



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

Call to order: Robert Shealy, Chairman.
Invocation and Pledge of Allegiance: Johnny Mack Scurry, Council Member.

1. Adoption of Consent Agenda:
 - a. Newberry County Council Work Session – March 5, 2025.
 - b. Newberry County Council Meeting – March 5, 2025.
 - c. Newberry County Economic Development Meeting – March 10, 2025.

2. Additions, Deletions & Adoption of the Agenda.

3. Recognitions:
 - a. Employee Service:
 - i. Carolyn “Jessie” Long 5 years Recreation
 - ii. Jackie Kennedy Retirement Assessor’s Office

4. Personal Appearances:
 - a. Mark Kiser, Newberry Soil and Water Conservation District.

5. Resolution 01-25. Designation of the month of April 2025 as Fair Housing Month within the County of Newberry.

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. Third 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. Third 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. Second Reading.

9. Appointments.
 - a. Board of Zoning Appeals – District 2
 - b. Hal Kohn Memorial Library Board – District 2

10. Public Comments.

11. Comments/Requests from County Administrator.

12. Comments/Requests from Council.

13. Future meetings:

- a. Newberry County Finance Committee – March 24 at 5 p.m. --
CANCELLED
- b. Newberry County Budget Work Session – March 25 at 5 p.m.
- c. Newberry County Budget Work Session – March 26 at 5 p.m.
- d. Newberry County Council Work Session – April 2 at 5 p.m.
- e. Newberry County Council Meeting – April 2 at 6 p.m.

14. Adjournment.

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

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

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

PRESENT: Robert Shealy, Chairman
Karl Sease, Vice-Chairman
Leon Fulmer, Council Member
Todd Johnson, Council Member (virtually)
Johnny Mack Scurry, Council Member
Stuart Smith, Council Member
Jeff Shacker, County Administrator
Joanie Winters, County Attorney
Eric Nieto, I.T. Director
Andrew Wigger, Clerk to Council/PIO

ABSENT: Travis Reeder, Council Member

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

1. Executive Session:

a. Contractual Matter(s):

- i. Discussion of matters related to the sale of real estate pursuant to SC Code of Laws Section 30-4-70(a)(2).

b. Legal Matter(s):

- i. Discussion of matters related to Newberry County's zoning ordinance and land development regulations and the establishment of a temporary moratorium on the approval of residential subdivisions of five or more lots pursuant to SC Code of Laws Section 30-4-70(a)(2).
 - Mr. Sease made a motion to go into Executive Session; Mr. Fulmer provided the second and the motion carried 6-0. Newberry County Council went into Executive Session at 5:02 p.m.
 - Mr. Fulmer made a motion to come out of Executive Session; Mr. Smith provided the second and the motion carried 6-0. Newberry County Council came out of Executive Session at 5:40 p.m.
 - Mr. Shealy said Newberry County Council went into Executive Session for the aforementioned reasons and no action was taken.
2. 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 discussed the Land Development Regulations, recapping past discussions and options Newberry County Council could take during the 6 p.m. meeting.
 - Mr. Shacker said there is a need to make a motion to bring it off the table at this meeting. He said there were three courses of action, one of which being they could vote it down. He said staff recommends considering either removing it from the table (a motion, second and a vote of council) and to approve second reading or, a vote to remove it from the table and a vote to postpone.
 - Mr. Shacker asked council if there was anything they'd like to see changed in the ordinance. He said he knows from past discussions that the Land Development Review Committee was of interest and that is a form of concurrency using a body of entities that need to be at the table to provide input.

- Mr. Shealy asked if they did pass second reading would that give staff the opportunity to make changes before third reading; to which Mr. Shacker answered in the affirmative.
- Mr. Fulmer asked based on comments at the last meeting, and discussions since then on several of these issues, did Mr. Shacker feel, if they did have second reading, that staff has enough time in order to address those questions and concerns. He said he did not want to put an overburden on staff in order to be scrambling to get back to us with answers. Mr. Shacker said he thinks staff could get that done for them before the March 19 meeting, but if Council did not object, they could do second reading on April 2, if staff needs a little more time.
- Mr. Shacker added that they have had a situation with a subdivision that is currently under construction where there is a significant amount of space between the back of the curb and sidewalk and there is some landscaping there and there is irrigation. He said they want language in this ordinance that would not allow irrigation systems in the public right-of-way.
- Mr. Sease said he'd like input from solid waste collection, even though that is under Public Works, to identify what kind of burden that would put on the county. He said in the Ordinance it discusses flag lots and at first it discourages flag lots and does the county want flag lots or to do away with them. He also said something in there about what effect the subdivision would have on the infrastructure for the whole county and how they are going to provide those services and pay for them.
- Mr. Fulmer said Ms. Winters discussed development agreements and if they could include that.
- Mr. Fulmer said this is not something they need to rush and if they need extra time, this is the time.
- Mr. Shacker said a motion to postpone the ordinance would give staff that time and they could come back with recommendations for the ordinance.
- Mr. Johnson asked Mr. Shacker to discuss the confusion during the last meeting and how this and the moratorium that will be considered at the 6 p.m. meeting are linked together. Mr. Shacker said some of

the confusion at the last meeting they encountered related to the proposed development on 773, and in actuality the Land Development Regulations are about standards, like the standards the roads have to be built to in a major subdivision, etc. The question with 773 was a zoning question, if it moves forward, rezoning would be necessary, and other zoning matters. The proposed moratorium applies to subdivisions of five lots or more with lots two acres or smaller in size. If the goal is to apply higher standards to subdivisions going forward, the moratorium would give them nine months to refine the ordinance and explore everything in the zoning ordinance.

- Mr. Fulmer asked Mr. Shacker if he thinks Council would be okay to make a motion to postpone, without setting an actual date. Mr. Shacker said he thinks that would be wise in this case. He said if they make significant changes they should send it back to the Joint Planning Commission for review.

3. Adjournment.

- Mr. Smith made a motion to adjourn; Mr. Scurry provided the second and the motion carried 6-0.
- The Newberry County Council Work Session adjourned at 5:55 p.m.

NEWBERRY COUNTY COUNCIL

Robert “Nick” Shealy, Vice-Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____

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

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

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

PRESENT: Robert Shealy, Chairman
Karl Sease, Vice-Chairman
Leon Fulmer Jr., Council Member
Todd Johnson, Council Member (virtually)
Johnny Mack Scurry, Council Member
Stuart Smith, Council Member
Jeff Shacker, County Administrator
Joanie Winters, County Attorney
Karen Brehmer, Deputy County Administrator
Eric Nieto, I.T. Director
Andrew Wigger, Clerk to Council/PIO

ABSENT: Travis Reeder, Council Member

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

Mr. Sease led the invocation and Pledge of Allegiance.

1. Adoption of Consent Agenda:

- a. Newberry County Council Work Session – February 19, 2025.
- b. Newberry County Council Meeting – February 19, 2025.

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

2. Additions, Deletions & Adoption of the Agenda.

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

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

- Mr. Sease made a motion to accept the Proclamation; Mr. Johnson provided the second and the motion carried 6-0.
- Mr. Johnson said on a personal note, having a son who has special needs and having seen what programs like DDSN (Department of Disabilities and Special Needs) and support of a community can do to make somebody thrive, I think he is a poster child for success and he is blessed beyond measure by Newberry County, the Whitmire community and DDSN.
- Jeffrey Coward and Crystal Carnes accepted the Proclamation on behalf of Pride.

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.

- Mr. Sease made a motion to accept third reading; Mr. Smith provided the second and the motion carried 6-0.
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.
- Mr. Fulmer made a motion to remove this from the Table; Mr. Sease provided the second and the motion carried 6-0.
 - Mr. Johnson made a motion to postpone and run it concurrently with the moratorium they are considering; Mr. Fulmer provided the second and the motion carried 6-0.
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.
- Mr. Shealy declared the Public Hearing open.
 - Mr. Forrest Byrd said he believes everyone in the county should be able to join in HOA, to get together with other people in the neighborhood and decide whether they want this or don't want that in their area and sign agreements. He said it is voluntary, and it is freedom, and it is liberty and by their own choice. What he does not believe is that a big group can tell an individual they don't like what he's doing and tell him he cannot do that. He said freedom to choose is important, but when things are taken against your will it is not freedom it is basically tyranny of the masses. Mr. Byrd said when he read the regulations they

sounded good on the surface, but the chicken house almost has to be in the person's living room or on their deck because the setback is the same as their house from the lake or right at it. He said there really is not a practical way to follow those instructions. He said you've given permission for people to have chickens, but the rules are so strict they pretty much prohibit having chickens.

- Mr. Shealy declared the Public Hearing over as no one else was signed up.

b. Second Reading.

- Mr. Sease made a motion to accept second reading, Mr. Fulmer provided the second.
- Mr. Johnson said they worked really hard to address all the concerns that were made and to give people something they want to do but also consider their neighbors. Saying he thinks staff has done a good job drafting the ordinance.
- The motion carried 6-0.

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.

- 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. Smith made a motion to accept second reading; Mr. Fulmer provided the second and the motion carried 6-0.
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.
- Mr. Shacker said South Carolina law gives cities and counties that have land development and zoning programs to enact moratoriums, but they have to be limited and temporary in scope and duration. This Ordinance proposes a 270-day moratorium and if Council reads the Ordinance for the first time tonight, second reading on March 19 and third reading on April 2, the 270 days would begin counting on that point and expire on December 27. In terms of the scope, staff proposes limiting it to subdivisions of five lots or more.
 - In South Carolina, there is Pending Ordinance Doctrine which allows, with this Ordinance, it would become effective immediately upon first reading, while the “clock” doesn’t begin until third reading, the Ordinance takes effect after first reading.
 - The Ordinance does provide for an extension for 30 days, but it has to be reasonable and there is a due-diligence requirement. They would have to show why it is necessary to do that.
 - Mr. Sease made a motion they accept first reading, Mr. Fulmer provided the second.
 - Mr. Johnson said this is something they want to get right and not fix it later and he thinks it is a wise move for Newberry County.
 - Mr. Shealy said they know growth is coming, but they want to make sure they do it the right way.
 - The motion carried 6-0.

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

- Mr. Shacker said this is to remove fallen trees and hazard trees within 100 feet of the road going through Lynch's Woods Park. This would be FEMA eligible, to recoup expenses. He said staff received five bids and the low bid was from Sligh Construction in the amount of \$123,582.
- Mr. Smith made a motion to approve the low bid from Sligh Construction; Mr. Scurry provided the second and the motion carried 6-0.

10. Appointments.

a. Airport Commission -- District 5.

- Mr. Smith made the motion to appoint Mr. Jimmy Bickley to the Airport Commission; Mr. Scurry provided the second and the motion carried 6-0.

b. Upper Savannah Workforce Development Board – Newberry County Representative.

- Mr. Sease made a motion to appoint Ms. Stacie Phylicia to the Upper Savannah Workforce Development Board; Mr. Smith provided the second and the motion carried 6-0.

11. Public Comments.

- Mr. David Adams asked regarding setbacks, on the lake, what are the setbacks. Mr. Shacker said if it is six hens or fewer, 25 feet from the side or rear property line and 50 feet from the 360 Contour on Lake Murray.

12. Comments/Requests from County Administrator.

- Mr. Shacker said Whitmire Street Scape is moving forward, a project with CBDG funding (\$750,000). They also have one CPST project where the bid documents are done, the Detention Center, and that is in process. CPST projects are also in process to go out for bid.

13. Comments/Requests from Council.

- Mr. Fulmer said he appreciated everyone coming to the meeting and they welcomed their comments. He said he can personally speak for each council member, and they are committed to do the best they can for Newberry County residents. He said they do try and take everything into consideration. He asked everyone to keep the Newberry County volunteers in their thoughts and prayers as some volunteers went to the coast to help with the fires.
- Mr. Smith thanked everyone for coming to the meeting. He said he concurred with what Mr. Fulmer and the volunteers had a very busy week.
- Mr. Scurry thanked everyone for coming out, especially those with Newberry County Disabilities and Special Needs.
- Mr. Johnson thanked the first responders, and he thanked Mr. Shacker for assisting with a few projects in Whitmire. Mr. Johnson asked Mr. Shacker if there was an update on the Whitmire sidewalk project.
 - Mr. Shacker said they are still trying to finalize the construction easement. Once that is done, the project will be ready to bid.
- Mr. Sease thanked everyone for coming to the meeting. He said he thinks Council made the right decision by putting the moratorium in effect. He said they know they will have to have growth, but they want to make sure it is planned

properly, and the county's infrastructure can handle the growth.

- Mr. Shealy said they need a little bit more time to make that decision. He said they know growth is coming but they need to prepare for it the right way.

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.

- Mr. Shealy also announced a quorum of Newberry County Council would be present during a Hurricane Helene debriefing on March 12, but no action would be taken. There would also be a meeting with the auditor on March 12 where a quorum will be present, but no action will be taken.

15. Adjournment.

- Mr. Smith made a motion to adjourn; Mr. Scurry provided the second and the motion carried 6-0.
- Newberry County Council adjourned at 6:32 p.m.

NEWBERRY COUNTY COUNCIL

Robert “Nick” Shealy, Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____

DRAFT

**NEWBERRY COUNTY COUNCIL ECONOMIC DEVELOPMENT COMMITTEE
MINUTES
March 10, 2025**

Newberry County Council Economic Development Committee met on Monday, March 10, 2025, at 5:02 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a regular scheduled meeting.

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

PRESENT: Karl Sease, Committee Chair
Travis Reeder, Committee Member
Robert N. Shealy, Committee Member
Jeff Shacker, County Administrator
Rick Farmer, Economic Development Director
Eric Nieto, I.T. Director
Andrew Wigger, Clerk to Council/PIO

1. Invocation and Pledge of Allegiance – Jeff Shacker, Newberry County Administrator.
 - Mr. Shacker held the invocation and Pledge of Allegiance.
2. Call to Order – Jeff Shacker, Newberry County Administrator.
 - Mr. Shacker called the meeting to order at 5:02 p.m.
3. Election of Committee Chair for 2025 – Jeff Shacker, Newberry County Administrator.
 - Mr. Reeder made a motion to consider nomination; Mr. Sease provided the second and the motion carried 3-0.
 - Mr. Shealy made a motion to nominate Mr. Sease as the 2025 Chair; Mr. Reeder provided the second and the motion carried 3-0.

a. Meeting Turned over to Newly Elected Chair.

- The meeting was turned over to Mr. Sease.

4. Additions, Deletion, & Adoption of the Agenda.

- Mr. Shealy made a motion to accept the agenda as presented; Mr. Reeder provided the second and the motion carried 3-0.

5. Public Comments.

- There were no Public Comments.

6. Staff Report:

a. Project Activity.

- Mr. Farmer said project activity remains slow, but he has submitted for three new projects since December.
- Georgia-Pacific announced a \$14 million investment in their plywood Plant in Prosperity.
- There are several ongoing expansions that they will discuss during Executive Session.

b. Product Development:

i. Water-Sewer Extension for MCIP.

- Mr. Farmer said they applied for a grant from the Rural Infrastructure Authority for about \$650,000 to finish water and sewer for phase three. He said they did win that grant, and they

will match that with the Utility Tax Credit from the Newberry Electric Coop so there will be no tax money in this project.

- Mr. Farmer said it will probably be late summer before they actively get started on this project.

ii. Mawsons Way Extension.

- Mr. Farmer said this project continues to inch forward. He said they are in the ending stages of the condemnation process.
- He said they recently came to an agreement with Samsung on orientation of its new entrance and parking lot.
- He said they are near the point to prepare for bids.

c. Prospect Development:

i. Governors' Economic Summit.

- Mr. Farmer said he was on a panel discussion during the summit.

ii. SC Auto Summit.

- Mr. Farmer attended this summit, which happens every February in Greenville. He said it was a great show, and the auto industry is their top target.

iii. SC Power Team's Economic Development Review.

- Mr. Farmer said this will be in Charleston and he is looking forward to attending.

7. Executive Session

§30-4-70 (a)(2) and (a)(5): Discussion of matters incident to proposed contractual arrangements, and related to the proposed location, expansion, or

NEWBERRY COUNTY COUNCIL ECONOMIC DEVELOPMENT COMMITTEE

MARCH 10, 2025

MINUTES

PAGE 3

the provision of services encouraging location or expansion of industries or other business in the area served by the public body, including Projects Night Train, Buckaroo, Delaney, Rose, Coco, Captain America and other unnamed projects.

- Mr. Shealy made a motion to go into Executive Session; Mr. Reeder provided the second and the motion carried 3-0.
- The Committee went into Executive Session at 5:12 p.m.
- Mr. Shealy made a motion to come out of Executive Session; Mr. Reeder provided the second and the motion carried 3-0. No action was taken.
- The Committee came out of Executive Session at 5:32 p.m.

8. Comments by and discussion items from the Committee Members.

- Mr. Shealy asked about the Fanara House and if there were any plans for that house; Mr. Farmer said there were no plans other than to tear it down. Mr. Shealy said he has had a few fire departments ask to use that building for training. Mr. Farmer said they are open to any suggestion that makes sense.

9. Adjourn.

- Mr. Shealy made a motion do adjourn; Mr. Reeder provided the second and the motion carried 3-0.
- Newberry County Economic Development Committee adjourned at 5:37 p.m.

NEWBERRY COUNTY COUNCIL

Karl Sease, Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____

DRAFT



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