

NEWBERRY COUNTY COUNCIL WORK SESSION
MINUTES
January 15, 2025

Newberry County Council met on Wednesday, January 15, 2025, at 5:00 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
Travis Reeder, Council Member
Johnny Mack Scurry, Council Member
Stuart Smith, Council Member
Jeff Shacker, County Administrator
Joanie Winters, County Attorney
Eric Nieto, I.T. Director
Katie Werts, Director of Planning and Development
Andrew Wigger, Clerk to Council/PIO

ABSENT: Todd Johnson, Councilman

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

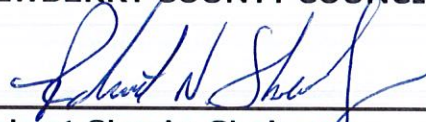
1. Review and discussion of proposed revisions to the Land Development Regulations of Newberry County codified in Chapter 154 of the Code of Ordinances of Newberry County.
 - Mr. Shacker reviewed the remaining pages (as presented with these minutes) of the proposed revisions to the Land Development Regulations of Newberry County.

- Regarding putting down a 20% bond, Mr. Sease asked if they came to a point where they did not finish the project and if it will cost more than the 20% to complete the improvements needed, what does the county do then. Mr. Shacker said in terms of construction, when it is a bonded final plat, it is 150%, its during the warranty period and there are defects on the road that has already been built, you take the cost to build the road, 20% of what the cost to build it is the cost of the guarantee.
- Mr. Sease asked how the county handles, when there are a lot of cemeteries throughout the county on land and they want to develop it, how does the county protect those gravesites. Ms. Werts said the developer and or the seller of the property could have the cemetery surveyed out and then protect it on its own parcel, so it is not affiliated with the development. However, if it is not, the developer would have to work around and put in green space, but nine times out of ten the family will survey the cemetery out so they can have the rights to it. Mr. Shacker said while they do not know all of the cemeteries in Newberry County, there is a map in GIS that could be referred to in an attempt to identify them.
- Mr. Sease asked when a Homeowners Association does a covenant and they have restrictions, once it gets built and in place, is the HOA in charge of enforcing it or is the county. Ms. Werts said that is the job of the HOA to enforce.
- Mr. Shacker said he will provide council a breakdown of the changes that they did not get to prior to the next meeting.

2. Adjournment.

- Mr. Sease made a motion to adjourn; Mr. Reeder provided the second and the motion carried 6-0. The meeting adjourned at 5:53 p.m.

NEWBERRY COUNTY COUNCIL



Robert Shealy, Chairman



Andrew Wigger, Clerk to Council

Minutes Approved: 2/05/25

§ 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:	

SKETCH PLATS	
ITEM	ITEM DESCRIPTION
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:	

PRELIMINARY PLAT	
ITEM	ITEM DESCRIPTION
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
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 of 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:	

FINAL PLAT	
ITEM	ITEM DESCRIPTION
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.

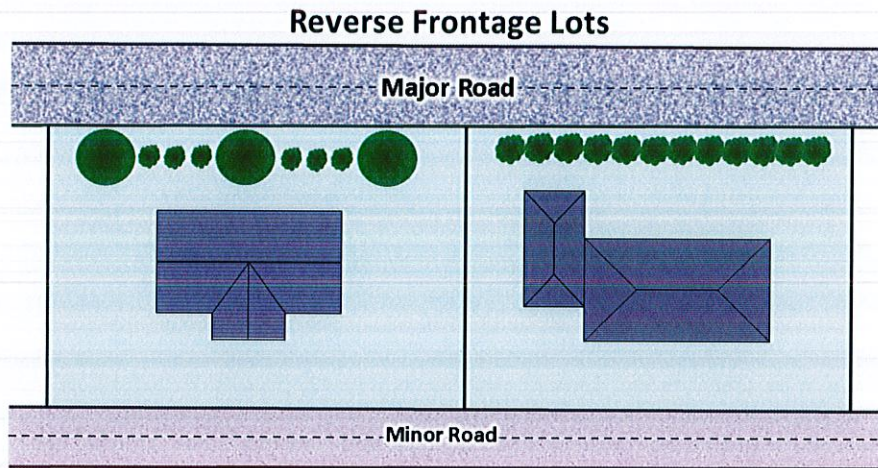
§ 154.049. BLOCKS.

- (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.

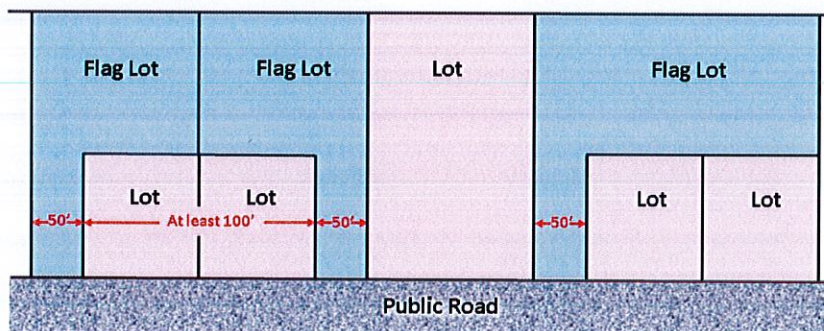
§ 154.050. LOTS.

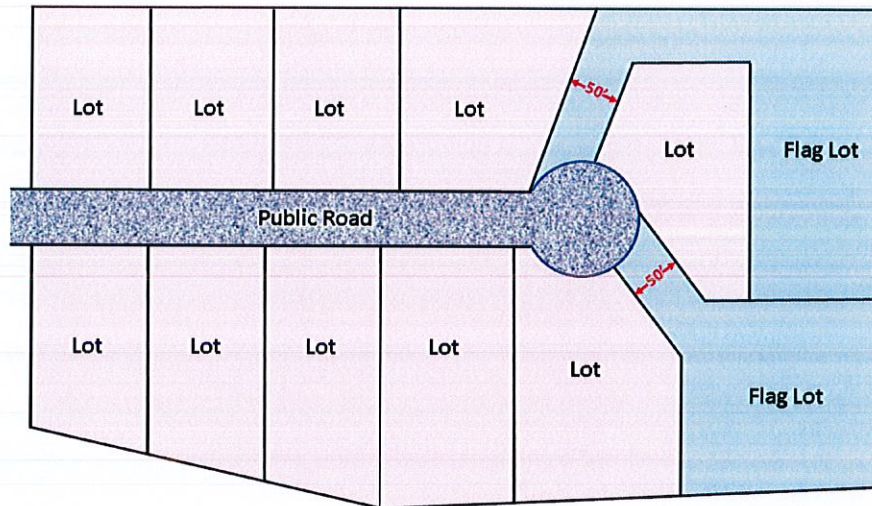
- (A) **Access.** Each lot shall have an ingress/egress easement granted to it, and each lot shall be accessible by a road, street, or shared driveway, unless exempted from this requirement by *Chapter 91 - Expansion of the County Road System* of the Newberry County Code of Ordinances.
- (B) **Design 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.





- (l) **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.
- (C) **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.

§ 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.

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.