NEWBERRY COUNTY COUNCIL
COUNTY COUNCIL AGENDA
Newberry Courthouse Annex
1309 College Street, Newberry, SC 29108
October 1, 2025
6:00 P.M.

Call to order:	Robert Shealy, Chairman.
Invocation and Pledge of Allegiance:	Leon Fulmer, Council Member.

1. Adoption of Consent Agenda:

    a. Newberry County Council Work Session Minutes – September 17, 2025.
    b. Newberry County Council Meeting Minutes – September 17, 2025.

2. Additions, Deletions & Adoption of the Agenda.

3. Public Appearances:

    a. Newberry County Auditor Donna Lominack – Setting of Fiscal Year 2025-2026 Tax Levy.

4. Special Recognition:

    a. Chappells Fire and Rescue.

5. A Proclamation recognizing October 3, 2025, as National Manufacturing Day and October 3-10, 2025, as National Manufacturing Week in Newberry County.

6. Ordinance No. 09-01-2025. An Ordinance to provide for the issuance and sale of a general obligation bond of Newberry County, South Carolina not exceeding $405,000 in principal amount, to prescribe the purposes for which the proceeds of said bond shall be expended, to provide for the payment of said bond, and other matters relating thereto.

    a. Third Reading.

7. Ordinance No. 09-02-2025. An Ordinance authorizing the execution of an equipment lease-purchase agreement in an amount not exceeding $2,100,000 relating to the purchase of certain equipment by Newberry County, authorizing the execution of other necessary documents and papers, and other matters relating thereto.

    a. Third Reading.

8. Ordinance 09-03-2025. 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 repeal §153.090 Cluster Development, Single Family Residential.

    a. Public Hearing.
    b. Second Reading.

9. Ordinance 09-04-2025. 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. 6-11-16 and codified in Chapter 153 of the Newberry County Code of Ordinances, establishes zoning classification and districts so as to rezone one (1) real estate parcel totaling twenty-nine and ten hundredths (29.10) acres designated as TMS No. 340-3-2-111 from RG-General Residential to R2-Rural.

    a. Public Hearing.
    b. Second Reading.

10. Ordinance 10-01-2025. An Ordinance amending the Newberry County Code Of Ordinances, Chapter 154, Newberry County Land Development Regulations, adopting updated standards for the subdivision and development of land in Newberry County, and providing for the repeal of all ordinances and parts of ordinances in conflict herewith to the extent necessary to give this Chapter full force and effect.

    a. First Reading.

11. Ordinance 10-02-2025. 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 a new zoning district, RMPD – Residential Master Planned Districts.

    a. First Reading.

12. County Council may take action on matters discussed in Executive Session during the 4:00 p.m. special meeting.

13. Appointments.

14. Public Comments (Three Minutes).

15. Comments/Requests from County Administrator.

16. Comments/Requests from Council.

17. Future meetings:

    a. Newberry County Public Safety Committee – ~~October 20~~ October 13 at 5 p.m.
    b. Newberry County Council Work Session – October 15 at 5 p.m.
    c. Newberry County Council – October 15 at 6 p.m.
    d. Newberry County Executive Committee – October 27 at 5 p.m.

18. Adjournment.

NEWBERRY COUNTY COUNCIL WORK SESSION
MINUTES
September 17, 2025

Newberry County Council met on Wednesday, September 17, 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
Todd Johnson, Council Member
Travis Reeder, Council Member
Johnny Mack Scurry, Council Member
Stuart Smith, Council Member
Jeff Shacker, County Administrator
Joanie Winters, County Attorney
Eric Nieto, IT Director
Andrew Wigger, Clerk to Council/PIO

Mr. Shealy called the meeting to order at 5:00 p.m.

1. Review and discussion of a proposed ordinance to establish a new zoning classification for residential uses referred to as Residential Master Planned Districts (RMPD) within the Zoning Ordinance of Newberry County codified in Chapter 153 of the Code of Ordinances of Newberry County.

    - Mr. Shacker said this document was prepared over the summer and the Joint Planning Commission has reviewed it and have recommended it to Newberry County Council.
    - Prior to going through the proposed ordinance, Mr. Shacker went over the goal of this proposal to see if this is

something Newberry County Council is interested in achieving. Mr. Shacker said Newberry County is under development pressure, something that is happening throughout the state of South Carolina, but there are hot spots.

- What this zoning district attempts to do is give the Joint Planning Commission and Newberry County Council a tool for dealing with developmental pressure. To a certain degree, Mr. Shacker said the county needs growth and to a certain degree they will have growth regardless. The goal here is to protect the natural beauty and aesthetics of the county and the fabric of the county.
- What is being proposed is a new zoning classification, a residential classification, which would take a planned development district methodology approach to dealing with the zoning for subdivisions. This approach is where a site specific development plan is submitted to the Joint Planning Commission and if that plan is recommended by the JPC, and approved by Newberry County Council, then it becomes the zoning for the property.
- Mr. Shealy asked if it was site specific, to which Mr. Shacker answered in the affirmative.
- Mr. Shacker said as part of the Land Development Regulations, there is concurrency in the form of a Land Development Review Committee where they have other agencies that have the ability to review what has been proposed and provide feedback.
    - Mr. Fulmer asked if the packet that would be sent, if that would be sent to the committee; Mr. Shacker answered in the affirmative. Mr. Fulmer asked if that will be done at the time the proposal comes into the Joint Planning Commission; Mr. Shacker answered in the affirmative.
- Mr. Fulmer said this would probably kick in for areas that are zoned R2, he then asked for the areas already zoned

residential would this come into play for them as well. Mr. Shacker said more than likely a developer would want to continue under the zoning that they have. He said it is possible they could request this zoning, but more than likely they would want to proceed under the current zoning, unless it did not work for their proposal.

    - Mr. Fulmer asked if they could require the developer to go to this new zoning district; Mr. Shacker said you would not be able to if what they are proposing complies with the requirements of the current zoning district.

- Mr. Fulmer asked if they meet the requirements of R2, this would not apply to them; to which Mr. Shacker answered in the affirmative. He added that they would have to be willing to proceed with one acre or larger lots.
- Mr. Shacker said with the repeal of cluster, developers would not be able to achieve the densities that most developers are looking to achieve in R2.
- Mr. Fulmer said he knows they have had discussions about impact fees/development fees and how would that play in to what they are discussing. Mr. Shacker said that would be a separate ordinance as that is a sophisticated process in terms of a study being done and requirements in the law that would have to be met. He said there are also fees under the development agreement act and establishing fees would be a separate ordinance but that does not mean they cannot be used in tandem.
- Mr. Fulmer asked in order to do that; they would need to draft a separate ordinance; Mr. Shacker said it would be a separate ordinance to do that, but they would have the ability with the rates to adopt those as part of the uniform fee schedule.
- Mr. Johnson said that their current system is arbitrary because they've approved one in one place but not approved in another place based on road condition,

water/sewer access, etc. He asked what their legal liability is for approving it in one place but not in another place. Mr. Shacker said in terms of approving or denying, it is key for the Joint Planning Commission and Newberry County Council to follow the land use map. Ms. Winters said she thinks they have enough standards in place if they cannot check a box on one development as opposed to another, she thinks they have a good defense. She said as long as they consistently follow the standards and applying them, they would defeat a challenge.

- Mr. Shacker reviewed the proposed Residential Master Planned Districts ordinance, as attached with these minutes.
- Mr. Sease asked, under section B, the definition of Dwelling Zero Lot Line, and asked Mr. Shacker to expand on that.
    - Mr. Shacker said that is typically where the structure is built to the line or close to the line it basically does not have a side property line.
- Mr. Sease said he knows a lot of their zoning requirements now they have like a seven-foot setback and stuff like that, in that case in this development scheme, they can be a lot closer to almost zero. Mr. Shacker said that was correct but counterbalanced by all these perimeter buffering requirements and open space requirements.
- Mr. Fulmer said as far as the buffer area, that 100-foot distance in practicality, who actually is going to maintain ownership of the buffer; Mr. Shacker said it would be required to be in joint ownership through an HOA.
    - Mr. Fulmer asked if this would require an HOA to be in place; to which Mr. Shacker answered in the affirmative.
- Mr. Sease asked on the buffer space, are they allowed to have walking trails, playground equipment in the buffer space or the open space. Mr. Shacker said they are required to have that in the open space.

- Mr. Sease asked, regarding extensions, that they will have to put in a request that goes to the Joint Planning Commission, they have to approve it and then it goes to Newberry County Council for approval. Mr. Shacker said it would just need to go through the Joint Planning Commission and at that point both the Joint Planning Commission and Newberry County Council would have approved the master plan and if they need an extension they only have to go to the JPC, unless council chooses to change that.
    - Mr. Sease asked after five, would it go back to Newberry County Council; to which Mr. Shacker answered in the affirmative.
- Mr. Sease asked if they start a development, get a quarter of the way through, the builder goes bankrupt, and it sits for years and someone else comes in and buys it, do they have to redo the plan or stick to the original plan. Mr. Shacker said if they want to deviate from the original plan, they'd have to come to Joint Planning Commission and Newberry County Council. There would also be a performance bond for the infrastructure.
- Under Section Eight, the text says the party responsible fails to begin, progress or complete the development as agreed, Mr. Fulmer asked for clarification if they are locked in at five years. Mr. Shacker said they are locked in five years to begin, and there is an implementation schedule that is part of the master plan approved by the Joint Planning Commission and Newberry County Council, which is how you would measure progress.
    - Mr. Fulmer asked if they would present a plan as to what their intention is in order to move forward. Mr. Shacker said that is correct and if they fail to move forward they can be found by council to be in violation of the zoning. That language also gives

them remedies, including the ability to rezone the property.

- Mr. Sease asked if they need to add a section in the ordinance for definitions; Mr. Shacker said there is a section in the zoning ordinance dedicated to definitions.
- Mr. Fulmer said regarding the items listed in Section F, Subsection One and Two, that he did not see anywhere that gives the county the ability to add something, if needed. Mr. Shacker said they can make that change.
- Mr. Fulmer asked if the planning committee being established in the LDR would come in under the Joint Planning Commission as it is not specified when that would take place in this. Mr. Shacker said the Joint Planning Commission would here their feedback prior to them hearing a proposal.
    - Mr. Fulmer also asked for clarification if that committee would review any land development; to which Mr. Shacker answered in the affirmative.
- Mr. Johnson asked if an HOA exceeds what is submitted to council and what they approve of, how would that be resolved. Mr. Shacker said the covenants would be controlling on that, but as part of this process they have to submit the proposed covenants for approval. Mr. Shacker said it would be a zoning violation to exceed what was approved by council.
    - Ms. Winters said that if they want to change those covenants they need to come before council for approval. Mr. Shacker said they can make it clear that any changes have to come back before the Joint Planning Commission and Newberry County Council.
- Mr. Shacker said they have additions and changes to make, but with those changes being done if they are comfortable with this coming before Newberry County Council on October 1.

    - Mr. Shealy said he is fine with that as long as they have those changes.
    - Mr. Johnson said even if they go ahead with first reading, this may not be the final draft as they have time to make changes.
- Mr. Reeder asked if properties already here, would they be grandfathered in. Mr. Shacker said they would only be impacted if they ask to go to this zoning classification.

2. Adjournment.

- Mr. Smith made a motion to adjourn; Mr. Sease provide the second and the motion carried 7-0.
- The Newberry County Council Work Session adjourned at 5:54 p.m.

NEWBERRY COUNTY COUNCIL

Robert Shealy, Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____

NEWBERRY COUNTY COUNCIL
MINUTES
September 17, 2025

Newberry County Council met on Wednesday, September 17, 2025, at 6:01 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a regular scheduled meeting.

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

PRESENT: Robert Shealy, Chairman
Karl Sease, Vice-Chairman
Leon Fulmer Jr., Council Member
Todd Johnson, Council Member
Travis Reeder, Council Member
Johnny Mack Scurry, Council Member
Stuart Smith, Council Member
Jeff Shacker, County Administrator
Joanie Winters, County Attorney
Karen Brehmer, Deputy County Administrator
Rick Farmer, Economic Development Director
Captain Daniel Floyd, Newberry Detention Center
Donna Lominack, Auditor
Eric Nieto, IT Director
Andrew Wigger, Clerk to Council/PIO

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

Mr. Smith led the invocation and Pledge of Allegiance.

1. Adoption of Consent Agenda:

    a. Newberry County Council Work Session Minutes – September 3, 2025.
    b. Newberry County Council Meeting Minutes – September 3, 2025.

- Mr. Sease requested a correction in the Newberry County Council Work Session Minutes to change the date for the first reading, regarding cluster developments, from September 14 to September 17.
- Mr. Johnson made a motion to accept the minutes as revised; Mr. Sease provided the second and the motion carried 7-0.

2. Additions, Deletions & Adoption of the Agenda.

    - Mr. Sease made a motion to accept the agenda as presented; Mr. Scurry provided the second and the motion carried 7-0.

3. Public Appearance:

    a. Newberry Soil and Water Conservation District, Toni Warren.

    - Ms. Warren provided a few updates on the Newberry Soil and Water Conservation District's programs in Newberry County. Her update included the mobile education lab, winter garden workshop, fall garden workshop, and a pollinator lesson for children.
    - They recently received grant funding to hire a part time employee to help promote NRCS programs.
    - Mr. Shealy said they are doing excellent work.
    - Mr. Sease asked if the dates for all their programs are on the NSWCD's website, to which Ms. Warren answered in the affirmative.
    - Mr. Smith asked if the greenhouse project with Newberry College through the mobile lab or on campus; Ms. Warren said it is on campus.

4. Special Recognition:

    a. Employee Recognition:

    - Daniel Rossi 5 years Corrections.
    - Melinda Long 15 years Auditor's Office.

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

5. A Proclamation recognizing September 15 - October 15, 2025, as Hispanic Heritage Month in Newberry County.

    - Mr. Smith made a motion to accept the Proclamation; Mr. Scurry provided the second and the motion carried 7-0.
    - Ms. Liz Rivera accepted a copy of the Proclamation.

6. Ordinance No. 09-01-2025. An Ordinance to provide for the issuance and sale of a general obligation bond of Newberry County, South Carolina not exceeding $405,000 in principal amount, to prescribe the purposes for which the proceeds of said bond shall be expended, to provide for the payment of said bond, and other matters relating thereto.

    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. Reeder made a motion to accept second reading; Mr. Smith provided the second and the motion carried 7-0.

7. Ordinance No. 09-02-2025. An Ordinance authorizing the execution of an equipment lease-purchase agreement in an amount not exceeding $2,100,000 relating to the purchase of certain equipment by Newberry County, authorizing the execution of other necessary documents and papers, and other matters relating thereto.

    a. Public Hearing.

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

b. Second Reading.

- Mr. Sease made a motion to accept second reading; Mr. Scurry provided the second and the motion carried 7-0.

8. Ordinance 09-03-2025. 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 repeal §153.090 Cluster Development, Single Family Residential.

a. First Reading.

- Mr. Shacker said this is a straightforward action, this ordinance proposes to eliminate section 90 of the Newberry County Zoning Ordinance that provides for cluster development. At present, cluster development is an administrative procedure if certain requirements are met, the density of development can be increased.
- Mr. Shacker said Joint Planning Commission and Newberry County Council expressed a desire to follow a legislative process, this repeal would funnel these types of requests through a rezoning request as opposed to an administrative action.
- Mr. Sease said this will primarily affect R2 zoning districts and that is why they wanted to change that. Mr. Shacker said they most often see this with R2, but they do see the request with other zoning districts.
- Mr. Reeder made a motion to accept first reading; Mr. Fulmer made the second.
- Mr. Johnson said he thinks this closes a doughnut hole that could have caught the county off guard, and he thinks this is a wise move.
- Mr. Sease said this is not stopping growth but is putting it through the right channels to be able to be managed.
- The motion carried 7-0.

9. Ordinance 09-04-2025. 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. 6-11-16 and codified in Chapter 153 of the Newberry County Code of Ordinances, establishes zoning classification and districts so as to rezone one (1) real estate parcel totaling twenty-nine and ten hundredths (29.10) acres designated as TMS No. 340-3-2-111 from RG-General Residential to R2-Rural.

a. First Reading.

- Mr. Smith made a motion to accept first reading; Mr. Reeder provided the second.
- Mr. Shacker said this is a 29 acre tract, off of Whitener Road. The property owner has requested to downzone the property, so they have the ability to not only use it residentially but agriculturally, as well. The proposed zoning would allow that and is consistent with the county's comprehensive plan and is recommended by the Joint Planning Commission.
- The motion carried 7-0.

10. Consideration and Approval of a Proposal for Bridge Engineering and FEMA Compliance Services for Newberry County (Bid Number 2025-15).

- Mr. Shacker said this is a request for proposals for engineering services, specifically to design bridge replacements in the county. A number of bridges sustained damages as a result of Hurricane Helene and qualify for mitigation funds.
- The way Section 404 FEMA Mitigation Fund works is if you have a presidential disaster declaration that affects a state or a portion of a state it creates an avenue for mitigation funding.
- The grant program is a 75%/25% cost share – the county would use the leverage money from local expenditures responding to Hurricane Helene for the county's portion. The state of South Carolina also announced they would cover the 25% local cost share for Helene Response.
- Staff recommendation was for Parrish & Partners as they feel confident they can do the work needed.

- Mr. Smith made a motion to accept the recommendation of Parrish & Partners; Mr. Sease provided the second and the motion carried 7-0.

11. Consideration and Approval of a Bid for Phase IIIB 12-Inch Water Line And 8-Inch Gravity Wastewater Line Improvements to Serve the Mid-Carolina Commerce Park for Newberry County (Bid Number 2025-16).

- Mr. Shacker said this is the next phase of water and sewer improvements at the Mid-Carolina Commerce Park. This involves the installation of 12-inch water lines and 8-inch sewer lines. There are nine manholes associated with the base bid of work and there was an alternate for additional sewer and two manholes. The alternate is able to be funded.
- There is no county general fund money in this project as it is a grant project (South Carolina Rural Infrastructure Authority) with third party funding (Utility Tax Credit from Newberry Electric Cooperative) for the match.
- The lowest bidder was Lake Murray Utility Company, in the total amount of $745,850.
- Mr. Reeded made a motion to accept the bid from Lake Murray Utility Company; Mr. Smith provided the second.
- Mr. Fulmer asked about the location of the lines; Mr. Shacker said they are in the right-of-way in the shoulder, not under the roads, which are not named at this time within the Mid-Carolina Commerce Park.
- The motion carried 7-0.

12. County Council may take action on matters discussed during the 5:00 p.m. work session.

- There was no action taken.

13.Appointments.

a. Newberry County Memorial Hospital Board – Medical Staff Representative.

- Mr. Sease said the NCMH Board recommends Dr. Todd O'Neil to the board. Mr. Fulmer made a motion to accept the nomination; Mr. Smith provided the second and the motion carried 7-0.

14. Public Comments (Three Minutes).

- Ms. Liesha Wessinger Huffstetler spoke on zero lot lines and eight houses an acre and demonstrated how close that would be in a subdivision. She said she does not like eight houses an acre, it's too tight, she'd suggest six houses an acre. She also said it is a fire hazard. She asked them to consider six houses an acre. The zero mitigation for wetlands, she said there has been noted instances in her area where a developer had several lots, and they had a wetland in one area, they mitigate and destroy one and put another wetland in another area. Her suggestion is no mitigation for wetlands. She said with the changing of the zoning, she said several instances with landowners in her area that had their land rezoned by a town, and the landowners were not happy about it. She asked how Newberry County Council will notify landowners about rezoning.

15. Comments/Requests from County Administrator.

- Mr. Shacker said they are making progress on projects.

16. Comments/Requests from Council.

- Mr. Fulmer thanked everyone for coming out and thanked Ms. Warran for her presentation and said they truly do wonderful work at the Newberry Soil and Water Conservation District. He also congratulated the employees recognized for their years of service. He also thanked Ms. Huffstetler for her comments. He said that the residents in the county recognize that Newberry County is in the crosshairs of development, and they know it's coming but they need to manage it to not destroy the culture of Newberry County. He says they have work to do but they are on the right path. He thanked

staff, the administrator and the county attorney for their work into that.

- Mr. Smith thanked the employees recognized and thanked everyone for coming out.
- Mr. Johnson thanked everyone for checking on him following an illness.
- Mr. Reeder also congratulated Ms. Liz Rivera for the Hispanic Heritage Month Proclamation.
- Mr. Sease thanked everyone for coming out, he congratulated the employees recognized. He said the Hispanic Heritage Month Festival would be on Sunday, September 21, 2025, and he would be there for the county. He thanked Ms. Huffstetler for her example of the eight houses, and they need some distance there. He thanked council for working together and staff for getting all of these ordinances together.

17. Future meetings:
    a. Newberry County Finance Committee – September 22 at 5 p.m. – CANCELLED.
    b. Newberry County Council Work Session – October 1 at 5 p.m.
    c. Newberry County Council – October 1 at 6 p.m.
    d. Newberry County Council Work Session – October 15 at 5 p.m.
    e. Newberry County Council – October 15 at 6 p.m.
    f. Newberry County Public Safety Committee – October 20 at 5 p.m.
    g. Newberry County Executive Committee – October 27 at 5 p.m.

18. Adjournment.

- Mr. Smith made a motion to adjourn; Mr. Scurry provided the second and the motion carried 7-0.
- Newberry County Council adjourned at 6:39 p.m.

NEWBERRY COUNTY COUNCIL

Robert Shealy, Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____

COUNTY OF NEWBERRY)
)
STATE OF SOUTH CAROLINA)

PROCLAMATION
NATIONAL MANUFACTURING DAY & WEEK

WHEREAS, Newberry County is home to over 40 manufacturing firms, representing the largest business sector in our community, and employing more than 5,000 people; and

WHEREAS, Manufacturing is one of the highest-paying business sectors in our community, averaging an annual salary of about $71,240 per year or about $34 per hour; and

WHEREAS, combined these manufacturing businesses produce an annual payroll of more than $300 million per year; and

WHEREAS, Newberry County has one of the largest manufacturing workforces in the State of South Carolina, accounting for more than 20% of the workforce, nearly double the state's 14% and more than triple the nation's 8.3%; and

WHEREAS, Manufacturing is the vanguard of local economies, leading to more new jobs and investment outside the Manufacturing sector; and

WHEREAS, in the last decade, Newberry County has welcomed 13 new manufacturing companies into our county, representing more than $726 million in investment, and the creation of 1,690 new jobs; and

WHEREAS, Newberry County's existing manufacturers have expanded 18 times in the last decade, investing more than $241 million and creating more than 510 new jobs; and

WHEREAS, 5 of the top 10 taxpaying businesses in the County are manufacturers, supporting local government, emergency response and local schools.

NOW, THEREFORE, BE IT PROCLAIMED by the County Council of the County of Newberry that October 3 shall be National Manufacturing Day, and October 3 through 10, 2025 shall be National Manufacturing Week in recognition of the many benefits and contributions of our manufacturing sector.

NEWBERRY COUNTY COUNCIL

SEAL

By: _____
Robert N. Shealy, Chairman

ATTEST: _____
Andrew Wigger, Clerk of Council

ORDINANCE # 09-01-2025

TO PROVIDE FOR THE ISSUANCE AND SALE OF A GENERAL OBLIGATION BOND OF NEWBERRY COUNTY, SOUTH CAROLINA NOT EXCEEDING $405,000 IN PRINCIPAL AMOUNT, TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS OF SAID BOND SHALL BE EXPENDED, TO PROVIDE FOR THE PAYMENT OF SAID BOND, AND OTHER MATTERS RELATING THERETO.

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BE IT ORDAINED BY THE COUNTY COUNCIL OF NEWBERRY COUNTY, SOUTH CAROLINA, IN COUNCIL ASSEMBLED, AS FOLLOWS:

ARTICLE I

FINDINGS OF FACT

Section 1.01 Findings.

As an incident to the adoption of this Ordinance, the Newberry County Council (the "Council"), the governing body of Newberry County, South Carolina (the "County"), finds that the facts set forth in this Article exist and the statements made with respect thereto are in all respects true and correct:

1. By virtue of Chapter 15, Title 4, Code of Laws of South Carolina, 1976, as amended and supplemented by Act No. 113 of the 1999 Acts of the South Carolina General Assembly (collectively, the "County Bond Act"), the County is empowered to issue general obligation bonds for any "authorized purpose" as therein defined.

The Council has heretofore determined that it is in the best interest of the County to provide for certain Equipment to facilities of the County, consisting of the following items:

a) Tri-axle dump truck.

b) 20-25 ton equipment trailer.

c) Utility truck with dump body.

The foregoing items are referred to collectively herein as the "Equipment." The Council has determined to presently authorize the issuance of a general obligation bond of the County to defray the cost of the Equipment and pay costs of issuance of such bond.

Section 1.02 Recital of Applicable Constitutional Provisions.

Section 14 of Article X of the Constitution of the State of South Carolina (the "Constitution") provides that the counties of the State may issue bonded indebtedness in an amount not exceeding eight percent (8%) of the assessed value of all taxable property therein, and provides further that no bonded indebtedness incurred on or prior to November 30, 1977, shall be charged against such eight percent (8%) debt limitation. Paragraph (6) of Section 14 of Article X of the Constitution further provides that general obligation debt authorized by a majority of the qualified electors of the issuer may be issued without consideration of the eight percent (8%) limit otherwise imposed by Section 14 of Article X. The assessed value of all taxable property located within the County (including merchants' inventory, but net of property subject to a fee in lieu of tax) as certified by the County Auditor for the year 2023, which is the last completed assessment thereof, is a sum of not less than $162,743,781, and thus the eight percent (8%) debt limit of the County is not less than $13,019,502. At the time of the issuance of the bond authorized by this ordinance, the County will have outstanding general obligation debt chargeable against the eight percent (8%) limit in the principal amount of not exceeding $1,337,746. Thus, the Council may issue the sum of $405,000 general obligation debt at the present time without the authorization required by Section 14(6) of the Constitution.

Section 1.03 Holding of Public Hearing and Notice Thereof.

Pursuant to the provisions of Section 4-9-130 of the Code of Laws of South Carolina, 1976, as amended, a public hearing, after giving reasonable notice, is required to be conducted prior to the third and final reading of this Ordinance by Council. In accordance with this provision, a public hearing shall be conducted and due notice shall be provided as required by said Section 4-9-130. The form of the notice to be published shall be substantially as set forth as **Exhibit A** attached hereto.

* * *

ARTICLE II

DEFINITIONS AND AUTHORITY

Section 2.01 Definitions.

As used in this Ordinance, unless the context shall otherwise require, the following terms shall have the following respective meanings:

"Authorized Investments" means any securities which are authorized legal investments for political subdivisions pursuant to the Code of Laws of South Carolina.

"Authorized Officer" means the Chairman or the Vice-Chairman of the Council and any other officer or employee of the Council designated from time to time as an Authorized Officer by resolution of the Council, and when used with reference to any act or document also means any other person authorized by resolution of the Council to perform such act or sign such document.

"Bond," "the Bond" or "the Bond" means the Bond issued in accordance with the provisions of this Ordinance.

"Bond Counsel" means Haynsworth Sinkler Boyd, P.A.

"Bondholder" or "Holder" or "Holder of Bond" or "Owner" or similar term means, when used with respect to the Bond, any person who shall be registered as the owner of the Bond outstanding.

"Bond Payment" means the payment of principal of and interest on the Bond.

"Bond Payment Date" means the date on which the Bond Payment shall be payable.

"Code" means the Internal Revenue Code of 1986, as amended.

"Council" means the Newberry County Council, South Carolina, the governing body of said County or any successor governing body of said County.

"County" means Newberry County, South Carolina.

"County Bond Act" shall have the meaning given thereto in Section 1.01 of this Ordinance.

"Government Obligations" means and includes direct general obligations of the United States of America or agencies thereof or obligations, the payment of principal or interest on which is fully and unconditionally guaranteed by the United States of America.

"Holder" means the registered owner, from time to time, of the Bond as shown on the registration books of the County maintained by the Registrar.

"Equipment" shall have the meaning given in Section 1.01 of this Ordinance.

"Ordinance" shall mean this ordinance of County Council authorizing the issuance of the Bond.

"Outstanding," when used in this Ordinance with respect to the Bond, means as of any date, such Bond theretofore delivered pursuant to this Ordinance except:

(a) if such Bond shall have been cancelled or delivered to the Registrar for cancellation on or before such date;

(b) if such Bond deemed to have been paid in accordance with the provisions of Section 7.01 hereof; and

(c) any Bond in lieu of or in exchange for which another Bond shall have been authenticated and delivered pursuant to Section 3.11 of this Ordinance.

"Paying Agent" means the County Treasurer of Newberry County.

"Person" means an individual, a partnership, a corporation, a trust, a trustee, an unincorporated organization, or a government or an agency or political subdivision thereof.

"Record Date" means the 15th day immediately preceding the Bond Payment Date.

"Registrar" means the County, acting through the Clerk to Council.

Section 2.02 Construction.

In this Ordinance, unless the context otherwise requires:

1. Articles and Sections referred to by number shall mean the corresponding Articles and Sections of this Ordinance.

2. The terms "hereby," "hereof", "hereto", "herein", "hereunder" and any similar terms refer to this Ordinance, and the term "hereafter" shall mean after, and the term "heretofore" shall mean before, the date of adoption of this Ordinance.

3. Words of the masculine gender shall mean and include correlative words of the female and neuter genders, and words importing the singular number shall mean and include the plural number and vice versa.

4. Any fiduciary shall be deemed to hold an Authorized Investment in which money is invested pursuant to the provisions of this Ordinance, even though such Authorized Investment is evidenced only by a book entry or similar record of investment.

* * *

ARTICLE III

ISSUANCE OF BOND

Section 3.01 Ordering the Issuance of the Bond.

Pursuant to the provisions of the County Bond Act, and for the purpose of obtaining funds with which to defray the cost of the Equipment, there shall be issued, a not exceeding Four Hundred Five Thousand Dollar ($405,000) principal amount general obligation bond of the County.

Section 3.02 Maturity Schedule of the Bond.

The Bond shall be dated as of the date of its delivery and shall bear interest from its dated date. The Bond shall mature no later than one (1) year from its date of issue and shall be payable as to principal and interest on such single Bond Payment Date, all as determined by the County Administrator.

Section 3.03 Medium of Payment; Form and Denomination of the Bond; Place of Payment of Principal.

(a) The Bond shall be payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

(b) The Bond shall be issued in the form of one (1) fully registered bond with a single fixed rate of interest.

(c) The Bond Payment shall be payable to the Person appearing as the Holder of the applicable Bond on the Record Date on the registration books of the County, which books shall be held by the County as Registrar as provided in Section 3.06 hereof. Presentment of Bond as a condition of the payment of the final outstanding principal amount thereof is hereby waived.

Section 3.04 Execution and Authentication.

(a) The Bond shall be executed in the name and on behalf of the County by the manual signature of an Authorized Officer or Officers, with its corporate seal impressed, imprinted or otherwise reproduced thereon, and attested by the manual signature of the Clerk to County Council or an Authorized Officer (other than the officer or officers executing such Bond). The Bond may bear the manual signature of any person who shall have been such an Authorized Officer authorized to sign such Bond at the time such Bond was so executed, and shall bind the County notwithstanding the fact that his or her authorization may have ceased prior to the authentication and delivery of such Bond.

(b) The Bond shall not be valid or obligatory for any purpose nor shall it be entitled to any right or benefit hereunder unless there shall be endorsed on the Bond a certificate of authentication in the form set forth in this Ordinance, duly executed by the manual signature of the Registrar, and such certificate of authentication upon the Bond executed on behalf of the County shall be conclusive evidence that the Bond so authenticated has been duly issued hereunder and that the Holder thereof is entitled to the benefit of the terms and provisions of this Ordinance.

Section 3.05 Exchange of the Bond.

The Bond, upon surrender thereof at the office of the Registrar with a written instrument of transfer satisfactory to the Registrar, duly executed by the registered Holder or his duly authorized attorney, may, at the option of the registered Holder thereof, be exchanged for a new Bond of the same interest rate and maturity. So long as the Bond remains Outstanding, the County shall make all necessary provisions to permit the exchange of the Bond. Such new Bond shall reflect the principal amount thereof as then yet unpaid.

Section 3.06 Transferability and Registry.

The Bond shall at all times, when the same is Outstanding, be payable to a Person, and shall be transferable only in accordance with the provisions for registration and transfer contained in this Ordinance and in the Bond. So long as the Bond remains Outstanding, the Registrar shall maintain and keep, at its administrative office, books for the registration and transfer of the Bond, and, upon presentation thereof for such purpose at such office, the Registrar shall register or cause to be registered therein, and permit to be transferred thereon, under such reasonable regulations as it may prescribe, such Bond. So long as the Bond remains Outstanding, the Registrar shall make all necessary provisions to permit the transfer of such Bond at its administrative office.

Section 3.07 Transfer of the Bond.

The Bond shall be transferable only upon the books of the Registrar, upon presentation and surrender thereof by the Holder of the Bond in person or by his attorney duly authorized in writing, together with a written instrument of transfer satisfactory to the Registrar duly executed by the registered Holder or his duly authorized attorney. Upon surrender for transfer of the Bond, the County shall execute, authenticate, and deliver, in the name of the Person who is the transferee, a new Bond of the same principal amount and maturity and rate of interest as the surrendered Bond. Such new Bond shall reflect the principal amount thereof as then yet unpaid. Transfer of the Bond by any Holder thereof shall be subject to such terms and restrictions as negotiated by the County Administrator and the Purchaser of the Bond, upon advice of Bond Counsel the Financial Advisor, and the existence of such terms and restrictions shall be clearly noted on the face of the Bond.

Section 3.08 Regulations with Respect to Exchanges and Transfers.

The Bond surrendered in any exchange or transfer shall forthwith be cancelled by the Registrar. For each such exchange or transfer of the Bond, the Registrar may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the Holder requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer. The County shall not be obligated to issue, exchange or transfer the Bond during the 15 days next preceding the Bond Payment Date applicable thereto.

Section 3.09 Mutilated, Destroyed, Lost and Stolen Bond.

(a) If the Holder surrenders a mutilated Bond to the Registrar or the Registrar receives evidence to its satisfaction of the destruction, loss, or theft of the Bond, and there is delivered to the Registrar such security or indemnity as may be required by it to save it harmless, then, in the absence of notice that such Bond has been acquired by a bona fide purchaser, the County shall execute and deliver, in exchange for the mutilated Bond or in lieu of any such destroyed, lost, or stolen Bond, a new Bond of like tenor, maturity, and interest rate bearing a number unlike that of such

mutilated, destroyed, lost, or stolen Bond, and shall thereupon cancel any such mutilated Bond so surrendered.

(b) Upon the issuance of any new Bond under this Section 3.09, the County may require the payment of a sum sufficient to cover any tax, fee, or other governmental charge that may be imposed in relation thereto and any other expenses, including counsel fees or other fees, of the County or the Registrar connected therewith.

(c) Each new Bond issued pursuant to this Section in lieu of any destroyed, lost, or stolen Bond, shall constitute an additional contractual obligation of the County, whether or not the destroyed, lost, or stolen Bond shall at any time be enforceable by anyone, and shall be entitled to all the benefits hereof equally and proportionately with the Bond duly issued pursuant to this Ordinance.

(d) The Bond shall be held and owned upon the express condition that the foregoing provisions are exclusive with respect to the replacement or payment of the mutilated, destroyed, lost, or stolen Bond and shall preclude (to the extent lawful) all other rights or remedies with respect to the replacement or payment of the mutilated, destroyed, lost, or stolen Bond or securities.

Section 3.10 Holder As Owner of the Bond.

In its capacity as Registrar, the County may treat the Holder of the Bond as the absolute owner thereof, whether the Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the Bond Payment on the Bond and for all other purposes, and payment of the Bond Payment shall be made only to, or upon the order of, such Holder. All payments to such Holder shall be valid and effectual to satisfy and discharge the liability upon the Bond to the extent of the sum or sums so paid, and the County shall not be affected by any notice to the contrary.

Section 3.11 Cancellation of the Bond.

The Registrar shall destroy the Bond when the same shall be surrendered to it for cancellation. In such event, such Bond shall no longer be deemed Outstanding under this Ordinance and no Bond shall be issued in lieu thereof.

Section 3.12 Payments Due on Saturdays, Sundays, and Holidays.

In any case where the Bond Payment Date shall be a Saturday or Sunday or shall be, at the place designated for payment, a legal holiday or a day on which banking institutions are authorized by law to close, then payment of the Bond Payment need not be made on such date but may be made on the next succeeding business day not a Saturday, Sunday or a legal holiday or a day upon which banking institutions are authorized by law to close, with the same force and effect as if made on the Bond Payment Date and no interest shall accrue for the period after such date.

Section 3.13 Tax Exemption in South Carolina.

Bond Payments shall be exempt from all State, county, municipal, school district, and all other taxes or assessments of the State of South Carolina, direct or indirect, general, or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate, transfer, or certain franchise taxes.

Section 3.14 Order to Levy Ad Valorem Taxes to Pay Principal and Interest of Bond.

For the payment of principal of and interest on the Bond as the same become due and for the creation of such sinking fund as may be necessary therefor, the full faith, credit, and taxing power of the County are hereby irrevocably pledged, and there shall be levied an ad valorem tax upon all taxable property located within the County sufficient to pay the principal of and interest on the Bond as the same become due and to create such sinking fund as may be necessary therefor.

Section 3.15 Notice to Auditor and Treasurer.

The Auditor and Treasurer of Newberry County, South Carolina, shall be notified of the issuance of the Bond and directed to levy and collect annually upon all taxable property within the County ad valorem property taxes in an amount sufficient to pay the principal of and interest on such Bond as the same become due and to create such sinking fund as may be necessary therefor.

Section 3.16 Form of Bond.

The form of the Bond, and registration provisions to be endorsed thereon, shall be substantially as set forth in **Exhibit B** attached hereto and made a part of this Ordinance.

* * *

ARTICLE IV

REDEMPTION OF BOND

Section 4.01 Redemption of Bond.

The Bond shall not be subject to redemption prior to maturity except as may be agreed to by the Holder thereof and the County. Any such terms of redemption shall be included in the Bond.

* * *

ARTICLE V

SALE OF BOND

Section 5.01 Sale and Award of Bond.

The Bond shall be sold at a price of not less than par. Bids for the Bond shall be solicited by the County Administrator. The County Administrator is authorized to award the Bond to the bidder offering the lowest net interest cost therefor; for purposes of this paragraph, net interest cost shall be determined by computing the total dollar interest cost from the date of the Bond to maturity and deducting therefrom the amount of the premium offered, if any, over and above the principal amount and adding thereto any bank counsel fees required to be paid by the County. In the case of a tie in net interest cost, the award of the Bond shall be based upon the flip of a coin. Notwithstanding the foregoing, no such award shall be effective without the approval of Council, by resolution duly adopted, if the net interest cost of such Bond exceeds 6.00% per annum.

The County Administrator shall not accept any proposal which requires an increase in the interest rate applicable to the Bond in the event of any change in state or federal law. A proposal which requires an increase in the applicable interest rate in the event of a determination of taxability of interest on the Bond owing to acts or omissions of the County may be accepted by the County Administrator, but only if the proposal and the Bond state the interest rate which would thereby become applicable upon the occurrence of such event.

Upon the award of the Bond, there shall be published in a newspaper of general circulation in the County at least seven (7) days prior to the delivery of the Bond a Notice of Sale in form substantially similar to that appearing at **Exhibit C** hereto.

* * *

ARTICLE VI

DISPOSITION OF PROCEEDS OF SALE OF BONDS

Section 6.01 Disposition of Bond Proceeds Including Temporary Investments.

The proceeds derived from the sale of the Bond shall be paid to the Treasurer of Newberry County, to be deposited in a separate Bond Account, and shall be expended and made use of by the Council to defray the cost of issuing the Bond and to defray the cost of the Equipment. Any premium shall be placed in the sinking fund held by the Treasurer of Newberry County for payment of principal and interest on the Bond and applied to the discharge of principal on such Bond.

Pending the use of Bond proceeds, the same shall be invested and reinvested by the Treasurer of Newberry County in Authorized Investments. All earnings from such investments shall be applied, at the direction of the Council, either (1) to defray the cost of the undertakings for which the Bond is issued and if not required for this purpose, then (2) to interest on the Bond from the proceeds of which such earnings were derived.

Neither the purchaser nor Holder of the Bond shall be liable for the proper application of the proceeds thereof.

* * *

ARTICLE VII

DEFEASANCE OF BOND

Section 7.01 Discharge of Ordinance - Where and How the Bond is Deemed to Have Been Paid and Defeased.

If the Bond and the interest thereon shall have been paid and discharged, then the obligations of the County under this Ordinance as to the Bond and all other rights granted hereby shall cease and determine. The Bond shall be deemed to have been paid and discharged within the meaning of this Article under each of the following circumstances, viz.:

(1) A third party fiduciary, which shall be any bank, trust company, or national banking association which is authorized to provide corporate trust services (the "Fiduciary"), shall hold, in trust and irrevocably appropriated thereto, sufficient moneys for the payment of the Bond Payment due thereunder; or

(2) If default in the payment when due of the Bond Payment shall have occurred, and thereafter tender of such payment shall have been made, and at such time the Fiduciary shall hold in trust and irrevocably appropriated thereto, sufficient moneys for the payment thereof to the date of the tender of such payment; or

(3) If the County shall elect to provide for the payment of the Bond prior to its stated maturity and shall have deposited with the Fiduciary, in an irrevocable trust, moneys which shall be sufficient, or Government Obligations, the principal of and interest on which when due will provide moneys, which together with moneys, if any, deposited with the Fiduciary at the same time, shall be sufficient to pay the Bond Payment when due.

Neither the Government Obligations nor moneys deposited with the Fiduciary pursuant to this Section nor the Bond Payments thereon shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the Bond Payment on the Bond; provided that any cash received from such principal or interest payments on Government Obligations deposited with the Fiduciary, if not then needed for such purpose, shall to the extent practicable be invested and reinvested in Government Obligations maturing at times and in amounts sufficient to pay when due the Bond Payment to become due on the Bond on the Bond Payment Date thereof, and interest earned from such reinvestments not required for the payment of the Bond Payment may be paid over to the County, free and clear of any trust, lien or pledge.

* * *

ARTICLE VIII

CERTAIN TAX AND DISCLOSURE CONSIDERATIONS

Section 8.01 Covenants to Comply with Requirements of the Code.

The County hereby represents and covenants that it will comply with all requirements of the Code, and that it will not take any action which will, or fail to take any action (including, without limitation, filing the required information reports with the Internal Revenue Service) which failure will, cause interest on the Bond to become includable in the gross income of the Holder thereof for federal income tax purposes pursuant to the provisions of the Code and regulations promulgated thereunder in effect on the date of original issuance of the Bond. Without limiting the generality of the foregoing, the County represents and covenants that:

1. All property provided by the net proceeds of the Bond will be owned by the County in accordance with the rules governing the ownership of property for federal income tax purposes.

2. The County shall not permit the proceeds of the Bond or any facility financed with the proceeds of the Bond to be used in any manner that would result in (a) ten percent (10%) or more of such proceeds being considered as having been used directly or indirectly in any trade or business carried on by any natural person or in any activity carried on by a person other than a natural person other than a governmental unit as provided in Section 141(b) of the Code, or (b) five percent (5%) or more of such proceeds being considered as having been used directly or indirectly to make or finance loans to any person other than a governmental unit as provided in Section 141(c) of the Code.

3. The County is not a party to nor will it enter into any contracts with any person for the use or management of any facility provided with the proceeds of the Bond that do not conform to the guidelines set forth in Revenue Procedure 2025-13.

4. The County will not sell or lease the Equipment or any property provided by the Bond to any person unless it obtains the opinion of nationally recognized bond counsel that such lease or sale will not affect the tax exemption of the Bond.

5. The Bond will not be federally guaranteed within the meaning of Section 149(b) of the Code. The County is not a party to any leases or sales or service contracts with any federal government agency with respect to the projects and will not enter into any such leases or contracts unless it obtains the opinion of nationally recognized bond counsel that such action will not affect the tax exemption of the Bond.

Notwithstanding the foregoing, the County Administrator may determine that interest on the Bond shall be subject to federal income tax if so requested by the purchaser thereof, subject always to Section 5.01 of this Bond Ordinance. In such case, the foregoing covenants and the remainder of this Article VIII shall be inapplicable.

Section 8.02 Qualified Tax-Exempt Obligation.

The County Administrator may designate the Bond as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3)(B) of the Code, upon advice of Bond Counsel.

Section 8.03 Ability to Meet Arbitrage Requirements.

Careful consideration has been given to the time in which the expenditures of the proceeds of each Bond authorized hereby will be made, and it has been ascertained that all of the money received from the proceeds of each Bond will be expended within the limitations imposed by Section 148(c) of the Code, so that the Council will be able to certify upon reasonable grounds that each Bond is not an "arbitrage bond" within the meaning of Section 148(c) of the Code.

Section 8.04 Continuing Disclosure.

Pursuant to Section 11-1-85 of the Code of Laws of South Carolina 1976, as amended, the County covenants to file with a central repository for availability in the secondary bond market when requested:

(a) An annual independent audit, within thirty days of the County's receipt of the audit; and

(b) Event specific information within thirty days of an event adversely affecting more than five percent of revenue or the County's tax base.

The only remedy for failure by the County to comply with the covenant in this Section 8.04 shall be an action for specific performance of this covenant. The County specifically reserves the right to amend this covenant to reflect any change in Section 11-1-85, without the consent of any Bondholder.

Section 8.05 Taxable Obligation.

Any Bond may be issued as a taxable obligation if the County Administrator determines in his sole discretion, upon advice of Bond Counsel, that it is in the best interests of the County to do so.

* * *

ARTICLE IX

MISCELLANEOUS

Section 9.01 Savings Clause.

If any one or more of the covenants or agreements provided in this Ordinance should be contrary to law, then such covenant or covenants or agreement or agreements shall be deemed severable from the remaining covenants and agreements, and shall in no way affect the validity of the other provisions of this Ordinance.

Section 9.02 Successors.

Whenever in this Ordinance the County is named or referred to, it shall be deemed to include any entity, which may succeed to the principal functions and powers of the County, and all the covenants and agreements contained in this Ordinance or by or on behalf of the County shall bind and inure to the benefit of said successor whether so expressed or not.

Section 9.03 Ordinance to Constitute Contract.

In consideration of the purchase and acceptance of the Bond by those who shall purchase and hold the same from time to time, the provisions of this Ordinance shall be deemed to be and shall constitute a contract between the County and the Holder from time to time of the Bond, and such provisions are covenants and agreements with such Holder which the County hereby determined to be necessary and desirable for the security and payment thereof. The pledge hereof and the provisions, covenants, and agreements herein set forth to be performed on behalf of the County shall be for the benefit, protection, and security of the Holder of the Bond.

Section 9.04 Filing of Copies of Ordinance.

Copies of this Ordinance shall be filed in the offices of the Council and in the office of the Clerk of Court for Newberry County (as a part of the Transcript of Proceedings).

Section 9.05 Further Action by Officers of County.

The proper officers of the County are fully authorized and empowered to take the actions required to implement the provisions of this Ordinance and to furnish such certificates and other proofs as may be required of them, which includes but is not limited to providing the notice and conducting the public hearing described in Section 1.03 hereof. In the absence of any officer of the Council herein authorized to take any act or make any decision, the County Administrator is hereby authorized to take any such act or make any such decision.

Section 9.06 Effective Date of Ordinance.

This Ordinance shall take effect upon its third reading and shall be forthwith codified in the Code of County Ordinances and indexed under the general heading "An Ordinance To Provide For The Issuance And Sale Of A General Obligation Bond Of Newberry County, South Carolina Not Exceeding $405,000 In Principal Amount, To Prescribe The Purposes For Which The Proceeds Of Said Bond Shall Be Expended, To Provide For The Payment Of Said Bond, And Other Matters Relating Thereto."

DONE IN MEETING DULY ASSEMBLED, this ___ of _____, 2025.

NEWBERRY COUNTY COUNCIL

(SEAL)

_____
Robert Shealy, Chairman

Attest:

_____
Andrew Wigger, Clerk to Council

Exhibit A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Newberry County Council, State of South Carolina will conduct the following public hearing(s) at its meeting on the ____ day of _____, 2025, to be held in the Newberry County Council Chambers, 1309 College Street, Newberry, South Carolina, at ____ ___ p.m..

Ordinance No. _____: An Ordinance To Provide For The Issuance And Sale Of A General Obligation Bond Of Newberry County, South Carolina Not Exceeding $405,000 In Principal Amount, To Prescribe The Purposes For Which The Proceeds Of Said Bond Shall Be Expended, To Provide For The Payment Of Said Bond, And Other Matters Relating Thereto..

[OTHER ORDINANCES RECEIVING PUBLIC HEARINGS INSERTED HERE]

At the time and place fixed for said public hearing(s), all taxpayers, residents or other interested persons who appear will be given an opportunity to express their views for or against the adoption of the Ordinance. A copy of the proposed Ordinance(s) is (are) available for inspection in the Clerk to Council's office located in the Courthouse Annex at 1309 College Street, Newberry, South Carolina, during its regular business hours. Assistance is available for those who are visually or hearing-impaired. For assistance, call the Newberry County Clerk to Council, (803) 321-2100.

_____
Chairman, Newberry County Council

Exhibit B

(FORM OF BOND)

TRANSFER OF THIS BOND IS RESTRICTED BY OF THAT CERTAIN AGREEMENT BETWEEN NEWBERRY COUNTY, SOUTH CAROLINA AND _____ DATED _____, 2025, THE TERMS OF WHICH ARE INCORPORATED HEREIN BY REFERENCE AS IF FULLY SET FORTH HEREIN. TRANSFER OF THIS BOND IS OTHERWISE UNLAWFUL AND UNENFORCEABLE.

UNITED STATES OF AMERICA
STATE OF SOUTH CAROLINA
COUNTY OF NEWBERRY
GENERAL OBLIGATION BOND, SERIES _____

No. 1

Registered Holder: _____

Principal Amount: _____

NEWBERRY COUNTY, SOUTH CAROLINA (the "County"), a public body corporate and politic and a political subdivision of the State of South Carolina (the "State"), created and existing by virtue of the laws of the State, acknowledges itself indebted and for value received hereby promises to pay, solely as hereinafter provided, to the Registered Holder named above or registered assigns, the Principal Amount stated above and interest thereon on such dates and in the manner provided herein.

This bond ("Bond") is issued in the principal amount of _____ for purposes authorized by and pursuant to and in accordance with the Constitution and Statutes of the State of South Carolina, including particularly the provisions of Sections 4-15-10 through 4-15-180, Code of Laws of South Carolina, 1976, as amended, and an Ordinance duly adopted by the County Council of Newberry County (the "Ordinance"). (This Bond is subject to redemption prior to maturity as follows:_____).

The principal and interest on this Bond shall be paid by the County Treasurer of Newberry County, as Paying Agent, to the person shown on the books of registration of the County as the Holder hereof on the Record Date in accordance with the following schedule:

___ of Year	Principal Due	Interest Due

The Bond Payments are payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts. The Record Date for this Bond is the 15th day immediately preceding each Bond Payment Date.

Certain capitalized terms used herein and not otherwise defined shall have the meanings ascribed thereto in the Ordinance. Certified copies of the Ordinance are on file in the office of the Clerk of Court of Newberry County and in the office of the County Council of Newberry County.

This Bond is payable from a tax levied on all taxable property within the County. For the prompt payment of the Bond Payment as the same shall become due, the full faith, credit, and taxing power of the County are irrevocably pledged.

This Bond and the interest hereon are exempt from all State, county, municipal, school district, and all other taxes or assessments of the State of South Carolina, direct or indirect, general, or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate, transfer, or certain franchise taxes.

The Bond is issued in the form of one (1) fully registered Bond and is transferable, as provided in the Ordinance, only upon the registration books of the County kept for that purpose at the offices of the County by the registered Holder in person or by his duly authorized attorney upon, (i) surrender of this Bond together with a written instrument of transfer satisfactory to the Registrar duly executed by the registered holder or his duly authorized attorney, and (ii) payment of the charges, if any, prescribed in the Ordinance. Thereupon a new fully registered Bond of interest rate and like principal amount shall be issued to the transferee in exchange therefor as provided in the Ordinance. The County may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of the Bond Payment due hereon and for all other purposes.

For every exchange or transfer of the Bond, the County may make a charge sufficient to reimburse it for any tax, fee, or other governmental charge required to be paid with respect to such exchange or transfer.

It is hereby certified and recited that all acts, conditions, and things required to exist, happen, and to be performed precedent to and in the adoption of the Ordinance and in the issuance of the Bond in order to make the legal, valid, and binding general obligation of the County in accordance with its terms, do exist, have been done, have happened and have been performed in regular and due form as required by law; and that the issuance of the Bond does not exceed or violate any constitutional, statutory, or other limitation upon the amount of indebtedness prescribed by law.

IN WITNESS WHEREOF, NEWBERRY COUNTY, SOUTH CAROLINA, has caused this Bond to be signed by the manual signature of the Chairman of the Newberry County Council, attested by the manual signature of the Clerk to the Newberry County Council, and the seal of the County impressed hereon.

NEWBERRY COUNTY, SOUTH CAROLINA

(SEAL)

_____
Robert Shealy, Chairman, Newberry County Council

ATTEST:

_____
Andrew Wigger, Clerk, Newberry County Council

CERTIFICATE OF AUTHENTICATION

This Bond is the Bond of the issue described in the within mentioned Ordinance.

Registrar

By: _____
Clerk to Council

Date of Authentication: _____, 20___

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to applicable laws or regulations.

TEN COM - as tenants in common	UNIF GIFT MIN ACT -
TEN ENT - as tenants by the entireties	_____ Custodian _____ (Cust) (Minor)
JT TEN - as joint tenants with right of survivorship and not as tenants in common	under Uniform Gifts to Minors Act _____ (state)

Additional abbreviations may also be used though not in above list.

(FORM OF ASSIGNMENT)

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto _____ the within bond and does hereby irrevocably constitute and appoint _____ attorney to transfer the within bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated:_____

_____ Signature Guaranteed	_____ (Authorized Officer)
_____ (Signature must be guaranteed by a participant in the Securities Transfer Agent Medallion Program (STAMP)	_____ Notice: The signature to the assignment must correspond with the name of the registered owner as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

Exhibit C

NOTICE OF SALE

Notice is hereby given that Newberry County, South Carolina shall deliver to (Purchaser) on (Date of Delivery) its $_____ principal amount General Obligation Bond, Series _____. The Bond has been sold to (Purchaser) at a price of _____ and an interest rate of ___%. The Bond is payable as follows: _____.

_____
Robert Shealy, Chairman, Newberry
County Council

STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

I, the undersigned, Clerk to Council of Newberry County, South Carolina, DO HEREBY CERTIFY:

1. That the foregoing is a true, correct, and verbatim copy of an Ordinance adopted by the County Council of Newberry County on _____, 2025, at which a majority/all members were present. It was first introduced at the regular meeting of County Council held on _____, 2025. At that meeting, it was given first reading by the majority/unanimous vote of the County Council. Afterwards, at the regular meeting of the County Council held on _____, 2025, it was given its second reading and at the regular meeting of the County Council held on _____, 2025, it was given third and final reading by the unanimous vote of County Council. At each of said meetings, a quorum of County Council was present at all times during the proceedings pursuant to which the aforesaid Ordinance was adopted, the original of which is duly entered in the record of minutes of the aforesaid meetings of said County Council in my Custody as such Clerk.

2. As required by Title 30, Chapter 4 of the Code of Laws of South Carolina 1976, as amended, being the Freedom of Information Act, a copy of the agenda of meetings (showing the date, time and place of the meeting) of the County Council of the County is posted on a designated bulletin board in the administrative offices of the County, posted on the County's publicly-available website and supplied to news media as requested, in each case at least 24 hours prior to regularly scheduled meetings of the County Council. An agenda was posted in accordance with the foregoing sentence for each meeting at which the attached Ordinance was voted upon, and each agenda as so posted contained as an item the consideration of the attached Ordinance by the County Council.

IN WITNESS WHEREOF, I have hereunto set my Hand and the Seal of the County, this ___ day of _____ 2025.

(SEAL)

_____
Clerk, Newberry County Council

First reading: September 3, 2025

Second reading: September 17, 2025

Third reading: October 1, 2025

Public Hearing: September 17, 2025

ORDINANCE # 09-02-2025

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN EQUIPMENT LEASE-PURCHASE AGREEMENT IN AN AMOUNT NOT EXCEEDING $2,100,000 RELATING TO THE PURCHASE OF CERTAIN EQUIPMENT BY NEWBERRY COUNTY, AUTHORIZING THE EXECUTION OF OTHER NECESSARY DOCUMENTS AND PAPERS, AND OTHER MATTERS RELATING THERETO.

BE IT ORDAINED by the County Council of Newberry County, South Carolina, in meeting duly assembled:

ARTICLE I

FINDINGS OF FACT

The County Council of Newberry County, South Carolina, the governing body of Newberry County, South Carolina, has made the following findings of fact:

Section 1.01 Findings.

The County Council of Newberry County, the governing body of Newberry County (the "Council"), has determined that a very real need exists for and that it is necessary for Newberry County (the "County") to acquire certain equipment as shown on Exhibit A hereto (collectively, the "Equipment"). The total cost of the Equipment and costs associated therewith is estimated to be not exceeding $2,100,000. The Council has determined that it is in the best interests of the County to purchase the Equipment through a lease-purchase financing in accordance with the terms of this Ordinance.

ARTICLE II

AUTHORIZATION

Section 2.01 Approval of the Financing.

The Council hereby approves the entry of the County into a one or more lease financing agreements in aggregate principal amount not to exceed $2,100,000 (singularly or collectively, the "Agreement") to finance the purchase of the Equipment. The interest rate applicable to the agreement shall not exceed 6.0 % per annum (in the absence of default or change in tax status) unless approved by resolution of Council supplemental hereto. Payments due under the Agreement shall be expressed to become due annually on December 1 of each of the Fiscal Years 2026 through 2030, inclusive, in such annual amounts as determined by the County Administrator (the "County Administrator"). Should the proceeds of the Agreement allow, additional equipment may be acquired therewith as approved by resolution of Council supplemental hereto.

The Agreement shall not constitute a debt of the County, and the full faith, credit and taxing power of the County shall not be pledged to secure payment of rental payments or other sums due pursuant to the Agreement. The Agreement shall contain a "non-appropriation" clause suitable to counsel to the County and shall not, in the opinion of such counsel, contain a "non-substitution" clause.

Section 2.02 Authorization to Contract.

The County Administrator is hereby authorized to solicit proposals from financial institutions for the provision of the financing represented by the Agreement. Proposals shall be solicited from at least three financial institutions on not less than seven (7) days' notice. The County Administrator is hereby authorized to award the Agreement to the financial institution which proposes the terms most favorable to the County, as determined by the County Administrator in his sole discretion, but subject in any event to the provisions of Section 2.01 of this Ordinance (the "Lessor"). The County Administrator is hereby authorized, empowered, and directed to execute, acknowledge, and deliver the Agreement and associated documents to the Lessor and other appropriate parties. The execution of the Agreement by the County Administrator shall constitute conclusive evidence of approval of the principal amount and rental payments due pursuant to the Agreement and the terms thereof.

Section 2.03 Other Documents, etc.

The Chairman of the Council, the Clerk to Council, Finance Director of the County and the County Administrator are hereby authorized to execute any and all other documents, instruments, certificates, or other papers as they deem necessary and appropriate, with the advice of counsel, to accomplish the transactions contemplated by this Ordinance. The Council further approves the entry by the Count, if deemed necessary by the County Administrator in his sole discretion, into an escrow agreement or similar agreement among the County and a financial institution satisfactory to the County Administrator, as agent, in such form as may be determined by the County Administrator, upon advice of counsel, in order to provide for the deposit and investment of proceeds of the Agreement pending the expenditure thereof (the "Deposit Agreement"). The Lender may also be a party to the Deposit Agreement.

Section 2.04 Effective Date of Ordinance.

This Ordinance shall become effective upon the third and final reading thereof.

* * * *

ARTICLE III

CERTAIN MATTERS PERTAINING TO THE INTERNAL REVENUE CODE

Section 3.01 General Tax Covenants.

The County will comply with all requirements of the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the tax-exempt status of the Agreement including without limitation, the requirement to file the information report pertaining to the Agreement with the Internal Revenue Service.

Section 3.02 General Tax Representations and Covenants.

The County hereby represents and covenants that it will not take any action which will, or fail to take any action which failure will, cause the interest component of rental payments made pursuant to the Agreement to become includable in the gross income of the Lessor, or its assigns, for federal income tax purposes pursuant to the provisions of the Code and regulations promulgated thereunder in effect on the date of original execution of the Agreement. Without limiting the generality of the foregoing, the County represents and covenants that:

(a) All property provided by the net proceeds of the Agreement will be owned by the County in accordance with the rules governing the ownership of property for federal income tax purposes.

(b) The County shall not permit the proceeds of the Agreement or any facility financed with the proceeds of the Agreement to be used in any manner that would result in (a) ten percent (10%) or more of such proceeds being considered as having been used directly or indirectly in any trade or business carried on by any natural person or in any activity carried on by a person other than a natural person other than a governmental unit as provided in Section 141(b) of the Code, or (b) five percent (5%) or more of such proceeds being considered as having been used directly or indirectly to make or finance loans to any person other than a governmental unit as provided in Section 141(c) of the Code.

(c) The County is not a party to or nor will it enter into any contracts with any person for the use or management of any facility provided with the proceeds of the Agreement that do not conform to the guidelines set forth in Revenue Procedure 2017-13.

(d) The County will not sell or lease the Equipment or any property provided by the Agreement to any person unless it obtains the opinion of nationally recognized bond counsel that such lease or sale will not affect the tax exemption of the Agreement.

(e) The Agreement will not be federally guaranteed within the meaning of Section 149(b) of the Code. The County has not entered into any leases or sales or service contract with any federal government agency and will not enter into any such leases or contracts unless it obtains the opinion of nationally recognized bond counsel that such action will not affect the tax exemption of the Agreement.

Section 3.03 Qualified Tax-Exempt Obligation.

The County Administrator may designate the Bond as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3)(B) of the Code, upon advice of Bond Counsel.

ENACTED this ___ day of _____, 2025.

(SEAL)

COUNTY COUNCIL OF
NEWBERRY COUNTY, SOUTH CAROLINA

_____
Robert Shealy, Chairman, County Council
of Newberry County, South Carolina

Attest:

_____
Andrew Wigger, Clerk to Council, Newberry County,
South Carolina

First Reading: September 3, 2025

Second Reading: September 17, 2025

Third Reading: October 1, 2025

EXHIBIT A

EQUIPMENT

a. One (1) fire engine

b. Two (2) ambulances

c. Two (2) heart monitors and two (2) CPR devices for ambulances

STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

I, the undersigned, Clerk to Council of Newberry County, South Carolina, DO HEREBY CERTIFY:

1. That the foregoing is a true, correct, and verbatim copy of an Ordinance enacted by the County Council of Newberry County on _____, 2025, at which a majority/all members were present. It was first introduced at the regular meeting of County Council held on _____, 2025. At that meeting, it was given first reading by the majority/unanimous vote of the County Council. Afterwards, at the regular meeting of the County Council held on _____, 2025, it was given its second reading, and at the regular meeting of the County Council held on _____, 2025, it was given third and final reading by the unanimous vote of County Council. At each of said meetings, a quorum of County Council was present at all times during the proceedings pursuant to which the aforesaid Ordinance was adopted, the original of which is duly entered in the record of minutes of the aforesaid meetings of said County Council in my Custody as such Clerk.

2. As required by Title 30, Chapter 4 of the Code of Laws of South Carolina 1976, as amended (the ***"Act"***), being the Freedom of Information Act, a copy of the agenda of each of the meetings of the County Council referenced in the preceding paragraph (showing the date, time and place of the meeting), was, at least 24 hours prior to each such meeting, posted on a designated bulletin board in the administrative offices of the County, posted on the County's public website, and provided to news media and others requesting such information. The agenda for each of the meetings listed in the preceding paragraphs included as an item the reading of the aforesaid Ordinance and was made publicly available in accordance with the preceding sentence.

IN WITNESS WHEREOF, I have hereunto set my Hand and the Seal of the County Council this _____ day of _____, 2025.

(SEAL)

_____

Andrew Wigger Clerk, Newberry County Council

STATE OF SOUTH CAROLINA)
) **ORDINANCE NO. 09-03-2025**
NEWBERRY COUNTY)

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 REPEAL §153.090 CLUSTER DEVELOPMENT, SINGLE FAMILY RESIDENTIAL.

WHEREAS, on July 15, 2025, the Newberry County Joint Planning Commission approved a recommendation to Newberry County Council to eliminate provisions for cluster development as a conditional use in all zoning districts allowing single family residential uses as provided in the official zoning ordinance of Newberry County; and

WHEREAS, Newberry County Council desires to repeal §153.090 - Cluster Development, Single Family Residential as recommended by the Newberry County Joint Planning Commission.

NOW, THEREFORE BE IT ORDAINED by the County Council of the County of Newberry, South Carolina in Council duly assembled this 15th day of October 2025 that §153.090 - Cluster Development, Single Family Residential of the official Zoning Ordinance of Newberry County, South Carolina is hereby repealed.

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: **September 17, 2025**
2nd Reading: **October 1, 2025**
Public Hearing: **October 1, 2025**
3rd Reading: **October 15, 2025**

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

Agenda Briefing

Prepared By: Katie Werts	Title: Director of Building & Zoning
Department: Building & Zoning	Division: Zoning
Date Prepared: September 8, 2025	Meeting Date: September 17, 2025
Legal Review:	Date:
Budget Review: N/A	Date: N/A
Approved for Consideration: Joint Planning Commission	Date: September 10, 2025
Request Consideration by Committee / County Council: Planning Commission	
Subject: Rezoning Request MA02-08-19-25	

STAFF'S RECOMMENDED ACTION:

Rezoning request MA02-08-19-25 by applicant TerryLynn DiChiara. This request is to rezone one (1) property totaling twenty-nine and ten hundredths (29.10) acres located at 1799 Whitener, from RG-General Residential to R2-Rural.

FIDUCIARY:

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

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

N/A

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

SUMMARY DISCUSSION:

Rezoning request MA02-08-19-25 by applicant TerryLynn DiChiara. This request is to rezone one (1) property totaling twenty-nine and ten hundredths (29.10) acres located at 1799 Whitener, from RG-General Residential to R2-Rural.

The Comprehensive Plan shows this property to be within the Transitional District. Rezoning to R2-Rural fits within the characteristics of the Transitional District. Staff and Planning Commission both recommend the rezoning request to R2-Rural.

ADDITIONAL COMMENTS FOR CONSIDERATION:

None

ATTACHMENTS:

Ordinance No. 09-05-2025

Staff Report

STATE OF SOUTH CAROLINA)
) **ORDINANCE NO. 09-04-2025**
NEWBERRY COUNTY)

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. 6-11-16 AND CODIFIED IN CHAPTER 153 OF THE NEWBERRY COUNTY CODE OF ORDINANCES, ESTABLISHES ZONING CLASSIFICATION AND DISTRICTS SO AS TO REZONE ONE (1) REAL ESTATE PARCEL TOTALING TWENTY-NINE AND TEN HUNDREDTHS (29.10) ACRES DESIGNATED AS TMS NO. 340-3-2-111 FROM RG-GENERAL RESIDENTIAL TO R2-RURAL.

WHEREAS, Zoning Ordinance, codified in Chapter 153 of the Newberry County Code of Ordinances, establishes zoning classifications and districts, as well as an Official Zoning Map; and

WHEREAS, said Zoning Ordinance provides procedures for the amendment of both the text of the Ordinance and the district boundaries shown on the Official Zoning Map; and

WHEREAS, pursuant to the procedures established by the Zoning Ordinance, application was made for a map amendment to rezone one (1) real estate parcel totaling twenty-nine and ten hundredths (29.10) acres located at 1799 Whitener Road, Newberry, to R2-Rural from RG-General Residential. Tax Map No. 340-3-2-111 is currently vacant land. The Comprehensive Plan shows the future land use for this area to be within the transitional projected area. The Planning Staff does recommend that this real estate parcel be rezoned to R2-Rural.

WHEREAS, the Newberry County Joint Planning Commission, in case number MA02-08-19-25, had this matter on its agenda and considered this request and received comments as to both the existing and intended uses of the property.

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

WHEREAS, Newberry County Council is familiar with the site and the existing uses of the properties located at 1799 Whitener Road, Newberry.

NOW, THEREFORE, Newberry County Council makes the following findings of fact and law as to the merits of the rezoning request concerning Tax Map No. 340-3-2-111 totaling twenty-nine and ten hundredths (29.10) acres located at 1799 Whitner Road, Newberry as more particularly shown on the plat accompanying the submitted "Official Zoning Map Amendment Application" included in the submitted Planning Commission report attached hereto, R2-Rural from RG-General .

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

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

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

NOW, THEREFORE, BE IT ORDAINED that:

Newberry County Council hereby determines, based on the findings set forth above, that the attached rezoning request for a map amendment for Tax Map No. 340-3-2-

111 totaling twenty-nine and ten hundredths (29.10) acres real estate parcel as acted on by the Planning Commission, be:

_____ disapproved;

_____approved; or

_____ approved with the following modifications: _____

_____.

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

NEWBERRY COUNTY COUNCIL

(SEAL)

By:_____
Nicholas Shealy, Chairman

Attest:

_____
Andrew Wigger, Clerk to Council

1st reading: _____
2nd reading: _____
Public Hearing: _____
3rd reading: _____

Reviewed and approved as to form:

_____
Attorney

_____
County Administrator

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 10-01-2025

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

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

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

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

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

WHEREAS, the intent and purposes described in the preamble herein are fully set forth in the guidelines and requirements recommended to Newberry County Council by the Joint Planning Commission of Newberry County on July 15, 2025 and then amended following review by Newberry County Council on September 3, 2025; and

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

NEWBERRY COUNTY COUNCIL

BY: _____
Robert Shealy, Chairman

(SEAL)

ATTEST:

_____
Andrew Wigger, Clerk to Council

Approved as to form:

_____
Joanie Winters, County Attorney

_____
Jeff Shacker, County Administrator

1st Reading: **October 1, 2025**
2nd Reading: **October 15, 2025**
Public Hearing: **October 15, 2025**
3rd Reading: **November 5, 2025**

Newberry County Land Development Regulations

Article I – General Provisions

§ 154.001. AUTHORITY.

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

§154.002. TITLE.

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

§ 154.003. JURISDICTION.

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

§ 154.004. PURPOSE.

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

§ 154.005. SCOPE.

(A) No subdivision plat or other land development plan shall be approved unless all land intended for use as building sites can be used safely for building purposes, without danger from flood or other inundation or from other menaces to health, safety, or public welfare.

(B) No land shall be subdivided, nor shall a plat be recorded for any purpose, nor shall any parcel resulting from the subdivision of land be sold, shown, or offered for sale or lease, unless the requirements of this chapter are fully complied with.

(C) The regulations and procedures contained within this code are the minimum provisions for the protection of the health, safety, and welfare of the general public. This code is not intended to cover all situations that may be encountered; the subdivider is strongly encouraged to consult national, state, and local design standards that may apply to the property.

(D) The County Director of Public Works or his designee may require higher standards than those provided in this ordinance based on the type(s) of proposed uses and the proposed use of roadways associated with the proposed development.

§ 154.006. SEVERABILITY.

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

§ 154.007. RELATION TO OTHER ORDINANCES.

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

§ 154.008. REPEAL OF CONFLICTING ORDINANCES.

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

§ 154.009. EFFECTIVE DATE.

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

§ 154.010. *Reserved.*

§ 154.011. *Reserved.*

Article II – Administration and Enforcement

§ 154.012. PROCEDURAL RESPONSIBILITIES.

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

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

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

§ 154.013. LAND DEVELOPMENT ADMINISTRATOR.

(A) This chapter shall be administered and enforced by the Land Development Administrator, who shall have all powers and duties authorized by state law and local ordinance.

(B) The duties of the Land Development Administrator with regards to this chapter shall include:

(1) Processing requests for subdivision approval, variances and appeals;

(2) Interpreting terms and provisions;

(3) Reviewing and commenting on variance petitions;

(4) Maintaining files and other public records related to the administration and enforcement of these regulations.

(5) Coordinating all local, state, and other appropriate agency review and comment on all subdivisions proposed under these regulations;

(6) Approving, disapproving, or conditionally approving preliminary and final plats of minor subdivisions;

(7) Approving, disapproving, or conditionally approving final plats of major subdivisions;

(8) Chairing, scheduling, and coordinating input from the Land Development Review Committee;

(9) Providing reports to the Joint Planning Commission and County Council in support of their duties;

(10) Establishing such procedures as necessary and proper for the administration of their responsibilities under these regulations; and

(11) Any other duties assigned by the County Administrator, Joint Planning Commission, or County Council related to this chapter and authorized by state law.

§ 154.014. COUNTY DIRECTOR OF PUBLIC WORKS.

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

§ 154.015. COUNTY ADMINISTRATOR.

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

§ 154.016. LAND DEVELOPMENT REVIEW COMMITTEE.

The Land Development Review Committee shall meet at a time and place determined by the Land Development Administrator to assist with reviews of all major subdivision plats and minor plats as requested by the Administrator. The Land Development Review Committee shall include the County Zoning Administrator, County Director of Public Works, County Emergency Services Director, County Fire & Rescue Director, County EMS Director, County 911 Addressing Official, a representative of the Newberry County Sheriff's Office, SCDES Storm Water Management, SCDOT, FEMA, School District of Newberry County, and appropriate electric service provider, water service provider, and sewer service provider, and any other designee as identified by the County Administrator.

§ 154.017. COUNTY COUNCIL.

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

§ 154.018. JOINT PLANNING COMMISSION.

The Joint Planning Commission is charged with the following duties:

(A) Reviewing and making a recommendation on any amendments to this chapter;

(B) Approving, disapproving, or conditionally approving preliminary plats for major subdivisions;

(C) Approving, disapproving, or conditionally approving any final or bonded final plat referred to the Joint Planning Commission by the Land Development Administrator;

(D) Hearing and deciding requests to vary the regulations contained within this chapter;

(E) Hearing and deciding appeals from a decision of the Land Development Administrator; and

(F) Establishing an annual calendar for development review deadlines and meeting dates.

§ 154.019. PENALTIES AND REMEDIES.

(A) **Penalties Generally**. Where any land is subdivided in violation of this chapter, the Land Development Administrator may, in accordance with the provisions of *South Carolina Code of Laws § 56-7-80*, as amended, issue an ordinance summons, or institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful action.

(B) **Specific Remedies.** Specific remedies for the violation of any provision of this chapter include the following:

(1) Misdemeanor; penalties. It shall be unlawful for any person to subdivide property without meeting all of the requirements of this chapter. Conviction for violation of this ordinance is punishable as a misdemeanor under the general penalty provisions of the county code and the magistrate may impose any penalty up to the maximum permitted by state law.

(2) Withholding of permits. The Land Development Administrator and Chief Building Official shall deny permits for any use or work on any property subdivided in violation of this chapter. Other appropriate officials shall also withhold all other applicable county permits for work that violates this chapter.

(3) Injunction. Enforcement of the provisions of this chapter may also be achieved by injunction. When a violation occurs, the Land Development Administrator may, either before or after the institution of other authorized action, apply to the appropriate division of court for a mandatory or prohibitory injunction commanding the defendant to correct the unlawful subdivision of land.

(4) Order of abatement. In addition to an injunction, the Land Development Administrator may apply for, and the court may enter into, an order of abatement as part of the judgment in the case. An order of abatement may direct any of the following actions:

(a) Buildings or other structures on the property be closed, demolished, or removed;

(b) Fixtures, furniture, or other moveable property be moved or removed entirely;

(c) Improvements, alterations, modifications, or repairs to land and/or structures be made; or

(d) Any other action be taken that is necessary to bring the property into compliance with this chapter.

(C) **Complaints.** Whenever a violation of this chapter occurs, or is alleged to have occurred, the Land Development Administrator shall investigate such complaint and take such action as provided by this chapter. Complaints may be filed in writing or verbally, stating fully the cause and basis for the complaint.

(D) **Ordinance summons.** The Land Development Administrator is authorized to issue an ordinance summons pursuant to county code provisions for violations of this chapter.

§ 154.020. AMENDMENTS.

(A) **Review by Joint Planning Commission.** All proposed amendments to this chapter, except those initiated by the joint planning commission, shall be submitted to the commission for its recommendations as to approval, approval with specified alterations, or denial. Unless such recommendation is provided within 30 days of submittal or unless a longer period is agreed upon in writing by the person or agency initiating the proposal, the governing authority may proceed to act.

(B) **Public Notice and Hearing.** No such proposed amendment shall be acted upon by the governing authority until after a public hearing thereon, at least 30 days' notice of which shall have been published in a newspaper of general circulation in the county.

(C) **Limitation on Resubmittal.** Except when initiated by the governing authority or the joint planning commission, no proposed amendment failing of passage shall be considered in substantially the same form within one year of rejection.

§ 154.021. VARIANCES.

(A) **Initiation**. A petition for variance may be initiated only by the owner of the affected property, an agent authorized in writing to act on the owner's behalf, or a person having a written contractual interest in the affected property.

(B) **Filing**. A petition for variance must be filed with the Land Development Administrator on a form provided by the County, accompanied by a non-refundable filing fee as established by the County Fee Schedule.

(C) **Criteria for Approval.** The Joint Planning Commission shall grant such variance or modification only upon a determination that this Ordinance creates an unnecessary hardship in the development of the land and each of the following criteria has been met. It is the burden of the applicant requesting the variance to present evidence to support each of the criterion listed below. The Joint Planning Commission may not issue a requested variance to this chapter unless all of the following criteria have been met.

(1) The variance shall not be detrimental to the public health, safety, and general welfare of the county;

(2) The variance shall not adversely affect the reasonable development of adjacent property;

(3) The variance is justified because of topography or other special conditions unique to the property involved, and the variance is not requested due to mere inconvenience or financial disadvantage; and

(4) The variance is consistent with the objectives of this chapter and shall not have the effect of nullifying the intent or purpose of this chapter or any other pertinent county or state regulations.

(5) In addition to the above standards, when considering a variance from the design standards contained within Article 5, the following conditions shall be met:

(a) Indirect or restricted access cannot be obtained;

(b) No engineering or construction solutions can be applied to mitigate the condition(s) stated in the variance request;

(c) No alternative access is available from a street with a lower functional classification than the primary roadway; and

(d) The hardship was not self-created.

(D) **Action by the Joint Planning Commission.** The Joint Planning Commission may approve, approve with conditions, or deny the variance application.

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

§ 154.022. APPEALS.

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

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

§ 154.023. *Reserved.*

§ 154.024. *Reserved.*

Article III – Submission and Approval Procedures

§ 154.025. GENERAL PROCEDURES.

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

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

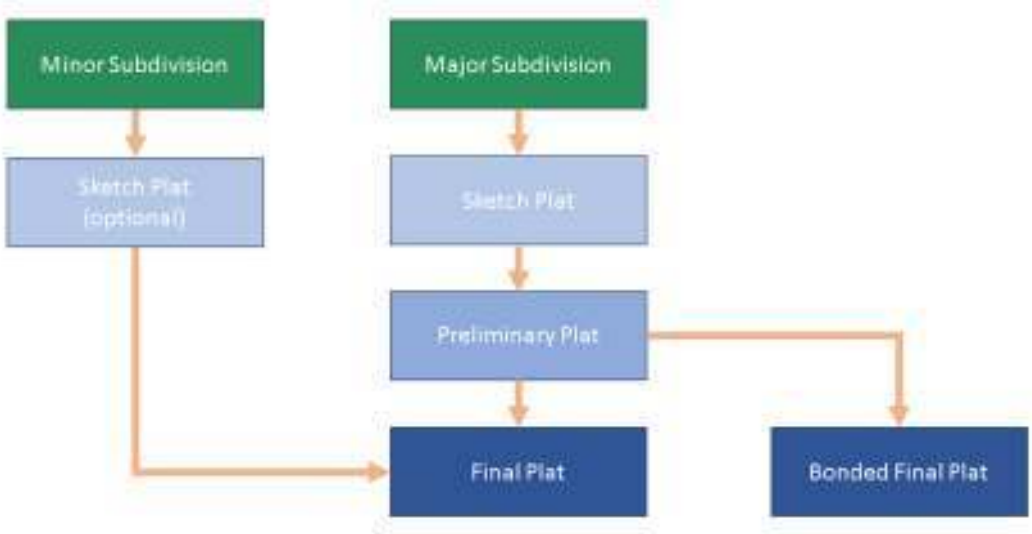
(1) Informal presentation of a sketch plat for discussion (optional);

(2) Determination of the subdivision type – either major or minor;

(3) Formal submission of a preliminary plat for approval (required for major subdivision);

(4) Formal submission of a final plat or bonded final plat for approval (required); and

(5) Recording of a final plat or bonded final plat (required).



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

§ 154.026. DETERMINATION OF SUBDIVISION TYPE.

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

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

(1) New public streets;

(2) Improvements to existing public streets;

(3) The extension of public water or sewer;

(4) Reservation of land for open space, school sites, public safety stations or similar facilities;

(5) The addition of a community wastewater system; or

(6) The installation of site drainage or other improvements impacting or having the potential to impact adjacent properties, streets or public lands including riparian corridors and wetlands.

(7) For the purpose of determining minor or major development status, a parent parcel shall be reviewed to determine the total number of parcel splits within a ten-year period. If a parent parcel has undergone more than five parcel splits that meet the definition of a subdivision, any splits from the parcel are considered a major development and are subject to review as a major development. Subdivisions of a parent parcel that do not meet the above requirement are minor developments and are subject to review as minor developments.

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

(1) Individual Plats for Land Division are described as follows.

(a) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this chapter and other relevant county ordinances;

(b) The division of land into parcels of five acres or more where no new street is involved and plats of these exceptions are submitted as information to the Land Development Administrator who shall indicate that fact on the plats;

(c) The combination or recombination of entire lots of record where no new street or change in existing streets is involved; and

(d) Property transferred by will, intestate succession, or forced division decreed by appropriate judicial authority or in the case of property transferred by tax sale as authorized by The Code of Laws of South Carolina 1976, as amended, and other platting actions as outlined in Section 154.027 (B).

(2) If at any time during the review process for a minor subdivision it is determined that improvements are needed or more lots than stated shall be created, and that such improvements or lot numbers trigger major subdivision review and approval, the Land Development Administrator shall notify the applicant that major subdivision requirements must be met.

§ 154.027. MINOR SUBDIVISIONS.

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

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

(1) Filing of application. Application for approval of a minor subdivision plat shall be made to the Land Development Administrator. The application submission shall include five copies of the surveyed plat and the number of copies which the applicant desires to be stamped and returned.

(2) Minor Plat Requirements. The minor subdivision plat shall be prepared with the inclusion of items as identified in Section 154.027. However, a topographic survey plat is not required when the preliminary plat calls for the subdivision of a parcel of land into a minor subdivision, unless required by the County Director of Public Works.

(3) Conformance with plats. The final plat shall conform in all respects to the final plat for subdivisions from which the minor plat is derived and approved by the Joint Planning Commission.

(4) Action by Land Development Administrator. The Land Development Administrator shall review and act upon the minor subdivision plat not later than 15 days after a complete application has been submitted.

(5) Distribution of copies for review. The Land Development Administrator may waive any requirement for one or more reviews for minor subdivision preliminary plats when in their opinion such review(s) is unnecessary, except that reviews by the County Director of Public Works shall be required when a new driveway connecting to a public road is proposed.

(6) Approval. If the minor subdivision plat and all supplementary data comply with all applicable requirements of this chapter, the Land Development Administrator shall approve the minor plat and such approval shall be noted on each copy of the minor subdivision plat.

(7) Denial. If the minor subdivision plat is denied, the reasons for such action shall be stated in writing and signed by the Land Development Administrator and postmarked or delivered in person to the applicant within five days after action was taken. If deemed necessary, any modifications required by the Land Development Administrator as prerequisites to approval of the minor subdivision plat shall be noted on a copy of the plat. The department shall retain one copy and the remaining copies shall be returned to the subdivider.

(8) Action. The Land Development Administrator shall provide the Joint Planning Commission with a monthly report of actions taken related to approvals of minor subdivisions.

(9) Appeals. The process for appealing a decision of the Land Development Administrator or Joint Planning Commission is provided in Article 2 of this chapter.

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

(1) Platting Action by Court Decree. Where a platting action is subject to court decree, the County Attorney is authorized to request that the court allow the Land Development Administrator to review said plat in order to advise the court on whether such action will adhere to the standards as established in this Ordinance.

(2) Boundary Surveys, Resurveys, and Lots of Record. A boundary survey includes the following items: a resurvey and a survey of a lot of record. A resurvey is a plat where no new lot boundaries have been added, deleted, or changed from a previously recorded plat. For purposes of this section, a survey of a lot of record refers to the creation of a survey for an existing lot that has previously been referenced only by a written deed prior to the adoption of this Ordinance. A boundary survey shall meet the standards of a final plat provided in §154.041. A boundary survey plat shall also show and provide the following information:

(a) A surveyor certification that the plat is a platted lot of record;

(b) A statement that the survey was undertaken to settle a property line dispute (to be signed by all affected members, if applicable);

(c) Plat book and page numbers of the recorded lots (resurvey only); and

(d) Deed book and page numbers of the recorded lots (lots of record).

(3) Estate Plats and Family Transfers. Estate plats and family transfers shall be reviewed and shall follow the same requirements as minor subdivisions and major subdivisions where applicable.

(4) Combination of Lots. A combination or recombination of lots occurs when an owner wishes to have two or more lots combined into an equal or fewer number of parcels. Lot

combinations shall meet the standards of a final plat provided in §154.041. The survey shall also show or be accompanied by the following information:

(a) Common lot lines shown as dashed on the plat, and a note shall be added that specifies that the common lot lines are to be "deleted upon recording of the plat;"

(b) A certification of ownership and dedication of the plat agreeing to the combination of lots signed by the owner(s) of the affected properties;

(c) Water and sewer authority signoff on the plat indicating approval of the combination; and

(d) Combinations and recombinations shall meet all access requirements, and current and proposed access to the property shall be shown on the plat.

(5) Lot Reconfigurations. An alteration of lots occurs when a lot line is changed from what is provided on a previously recorded plat. Lot alterations shall meet the final plat standards provided in §154.041. The survey shall also show or be accompanied by the following information:

(a) Common lot lines to be deleted shall be shown as dashed on the plat and a note shall be included that specifies that the common lot lines are to be "deleted upon recording of the plat;"

(b) The owner(s) of the affected properties shall sign a certification of ownership and dedication on the plat agreeing to the combination of lots;

(c) Water and sewer authority signoff on the plat indicating approval of the combination;

(d) Lot reconfigurations shall meet all access requirements. Current and proposed access to the property shall be shown on the plat; and

(e) Portions of lots affected by the reconfiguration shall be clearly identified and the tax map parcel(s) it shall be combined with shall be clearly indicated.

(6) Mortgage Plats. A mortgage plat identifies a lot, parcel, or portion of a lot or parcel, that has a financial lien against it. Mortgage plats shall meet the standards of a final plat as provided in §154.041.

(7) Land Contract Sales Parcels. Land contract sales parcels shall be treated in the same manner as minor subdivisions or major subdivisions, as applicable.

(8) Lease Parcels. Lease parcels shall be treated in the same manner as minor subdivisions or major subdivisions, as applicable.

(9) Easements. Easement plats are used to record easements across a property or properties. Easement plats shall meet the standards of a final plat as provided in §154.041. The survey shall also show or be accompanied by the following information:

(a) Easements (existing or proposed) shall be clearly delineated with dashed lines marking the boundaries;

(b) A statement shall be included on the plat indicating that the survey is not a subdivision and shall identify the entity responsible for ownership and maintenance; and

(c) All affected property owners must sign the plat.

(10) Wetland Delineations. Wetland delineation plats shall meet the standards of a final plat as provided in §154.041. The survey shall also show or be accompanied by the following information:

(a) An approval letter from the U.S. Army Corps of Engineers, containing the SAC permit number that directly refers to the specific plat;

(b) U.S. Army Corps of Engineers SAC permit number provided on the plat; and

(c) A statement on the plat indicating that the survey is not a subdivision and the purpose is to delineate U.S. Army Corps of Engineers jurisdictional wetlands.

(11) As-Built (Record) Plans. As-built plans shall meet the standards of a final plat as provided in §154.041. The survey shall also show or be accompanied by the following information:

(a) All existing structures on the property, including distances to property lines and square footage of all structures. All principal structures shall meet required setbacks;

(b) Street locations with centerline stationing and curve data;

(c) Street centerline elevations at 100-foot intervals;

(d) Drainage structures and elevations;

(e) Drainage pipes with size, material, length, slope, and invert elevations;

(f) Ponds or lakes with average bottom and water surface elevations. Any control structures shall be shown in detail;

(g) Drainage ditches and swales with elevations at 100-foot intervals; and

(h) Water and sewer as-built information as required by the appropriate utility company.

(12) Phasing Plats. All phasing plats shall conform to the phasing plan as approved by the Planning Commission. Phasing plats shall conform to the phasing plan approved by the Planning Commission in all aspects including the corresponding phase number, metes, bounds, and dimensions of each phase. Phasing plats shall meet the standards of a final plat as provided in §154.041. The survey shall also show or be accompanied by the following information:

(a) The plat shall be clearly identified as a phasing plat. Phasing plats shall state the date of Joint Planning Commission approval of the corresponding phasing plan; and

(b) A statement shall be provided on the plat that indicates that the survey is to facilitate building development and the phase lines shown are in accordance with an approved phasing plan.

(13) Cemetery Lots. New or expanded cemeteries created after the adoption of this Ordinance shall be treated in the same manner as lot reconfigurations except that cemeteries are not required to provide written water and sewer authority approval.

(a) Cemetery plats shall conform to standards of a final plat as provided in §154.041 and indicate the size and location of all individual plats and access easements. Individual burial plots and access easements shall be delineated with dashed lines. Cemetery plats shall document the creation and expansion of a cemetery. Cemetery lots shall not be used for the sale of individual sites for building purposes, with the exception of mausoleums, crematories, monuments or other facilities serving to maintain or otherwise guarantee the perpetual care of individual burial plots.

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

(A) The developer is encouraged to meet with the Land Development Administrator early in the planning process to informally discuss the intended development project and to provide a sketch plat for informal review. The objectives of this discussion are to:

(1) Provide early identification of potential problems or conflicts with any applicable county policy or county or state law; and

(2) Discuss alternatives and options for design elements such as the location of roads, lot lines, open space, easements, and similar features, prior to the commitment of financial resources by the applicant.

(B) Sketch plats do not require formal approval, nor do they bind the developer. Similarly, the Land Development Administrator is not bound to approve any element of the subdivision by virtue of its being included as part of a sketch plat that has been reviewed.

(C) Sketch plats and other supporting documentation to be discussed should be provided in one clearly legible hard copy (paper) and one in digital PDF format. The applicant is encouraged to provide a sketch plat of the entire parcel even if the present plan may only call for the development of a portion of the property.

§ 154.029. SUBMISSION AND REVIEW OF A PRELIMINARY PLAT.

(A) **Filing of application for major subdivisions**. Application for approval of a preliminary plat of a major subdivision must be made to the Land Development Administrator at least 15 days prior to the Joint Planning Commission meeting at which the plat is to be considered. In making application, a subdivider, developer, or property owner shall include one full hard copy set of the preliminary plat, a completed application, and other materials at a scale that is legible and reproducible as may be required in these regulations. All materials must also be provided in digital format as PDFs.

(B) **Distribution of copies for review**. The Land Development Administrator shall submit copies of preliminary plats for major subdivisions to the Newberry County Director of Public Works or their designee for review and comments. The applicant is required to apply for a sanitary sewer system review with the regional SCDES office. The applicant is then responsible for providing the SCDES report of the review to the Land Development Administrator prior to approval of the plat. The Land Development Administrator may waive any requirement for one or more reviews for minor subdivision preliminary plats whenever in their opinion such review is unnecessary, except that reviews by the County Director of Public Works or their designee shall be required whenever a new driveway connecting to a public road is proposed.

(C) **Fees**. To defray the costs of administration and notification, the applicant shall be required to pay fees prior to the review and approval of preliminary plats. Such fees are established as part of a separate fee schedule adopted by the County Council. Fees are due at the time of filing.

(D) **Comments by Land Development Review Committee**. Each member of the committee shall be asked to review the plats to be considered and their review comments shall become part of the Land Development Administrator's record of findings supporting the final decision.

(E) **Action on a plat for a major subdivision**. The Joint Planning Commission shall approve, approve conditionally, or deny the preliminary plat for a major subdivision. If the preliminary plat is denied approval or approved conditionally, the reasons for such actions shall be stated in writing, signed by the chair of the Joint Planning Commission, and mailed or delivered in person to the applicant within five days after action was taken.

(F) **Approved copy**. If the preliminary plat is approved, the Building and Zoning Department shall retain one copy and one copy shall be given to the applicant.

(G) **Authorization granted by preliminary plat; time limits**. Preliminary plat approval shall be authorization for the subdivider to proceed with the installation of site improvements and to proceed with preparation of the final plat but shall not authorize the sale or transfer of lots.

(1) Time Limits for installation of improvements. Approval of the preliminary plat shall become void unless more than 50 percent of the installation of improvements has been completed or unless a final plat of all or a portion of the subdivision is submitted for approval within two years of the date of said approval. However, the Planning Commission may waive this requirement and consent to an extension of said time period if the applicant can show just cause.

(2) Phasing. If the subdivider is proposing to develop the preliminary plat in phases, a phasing plat shall be included in the preliminary plat submission. Any proposed changes to the phasing plat shall be approved by the Land Development Administrator and County Director of Public Works or their designee. The subdivider must begin the construction of all approved phases of the preliminary plat within 24 months of plat approval or such plat must be resubmitted for the Land Development Administrator's further review and approval.

(H) **Installation of improvements prior to approval of plat**. No permanent improvements shall be made prior to the granting of approval of a preliminary plat by the Land Development Administrator.

(I) **Appeals**. The process for appealing a decision of the Land Development Administrator or Joint Planning Commission is contained within Article II of this chapter.

(J) **Certification**. Approval of the preliminary plat shall be noted on the preliminary plat as stamped by the Land Development Administrator. Such notation shall include the date on which the Land Development Administrator or Joint Planning Commission granted approval.

(K) **Effect of preliminary plat approval**. Upon approval of the preliminary subdivision plat, the subdivider may proceed with compliance with the other requirements of this chapter, construction of proposed improvements, and the preparation of the final subdivision plat. Approval of a preliminary subdivision plat shall not constitute approval of the final subdivision plat. Application for approval of the final plat shall be considered only after the requirements for final plat approval, as specified herein, have been fulfilled and after all other specified conditions have been met.

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

(A) **Filing of application**. Application for approval of a final plat of a proposed subdivision shall be made to the Land Development Administrator. In making application, a subdivider of property shall include four hard copies and one digital copy in PDF format of the plat and the number of copies that the applicant desires to be stamped and returned.

(B) **Conformance with preliminary plat**. The final plat shall conform in all respects to the preliminary plat as previously approved by the Joint Planning Commission but shall incorporate all modifications required by the Joint Planning Commission in its review of the preliminary plat. Any substantial deviation from the preliminary plat or the modifications required by the Joint Planning Commission, as determined by the Land Development Administrator, shall require the Joint Planning Commission to act on the final plat.

(C) **Installation of improvements**. Prior to approving a final plat, all required site improvements must have been installed to the county's satisfaction or a financial guarantee, naming the county as

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

(D) **Action by Joint Planning Commission**. If Joint Planning Commission action is required, the Commission shall review and act upon the final plat at its next regularly scheduled meeting. The Land Development Administrator shall notify the applicant, in writing, of the Commission's actions not later than 15 days after such meeting. The applicant may waive this requirement and consent to the extension of such period.

(E) **Approval**. If the final plat and all supplementary data comply with all applicable requirements of this chapter, the Land Development Administrator shall note such approval on each copy of the final plat.

(F) **Denial**. If the final plat is denied, the reasons for such action shall be stated in writing and signed by the Land Development Administrator and postmarked or delivered in person to the applicant within five days after action was taken. If deemed necessary, any modifications required by the Land Development Administrator or Joint Planning Commission as prerequisites to approval of the final plat shall be noted on the plat. The Building and Zoning Department shall retain one copy of the final plat and the remaining copies shall be returned to the subdivider.

(G) **Appeals**. The process for appealing a decision of the Land Development Administrator or Joint Planning Commission is contained within §154.022 of this chapter.

§ 154.031. SUBMISSION AND REVIEW OF BONDED FINAL PLATS.

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

(A) **Filing of Application**. Application for approval of a bonded final plat of a proposed subdivision shall be made to the Land Development Administrator. In making application, a subdivider of property shall include four hard copies and one digital copy in PDF format and the number of copies which the applicant desires to be stamped and returned, as well as an estimate for the completion of infrastructure items as approved by the Joint Planning Commission at preliminary approval but that have not been completed. These infrastructure items shall be listed, and cost estimates provided for the completion of each listed item. The cost estimates shall be reviewed and approved by the County Director of Public Works or their designee based on related costs associated with the completion of such infrastructure improvements.

(B) **Conformance with Preliminary Plat**. The bonded final plat shall conform in all respects to the preliminary plat as previously approved by the Joint Planning Commission but shall incorporate all modifications required by the Joint Planning Commission in its review of the preliminary plat. Any substantial deviation from the preliminary plat or the modifications required by the Joint Planning Commission, as determined by the Land Development Administrator, shall require the Joint Planning Commission to review and act on the bonded final plat.

(C) **Establishment of Financial Guarantee**. Prior to approving a bonded final plat, a financial guarantee, naming the county as payee, must be posted to secure the actual construction and installation of required site improvements. Such financial guarantee shall meet the requirements of §154.032.

(D) **Action by Joint Planning Commission**. The Joint Planning Commission shall review and act upon the bonded final plat at its next regularly scheduled meeting following a complete submittal of the application materials by the applicant. The Land Development Administrator shall notify the applicant, in writing, of the Commission's actions not later than 15 days after such meeting. The applicant may waive this requirement and consent to the extension of such period.

(E) **Approval**. If the bonded final plat and all supplemental information that comply with all applicable requirements of this chapter are approved by the Joint Planning Commission, the Land Development Administrator shall note such approval on each copy of the bonded final plat. The bonded final plat may be recorded with the Newberry County Clerk of Court as outlined in §154.032. The sale of individual lots may occur following the recordation of the bonded final plat.

(F) **Inspection and Administration.** During the period in which the County is in possession of the financial guarantee, the applicant shall regularly update the Land Development Administrator on the status of the improvements. Periodic inspections may be conducted by the Land Development Administrator at the development site. The Land Development Administrator shall maintain the status of financial guarantees and shall notify the County Administrator, the County Attorney, and the developer at least 30 days in advance of a financial guarantee expiration. Within the 30-day period prior to expiration, the developer shall notify the Land Development Administrator of their intentions to complete the improvements or obtain a revised financial guarantee to extend the date of infrastructure completion.

Upon completion of the improvements and prior to the expiration of the financial guarantee, the developer shall notify the Land Development Administrator that such improvements are complete. The Land Development Administrator and the County Director of Public Works or their designee shall inspect the site as they deem necessary to ensure that compliance with the preliminary plans has been achieved. Upon their satisfaction, a copy of their report shall be completed and included within the project development file and release of the financial guarantee may begin.

(G) **Denial**. If the bonded final plat is denied by the Joint Planning Commission, the reasons for such action shall be stated in writing, signed by the Land Development Administrator, and postmarked or delivered in person to the applicant within five days after action was taken. If modifications are required by the Land Development Administrator or Joint Planning Commission as prerequisites to approval of the bonded final plat, they shall be noted on a copy of the plat. The Building and Zoning Department shall retain one copy of the bonded final plat and the remaining copies shall be returned to the subdivider.

(H) **Appeals**. The process for appealing a decision of the Land Development Administrator or Joint Planning Commission is included in §154.022 of this chapter.

§ 154.032. FINANCIAL GUARANTEES FOR BONDED FINAL PLAT APPLICATIONS.

(A) Prior to completion of all required improvements by the subdivider, financial guarantees covering such improvements shall be prerequisite to Joint Planning Commission action on the application for bonded final plat approval. The subdivider shall submit such guarantees in accordance with the requirements of this section.

(1) The subdivider may post a financial guarantee with the county guaranteeing the completion of designated improvements in compliance with the requirements herein. The security must be in a form acceptable to the county by an issuer licensed by the state of South Carolina. The county shall not accept such financial guarantees to be posted for dedicated private ingress/egress easements and/or dedicated private rights-of-way.

(2) The county shall have the right to refuse such security for any improvements and to require construction and installation thereof by the subdivider.

(3) Where accepted by the county, the security shall:

(a) Empower the county or, if applicable, any other governmental unit having a legal responsibility for the construction and completion of the improvements to draw on

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

(b) Be in an amount equal to 150 percent of the cost, as estimated by the developer's engineer and approved by the County Director of Public Works or their designee, for any improvements which have not been constructed in compliance with the requirements of this chapter prior to the posting of such security and for which sufficient certification has been furnished. Any financial guarantee must be readily accessible from a financial institution with a location in Newberry County.

(4) If any or all the required improvements are not completed within the time specified by the Planning Commission, the county may complete the improvements using the posted security to defray the costs of such required improvements.

(5) The financial guarantee may be reduced as improvements are constructed. No more than two reductions may occur for the portion of the development covered under the financial guarantee. Requests for reduction shall be subject to the approval of the County Administrator or his designee. Requests for reduction shall require receipts from installation of the improvements and an acceptable inspection of such improvements by the County Director of Public Works or their designee.

§ 154.033. RECORDING OF FINAL PLAT.

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

§ 154.034. LONG-TERM MAINTENANCE AND PERFORMANCE.

(A) Upon completion of the construction and installation of required improvements, the subdivider shall file with the Building and Zoning Department written certification that the improvements have been completed according to the final plat, including design drawings and specifications submitted as part of the plat, and according to the requirements of this chapter and Chapter 91 of the Newberry County Code of Laws as administered by the County Director of Public Works or their designee.

(1) The subdivider shall guarantee the completed public roadways and drainage system improvements against defect in function, workmanship, and materials for two years following acceptance of such improvements under warranty.

(2) The subdivider shall furnish a financial guarantee with the county guaranteeing the maintenance of the improvements and/or correction of deficiencies during the warranty period.

(3) The warranty period security shall be in an amount equal to 20 percent of the cost of the completed roadway and drainage system improvements.

(4) The security shall empower the county to draw, in its sole discretion, on the posted funds to correct deficiencies which the subdivider does not correct in a timely manner.

§ 154.035. DEVELOPMENT REVISIONS.

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

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

(2) The shift or widening of easements;

(3) Correction of the distances or bearings of property lines;

(4) A change of land use;

(5) Correction of general information; or

(6) An increase in density of up to 5% of the total dwelling units for the development.

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

§ 154.036. *Reserved.*

§ 154.037. *Reserved.*

Article IV – Survey and Plat Requirements

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

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

§ 154.039. SKETCH PLAT.

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

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

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

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

(1) Water Availability. Applicable public utility shall certify that public water is available to service the development or SCDES shall certify that the property can support adequate wells and the plans as submitted are acceptable.

(2) Sewer Availability. Applicable public utility shall certify that public sewer is available to service the development 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 parcels 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 parcel to be subdivided
Zoning Classification(s)	Zoning classifications assigned to the property to be developed and adjacent properties
Setbacks	Setbacks, as required by the zoning ordinance
Roadways	Centerline, outer edges, and rights-of-way of existing or platted highways, streets, and roads on or adjacent to the property to be subdivided, including the names of these features
Watercourses, Railroads, Utilities, and Bridges	The location of bodies of water, railroads, utilities, and bridges, either on or adjacent to the property to be subdivided, including the names and owners of these features
Proposed Site Information:	
Lots and Dwelling Units	Total lots created and total proposed dwelling units
Lot Lines	All proposed interior lots lines, identified by metes and bounds
Lot and Block Numbers	Proposed lot and block numbering, including phasing
Lot Size	All lot sizes identified by area
Interior Easements	All proposed interior easements, including location, dimension, and purpose
Public Areas	All proposed parks, school sites, and other areas designated for common use by the property owners or for public use
Buffers, Setbacks, Landscaping, Open Space	Buffers, setbacks, open space, and landscaping plans, as required by the zoning ordinance
Roadways	Centerline, outer edges, and rights-of-way of proposed streets, including pavement widths and approved street names
Restrictive Covenants	Restrictive covenants to be filed with the Clerk of Court for the development
Dedication or Reservation	An offer of dedication or reservation of public areas and easements as provided in §154.052

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

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

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

Or

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

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

§ 154.042. BONDED FINAL PLAT.

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

BONDED FINAL PLAT	
ITEM	**ITEM DESCRIPTION**
BONDED FINAL PLAT	**A final plat prepared in advance of infrastructure being constructed.**
Identification Data:	
Name of Subdivision	Proposed name of the development
Names and Identification Information	Names of property owner(s) or agent authorized by the owner(s) and addresses and tax map numbers of property to be subdivided and adjacent properties, names and contact information for the developer(s), surveyor(s), and engineer(s) involved in the project
Attribute Data:	
Location Map	Map that describes the proposed development in relation to the surrounding area
Scale, North Arrow and Date	A graphic scale, a numerical scale, a north arrow, and the date such plat was drawn
Tax Map Numbers	Tax map numbers for the parent parcels and adjacent properties
Acreage	Total acreage to be subdivided
Dedication Statement	A signed dedication statement for all new rights-of-way and/or ingress/egress and general utility easements as specified in §154.041 (A)
Seal	Raised seal of registered land surveyor/engineer preparing the survey
Existing Site Information:	
Boundaries	All existing political boundaries, property lines, and easements
Exterior Boundaries	Boundaries of the parcel 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 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 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 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 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 parcel 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 a minimum of 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 a minimum of two separate access roads, each approved for fire access by the Newberry County fire code official, regardless of whether they are equipped with an approved automatic sprinkler system(s).

(c) *Access Road Separation in Multi-Family Residential Developments*. Where two access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

(2) One- or Two-Family Residential Developments.

(a) One- or two-family residential developments that include more than 30 dwelling units shall have two separate access roads, each approved for fire access by the Newberry

County fire code official. However, such projects in which all dwelling units are equipped throughout with an approved automatic sprinkler system(s) installed per the requirements of the S.C. Fire Code are required to have only one approved access road.

(b) The number of dwelling units accessed from a single access road approved by the Newberry County fire code official shall not be increased unless the access roads will connect with future development, as determined by the Newberry County fire code official.

(c) *Access Road Separation in One- and Two-family Residential Developments*. Where two access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

§ 154.048. STREETS.

(A) **Conformity Required**. Plans for public and private streets must comply with and be approved by the county in accordance with *Chapter 91 - Road and Development Design* of the Newberry County Code of Ordinances prior to preliminary plat approval. All constructed streets must also comply with the minimum requirements of Chapter 91 prior to acceptance by the county. Road names and addresses are subject to, and must be approved in accordance with, the requirements of *Chapter 94 - Streets and Sidewalks* of the Newberry County Code of Ordinances.

(B) **Road Layout**. The location and width of all proposed streets shall be in conformity with official plans and maps and with existing amended plans of the Joint Planning Commission. The street layout of the proposed subdivisions shall provide for the continuation or projection of streets already existing in areas adjacent to the area being subdivided.

(C) **Dead End Streets/Cul-de-sacs, Temporary**. Where the Joint Planning Commission deems it necessary, dead-end streets shall be provided with an approved temporary turnaround having radius of at least 50 feet. Dead end streets designed to be permanently closed at one end shall not exceed 2,000 feet in length without an intermediate turnaround and shall not exceed 4,500 feet in total length. In no case shall a temporary cul-de-sac serve as primary access to more than 40 dwelling units.

(D) **Intersections**. Not more than two streets shall intersect at one point. All streets shall intersect as nearly to right angles as possible, subject to variations approved by the Joint Planning Commission upon evidence of good cause. In no case shall streets intersect at an angle of less than 75 degrees. Streets intersecting other streets shall either intersect directly opposite to each other or shall be separated by at least 150 feet between centerlines, measured along the centerline of the street being intersected.

(E) **Road Signs**. All road signs, including signs for private roads, shall be designed, installed, and maintained by Newberry County, unless an alternative design is reviewed and approved by the Joint Planning Commission.

(F) **Driveway Connections**. All driveway connections to public roads must comply with South Carolina Department of Transportation (SCDOT) regulations, or Chapter 91 of the Newberry County Code of Ordinances, as applicable. All driveway connections to a county road must be approved by Newberry County. All driveway connections to a S.C. Highway must be approved by SCDOT.

(G) **Gated Subdivisions.** Gated subdivisions proposed for development after the effective date of this chapter shall be subject to approval by the Joint Planning Commission consistent with the following criteria:

(1) Gated subdivisions shall not be permitted in any location where the Joint Planning Commission determines that such location interferes with roadway, pedestrian, or shared-use path networks outlined in an official plan adopted by the County or SCDOT.

(2) Entrances shall be designed to permit full access by police, fire, rescue, and similar emergency vehicles and shall have written approval of all appropriate emergency service agencies prior to approval of the gate. Unmanned gates shall open automatically at the sound of a "yelp" from an emergency vehicle siren unless otherwise approved in writing by all appropriate emergency service agencies. In addition, a keypad at the entry gate shall be programmed to allow entry by emergency personnel. The developer and property owners' association shall provide unfettered access to all private streets for emergency and law enforcement vehicles and shall provide reasonable access for county and state employees and vehicles operating within the scope of their official duties to perform those duties, and to all public utility companies and vehicles to perform installation and maintenance of public utilities infrastructure.

(3) Entry gates shall have sufficient minimum gate widths and openings to allow safe passage of all vehicles permitted to use public roadways. Unless overhead barriers provide a minimum of 13 feet, six inches of clearance at the lowest point, there must be at least one additional entry gate and one additional exit gate without overhead barriers or obstructions.

(4) Gatehouses and entry gates shall be located outside any right-of-way or required buffer areas.

(5) Entry gates shall be set back a sufficient distance from public street entrances to meet SCDOT or County requirements and shall provide for stacking and safe access for at least three passenger vehicles (at least 54 feet). An additional setback between the point of the access control device and the entry gate shall be required to allow a passenger vehicle that is denied access to turn around and exit safely onto a public street.

(E) **Sidewalks**. Sidewalks are not required, but if included in a proposed development they must meet all applicable American Disabilities Act requirements.

§ 154.049. BLOCKS.

(A) **Design Generally**. Block size and shape shall reflect the physical characteristics of the site regarding topography, applicable zoning requirements, natural growth, and soil conditions, and shall permit access, circulation, control, and safety of traffic.

(B) **Maximum Length**. No block shall be more than 2,000 feet in length.

(C) **Minimum Length**. No block shall be less than 600 feet in length. Where practicable, blocks along arterial and collector streets shall be not less than 1,000 feet in length.

(D) **Residential Areas**. In general, blocks used for residential purposes shall be of sufficient width to allow for two tiers of lots of appropriate depth, except where reverse frontage lots are required along a major street, or where prevented by the size, topographical conditions, or other inherent conditions of property, in which case the approval of the Land Development Administrator is required.

(E) **Commercial and Industrial Areas**. Blocks in commercial and industrial areas may vary from the elements of design detailed in this section if required by the nature of the use, subject to the approval of the administrative officer.

(F) **Pedestrian Ways and Crosswalks**. Pedestrian ways and crosswalks, not less than 10 feet wide, may be required by the Planning Commission through the center of blocks more than 800 feet

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

§ 154.050. LOTS.

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

(B) **Design Generally**. The lot size, width, shape, grade, and orientation shall be in proper relation to street and block design, and to existing and proposed topographical and natural vegetative conditions, and appropriate for the type of development and use contemplated.

(C) **Zoning Requirements**. Where applicable, all lots shall meet the minimum area and dimensional requirements for the zoning district within which they are located.

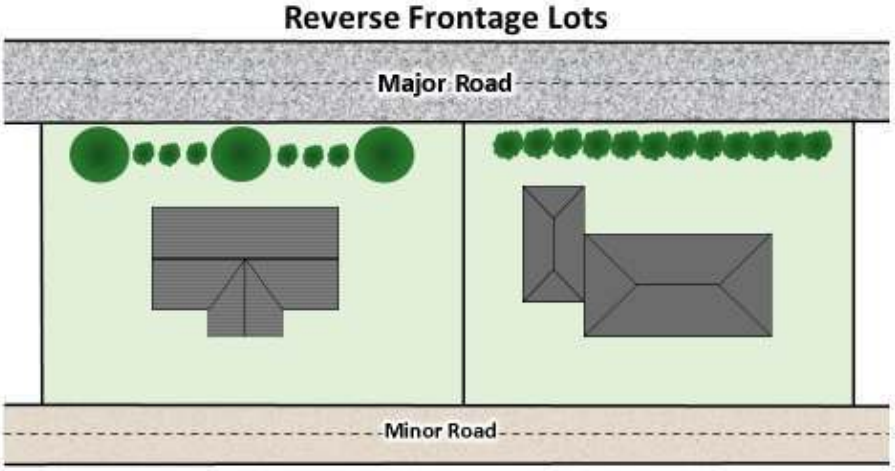
(D) **Orientation of Side Lot Lines**. Insofar as practical, side lot lines shall be at right angles to straight street lines and radial to curved street lines.

(E) **Corner Lots**. Corner lots shall be of sufficient size and shape to permit required building setback and orientation to both streets.

(F) **Remnants**. Remnants of land not meeting all requirements of this chapter for a lot shall be prohibited.

(G) **Driveways on Corner Lots**. Driveways on corner lots shall be located at least 40 feet from the point of intersection of the nearest street right-of-way lines. Minimum frontage for any corner lot shall be 40 feet.

(H) **Reverse Frontage Lots**. Reverse frontage lots are prohibited, except where required to provide separation of residential development from major streets or to overcome specific disadvantages of topography or orientation. Access to the lot shall be only from the lower order street.



(H) **Flag Lots.** The creation of flag lots is discouraged. The Planning Commission may only approve flag lots where, in its discretion, such lots would be impractical to extend a public street and meet all of the following criteria:

(1) The flag lot(s) do not pose a safety hazard for residents or uses as determined by emergency services providers;

(2) No flag lot abuts more than one other flag lot;

(3) The access appendage (flag lot pole) may not be contiguous to the access appendage of another flag lot. Flag lot poles serving individual flag lots or flag lot pairs must be separated by a minimum of 100 feet along the public or private road;

(4) Flag lots shall not constitute more than 10% of the total number of building sites in a given development, or three lots, whichever is greater;

(5) The lot area occupied by the flag lot pole is not counted as part of the required minimum lot area and the lot otherwise meets all dimensional requirements for the zoning district in which it is located;

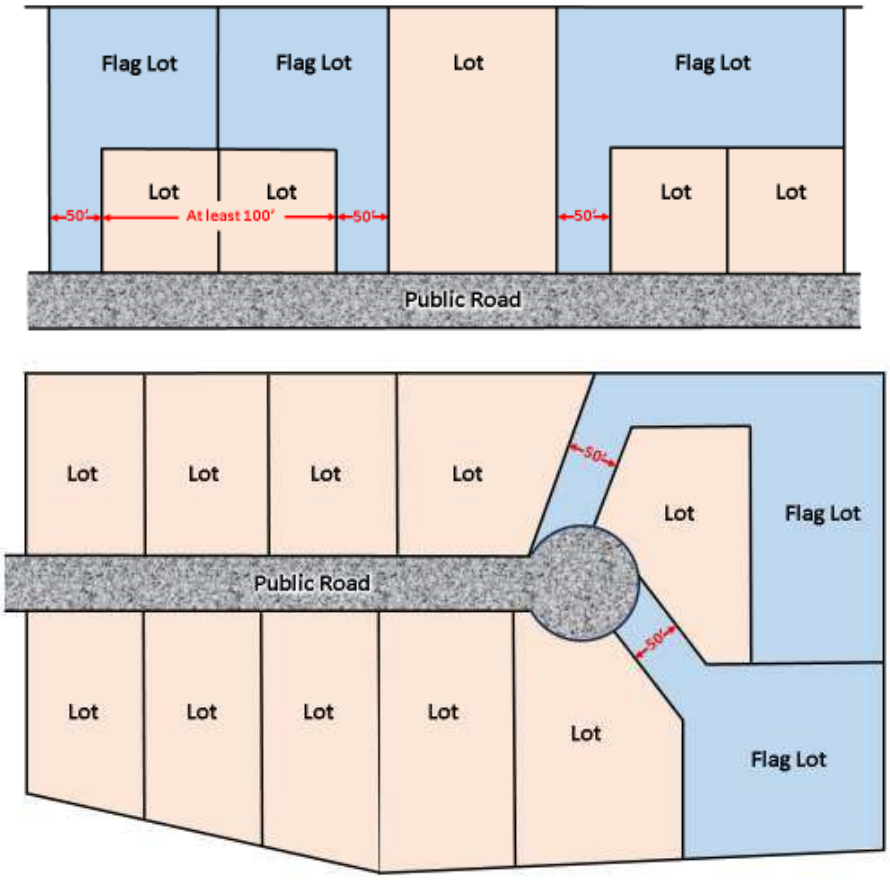
(6) No flag lot pole shall exceed 500 feet in length from the road right-of-way;

(7) The flag lot pole shall be a minimum of 50 feet in width;

(8) The pole of the flag lot must have street frontage and be a legal part of the flag lot parcel;

(9) Flag lots, once created, may not be further subdivided; and

(10) All driveway connections to public roads, including flag lot poles, must comply with SCDOT regulations.



(I) **<u>Landlocked Parcels</u>**. 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 50 feet in width and shall not be vacated without the express approval of the Land Development Administrator;

(2) Subdivision of a landlocked parcel is not permitted; and

(3) The address of the landlocked parcel shall be prominently displayed at the intersection of the entrance to the property and the public street to aid in public safety access.

§ 154.051. EASEMENTS.

(A) **Drainage Easements**. Where a subdivision is traversed by a water course, drainage way, channel, or stream, adequate areas for stormwater drainage easements shall be reserved, conforming substantially to the lines of such water courses, and of sufficient width to convey stormwater and to provide for maintenance and improvement of such water courses. The location of any surface watercourse, channel, or stream shall not be changed without the approval of the governing authority. Where practicable, drainage easements shall center along or be adjacent to a common property line. The minimum acceptable drainage easement shall be determined by the following formula: three times the depth, plus the bottom width, plus 20 feet. The ditch shall be offset in the easement to provide 15 feet on one side at the top of the ditch bank (the same side for the length of the easement) for the purposes of maintenance. Drainage improvements within county-owned easements are maintained by the county for the conveyance of storm water; however, the general maintenance of easements for appearance shall be the responsibility of the property owner.

(B) **Utility Easements**. Adequate areas of suitable size and location shall be allocated for utility easements. The location and size of such easements shall be worked out with the public and private utilities involved. The easements shall center along, or be adjacent to, a common property line where practicable, and the easements shall be installed underground except where unusual circumstances prohibit such practice.

(C) **Maintenance**. The county shall maintain only those improvements specifically accepted for public maintenance by the county. Other easements shall stipulate that property owners shall be responsible for general maintenance of such easements.

(D) **Easement and Right-of-Way Clearance**. Easements must remain free of trees, brush, stumps, debris, trash, fallen trees, and other obstructions, and proposed rights-of-way shall similarly be cleared, and obstructions removed, prior to acceptance.

(E) **Encroachments**. Encroachments, including landscaping, fences, and utilities shall not be constructed within a county-maintained easement or right-of-way unless an encroachment permit is obtained from the county.

(1) The encroachment permit review and inspection fee are set forth in the Newberry County Fee Schedule.

(2) The county may require a financial guarantee for encroachment permits where potential damages warrant or for applicants who have previously failed to comply with permit requirements.

§ 154.052. RESERVED OPEN SPACE.

(A) **Applicability and Conformity.** The reservation of open space land shall be required for all major subdivisions. All open space shall conform to the requirements of this section and open space requirements contained within the Zoning Ordinance. Where a conflict occurs, the most stringent provision shall be required.

(B) **Identification of Reserved Open Space**. Reserved open space shall be identified during the preliminary plat process per §154.029 and dedicated through the County's dedication process per §154.041 and Chapter 91 of the Newberry County Code of Laws during the final plat or bonded final plat process.

(C) **Minimum Required**. No less than 10% of the gross acreage of the subdivision must be set aside as open space.

(D) **Uses**. Open space may include recreational areas, wooded areas, and environmental open space. Environmental open space is defined as any pervious area set aside for the protection, enhancement, or creation of water quality buffers, wildlife habitat, view corridors, flood hazard mitigation, or similar environmental features and may or may not include public access.

(E) **Cemeteries.** When an existing cemetery is located on property that is being developed as a major subdivision, the cemetery must be considered to be open space and left undisturbed. Such existing cemetery must be protected by a 15 ft. setback and buffer on all sides. Pursuant to South Carolina law, reasonable access to the cemetery must be provided to family members and descendants of those buried in the cemetery. All provisions of the South Carolina Code of Laws, the South Carolina Code of Regulations, and Orders of the Governor of South Carolina applicable to cemeteries, grave sites, and burial grounds shall be adhered to and complied with.

§ 154.053. SPRINKLER AND IRRIGATION SYSTEMS

Sprinkler and irrigation systems shall not be installed within any Newberry County right-of- way unless specifically approved by the County Director of Public Works. All such approved sprinkler and irrigation systems shall be accompanied by an appropriate under drain system to remove excess water in the sub-grade for the protection of the pavement. All sprinkler systems, including those adjacent to a County right-of-way, shall be constructed so as not to cause water to be cast or stand upon the pavement. If irrigation is installed within a median, drawings must be submitted to show where the drainage will be discharged.

§ 154.054. 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.

§ 154.055. 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.

§ 154.056. 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.

§ 154.057. 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.

§ 154.058. 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.

§ 154.059. 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.

§ 154.060. 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.

§ 154.061. *Reserved*.

§ 154.062. *Reserved*.

Article VI – Definitions

§ 154.063. 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.

§ 154-064. 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 that is suitable for emergency service vehicles.

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 parcels 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.

PARCEL. *See "Lot."*

PARENT PARCEL. A parent parcel is defined as the original lot, parcel, or tract of land, as established in the Newberry County Assessor's records, from which proposed subdivided lots will be split.

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 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.

STATE OF SOUTH CAROLINA)
) **ORDINANCE NO. 10-02-2025**
COUNTY OF NEWBERRY)

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 A NEW ZONING DISTRICT, RMPD – RESIDENTIAL MASTER PLANNED DISTRICTS.

WHEREAS, the Official Zoning Ordinance of Newberry County, South Carolina, as codified in Chapter 153 of the Code of Ordinances of Newberry County, South Carolina was adopted by Newberry County Council, upon recommendation by the Joint Planning Commission of Newberry County, to implement the land use element of the Newberry County Comprehensive Plan and to promote the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of Newberry County; and

WHEREAS, S.C. Code of Laws Section §6-29-720 grants authority to Newberry County to create zoning districts of such number, shape and size as Newberry County Council determines to be best suited to carry out the purposes of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, as amended and to implement the Newberry County Comprehensive Plan; and

WHEREAS, S.C. Code of Laws Section §6-29-720 provides seven specific zoning techniques for implementation of the goals of the comprehensive plan and authorizes Newberry County Council to utilize any other planning and zoning techniques to implement the purposes of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, as amended and to achieve the goals of the Newberry County Comprehensive Plan; and

WHEREAS, Newberry County Council desires to establish a new residential-only zoning district, RMPD – Residential Master Planned Districts, to provide a variety of housing choices and promote creative design while protecting natural resources, preserving the character of surrounding areas, and making efficient use of available infrastructure; and

WHEREAS, the Joint Planning Commission of Newberry County met on July 15, 2025 to review the proposed RMPD – Residential Master Planned Districts guidelines and voted in favor of recommending the adoption of those guidelines by Newberry County Council as a zoning text amendment.

NOW, THEREFORE BE IT ORDAINED by the County Council of the County of Newberry, South Carolina in Council duly assembled this 5th day of November 2025 that the official Zoning Ordinance of the County of Newberry, South Carolina is amended as follows:

§ 153.067 ESTABLISHMENT OF ZONING DISTRICTS.

The following zoning districts are hereby established.

District	***Primary Uses***	***Minimum Residential Lot Size****
Primary Zoning Districts		
R2	Rural	1 acre
RS	Single-Family Residential	20,000 sq. ft.
RSV	Single-Family Residential	20,000 sq. ft.
RSM	Single-Family Residential	15,000 sq. ft.
RG	General Residential	10,000 sq. ft
LC	Limited Commercial	None
GC	General Commercial	None
IND	Industrial	None
PDD	Planned Development District	None
RMPD	Residential Master Planned Districts	None
Overlay Districts		
CPO	Corridor Protection Overlay District	None
AP	Airport Overlay District	None
* Or per applicable SC DHEC requirements		

§ 153.068 PURPOSE OF DISTRICTS.

(B) *Primary zoning districts.* Each primary use district serves a different purpose and imposes its own set of requirements and restrictions on the use of land in addition to the general requirements and restrictions imposed on all land or uses within the county.

(10) Residential Master Planned Districts are higher density, residential-only areas. The purpose of RMPDs is to promote creative and innovative design while protecting natural resources, making efficient use of available infrastructure, and preserving the character of the surrounding area.

§ 153.077 RMPD – RESIDENTIAL MASTER PLANNED DISTRICTS.

(A) *Residential Master Planned Districts (RMPD).* Residential Master Planned Districts are higher density, residential-only areas in which the principal use of land may include small and larger lot subdivisions, zero lot line developments, patio homes, duplexes, townhouses, and multi-family developments, or a combination thereof. The purpose of RMPDs is to promote creative and innovative design while protecting natural resources, making efficient use of available infrastructure, and preserving the character of the surrounding area. In addition, RMPDs are intended to promote more economical and efficient use of land while providing a harmonious variety of housing choices.

(B) *Uses Permitted in RMPD.* The uses allowed in an RMPD are limited to:

Dwelling, Duplex

Dwelling, Multi-family

Dwelling, Single-family Attached

Dwelling, Single-family Detached

Dwelling, Zero Lot Line

Accessory Uses as permitted in this Zoning Ordinance for the appropriate dwelling type(s) listed above

(C) *Minimum Area Requirement.* The minimum site area requirements for establishing an RMPD shall be ten contiguous acres.

(D) *Supplemental RMPD Requirements.*

(1) A naturally preserved buffer area of existing plants and trees at least 100 feet in width shall be provided along the exterior perimeter property line of the entire development in conformance with section 153.182 of this ordinance. Wetlands and stormwater retention areas may not be included in buffer areas.

(2) A setback of 20 feet shall be required on lots located along the outside border of the development. The 20-foot setback shall be measured from the buffer area.

(3) At least 15 percent of the total master plan area must be designated as open space and be in conformance with section 153.185. Required buffer areas shall not be counted toward this minimum.

(4) The maximum density shall be eight dwelling units per acre. The calculation of dwellings per acre shall exclude acreage in open space and acreage within the required perimeter buffer.

(E) *Where and How RMP Districts are Permitted.*

(1) RMP Districts shall be established by amendment to the official zoning map and related amendatory actions. Tracts, suitable in location and character to the uses and structures proposed, are to be planned and developed in a unified basis, according to the requirements and procedures set forth herein. All plans for the proposed RMP district rezoning must accompany the amendment request.

(2) When applying for a zoning amendment for a RMP district, the developer shall provide a detailed master plan that outlines the intended development pattern for the site which will be the approved development plan. The Zoning Administrator, with input from county agencies responsible for providing service to the proposed development, shall provide the Planning Commission with a recommendation based on the availability of services. The Planning Commission may review the request up to two times to encourage public input on the design of the master plan proposal. The Planning Commission may take additional time beyond the typical 30-day review period as identified under §153.054 with the approval of the developer. If the developer does not agree to the extension of time necessary for adequate review, the item shall be forwarded to County Council noting the Planning Commission's concerns without a recommendation.

(3) Upon approval by County Council, the approved RMPD master plan and related documents shall be the governing documents for development approvals on the site.

(4) Each RMPD shall be identified on the zoning map and in the zoning ordinance by a prefix and number indicating the particular district, as for example "RMPD-1," together with any additional identification as needed.

(5) Any amendments to the RMPD master plan shall be reviewed by the Planning Commission and approved by County Council.

(6) The developer is authorized to begin construction of streets and infrastructure following preliminary plat approval by the Planning Commission and verification that the preliminary plat complies with all requirements specified by County Council, the Planning Commission, SCDES, and Chapter 154 – Newberry County Land Development Regulations, including recording of restrictive covenants. RMPDs shall follow all applicable development requirements set forth in Chapter 154 – Newberry County Land Development Regulations.

(7) The final approved site plan for a RMPD shall be in effect for a period of two years or other development schedule as specified in the RMPD. The owner of an approved RMPD may apply in writing before the end of the two-year approval period or other development schedule specified in the RMPD to the Newberry County Planning Commission for an annual one-year extension. The Planning Commission may approve applications for up to five annual extensions of the approval period if a timely and properly written application has been filed for each extension with the Planning Commission. If no such application is made, the approval period or extension shall expire at the end of the approval or extension period.

(8) If the responsible party fails to begin, fails to progress, or fails to complete development as agreed in the RMPD master plan and related documents, County Council may charge the developer with violation of the zoning ordinance, may rezone the property, or may take any combination of these actions. In any event, if the planned development is not initiated within two years of its establishment, the Planning Commission shall initiate the rezoning of the property to an appropriate district classification in conformity with the comprehensive plan.

(F) *Development Standards.* The development standards of minimum lot areas, setbacks, density, height of structures, and parking and buffering requirements shall be established on a detailed master plan and related documents and approved by County Council. The proposal application is not complete, and shall not be reviewed, until all items below are addressed and included in the submittal:

(1) A site plan of the development outlining the scaled dimensions of the property including adjoining public and private rights-of-way and easements. The plan shall detail the location, arrangement, dimensions, extent, and character of the following:

(a) Adjacent streets and alleys.

(b) Structures by type of uses, exterior materials to be used, maximum height of structures, bedroom mix, gross floor area for each structure, and land coverage of buildings and impervious area.

(c) Setbacks between structures and property lines.

(d) Residential densities by housing type and maximum number of dwelling units.

(e) Interior streets and drives, ingress and egress points, and vehicular circulation and coordinated with existing roads and sidewalks.

(f) Parking, including storage of boats, campers, trailers, and recreational vehicles.

(g) Dumpster locations.

(h) Mailbox locations.

(i) Pervious and impervious areas.

(j) Open space.

(k) Dimensions of separations between buildings, streets, and other features.

(l) Land dedications and public improvements.

(m) Location of signs and lighting.

(n) Ownership and maintenance of streets, open space, and common areas.

(o) Any other items, features, dimensions, or information required by the Planning Commission or by County Council.

(2) A landscape plan identifying existing and proposed structures, any significant trees, proposed trees and landscaping, topography with contour intervals of five feet or less, buffer areas, fencing and walls including purpose and timing of construction, and other significant natural features including delineated floodplains, wetlands, and waterways. All natural drains shall remain open.

(3) A general structural detail outlining the typical elevations of the types of buildings with architectural details.

(4) A preliminary development schedule for the completion of roads, infrastructure, buffer yards, and any other proposed improvements for general use.

(5) Deed restrictions that outline the standards of the development including, but not limited to, parking agreements, easements, use of common areas, and dedication of public lands. Notwithstanding this provision, Newberry County has no authority or responsibility to enforce deed restrictions.

(6) Modifications identified from the requirements of Chapter 154 – Newberry County Land Development Regulations, if any.

(G) *Amendment of Development Standards.* Any proposed amendments or modifications to the development standards of an approved RMPD master plan shall be reviewed by the Planning Commission and approved by County Council.

NEWBERRY COUNTY COUNCIL

BY: _____
Robert Shealy, Chairman

(SEAL)

ATTEST:

_____
Andrew Wigger, Clerk to Council

Approved as to form:

_____
Joanie Winters, County Attorney

_____
Jeff Shacker, County Administrator

1st Reading:	**October 1, 2025**
2nd Reading:	**October 15, 2025**
Public Hearing:	**October 15, 2025**
3rd Reading:	**November 5, 2025**