Mr. Knapp said they are working on expanding and redoing some of their permanent exhibits. One project is to look at all of the churches in Newberry County, as a rotating exhibit. They are also working on research projects, including the Hope Rosenwald Schools. They are also looking into the Reconstruction period and the Union occupation of Newberry County.
 - Mr. Knapp said they recently received a request from the National Museum of American Diplomacy, affiliated with the Smithsonian, that they want to borrow some artifacts relating to the Samsung plant.
 - Mr. Knapp is also working to get a rifle, owned by the British Royal Family, that was originally owned by a Newberry County resident. He is working to get that loaned to The Newberry Museum.
4. Ordinance No. 02-01-2025. An Ordinance acting on a request to amend the official zoning map established pursuant to Zoning Ordinance No. 12-24-01 as revised and amended by Zoning Ordinance No. 06-11-16 and codified in Chapter 153 of the Newberry County Code of Ordinances, establishes Zoning Classifications and Districts so as to rezone one (1) real estate parcel totaling three and nine hundredths (3.09) acres designated as TMS No. 295-7 from RS-Single Family Residential to R2-Rural.
- a. First Reading

- Mr. Smith made a motion to approve first reading; Mr. Reeder provided the second and the motion carried 5-1, with Mr. Scurry voting against.
 - Mr. Shacker said this property is located between Newberry and Silverstreet. He said it is currently zoned RS-Single Family Residential, and the owner is requesting that it be rezoned to R2-Rural to place a manufactured home on the property. The requested rezoning, R2, is consistent with the Rural Development Overlay, as is the current zoning, RS.
 - The Joint Planning Commission has recommended the rezoning.
5. Ordinance No. 02-02-2025. An Ordinance acting on a request to amend the official zoning map established pursuant to Zoning Ordinance No. 12-24-01 as revised and amended by Zoning Ordinance No. 06-11-16 and codified in Chapter 153 of the Newberry County Code of Ordinances, establishes Zoning Classifications and Districts so as to rezone one (1) real estate parcel totaling two and seventy-eight hundredths (2.78) acres designated as TMS No. 741-79 from RS-Single Family Residential to GC-General Commercial.

a. First Reading

- Mr. Reeder made the motion to approve first reading; Mr. Smith provided the second and the motion carried 6-0.
- Prior to the vote, Mr. Shacker said this request is to rezone 2.78 acres, on Hwy 76 between Little Mountain and Chapin, the owner has a potential buyer for the property, and they are proposing a gymnastics center. The rezoning would allow for the business. The rezoning would be consistent with the comprehensive plan.

6. Ordinance No. 02-03-2025. An Ordinance to Amend Chapter 154 of the Code of Ordinances of the County of Newberry to Adopt Updated Newberry County Land Development Regulations.

a. First Reading

- Mr. Johnson made a motion to accept first reading; Mr. Smith provided the second and the motion carried 6-0.

7. Consideration and approval of proposals to provide Consulting Services for Disaster Recovery and FEMA Public Assistance (RFP# 2024-10).

- Mr. Shacker said Hurricane Helene, back in the fall, did a good bit of damage to the county. FEMA will fully fund the services of a consultant to help prepare all the paperwork and the reimbursement request for storm related expenditures.
- The county issued a request for proposals with eight respondents, two firms scoring very high, Rostan Solutions LLC. And Berquist Recovery Consulting, with Rostan scoring one point higher.
- However, staff recommended to council they award the contract to Berquist because of the March 14th deadline and Berquist is located in Columbia.
- Mr. Johnson asked why there would be a scoring system, but then not follow the scoring system.
 - Mr. Shacker said the way the ordinance reads; it gives council the ability to select the firm that is most advantageous to the county's interest. He said with the scoring being in such a dead heat, and geography not being one of the criteria and that would be the "tiebreaker."
- Mr. Johnson asked if they should have made that part of the scoring process. Mr. Shacker said when they started

the process, they did not realize they had the March deadline and that is why it wasn't originally considered.

- Mr. Fulmer asked what the scale was, to which Mr. Shacker said it was 1-100 and they were weighted. He added the scores ended up being 92 and 91. Mr. Fulmer said statistically, they were the same.
- Mr. Johnson made the motion that council accept the staff's recommendation, because he has that much trust in their staff, but he does think for future reference, if they consider something like geography, that should be in the scoring criteria. Mr. Smith provided the second and the motion carried 7-0.

8. Appointments.

- Mr. Scurry appointed Torchia Werts to the Board of Zoning Appeals; Mr. Johnson provided the second and the motion carried 6-0.

9. Public Comments.

- Mr. Tommy Boyd came to address a road problem where he lives, Seagull Lane. He said this road is in need of assistance, he said it never was constructed like it should have been. He said if they cannot get it paved, can they get it surfaced in certain areas where they have potholes.
- Mr. Chuck Fellows said he was here to note something that is in the Newberry County Comprehensive Plan, he said it talks about two golf clubs, he said there are two very fine clubs, but there is something omitted from the Country Club of Newberry, it is 102 years old and that was significant. Mr. Fellows then shared a book with council regarding the country club. He said regarding economic development, he'd like the county to consider vertical farming, it has a presence in South Carolina and the county has facilities that are vacant,

and property and it might be an entrepreneurial opportunity for people in the county.

- Ms. Kimberly Crone said she lives just down from the land that is up for rezoning (agenda item four) she said she understands living near to family in order to help them in times of emergency, because they are all family and friends in that community, and they look out for each other. However, she said the homeowners who want to rezone the land have other options for placing a mobile home for their daughter and her children so they can assist them and be close, without having to cross the busy highway. She said the current landowner owns an approximately 13-acre tract across the highway 34-121 from the discussed three-acre tract. She said the 13-acre tract includes RS and R2 zoning and they could utilize that land rather than requesting a deviation from the current use and there is no need for rezoning. She said the current landowner has not paid the 2024 property taxes on the three-acre tract and that should be a prerequisite to submitting an application to rezone.
- Ms. Erin Willis said she owns property adjacent to the three-acre tract being discussed in agenda item four. She said she objects to the rezoning because they have property already that doesn't have to be rezoned. She said the rezoning would affect all three-acres and this allows for three mobile homes on the property, and they must consider the future use and not just today's effects. She said they own 13-acres across the road that does not require rezoning. She said there is only one landowner in support of this rezoning.
 - Mr. Reeder asked if there are currently any other mobile homes, to which Ms. Willis said there are no other mobile homes in the area.
- Ms. Khristie Metts said she also owns adjacent land to the land being discussed in agenda item four; plus, the 13 acres the landowner has across the road. She said she also does not support the rezoning.

- Mr. Gregg Turner also spoke on agenda item four, he said typically when you have a group of homeowners that own land around a parcel of property – which he is one – if council was considering something for some large commercial purpose that was going to create economic development for this community, he could see council having to weigh decisions very carefully, but when there is no true economic impact being forged, he thinks all of the landowners who own all of the adjacent property around it should be those the county council hears. He suggested they do listen to the landowners who will be impacted by this the most and would appreciate their consideration not to rezone.
- Mr. Tyler Turner – who said he was speaking on behalf of Deborah Cassidy, June Pitts and Tennie Longshore, all landowners adjacent to the property under consideration for agenda item four. He said the closest manufactured home he could find is 1.1 miles up the road, he compared values of the residence types. He said during the Joint Planning Commission there was some stuff about comparing manufactured homes versus stick built homes and the pricing comparison and provided information to council regarding that. He said there are other options available to them.
- Mr. Brandon Davis, with Carolina Home Outlet, said he'd speak on behalf of the family requesting the rezoning on agenda item four. He said 93% of the area is already zoned R2 and they were able to identify – at GIS – mobile homes that are already in the area. He said there are manufactured homes a lot closer than 1.1 miles. He said he thinks it would be great to move forward with the rezoning, one for affordability, but also attainability. He said looking at cost of housing, manufactured housing is able to be obtained for less than 60 a square foot. He said they last 30 to 50 years.
- Mr. Dwain Morris, the property owner of the rezoning request for agenda item four, said his daughter is going through a divorce and has to move and they are looking at that piece of

property because it is the most affordable place to put her. He said if they put her behind them or off the road where they are talking about, just the driveway is going to take up any money she has, same with putting water lines.

- Mr. Mitch Howard, with Carolina Home Outlet, spoke on agenda item four, he also mentioned that what they saw is 93% of that area is manufactured homes, but he does not know in what distance. He said they have come a long way with manufactured homes and the typical life is 30-50 years.
- Ms. Leesha Wessinger also spoke on agenda item four, and said she wanted to reiterate that the land will be split up into two places and there will only be two spots a mobile home can go. He said this was not their intention; she didn't want this.
- Mr. David Adams asked about the chicken issue and asked when it would be brought up again (next meeting).

10. Comments/Requests from County Administrator.

- Mr. Shacker said there is a lot going on right now. He said they have \$6.6 million in grant projects they are working on right now and \$47 million of Capital Project Sales Tax projects that are moving.
- Mr. Shacker said the budget process has started, and they are assembling that and will have recommendations for council.

11. Comments/Requests from Council.

- Mr. Fulmer thanked everyone for coming out, and said it is encouraging when folks are concerned about what is going on in their community. He added that obviously council has to make decisions, and they will never satisfy everyone, but they do the best they can and try and consider all aspects whenever they make decisions. He encouraged folks to keep

in mind there is nothing like family and whatever you can do to work things out and make an agreement, he encourages you to do that.

- Mr. Johnson thanked everyone for being at the meeting. He also thanked Mr. Shacker for helping him with a constituent issue and thanked him for being accessible and keeping projects going and they are blessed to have him as their county administrator. He thanked everyone for asking and praying for his family and he is grateful and thankful for that.
- Mr. Reeder said he thinks they had a lot of productive material today. He said he gave Mr. Johnson and his family a blessing to continue healing.
- Mr. Smith thanked Newberry Hospital for 100 years of service and what a great honor. He also thanked Newberry Museum for their hard work.
- Mr. Scurry thanked everyone for coming out, especially his community. He said they are going to make this decision together and asked them to come back on the 19th as well.
- Mr. Sease thanked everyone for coming out and giving input and encouraged everyone to come back for the public hearing. He also thanked Mr. Shacker for putting together a productive meeting. He also thanked Mr. Snow for all the services the hospital gives the residents of the county. He also thanked the museum for all the great things they do.

12. Future meetings:

- a. Newberry County Council Work Session – February 19 at 5 p.m.
- b. Newberry County Council Meeting – February 19 at 6 p.m.
- c. Newberry County Executive Committee – February 24 at 5 p.m.
- d. Newberry County Council Work Session – March 5 at 5 p.m.
- e. Newberry County Council Meeting – March 5 at 6 p.m.

13.Adjournment.

- Mr. Smith made a motion to adjourn the meeting; Mr. Scurry provided the second and the motion carried 6-0.
- Newberry County Council adjourned at 7:12 p.m.

NEWBERRY COUNTY COUNCIL

Karl Sease, Vice-Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____



**Newberry County
Administration**
1309 College Street
Newberry, SC 29108
803-321-2100

Agenda Briefing

Prepared By: Katie Werts	Title: Director of Building & Zoning
Department: Building & Zoning	Division: Zoning
Date Prepared: January 29, 2025	Meeting Date: February 5, 2025
Legal Review:	Date:
Budget Review:	Date:
Approved for Consideration: Joint Planning Commission	Date: January 28, 2025
Request Consideration by Committee / County Council: County Council	
Subject: Rezoning Request MA01-01-21-25 Ordinance: # 02-01-2025	

STAFF'S RECOMMENDED ACTION:

This ordinance is for the request to rezone one (1) real estate property totaling three and nine hundredths (3.09) acres located off SC Highway 34-121, Newberry, from RS-Single Family Residential to R2-Rural. Currently the property is vacant land. The property owner's daughter would like to place a manufactured home on the property. The future land use map of the comprehensive plan has identified this property to be within the rural development overlay. The rezoning to R2-Rural does fit within the definition of the rural development overlay. The Planning staff does recommend this rezoning. The Joint Planning Commission voted to approve the rezoning also.

FIDUCIARY:

Are Funds allocated in the department's current fiscal year budget?		Yes		No
If no, is a budget amendment necessary?		Yes		No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

N/A

COUNTY ATTORNEY'S OFFICE FEEDBACK/POSSIBLE AREA (s) OF LEGAL EXPOSURE:

SUMMARY DISCUSSION:

This request is to rezone one (1) property totaling three and nine hundredths (3.09) acres located off SC Highway 34-121, Newberry, from RS-Single Family Residential to R2-Rural.

ADDITIONAL COMMENTS FOR CONSIDERATION:

None

ATTACHMENTS:

Ordinance No. 02-01-2025

The Joint Planning Commission determined that it does concur with the recommendation of the Planning Staff. The Planning Commission has now forwarded its report on the rezoning request to Newberry County Council, as required by law, for consideration of its actions by Newberry County Council.

WHEREAS, Newberry County Council is familiar with the site and the existing uses of the properties located on SC Highway 34-121, Newberry.

NOW, THEREFORE, Newberry County Council makes the following findings of fact and law as to the merits of the rezoning request concerning Tax Map No. 295-7 totaling three and nine hundredths (3.09) acres located on SC Highway 34-121, Newberry as more particularly shown on the plat accompanying the submitted "Official Zoning Map Amendment Application" included in the submitted Planning Commission report attached hereto, R2-Rural from RS-Single Family Residential.

A. That the proposed map amendment does promote the implementation of the Comprehensive Plan in the area.

B. This amendment is needed because the proposed development cannot be accomplished by the owner under the existing zoning district regulations.

C. That traffic patterns in the neighborhood will not be adversely affected by the change in zoning.

NOW, THEREFORE, BE IT ORDAINED that:

Newberry County Council hereby determines, based on the findings set forth above, that the attached rezoning request for a map amendment for Tax Map No. 295-7,

totaling three and nine hundredths (3.09) acres real estate parcel as acted on by the
Planning Commission, be:

_____ disapproved;

_____ approved; or

_____ approved with the following modifications: _____

_____.

AND IT IS SO ORDAINED by Newberry County Council this _____ day of
_____, 2025 in meeting duly assembled at Newberry, South Carolina.

(SEAL)

NEWBERRY COUNTY COUNCIL

By: _____
Robert N. Shealy, Chairman

Attest:

Andrew Wigger, Clerk to Council

1st reading: February 5, 2025.
2nd reading: February 19, 2025.
Public Hearing: February 19, 2025.
3rd reading: March 5, 2025.

Reviewed and approved as to form:

Joanie Winters, County Attorney

Jeff Shacker, County Administrator



**Newberry County
Administration**
1309 College Street
Newberry, SC 29108
803-321-2100

Agenda Briefing

Prepared By: Katie Werts	Title: Director of Building & Zoning
Department: Building & Zoning	Division: Zoning
Date Prepared: January 29, 2025	Meeting Date: February 5, 2025
Legal Review:	Date:
Budget Review:	Date:
Approved for Consideration: Joint Planning Commission	Date: January 28, 2025
Request Consideration by Committee / County Council: County Council	
Subject: Rezoning Request MA02-01-21-25 Ordinance: # 02-02-2025	

STAFF'S RECOMMENDED ACTION:

This ordinance is for the request to rezone one (1) property totaling two and seventy-eight hundredths (2.78) acres located off US Highway 76, Little Mountain, from RS-Single Family Residential/R2-Rural (split zoned) to GC-General Commercial. Currently the property is vacant land. The property owner has a potential buyer for a portion of the property. The use of the property would be for a gymnastics gym. The future land use map of the comprehensive plan has identified this property to be within the development overlay. The rezoning to GC-General Commercial does fit within the definition of the development overlay. The Planning staff does recommend this rezoning. The Joint Planning Commission voted to approve the rezoning also.

FIDUCIARY:

Are Funds allocated in the department's current fiscal year budget?		Yes		No
If no, is a budget amendment necessary?		Yes		No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

N/A

COUNTY ATTORNEY'S OFFICE FEEDBACK/POSSIBLE AREA (s) OF LEGAL EXPOSURE:

SUMMARY DISCUSSION:

This request is to rezone one (1) property totaling two and seventy-eight hundredths (2.78) acres located off US Highway 76, Little Mountain, from RS-Single Family Residential/R2-Rural (split zoned) to GC-General Commercial.

ADDITIONAL COMMENTS FOR CONSIDERATION:

None

ATTACHMENTS:

Ordinance No. 02-02-2025

and received comments as to both the existing and intended uses of the property. The Joint Planning Commission determined that it does concur with the recommendation of the Planning Staff. The Planning Commission has now forwarded its report on the rezoning request to Newberry County Council, as required by law, for consideration of its actions by Newberry County Council.

WHEREAS, Newberry County Council is familiar with the site and the existing uses of the properties located on US Highway 76, Little Mountain.

NOW, THEREFORE, Newberry County Council makes the following findings of fact and law as to the merits of the rezoning request concerning Tax Map No. 741-79 totaling two and seventy-nine hundredths (2.79) acres located on US Highway 76, Little Mountain as more particularly shown on the plat accompanying the submitted "Official Zoning Map Amendment Application" included in the submitted Planning Commission report attached hereto, GC-General Commercial from R2-Rural.

A. That the proposed map amendment does promote the implementation of the Comprehensive Plan in the area.

B. This amendment is needed because the proposed development cannot be accomplished by the owner under the existing zoning district regulations.

C. That traffic patterns in the neighborhood will not be adversely affected by the change in zoning.

NOW, THEREFORE, BE IT ORDAINED that:

Newberry County Council hereby determines, based on the findings set forth above, that the attached rezoning request for a map amendment for Tax Map No. 741-79 totaling two and seventy-eight hundredths (2.78) acres real estate parcel as acted on by the Planning Commission, be:

_____ disapproved;

_____ approved; or

_____ approved with the following modifications: _____

_____.

AND IT IS SO ORDAINED by Newberry County Council this ____ day of _____, 2025 in meeting duly assembled at Newberry, South Carolina.

(SEAL)

NEWBERRY COUNTY COUNCIL

By: _____
Robert N. Shealy, Chairman

Attest:

Andrew Wigger, Clerk to Council

1st reading: February 5, 2025.
2nd reading: February 19, 2025.
Public Hearing: February 19, 2025.
3rd reading: March 5, 2025.

Reviewed and approved as to form:

Joanie Winters, County Attorney

Jeff Shacker, County Administrator



**Newberry County
Administration**
1309 College Street
Newberry, SC 29108
803-321-2100

Agenda Briefing

Prepared By: Katie Werts	Title: Director of Building & Zoning
Department: Building & Zoning	Division: Zoning
Date Prepared: January 31, 2025	Meeting Date: February 5, 2025
Legal Review:	Date:
Budget Review: N/A	Date: N/A
Approved for Consideration: Joint Planning Commission	Date: November 19, 2024
Request Consideration by Committee / County Council: County Council	
Subject: Update to Chapter 154 – Land Development Regulations Ordinance: #02-03-2025	

STAFF’S RECOMMENDED ACTION:

The primary intent of the comprehensive update to Chapter 154 – Subdivision Regulations of the Newberry County Code of Ordinance is to clarify and simplify the ordinance and make it much easier to understand and interpret for both staff and the public, and to ensure that submission of projects and administration and enforcement of the ordinance is more efficient for both staff and developers. Ensuring compliance with state law was also a top priority. The first change per State law was the change of the title of the ordinance from “Subdivision Regulations” to “Land Development Regulations.”

The ordinance was completely reorganized and much of it rewritten, based on input received from County staff and a review of general practice for other South Carolina counties.

FIDUCIARY:

Are Funds allocated in the department's current fiscal year budget?		Yes		No
If no, is a budget amendment necessary?		Yes		No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

N/A

COUNTY ATTORNEY'S OFFICE FEEDBACK/POSSIBLE AREA (S) OF LEGAL EXPOSURE:

SUMMARY DISCUSSION:

The primary intent of the comprehensive update to Chapter 154 – Subdivision Regulations of the Newberry County Code of Ordinance is to clarify and simplify the ordinance and make it much easier to understand and interpret for both staff and the public, and to ensure that submission of projects and administration and enforcement of the ordinance is more efficient for both staff and developers. Ensuring compliance with state law was also a top priority. The first change per State law was the change of the title of the ordinance from “Subdivision Regulations” to “Land Development Regulations.”

The ordinance was completely reorganized and much of it rewritten, based on input received from County staff and a review of general practice for other South Carolina counties.

ADDITIONAL COMMENTS FOR CONSIDERATION:

None

ATTACHMENTS:

Ordinance No. 02-03-2025

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 02-03-2025

AN ORDINANCE AMENDING THE NEWBERRY COUNTY CODE OF ORDINANCES, CHAPTER 154, NEWBERRY COUNTY LAND DEVELOPMENT REGULATIONS, ADOPTING UPDATED STANDARDS FOR THE SUBDIVISION AND DEVELOPMENT OF LAND IN NEWBERRY COUNTY, AND PROVIDING FOR THE REPEAL OF ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH TO THE EXTENT NECESSARY TO GIVE THIS CHAPTER FULL FORCE AND EFFECT.

WHEREAS, the public health, safety, economy, good order, appearance, convenience, morals, and general welfare require the harmonious, orderly, and progressive development of land within the municipalities and counties of the State of South Carolina; and

WHEREAS, the South Carolina General Assembly enacted S.C. Code of Laws, Title 6, Chapter 29, Article 7, and amendments thereto, which granted authority to units of local government to adopt regulations and standards for the subdivision and development of land; and

WHEREAS, Newberry County Council desires to provide for the harmonious development of the county; coordination of streets within subdivisions with other existing or planned streets or with other features of the comprehensive development plan; adequate open spaces for traffic, recreation, light, and air; protection of the floodplain and floodways; and for a distribution of population and traffic which will create conditions favorable to the health, safety, and welfare of the general public; and

WHEREAS, in furtherance of this general intent, Newberry County Council desires to encourage the development of economically sound and stable counties; to assure the timely provision of required streets, utilities, and other facilities and services to new land developments; to assure the adequate provision of safe and convenient multimodal traffic access and circulation in and through new land developments; to assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, transportation, and other public purposes; to assure, in general, the wise and timely development of new areas, and redevelopment of previously developed areas in harmony with the comprehensive plans of counties; and

WHEREAS, the intent and purposes described in the preamble herein are fully set forth in the guidelines and requirements recommended to Newberry County Council by the Joint Planning Commission of Newberry County November 19, 2024; and

NOW, THEREFORE BE IT ORDAINED by the County Council of the County of Newberry, in Council duly assembled this 5th day of March 2025, that the provisions of *Newberry County Code of Ordinances Chapter 154 – Newberry County Land Development Regulations* are hereby adopted.

NEWBERRY COUNTY COUNCIL

BY: _____
Robert N. Shealy, Chairman

(SEAL)

ATTEST:

Andrew Wigger, Clerk to Council

Approved as to form:

Joanie Winters, County Attorney

Jeff Shacker, County Administrator

1st Reading: February 5, 2025
2nd Reading: February 19, 2025
Public Hearing: February 19, 2025
3rd Reading: March 5, 2025

Newberry County Land Development Regulations

ARTICLE I. GENERAL PROVISIONS

- § 154.001. Authority.
- § 154.002. Title.
- § 154.003. Jurisdiction.
- § 154.004. Purpose.
- § 154.005. Scope.
- § 154.006. Severability.
- § 154.007. Relation to Other Ordinances.
- § 154.008. Repeal of Conflicting Ordinances.
- § 154.009. Effective Date.
- § 154.010. *Reserved.*
- § 154.011. *Reserved.*

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

- § 154.012. Procedural Responsibilities.
- § 154.013. Land Development Administrator.
- § 154.014. County Director of Public Works.
- § 154.015. County Administrator.
- § 154.016. Land Development Review Committee.
- § 154.017. County Council.
- § 154.018. Joint Planning Commission.
- § 154.019. Penalties and Remedies.
- § 154.020. Amendments.
- § 154.021. Variances.
- § 154.022. Appeals.
- § 154.023. *Reserved.*
- § 154.024. *Reserved.*

ARTICLE III. SUBMISSION AND APPROVAL PROCEDURES

- § 154.025. General Procedures.
- § 154.026. Determination of Subdivision Type.
- § 154.027. Minor Subdivisions.
- § 154.028. Pre-application Conference and Sketch Plat Review.
- § 154.029. Submission and Review of a Preliminary Plat.
- § 154.030. Submission and Review of Final Plats for Major Subdivisions.
- § 154.031. Submission and Review of Bonded Final Plats.
- § 154.032. Financial Guarantees for Bonded Final Plat Applications.
- § 154.033. Recording of Final Plat.
- § 154.034. Long-term Maintenance and Performance.
- § 154.035. Development Revisions.
- § 154.036. *Reserved.*
- § 154.037. *Reserved.*

ARTICLE IV. SURVEY AND PLAT REQUIREMENTS

- § 154.038. Surveying to Conform to State and County Regulations.
- § 154.039. Sketch Plat.
- § 154.040. Preliminary Plat.
- § 154.041. Final Plat.

- § 154.042. Bonded Final Plat.
- § 154.043. Declaration of Restrictive Covenants Required.
- § 154.044. *Reserved.*
- § 154.045. *Reserved.*

ARTICLE V. DESIGN STANDARDS AND IMPROVEMENTS

- § 154.046. Standards Are Minimum Requirements.
- § 154.047. General Requirements.
- § 154.048. Lots.
- § 154.049. Streets.
- § 154.050. Easements.
- § 154.051. Blocks.
- § 154.052. Open Space.
- § 154.053. Storm Drainage.
- § 154.054. Erosion and Sedimentation Control.
- § 154.055. Areas Subject to Flooding.
- § 154.056. Sanitary Sewage Disposal.
- § 154.057. Water Supply.
- § 154.058. Oversized and Off-Site Improvements.
- § 154.059. Maintenance.
- § 154.060. *Reserved.*
- § 154.061. *Reserved.*

ARTICLE VI. DEFINITIONS

- § 154.062. General Rules of Construction.
- § 154.063. Definitions.

Article I – General Provisions

§ 154.001. AUTHORITY.

This chapter is adopted pursuant to authority granted in the 1994 "South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code Sections 6-29-310 through 6-29-1200.

§154.002. TITLE.

This chapter shall officially be known, cited, and referred to as the "Newberry County Land Development Regulations."

§ 154.003. JURISDICTION.

The provisions set forth in this chapter shall apply throughout the unincorporated area of the county, and to the areas within those incorporated municipalities, which by contract with the county, consent to have these regulations apply to the subdivision of land within such municipalities.

§ 154.004. PURPOSE.

The purpose of this chapter is to encourage the development of an economically sound and stable county; to assure the timely provision of required streets, utilities, and other facilities and services to new land developments; to assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments; to assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, transportation, and other public purposes; and to assure, in general, the wise and timely development of new areas, and redevelopment of previously developed areas in harmony with the comprehensive plan of the county.

§ 154.005. SCOPE.

- (A) No subdivision plat or other land development plan shall be approved unless all land intended for use as building sites can be used safely for building purposes, without danger from flood or other inundation or from other menaces to health, safety, or public welfare.
- (B) No land shall be subdivided, nor shall a plat be recorded for any purpose, nor shall any parcel resulting from the subdivision of land be sold, shown, or offered for sale or lease, unless the requirements of this chapter are fully complied with.
- (C) The regulations and procedures contained within this code are the minimum provisions for the protection of the health, safety, and welfare of the general public. This code is not intended to cover all situations that may be encountered; the subdivider is strongly encouraged to consult national, state, and local design standards that may apply to the property.
- (D) The County Director of Public Works or his designee may require higher standards than those provided in this ordinance based on the type(s) of proposed uses and the proposed use of roadways associated with the proposed development.

§ 154.006. SEVERABILITY.

Should any specific section, standard, or provision of this chapter be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

§ 153.007. RELATION TO OTHER ORDINANCES.

If the provisions of this ordinance conflict with the provisions of any other validly enforceable ordinance(s), the most stringent provisions shall control.

§ 153.008. REPEAL OF CONFLICTING ORDINANCES.

All ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this Ordinance full force and effect.

§ 153.009. EFFECTIVE DATE.

These regulations shall become effective upon the date of their adoption by the County Council of Newberry County.

§ 154.010. *Reserved.*

§ 154.011. *Reserved.*

Article II – Administration and Enforcement

§ 154.012. PROCEDURAL RESPONSIBILITIES.

Responsibilities related to the administration and enforcement of the Land Development Regulations are summarized in the following table and detailed in subsections 154.013 through 154.018.

Procedure	Land Development Administrator	Joint Planning Commission	County Council
Minor Subdivisions	R/F	---	---
Major Subdivisions			
Sketch Plat	R	---	---
Preliminary Plat	R	F	---
Bonded Final Plat	R	F	---
Final Plat	R	F	---
Land Development Variances	R	A/PH/F	---
Land Development Interpretations	F	A	---
Appeal of Administrative Decision	R	A/PH/F	---
Land Development Regulation Amendments	R	PH/RC	F

R = Review, RC = Recommendation, F = Final Decision, A = Hears Appeal, PH = Holds Public Hearing

§ 154.013. LAND DEVELOPMENT ADMINISTRATOR.

- (A)** This chapter shall be administered and enforced by the Land Development Administrator, who shall have all powers and duties authorized by state law and local ordinance.
- (B)** The duties of the Land Development Administrator with regards to this chapter shall include:
 - (1) Processing requests for subdivision approval, variances and appeals;
 - (2) Interpreting terms and provisions;
 - (3) Reviewing and commenting on variance petitions;
 - (4) Maintaining files and other public records related to the administration and enforcement of these regulations.

- (5) Coordinating all local, state, and other appropriate agency review and comment on all subdivisions proposed under these regulations;
- (6) Approving, disapproving, or conditionally approving preliminary and final plats of minor subdivisions;
- (7) Approving, disapproving, or conditionally approving final plats of major subdivisions;
- (8) Chairing, scheduling, and coordinating input from the Land Development Review Committee;
- (9) Providing reports to the Joint Planning Commission and County Council in support of their duties;
- (10) Establishing such procedures as necessary and proper for the administration of their responsibilities under these regulations; and
- (11) Any other duties assigned by the County Administrator, Joint Planning Commission, or County Council related to this chapter and authorized by state law.

§ 154.014. COUNTY DIRECTOR OF PUBLIC WORKS.

The County Director of Public Works or their designee shall assist the Land Development Administrator with review of all subdivision plats with an emphasis on streets, stormwater, and utilities. The County Director of Public Works or their designee may also assist with public street construction management and inspections as requested by the County Administrator.

§ 154.015. COUNTY ADMINISTRATOR.

The County Administrator shall appoint the Land Development Administrator and shall have the authority to exercise any and all duties and authorities assigned to such. The County Administrator shall also appoint the Land Development Review Committee and the County Director of Public Works.

§ 154.016. LAND DEVELOPMENT REVIEW COMMITTEE.

The Land Development Review Committee shall meet at a time and place determined by the Land Development Administrator to assist with reviews of all major subdivision plats and minor plats as requested by the Administrator. The Land Development Review Committee shall include the Land Development Administrator, County Director of Public Works, SCDOT, County Fire Director, County 911 Addressing Office, SCDES Storm Water Manager, FEMA Manager, and the appropriate electric service provider, water provider, and sewer provider.

§ 154.017. COUNTY COUNCIL.

County Council has authority to adopt, repeal, or amend the provisions of this chapter, and to take any other action not otherwise delegated to staff or the Joint Planning Commission as the County Council may deem desirable and necessary to implement the provisions of this ordinance.

§ 154.018. JOINT PLANNING COMMISSION.

The Joint Planning Commission is charged with the following duties:

- (A) Reviewing and making a recommendation on any amendments to this chapter;
- (B) Approving, disapproving, or conditionally approving preliminary plats for major subdivisions;
- (C) Approving, disapproving, or conditionally approving any final or bonded final plat referred to the Joint Planning Commission by the Land Development Administrator;

- (D) Hearing and deciding requests to vary the regulations contained within this chapter;
- (E) Hearing and deciding appeals from a decision of the Land Development Administrator; and
- (F) Establishing an annual calendar for development review deadlines and meeting dates.

§ 154.019. PENALTIES AND REMEDIES.

- (A) **Penalties Generally.** Where any land is subdivided in violation of this chapter, the Land Development Administrator may, in accordance with the provisions of *South Carolina Code of Laws § 56-7-80*, as amended, issue an ordinance summons, or institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful action.
- (B) **Specific Remedies.** Specific remedies for the violation of any provision of this chapter include the following:
 - (1) **Misdemeanor; penalties.** It shall be unlawful for any person to subdivide property without meeting all of the requirements of this chapter. Conviction for violation of this ordinance is punishable as a misdemeanor under the general penalty provisions of the county code and the magistrate may impose any penalty up to the maximum permitted by state law.
 - (2) **Withholding of permits.** The Land Development Administrator and Chief Building Official shall deny permits for any use or work on any property subdivided in violation of this chapter. Other appropriate officials shall also withhold all other applicable county permits for work that violates this chapter.
 - (3) **Injunction.** Enforcement of the provisions of this chapter may also be achieved by injunction. When a violation occurs, the Land Development Administrator may, either before or after the institution of other authorized action, apply to the appropriate division of court for a mandatory or prohibitory injunction commanding the defendant to correct the unlawful subdivision of land.
 - (4) **Order of abatement.** In addition to an injunction, the Land Development Administrator may apply for, and the court may enter into, an order of abatement as part of the judgment in the case. An order of abatement may direct any of the following actions:
 - (a) Buildings or other structures on the property be closed, demolished, or removed;
 - (b) Fixtures, furniture, or other moveable property be moved or removed entirely;
 - (c) Improvements, alterations, modifications, or repairs to land and/or structures be made; or
 - (d) Any other action be taken that is necessary to bring the property into compliance with this chapter.
- (C) **Complaints.** Whenever a violation of this chapter occurs, or is alleged to have occurred, the Land Development Administrator shall investigate such complaint and take such action as provided by this chapter. Complaints may be filed in writing or verbally, stating fully the cause and basis for the complaint.
- (D) **Ordinance summons.** The Land Development Administrator is authorized to issue an ordinance summons pursuant to county code provisions for violations of this chapter.

§ 154.020. AMENDMENTS.

- (A) **Review by Joint Planning Commission.** All proposed amendments to this chapter, except those initiated by the joint planning commission, shall be submitted to the commission for its recommendations as to approval, approval with specified alterations, or denial. Unless such

recommendation is provided within 30 days of submittal or unless a longer period is agreed upon in writing by the person or agency initiating the proposal, the governing authority may proceed to act.

- (B) **Public Notice and Hearing.** No such proposed amendment shall be acted upon by the governing authority until after a public hearing thereon, at least 30 days' notice of which shall have been published in a newspaper of general circulation in the county.
- (C) **Limitation on Resubmittal.** Except when initiated by the governing authority or the joint planning commission, no proposed amendment failing of passage shall be considered in substantially the same form within one year of rejection.

§ 154.021. VARIANCES.

- (A) **Initiation.** A petition for variance may be initiated only by the owner of the affected property, an agent authorized in writing to act on the owner's behalf, or a person having a written contractual interest in the affected property.
- (B) **Filing.** A petition for variance must be filed with the Land Development Administrator on a form provided by the County, accompanied by a non-refundable filing fee as established by the County Fee Schedule.
- (C) **Criteria for Approval.** The Joint Planning Commission shall grant such variance or modification only upon a determination that this Ordinance creates an unnecessary hardship in the development of the land and each of the following criteria has been met. It is the burden of the applicant requesting the variance to present evidence to support each of the criterion listed below. The Joint Planning Commission may not issue a requested variance to this chapter unless all of the following criteria have been met.
 - (1) The variance shall not be detrimental to the public health, safety, and general welfare of the county;
 - (2) The variance shall not adversely affect the reasonable development of adjacent property;
 - (3) The variance is justified because of topography or other special conditions unique to the property involved, and the variance is not requested due to mere inconvenience or financial disadvantage; and
 - (4) The variance is consistent with the objectives of this chapter and shall not have the effect of nullifying the intent or purpose of this chapter or any other pertinent county or state regulations.
 - (5) In addition to the above standards, when considering a variance from the design standards contained within Article 5, the following conditions shall be met:
 - (a) Indirect or restricted access cannot be obtained;
 - (b) No engineering or construction solutions can be applied to mitigate the condition(s) stated in the variance request;
 - (c) No alternative access is available from a street with a lower functional classification than the primary roadway; and
 - (d) The hardship was not self-created.
- (D) **Action by the Joint Planning Commission.** The Joint Planning Commission may approve, approve with conditions, or deny the variance application.

(E) **Effect of Variance Approval.** After the approval of a variance by the Joint Planning Commission, the petitioner shall be required to follow the procedures for preliminary and final plat approval in order to proceed with creation of the subdivision. All decisions made by the Land Development Administrator under those procedures shall comply with the approved variance including any conditions that may apply. Such variance shall remain in effect in perpetuity and shall run with the land regardless of ownership or use, unless superseded by a subsequent variance.

§ 154.022. APPEALS.

(A) **Appeal to the Joint Planning Commission.** The Land Development Administrator's action to approve or disapprove a land development plat may be appealed to the Joint Planning Commission by any party in interest. The appeal shall be in writing and shall include any additional information that the aggrieved party believes is pertinent. If the aggrieved party believes that one or more provisions of this chapter have been violated, then those provisions should be cited along with explanations as to the nature of the violation. The Joint Planning Commission shall act on the appeal within 60 days of receiving the appeal.

(B) **Appeal to Circuit Court.** An appeal from a decision of the Joint Planning Commission may be taken to the circuit court within 30 days after actual notice of the decision.

§ 154.023. *Reserved.*

§ 154.024. *Reserved.*

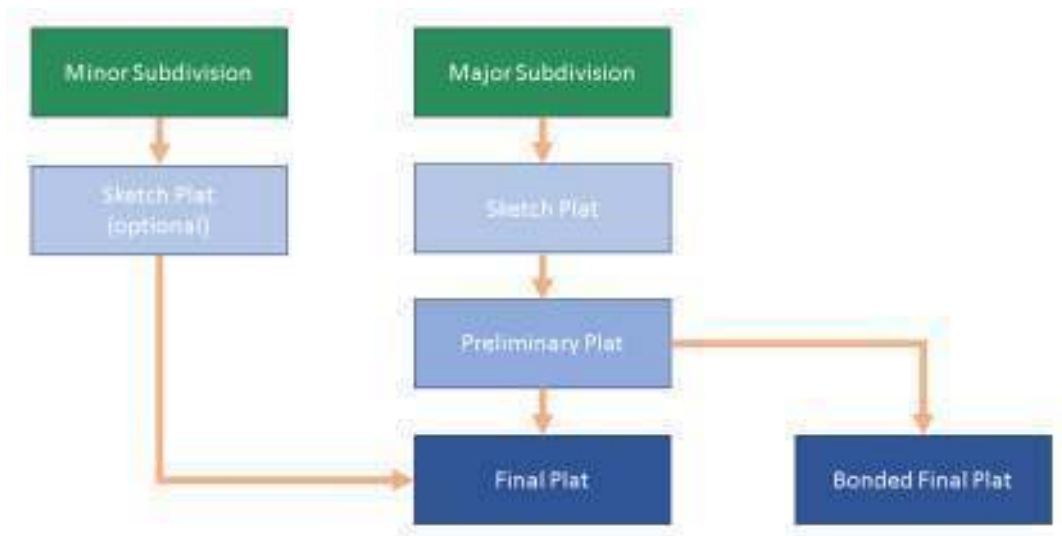
Article III – Submission and Approval Procedures

§ 154.025. GENERAL PROCEDURES.

This article describes the procedures by which an applicant gains approval for a subdivision. The procedures strive to balance the interests of the subdivider, the potential buyers of the subdivided land, and the surrounding community.

(A) The procedures include the following five steps, as summarized in the following chart and explained below.

- (1) Informal presentation of a sketch plat for discussion (optional);
- (2) Determination of the subdivision type – either major or minor;
- (3) Formal submission of a preliminary plat for approval (required for major subdivision);
- (4) Formal submission of a final plat or bonded final plat for approval (required); and
- (5) Recording of a final plat or bonded final plat (required).



(B) Step 3 of the procedures shall be completed prior to making improvements associated with subdivision development. Steps 4 and 5 of the procedures shall be completed prior to the sale of any lot within the proposed subdivision.

§ 154.026. DETERMINATION OF SUBDIVISION TYPE.

The Land Development Administrator shall determine the type of land division applicable at the time of submission based on the facts presented in the application and the definitions below. If at any time during the review process for a minor subdivision it is determined that improvements are needed or more lots than stated shall be created, and that such improvements or lot numbers trigger major subdivision review and approval, the Land Development Administrator shall notify the applicant that major subdivision requirements must be met.

(A) A **Major Subdivision** is a subdivision of land that creates more than a total of five lots, including the parent tract, or which may require or proposes to create any of the following:

- (1) New public streets;
- (2) Improvements to existing public streets;
- (3) The extension of public water or sewer;
- (4) Reservation of land for open space, school sites, public safety stations or similar facilities;
- (5) The addition of a community wastewater system; or
- (6) The installation of site drainage or other improvements impacting or having the potential to impact adjacent properties, streets or public lands including riparian corridors and wetlands.
- (7) A parent tract is defined as the original lot, parcel, or tract of land, as established in the Newberry County Assessor's records, from which the proposed subdivided lots will be split from. For the purposes of determining minor or major development status, a parent tract is reviewed to determine the total number of parcel splits within a ten-year period. If a parent tract has undergone more than five parcel splits, meeting the definition of a subdivision, any splits from the tract are considered major development and subject to major development review. Subdivisions of a parent tract not meeting the above requirement are minor developments and are subject to minor development review.

(B) A **Minor Subdivision** is a subdivision that does not meet the criteria for the definition of a major subdivision or an individual plat for land division.

- (1) Individual Plats for Land Division are described as follows.
 - (a) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this chapter and other relevant county ordinances;
 - (b) The division of land into parcels of five acres or more where no new street is involved and plats of these exceptions are submitted as information to the Land Development Administrator who shall indicate that fact on the plats;
 - (c) The combination or recombination of entire lots of record where no new street or change in existing streets is involved; and
 - (d) Property transferred by will, intestate succession, or forced division decreed by appropriate judicial authority or in the case of property transferred by tax sale as authorized by The Code of Laws of South Carolina 1976, as amended, and other platting actions as outlined in Section 154.027 (B).
- (2) If at any time during the review process for a minor subdivision it is determined that improvements are needed or more lots than stated shall be created, and that such improvements or lot numbers trigger major subdivision review and approval, the Land Development Administrator shall notify the applicant that major subdivision requirements must be met.

§ 154.027. MINOR SUBDIVISIONS.

The purpose of this section is to establish requirements for minor subdivisions. No site work may commence, nor may a building permit be issued for construction, in a minor subdivision until the Building and Zoning Department reviews and approves the minor subdivision plat and the plat is recorded.

(A) Submission and Review Procedures. Submissions determined by the Land Development Administrator to be minor subdivisions shall meet the following requirements:

- (1) Filing of application. Application for approval of a minor subdivision plat shall be made to the Land Development Administrator. The application submission shall include five copies of the surveyed plat and the number of copies which the applicant desires to be stamped and returned.
- (2) Minor Plat Requirements. The minor subdivision plat shall be prepared with the inclusion of items as identified in Section 154.027. However, a topographic survey plat is not required when the preliminary plat calls for the subdivision of a tract of land into a minor subdivision, unless required by the County Director of Public Works.
- (3) Conformance with plats. The final plat shall conform in all respects to the final plat for subdivisions from which the minor plat is derived and approved by the Joint Planning Commission.
- (4) Action by Land Development Administrator. The Land Development Administrator shall review and act upon the minor subdivision plat not later than 15 days after a complete application has been submitted.
- (5) Distribution of copies for review. The Land Development Administrator may waive any requirement for one or more reviews for minor subdivision preliminary plats when in their

opinion such review(s) is unnecessary, except that reviews by the County Director of Public Works shall be required when a new driveway connecting to a public road is proposed.

- (6) Approval. If the minor subdivision plat and all supplementary data comply with all applicable requirements of this chapter, the Land Development Administrator shall approve the minor plat and such approval shall be noted on each copy of the minor subdivision plat.
- (7) Denial. If the minor subdivision plat is denied, the reasons for such action shall be stated in writing and signed by the Land Development Administrator and postmarked or delivered in person to the applicant within five days after action was taken. If deemed necessary, any modifications required by the Land Development Administrator as prerequisites to approval of the minor subdivision plat shall be noted on a copy of the plat. The department shall retain one copy and the remaining copies shall be returned to the subdivider.
- (8) Action. The Land Development Administrator shall provide the Joint Planning Commission with a monthly report of actions taken related to approvals of minor subdivisions.
- (9) Appeals. The process for appealing a decision of the Land Development Administrator or Joint Planning Commission is provided in Article 2 of this chapter.

(B) Other Platting Actions. The following platting actions involving the development, transaction, division, combination, or alteration of land do not fall under the definition of a subdivision. However, these actions require the review and approval of the Newberry County Building and Zoning Department prior to recordation of a plat. Plats shall be reviewed within 15 days after submittal to the Building and Zoning Department provided that the plat meets the minimum requirements of this ordinance and other applicable county, state, or federal regulations. Platting actions shall adhere to the platting requirements established in the *Minimum Standards Manual for the Practice of Land Surveying in South Carolina*. All platting actions must be recorded within 45 days of Building and Zoning Department approval. Plats not recorded within the 45-day period shall be null and void.

- (1) Platting Action by Court Decree. Where a platting action is subject to court decree, the County Attorney is authorized to request that the court allow the Land Development Administrator to review said plat in order to advise the court on whether such action will adhere to the standards as established in this Ordinance.
- (2) Boundary Surveys, Resurveys, and Lots of Record. A boundary survey includes the following items: a resurvey and a survey of a lot of record. A resurvey is a plat where no new lot boundaries have been added, deleted, or changed from a previously recorded plat. For purposes of this section, a survey of a lot of record refers to the creation of a survey for an existing lot that has previously been referenced only by a written deed prior to the adoption of this Ordinance. A boundary survey shall meet the standards of a final plat provided in §154.041. A boundary survey plat shall also show and provide the following information:
 - (a) A surveyor certification that the plat is a platted lot of record;
 - (b) A statement that the survey was undertaken to settle a property line dispute (to be signed by all affected members, if applicable);
 - (c) Plat book and page numbers of the recorded lots (resurvey only); and
 - (d) Deed book and page numbers of the recorded lots (lots of record).
- (3) Estate Plats and Family Transfers. Estate plats and family transfers shall be reviewed and shall follow the same requirements as minor subdivisions and major subdivisions where applicable.

- (4) Combination of Lots. A combination or recombination of lots occurs when an owner wishes to have two or more lots combined into an equal or fewer number of parcels. Lot combinations shall meet the standards of a final plat provided in §154.041. The survey shall also show or be accompanied by the following information:
- (a) Common lot lines shown as dashed on the plat, and a note shall be added that specifies that the common lot lines are to be “deleted upon recording of the plat;”
 - (b) A certification of ownership and dedication of the plat agreeing to the combination of lots signed by the owner(s) of the affected properties;
 - (c) Water and sewer authority signoff on the plat indicating approval of the combination; and
 - (d) Combinations and recombinations shall meet all access requirements, and current and proposed access to the property shall be shown on the plat.
- (5) Lot Reconfigurations. An alteration of lots occurs when a lot line is changed from what is provided on a previously recorded plat. Lot alterations shall meet the final plat standards provided in §154.041. The survey shall also show or be accompanied by the following information:
- (a) Common lot lines to be deleted shall be shown as dashed on the plat and a note shall be included that specifies that the common lot lines are to be “deleted upon recording of the plat;”
 - (b) The owner(s) of the affected properties shall sign a certification of ownership and dedication on the plat agreeing to the combination of lots;
 - (c) Water and sewer authority signoff on the plat indicating approval of the combination;
 - (d) Lot reconfigurations shall meet all access requirements. Current and proposed access to the property shall be shown on the plat; and
 - (e) Portions of lots affected by the reconfiguration shall be clearly identified and the tax map parcel(s) it shall be combined with shall be clearly indicated.
- (6) Mortgage Plats. A mortgage plat identifies a lot, parcel, or portion of a lot or parcel, that has a financial lien against it. Mortgage plats shall meet the standards of a final plat as provided in §154.041.
- (7) Land Contract Sales Parcels. Land contract sales parcels shall be treated in the same manner as minor subdivisions or major subdivisions, as applicable.
- (8) Lease Parcels. Lease parcels shall be treated in the same manner as minor subdivisions or major subdivisions, as applicable.
- (9) Easements. Easement plats are used to record easements across a property or properties. Easement plats shall meet the standards of a final plat as provided in §154.041. The survey shall also show or be accompanied by the following information:
- (a) Easements (existing or proposed) shall be clearly delineated with dashed lines marking the boundaries;
 - (b) A statement shall be included on the plat indicating that the survey is not a subdivision and shall identify the entity responsible for ownership and maintenance; and
 - (c) All affected property owners must sign the plat.

- (10) Wetland Delineations. Wetland delineation plats shall meet the standards of a final plat as provided in §154.041. The survey shall also show or be accompanied by the following information:
- (a) An approval letter from the U.S. Army Corps of Engineers, containing the SAC permit number that directly refers to the specific plat;
 - (b) U.S. Army Corps of Engineers SAC permit number provided on the plat; and
 - (c) A statement on the plat indicating that the survey is not a subdivision and the purpose is to delineate U.S. Army Corps of Engineers jurisdictional wetlands.
- (11) As-Built (Record) Plans. As-built plans shall meet the standards of a final plat as provided in §154.041. The survey shall also show or be accompanied by the following information:
- (a) All existing structures on the property, including distances to property lines and square footage of all structures. All principal structures shall meet required setbacks;
 - (b) Street locations with centerline stationing and curve data;
 - (c) Street centerline elevations at 100-foot intervals;
 - (d) Drainage structures and elevations;
 - (e) Drainage pipes with size, material, length, slope, and invert elevations;
 - (f) Ponds or lakes with average bottom and water surface elevations. Any control structures shall be shown in detail;
 - (g) Drainage ditches and swales with elevations at 100-foot intervals; and
 - (h) Water and sewer as-built information as required by the appropriate utility company.
- (12) Phasing Plats. All phasing plats shall conform to the phasing plan as approved by the Planning Commission. Phasing plats shall conform to the phasing plan approved by the Planning Commission in all aspects including the corresponding phase number, metes, bounds, and dimensions of each phase. Phasing plats shall meet the standards of a final plat as provided in §154.041. The survey shall also show or be accompanied by the following information:
- (a) The plat shall be clearly identified as a phasing plat. Phasing plats shall state the date of Joint Planning Commission approval of the corresponding phasing plan; and
 - (b) A statement shall be provided on the plat that indicates that the survey is to facilitate building development and the phase lines shown are in accordance with an approved phasing plan.
- (13) Cemetery Lots. New or expanded cemeteries created after the adoption of this Ordinance shall be treated in the same manner as lot reconfigurations except that cemeteries are not required to provide written water and sewer authority approval.
- (a) Cemetery plats shall conform to standards of a final plat as provided in §154.041 and indicate the size and location of all individual plats and access easements. Individual burial plots and access easements shall be delineated with dashed lines. Cemetery plats shall document the creation and expansion of a cemetery. Cemetery lots shall not be used for the sale of individual sites for building purposes, with the exception of mausoleums, crematories, monuments or other facilities serving to maintain or otherwise guarantee the perpetual care of individual burial plots.

§ 154.028. PRE-APPLICATION CONFERENCE AND SKETCH PLAT REVIEW.

- (A) The developer is encouraged to meet with the Land Development Administrator early in the planning process to informally discuss the intended development project and to provide a sketch plat for informal review. The objectives of this discussion are to:
 - (1) Provide early identification of potential problems or conflicts with any applicable county policy or county or state law; and
 - (2) Discuss alternatives and options for design elements such as the location of roads, lot lines, open space, easements, and similar features, prior to the commitment of financial resources by the applicant.
- (B) Sketch plats do not require formal approval, nor do they bind the developer. Similarly, the Land Development Administrator is not bound to approve any element of the subdivision by virtue of its being included as part of a sketch plat that has been reviewed.
- (C) Sketch plats and other supporting documentation to be discussed should be provided in one clearly legible hard copy (paper) and one in digital PDF format. The applicant is encouraged to provide a sketch plat of the entire tract even if the present plan may only call for the development of a portion of the property.

§ 154.029. SUBMISSION AND REVIEW OF A PRELIMINARY PLAT.

- (A) **Filing of application for major subdivisions.** Application for approval of a preliminary plat of a major subdivision must be made to the Land Development Administrator at least 15 days prior to the Joint Planning Commission meeting at which the plat is to be considered. In making application, a subdivider, developer, or property owner shall include one full hard copy set of the preliminary plat, a completed application, and other materials at a scale that is legible and reproducible as may be required in these regulations. All materials must also be provided in digital format as PDFs.
- (B) **Distribution of copies for review.** The Land Development Administrator shall submit copies of preliminary plats for major subdivisions to the Newberry County Director of Public Works or their designee for review and comments. The applicant is required to apply for a sanitary sewer system review with the regional SCDES office. The applicant is then responsible for providing the SCDES report of the review to the Land Development Administrator prior to approval of the plat. The Land Development Administrator may waive any requirement for one or more reviews for minor subdivision preliminary plats whenever in their opinion such review is unnecessary, except that reviews by the County Director of Public Works or their designee shall be required whenever a new driveway connecting to a public road is proposed.
- (C) **Fees.** To defray the costs of administration and notification, the applicant shall be required to pay fees prior to the review and approval of preliminary plats. Such fees are established as part of a separate fee schedule adopted by the County Council. Fees are due at the time of filing.
- (D) **Comments by Land Development Review Committee.** Each member of the committee shall be asked to review the plats to be considered and their review comments shall become part of the Land Development Administrator's record of findings supporting the final decision.
- (E) **Action on a plat for a major subdivision.** The Joint Planning Commission shall approve, approve conditionally, or deny the preliminary plat for a major subdivision. If the preliminary plat is denied approval or approved conditionally, the reasons for such actions shall be stated in writing, signed by the chair of the Joint Planning Commission, and mailed or delivered in person to the applicant within five days after action was taken.

- (F) **Approved copy.** If the preliminary plat is approved, the Building and Zoning Department shall retain one copy and one copy shall be given to the applicant.
- (G) **Authorization granted by preliminary plat; time limits.** Preliminary plat approval shall be authorization for the subdivider to proceed with the installation of site improvements and to proceed with preparation of the final plat but shall not authorize the sale or transfer of lots.
 - (1) **Time Limits for installation of improvements.** Approval of the preliminary plat shall become void unless more than 50 percent of the installation of improvements has been completed or unless a final plat of all or a portion of the subdivision is submitted for approval within two years of the date of said approval. However, the Planning Commission may waive this requirement and consent to an extension of said time period if the applicant can show just cause.
 - (2) **Phasing.** If the subdivider is proposing to develop the preliminary plat in phases, a phasing plat shall be included in the preliminary plat submission. Any proposed changes to the phasing plat shall be approved by the Land Development Administrator and County Director of Public Works or their designee. The subdivider must begin the construction of all approved phases of the preliminary plat within 24 months of plat approval or such plat must be resubmitted for the Land Development Administrator's further review and approval.
- (H) **Installation of improvements prior to approval of plat.** No permanent improvements shall be made prior to the granting of approval of a preliminary plat by the Land Development Administrator.
- (I) **Appeals.** The process for appealing a decision of the Land Development Administrator or Joint Planning Commission is contained within Article II of this chapter.
- (J) **Certification.** Approval of the preliminary plat shall be noted on the preliminary plat as stamped by the Land Development Administrator. Such notation shall include the date on which the Land Development Administrator or Joint Planning Commission granted approval.
- (K) **Effect of preliminary plat approval.** Upon approval of the preliminary subdivision plat, the subdivider may proceed with compliance with the other requirements of this chapter, construction of proposed improvements, and the preparation of the final subdivision plat. Approval of a preliminary subdivision plat shall not constitute approval of the final subdivision plat. Application for approval of the final plat shall be considered only after the requirements for final plat approval, as specified herein, have been fulfilled and after all other specified conditions have been met.

§ 154.030. SUBMISSION AND REVIEW OF FINAL PLATS FOR MAJOR SUBDIVISIONS.

- (A) **Filing of application.** Application for approval of a final plat of a proposed subdivision shall be made to the Land Development Administrator. In making application, a subdivider of property shall include four hard copies and one digital copy in PDF format of the plat and the number of copies that the applicant desires to be stamped and returned.
- (B) **Conformance with preliminary plat.** The final plat shall conform in all respects to the preliminary plat as previously approved by the Joint Planning Commission but shall incorporate all modifications required by the Joint Planning Commission in its review of the preliminary plat. Any substantial deviation from the preliminary plat or the modifications required by the Joint Planning Commission, as determined by the Land Development Administrator, shall require the Joint Planning Commission to act on the final plat.
- (C) **Installation of improvements.** Prior to approving a final plat, all required site improvements must have been installed to the county's satisfaction or a financial guarantee, naming the county as

payee, must have been posted to secure the actual construction and installation of required site improvements.

- (D) **Action by Joint Planning Commission.** If Joint Planning Commission action is required, the Commission shall review and act upon the final plat at its next regularly scheduled meeting. The Land Development Administrator shall notify the applicant, in writing, of the Commission's actions not later than 15 days after such meeting. The applicant may waive this requirement and consent to the extension of such period.
- (E) **Approval.** If the final plat and all supplementary data comply with all applicable requirements of this chapter, the Land Development Administrator shall note such approval on each copy of the final plat.
- (F) **Denial.** If the final plat is denied, the reasons for such action shall be stated in writing and signed by the Land Development Administrator and postmarked or delivered in person to the applicant within five days after action was taken. If deemed necessary, any modifications required by the Land Development Administrator or Joint Planning Commission as prerequisites to approval of the final plat shall be noted on the plat. The Building and Zoning Department shall retain one copy of the final plat and the remaining copies shall be returned to the subdivider.
- (G) **Appeals.** The process for appealing a decision of the Land Development Administrator or Joint Planning Commission is contained within §154.022 of this chapter.

§ 154.031. SUBMISSION AND REVIEW OF BONDED FINAL PLATS.

In lieu of completing all infrastructure improvements prior to transfer of ownership, a developer/subdivider may apply for an alternative Bonded Final Approval process as detailed in the following subsections.

- (A) **Filing of Application.** Application for approval of a bonded final plat of a proposed subdivision shall be made to the Land Development Administrator. In making application, a subdivider of property shall include four hard copies and one digital copy in PDF format and the number of copies which the applicant desires to be stamped and returned, as well as an estimate for the completion of infrastructure items as approved by the Joint Planning Commission at preliminary approval but that have not been completed. These infrastructure items shall be listed, and cost estimates provided for the completion of each listed item. The cost estimates shall be reviewed and approved by the County Director of Public Works or their designee based on related costs associated with the completion of such infrastructure improvements.
- (B) **Conformance with Preliminary Plat.** The bonded final plat shall conform in all respects to the preliminary plat as previously approved by the Joint Planning Commission but shall incorporate all modifications required by the Joint Planning Commission in its review of the preliminary plat. Any substantial deviation from the preliminary plat or the modifications required by the Joint Planning Commission, as determined by the Land Development Administrator, shall require the Joint Planning Commission to review and act on the bonded final plat.
- (C) **Establishment of Financial Guarantee.** Prior to approving a bonded final plat, a financial guarantee, naming the county as payee, must be posted to secure the actual construction and installation of required site improvements. Such financial guarantee shall meet the requirements of §154.032.
- (D) **Action by Joint Planning Commission.** The Joint Planning Commission shall review and act upon the bonded final plat at its next regularly scheduled meeting following a complete submittal of the application materials by the applicant. The Land Development Administrator shall notify the applicant, in writing, of the Commission's actions not later than 15 days after such meeting. The applicant may waive this requirement and consent to the extension of such period.

- (E) **Approval.** If the bonded final plat and all supplemental information that comply with all applicable requirements of this chapter are approved by the Joint Planning Commission, the Land Development Administrator shall note such approval on each copy of the bonded final plat. The bonded final plat may be recorded with the Newberry County Clerk of Court as outlined in §154.032. The sale of individual lots may occur following the recordation of the bonded final plat.
- (F) **Inspection and Administration.** During the period in which the County is in possession of the financial guarantee, the applicant shall regularly update the Land Development Administrator on the status of the improvements. Periodic inspections may be conducted by the Land Development Administrator at the development site. The Land Development Administrator shall maintain the status of financial guarantees and shall notify the County Administrator, the County Attorney, and the developer at least 30 days in advance of a financial guarantee expiration. Within the 30-day period prior to expiration, the developer shall notify the Land Development Administrator of their intentions to complete the improvements or obtain a revised financial guarantee to extend the date of infrastructure completion.
- Upon completion of the improvements and prior to the expiration of the financial guarantee, the developer shall notify the Land Development Administrator that such improvements are complete. The Land Development Administrator and the County Director of Public Works or their designee shall inspect the site as they deem necessary to ensure that compliance with the preliminary plans has been achieved. Upon their satisfaction, a copy of their report shall be completed and included within the project development file and release of the financial guarantee may begin.
- (G) **Denial.** If the bonded final plat is denied by the Joint Planning Commission, the reasons for such action shall be stated in writing, signed by the Land Development Administrator, and postmarked or delivered in person to the applicant within five days after action was taken. If modifications are required by the Land Development Administrator or Joint Planning Commission as prerequisites to approval of the bonded final plat, they shall be noted on a copy of the plat. The Building and Zoning Department shall retain one copy of the bonded final plat and the remaining copies shall be returned to the subdivider.
- (H) **Appeals.** The process for appealing a decision of the Land Development Administrator or Joint Planning Commission is included in §154.022 of this chapter.

§ 154.032. FINANCIAL GUARANTEES FOR BONDED FINAL PLAT APPLICATIONS.

- (A) Prior to completion of all required improvements by the subdivider, financial guarantees covering such improvements shall be prerequisite to Joint Planning Commission action on the application for bonded final plat approval. The subdivider shall submit such guarantees in accordance with the requirements of this section.
- (1) The subdivider may post a financial guarantee with the county guaranteeing the completion of designated improvements in compliance with the requirements herein. The security must be in a form acceptable to the county by an issuer licensed by the state of South Carolina. The county shall not accept such financial guarantees to be posted for dedicated private ingress/egress easements and/or dedicated private rights-of-way.
 - (2) The county shall have the right to refuse such security for any improvements and to require construction and installation thereof by the subdivider.
 - (3) Where accepted by the county, the security shall:
 - (a) Empower the county or, if applicable, any other governmental unit having a legal responsibility for the construction and completion of the improvements to draw on

funds, in its sole discretion, on deposit in an institution of the developer's choice, or accept such funds for deposit to its own account.

- (b) Be in an amount equal to 150 percent of the cost, as estimated by the developer's engineer and approved by the County Director of Public Works or their designee, for any improvements which have not been constructed in compliance with the requirements of this chapter prior to the posting of such security and for which sufficient certification has been furnished. Any financial guarantee must be readily accessible from a financial institution with a location in Newberry County.
- (4) If any or all the required improvements are not completed within the time specified by the Planning Commission, the county may complete the improvements using the posted security to defray the costs of such required improvements.
- (5) The financial guarantee may be reduced as improvements are constructed. No more than two reductions may occur for the portion of the development covered under the financial guarantee. Requests for reduction shall be subject to the approval of the County Administrator or his designee. Requests for reduction shall require receipts from installation of the improvements and an acceptable inspection of such improvements by the County Director of Public Works or their designee.

§ 154.033. RECORDING OF FINAL PLAT.

No subdivision plat shall be recorded unless it bears a stamp of plat approval signed by the Land Development Administrator. The subdivider or applicant shall be responsible for filing and paying the appropriate filing fee to the register of deeds office.

§ 154.034. LONG-TERM MAINTENANCE AND PERFORMANCE.

- (A) Upon completion of the construction and installation of required improvements, the subdivider shall file with the Building and Zoning Department written certification that the improvements have been completed according to the final plat, including design drawings and specifications submitted as part of the plat, and according to the requirements of this chapter and Chapter 91 of the Newberry County Code of Laws as administered by the County Director of Public Works or their designee.
 - (1) The subdivider shall guarantee the completed public roadways and drainage system improvements against defect in function, workmanship, and materials for two years following acceptance of such improvements under warranty.
 - (2) The subdivider shall furnish a financial guarantee with the county guaranteeing the maintenance of the improvements and/or correction of deficiencies during the warranty period.
 - (3) The warranty period security shall be in an amount equal to 20 percent of the cost of the completed roadway and drainage system improvements.
 - (4) The security shall empower the county to draw, in its sole discretion, on the posted funds to correct deficiencies which the subdivider does not correct in a timely manner.

§ 154.035. DEVELOPMENT REVISIONS.

Any revision to the final plat shall be submitted to the Building and Zoning Department for review. The Building and Zoning Department may approve minor changes. Minor changes include the following:

- (1) Shift in lot lines where open space, recreation space, or rights-of-way are not involved;

- (2) The shift or widening of easements;
- (3) Correction of the distances or bearings of property lines;
- (4) A change of land use;
- (5) Correction of general information; or
- (6) An increase in density of up to 5% of the total dwelling units for the development.

Changes beyond the scope outlined above shall be submitted to the Joint Planning Commission for review and approval.

§ 154.036. *Reserved.*

§ 154.037. *Reserved.*

Article IV – Survey and Plat Requirements

§ 154.038. SURVEYING TO CONFORM WITH STATE AND COUNTY REGULATIONS.

All land development and subdivision within the jurisdiction of this title shall be surveyed, platted, and marked in accord with the Standards of Practice Manual for Surveying in South Carolina, as required by the *South Carolina Code of Regulations, Chapter 49, Article 4*, as amended, and as required in these regulations.

§ 154.039. SKETCH PLAT.

If submitted for review and discussion, a sketch plat shall include the following information:

SKETCH PLATS	
ITEM	ITEM DESCRIPTION
SKETCH PLAT	A rough drawing showing a proposed subdivision.
Identification Data:	
Name of Subdivision	Proposed name of the development.
Names and Addresses	Name(s) of property owners and addresses of property to be subdivided
Attribute Data:	
Location Map	Map that describes the proposed development in relation to the surrounding area
Scale, North Arrow and Date	A graphic scale, a numerical scale, a north arrow, and the date such plat was drawn
Existing Site Information:	
Acreage	Total acreage to be subdivided
Zoning Classification(s)	Zoning classifications assigned to the development property
Exterior Boundaries	Boundaries of the tract to be subdivided
Land Uses	Existing usage of land
Proposed Site Information:	
Lots and Dwelling Units	Total lots created and total proposed dwelling units
Lot Lines	All proposed interior lot lines, with general lot dimensions
Interior Easements	All proposed interior easements, including location, dimension and purpose
Public Areas	All proposed parks, school sites, and other areas designated for common use by the property owners or public use
Land Uses	Proposed usage of land

§ 154.040. PRELIMINARY PLAT.

If required, a preliminary plat shall be prepared and sealed by a registered land surveyor at a scale not less than one inch equals 200 feet and shall include the following information:

PRELIMINARY PLAT	
ITEM	ITEM DESCRIPTION
PRELIMINARY PLAT	A scaled drawing showing a proposed subdivision.
Identification Data:	
Name of Subdivision	Proposed name of the development
Names and Identification Information	Names of property owner(s) or agent authorized by the owner(s) and addresses and tax map numbers of property to be subdivided and adjacent properties, names and contact information for the developer(s), surveyor(s), and engineer(s) involved in the project
Attribute Data:	
Location Map	Map that describes the proposed development in relation to the surrounding area
Scale, North Arrow and Date	A graphic scale, a numerical scale, a north arrow, and the date such plat was drawn
Tax Map Numbers	Tax map numbers for the parent parcels and adjacent properties
Acreage	Total acreage to be subdivided
Seal	Seal of registered land surveyor/engineer preparing the survey
Existing Site Information:	
Boundaries	All existing political boundaries, property lines, and easements
Structures	Description and location of existing structures, including manufactured homes
Exterior Boundaries	Boundaries of the tract to be subdivided
Zoning Classification(s)	Zoning classifications assigned to the property to be developed and adjacent properties
Setbacks	Setbacks, as established by the zoning ordinance
Land Uses	Existing usage of the development property and adjacent properties
Roadways	Centerline, outer edges, and rights-of-way of existing or platted highways, and streets and roads on or adjacent to the property to be subdivided, including the names of these features
Watercourses, Railroads, and Bridges	The location of bodies of water, railroads, and bridges, either on or adjacent to the property to be subdivided, including the names and owners of these features
Proposed Site Information:	
Lots and Dwelling Units	Total lots created and total proposed dwelling units
Lot Lines	All proposed interior lots lines, with general lot dimensions
Lot and Block Numbers	Proposed lot and block numbering, including phasing
Lot Size	All lot sizes identified by area
Interior Easements	All proposed interior easements, including location, dimension and purpose
Public Areas	All proposed parks, school sites, and other areas designated for common use by the property owners or for public use
Buffers, Setbacks, Landscaping, Open Space	Buffers, setbacks, open space, and land scaping plans, as required by the zoning ordinance
Land Uses	Proposed usage of land, including parks, school sites, and other areas designated for common use by property owners and/or the public
Roadways	Centerline, outer edges, and rights-of-way of proposed streets, including pavement widths and proposed street names
Traffic Study	If the proposed development includes or accesses an existing County or State road, a traffic study as provided in Chapter 91 is required
Copy of Existing Plat	In the case of re-subdivision or an addition to an existing subdivision, a copy of the existing plat with the proposed additions or changes superimposed thereon

PRELIMINARY PLAT	
ITEM	ITEM DESCRIPTION
Topographic Survey	A topographic survey showing contours at vertical intervals of not more than five feet, and all proposed contour changes in areas where cut or fill is to be done
Roadway Profiles and Construction Drawings	Detailed schematics of the proposed roadways and bridges including road profiles, materials to be used, installation requirements, and construction drawings per Chapter 91 and any other pertinent regulations or requirements
Stormwater Plan	Size and location of existing and proposed drainage ditches, associated watercourses, and stormwater systems for the subject property per South Carolina regulations
Environmental Plan	Identification of known jurisdictional wetlands, critical areas, and lands identified by FEMA as flood zone, either on or adjacent to the property to be subdivided per Chapter 152 and any other pertinent regulations or requirements
Erosion and Sedimentation Plan	Description and location of all proposed erosion and sedimentation control measures per Chapter 155 and any other pertinent regulations or requirements
Utility Plan	Description and location of existing and proposed features such as power lines and facilities on the subject property, including size and location of sewers, water mains, storm drains, culverts, or other underground facilities within the road or right-of-way of roads adjoining the proposed development
Water Certification	The appropriate water provider shall certify that public water is available to service the development or SCDES shall certify that the property can support adequate wells and the plans as submitted are acceptable
Sewer Certification	The appropriate sewer provider shall certify that public sewer is available to service the development or SCDES shall certify that the property has percolated for adequate septic systems and the plans as submitted are acceptable
Access Certification	Applicant shall supply approved encroachment permit for access onto public rights-of-way in accordance with county and state standards. Encroachment onto a private right-of-way shall require written approval from the owner(s).
Landscape Plan	Landscaping plans and details, including species, placement and installation guidelines, as required by the zoning ordinance
Open Space Documentation	For subdivisions within which open space is required by this ordinance or the zoning ordinance, a draft of the documents by which irrevocable preservation of open space shall be assured
Restrictive Covenants	Proposed restrictive covenants related to the development

(A) **Letters of Certification.** The applicant shall be required to provide the following letters of certification indicating that adequate facilities exist to service the proposed development.

- (1) Water Availability. Applicable public utility shall certify that public water is available to service the development or SCDES shall certify that the property can support adequate wells and the plans as submitted are acceptable.
- (2) Sewer Availability. Applicable public utility shall certify that public sewer is available to service the development or SCDES shall certify that the property has percolated for adequate septic systems and the plans as submitted are acceptable.
- (3) Access. Applicant shall supply approved encroachment permits for access onto public rights-of-way in accordance with county and state standards. Encroachments onto a private right-of-way shall require written approval from the owner(s).

§ 154.041. FINAL PLAT.

The final plat shall conform in all respects with the approved preliminary plat, including all conditions for approval thereon noted, and shall include the following information:

FINAL PLAT	
ITEM	ITEM DESCRIPTION
FINAL PLAT	An accurate graphical representation showing one or more lots or tracts of land.
Identification Data:	
Name of Subdivision	Name of the development as proposed by the Planning Commission
Names and Addresses	Names of property owner(s) or agent authorized by the owner(s) and addresses and tax map numbers of property to be subdivided and adjacent properties, names and contact information for the developer(s), surveyor(s), and engineers involved in the project.
Attribute Data:	
Location Map	Map that describes the proposed development in relation to the surrounding area
Scale, North Arrow and Date	A graphic scale, a numerical scale, a north arrow, and the date such plat was drawn
Tax Map Numbers	Tax map numbers for the parent parcels and adjacent properties
Acreage	Total acreage to be subdivided
Dedication Statement	A signed dedication statement for all new rights-of-way and/or ingress/egress and general utility easements as specified in §154.041(A)
Seal	Raised seal of registered land surveyor/engineer preparing the survey
Existing Site Information:	
Boundaries	All existing political boundaries, property lines, and easements
Exterior Boundaries	Boundaries of the tract to be subdivided
Zoning Classification(s)	Zoning classifications assigned to the property to be developed and adjacent properties
Setbacks	Setbacks, as required by the zoning ordinance
Roadways	Centerline, outer edges, and rights-of-way of existing or platted highways, streets, and roads on or adjacent to the property to be subdivided, including the names of these features
Watercourses, Railroads, Utilities, and Bridges	The location of bodies of water, railroads, utilities, and bridges, either on or adjacent to the property to be subdivided, including the names and owners of these features
Proposed Site Information:	
Lots and Dwelling Units	Total lots created and total proposed dwelling units
Lot Lines	All proposed interior lots lines, identified by metes and bounds
Lot and Block Numbers	Proposed lot and block numbering, including phasing
Lot Size	All lot sizes identified by area
Interior Easements	All proposed interior easements, including location, dimension, and purpose
Public Areas	All proposed parks, school sites, and other areas designated for common use by the property owners or for public use
Buffers, Setbacks, Landscaping, Open Space	Buffers, setbacks, open space, and landscaping plans, as required by the zoning ordinance
Roadways	Centerline, outer edges, and rights-of-way of proposed streets, including pavement widths and approved street names
Restrictive Covenants	Restrictive covenants to be filed with the Clerk of Court for the development
Dedication or Reservation	An offer of dedication or reservation of public areas and easements as provided in §154.052

(A) Dedication Statement. The final plat shall include a signed dedication statement for all new rights-of-way and/or ingress/egress and general utility easements, in one of the following forms:

- (1) For all plats showing a right-of-way or a road intended to be turned over to Newberry County for maintenance:

"BY THE RECORDING OF THIS PLAT, I HEREBY DEDICATE THE EASEMENTS AND RIGHTS-OF-WAY SHOWN HEREON TO THE USE OF THE PUBLIC FOREVER. NOTHING IN THIS DEDICATION SHALL BE CONSTRUED TO IMPLY AN ACCEPTANCE BY NEWBERRY COUNTY OF ANY ROADWAY OR DRAINAGE FACILITY OR AS CREATING ANY DUTY BY NEWBERRY COUNTY TO MAINTAIN ANY ROADWAY, RIGHT-OF-WAY, OR DRAINAGE EASEMENT SHOWN HEREON."

Or

- (2) For all plats showing a private (not city, county, state, or federal) ingress/egress easement:

"BY THE RECORDING OF THIS PLAT, I HEREBY DEDICATE THE EASEMENTS AND RIGHTS-OF-WAY SHOWN HEREON TO ALL PURCHASERS AND SUCCESSORS IN THE INTEREST OF THIS PROPERTY, AND I HEREBY DEDICATE THE GENERAL UTILITY EASEMENTS SHOWN HEREON TO THOSE ENTITIES WHICH PROVIDE SAID UTILITIES. NOTHING IN THIS DEDICATION SHALL BE CONSTRUED TO IMPLY AN ACCEPTANCE BY NEWBERRY COUNTY OF ANY ROADWAYS OR DRAINAGE FACILITY OR AS CREATING ANY DUTY BY NEWBERRY COUNTY TO MAINTAIN ANY ROADWAY, RIGHT-OF-WAY OR DRAINAGE EASEMENT SHOWN HEREON."

§ 154.042. BONDED FINAL PLAT.

When a bond is provided, a bonded final plat shall include the following information:

BONDED FINAL PLAT	
ITEM	ITEM DESCRIPTION
BONDED FINAL PLAT	A final plat prepared in advance of infrastructure being constructed.
Identification Data:	
Name of Subdivision	Proposed name of the development
Names and Identification Information	Names of property owner(s) or agent authorized by the owner(s) and addresses and tax map numbers of property to be subdivided and adjacent properties, names and contact information for the developer(s), surveyor(s), and engineer(s) involved in the project
Attribute Data:	
Location Map	Map that describes the proposed development in relation to the surrounding area
Scale, North Arrow and Date	A graphic scale, a numerical scale, a north arrow, and the date such plat was drawn
Tax Map Numbers	Tax map numbers for the parent parcels and adjacent properties
Acreage	Total acreage to be subdivided
Dedication Statement	A signed dedication statement for all new rights-of-way and/or ingress/egress and general utility easements as specified in §154.041 (A)
Seal	Raised seal of registered land surveyor/engineer preparing the survey
Existing Site Information:	
Boundaries	All existing political boundaries, property lines, and easements
Exterior Boundaries	Boundaries of the tract to be subdivided
Zoning Classification(s)	Zoning classifications assigned to the development property and adjacent properties
Setbacks	Setbacks, as required by the zoning ordinance
Roadways	Centerline, outer edges, and rights-of-way of existing or platted highways, and streets and roads on or adjacent to the property to be subdivided, including the names of these features

Watercourses, Railroads, Utilities, and Bridges	The location of bodies of water, railroads, utilities, and bridges, either on or adjacent to the property to be subdivided, including the names and owners of these features
Proposed Site Information:	
Lots and Dwelling Units	Total lots created and total proposed dwelling units
Lot Lines	All proposed interior lots lines, identified by metes and bounds
Lot and Block Numbers	Proposed lot and block numbering, including phasing
Lot Size	All lot sizes identified by area
Interior Easements	All proposed interior easements, including location, dimension, and purpose
Public Areas	All proposed parks, school sites, and other areas designated for common use by the property owners or for public use
Buffers, Setbacks, Landscaping, Open Space	Buffers, setbacks, open space, and landscaping plans, as required by the zoning ordinance.
Roadways	Centerline, outer edges, and rights-of-way of proposed streets, including pavement widths and approved street names
Engineer's Cost Estimate	A cost estimate for all remaining improvements certified by a licensed engineer in South Carolina
Financial Guarantee	A cash bond, irrevocable letter of credit, or other acceptable security in the amount of 150% of the engineer's cost estimate
Restrictive Covenants	Restrictive covenants to be filed with the Clerk of Court for the development
Dedication or Reservation	An offer of dedication or reservation of public areas and easements as provided in §154.052

§ 154.043. DECLARATION OF RESTRICTIVE COVENANTS REQUIRED.

- (A) As part of any application submitted pursuant to this chapter, the applicant shall declare whether the tract or parcel of land that is the subject of such application is restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted activity.
- (B) If Newberry County has actual notice of a restrictive covenant on a subject tract or parcel of land that is contrary to, conflicts with, or prohibits the permitted activity, the county shall not issue the permit unless the County Attorney receives confirmation from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holders or by court order.
- (C) As used in this subsection, the following apply:
 - (1) "Actual Notice" is not constructive notice of documents filed in local offices concerning the property, and does not require the local planning agency to conduct searches in any records offices for filed restrictive covenants; and
 - (2) "Permit" does not mean an authorization to build or place a structure on a tract or parcel of land.

§ 154.044. Reserved.

§ 154.045. Reserved.

Article V – Design Standards and Improvements

§ 154.046. STANDARDS ARE MINIMUM REQUIREMENTS.

These standards and improvements shall be considered minimum requirements. Higher standards are encouraged in subdivision design and shall not be limited to these minimum requirements.

§ 154.047. GENERAL REQUIREMENTS.

- (A) **Consistency with Adopted Plans and Policies.** All subdivisions of land regulated by this chapter must be consistent with the most recently adopted plans and policies for the area in which it is located. This includes general policy regarding development objectives for the area as well as specific policies or plans for land use and public facilities such as streets, parks and open space, schools, and other similar facilities as may be contained within the Comprehensive Plan for Newberry County and area plans, park and recreation plans, or similar plans or policies for the region and Newberry County and its municipalities.
- (B) **Access Between Adjoining Properties.** To the maximum extent practicable, all streets shall connect to a comprehensive network of public areas that allows free movement of automobiles, cyclists, and pedestrians.
- (C) **Relationship to Railroad Rights-of-Way.** When a subdivision adjoins a railroad right-of-way, the subdivider may be required to arrange the street pattern to provide for future grade separation of street and railroad crossings.
- (D) **Parallel Streets Along Thoroughfares.** Where a tract of land to be subdivided adjoins a federal or state highway or a major arterial street, the subdivider may be required to provide a frontage road parallel to the highway.
- (E) **Access Roads.** Per Sections D106 and D107 of the 2021 South Carolina Fire Code, the following access road requirements shall be met.
- (1) **Multi-family Residential Developments**
 - (a) **Multi-family Residential Developments of 101 to 200 Dwelling Units.** Projects that include more than 100 dwelling units shall have two separate access roads, each approved for fire access by the Newberry County fire code official. However, such projects in which all buildings, including nonresidential occupancies, are equipped throughout with an approved automatic sprinkler system(s) installed per the requirements of the S.C. Fire Code are required to have only one approved access road.
 - (b) **Multi-family Residential Developments of more than 200 Dwelling Units.** Projects that include more than 200 dwelling units shall have two separate access roads, each approved for fire access by the Newberry County fire code official, regardless of whether they are equipped with an approved automatic sprinkler system(s).
 - (c) **Access Road Separation in Multi-Family Residential Developments.** Where two access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.
 - (2) **One- or Two-Family Residential Developments.**
 - (a) One- or two-family residential developments that include more than 30 dwelling units shall have two separate access roads, each approved for fire access by the Newberry County fire code official. However, such projects in which all dwelling units are

equipped throughout with an approved automatic sprinkler system(s) installed per the requirements of the S.C. Fire Code are required to have only one approved access road.

- (b) The number of dwelling units accessed from a single access road approved by the Newberry County fire code official shall not be increased unless the access roads will connect with future development, as determined by the Newberry County fire code official.
- (c) Access Road Separation in One- and Two-family Residential Developments. Where two access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

§ 154.048. STREETS.

- (A) **Conformity Required.** Plans for public and private streets must comply with and be approved by the county in accordance with *Chapter 91 - Road and Development Design* of the Newberry County Code of Ordinances prior to preliminary plat approval. All constructed streets must also comply with the minimum requirements of Chapter 91 prior to acceptance by the county. Road names and addresses are subject to, and must be approved in accordance with, the requirements of *Chapter 94 - Streets and Sidewalks* of the Newberry County Code of Ordinances.
- (B) **Road Layout.** The location and width of all proposed streets shall be in conformity with official plans and maps and with existing amended plans of the Joint Planning Commission. The street layout of the proposed subdivisions shall provide for the continuation or projection of streets already existing in areas adjacent to the area being subdivided.
- (C) **Dead End Streets/Cul-de-sacs, Temporary.** Where the Joint Planning Commission deems it necessary, dead-end streets shall be provided with an approved temporary turnaround having radius of at least 50 feet. Dead end streets designed to be permanently closed at one end shall not exceed 2,000 feet in length without an intermediate turnaround and shall not exceed 4,500 feet in total length. In no case shall a temporary cul-de-sac serve as primary access to more than 40 dwelling units.
- (D) **Intersections.** Not more than two streets shall intersect at one point. All streets shall intersect as nearly to right angles as possible, subject to variations approved by the Joint Planning Commission upon evidence of good cause. In no case shall streets intersect at an angle of less than 75 degrees. Streets intersecting other streets shall either intersect directly opposite to each other or shall be separated by at least 150 feet between centerlines, measured along the centerline of the street being intersected.
- (E) **Road Signs.** All road signs, including signs for private roads, shall be designed, installed, and maintained by Newberry County, unless an alternative design is reviewed and approved by the Joint Planning Commission.
- (F) **Driveway Connections.** All driveway connections to public roads must comply with South Carolina Department of Transportation (SCDOT) regulations, or Chapter 91 of the Newberry County Code of Ordinances, as applicable. All driveway connections to a county road must be approved by Newberry County. All driveway connections to a S.C. Highway must be approved by SCDOT.
- (G) **Gated Subdivisions.** Gated subdivisions proposed for development after the effective date of this chapter shall be subject to approval by the Joint Planning Commission consistent with the following criteria:

- (1) Gated subdivisions shall not be permitted in any location where the Joint Planning Commission determines that such location interferes with roadway, pedestrian, or shared-use path networks outlined in an official plan adopted by the County or SCDOT.
 - (2) Entrances shall be designed to permit full access by police, fire, rescue, and similar emergency vehicles and shall have written approval of all appropriate emergency service agencies prior to approval of the gate. Unmanned gates shall open automatically at the sound of a “yelp” from an emergency vehicle siren unless otherwise approved in writing by all appropriate emergency service agencies. In addition, a keypad at the entry gate shall be programmed to allow entry by emergency personnel. The developer and property owners’ association shall provide unfettered access to all private streets for emergency and law enforcement vehicles and shall provide reasonable access for county and state employees and vehicles operating within the scope of their official duties to perform those duties, and to all public utility companies and vehicles to perform installation and maintenance of public utilities infrastructure.
 - (3) Entry gates shall have sufficient minimum gate widths and openings to allow safe passage of all vehicles permitted to use public roadways. Unless overhead barriers provide a minimum of 13 feet, six inches of clearance at the lowest point, there must be at least one additional entry gate and one additional exit gate without overhead barriers or obstructions.
 - (4) Gatehouses and entry gates shall be located outside any right-of-way or required buffer areas.
 - (5) Entry gates shall be set back a sufficient distance from public street entrances to meet SCDOT or County requirements and shall provide for stacking and safe access for at least three passenger vehicles (at least 54 feet). An additional setback between the point of the access control device and the entry gate shall be required to allow a passenger vehicle that is denied access to turn around and exit safely onto a public street.
- (E) **Sidewalks.** Sidewalks are not required, but if included in a proposed development they must meet all applicable American Disabilities Act requirements.

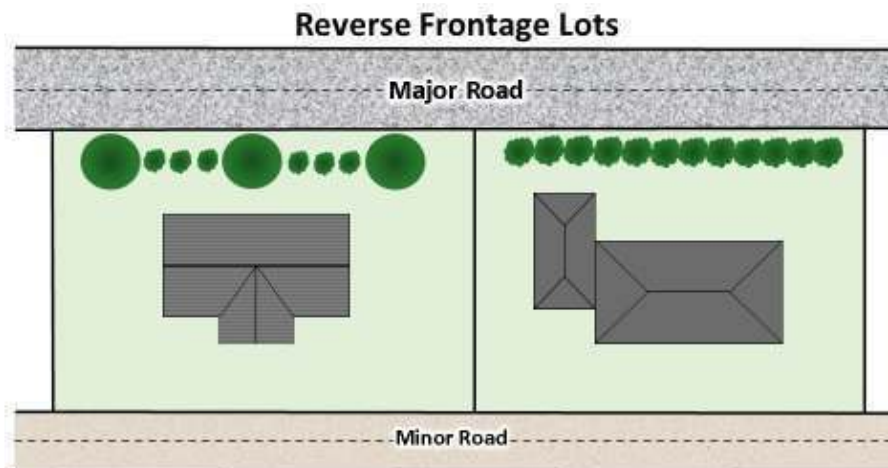
§ 154.049. BLOCKS.

- (A) **Design Generally.** Block size and shape shall reflect the physical characteristics of the site regarding topography, applicable zoning requirements, natural growth, and soil conditions, and shall permit access, circulation, control, and safety of traffic.
- (B) **Maximum Length.** No block shall be more than 2,000 feet in length.
- (C) **Minimum Length.** No block shall be less than 600 feet in length. Where practicable, blocks along arterial and collector streets shall be not less than 1,000 feet in length.
- (D) **Residential Areas.** In general, blocks used for residential purposes shall be of sufficient width to allow for two tiers of lots of appropriate depth, except where reverse frontage lots are required along a major street, or where prevented by the size, topographical conditions, or other inherent conditions of property, in which case the approval of the Land Development Administrator is required.
- (E) **Commercial and Industrial Areas.** Blocks in commercial and industrial areas may vary from the elements of design detailed in this section if required by the nature of the use, subject to the approval of the administrative officer.
- (F) **Pedestrian Ways and Crosswalks.** Pedestrian ways and crosswalks, not less than 10 feet wide, may be required by the Planning Commission through the center of blocks more than 800 feet

long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.

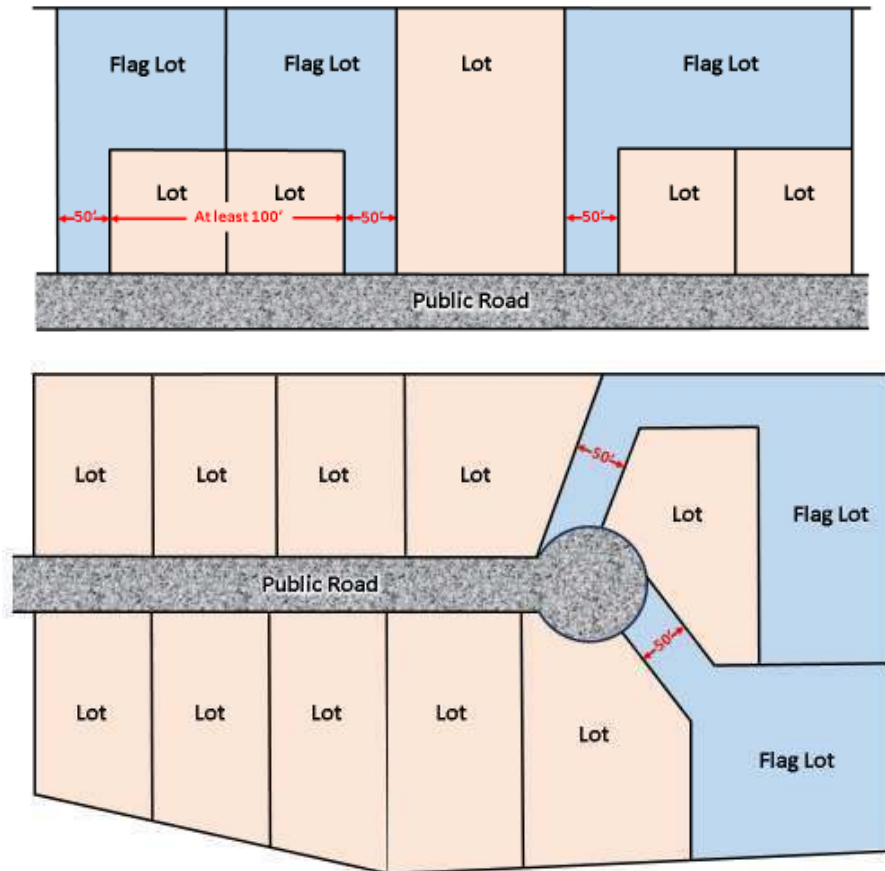
§ 154.050. LOTS.

- (A) **Access.** Each lot shall have an ingress/egress easement granted to it, and each lot shall be accessible by a road, street, or shared driveway, unless exempted from this requirement by *Chapter 91 - Expansion of the County Road System* of the Newberry County Code of Ordinances.
- (B) **Design Generally.** The lot size, width, shape, grade, and orientation shall be in proper relation to street and block design, and to existing and proposed topographical and natural vegetative conditions, and appropriate for the type of development and use contemplated.
- (C) **Zoning Requirements.** Where applicable, all lots shall meet the minimum area and dimensional requirements for the zoning district within which they are located.
- (D) **Orientation of Side Lot Lines.** Insofar as practical, side lot lines shall be at right angles to straight street lines and radial to curved street lines.
- (E) **Corner Lots.** Corner lots shall be of sufficient size and shape to permit required building setback and orientation to both streets.
- (F) **Remnants.** Remnants of land not meeting all requirements of this chapter for a lot shall be prohibited.
- (G) **Driveways on Corner Lots.** Driveways on corner lots shall be located at least 40 feet from the point of intersection of the nearest street right-of-way lines. Minimum frontage for any corner lot shall be 40 feet.
- (H) **Reverse Frontage Lots.** Reverse frontage lots are prohibited, except where required to provide separation of residential development from major streets or to overcome specific disadvantages of topography or orientation. Access to the lot shall be only from the lower order street.



- (H) **Flag Lots.** The creation of flag lots is discouraged. The Planning Commission may only approve flag lots where, in its discretion, such lots would be impractical to extend a public street and meet all of the following criteria:
 - (1) The flag lot(s) do not pose a safety hazard for residents or uses as determined by emergency services providers;
 - (2) No flag lot abuts more than one other flag lot;

- (3) The access appendage (flag lot pole) may not be contiguous to the access appendage of another flag lot. Flag lot poles serving individual flag lots or flag lot pairs must be separated by a minimum of 100 feet along the public or private road;
- (4) Flag lots shall not constitute more than 10% of the total number of building sites in a given development, or three lots, whichever is greater;
- (5) The lot area occupied by the flag lot pole is not counted as part of the required minimum lot area and the lot otherwise meets all dimensional requirements for the zoning district in which it is located;
- (6) No flag lot pole shall exceed 500 feet in length from the road right-of-way;
- (7) The flag lot pole shall be a minimum of 50 feet in width;
- (8) The pole of the flag lot must have street frontage and be a legal part of the flag lot parcel;
- (9) Flag lots, once created, may not be further subdivided; and
- (10) All driveway connections to public roads, including flag lot poles, must comply with SCDOT regulations.



- (I) **Landlocked Parcels.** Legal lots of record existing at the time of adoption of this ordinance that do not have access to a public street, but which otherwise meet the requirements of this ordinance, may be developed and used for any legally permissible activity provided all of the following conditions are met.

- (1) An access easement is obtained. Easements across other parcels of land to gain access to a landlocked parcel (access easements) must be in the form of a binding agreement approved by the county and recorded in the office of the Newberry County Clerk of Court. Such easements shall be a minimum of 20 feet in width and shall not be vacated without the express approval of the Land Development Administrator;
- (2) Subdivision of a landlocked parcel is not permitted; and
- (3) The address of the landlocked parcel shall be prominently displayed at the intersection of the entrance to the property and the public street to aid in public safety access.

§ 154.051. EASEMENTS.

- (A) **Drainage Easements.** Where a subdivision is traversed by a water course, drainage way, channel, or stream, adequate areas for stormwater drainage easements shall be reserved, conforming substantially to the lines of such water courses, and of sufficient width to convey stormwater and to provide for maintenance and improvement of such water courses. The location of any surface watercourse, channel, or stream shall not be changed without the approval of the governing authority. Where practicable, drainage easements shall center along or be adjacent to a common property line. The minimum acceptable drainage easement shall be determined by the following formula: three times the depth, plus the bottom width, plus 20 feet. The ditch shall be offset in the easement to provide 15 feet on one side at the top of the ditch bank (the same side for the length of the easement) for the purposes of maintenance. Drainage improvements within county-owned easements are maintained by the county for the conveyance of storm water; however, the general maintenance of easements for appearance shall be the responsibility of the property owner.
- (B) **Utility Easements.** Adequate areas of suitable size and location shall be allocated for utility easements. The location and size of such easements shall be worked out with the public and private utilities involved. The easements shall center along, or be adjacent to, a common property line where practicable, and the easements shall be installed underground except where unusual circumstances prohibit such practice.
- (C) **Maintenance.** The county shall maintain only those improvements specifically accepted for public maintenance by the county. Other easements shall stipulate that property owners shall be responsible for general maintenance of such easements.
- (D) **Easement and Right-of-Way Clearance.** Easements must remain free of trees, brush, stumps, debris, trash, fallen trees, and other obstructions, and proposed rights-of-way shall similarly be cleared, and obstructions removed, prior to acceptance.
- (E) **Encroachments.** Encroachments, including landscaping, fences, and utilities shall not be constructed within a county-maintained easement or right-of-way unless an encroachment permit is obtained from the county.
 - (1) The encroachment permit review and inspection fee are set forth in the Newberry County Fee Schedule.
 - (2) The county may require a financial guarantee for encroachment permits where potential damages warrant or for applicants who have previously failed to comply with permit requirements.

§ 154.052. RESERVED OPEN SPACE.

- (A) **Applicability and Conformity.** The reservation of open space land shall be required for all major subdivisions. All open space shall conform to the requirements of this section and open space requirements contained within the Zoning Ordinance. Where a conflict occurs, the most stringent provision shall be required.
- (B) **Identification of Reserved Open Space.** Reserved open space shall be identified during the preliminary plat process per §154.029 and dedicated through the County's dedication process per §154.041 and Chapter 91 of the Newberry County Code of Laws during the final plat or bonded final plat process.
- (C) **Minimum Required.** No less than 10% of the gross acreage of the subdivision must be set aside as open space.
- (D) **Uses.** Open space may include recreational areas, wooded areas, and environmental open space. Environmental open space is defined as any pervious area set aside for the protection, enhancement, or creation of water quality buffers, wildlife habitat, view corridors, flood hazard mitigation, or similar environmental features and may or may not include public access.
- (E) **Cemeteries.** Where an existing cemetery is located on property that is being developed as a major subdivision, the cemetery must be considered open space and left undisturbed. The cemetery must be protected by a 15ft. setback and buffer on all sides. Pursuant to South Carolina law, reasonable access to the cemetery must be provided to family members and descendants of those buried in the cemetery. All provisions of the South Carolina Code of Laws, the South Carolina Code of Regulations and Orders of the Governor of South Carolina applicable to cemeteries, grave sites, burial grounds shall be adhered to and complied with.

§ 154.053. STORM DRAINAGE.

To provide for the proper drainage of surface water, to permit the unimpeded flow of natural watercourses, and to protect both residents of the proposed subdivision and adjacent property owners from increased runoff resulting from development, a drainage system shall be designed and installed that meets the following criteria. The storm drainage plan for each subdivision must be reviewed and approved by the County Director of Public Works or their designee to ensure compliance with *Chapter 155 – Erosion and Sediment Control*, of the Newberry County Code of Ordinances.

- (A) **Low Impact Development.** Low Impact Development is encouraged.
- (B) **Direction of Discharge.** Required roadway and subdivision drainage shall be directed to a drainage channel within the immediate drainage basin provided the receiving channel has sufficient capacity or is improved to provide sufficient capacity for conveyance of the outfall flows. Under extenuating circumstances where this is not feasible, the design engineer shall document a good faith effort of the attempts made to provide the required information to the County in compliance with the above provisions.
- (C) **Connection to Existing System.** Where there is an existing public drainage system reasonably accessible to the subdivision, the County Director of Public Works or their designee may require connection to the proposed system.
- (D) **Lake Water Elevations.** The water elevation in lakes shall not be higher than 3 feet below the centerline elevation of the roadway at any time.

- (E) **Damming Structures.** No dams or structures serving as dams to impound water, or any portion of such a structure, shall be allowed in the right-of-way. This further means that no County road shall pass over such a structure without approval from the appropriate agencies (Newberry County Soil and Water, SCDES, and the County Director of Public Works).
- (F) **Drainage Outfall into a Lake.** Where a drainage outfall discharges into a lake, rip rap shall be placed under and around the end joint as needed and on slopes at the end of the pipe. The outfall invert elevation must be above the normal pool elevation of the lake.
- (G) **Drainage Outfall into a Stream or Ditch.** Where a drainage outlet is an appreciable distance above the bottom of a stream or ditch into which it empties, a drop structure (junction box) with a stub or other approved outfall design must be used. In all other instances, the outfall shall be required to have rip rap placed under and around the end joint as needed and on slopes at the end of the pipe. All discharge pipes 36 inches and over shall have a precast headwall or site-built reinforced concrete or masonry headwall.
- (H) **Stabilization of Open Channels.** All open channels used for conveyance of roadway drainage shall be properly stabilized to prevent erosion and shall require rip rap at all direction changes exceeding 25 degrees or as directed by the County Director of Public Works or their designee.

§ 154.054. EROSION AND SEDIMENTATION CONTROL.

Stormwater Management and Sedimentation and Erosion Control Plans shall be submitted to the Newberry County Stormwater Manager for review and approval. A Land Disturbance Permit must be approved prior to final plat approval being granted by the County or the commencement of land disturbance of any kind.

§ 154.055. AREAS SUBJECT TO FLOODING.

Any plat of a subdivision submitted to the Land Development Administrator or Planning Commission for its approval must comply with the provisions set forth in *Chapter 152 – Flood Damage Prevention* of the Newberry County Code of Ordinances). In addition, any plat of a subdivision that contains land subject to flooding shall be accompanied by evidence that no appreciable expansion of the area subject to flooding would result from the proposed development of the land being subdivided, and that the proposed development shall be adequately protected from inundation without appreciable interference with the flow of any watercourse or into an impounding basin. All such evidence, including surveys and specifications, shall be submitted with the preliminary plat.

§ 154.056. SANITARY SEWAGE DISPOSAL.

- (A) **General Requirements.** The provisions for sanitary sewage disposal shall be provided by the applicant and meet the requirements of subsections B and C as follows. The applicant shall identify the type of sewerage disposal system at the time of preliminary plat approval.
- (B) **Public Sewerage System.** Where public sanitary sewerage systems are within a designated public sewer authority service area, the applicant shall connect with same and provide sewer access to each lot. The facilities shall be designed, installed, operated, and maintained as prescribed by the public sewerage authority. The applicant shall provide the county with a letter certifying that the public sewerage authority intends to service the development and the plans as submitted are acceptable.
- (C) **Septic Tanks.** Where public sanitary sewerage systems are not available or the public sewer authority is not able to provide sewerage service to the site, the applicant shall design and install septic tanks in a manner prescribed by SCDES standards and specifications after completion of a SCDES percolation test for each lot. If SCDES requirements for lot size exceed the county's minimum lot size, the greater shall prevail. The applicant shall provide the county with a SCDES letter certifying

that the property will percolate adequately for septic systems and the plans as submitted are acceptable.

§ 154.057. WATER SUPPLY.

- (A) **General Requirements.** The provisions for water supply shall be provided by the applicant and meet the requirements of subsections B and C as follows. The applicant shall identify the type of water system at the time of preliminary plat approval.
- (B) **Public Water System.** Where public water systems are within a designated public water authority service area, the applicant shall connect with same and provide water access to each lot. The facilities shall be designed, installed, operated, and maintained as prescribed by the public water authority. The applicant shall provide the county with a letter certifying that the public water authority intends to service the development and the plans as submitted are acceptable.
 - (1) Fire hydrants shall be required where public water is accessible and shall be designed and installed by the applicant to the specifications as established by the applicable public fire service provider.
- (C) **Private Wells.** Where public water systems are not available and no public water authority is able to provide sewer to the site, the applicant shall design and install private wells as required by SCDES standards and specifications. The applicant shall provide the county with a letter from SCDES certifying that the property can adequately support wells and the plans as submitted are acceptable.

§ 154.058. OVERSIZED AND OFF-SITE IMPROVEMENTS.

Whenever the subdivision's impact on existing roadways and drainage systems requires upgrades to existing facilities, the subdivider is required to construct the upgrades concurrent with development of the subdivision. The subdivider may make a payment in lieu of the upgrades if more extensive improvements to those facilities have been planned by the agency having jurisdiction and such payments-in-lieu are approved by the Land Development Administrator.

§ 154.059. MAINTENANCE.

- (A) The subdivider shall make such adequate provisions as shall be approved by the Land Development Administrator for the perpetual maintenance of all sewer and water facilities, private streets, private stormwater drainage systems, parks, recreation facilities, open space, and trails in the subdivision until such obligations have been assumed by a public agency.
- (B) The maintenance of all streets, stormwater drainage systems, and easements intended to be transferred to the county for maintenance, and properly identified on the plat as such, shall only be the responsibility of the county from and after acceptance of such improvements by the county into its maintenance program.

§ 154.060. *Reserved.*

§ 154.061. *Reserved.*

Article VI – Definitions

§ 154.062. General Rules of Construction.

- (A) Except as specifically defined herein, all words and phrases used in the Land Development Regulations have their customary dictionary definitions.

- (B) The present tense includes the past and future tenses.
- (C) Singular words shall include the plural, and plural words include the singular.
- (D) The words “County Council” mean the County Council of Newberry County, South Carolina.
- (E) The words “Land Development Administrator” mean the Newberry County Land Development Administrator as designated by the Newberry County Administrator.
- (F) The words “Land Development Review Committee” mean the Newberry County Land Development Review Committee as appointed by the Newberry County Administrator.
- (G) The words “County Director of Public Works” mean the Newberry County Director of Public Works as appointed by the Newberry County Administrator.
- (H) The words “Joint Planning Commission” mean the Joint Planning Commission for Newberry County.
- (I) Any reference to a section or article shall mean a section or article of the *Newberry County Land Development Regulations*, unless otherwise specified.
- (J) Any reference to a chapter or ordinance shall mean a chapter of the *Newberry County Code of Ordinances*, unless otherwise specified.
- (K) The words “Developer,” “Applicant,” and “Subdivider,” whether capitalized or not, are interchangeable and mean the owner of land proposed to be subdivided or their representative who is responsible for any undertaking that requires review under this chapter.
- (L) The words “shall,” “will” and “must” are mandatory; and the word “may” is permissive, except when the context of the particular use is negative (e.g., “may not”).
- (M) The word “street” includes the words “road” and “highway.”
- (N) The word “person” includes an individual, firm, association, organization, partnership, corporation, company, trust, governmental unit, and any combination thereof.
- (O) The word “day” or “days” means calendar days unless otherwise specified.
- (P) Words used in the masculine gender include the feminine gender and vice versa.
- (Q) The words “lot” or “property” include the words lot, plot, parcel, property, or tract.
- (R) The word “structure” includes the words building and accessory structure.

§ 154-063. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

AS-BUILT. A map, plan, or layout showing the location and boundaries of land including existing utility lines and facilities.

BLOCK. A parcel of land entirely surrounded by streets or highways or by a combination of streets, highways, parks, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

CENTERLINE STATIONING. The location of the centerline and any station points that the surveyor/engineer identifies in their data

COMPREHENSIVE PLAN. The comprehensive plan adopted by the county council pursuant to South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code §§ 6-29-310 *et seq.* (1994 Supp.).

CUL-DE-SAC. A minor street having one end open to motor vehicle traffic and one end terminating in a turnaround.

DITCH. A man-made channel constructed to convey stormwater runoff.

EASEMENT. A grant of one or more property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

ENGINEER. A registered professional engineer in good standing with the state board of registration for professional engineers and land surveyors.

FINAL PLAT. An accurate graphical representation showing one or more lots or tracts of land. The drawing shall meet all the standards and requirements as set forth in this chapter and in the laws of the state.

FINANCIAL GUARANTEE. A financial surety made by a developer to the local government for the costs of improvements related to development. Financial guarantees include a cash bond, irrevocable letter of credit, or other acceptable security with Newberry County.

FLAG LOT. A lot which accesses a road by a narrow strip of land, the width of which is less than the minimum lot width specified in the Zoning Ordinance. The configuration of the lot often appears as the shape of a flag on a pole.

GRADE. The slope of a road, street, or other public way specified in percentage terms.

IMPROVEMENTS. Streets, utilities, drainage facilities, and street signs.

INDIVIDUAL PLAT FOR LAND DIVISION. Plats that meet the following criteria:

- (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this chapter and other relevant county ordinances;
- (2) The division of land into parcels of five acres or more where no new street is involved and plats of these exceptions are submitted as information to the Land Development Administrator who shall indicate that fact on the plats;
- (3) The combination or recombination of entire lots of record where no new street or change in existing streets is involved; and
- (4) Property transferred by will, intestate succession, or forced division decreed by appropriate judicial authority or in the case of property transferred by tax sale as authorized by The Code of Laws of South Carolina 1976, as amended.

LAND DEVELOPMENT. The changing of land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, mobile home parks, and similar developments for sale, lease, or any combination of owner and rental characteristics.

LEASE PARCEL. A parcel created for lease, rental, or contractual purposes, and for which the ownership does not change.

LOW IMPACT DEVELOPMENT. A management approach and set of practices that can reduce runoff and pollutant loadings by managing runoff as close to its source(s) as possible. LID includes overall site design approaches (holistic LID, or LID integrated management practices) and individual small-scale stormwater

management practices (isolated LID practices) that promote the use of natural systems for infiltration, evapotranspiration and the harvesting and use of rainwater (*U.S. EPA, 2024*).

LOT. A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon. The word "lot" includes the words "plot," "tract," and "parcel."

LOT, REVERSE FRONTAGE. A lot bordering along streets on both its front and rear property lines. Also referred to as a Double Frontage Lot.

MAJOR SUBDIVISION. See "Subdivision, Major."

MINOR SUBDIVISION. See "Subdivision, Minor."

MOBILE/MANUFACTURED HOME PARK. A parcel of land containing five or more mobile/manufactured home sites used for dwelling units, including service buildings and facilities.

PERIMETER STREET. Any existing street to which the parcel of land to be subdivided abuts on only one side.

PLAT: A single parcel or tract of land as part of a subdivision.

PRELIMINARY PLAT. A scaled drawing showing a proposed subdivision. Such drawing shall meet the requirements as set forth in this chapter.

PRINCIPAL STRUCTURE. A structure that is significant or primary rather than accessory.

REGISTERED LAND SURVEYOR. A land surveyor properly licensed and registered in the state.

RIGHT-OF-WAY. A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses. See also "Easement."

ROAD. See "Street."

SKETCH PLAT. A rough drawing showing a proposed subdivision. Such plat is not binding to the county or the developer.

ROAD or STREET. A public or private dedicated right-of-way designed to provide the principal means of access to abutting property or designed to serve as a roadway for vehicular travel, or both, but excluding alleys.

ROAD CLASSIFICATION. Functional road classification is the process by which streets and highways are grouped into classes according to the character of service they are intended to provide. Classifications are provided and updated regularly by the S.C. Department of Transportation and are based on criteria that include road type and traffic volume.

- (1) **ARTERIAL ROAD.** A road of regional importance or a main road of the community that is expected to carry either heavy vehicular traffic volumes or high-speed traffic or both. Arterial roads form a connected network of continuous routes that provide countywide and regional linkages. Arterials are characterized as having access control, channelized intersections, and signalization. Service to abutting land is subordinate to the provision of travel service.
- (2) **COLLECTOR ROAD.** A road that is used or intended to be used for moving traffic from local roads to arterial roads. Collectors are generally shorter than arterials but carry high volumes of traffic. Collector roads carry primarily residential traffic but provide no or limited residential frontage.
- (3) **LOCAL ROAD.** Local roads primarily provide access to adjacent land and road systems of higher classification and travel over relatively short distances as compared to collector roads. The local

street system comprises all facilities that are not assigned a higher classification and offers the lowest level of mobility.

SUBDIVISION. All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all division of land involving a new street or change in existing streets, and includes re-subdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots of record.

SUBDIVISION, MAJOR. A subdivision of land which creates more than a total of five lots, or which may require or proposes to create any of the following:

- (1) new public streets;
- (2) improvements to existing public streets;
- (3) the extension of public water or sewer;
- (4) reservation of land for open space, school sites, public safety stations, or similar facilities;
- (5) the addition of a community wastewater system; or
- (6) the installation of site drainage or other improvements impacting or having the potential to impact adjacent properties, streets or public lands including riparian corridors and wetlands.

SUBDIVISION, MINOR. A subdivision that does not meet the criteria for the definition of a major subdivision or an individual plat for land division.

SUBDIVISION PLAT. The final map or drawing, described in this chapter, on which the subdivider's plat of subdivision is presented to the Land Development Administrator and/or Planning Commission for approval and which, if approved, may be submitted to the county register of deeds for filing.

SURVEYOR. A registered land surveyor who is in good standing with the state board of registration for professional engineers and land surveyors.

SWALE. A privately maintained ditch having side slopes of 4:1 or flatter.

UTILITIES. Any or all utility services to a subdivision, including water, electricity, telephone, cable television, gas, and sanitary sewerage, whether such utilities are supplied by a private individual or company or a governmental entity.



Newberry County
Administration
1309 College Street
Newberry, SC 29108
803-321-2100

Agenda Briefing

Prepared By: Jeff Shacker	Title: County Administrator
Department: County Administration	Division: NA
Date Prepared: February 12, 2025	Meeting Date: February 19, 2025
Legal Review: Joanie Winters	Date: February 12, 2025
Budget Review: N/A	Date: N/A
Approved for Consideration: Joint Planning Commission	Date: November 19, 2024
Request Consideration by County Council	Date: February 19, 2025
Subject: Keeping of Chickens as an Accessory to Residential Ordinance: # 02-04-2025	

STAFF'S RECOMMENDED ACTION:

This ordinance proposes to allow owners of residential property zoned RS, RSM, RSV and RG to keep up to 18 hens on their property as an accessory use provided that the conditions for keeping chickens in the ordinance are met.

SUMMARY DISCUSSION:

This ordinance amending the text of the county's zoning ordinance proposes to allow owners of residential property zoned RS, RSM, RSV and RG to keep up to 18 hens on their property as an accessory use provided that the conditions for keeping chickens in the ordinance are met. A zoning permit would be required for the chicken enclosure and the zoning inspector will visit the property to confirm that all conditions can and have been met. This ordinance is proposed to become effective upon adoption by County Council. However, pursuant to direction provided by County Council at its work session on February 5, 2025, the Building and Zoning Department shall not impose the applicable zoning permit fee until the first anniversary date of the passage of this ordinance and shall apply that fee thenceforth.

ATTACHMENTS:

Ordinance No. 02-04-2025

STATE OF SOUTH CAROLINA)
)
 NEWBERRY COUNTY)

ORDINANCE NO. 02-04-2025

AN ORDINANCE TO AMEND THE TEXT OF THE OFFICIAL ZONING ORDINANCE OF NEWBERRY COUNTY, SOUTH CAROLINA, AS CODIFIED IN CHAPTER 153 OF THE CODE OF ORDINANCES OF NEWBERRY COUNTY, SOUTH CAROLINA, TO ESTABLISH REGULATIONS FOR THE ISSUANCE OF PERMITS FOR THE KEEPING OF CHICKENS ON A NON-COMMERCIAL BASIS ON RESIDENTIAL PROPERTIES IN NEWBERRY COUNTY AS AN ACCESSORY USE.

WHEREAS, there is increased interest in Newberry County for small-scale, subsistence food production to include chicken keeping; and

WHEREAS, the raising and keeping of chickens on a non-commercial basis on a residential property, and their associated henhouses, coops and runs are appropriate accessory uses if certain conditions are met; and

WHEREAS, the County permits various accessory structures and land uses; and

WHEREAS, the County desires to ensure that the keeping of chickens and their associated structures are conducted in a way as to not adversely affect the safety and general welfare of the citizens of Newberry County, and to not create a public nuisance; and

NOW, THEREFORE BE IT ORDAINED by the County Council of the County of Newberry, South Carolina in Council duly assembled this 19th day of March 2025 that the official Zoning Ordinance of the County of Newberry, South Carolina is amended as follows:

ZONING DISTRICT REGULATIONS

§ 153.073 ZONING DISTRICT TABLE OF PERMITTED USES.

(D) *Zoning district table of permitted uses.*

ZONING DISTRICT TABLE OF PERMITTED USES										
<i>Description of Use</i>	<i>2017 NAICS</i>	<i>R2</i>	<i>RS</i>	<i>RSV</i>	<i>RSM</i>	<i>RG</i>	<i>LC</i>	<i>GC</i>	<i>IND</i>	<i>C/SE Reference</i>
ACCESSORY USES TO RESIDENTIAL USES										
Keeping of Chickens, Accessory to Residential	NA	P	C	C	C	C	-	-	-	§ 153.129

CONDITIONAL USE REGULATIONS

§ 153.129 Keeping of Chickens, Accessory to Residential

The keeping of chickens as an accessory use to a single-family detached dwelling as detailed in the following subsections shall meet the following requirements where conditionally permitted. Such use shall be an accessory use to a single-family residential use.

(A) *Keeping of Chickens.* The following are requirements for the keeping of chickens as an accessory use to single-family detached dwellings.

- (1) Chickens shall only be allowed as accessory uses to single-family detached dwellings and manufactured homes on individual properties. They shall not be allowed in manufactured home parks.
- (2) Roosters are prohibited.
- (3) No more than 18 hens are permitted.
- (4) On-site slaughter of chickens is prohibited.
- (5) Chickens shall not be allowed to roam free.
- (6) Chickens shall be maintained in a healthy and sanitary manner to avoid potential health hazards.
- (7) Chickens must have adequate access to feed, clean water, and shelter at all times.
- (8) Feed must be stored in secure containers to prevent rats, mice, insects, and other vermin from infesting.
- (9) Chickens must be housed in a designated coop, pen, or enclosure, separate from any portion of residential structures or garages.
- (10) Chicken enclosures must be properly designed to provide adequate security from rodents, wild birds, and other predators and must provide sufficient ventilation and protection from the elements for the animals.
- (11) All chicken enclosures must adhere to the requirements for Accessory Structures as provided in § 153.049.
- (12) Chicken enclosures of any type shall not individually or collectively exceed two-hundred (200) square feet in size.
- (13) Chicken enclosures of any type must be in the rear yard of the property. All enclosures must be located on the same property as the residential use. Such enclosures shall be separate from any portion of residential structures or garages.

- (14) When the number of chickens kept is less than or equals 6 hens, chicken enclosures of any type shall be located no closer than:
- a. Twenty-five (25) feet to the side or rear property lines
 - b. Fifty (50) feet from the 360-contour of Lake Murray or the 440-contour of Lake Greenwood, if applicable. Where property is developed on both sides, the minimum setback shall be the average of the setback of the principal structures, or 50 feet, whichever is greater.
- (15) When the number of chickens kept is greater than 6 hens, but less than or equal to 12 hens, chicken enclosures of any type shall be located no closer than:
- a. Fifty (50) feet to the side or rear property lines
 - b. Seventy-five (75) feet from the 360-contour of Lake Murray or the 440-contour of Lake Greenwood, if applicable. Where property is developed on both sides, the minimum setback shall be the average of the setback of the principal structures, or 75 feet, whichever is greater.
- (16) When the number of chickens kept is greater than 12 hens, but less than the maximum allowance of 18 hens, chicken enclosures of any type shall be located no closer than:
- a. Seventy-five (75) feet to the side or rear property lines
 - b. One hundred (100) feet from the 360-contour of Lake Murray or the 440-contour of Lake Greenwood, if applicable. Where property is developed on both sides, the minimum setback shall be the average of the setback of the principal structures, or 100 feet, whichever is greater.
- (17) When the side or rear property line is shared with a property zoned R2 – Rural, the standard side and rear yard setback for accessory structures, as provided in § 153.172, is applicable to the setback of the chicken enclosures from the shared property line.
- (18) Chicken enclosures must be designed so that waste, wastewater, and all by-products of the keeping of chickens remain within the footprint of the enclosures and do not impact adjoining properties, drainage systems and receiving waters.
- (19) Chicken enclosures must be cleaned regularly and maintained in a healthy and sanitary manner to avoid potential health hazards and minimize odors.
- (20) Manure must be properly collected, stored, and disposed of in a manner that prevents malodorous smells, nuisances, or health risks. Waste shall not be stored in the front yard and must be stored no closer than 50 feet from the side and rear property lines or no closer than the applicable setback for chicken enclosures, whichever is greater.

(21) There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive to a person of normal sensibilities at the property line or right-of-way.

(22) Noise associated with the keeping of chickens shall meet the standards of Chapter 90, Section 04 of the Newberry County Code of Ordinances.

IT IS FURTHER ORDAINED by the County Council of the County of Newberry, South Carolina in Council duly assembled this 19th day of March 2025 that applicable zoning permit fees shall not be imposed on conditional use permits for chicken enclosures issued in accordance with the provisions of this ordinance until March 19, 2026 at which point in time such fees shall apply thenceforth.

NEWBERRY COUNTY COUNCIL

(SEAL)

BY:

Robert N. Shealy, Chairman

ATTEST:

Andrew Wigger, Clerk to Council

Approved as to form:

Joanie Winters, County Attorney

Jeff Shacker, County Administrator

1st Reading: February 19, 2025
2nd Reading: March 5, 2025
Public Hearing: March 5, 2025
3rd Reading: March 19, 2025

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 02-05-2025

AN ORDINANCE AMENDING SECTION 152.04 OF THE NEWBERRY COUNTY CODE OF ORDINANCES, CHAPTER 152, FLOOD DAMAGE PREVENTION, TO CLARIFY THE DATE OF THE FLOOD INSURANCE STUDY OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY IDENTIFYING AREAS OF SPECIAL FLOOD HAZARD WITHIN NEWBERRY COUNTY, SOUTH CAROLINA AND REFERENCED THEREIN.

WHEREAS, the South Carolina General Assembly enacted S.C. Code of Laws, Title 4, Chapters 9 (Article 1) and 25 as well as Title 6, Chapter 29, and amendments thereto, which delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the special flood hazard areas of Newberry County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare; and

WHEREAS, the special flood hazard areas of Newberry County are identified by the Federal Emergency Management Agency in its Flood Insurance Study, with accompanying maps and other supporting data which have been adopted by reference and declared part of the Newberry County Code of Ordinances Chapter 152 – Flood Damage Prevention; and

WHEREAS, Newberry County Council desires to clarify the date of the Flood Insurance Study of the Federal Emergency Management Agency referenced in the Newberry County Code of Ordinances Chapter 152 – Flood Damage Prevention.

NOW, THEREFORE BE IT ORDAINED by the County Council of the County of Newberry, in Council duly assembled this 19th day of March 2025, that Section 152.04 of the *Newberry County Code of Ordinances Chapter 152 – Flood Damage Prevention* is hereby amended as follows:

§ 152.04 LANDS TO WHICH THE CHAPTER APPLIES.

(A) This chapter shall apply to all areas of special flood hazard within the jurisdiction of Newberry County as identified by the Federal Emergency Management Agency in its Flood Insurance Study, **dated June 20, 2019**, with accompanying maps and other supporting data that are hereby adopted by reference and declared to be a part of this chapter.

(Ord. 06-33-03, passed 6-11-2003; Am. Ord. 10-41-04, passed 10-6-2004; Am. Ord. 01-02-08, passed 2-20-2008; Am. Ord. 07-15-11, passed 9-7-2011; Am. Ord. 04-06-19, passed 5-15-2019)

NEWBERRY COUNTY COUNCIL

BY: _____
Robert N. Shealy, Chairman

(SEAL)

ATTEST:

Andrew Wigger, Clerk to Council

Approved as to form:

Joanie Winters, County Attorney

Jeff Shacker, County Administrator

1st Reading: February 19, 2025
2nd Reading: March 5, 2025
Public Hearing: March 5, 2025
3rd Reading: March 19, 2025