



**NEWBERRY COUNTY COUNCIL
COUNTY COUNCIL AGENDA
Newberry Courthouse Annex
1309 College Street, Newberry, SC 29108
March 5, 2025
6:00 P.M.**

Call to order: Robert Shealy, Chairman.
Invocation and Pledge of Allegiance: Karl Sease, Vice-Chairman.

1. Adoption of Consent Agenda:
 - a. Newberry County Council Work Session – February 19, 2025.
 - b. Newberry County Council Meeting – February 19, 2025.

2. Additions, Deletions & Adoption of the Agenda.

3. Proclamation in Recognition of Disability Awareness Month in Newberry County.

4. 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. Third Reading.

5. 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. Second reading.

6. 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. Public Hearing.
 - b. Second Reading.

7. 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. Public Hearing.
 - b. Second Reading.

8. Ordinance No. 03-01-2025. An Ordinance Establishing a Temporary Moratorium on the Subdivision of a Tract of Land Into Five Lots or More, Invoking Application of the Pending Ordinance Doctrine, and Protecting Existing Vested Rights as Required by Applicable Law.
 - a. First Reading.

9. Consideration and Approval of a Bid for Debris Removal from Lynch's Woods Park (Bid Number 2025-1).

10. Appointments.

- a. Airport Commission -- District 5.
- b. Upper Savannah Workforce Development Board – Newberry County Representative.

11. Public Comments.

12. Comments/Requests from County Administrator.

13. Comments/Requests from Council.

14. Future meetings:

- a. Newberry County Economic Development Committee – March 10 at 5 p.m.
- b. Newberry County Council Work Session – March 19 at 5 p.m.
- c. Newberry County Council Meeting – March 19 at 6 p.m.
- d. Newberry County Finance Committee – March 24 at 5 p.m.
- e. Newberry County Council Work Session – April 2 at 5 p.m.
- f. Newberry County Council Meeting – April 2 at 6 p.m.

15. Adjournment.

**NEWBERRY COUNTY COUNCIL WORK SESSION
MINUTES
February 19, 2025**

Newberry County Council met on Wednesday, February 19, 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: Robert Shealy, Chairman
Karl Sease, Vice-Chairman
Leon Fulmer, Council Member
Todd Johnson, Councilman (virtually)
Travis Reeder, Council Member
Johnny Mack Scurry, Council Member
Stuart Smith, Council Member
Jeff Shacker, County Administrator
Eric Nieto, I.T. Director
Andrew Wigger, Clerk to Council/PIO

ABSENT:

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

1. Executive Session:

a. Personnel Matter(s):

- i. Discussion of matters related to the employment and compensation of employees within County Administration pursuant to SC Code of Laws Section 30-4-70(a)(1)
- Mr. Fulmer made a motion to go into Executive Session; Mr. Sease provided the second and the motion carried 6-0.
 - Newberry County Council went into Executive Session at 5:01 p.m.

- Mr. Scurry arrived at the meeting during the Executive Session.
- Mr. Fulmer made a motion to come out of Executive Session; Mr. Reeder provided the second and the motion carried 6-0, Mr. Johnson lost connection during the vote.
- Newberry County Council came out of Executive Session at 6:00 p.m. and no action was taken.

2. Adjournment.

- Mr. Fulmer made a motion to adjourn the meeting; Mr. Reeder provided the second and the motion carried 6-0.
- The Newberry County Council Work Session adjourned at 6:01 p.m.

NEWBERRY COUNTY COUNCIL

Robert “Nick” Shealy, Vice-Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____

**NEWBERRY COUNTY COUNCIL
MINUTES
February 19, 2025**

Newberry County Council met on Wednesday, February 19, 2025, at 6:01 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: Robert Shealy, Chairman
Karl Sease, Vice-Chairman
Leon Fulmer Jr., Council Member
Todd Johnson, Council Member (virtually)
Travis Reeder, Council Member
Johnny Mack Scurry, Council Member
Stuart Smith, Council Member
Jeff Shacker, County Administrator
Karen Brehmer, Deputy County Administrator
Debbie Cromer, Finance Director
Captain Ben Chapman, NCSO
Eric Nieto, I.T. Director
Josh Rowe, Director of Public Works
Andrew Wigger, Clerk to Council/PIO

Mr. Shealy called the meeting to order at 6:01 p.m.

Mr. Reeder led the invocation and Pledge of Allegiance.

1. Adoption of Consent Agenda:

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

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

3. Recognitions:

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

- Mr. Shacker recognized the employees listed above for their service to Newberry County, highlighting their accomplishments and pivotal moments while working for Newberry County.

4. Personal Appearances:

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

- Mr. Harris was not present.

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.

- Mr. Shealy declared the Public Hearing open.
- Mr. Dwain Morris said he wanted to urge council to support the rezoning to allow for an affordable, manufactured home. He said home ownership should not be exclusive to stick built homes. He said his daughter is facing relocation, due to divorce, with her two children, one of which is disabled. He said based on her income, she can only afford a manufactured home and is unable to obtain a job outside of the home, so that she can provide for one of her grandsons. He said they own a three-acre parcel, which they plan to divide for the home, and will require an acre and a quarter, or more, to meet the distance requirements from the property lines. He said there is no intention to place more than one manufactured home on the property. He said several manufactured homes are near the property and while they may not be occupied, they do exist. He said as a property owner, he should be able to use his property as he sees fit, within reason and this is within reason.
- Ms. Tracie Turner said she has lived in this community for 56 years and raised her family there as well. She said the land, and this portion of their community, has been in the Epting and Longshore families for about 150 years. She asked would the county gain by rezoning this piece of property for one person when they have rows of people who showed up to protest the rezoning and all they have to gain is preserving their community.
- Mr. Tyler Turner provided a comparison on resident types and showing comparable square footage, and comparable amounts of acres on the land to compare those values. Mr. Turner said Carolina Home Outlet spoke last time about

the homes in the area that are manufactured homes, Mr. Turner showed data that shows the number of manufactured homes in 2021 was 24% in the county. He said they are profiteers and the only standing they are gaining is the money from the manufactured home and that does not matter where it is placed. He said the proposed manufactured home that is going to be put in there does not fit with the existing community. Mr. Turner discussed alternative options, that does not require rezoning, that the family could take instead of rezoning this property.

- Ms. Leesha Wessinger said she would never have dreamed she'd be here advocating in this capacity. She said life circumstances are beyond their control. She said it has been proposed the land across the street be used to place the manufactured home and this is a first for her, other people telling her where to place her home but how to spend the little bit of money she does have, she then asked if that was fair. She said it is her understanding that a manufactured home has been placed within 225-feet of the proposed location, in 2011, and it has been moved now that a home could be built. She is asking for the option to be made available for her family. She also provided to council a letter from her son's case manager with Bright Start.
- Ms. Khristie Metts owns the land adjoining this property, she said they are asking for rezoning of the entire three acres, and it is zoned for RS and does not allow mobile homes and if it is rezoned it would lower the value of her properties. She said they have concerns of the long-term issues if it is rezoned, as it will forever be R2. She said any others that may have this property will be allowed to put other mobile homes, regardless of their intent they cannot see the future any more than they can. She said they are not insensitive to their situation, but they cannot

understand why they would not want their family to live on the same side of the main highway with them, allowing them to visit back-and-forth much quicker.

- Ms. Erin Willis is the owner of the property adjacent to the parcel being discussed. She said she understands the property owner wishes to support his daughter, but this decision not only impacts the present but also the future. She said the owners have only lived in their homes for the last six months and according to tax records, they do not claim the property as their primary residence, instead they claim a primary residence in the City of Newberry. She said they own 13 acres across the road from the parcel in question, and that land is already zoned to allow for a mobile home. She said having them behind their home on that property means they'd be closer. If rezoned, the land could house three mobile homes.
- Ms. Hannah Metts said her family owns property near the tract and they understand about parents helping their children. She said this property has been in the Epting family for over 90 years. She said everyone is sympathetic to the family and housing situation and want them to have a place to live. However, there are already two options available for her and what is the future impact if the property is rezoned. She said the property across the street does not need to be rezoned or the property within the City of Newberry, and they fully support those options. She said manufactured homes deteriorate quickly and depreciates in value. She requested council support the neighbors and deny the rezoning request.
- Mr. Brandon Davis works with Carolina Home Outlet, and he works with a nonprofit, as well. He said they have an interest in their clients, and they do care. He said Carolina Home Outlet is a staple in the community. Mr. Davis said they spoke with Newberry County GIS and a little bit over 80% of Newberry County is zoned manufactured home

friendly. He said he does not see what the issue is because some of those who have spoken previously have had manufactured homes before. He said let's look at the right thing to do and take care of the family.

- Mr. Mitch Howard, who owns Carolina Home Outlet, said he wanted to clarify that it was said that he said 93% of Newberry County was manufactured homes, he said he did not say that and there is no county in South Carolina, that he is aware of, is 93% manufactured homes, but what he said was that 93% of that area was manufactured homes.
- Mr. Shealy closed the public hearing after all of those signed up to speak did so.

b. Second Reading.

- Mr. Reeder made a motion to accept second reading; Mr. Sease provided the second.
- Mr. Johnson said there is no one that is more sympathetic to someone with a child with special needs. However, he thinks there is a better way to approach this and cannot support the rezoning.
- Mr. Reeder said he is sympathetic to the family, but he has to look at the fact that when the family has other property and where they want to put this home is across a busy highway, he thinks it would benefit the child better to be closer to the family, in case of an emergency. He said he is concerned because of the child.
- Mr. Sease said he is sympathetic, but there are other options. He said his concern is the protection of the landowners of the future and if it is rezoned and what could happen.
- Mr. Scurry said he knows all the families present, and he is aware the family has land that is capable of doing what they want to do, and he does not understand that. He said

they are going to do what is best for the entire neighborhood, not just one family.

- Mr. Shealy said he sympathizes with both sides, and he is not going to be one to say what you should do with your property. He said it is just a bad situation, but they will have to vote the way they feel.
- Mr. Shealy and Mr. Smith voted to approve second reading, and Mr. Fulmer, Mr. Johnson, Mr. Reeder, Mr. Scurry and Mr. Sease voted against.
- The motion failed 5-2.

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.

- Mr. Shealy declared the Public Hearing open, with no one signed up to speak, Mr. Shealy declared the Public Hearing closed.

b. Second Reading.

- Mr. Sease made a motion to approve second reading; Mr. Fulmer made the second and the motion carried 7-0.

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.

- Mr. Shealy declared the Public Hearing open.
- Prior to the Public Hearing, Mr. Johnson said this ordinance has nothing to do with the proposed development on Hwy 773, and that was something proposed to the Joint Planning Commission. He said Newberry County Council has not received that, much less had first reading on that issue. Mr. Johnson said he wanted to be clear about that prior to the public hearing and a vote.
- Mr. Steven McKean wanted to speak on a few items discussed in the ordinance. He first mentioned infrastructure, he mentioned a few things that Newberry County does not have or is lacking, including garbage collection. He said he looked over the regulations and it is a good starting point, but he thinks they are missing some things. He said he didn't see anyone associated with the American Planning Association, something he thinks would be key if someone with the county was with the association. He said most people who live in Newberry County like the rural, agricultural living. He said there is a new subdivision on Jollystreet Road, and it looks out of place. He said how to meet those needs, he said 2/3 of Newberry County do not have the opportunity to be on the Newberry County Water and Sewer Authority, and talking about bringing people into Newberry County, can the county provide.
- Mr. Jody Hamm said we need to make sure we are planning for this stuff, you cannot eat a house, agriculture is important in our county, and we need to be careful. He said he knows it was said this was not about a subdivision, but it is about future subdivisions and if they do not plan appropriately, it will affect infrastructure. He said being on the school board for many years, it will

affect the schools. He said he tried to divide his land up to give to his son, but was told he needed to have an acre, but developers come in and they'll put five houses on an acre.

- Mr. Tyler Johnson said he was speaking on behalf of the concerned citizens of Newberry County and they are concerned about the infrastructure in Newberry County regarding development. They are not against development, but the strain brought on to infrastructure by these developments and a lot of meetings about development they hear about available about electricity, water, sewer and their willingness to cover those costs, but they don't hear about other aspects of infrastructure, like first responders, waste collection, schools, etc. He said this puts a financial burden on the county and taxpayers. He suggested a buffer zone around the entire property line around these developments, establishing concurrency to better understand and address the added strains on infrastructure by these developments and more stringent definition of green space that allow developers to build on smaller lots than what is stated in our current zoning ordinances. He said these would just be a starting point and hopefully they can expand upon.
- Mr. Randy Suber said coming out of Columbia the other day, he came up on the Peak exit at 5 p.m. and there was a mile long line of traffic. He said all of this land development, do we really want that, do we want houses built 10 feet apart. He said taking trash off, he doesn't mind doing that and please take all that into consideration.
- Mr. Tom Kistora said he lived in cities and when he retired he wanted property, and he came here. He said they need to think about the impact on structural services, like the schools and they are going to pay for them, not someone

else. They should be required to implement a plan to fund emergency services.

- Mr. Shealy closed the public hearing after all of those signed up to speak did so.

b. Second reading.

- Mr. Fulmer made a motion to table the second reading to a later date, to give staff an opportunity to address comments and concerns heard tonight and come back to address those issues; Mr. Sease provided the second.
- Mr. Shacker said what is before Newberry County Council are Land Development Regulations (which is reworking what Newberry County currently has on the books) and they don't decide where subdivisions go, how big the lots are, how far apart the lots have to be, what dictates are what the infrastructure requirements are if there is a major subdivision. A major subdivision in Newberry County is five or more lots, when property is split into that, or when property is split into less than five lots, but a road is required and that triggers a major subdivision review process. That review and plat requirements are designed to ensure infrastructure is installed to support the subdivision and that infrastructure meets county standards. In many cases, the county has adopted state standards. He said what determines where development can occur, and the intensity is the zoning ordinance. What council is looking at are design standards and requirements that would apply if a piece of property was zoned correctly where it could be developed as a subdivision and what the requirements would be for that subdivision.
- Mr. Shacker said he can appreciate the comment made about the American Planning Association, they have a certification program called AICP, and while the county

does not have an AICP member of staff, we have two planning consultants that do, and they drafted this ordinance. He also mentioned concurrency being brought up and he said this is where you have agencies that review development proposals and provide feedback and that is in this ordinance, as it develops a Land Development Review Committee.

- Mr. Shacker mentioned a few changes that were made to the regulations between first and second reading.
- Mr. Johnson said he thinks Mr. Fulmer is right to postpone, but he wants to make sure they separate this from the proposed housing development. He added that this ordinance does not allow that subdivision, and he is against that subdivision, but he does think we need growth in Newberry County.
- Mr. Reeder said he thinks when they start talking about housing developments, those entities they brought up need to be invited to answer those questions.
- The motion to postponed carried 7-0.

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.

- Mr. Sease made a motion to approve first reading; Mr. Fulmer provided the second.
- Mr. Johnson said they worked really hard to create this ordinance and if anyone has issues with the ordinance, to bring those concerns to council before third reading.

- Mr. Shacker gave a brief history of the ordinance and how it was created as an attempt to allow residents to have chickens (not roosters) who are currently unable to do so (any residential zoning district that is not R2-Rural).
 - Mr. Johnson lost connection prior to the vote.
 - The motion carried 6-0.
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.

- Mr. Sease made a motion to approve first reading: Mr. Smith provided the second.
- Mr. Shacker said staff was notified by FEMA that the ordinance needed to be dated, and this would provide that date.
- The motion carried 6-0.

10. Appointments.

- Mr. Sease made a motion to appoint Mr. Tom Crowe to the Joint Planning Commission for the Town of Little Mountain (as recommended by Mayor Jana Jayroe); Mr. Reeder made the motion to approve Mr. Crowe; Mr. Smith provided the second and the motion carried 6-0.

11. Public Comments.

- Mr. David Adams said he was here about the chickens, he has five acres and had chickens for a few months, his neighbor found out it was not legal, and his neighbor turned him in. He said he has five acres of land but can't have chickens, but someone can have them in downtown Newberry. He asked council to allow him to have chickens.
- Mr. Forrest Byrd said he looked at some of the development stuff recently and it has been over \$14,000 per kid that they send to school, so they put a little small house in and the rest of the community and these developments that are multi family houses, and they have two kids, that is almost \$30,000 we are spending on that house for school taxes. He said they are not going to make up that amount paying \$2,000 a year in property tax, so all the rest of the county will have to cover it. He said he agrees they need housing for our people to live here that is affordable, but bringing in a bunch of people in low-income houses is basically robbing us all because we all have to cover that extra expense. He said nobody seems to be able to put all the numbers out at the same time, but if you look at what it costs per kid to educate, we all have to come up with it.

12. Comments/Requests from County Administrator.

- Mr. Shacker did not have any comments.

13. Comments/Requests from Council.

- Mr. Fulmer thanked staff, he said they do an excellent job putting these ordinances together. He said going back to some of the ordinances they voted on tonight, he thanked everyone for coming out and giving feedback. He said the Land Development Ordinance is near and dear to a lot of folks, and this is a start, and they have to start somewhere. He said they enjoy a tremendous quality of life in Newberry

County that is unseen in the Midlands area, and they need to do everything they can to protect that. Mr. Fulmer asked to keep all first responders in their prayers following an incident where a young man lost his life, he said a lot of entities pulled together to be on that scene.

- Mr. Reeder said he was glad to see everyone out and he said he knows when they make decisions it is not going to be good for everyone, but that is the way it is. He said when residents provide feedback, it gives them ideas. He also said he wanted to send prayers to Lt. Michael Hawkins, with the City of Newberry Police Department, who recently passed away. He also thanked the employees recognized for their years of service and it is truly deserved. He also thanked administration for all the things they do, as it is not easy, but those decisions need to be made.
- Mr. Smith concurred with Mr. Fulmer, and he said they have a lot of work to do. He said his thoughts and prayers to out to the family of the young man that lost his life and to the family of Lt. Hawkins.
- Mr. Scurry said he was glad to see everyone at the meeting and recognized Ms. Cromer for 50 years with Newberry County.
- Mr. Sease thanked everyone who came out and participating in county government. He said he cannot say enough for the county employees who have served for so long, he said Ms. Cromer has helped him and continues to do so. He added that hopefully they investigate that accident to help prevent something like that from happening again.
- Mr. Shealy said council has to make tough decisions sometimes, but they are here to listen to the residents. He said Newberry County is going to grow, but they want to make sure it grows the way they want it to grow not the way developers want it to be.

14. Future meetings:

- a. Newberry County Executive Committee – February 24 at 5 p.m. (CANCELLED)
- 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.

- Mr. Scurry made a motion to adjourn; Mr. Sease provided the second and the motion carried 6-0.
- Newberry County Council adjourned at 7:52 p.m.

NEWBERRY COUNTY COUNCIL

Robert “Nick” Shealy, Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____

STATE OF SOUTH CAROLINA)
COUNTY OF NEWBERRY)

**PROCLAMATION
DISABILITIES AWARENESS
MONTH IN NEWBERRY COUNTY**

WHEREAS, many residents and families of Newberry County are impacted by severe lifelong disabilities including autism, traumatic brain injuries, spinal cord injuries, and intellectual and related disabilities; and

WHEREAS, people with lifelong disabilities are productive citizens, neighbors, and family members, deserving respect and opportunities for economic self-sufficiency, independence, and personal growth; and

WHEREAS, residents of Newberry County with and without disabilities work together, play together, worship together, learn together, and grow together; and

WHEREAS, family members, caregivers, and service providers selflessly offer daily care, assistance, supervision, and physical and emotional support to individuals with disabilities to help ensure their full participation in community life; and

WHEREAS, President Ronald Reagan declared March as National Disabilities Awareness Month in 1987 to provide understanding, encouragement and opportunities that help individuals with disabilities lead productive and fulfilling lives; and

WHEREAS, the 2025 observance of National Disabilities Awareness Month celebrates 38 years of advocacy for and successes of people with disabilities in education, employment, and community activities.

NOW, THEREFORE, Newberry County Council does hereby proclaim the month of March 2025 as *Disabilities Awareness Month in Newberry County* and encourages all residents of Newberry County to work together to promote increased opportunities for people with disabilities, to recognize the many contributions made by people with disabilities in our county, and to honor the dedication of the caregivers who bring support and hope to their fellow citizens.

PROCLAIMED AND APPROVED this 5th day of March 2025.

NEWBERRY COUNTY COUNCIL

SEAL

BY: _____
Robert N. Shealy, Chairman

ATTEST:

Andrew Wigger, Clerk to Council



**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

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- § 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, the School District of Newberry County, 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.*

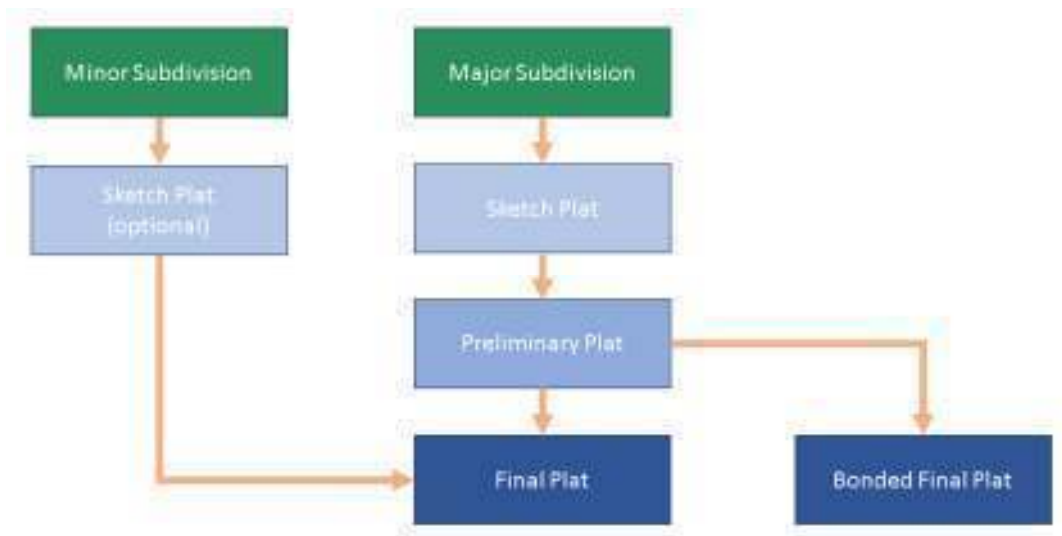
Article III – Submission and Approval Procedures

§ 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.

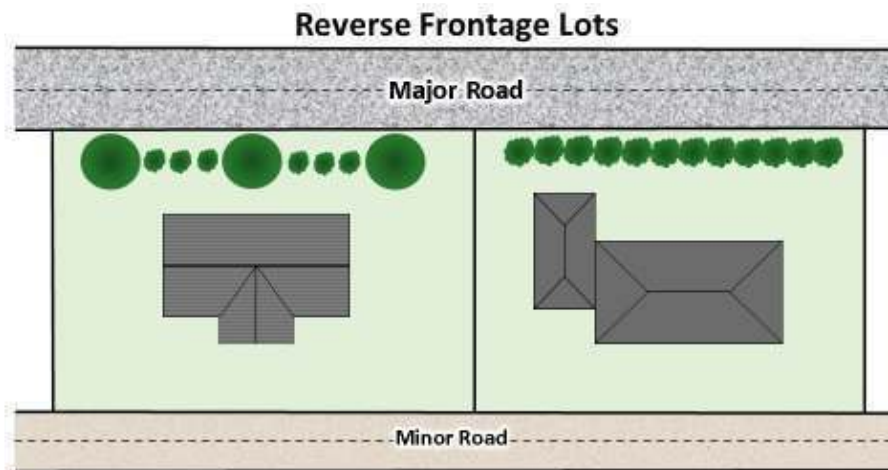
§ 154.049. BLOCKS.

- (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.

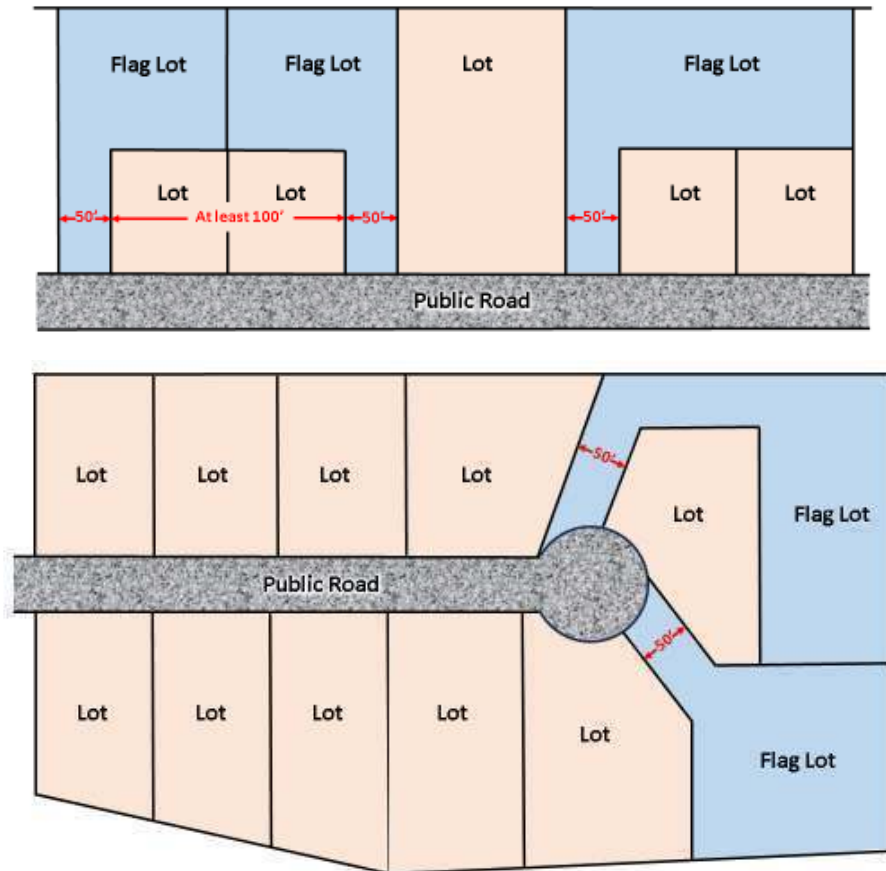
§ 154.050. LOTS.

- (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

WHEREAS, the current Zoning Ordinance and Land Development Regulations of Newberry County are insufficient to address the needs of its growing county; and

WHEREAS, Newberry County is currently studying modifications to the current Zoning Ordinance and current Land Development Regulations of Newberry County to address the needs of its growing county; and

WHEREAS, Newberry County Council, in consultation with its Joint Planning Commission and staff, will need time to determine how to best revise its Zoning Ordinance and Land Development Regulations; and

WHEREAS, Newberry County Council is concerned that major subdivisions that may be approved or permitted during the period in which these amendments are prepared and under consideration may be incompatible with such provisions and with Newberry County Council's vision for the development of the county; and

WHEREAS, Newberry County has determined that it is necessary to protect the public health, safety and welfare by passing an ordinance declaring a limited and temporary moratorium as provided below on the subdivision of any tract of land into five (5) or more parcels that would contain parcels of two (2) acres or less; and

WHEREAS, pursuant to prior appellate case precedents, a moratorium may be upheld where there is a demonstrated need for the moratorium, and the moratorium is enacted in good faith, is nondiscriminatory, is set for a clearly defined limited duration, and has a clearly defined scope; and

NOW, THEREFORE BE IT ORDAINED in Council duly assembled as follows:

1. Temporary Moratorium. A limited and temporary moratorium is hereby enacted to prevent the subdivision of any tract of land into five (5) or more parcels that would contain parcels of two (2) acres or less. During the time this moratorium is in effect and subject to the terms of this ordinance, Newberry County will accept no applications or act on any pending applications for the approval of the subdivision of any tract of land into five (5) or more parcels that would contain parcels of two (2) acres or less.
2. Jurisdiction. This moratorium shall apply throughout the unincorporated area of Newberry County.
3. Time. This moratorium shall be effective for two hundred and seventy (270) days from the date of 3rd Reading.
4. Pending Ordinance Doctrine. The South Carolina Pending Ordinance Doctrine shall apply to this ordinance, and the preceding provision regarding final adoption shall in no way adversely affect the enforceability, applicability and legality of the pending

ordinance status of this ordinance, which shall be fully effective upon first reading approval.

5. Extension. Newberry County Council may extend the moratorium established in this ordinance one (1) time for a period not to exceed ninety (90) days upon a finding by the County Council that the problems giving rise to the need for the moratorium established herein continue to exist and that reasonable progress is being made in carrying out a specific and prompt plan of action addressing concerns over the need for revisions to the current Zoning Ordinance and Land Development Regulations of Newberry County, but that additional time is reasonably needed to adequately address the issues facing Newberry County.
6. Effect on Vested Rights. South Carolina may have valid vested rights laws which would prohibit the enforcement of this moratorium by Newberry County for certain properties or owners. It is not the intent of this ordinance to violate state law. Therefore, any properties or property owners legally protected with such vested rights shall be exempt from the provisions of this moratorium to the extent such properties or property owners are lawfully protected by such statutory vested rights.
7. Recommendations Regarding New Development Regulations. During the moratorium enacted herein, Newberry County staff and the Joint Planning Commission shall proceed expeditiously to study, prepare, and make recommendations concerning amendments to the Zoning Ordinance and Land Development Regulations of Newberry County consistent with the findings of this ordinance.
8. Severability. If any section or portion of a section of this ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this ordinance.
9. Effect on Existing Ordinances. Any ordinances, rules, regulations or policies of Newberry County that are inconsistent or conflict with this ordinance are hereby suspended as to such inconsistency or conflict while this ordinance is in effect.
10. Public Hearing. Prior to third reading, Newberry County Council shall hold a public hearing to receive public comment on the matters set forth in this ordinance.
11. Third Reading. This Ordinance shall be and become finally binding after the same shall have received first, second and third readings by Newberry County Council.

AND IT IS SO ORDAINED by the County Council of the County of Newberry, South Carolina in Council duly assembled this 2nd day of April 2025.

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: March 5, 2025
2nd Reading: March 19, 2025
Public Hearing: April 2, 2025
3rd Reading: April 2, 2025



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

Agenda Briefing

Prepared By: Crystal Waldrop	Title: Purchasing Director
Department: Administration	Division: Procurement
Date Prepared: February 27, 2025	Meeting Date: March 5, 2025
Legal Review: n/a	Date:
Budget Review:	Date:
Approved for Consideration:	Date:
Request Consideration by Committee / County Council	
Subject: Invitation for Bids No.: 2025-1 Lynch's Woods Debris Clean up	

STAFF'S RECOMMENDED ACTION: Staff recommends the lowest bidder, Sligh Construction Company in the amount of \$123,582.

FIDUCIARY: Staff and the Contractor will work with the consultants who will assist with reimbursement from FEMA on this project.

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:

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

SUMMARY DISCUSSION: FEMA requires that the County have a consultant to monitor the removal of the debris. The County has a monitoring consulting firm in place that was solicited, and awarded, in 2023.

ADDITIONAL COMMENTS FOR CONSIDERATION: The debris clean-up will consist of 100 feet on each side of the road throughout the entire park. The contractor will remove the fallen trees from the park to an off-site location.

ATTACHMENTS: Tabulation sheet

Invitation to Bid: 2025-1					Bid Opening
Lynch's Woods Park Debris Clean up					Date: February 25, 2025 @ 3:00 p.m.
		Newberry County Courthouse Annex Conference Room, 1309 College Street, Newberry			
Bidder		Amount of Base Bid	Acknowledge Addendum #1		Bid Bond
Alpha Tree Service		\$ 265,000.00	yes		yes
Branching Out Tree Services		\$ 3,605,125.00	yes		yes
Green Acres Farm and Construction		\$ 238,750.00	yes		yes
Mid-Carolina Insulation		non-responsive			no
Sligh Construction		\$ 123,582.00	yes		yes
State Tree Services, Inc.		\$ 570,000.00	yes		yes
Accepted by:					
Crystal Waldrop, Purchasing Director					
2/25/2025					